

UC Irvine

UC Irvine Electronic Theses and Dissertations

Title

Criminal Womanhood: Colorado Women in-and-out of Courts, 1873-1933

Permalink

<https://escholarship.org/uc/item/2np663dr>

Author

Achee, Ashley

Publication Date

2022

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA,
IRVINE

Criminal Womanhood: Colorado Women in-and-out of Courts, 1873-1933

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in History

by

Ashley Michelle Achée

Dissertation Committee:
Associate Professor Allison Perlman, Co-Chair
Associate Professor Jessica Millward, Co-Chair
Associate Professor Andrew Highsmith

2022

Table of Contents

List of Figures.....	iv
Acknowledgements.....	vi
Vita.....	vii
Abstract.....	viii
Preface.....	1
Introduction.....	3
Mary.....	16
Sadie.....	48
Stella.....	83
Pearl.....	118
Conclusion.....	154
Bibliography.....	159

List of Figures

1.1	Photograph of Mary Solander, 1865.....	24
1.2	“The Abortion Fiend.” <i>The Rocky Mountain News</i> , March 18, 1873.....	42
1.3	“Murderous Malpractice.” <i>Rocky Mountain News</i> , March 21, 1873.....	46
1.4	“Unwelcome Child.” <i>Western Journal of Medicine</i> , February 1870.....	46
2.1.	Photograph of activists at Pitkin County Courthouse, December 1893.....	61
2.2.	Photograph of William “Shorty” Leggett, date unknown.....	78
2.3	Sadie Leggett’s intake photo, 1894.....	85
3.1	“The Fateful Romance of Pretty Mrs. Smith.” <i>Arkansas Gazette</i> , February 17, 1918.....	92
3.2	Photograph of a Sacred-Thirty Six charity ball, December 1914.....	94
3.3	Photograph of Minnie Scalabrino, March 1917.....	106
3.4	Photograph of Protesting Workers, March 28, 1917.....	110
3.5.	Demographic map of Denver, Colorado, 1915.....	114
3.6	Black migrants arriving in Dearfield, Colorado, 1917.....	117
3.7	Black migrants arriving in Dearfield, Colorado, 1917.....	117
3.8.	Photograph of the Dearfield Colony, 2019.....	121
4.1.	Photograph of Pearl O’Loughlin, 1929.....	130
4.2.	Photograph of Pearl O’Loughlin, 1931.....	135
4.3	Photograph of Josephine Roche, 1931.....	138
4.4	Photograph of Bunk Housing, Denver, Colorado, 1942.....	145

4.5.	Photograph of Bunk Housing, Denver, Colorado, 1942.....	145
4.6	Photograph of the O’Loughlin Home, 1931.....	146
4.7	Photograph of the O’Loughlin Home, 1931.....	146
4.8	“Try Stepmother for Girl’s Death.” <i>Denver Post</i> , November 28, 1931.....	152
4.9	Photograph of the Best Family, date unknown.....	155

Acknowledgements

I would like to express my deepest appreciation to my committee, Professor Allison Perlman, Professor Jessica Millward, and Professor Andrew Highsmith at the University of California, Irvine. Their support, feedback, and constructive advice were essential to this project. I will always appreciate the time that they took to read my work, as well as offer help and support to make the dissertation writing process seem less overwhelming. I would also like to extend my sincere thanks to Professor David Iglar, who provided incredibly helpful feedback on this project.

I am extremely grateful to the Mellon Foundation and the Dickson D. Bruce Graduate Award for making my research possible and facilitating my graduate education. I am forever appreciative of the support that you provide for students such as myself.

I would be remiss in not thanking the Museum of Colorado Prisons, History Colorado, and the Denver Post Archive at the Denver Public Library. My research would not have been possible without the tireless support of archivists and librarians who were constantly available to answer questions.

VITA
Ashley Achee

- 2012 B.A. in History, Scripps College
- 2016-2022 5+2 Mellon Humanities Faculty Fellowship, UC Irvine
- 2014-2021. Teaching Assistant for the History Department and School of Humanities,
UC Irvine
- 2018 Dickson D. Bruce Graduate Research Award, UC Irvine
- 2018 Rocky Mountain History Award, University of Colorado, Boulder
- 2022 MLIS in Library Sciences, San Jose State University
- 2022 Ph.D. in History, University of California, Irvine

FIELD OF STUDY

Gender and Western American History

PUBLICATIONS

Achee, Ashley and Hugo Wong. *AFAM 2A Course Guide*. Library Guide. San Jose, California: San Jose State University, 2020. <https://libguides.sjsu.edu/afam2>.

ABSTRACT OF THE DISSERTATION

Criminal Womanhood: Colorado Women in-and-out of Courts, 1873-1933

by

Ashley Michelle Achée

Doctor of Philosophy in History

University of California, Irvine, 2022

Associate Professor Allison Perlman, Co-Chair

Associate Professor Jessica Millward, Co-Chair

This dissertation explores the intersections of criminality, gender, and whiteness in turn-of-the-century Colorado through analysis of four criminal cases. The cases in this study, though very different from each other, reveal the ways in which women attempted to navigate their troubled circumstances and sought to improve their lives - despite potential legal consequences. Though some of them are admittedly guilty of the crimes that they committed and others proclaim innocence, their trials reveal how women understood their positionality within the Colorado legal system and, at times, attempted to exploit it. Additionally, these cases demonstrate how political forces - ranging from politicians and journalists to physicians and judges - attempted to capitalize on the trials and appropriate them for their respective political causes. As the feminist saying goes, “The personal is political.” In these trials, the political is deeply personal and has lasting ramifications for women around the state of Colorado, not just the women who were put on trial.

Preface

In August of 2018, I visited the Museum of Colorado Prisons, which lies right next to the Colorado State Penitentiary in Cañon City, Colorado. My initial goal was to read about female inmates and to begin to understand what types of crime they committed compared to their male counterparts. Unlike other archives I had visited, this one was unique because it was a heavily surveilled space, with armed guards and watch towers standing over the museum grounds. The museum itself did not have a functioning printer, no records were digitized, and their sole microfilm reader was from 1979. The archivist who worked there was also the plumber, electrician, tour guide, and the general “gets-stuff-done” person, who was often too busy to answer my questions. Instead, she handed me five 6-inch binders filled with dates, names, and convictions. The information in these binders can be summarized as such:

- Mary Solander: Inmate #60
 - Crime: Manslaughter
 - DOC: 3/12/1873
 - Light skin, light hair
 - Married, Aged 42 Years

While doing research there, it became apparent to me how few people had stumbled into these archives and unearthed the names of the women in this dissertation. In addition, it became increasingly clear how little information existed about their time in prison and the lives they led before or after their conviction. Their lives, both private and public, were condensed into a few lines in a prison record, and these records often concealed the true nature of their crimes or how their convictions may have overlapped with their gender, race, or class. In writing down the

names of four women, I was left with two burning questions, “Who are you?” and “How did you end up here?”

These questions could not be answered by incomplete prison records or by media coverage or even by the words of the women themselves (when I had them). Instead, I was left to look for answers in other places - oral histories, childhood stories, recollections passed down from family member to family member. Often, the most humanizing details about these women were completely irrelevant to the arguments of my dissertation. How could I include that Mary Solander’s favorite candy was salt water taffy or that Pearl O’Loughlin enjoyed swing dancing? In my conversations with the relatives of Mary, Sadie, Stella, and Pearl, I came to answer the first part of my question - who *were* these women? They were mothers and wives, educated and uneducated, rich and poor - from a wide variety of backgrounds and they had something essential in common. For one reason or another, they were labeled as *bad mothers* - women who were unmotherly, uncaring, and divorced from their supposed natural affinity for children. However, in conversations with their relatives, the stories that I heard about the women painted them as loving and family-oriented. Could two opposite narratives be true?

Introduction

It was a blustery January afternoon when Pearl O’Loughlin agreed to sit down with a reporter from the *Rocky Mountain News*. Nineteen years after her conviction she was ready to speak out about the murder of her step-daughter and the attempted murder of her ex-husband. Pearl had been a mysterious figure in the media and had both welcomed the attention and intentionally created a cloud of confusion and intrigue around her and her story. While Pearl had wanted to be perceived as innocent, she also enjoyed playing the role of a villain, especially since her incarceration in the Denver City Jail in 1931. When Pearl sat down with the reporter, she nonchalantly stated, “I guess you want to know if I murdered my step-daughter.”¹

Frank conversations, like the one that Pearl O’Loughlin had with the reporter from the *Rocky Mountain News* are hard to find in the archives. It is rare that historians get to read the voices of our subjects in their own words. However, because these women were white and their cases became nationally sensationalized, their voices linger in the historical record, and it is possible to recreate how they might have felt about their trials and the media circuses that surrounded them. The four cases in this dissertation demonstrate how desperation, poverty, and lack of legal or medical options contributed to villainization (or sanctification) of these women by both the Colorado press and judicial system. The women in this story were accused of manslaughter, infanticide, and murder; crimes that led onlookers and, even jurors, to make assumptions about the moral worthiness of each woman. Mary Solander was symbolically stripped of her womanhood by being sentenced to an all-male penitentiary, while Sadie Leggett

¹ “Pearl O’Loughlin Speaks Out 19 Years After Conviction,” *Rocky Mountain News*, January 20, 1950.

was simply left in solitary confinement for eighteen months. Pearl O'Loughlin was jailed and subsequently employed as the nanny for the warden's children, despite being convicted of poisoning her stepdaughter. However, Stella Moore, who admitted to shooting her husband, was acquitted and heralded as a good mother for protecting her child. The punishments (or lack thereof) in these cases reflect how the legal system navigated disciplining women who were convicted of committing crimes against their gender and societally prescribed nature. These cases also place wealth, whiteness, and gender at the heart of the Colorado legal system and reveal how messily and, at times, unevenly the judicial process determined sentences.

The cases in this study, though very different from each other, reveal the ways in which women attempted to navigate their troubled circumstances and sought to improve their lives - despite potential legal consequences. Though some of them are admittedly guilty of the crimes that they committed and others proclaim innocence, their trials reveal how women understood their positionality within the Colorado legal system and, at times, attempted to exploit it. Additionally, these cases demonstrate how political forces - ranging from politicians and journalists to physicians and judges - attempted to capitalize on the trials and appropriate them for their respective political causes. As the feminist saying goes, "The personal is political."² In these trials, the political is deeply personal and has lasting ramifications for women around the state of Colorado, not just the women who were put on trial.

² This term was coined by second wave feminist activist and writer, Carol Hanisch. Her work explores the importance of female activism and the need for women to enter the political space. For this project, Hanisch's words are especially formative for thinking about how nineteenth and early twentieth century women navigated their newfound political autonomy and aimed to push their political agendas. For more, see: Carol Hanisch, "The Personal is Political," *Notes from the Second Year: Women's Liberation*, 1969. <https://www.carolhanisch.org/CHwritings/PIP.html>

On paper, these were heinous crimes committed by cruel and unfeeling women. Media portrayals were often unsympathetic or intentionally villainized the accused women, choosing the worst, most salacious details of their crimes to publish. However, conversations with their descendants revealed just how complicated these cases were, and how incomplete the historical record is with regard to their lives. In fact, these trials offer a moment when the societal curtains are pulled back and race, gender, and class politics become visible and easier to deconstruct.

Historiography

This research is engaged in a number of historical conversations and draws from a wide breadth of scholarly work. Conversations about women and the American West are the foundation of this project, specifically the works of Elizabeth Jameson, Susan Armitage, Rebecca Mead, and Anne Hyde.³ The works of these scholars have moved beyond integrating women into

³ Susan Armitage, "Women and the New Western History," *OAH Magazine of History* 9, no. 1 (1994): 22. <http://www.jstor.org/stable/25162999>. In this article, Dr. Armitage argues that women are an essential part of the history of the American West. Without their inclusion, our understanding of the West is incomplete and one-dimensional. Additionally, Armitage's study of women's political projects in the Pacific Northwest was an incredibly helpful model for this project, as it demonstrated the conflict, contradictions, and struggles within a local women's movement. For more, see: Susan Armitage, *Shaping the Public Good: Women Making History in the Pacific Northwest*, Corvallis, OR: Oregon State University Press, 2015. In the same vein, Elizabeth Jameson's work on class conflict has been essential both to this project as well as to complicating the larger historical picture of the American West. Specifically, in *All That Glitters*, Dr. Jameson argues that miners had a number of political victories in Colorado, which made them the target of corporations and governmental entities, resulting in decades of conflict, loss, and political mobilization. For more, see: Elizabeth Jameson, *All That Glitters: Class, Conflict, and Community in Cripple Creek*, Urbana: University of Illinois Press, 1998. Additionally, Rebecca Mead, *How the Vote Was Won: Woman Suffrage in the Western United States, 1868-1914*, New York: NYU Press, 2006. Dr. Mead argues that the Western frontier was uniquely positioned to both accelerate women's suffrage, while at the same time disenfranchising black Americans. Chapter 4 on the history of populism in Colorado is particularly formative for this project, as well as Chapter 3, which focuses on the Reconstruction policies in the West. Additionally, works by Anne Hyde have been formative for this project. Her book, *Empires, Nations, and Families* details the histories of labor, sacrifice, and diplomacy that families undertook in order to build their communities in the American West. In particular, Chapter 1, which focuses on the roles of families, was especially formative for this project. For more, see: Anne Hyde, *Empires, Nations, and Families: A New History of the North American West, 1800-1860*, Omaha, NE: University of Nebraska Press, 2011.

the historical record and have focused on the essential contributions of women of color, Anglo settlers, and religious refugees in shaping and challenging the gendered cultures, laws, and norms of the American West. For many decades, historians depicted the West as a two-dimensional story of nation building, spread across a canvas of open land that sustained American democracy. Western history remained tightly in the grasp of storytellers who kept the discipline patriotic and relatively uncomplicated - mirroring Frederick Jackson Turner's thesis.⁴ However, scholars have since examined this narrative and uncovered histories that challenge and subvert the traditional idea of the rural frontier.⁵ Armitage writes, "Because of the economic underdevelopment of the West, the place of economic opportunity for the single woman was not the West but the eastern city. This observation has led to the realization that popularly-held myths about the West as the site of freedom and opportunity were deeply gendered and racialized."⁶ It also raised the question

⁴ Dr. Butler describes how feminist historians have fought for the inclusion of women into the historical record and argued that, beyond being present, women were essential to the building of the American West. Anne Butler, "Not Only Wide Open Spaces: Urban History and The American West," *Journal of Urban History* 37, no. 1 (2011): 125.

⁵ Patricia Limerick and Richard White were essential in rejecting the trope of the frontier and centering histories of the West into stories of conquest and violence that challenged the often peaceful and patriotic meta-narrative. For more, see: Limerick, Patricia Nelson. *The Legacy of Conquest: the Unbroken Past of the American West*. New York: W.W. Norton, 2006 and White, Richard, Patricia Nelson. Limerick, and James R. Grossman, *The Frontier in American Culture: Essays*, Berkeley: University of California Press, 1994.

⁶ Dr. Smith details the history of free and forced labor in the West and demonstrates the ways in which the myth of Western exceptionalism and liberalism was completely false for the indigenous, Mexican, Asian, and black individuals who were confronted by extreme racial violence and slavery in the West. For more, see: Stacey Smith, *Freedoms Frontier California and the Struggle over Unfree Labor, Emancipation, and Reconstruction*, Chapel Hill: The University of North Carolina Press, 2013. Dr. Lee presents another excellent example of the myth of American Western exceptionalism and demonstrates how anti-Chinese sentiment led to a system of deep segregation, violence and abuse across the American West. For more, see: Erika Lee, *At Americas Gates: Chinese Immigration during the Exclusion Era, 1882-1943*, United States: The University of North Carolina Press, 2004. For more on the histories of women's labor and subjugation in the nineteenth and twentieth centuries, see: Alice Kessler-Harris, *Gendering Labor History*, Urbana: Univ. of Illinois Press, 2007.

of the nature of opportunity for western women.”⁷ This project builds upon the works of American West historians by focusing on trials that mobilized a number of conversations surrounding women’s social roles and acceptable behaviors. Few scholars have examined how criminal trials and gendered crimes have catalyzed legislation, collaboration, and activism around the issues of motherhood, poverty, white supremacy, and, even statehood in the early twentieth century.⁸ Scholarly efforts have tended to focus on activists or reformers, who sought to change laws, rather than the women who openly defied them.

Equally important to this project are scholarly works that focus on legal histories of gender, sexuality, and whiteness. Legal historians have undertaken a number of studies that highlight how national narratives impact local politics.⁹ Peggy Pascoe brilliantly illuminated this phenomenon with her study of miscegenation law, in which individual states messily attempted to draw lines around marriage law. As states struggled to make sense of miscegenation laws and balanced contrasting political objectives, individuals were caught in the crossfires of racist legislation, politics, and Jim Crow-era segregation. Similar political conflict is present in this

⁷ Susan Armitage, “Women and the New Western History,” *OAH Magazine of History* 9, no. 1 (1994): 26. <http://www.jstor.org/stable/25162999>.

⁸ Though this project directly addresses histories of whiteness and white supremacy, works on blackness are also essential for contextualizing some of the conflict that was taking place in the West during the postbellum years. Dr. Gibran Muhammad is one of the foremost scholars on criminality and blackness. His work, *The Condemnation of Blackness*, argues that data has been weaponized against marginalized communities in order to justify increased policing, surveillance, and incarceration. For more, see: Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*, Cambridge, Massachusetts: Harvard University Press, 2011. In addition to Dr. Gibran Muhammad’s work, Dr. Sarah Haley has argued that black women faced systemic violence within the carceral system that intentionally dehumanized them. For more, see: Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*, Chapel Hill, NC: University of North Carolina Press, 2016.

⁹ Peggy Pascoe, *What Comes Naturally Miscegenation Law and the Making of Race in America*, Oxford: Oxford University Press, 2009.

study, as courts attempted to determine appropriate action that balances the objectives of legislators, jurors, and journalists. Additionally, Melissa Hayes's work on Illinois courts was an especially helpful model for historicizing sensational trials and placing them within a local historical context.¹⁰ Hayes argues that, despite the Victorian fascination with purity and piety, sexual trials offered an outlet for men to boast of their sexual exploits and to scrutinize female sexual desire, agency, and motives. These trials laid the foundation for later regulation of sexual deviancy and behaviors, as well as provided fodder for gossip and community conversations about gendered values and norms. Hayes's study demonstrates how larger ideals - such as Victorian gender ideologies and beliefs - had local implications for trials and the regulation of sexual behaviors. In this project, similar beliefs about gender roles, whiteness, and assumptions about class impacted the legal proceedings and courts attempted to reconcile national political and social projects with the messiness of local politics. These studies demonstrate that courts are essential legal arenas for negotiating gendered conduct and expectations, as well as sexual behavior and reproductive politics. Despite pressure from larger political narratives and projects,

¹⁰ Melissa Hayes, "Sex in the Witness Stand: Erotic Sensationalism, Voyeurism, Sexual Boasting, and Bawdy Humor in Nineteenth-Century Illinois Courts," *Law and History Review* 32, no. 1 (2014): 149–202. In addition to Dr. Hayes's study, other authors have covered legal histories of sexuality and gender and trials that mobilized a number of conversations about the shifting roles of women. For example, Victoria Bynum, "The Seduction and Suicide of Mariah Murray: A Civil War Era Tragedy," *Ohio Valley History* 15, no. 1 (June 1, 2015): 21–40. Bynum argues that politicians and activists used the death of Mariah Murray to advance their various political causes and support for Victorian gender ideals and norms. The trial laid the foundation for both journalistic and legislative conversations about the regulation of women's roles and enforcement of Victorian purity ideals. Additionally, Estelle Freedman argued that rape trials have provided legislative and journalistic foundations for racialized myths about black criminality and white fragility. The media coverage of these trials has intentionally perpetuated myths about blackness and served to promote white supremacist narratives. For more, see: Estelle Freedman, "'Crimes Which Startle and Horrify': Gender, Age, and the Racialization of Sexual Violence in White American Newspapers, 1870–1900," *Journal of the History of Sexuality* 20, no. 3 (2011): 465–97. <http://www.jstor.org/stable/41305881>. For a more contemporary trial that explores sexual deviancy and local politics in the twentieth century, see: Leigh Ann Wheeler, "Where Else but Greenwich Village? Love, Lust, and the Emergence of the American Civil Liberties Union's Sexual Rights Agenda, 1920–1931," *Journal of the History of Sexuality* 21, no. 1 (2012): 60–92. <http://www.jstor.org/stable/41475056>.

local courts play an essential role in navigating both immediate pressures from various political voices as well as larger expectations about adhering to national ideologies. This study demonstrates that women in these courts were important political actors who played a crucial role in laying the foundation for political projects - ranging from government support and poverty assistance to abortion.

Finally, this project is engaged in conversations about labor history and urbanization. Much has been written on the plight of miners in Colorado, Utah, and other parts of the American West and the ways in which they attempted to advocate for their political rights, to mixed results.¹¹ Though miners and industrial workers are tangential characters in this story, their political interests and affiliations impact how each trial is perceived and understood by the public, particularly in the cases of Sadie Leggett and Stella Moore. Industrial workers and working-class Coloradans serve on juries, published editorials, and worked to make their voices heard throughout each of the trials in this case. It is essential to understand their economic, cultural, and social perspectives in order to deconstruct the nuances of the criminal justice system at the turn-of-the-century. As Colorado began to rapidly modernize with the completion

¹¹ Scott Martelle, *Blood Passion: The Ludlow Massacre and Class War in the American West*, New Brunswick, N.J.: Rutgers University Press, 2007. Dr. Martelle details the bloody history of labor conflict in Southwestern Colorado and how those conflicts snowballed into larger tensions between the working class and the Colorado elite. In addition to Martelle's work, Dr. Andrew's study on the Ludlow Massacre provides helpful insight into the political organization in mining camps and how miners attempted to mobilize against corporations and the state of Colorado, as working conditions deteriorated. For more, see Thomas Andrews, *Killing for Coal: America's Deadliest Labor War*, Cambridge, MA: Harvard University Press, 2010. *Coal People; Life in Southern Colorado's Company Towns, 1890-1930* details the social and cultural histories of coal miners, camp workers, prostitutes, and housewives in Colorado's rural mining towns. Particularly, Chapters 3 and 5 of *Coal People* provide valuable insight into the communities and women that shaped the cultures of mining towns. This book is especially informative for Chapters 1 and 2 of this project, which focus on cities outside of Denver that were heavily impacted by the gold booms and busts. For more, see: Richard Clyne, *Coal People: Life in Southern Colorado's Company Towns, 1890-1930*, Denver, Colorado: Colorado Historical Society, 1999.

of the transcontinental railroad and the numerous gold and silver booms throughout the end of the nineteenth and early twentieth centuries, Denver rapidly expanded and became a hotbed of Progressive-era organizing, labor unions, and increasingly diversifying communities. Numerous scholars have underscored the ways in which urbanization contributes to different forms of political action (or, at times, inaction).¹² As Denver continued to grow, inequalities became compounded, and the city struggled to reconcile the growing political divides and factions that were pulling the court system in different directions.

Historicizing Colorado

Denver presents as a unique placed during this period both because of its relationship to the Gold Rush and transcontinental railroads, as well as its proximity to the Ku Klux Klan and other white supremacist organizations. In some ways, Denver was rapidly modernizing and industrializing, while at the same time experiencing a period of intense racial repression and violence. Denver Progressivists embraced the idea of women's suffrage, petitioning Colorado to become the first state to legalize women's rights to vote, while at the same time embracing

¹² Suburban and urban historians have written extensively on the histories of political mobilization in cities. Most notably, Thomas Sugrue undertook a massive study of race and economic inequality in the city of Detroit. Weaving together the history of workplaces, unions, civil rights groups, and political organizations, Sugrue finds the roots of contemporary urban poverty in the history of racial violence, discrimination, and deindustrialization that changed the postwar American urban landscape. For more, see Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*. Princeton: Princeton University Press, 2014. In addition, Susan Craddock has written extensively about the intersections of poverty, disease, and sexual deviancy in nineteenth- and twentieth-century San Francisco. Her study demonstrates how significant health impacts, compounded by rapid urbanization and systemic inequality, can wreck havoc on a growing city. For more, see Susan Craddock, *City of Plagues: Disease, Poverty, and Deviance in San Francisco*, Minneapolis, MN: University of Minnesota Press, 2000.

eugenics and working to criminalize any behaviors that challenged white supremacy and heteronormative gender roles.

In the 1870s, the territorial government of Colorado found itself combating assumptions about being part of the “Wild West” and it began to initiate policing campaigns to arrest and prosecute behaviors that might sabotage its application for statehood. Scholars have identified how other Western territories sought to conform to the social and political expectations of the United States government, in order to successfully apply for statehood. For example, much has been written on Utah’s efforts to outlaw plural marriage during the statehood voting process.¹³ Women in this period found themselves in the crossfire of patriarchy, bureaucracy, and intense state scrutiny. At the same time, white female activism led to the passing of suffrage legislation and Colorado became the first state to allow women to vote in 1893. These contradictory politics continued to persist into the twentieth century, especially as labor reform movements and women’s activists fought to make Colorado more equitable. Colorado came to represent a sea of contradictions - a powerful Progressive movement alongside politicians that were openly affiliated with the Ku Klux Klan and that sought to enforce stringent segregation laws. At times, these political rivals converged on issues of white supremacy and eugenics, as progressive politicians came to embrace the messaging of the eugenics movement and other forms of biological and social supremacist ideologies. These competing ideologies made Colorado a unique space, both in terms of legislation, as well as in its social and cultural environment.

¹³ Neylan McBaine, *Pioneering the Vote: The Untold Story of Suffragists in Utah and the West*, Salt Lake City: Shadow Mountain, 2020. McBaine argues that polygamy was a critical catalyst in the women’s voting movement, as polygamist women rallied in support of suffrage, while simultaneously losing their rights to plural marriage. McBaine demonstrates that deviancy laws had lasting ramifications for Mormon women, who sought political autonomy, but did not want to lose their religious customs.

In 1914, Colorado experienced the bloodiest labor conflict in American history in Ludlow, and the ripple effects of this conflict caused lasting tensions between the working class and the Colorado elite. As a result, Denver became a hotbed of labor organizing and union busting, with both women and men becoming increasingly involved in these efforts. These tensions were exacerbated during the Great Depression, as working class Coloradans blamed the wealthy for the collapse of the local economy. On top of bleak economic conditions, Colorado experienced a number of “black blizzards” during the 1930s, which led to massive crop losses, cattle deaths, and even lasting health consequences for anyone who was caught in the middle of them. The combination of economic, ecological, and social conflicts led to a feeling of deep pessimism through the 1930s that impacted women in the crossfires of the Colorado judicial system. Upswings in both leftism and conservatism led to polarizing public views about the status of women, desegregation and Civil Rights, and the role that the criminal justice system should play in either rehabilitating or punishing prisoners.

Overview of Chapters

This dissertation is organized chronologically and by case, so that the shifting political narratives and social movements are easier to follow. The first chapter of this project explores the life and trial Mary Solander, a Colorado doctor, who was convicted of killing her patient during an abortion procedure in 1873. Solander became the first woman imprisoned in the Colorado State Penitentiary, a punishment that indicated the severity of her crimes as well as a symbolic loss of her womanhood. As a result of her incarceration, Solander lost custody of her children, was stripped of her medical license, and was divorced from her husband. This trial reveals the

complicated status of women during a transitional period - the year that Colorado became a state, as well as the gendered politics of professionalization within the medical community. Working women, especially anyone in a male-dominated profession, faced both public and private scrutiny at the turn-of-the-century. Failure to conform to gender expectations could lead to social exile, or, in the case of Mary Solander, legal ramifications.

The second chapter examines the case of Sadie Leggett, who was convicted of murdering her newborn infant in 1893. The legal proceedings and criminal investigations during the trial revealed that Leggett was also the victim of domestic and sexual violence, which complicated the media narratives surrounding her trial. Proto-eugenicists, politicians, doctors, and journalists became involved with this sensational case and it quickly became the source of polarizing conversations about whiteness, disability, and sexual violence. Though eventually imprisoned, Leggett's sentence was commuted after eighteen months, a symbolic nod to the complicated nature of her case and her simultaneous status as both a victim and perpetrator of violence. Leggett's trial represents a moment of unity between Progressive causes and deeply conservative ones, as issues of white supremacy and eugenics entered the forefront of political conversations surrounding the trial.

The third chapter covers the case of Stella Moore, a Denver socialite who was acquitted of murder after shooting her husband in self defense in 1917. Moore became a paragon of "good motherhood" in the Colorado media because of her claims that she was protecting her daughter from her abusive husband. The trial became a national sensation because of the scandalous details that were leaked to the press, as well as Moore's impassioned claims that she was a victim of domestic, sexual, and financial abuse at the hands of her chauffeur husband. The case

illustrates a moment of “blurring” between the law and social expectations about motherhood, as well as demonstrates how female activists rallied around the trial in order to advocate for their own political agendas.

The fourth and final chapter of this project explores trial of Pearl O’Loughlin, a so-called “evil step-mother,” who was convicted of murdering her step-daughter, in order to steal her inheritance. Convicted right after the stock market collapse in 1931, this trial illustrates the confluence of classism, stereotypes about step-mothers and step-motherhood, and working class anxieties about wealth. Socialists, members of the conservative political parties, and various political activists wrote and spoke about the trial. During a time of intense economic and social discontentment, political factions viewed this case as an opportunity to raise support for their campaigns, political causes, and/or parties.

Each chapter of this project argues that the trials themselves became opportunities for activists and various political interests that cut across the ideological spectrum to advocate for their political projects. The trials featured in this dissertation are certainly unique and catalyzing, which makes them excellent moments to understand how race, gender, and class politics were manifesting throughout the criminal justice system and, even, within public and private conversations. Political factions across ideologies came together on some of the topics presented within these cases, which demonstrates how sociopolitical issues like eugenics and white supremacy were appealing to both conservative and progressive voters across Colorado. Female activists were called to advocate on behalf of some of these women and their political motivations and aspirations became intertwined with the outcomes of each of these trials.

Ultimately, these cases came to represent larger issues surrounding motherhood, whiteness, wealth, and sexual deviancy.

Chapter 1: Mary

“Man may make himself a brute, and does so very often, but can a woman brutify herself to his level – the lowest level of human nature- without exerting special wonder?”¹

“[Abortion cases] are a reminder of the historically distinctive ways in which socialized gender roles, community and class solidarity, and legal culture combine...to excuse or make invisible certain abuses and crimes against women.”²

On a dreary winter night in 1871, Mary Solander was called to the hotel room of Fredericka Baun, one of her patients who had recently taken ill. Baun had been to see Solander just a few days prior due to “menstrual irregularities,” or to procure an abortion.³ Though Baun had mixed feelings about the procedure, her boyfriend, an older married man, had insisted that Baun go through with terminating the pregnancy. When Solander arrived at Baun’s room, she was shocked to see that Baun was near death; she had hemorrhaged and lost a large amount of blood, in addition to spiking a fever.⁴ There was little Solander could do, except administer some calming herbs, designed to ease Baun’s pain and help her to pass peacefully. Within the hour, police had arrived at Baun’s room, after rumors had circulated that a failed abortion had been performed and a woman had been killed. Solander was arrested on the spot and the media began to circulate stories about the “abortion fiend” that was terrorizing the women of Boulder, Colorado.

¹ “Female Irreligion,” *Ladies' Companion*, XIII (May-Oct. 1840), 111.

² Cornelia Hughes Dayton, “Taking the Trade: Abortion and Gender Relations In An Eighteenth-Century New England Village,” *The William and Mary Quarterly* 48, no. 1 (1991): 49.

³ *Mary Solander vs. The State of Colorado*, 73.

⁴ *Mary Solander V. The Territory of Colorado 250 (Colorado Supreme Court 1873)*, 83..

When Mary Solander arrived at the Cañon City Prison in 1873, she was called the “most dangerous woman” in Colorado by the Denver media.⁵ As a convicted abortionist, Solander’s profession undermined the foundation of Victorian religious and moral ideals. Though she was kept in solitary confinement for nearly three years, her trial ignited a territory-wide debate on reproductive rights, the corruption of the legal system, and the need for a regulated women’s prison. The case against Solander began after the death of her patient, Fredericka Baun, in 1871 and lasted for two years, through various appeal processes. The trial culminated in a three-month-long proceeding at the Colorado Supreme Court in the Spring of 1873. Solander was convicted of manslaughter and was widely proclaimed to be a dangerous abortionist who threatened the values of white, middle class Americans. She was also stripped of her medical license and became the first female inmate at the Colorado State Penitentiary, an institution known for housing particularly violent, male offenders.⁶ This case demonstrates the impact of national narratives on marginalized territories. *Mary Solander v. The Territory of Colorado* reveals the contradictory positionality of women in the Western territories, the socio-legal effects of the negative stereotypes surrounding female physicians, and the influence of public opinion in allowing and perpetuating political restrictions on women’s bodies and reproductive capabilities.

⁵ “Mary Solander,” *Denver Post*, March 27, 1873.

⁶ Victoria Newman, *Prisons of Cañon City* (Mount Pleasant, SC: Arcadia Publishing and the History Press, 2008), 15-16.



Figure 1.1: Mary Solander in her Boulder office. In official portraits, Mary made every effort to appear professional, knowledgeable, and trustworthy as a physician. She is pictured here in her office, with a book on her lap and an ornate background, in order to emphasize her wealth and knowledge. ⁷

Before she was a subject of controversy, Mary Solander was born in Cumberland, Pennsylvania as the second-eldest child of Robert and Mary McIver. After her marriage to Daniel Solander at age eighteen, she attended the Female Medical College of Pennsylvania.⁸ She became one of a small few to graduate and was one of the first licensed women to practice medicine in Pennsylvania. In the increasingly competitive world of male physicians and the gendered politics of professionalism, Solander struggled to make a name for herself in her home state.

⁷ *Mary Solander in her office*, 1865, MyHeritage Database. <https://www.myheritage.com/research/record-40001-853079559/mary-jane-solander-born-mciver-in-familysearch-family-tree>.

⁸ “Mary Solander,” *MyHeritage Database*, May 29, 2010. <https://www.myheritage.com/research/record-40001-853079559/mary-jane-solander-born-mciver-in-familysearch-family-tree>.

As women began to gain access to medical education, hospitals and male-owned clinics closed their doors to female doctors and frequently refused to hire them. These policies pushed female physicians into the Western territories to establish themselves in places without access to professionalized medical care or laws that prevented them from entering the workforce.⁹ By 1860, Solander and her husband had moved to Boulder, Colorado and established a medical practice there as the only doctors in a fifteen-mile radius.¹⁰

After eleven years of practicing in Boulder, Solander was arrested in 1871 for the death of Fredericka Baun. Baun was a young woman who was having an affair with a married man and went to multiple doctors to procure an abortion, at the urging of her lover. Baun's boyfriend, Clements Knauss, became a star witness for the defense. Despite evidence that he had been physically and emotionally abused by Baun, the court used his testimony to make the case that Baun's cause of death was the abortion procedure, not the numerous beatings that she had taken in the days leading up to her death. Physical evidence, such as broken ribs, a black eye, and several fractured fingers were disregarded by the judge, jury, and media. Ultimately, this trial provides insight into the numerous ways in which women were victimized by the judicial system, especially during the statehood ratification process, and how the professionalization of medicine systematically excluded and targeted women practitioners, especially those who had children.

The Mary Solander case came about during a time of national upheaval; the Fifteenth Amendment granting black men the right to vote had just been passed, Susan B. Anthony had

⁹ Virginia G Drachman, "Female Solidarity and Professional Success: The Dilemma of Women Doctors in Late Nineteenth-Century America," *Journal of Social History* 15, no. 4 (1982): 607-10.

¹⁰ "Mary Solander," *MyHeritage Database*, May 29, 2010.

been arrested for casting an illegal ballot, the Comstock Law prevented the sale or advertisement of birth control or abortifacients via the mail, and the American Medical Association had launched a century-long campaign that linked feminine morality and motherhood with reproductive choice and denounced female doctors as unqualified and overly emotional. These events contributed to both national and local politics and anxieties about women's reproductive possibilities. Women were increasingly advocating for the right to vote, work, and participate in public life and many progressive women moved west in order to create new lives for themselves. Many people in this era found themselves concerned about the shifting status of women and what it meant for mothers to work outside their homes, earn an income, and the potential political ramifications of suffrage. Under these conditions, the Mary Solander case presented an opportunity for Coloradans to uphold the status quo and prevent women from disrupting the existing gender and racial hierarchies in the area or to embrace a new normal that encouraged women's participation in public life.

On the local level, the settlers of the Colorado territory were anxious to achieve statehood, in part because many of them hoped for national recognition and the legitimization of the territory as an American state.¹¹ Further, they wanted to form their own government with fewer taxes and regulations, instead of being subjected to the strict directives of the federal government. Kenneth Owens writes, "It [statehood] would free the people of the New Northwest from the grievous federal restrictions that had accompanied territorial status."¹² Others have

¹¹ Robert W. Larson, "Populism in The Mountain West: A Mainstream Movement," *The Western Historical Quarterly* 13, no. 2 (1982): 162-4.

¹² Kenneth M. Owens, "The Prizes of Statehood." *Montana: The Magazine of Western History* 37, no. 4 (1987): 3.

linked Colorado's push to become a state with its desire to follow Oregon, which became a state in 1859 and had a large Ku Klux Klan faction, in enacting anti-black voting and residency statutes.¹³ The Solander case came about after three failed applications for statehood; increasingly, Colorado politics were operating in extremes.¹⁴ Concerns over statehood, Victorian motherhood and domestic life, suffrage, and women's political autonomy overlapped in the abortion debate during Solander's trial.

In the context of debates about statehood, the looming threat of women's suffrage and the shifting racial and gendered landscapes of the nation, Mary Solander's profession and her role in the death of Fredericka Baun contradicted every expectation for Anglo-Protestant women. However, though the residents of Colorado worked to install Victorian gender and political norms, they were unable to prevent unexpected legal permeability to appear during the trial. Federal law dictated that women were always considered mentally unfit to testify in criminal cases, except under special circumstances.¹⁵ In allowing the testimony of five female witnesses and Solander herself, the Colorado Supreme Court was challenging Victorian social and political expectations for women and years of sexist legislation. This legal decision had far-reaching implications as Colorado became the first territory to regularly allow the testimony of women.¹⁶ Further, it resulted in a frenzy of media coverage. In *The Weekly Gazette*, one reporter called the

¹³ Eugene H Berwanger, "Reconstruction on the Frontier: The Equal Rights Struggle in Colorado, 1865-1867." *Pacific Historical Review* 44, no. 3 (1975): 313-29.

¹⁴ Larson, "Populism in the Mountain West," 146.

¹⁵ Mary Beth Sievens, "Divorce, Patriarchal Authority, And Masculinity: A Case from Early National Vermont," *Journal of Social History* 37, no. 3 (2004): 651-3.

¹⁶ Owens, "The Prizes of Statehood," 3.

testimonies of all the female witnesses in the trial, “A fabrication...from beginning to end.”¹⁷ A report in the *Denver Post* compared the testimony of women to watching zoo animals speak, claiming that it was unnatural and went against the morality of society.¹⁸

Even medical journals published articles which speculated about the potential biological toll that testimony would take on the female body. Reverend Frederick Oakes expressed his concern in the *Colorado Medical Journal* that women witnesses could become so anxious on the witness stand that they would become infertile and potentially insane.¹⁹ Another doctor wrote that the stress of public life and a trial could cause a woman’s uterus to implode and render her unable to bear children.²⁰ However, despite the public uproar and concern by the medical profession, Judge Belford allowed five women to sit for several days and be examined by the defense and prosecution.

Abortionists on Trial

In 1866, just five years before Mary Solander’s first trial, Dr. Horatio Storer published a lengthy anti-abortion essay in the American Medical Association (AMA) annual newsletter, which was circulated to roughly sixty thousand doctors around the United States and Canada.²¹

¹⁷ “Testimony Today,” *Weekly Gazette*, Jan 13, 1873.

¹⁸ “Mary Solander,” *Denver Post*, Jan 13, 1873.

¹⁹ Rev. Frederick Oakes, “Expert Testimony,” *Colorado Medical Journal*, June 1875.

²⁰ “Expert Testimony,” *Colorado Medical Journal*, June 1875.

²¹ Shauna Devine, "Health Care and The American Medical Profession, 1830-1880", *The Journal Of The Civil War Era*, last modified 2018, accessed April 9, 2018, <https://journalofthecivilwarera.org/2017/07/health-care-american-medical-profession-1830-1880/>.

Storer's essay sparked a new genre of medical research which addressed the social and biological evils presented by abortionists and women who sought the procedure.²² In this pathbreaking essay, Storer linked citizenship and concerns over the racial fate of the Republic, to women's reproductive decisions. In this essay, entitled "The Criminality and Physical Evils of Forced Abortion," he argued that abortion was increasingly common among Anglo-Protestant, upper-middle class married women and that it threatened to cause a decline in their population. In the wake of emancipation and the growing push for political and economic equality for African Americans, as well as increased immigration of people from Europe and China, his essay appealed to a growing number of concerned whites who feared that their way of life would be threatened.²³ He wrote, "The [birth rate]...of foreign parents is increasing.... The population of our older States, even allowing for the loss by emigration, is stationary or decreasing."²⁴ Further, Storer argued that the decreasing birthrate of Anglo-Americans threatened the very foundation of society and could potentially lead to Catholicism, a so-called "immigrant religion," becoming the predominant faith in the United States.²⁵ In his argument, abortions threatened white supremacy,

²² For more of the antiabortion publications that were circulated at the time, see: Theodor Gillard Thomas, *Abortion and Its Treatment from the Standpoint of Practical Experience A Special Course of Lectures Delivered at the College of Physicians and Surgeons* (New York: D. Appleton and Co., 1889), William S Playfair, *A Treatise On The Science And Practice Of Midwifery* (London: Smith, Elder & Co., 1866), J.C. Dalton, *Commissioner of the New York State Agricultural Society, for the Investigation of Abortion* (New York: Cornell University Library, 1868), and Edwin Moses Hale, *A Systemic Treatise on Abortion* (New York: Wentworth Press, 1868).

²³ According to the U.S. immigration statistics, there were roughly two hundred and sixty thousand immigrants coming into the states in 1866, which was actually lower than the years before, in part because of the Civil War. For more information, see: "US Immigration History Statistics", *Immigration Information*, last modified 2018, accessed April 9, 2018, <http://www.emmigration.info/us-immigration-history-statistics.htm>.

²⁴ Horatio Storer, "The Criminality and Physical Evils of Forced Abortion," *American Medical Association Newsletter*, 1866. 735.

²⁵ *Ibid.*, 787.

the cornerstone of American social and political structures. Additionally, he was outwardly concerned about women having fewer children, in favor of working or becoming politically active.

Storer asserted that the American Medical Association had an obligation to petition for harsher punishments, mandatory sentences for practitioners and restrictions on the sale of abortifacients. He wrote, “It has become the duty of this Association...to enter an earnest and solemn protest against such unwarrantable destruction of human life.”²⁶ Storer’s appeal was ultimately successful. By 1877, just eleven years after the publication of the essay, Maryland, Massachusetts, Minnesota, Pennsylvania, and Illinois enacted laws that prevented the sale of abortifacients, limited the midwifery and gynecological advertisements in newspapers, and increased the policing of female doctors. On the federal level, the American Medical Association was instrumental in lobbying for the *Act for the Suppression of Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use*, also known as the Comstock Law, which made it illegal to sell or distribute birth control or materials (either medicinal or informational) that could be used to induce an abortion. Further, it outlawed obscene materials (pornography, advertisements for sex workers, and illegal drugs) from being sent in the mail.²⁷ The Comstock Law was a major victory for the AMA and progressives who feared the increasing birth rates of immigrants and African Americans after the end of the Civil War in 1865.

In the context of the Solander trial, Storer’s argument had immense influence over the perspectives of the prosecution and a number of the witnesses. In fact, in his opening argument,

²⁶ *Ibid.*, 718.

²⁷ Nicola Kay Beisel, *Imperiled Innocents: Anthony Comstock and Family Reproduction in Victorian America* (Princeton: Princeton University Press, 2001), 39.

the prosecutor directly quoted from Storer's essay; he linked immorality, sin, and the moral fate of the territory to the issue of abortion and reproductive agency. In fact, the prosecutor argued that Mary Solander was not a "true woman" because of her willingness to perform abortions. In effect, Solander was on trial for her womanhood, not just the death of Fredericka Baun.²⁸ A number of Denver physicians, politicians, and journalists shared this opinion, as a number of editorials were published in the *Rocky Mountain News* that covered the issue of abortion and the trial as dangerous to the moral hygiene of the territory.

The impact of "The Criminality and Physical Evils of Forced Abortion" extended to Colorado. In 1867, Dr. F. R. Waggoner submitted a lengthy editorial to the *Denver Post* on the dangers of abortion in the Colorado territory and expressed his concern over the failing moral character of women who sought and performed the procedure.²⁹ Like Storer, Waggoner identified married Protestant women as the primary patients of abortionists and argued that Colorado, as an annexed territory, needed to establish a strong Protestant presence in order to achieve statehood and maintain Anglo-Protestant supremacy. Though Colorado was not subject to the Comstock Law in 1873, because it was not yet a state, some Denver-based doctors believed the territory should enact their own form of obscenity regulation. However, most male physicians believed that the crime of abortion could ultimately be blamed on immoral women. Waggoner wrote, "Much is written for the medical journals of the day on its [abortions'] criminality for the benefit of the profession, but it reaches not the guilty parties. It is not the profession only that should hear, but the woman with the stains of the blood of her unborn embryo on the soul."³⁰ Following

²⁸ *Mary Solander V. The Territory of Colorado* 250 (Colorado Supreme Court 1873), 9.

²⁹ F.R. Waggoner, "Criminal Abortion," *Denver Post*, June 18, 1867.

³⁰ *Ibid.*

this fiery editorial, the territorial governor, Alexander Cameron Hunt, issued a ban on all “loose-moraled women.”³¹ The ban was designed to remove all abortion-seeking women, as well as sex-workers and drug addicts from the territory and establish Denver as a paragon of Protestant morality. However, the ban proved ineffective in removing the Anglo women, and it led to the forced deportation of several black, Mexican, and indigenous women, who were supposedly dangerous to the moral purity of the territory.³²

The failure to successfully address the issue of criminal abortion, both on legislative and grassroots levels, became a central topic of debate during the Solander trial. Anglo-Protestant women had failed to police their communities against this crime and one of them had killed someone. Solander’s trial began three years after Hunt’s ban on abortionists, sex workers, and drug addicts and highlighted the failure of the government to solve the social and moral issues that plagued the territory. The trial against Solander was also a reminder that the white population could be steadily declining, in the wake of emancipation, growing Eastern European and Irish populations, and the influx of Chinese immigrants into the West. As an Anglo-Protestant woman, Solander was supposed to represent the Victorian archetype of moral superiority and piety. Additionally, because Solander was a mother, a cornerstone of the trial was her betrayal of motherly values. During her trial, the prosecution repeatedly referenced Solander’s “disloyalty to her sex.”³³ At the heart of this trial, the prosecution made the argument

³¹ “Governor Bans Loose-Moraled Women!” *Rocky Mountain News*, October 12, 1867.

³² *Ibid.*

³³ *Mary Solander V. The Territory of Colorado 250 (Colorado Supreme Court 1873)*, 9.

that Solander's crime was her failure to comply to gender expectations, not necessarily the abortion itself or the death of her patient.

The Gendered Treatment of Solander and Witnesses

The gendered treatment of the witnesses, and of Solander herself, reveals the political restrictions on women, even in a territory where there was more flexibility than in more established areas of the United States. At the time of Solander's trial, women had not yet been granted the right to be witnesses in court cases by the United States government, but Colorado's transitional status as a territory allowed it to be more flexible in how those laws were interpreted and enacted.³⁴ Her trial was unique both because of the subject matter and because the judge did allow testimony from women to be heard by the jury.³⁵ The women were likely included in the trial because they were so central to the cases constructed by the prosecution and defense. A series of editorials in the *Rocky Mountain News* referred to this case as a "women's trial" and blamed Solander for bringing abortion practices to the Colorado territory and changing the very foundation of the state judicial system.³⁶ Journalists and jurors alike were concerned about women's newfound participation in the criminal justice system, and some wondered if women's constitutions were too frail for them to discuss controversial, dangerous, and illegal topics.

³⁴ This right was not granted to women until 1908, after the passage of several women's rights laws on the federal level. It was unconventional for women to be allowed to testify in 1873, especially in a trial about abortion and manslaughter.

³⁵ "Fetal Murder," *Rocky Mountain News*, December 30, 1872.

³⁶ "Social Evil." *Rocky Mountain News*, May 14, 1873.

When Solander was arrested in 1871, she was charged with three felonies relating to abortion; the first was manslaughter relating to a criminal abortion, the second was the possession of “deleterious drugs” and, lastly, possession of illegal surgical instruments, supposedly used to complete the procedure.³⁷ She firmly denied these claims, and pointed to the father of the child, Clements Knauss, as the person who had botched the procedure and killed his lover, Fredericka Baun. Initially, he admitted to arranging the procedure, disposing of the fetus, and taking steps to cover up the abortion, but he was never formally charged for the death of Baun. However, by the final trial in 1873, his story had changed; Knauss claimed that Solander had “directed” him to throw the fetus out a window and had arranged to cover up the entire procedure by dumping bloody rags and medications into a nearby river.³⁸ Both Solander and Knauss testified several times in the various trials, but their treatments and receptions, by both the judge and jury, were vastly different. Whereas Knauss was heralded as a family man, prominent community leader, and personal friend of Judge Belford, Solander was depicted by the prosecution as a vindictive and mean-spirited woman who had no regard for the life of Baun or her unborn child.

During his testimony, Knauss produced a jar of various powders, which he claimed came from the home of Solander and were used by her to induce the abortion. Interestingly, even though he had testified against Solander three times prior to this trial, Knauss had never provided any evidence or shared that he had a sample of the medications Solander had administered. Solander, outraged, stood up and proclaimed her innocence; she shouted to the jury, “He is

³⁷ *Mary Solander V. The Territory of Colorado* 250 (Colorado Supreme Court 1873), 21.

³⁸ *Ibid.*, 85.

deceiving you!”³⁹ The judge silenced her by threatening to keep her in prison overnight, and the spectators in the gallery cheered.⁴⁰ This harsh response and the large number of reporters in the gallery was unprecedented in Colorado trials and indicates the public interest in women testifying and defending themselves in court.⁴¹ This moment in the trial highlights the limits of judicial flexibility in the territory of Colorado. While Solander was allowed to testify, she was unable to challenge the authority and honesty of a male witness. Reagan argues that male physicians were viewed as more qualified to discuss medical procedures, even if they had never interacted with the patient or viewed the autopsy results.⁴² Knauss had more authority than Solander, even though he was only a witness in the case, and Belford was quick to remind Solander of her marginal place in the trial proceedings.

Solander was not the only woman during the court proceedings to be treated harshly. Two female witnesses, Anna Johnson and Jane Goyn, refused to directly implicate Solander as the primary performer of the abortion and even provided evidence that Baun had bought and taken medications from Dr. John Peters in Denver in an effort to end her pregnancy. However, on her deathbed, Baun told Jane Caghran, her neighbor, that she had given Solander thirty dollars to perform a manual abortion, after the medications from Denver failed to induce a miscarriage.⁴³

³⁹ *Ibid.*, 103.

⁴⁰ "City and the Vicinity," *Denver Post*, December 31, 1872. All newspaper and journal sources were collected at the Denver Public Library Microfilm Collection in Denver, Colorado.

⁴¹ "Fetal Murder," *Rocky Mountain News*, December 30, 1872.

⁴² Reagan, *When Abortion was a Crime*, 120-1.

⁴³ Thirty dollars in 1871 would be almost six hundred dollars in 2018, which is an indicator that Baun and Knauss were relatively wealthy at the time of this incident, which likely contributed to the media attention surrounding the trial.

Caghan also stated that Solander was not present when Baun died and therefore was not able to dispose of the fetus. She argued that Knauss was the only person in the house at the time of Baun's death. In an unprecedented legal move, the prosecution was given permission to treat the female witnesses in a hostile manner. Taking advantage of this, the lawyers questioned the women about their sex lives, relationships, and reproductive decisions. At one point in the cross-examination, Caghan bravely stated, "I fail to see how any of this is relevant to Ms. Baun's death."⁴⁴ The prosecution responded by saying that it was possible that Caghan and Goyn had colluded with Solander and helped her to perform the procedure. These dramatic claims resulted in a large reaction from the gallery, and Judge Belford was forced to call a recess until the next day.

When all three of the women were asked if they had been to Solander to procure an abortion before Baun, they pled the Fifth in order to avoid public scrutiny for their reproductive decisions. It is likely that Johnson and Goyn avoided testifying directly against Solander because she had performed the procedure on them or helped them to access reproductive healthcare, and they did not want their reputations to be sullied during the trial. Throughout their statements, they never directly implicated Solander in Baun's abortion and they spoke highly of her as a doctor and as a caregiver. Their refusal to acquiesce to the accusations of the prosecution could be part of the reason that their testimony was excluded.

After the concluding remarks, Judge Belford cautioned the jurors to weigh the testimonies of Solander, Johnson, Goyn, and Caghan less heavily than that of Knauss, which indicates that he found the women to be less truthful than Baun's married lover. Despite multiple

⁴⁴ *Solander*, 100.

objections from the defense, Belford went on to say, “The evidence produced by Mr. Knauss is of a higher quality than the *hearsay* of Mrs. Johnson, Mrs. Goyn, and Mrs. Caghan, and it is the opinion of the court that Mary Solander’s guilt should be determined from the credible witness in this case.”⁴⁵ Despite multiple witnesses challenging Knauss’s testimony, the other versions of the story were completely disregarded by the judge and prosecution. This judgment received support from the crowd, who believed that Solander was guilty of manslaughter and Knauss was an innocent victim of a seductress and a conniving abortionist.⁴⁶ Further, Colorado newspapers heralded Belford for his decision to disregard the women’s testimony and prevent them from having influence over the trial proceedings.⁴⁷ In *When Abortion was a Crime*, Reagan calls for a reexamination of the abortionist as a profoundly negative historical figure. Solander’s trial presents an opportunity to view female physicians as “doctors of conscience” who were serving the needs of their communities and aiming to improve the lives of women. Baun had tried to have an abortion performed repeatedly before asking Solander for help. It is likely that male doctors refused to help her because they were less in touch with the needs of their female patients than Solander.⁴⁸

Negative Stereotypes of Female Physicians

⁴⁵ *Ibid.*, 67.

⁴⁶ “A Sad Story,” *Denver Post*, February 13, 1873.

⁴⁷ *Ibid.*

⁴⁸ In her first chapter, Joffe outlines doctors of conscience as physicians who provided abortion services before the legalization of abortion, in order to meet the needs of their patients. Carole E Joffe, *Doctors Of Conscience: The Struggle To Provide Abortion Before And After Roe V. Wade*, 1st ed. (Boston: Beacon Press, 1996). See also: Reagan, *When Abortion was a Crime*, 83.

During the height of the trial, doctors, lawyers, and housewives alike wrote editorials in the *Colorado Medical Journal*, *Denver Medical Times*, *Rocky Mountain News*, and the *Denver Post*, which framed abortionists as a threat to white, upper-middle-class communities and Victorian religious values. These stereotypes were then used against Solander by the prosecution, Belford, and even the jury during the court proceedings. In one piece, a physician argued that abortion was a trend dominated by wealthy women and suggested that they were seeking help from “lady doctors,” who were morally corrupt, greedy, and unqualified. This negative portrait of female physicians stands in stark contrast to the reality of Mary Solander’s life. She was the first licensed female doctor to begin practicing in Colorado: She was married to another doctor, living a relatively comfortable life, and had three children by the time she opened a practice with her husband in Boulder, Colorado. The unsavory stereotype of female physicians seems to have dramatically impacted Solander’s trial, as the prosecution repeatedly attempted to portray her as a wanton woman, who performed abortions on misguided, innocent women.

Throughout the trial, the prosecution and its witnesses capitalized on negative stereotypes about female physicians as unqualified, overly emotional, and, even, threatening to the moral fiber of society. Mohr and Reagan argue that this historical image comes from anti-abortion efforts by the AMA, as well as societal beliefs about women as the moral policemen of the home. Female abortionists were thought to be “fallen women,” who had failed in their duties to protect their homes and family lives.⁴⁹ However, the media played a significant role in perpetuating and creating these stereotypes and disseminating them to a large audience.

⁴⁹ *Ibid.*,157.

An editorial in the *Colorado Medical Journal* argued that female doctors should be “sequestered from normal society” because of the threat they posed, to both their patients and other male physicians.⁵⁰ The author argued that women lacked the ability to create professional boundaries between themselves and their patients and were more likely to form “morbid attachments.” In addition, he stated that female doctors were more likely to botch procedures, administer incorrect medications, and misdiagnose patients, which male doctors were then forced to correct. According to the author, these women undermined the burgeoning professionalization of the medical field and put their patients at risk. Another article lamented that the governor had vetoed a law that made it illegal for midwives to practice in Colorado. It argued that medicine was a “fraternity” that should be reserved only for the most qualified, male physicians and that midwives were known for dangerous practices that threatened the lives of patients.⁵¹ Beliefs about the inferiority of female doctors were rooted in biological essentialism; female doctors were unavoidably bad at practicing medicine because they were genetically inferior to their male counterparts. Biological differences became a justification for why Solander had botched the procedure.

During the trial, male witnesses argued that Solander had bungled the procedure, in part because of her unsuitability for the medical field. The prosecution brought five male doctors to testify to the incompetence of Solander, even though only one of them had actually examined Baun’s body. Dr. Allen, who had performed the autopsy, stated that the uterine artery had been punctured by an instrument. This injury led to Baun’s death, and, according to Allen, was the

⁵⁰ “Editorial,” *Colorado Medical Journal*, Feb 1, 1873, 209.

⁵¹ *Ibid.*, 211.

result of misuse of abortion instruments. The prosecution responded by questioning Solander's medical acumen and even asked if Baun's death would have happened if she had sought out a male physician. Allen responded, "I don't know a physician would endanger the life of a woman."⁵² The prosecution ended their questioning and the defense refused to cross-examine Allen, since his testimony only further damaged Solander's medical credibility.

Following Allen's statements, the prosecution introduced Dr. P.M. Hinman to the stand. Hinman had never viewed Baun's body and had seemingly no connection with Solander or the case against her. However, he was quick to denounce her for performing the abortion and even questioned if she had been practicing witchcraft.⁵³ He argued that no Christian woman could perform this procedure, since women were the moral paragons of society. This response received applause from the reporters in the audience, who were enthralled by the idea of a witch doctor, who was preying on young, Christian women. The following day, the *Denver Post* published an editorial entitled, "Murderous Malpractice" about the case, in which Solander was accused of being a vengeful woman, who was jealous of Baun's youth and fertility and had conspired to kill her and her child.⁵⁴

Throughout the trial, negative portraits of Solander served to undermine her credibility as a physician. Further, these testimonies questioned the very essence of her femininity, morality, and Christianity. Though Mohr and Reagan identify the American Medical Association as the cause of these negative stereotypes, it seems that the media played a role in perpetuating them as

⁵² *Solander*, 113.

⁵³ *Solander*, 118.

⁵⁴ "Murderous Malpractice," *Denver Post*, March 2, 1873.

well. The prosecution, Allen, and Hinman used these beliefs to question Solander's medical qualifications, as well as her moral status. These conversations reveal the growing ties between the gendered professional world and women's place in Victorian social hierarchies.

Public Opinion During the Trial

Mary Solander v. The Territory of Colorado was widely covered in the media across the state; the Rocky Mountain News had near daily editorials that were consumed by witnesses, jurors, and, even the prosecution. Colorado newspapers were abuzz with the revelation that women would be included in the witness list and were quick to publish editorials on the "social evil" that was rampant in the state court system.⁵⁵ For these reporters, the allowance of women's testimony violated the fragile nature of womanhood and mistakenly placed women on an equal, legal level as their male counterparts. Other articles warned of the irrationality and unreliability of women and wrote warnings to members of the jurors that these witnesses could not be trusted. In an article in the *Denver Post*, a lawyer for the prosecution attempted to alleviate fears of judicial corruption by writing, "women do not have the ability to prejudice our jurors."⁵⁶ Despite his efforts, the public continued to panic over the new inclusion of women into the witness stand. This panic quickly turned into mistrust and skepticism of Solander and her circle of female patients, friends, and neighbors. The *Rocky Mountain News* capitalized on these anxieties by

⁵⁵ "Social Evil," *Rocky Mountain News*, May 14, 1873.

⁵⁶ "The Mary Solander Opinion," *Rocky Mountain News*, March 1873.

posting large spreads about “abortion fiend(s)” that ran rampant though Colorado and seduced wealthy, unsuspecting women into committing a moral sin.⁵⁷

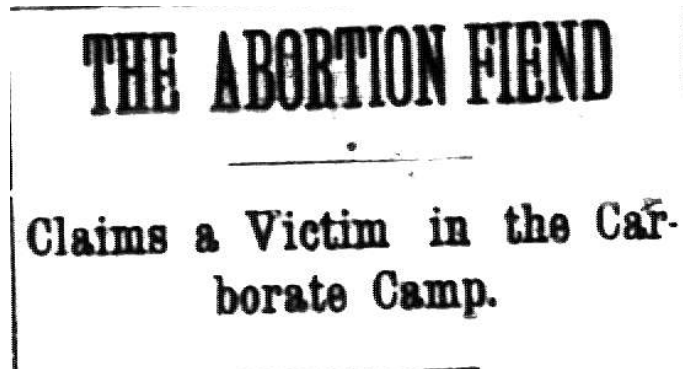


Figure 1.2: "Abortion Fiend," The Rocky Mountain News, March 1873.⁵⁸

Daily editorials in Colorado newspapers framed the trial as a pivotal case in deciding the social and professional place of women. By framing Solander as a dangerous abortionist, the media created a sensationalized story that sold papers and biased jurors. When they were questioned after the trial, several jurors admitted to reading negative editorials in the news about Solander and some of them stated that they had formed an opinion based on “neighborhood talk” and the widespread coverage of the story that permeated dinner table discussions and professional conversations.⁵⁹ Influenced by the overwhelmingly negative public opinion of Solander, Belford instructed the court that Solander was an unreliable witness. To the glee of the gallery, he stated that since she was not fit to be cross-examined, her testimony should be disregarded by the jurors. The defense argued that Knauss should also be indicted because he coerced Baun into getting the abortion and helped to cover up the evidence, even disposing of

⁵⁷ "Abortion Fiend," *Rocky Mountain News*, March 1873.

⁵⁸ *Ibid.*

⁵⁹ *Solander*, 33.

the fetus a river. Prosecutors responded by saying that Knauss was a respected community member and a friend of Judge Belford, so his testimony should be considered truthful.⁶⁰In fact, Knauss was never mentioned in any editorials of the case, including the one published by the Colorado Supreme Court after the conclusion of the trial.

In part because of the campaigns by the AMA, which were reaching their height during Solander's trial, the statements made by Allen and Hinman, and the overwhelming coverage of the case, the jurors believed in the myth of the dangerous female abortionist. David Miller, a juror, confessed that he submitted a guilty verdict because of pressure from his wife, who had heard that Solander was "throwing unborn children out of windows."⁶¹ Morgan Spencer, a local doctor and juror, admitted to a biased opinion because he wanted to take over Solander's patient base.⁶² Winston Smith, who served on the jury, admitted to pre-deciding her guilt based on the testimony of Allen and Hinman, which he found more credible than that of the female witnesses in the case. "Our statute provides that no juror shall be rendered incompetent by reason of having formed or expressed an opinion."⁶³ Belford refused to dismiss these jurors, even after the defense submitted sworn statements from them. In these statements, they admitted to being biased against Solander from the onset of the trial and knew from the beginning stages that they would find her guilty.

⁶⁰ *Ibid.*, 47.

⁶¹ *Ibid.*, 33-4.

⁶² *Ibid.*, 34.

⁶³ *Ibid.*, 35.

The pervasive media coverage of the trial, as well as the overwhelmingly negative public opinion of Solander, influenced the actions taken by Belford and the jurors. Many admitted to discussing the case with their friends and family and reading the sensationalized editorials in the *Denver Post* and *Rocky Mountain News*. Belford was quick to capitalize on public opinion by allowing journalists and spectators into the courtroom to witness his decisions. When confronted with the reality of biased jurors, he still refused to admit the role that public opinion and media coverage had in shaping the outcome of the trial.

The Aftermath

Prior to the arrest of Mary Solander in 1871, there were no documented cases of criminal abortion in territorial Colorado. However, as many scholars have articulated, the gaps in the archive do not always equate to absences in the historical record, especially when studying an underrepresented topic or historically marginalized group of people.⁶⁴ Given the large number of abortion service advertisements, notices for the sale of abortifacients in the Denver media, and frequent discussions of the procedure in the *Colorado Medical Journal*, it is reasonable to assume that abortions were a regular part of women's reproductive practices in the territory. In her study of abortion practices in Chicago, Leslie Reagan has speculated about the demographics of abortion and argued that working class and unmarried women were the most likely to seek out the procedure. According to Reagan, this phenomenon was a concern to elites, who did not want

⁶⁴ In particular, Michel-Rolph Trouillot was the first to document the ways in which the archives fail (and, often intentionally silence) to tell the histories of historically marginalized groups. His introduction provides a useful overview of his arguments and the various types of violence committed by the archive and documenting process. For more, see: Michel-Rolph Trouillot, *Silencing the Past* (Boston: Beacon Press, 2015). 9-13.

to lose their growing population of industrial workers and factory employees to abortion and family planning.⁶⁵ However, most of those cases of abortion are completely undocumented in the archive and can only be glimpsed through fragmented newspaper articles and a small selection of police reports. Dayton echoes these sentiments in her study of colonial New England; in the study of an abortion-related death of a young girl, she argues that the divisive nature of the case, as well as the unusual politics of the town, were the defining factors in its survival in the archive.⁶⁶

Like the Sessions trial in Dayton's article, the Mary Solander case has survived in the archive because it is exceptional. It involves an upper-middle class white doctor, who had previously been in good community standing and had inexplicably turned her back on her morals and community values to perform the procedure. In addition, the case was unique because it occurred during a period of anti-abortion campaigns by the American Medical Association, political upheaval in the territory over statehood and the influx of newly emancipated African Americans, as well as national legislation that was designed to prevent the sale and dissemination of birth control or abortifacients. In fact, it is quite plausible that had the Solander case occurred a decade earlier, it would not have been as widely covered or documented. The national and local politics surrounding the case made it a phenomenon that interested reporters, doctors, and the working-class alike. Unlike the women that came before her, Mary Solander is present in the archives and provides one of the only complete records of an abortion trial in the

⁶⁵ Leslie J. Reagan, "'About to Meet Her Maker': Women, Doctors, Dying Declarations, And the State's Investigation Of Abortion, Chicago, 1867-1940," *The Journal of American History* 77, no. 4 (1991): 1246.

⁶⁶ Dayton-Hughes, "Taking the Trade: Abortion and Gender Relations in an Eighteenth-Century New England Village," 38.

American West. The trial reveals much about postbellum community politics, gendered expectations, and legal proceedings in the territories that have not been explored.

The Solander trial emphasizes the degree of influence which the national medical community had in transforming local politics in the territory. Other scholars have brilliantly articulated the ways in which personal politics have historically influenced medical communities.⁶⁷ However, there has been little recognition of national narratives transforming local politics. As seen in the Solander case, the campaigns launched by the AMA were extremely effective in influencing the public attitude towards the crime. An article in the *Rocky Mountain News* reported, “It will be cheerful information to those who detest this vile and unnatural crime to know that at least one of these murderers of unborn infants is in a fair way of paying . . . for her crimes.”⁶⁸ The title of the article, “Murderous Malpractice,” underscores the influence that the medical community had on shaping community beliefs about abortion and those who sought and performed the procedure.



UNWELCOME CHILD;

OR,

THE CRIME OF AN UNDESIGNED AND UNDESIREJ

M A T E R N I T Y .

Figure 1.3: “Murderous Malpractice,”

Figure 1.4: “Unwelcome Child,” *Western Journal of*

⁶⁷ Wright and Treacher were the first to deeply explore the role of social constructivism in medicine. This study explores how personal politics have transformed and influenced the medical community – from studies on asthma to mental illness. For more: Peter Wright and Andrew Treacher, *The Problem of Medical Knowledge: Examining The Social Construction Of Medicine* (Chicago: University of Chicago Press, 1982).

⁶⁸ “Murderous Malpractice,” *Rocky Mountain News*, March 21, 1873.

Rocky Mountain News, March 21, 1873. *Medicine*, February 1870.⁶⁹

While the article in the *Rocky Mountain News* is specific to the crimes against Solander, both publications argue that women who do not value the life of the fetuses are “unnatural” and “evil.”⁷⁰ Before trial even started, Solander had to overcome an enormous amount of anti-abortion public sentiment. Circulated one year before her arrest, the *Western Journal of Medicine* echoed the sentiments published in the *Rocky Mountain News*. Solander’s case enables historians to understand how these campaigns by the AMA impacted the legal system and public opinion during the criminal abortion trials, even on the fringes of American territory. The severity of her punishment, for which she spent nearly four years in prison, was unlike any trial after it. For example, Georgiana South, a nurse who was convicted of an identical crime just two decades later, only served nine months in prison. Sadie Leggett, a servant convicted in 1894 of infanticide, served only seven months.⁷¹ The comparative outcomes of these cases indicates that the AMA had a tremendous amount of public influence, even in a place that was not yet initiated into statehood. This finding may ask scholars to reconsider how these campaigns affected women living in rural territories, not just in urban centers of the country. In addition, it may reopen the question of how much influence national politics had on territorial spaces, especially for women who found themselves at the cross-section of criminality and motherhood.

⁶⁹ “Unwelcome Child,” *Western Journal of Medicine*, February 1870, 3.

⁷⁰ *Ibid.*, 22.

⁷¹ “Incarceration Records 1892-4,” *Museum of Colorado Prisons*, Collected at the Colorado State Penitentiary in Cañon City, Colorado.

The Solander case provides a unique glimpse into women's legal and social flexibility in a marginal part of the United States. The trial opens up larger historical questions about the western territories as spaces of reproductive and bodily autonomy for women living there. Scholars have traditionally argued that the West was a place of possibility and opportunity for white female emigrants coming from the eastern part of the United States.⁷² Margaret Walsh writes, "People on the frontier, however, can be viewed in a more flexible way encompassing the identity of gender.... In mining communities or cattle trail towns women found economic opportunity."⁷³ However, the Solander case reveals that, while there was some allowance for women to testify in court, the Colorado territory was still heavily bound by traditional race, gender, and class ideologies and hierarchies. In the 1870s, women's professional and legal maneuverability in Colorado was restricted by national campaigns against working women, female doctors, and the ban on birth control and abortifacients. Rather than presenting the western territories as places of possibility, the Solander case emphasizes the ways in which women were still bound by Victorian gender and racial hierarchies.

The multiple levels of documentation around the Mary Solander case, from newspaper articles to prison records and court transcripts, provide an exceptional opportunity to glimpse nineteenth-century women's attitudes towards abortion, their reproductive practices, and the ways in which a territorial legal system navigated reproductive autonomy. In addition, the case creates a number of questions and challenges previous scholarly assumptions about women's

⁷² Walsh addresses the historiography of the frontier very neatly in this essay. She demonstrates the various socioeconomic opportunities and challenges presented to women on the frontier. For more see: Margaret Walsh, "Women's Place on The American Frontier," *Journal of American Studies* 29, no. 02 (1995): 241-5.

⁷³ *Ibid.*, 246.

legal and economic roles in the territories and the pervasiveness of Victorian gender roles.

Though scholars have astutely discussed the role that societal attitudes and politics have played in influencing the medical community and biological understandings of the body, the Solander case indicates that more work remains on how national narratives transformed and challenged the local political landscapes of the American territories. In addition, while much research has been done of the fluidity of gender hierarchies in the territories, the Solander case reveals the ways in which women were still limited by the legal system and the institutional efforts made by elites and the state to recreate normative Victorian gender roles. Finally, the legal aspects of the case indicate that Colorado frontierswomen were political figures, who understood their role in the judicial system and actively worked to protect their own interests by using the Fifth Amendment. Witnesses in the case, ranging from working-class to wealthy women, understood their fragile legal status and avoided providing the court with details of the reproductive decisions.

Solander's reputation as an abortionist represented a major moral failing for women that upset Victorian gender roles and societal expectations. Through analysis of the Mary Solander case, the anti-abortion campaigns waged by the American Medical Association, and the historiography of the West and Colorado's relationship to statehood in the nineteenth-century, this research questions the impact of national politics and conversations about women's reproductive capabilities on the marginalized territories of the West. Women were expected to be the moral gatekeepers of communities, which made it especially shocking that Solander was accused of killing another woman and her unborn child.

This historiography of abortion is scattered and leaves room for more localized studies of the nineteenth century and the legal precedents of *Roe*. However, building upon the scholarship of Mohr, Luker, and Reagan, it is possible to bridge legislative histories with narratives of sexuality and gender, while also complicating the historical understanding of abortion history. In this trial, the testimony of Solander, as well as the female witnesses, shows the flexibility of the territory of Colorado in allowing women to address the court and give sworn statements to the jury. In these statements, Johnson, Goyn, and Caghran refused to reveal their decisions to procure an abortion from Solander, which indicates that they were political actors. Meaning, they were aware of the implications of their testimony and used it to protect themselves from public backlash and potential prosecution.

The legal landscape of Colorado was more flexible than it appears in the nation-wide surveys conducted by Mohr and Reagan; women used the law to protect themselves and to protect their doctor, even though Belford and the prosecution were able to disregard their testimony. Gendered politics, as well as the negative connotations associated with female physicians, dictated the trial proceedings and the decisions made by the judge and jurors. Even when confronted with evidence of this bias by the defense, Belford continued to run the trial in accordance with his own beliefs and his friendship with Knauss. Though judicial corruption and gendered biases were not uncommon in the nineteenth century, this trial is unique because it shows the flexibility in allowing women to testify and present their arguments in court, but also

indicates the restrictions of the patriarchal system in place in territorial Colorado.⁷⁴ Solander, Anna Johnson, Jane Goyn, and Jane Caghan were able to tell their stories, but they were labeled as less credible than the male witnesses who had ulterior motivations for testifying by both the media and the judge, jury, and prosecution. However, Johnson, Goyn, and Caghan used the Fifth Amendment to protect their reproductive decisions and public reputation. The statements by jurors show the influence that “neighborhood talk” and dinner table discussion had on the judicial process.

The statements given by Allen and Hinman reveal the deep impact that negative stereotypes of female doctors had on court proceedings and juror decisions, as well as on the media trial of the trial. Both doctors questioned her medical abilities and capitalized on her social status as a “fallen woman,” who had betrayed her duty to society and her family. Finally, public opinion was central to the outcome of the trial and seemed to dictate the decisions made by jurors and Belford. Solander was a particular threat to Victorian society because women were the moral gatekeepers who protected their families. By being presented as a woman who had turned her back on those ideals, she was considered subversive and threatening to the domestic values that middle-class Colorado was built upon.

In the age of the Comstock Laws and American Medical Association campaigns against abortions and female doctors, Solander’s performance of the procedure had far-reaching implications that moved beyond manslaughter and into the very foundations of Victorian society

⁷⁴ Hayes outlines the complicated judicial landscape of the west and how the legal system was evolving around changing sexual norms, gender roles, and challenges to the patriarchal structure of society. She argues that the lack of laws enabled judges, jurors, and lawyers to manipulate the system in order to uphold their positions of privilege and social power. Melissa Hayes, “Sex in the Witness Stand: Erotic Sensationalism, Voyeurism, Sexual Boasting, and Bawdy Humor in Nineteenth-Century Illinois Courts,” *Law and History Review* 32, no. 1 (2014): 149–202.

and statehood. Following her release from the Colorado State Penitentiary, Mary Solander moved to Los Angeles and continued her medical practice. Rather than return to her husband and children, who were residing in Idaho, she chose to move even further West and rebuild her business. She died in 1915 in Los Angeles and her death certificate listed her occupation as women's doctor.⁷⁵

In the analysis of the Mary Solander case, it is difficult to untangle the truth from the sensationalized media coverage, dramatic testimonies, and outrageous biases held by members of the court. However, Solander's reputation as an abortionist represented a major moral failing for women that upset Victorian gender roles and societal expectations. Women were expected to be the moral gatekeepers of communities, which made it especially shocking that Solander was accused of killing another woman and her unborn child. In this trial, the testimony of Solander, as well as the female witnesses, shows the flexibility of the territory of Colorado in allowing women to address the court and give sworn statements to the jury. This trial is unique because it shows the flexibility in allowing women to testify and present their arguments in court, but also indicates the restrictions of the patriarchal system in place in territorial Colorado. The majority of the scholarship on nineteenth-century abortion has been macro surveys of legislation and patriarchy across the United States. Reproductive geographies can assist in understanding the fluid legal and political boundaries of the western territories. Analysis of the physical locations of abortion providers will provide a new context to study the history of women's medicine and

⁷⁵ "Mary Solander," *MyHeritage Database*, May 29, 2010. <https://www.myheritage.com/research/record-40001-853079559/mary-jane-solander-born-mciver-in-familysearch-family-tree>

individuals' access to healthcare in the western territories. In addition, to study undertake a new perspective on abortion in California and how it was policed, accessed, and socially understood.

When placed into context with the other cases in this study, the Solander trial reveals how national politics have deeply personal ramifications. The women in this trial protected their privacy and utilized the Fifth Amendment to avoid disclosing their reproductive choices, an option that Sadie Leggett, covered in Chapter 2, did not have. National campaigns against female physicians, combined with anti-obscenity laws, led to the creation of legal crusades against women who defied gender norms and expectations. This cultural shift had lasting ramifications as women at the end of the nineteenth and early twentieth centuries sought to disguise their reproductive choices and found themselves trapped between an intensely regressive political system and unsafe marriages and home lives. Mary Solander sought to help Fredericka Baun, who was in a complicated and potentially abusive relationship. However, her actions ignited both national and local conversations about the professionalization of medical care and the roles that women should have in a rapidly modernizing society. These conversations had lasting ramifications, especially for Sadie Leggett, who was tried just twenty years later after Solander for the murder of her infant. This trial represents a moment when social beliefs about gender are made explicitly clear and provide insight into the standards, morals, and values that defined the Colorado territory. The Solander case foreshadowed larger conversations about race, ability, and class that would become increasingly complex as Coloradans grappled with their changing society.

Chapter 2: Sadie

“I long to stop living as his wife...I live with a beast of a man, and I am afeard for my life.”¹

“Invalids have no place in our fine state. We must do everything necessary to protect the health of our families.”²

On the evening of November 28, 1893, sixteen-year old Sarah “Sadie” Leggett placed her hand over her newborn child’s mouth and smothered her to death.³ When questioned by the Aspen Police, Leggett admitted that her child had died shortly after birth and that this was her second child to die in infancy. During the course of her interrogation, Leggett revealed that her brother, William “Shorty” Leggett, had been sexually assaulting her since she was fourteen. She claimed that her children were the result of these assaults and that she had longed to “stop living as his wife.”⁴ As a result of this crime, Leggett was placed on trial for the murder of her newborn child. She had been charged with child abuse, manslaughter, and infanticide; some members of the public and media felt these were excessive charges. However, without physical evidence of sexual abuse or incest, Leggett was convicted for the murder of her daughter, and her brother was never charged with any crimes. Unlike Mary Solander, Sadie Leggett was poor, uneducated, and lacked the privileges or opportunities to better her life. She was unable to advocate for herself, and she lacked the legal support to effectively combat the charges against

¹ Pitkin County Sheriff’s Office, Sarah Legget, Officer William Coats, Report #982a, Snowmass, Colorado: 1894. Paper.

² “Leggit Case Continues,” *Aspen Times*, December 12, 1893.

³ Leggett’s name has been spelled a number of ways in the Colorado media - Legitt, Leggett, and Leggitt to name a few. For this chapter, her name will be spelled Leggett because that is how it appeared on her prison intake forms at the Colorado State Penitentiary.

⁴ “Legget Case,” *Aspen Daily News*, December 14, 1893.

her. The trial motivated political factions from around Colorado to engage in larger discussions about the regulation of sexual behavior and deviancy, as well as women's reproductive freedoms and rights. Sadie Leggett's case became a political cause for activists around the state, while Sadie herself remained a victim. In Colorado's shifting racial landscape, the murder of a white infant, combined with the burgeoning eugenics movement, made the case a cause célèbre for activists, suffragettes, and politicians alike.

The American eugenics movement did not crystallize until after the turn-of-the-century. Many of the conversations happening around this trial in 1893 may have been influenced by white supremacist ideologies, ableism, or other forms of social and/or biological prejudice, but they lacked the formal cohesion of the later eugenics movement. For that reason, the characters in this chapter have been labeled as "proto-eugenicists," who were likely influenced by similar ideas as later eugenicists. However, proto-eugenicists often did not have the same language, motivations, or cohesion as the American eugenics movement did in the twentieth century. In fact, many proto-eugenicists were divided over the trial, with some arguing for Leggett's innocence and others arguing for her guilt. For that reason, they are related in their thinking to the later American eugenicists, but they represent an earlier ideation of the movement that was more fragmented.

The central argument of this chapter breaks into three key segments: first, the Leggett trial mobilized conversations across political and social factions; second, these conversations were essential to a shifting legal and cultural understandings of sexual deviancy, women's reproductive agency, and issues of bodily autonomy; third, the Leggett trial represents a pivotal

moment in the American eugenics movement, when biological white supremacy, ableism, and classism become mainstream legal and scientific debates across the state of Colorado.

By the end of the nineteenth century, suffragettes, female activists, politicians, and proto-eugenicists were deeply engaged in conversations about the shifting nature of prisons and the role that they should play in enforcing norms of “good” motherhood and womanhood. These conversations are recorded by *The Aspen Times*, *Denver Post*, *Denver Evening Star*, and a number of smaller local papers. Additionally, archival records reveal the letters and correspondences that many women wrote about the Leggett trial and how they viewed it as an extension of the larger issues of poverty, prison and legislative reform, and sexual violence. As one doctor and activist, Minnie C.T. Love, stated to the press, “If we had more protections for our sisters and a robust state system, this tragedy could have been averted.”⁵ Others were quick to point to Leggett’s race and sex as reasons why she should be treated with leniency by the court. In one interview, protester Lucille Bradshaw stated explicitly that race was an important factor in her decision to protest the trial. She stated, “It is known that the white race is unlikely to commit violent crimes and, given the circumstances of [Leggett’s] birth, it seems unlikely that she would be violent again. It is morally reprehensible to imprison her when she could be rehabilitated.”⁶ These conversations about biological superiority connote a proto-eugenics movement forming across Colorado, in which perceptions about criminality and violence were explicitly linked to race and gender.

⁵ “Protest in Aspen,” *Aspen Times*, December, 7, 1893.

⁶ “Women Interviewed,” *Aspen Times*, December 18, 1893.

Rehabilitation was an argument used by both proto-eugenicists and suffragettes alike. They argued that, instead of prison, Leggett could be sentenced to time in an asylum, perform community service, or be placed under the care of a doctor. At the core of their arguments, these reformers believed that Leggett could be transformed from a violent criminal into an exemplary mother. Though they often avoided directly referencing her race, it is clear from their argumentation that Leggett was viewed as somehow *different* from other delinquent mothers. In their letters, reformer activists argued that the rapidly growing immigrant populations, as well as the newly emerging freed black community were threats to white supremacy in the state. They wanted to avoid imprisoning a young, white woman who could go on to produce healthy white children. In one letter to Minnie Love, Samuels wrote, “Our [prison reform] platform must be focused on the release of white convicts, while avoiding the emancipation of colored prisoners.”⁷ Ideally, the Leggett case could represent an opportunity for white people to avoid prison time, while still allowing people of color to be incarcerated. Under this theory, this type of political reconfiguration would prevent the growth of the black, Mexican, and immigrant populations, while encouraging an increase in white populations. These reformers viewed the Leggett case as an opportunity to promote racialized prison reform.

However, others used proto-eugenicism to support harsher punishments for Leggett. Concerns about the growing Mexican, immigrant, and black populations in the state caused some white politicians to argue that the murder of Leggett’s baby was a crime against the race and that it contradicted every motherly value that women should believe in. They asserted that Leggett had committed a crime against nature - both as a woman and as a member of the white race.

⁷ Correspondence from Alice Samuels to Minnie C.T. Love, 28 December 1893, HW-12-2874, Box 19, Folder 11, Minnie C.T. Love Papers, History Colorado, Denver, Colorado.

Jurors tended to agree with these sentiments, as one stated to the press, “Ms. Leggett went against her natural inclinations as a mother, and she must face the harshest punishment.”⁸ This juror believed that the Leggett case was especially heinous because it concerned a mother killing her child. For him, a sacred natural law had been violated, which needed to result in a harsher prison sentence. Some Coloradans expressed concern about the death of the white baby. In one editorial in the *Aspen Times*, the author exclaimed, “We are murdering our babies, while Negroes, Irish, and Mexicans continue to reproduce.”⁹ The early eugencist movement had been divided on the issues raised in this trial. While some wanted to excuse Leggett’s actions, others believed them to be especially egregious because of her race and sex.

Additionally, the moral panic about sexual deviancy, immorality, and criminality was rampant at the turn-of-the century. Legal trials across the country attempted to reconcile alleged sexual crimes with the staunch Christian values of the time. Often these cases revolved around sodomy or homosexuality, miscegenation, or sexual inversion; however, cases of incest, child sexual abuse, and otherwise criminal couplings were also used to construct the emerging legal field of criminal sexual law. Additionally, many legal experts viewed psychiatry and biomedicine as means to reform sexual deviants, rather than imprison them. In the Leggett trial, reformers believed that a case could be made for imprisoning sex criminals without the victim’s testimony - as she had refused to testify against her brother. Reformers also sought an alternative punishments for Leggett, as they viewed her as a victim of a sexual crime, rather than the perpetrator of a murder.

⁸ “Leggitt Jurors Speak,” *Aspen Times*, January 28, 1894.

⁹ Anonymous, “Editorial,” *Aspen Times*, January 18, 1894.

Proto-Eugenic Feminists in Aspen

Conversations about prison reform were taking place all over the country by the end of the nineteenth century. These conversations ranged from concerns about the treatment of prisoners to the desire to expand the prison system and ideas about the medicalization of prisons. In *Discipline and Punish*, Michel Foucault builds a case for the idea that prison became part of a larger “carceral system” that has become an all-encompassing sovereign institution in modern society.¹⁰ According to Foucault, prison is one part of a vast network, including schools, military institutions, hospitals, and factories, which build a panoptic society for its members. Scholars have since expanded upon this idea, arguing that prison reforms emerged when wardens identified that some prisoners were not capable of manual labor - either from mental or physical disability, age, or gender.¹¹ Prison reformers believed that medical intervention would be the answer to the problem of labor. Ted McCoy writes, “The connection between medicine and discipline was raised in every decade throughout the nineteenth century...[doctors] explicitly

¹⁰ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, New York: Pantheon Books, 1977, 300.

¹¹ Broad, national histories such as *The Age of Reform* by Richard Hofstadter were essential for deconstructing the various reform efforts and how they were interwoven with economic, political, and social incentives. Chapter 3, which focuses on reform efforts on the “frontier” was especially helpful for this chapter, as it provides context for how political movements in the West differentiated themselves from those on the East Coast, though there is little mention of women in this chapter (or in the book as a whole). For more, see: Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.*, 1955. For a more recent perspective, John Culber’s *From Abolition to Rights for All: The Making of a Reform Community in the Nineteenth Century* provides a helpful overview of the intersections between the abolition movement and other reform efforts in the nineteenth century. Chapters 8 and 9 were especially helpful for tracking anti-racist reform efforts past the abolition of slavery and into the Reconstruction era. For more, see: John Cumber, *From Abolition to Rights for All The Making of a Reform Community in the Nineteenth Century*, University of Pennsylvania Press, 2013.

associated poor health with immorality and criminality, but more specifically, [they] used health to create a demarcation between the working class and the dangerous classes.”¹² These connections were made explicit during the Leggett trials, as reformers and feminists worked together to establish a legal precedent for releasing or reducing the sentences of white women - using the logic of eugenic medicine.

In December of 1893, newly empowered activists rallied around the Pitkin County courthouse, demanding leniency for Leggett. Dr. Minnie C.T. Love, who was a prominent suffragette and member of the Women of the Ku Klux Klan, was one of the first reformers to organize protests outside the courthouse and speak about the Leggett trial. Love was a newly appointed member of the Board of Charities and Corrections, and she viewed Sadie’s case as a perfect test trial for her new political agenda: prison reform and eugenics-based public health laws.¹³ After a major victory at the suffrage referendum, Love believed she could be on the verge of starting a successful political career (a dream that would eventually come to fruition). At her first public speech outside the courthouse, Love asserted that Leggett should be declared innocent because of her “delicate constitution” and “exposure to trauma” that colored her decisions and caused her to kill her newborn daughter.¹⁴ The majority of protesters were sympathetic to Leggett’s past sexual abuse and believed that that was reason enough for leniency. They saw her as the victim of prolonged sexual abuse, which likely colored her decisions and made her desperate for an escape from her torturous home life. Love was a recent graduate of

¹² Ted McCoy, *Hard Time Reforming the Penitentiary in Nineteenth-Century Canada*, Athabasca University Press, 2012, 189-90.

¹³ “Minnie C.T. Love,” *The Lamar Register*, December 8, 1893.

¹⁴ “Courthouse Speeches,” *The Aspen Times*, December 9, 1893.

Howard University Medical School, and she used her medical degree to lend credibility to her ideas about racial supremacy, eugenics, and the supposed fragility of white women. In her speech, Love called for the women of Colorado to rally behind Leggett and fight for her freedom. Her calls for solidarity resulted in a small-scale protest outside the Pitkin County courthouse, with other notable activists showing their support of Leggett.



Figure 2.1: Activists and reformers gather outside a tent near the Pitkin County courthouse, December 1893.¹⁵

Though it was a smaller protest than the larger demonstrations in Denver, it came as a surprise to the city of Aspen, which had never seen a women's protest before. In a brief and confused speech, Aspen city councilman, Roy Marker, stated, "I am surprised to see all of you ladies gathered here today. Welcome to Aspen, and I apologize for the circumstances."¹⁶ Marker quickly exited the steps and rushed back into the courthouse, seemingly overwhelmed by the crowd of people and the newfound public attention that he was receiving. The city council was facing an immense amount of stress, not just from the Leggett trial, but from the silver bust of

¹⁵ "Minnie C.T. Love Outside Aspen," Love Papers, *History Colorado*, Box 11, Folder 2.

¹⁶ "Courthouse Speeches," *The Aspen Times*, December 9, 1893.

1893 and the mass exodus of settlers and miners leaving Aspen in search of better circumstances elsewhere. After congress repealed the Sherman Silver Act, demonetizing silver, the economy of Aspen went into a massive backslide. Between 1890 and 1900, Aspen lost more than thirty-five percent of its population because the mines had dried up and the price of silver was extremely low.¹⁷ This period has been loosely referred to as the Denver Depression because unemployment skyrocketed, crime increased, and the city lost more than ten percent of its population in just a five year period.¹⁸ The controversy of a infanticide trial only highlighted Aspen's economic troubles and made visible the poverty and weak infrastructure of the city. Marker, amongst other members of the city council, were concerned about the public perception of the trial and the effects that it might have on future tourism, migration, or the already faltering economy.

In one brief editorial in the *Aspen Times*, Roy Marker wrote a plea to the protestors, asking them to please be respectful of the city and to not “denigrate the fine city of Aspen, Colorado.”¹⁹ Marker was concerned about the new press coverage of the city and how that might impact the already poor public perception of the town, as people were rapidly leaving and the economic opportunities were virtually non-existent. In his article, Marker avoided commenting directly on the Leggett case, but he did reference a “remarkable trial” and asked that protestors avoid the downtown area because members of the media, city government, and jurors needed to be able to move freely. It seemed that he wanted the women to remain out of sight and to protest quietly on the outskirts of the city, rather than directly in front of the journalists and jurors, who

¹⁷ Roy Marker, “Editorial,” *Aspen Times*, December, 6, 1893.

¹⁸ Jim Cappa, “Mining History of Colorado,” *Colorado Geological Survey*, 1. <http://hermes.cde.state.co.us/drupal/islandora/object/co:3408/datastream/OBJ/view>

¹⁹ “Courthouse Speeches,” *The Aspen Times*, December 9, 1893.

may be influenced by them. Much like the other members of Aspen's government, Marker was concerned about the optics of a protest, within the backdrop of an economic depression, infanticide trial, and a mass exodus from the city.

In direct defiance of Marker's request, Love led a protest that circled the downtown area and stopped in front of the jail. Stopping on the steps of the building, Love announced to the crowd, "We have just won a major victory for women across Colorado. It is time for us to exercise our gained political rights to support the downtrodden!"²⁰ She was unmoved by the city council's plea for discretion and wanted to make a visible, public statement that women were claiming their political rights and were unafraid to protest. Love viewed the Leggett case as an opportunity for women to utilize their legal and political victories; she also thought the case might help her to gain a political foothold amongst the Denver activist community.²¹ In her brief speech, she referenced her upcoming political campaign for city council, in which she was interested in enforcing eugenics-based policies relating to public health and reproduction. Love argued, "If we had more protections for our sisters and a robust state system, this tragedy could have been averted."²² In the undercurrents of Love's speech, it was clear that whiteness played a crucial role in why she was passionate about Leggett's case. For Love, the loss of a white woman and baby in an increasingly diversifying society was a crime that had to be rectified. In media interviews with other protesters, some referenced Love's crime as "contrary to her race and sex,"

²⁰"Protest in Aspen," *Aspen Times*, December, 7, 1893.

²¹ *Ibid.*

²² *Ibid.*

implying that this was an unusual crime for a white woman to commit.²³

In the wake of these protests, the Aspen police were forced to close down the block around the courthouse because there was concern that counter-protests, members of the media, jurors or legal professionals might face confrontation.²⁴ Eugenic feminists and suffragettes were camped outside the courthouse, in a small cluster of tents, where they continued to give interviews with the media, speak about the case, and emphasize the need for increased legal protections for women. In one interview, protester Lucille Bradshaw stated explicitly that race was an important factor in her decision to protest the trial. She stated, “It is known that the white race is unlikely to commit violent crimes and, given the circumstances of [Leggett’s] birth, it seems unlikely that she would be violent again. It is morally reprehensible to imprison her when she could be rehabilitated.”²⁵ Bradshaw directly cited Leggett’s race and “birth” as a justification for leniency, emphasizing the false statistic that white people are less likely to commit violent crime than people of color. Bradshaw did not expand on what rehabilitation might look like, but she may have believed that medical intervention, treatment, or some type of therapy would have been a better alternative than prison time.

In another interview with the *Denver Evening Star*, protester Lucille Burton also made a plea for Leggett’s innocence. She argued that white women were unlikely to commit violent crimes, so Leggett’s murder of her child must have come from a place of desperation, pain, and fear, rather than criminal intent. However, unlike other interviewees, Burton did argue that, rather

²³ “Courthouse Speeches,” *The Aspen Times*, December 9, 1893

²⁴ *Ibid.*

²⁵ “Women Interviewed,” *Aspen Times*, December 18, 1893.

than medical care, Leggett needed “spiritual and religious doctoring.”²⁶ She believed that Leggett needed to reconnect with her Christian beliefs and thought that she should consider commitment to a nunnery or other religious institution. Burton seemed less concerned about the racial changes taking place in Colorado, but she had a deep anxiety about the moral decay of Colorado society. For some protestors, this trial indicated a larger issue with the ethics and values of society.

During the trial, the defense used eugenics-based medical arguments to support Leggett’s innocence. In the court transcript, Leggett’s lawyer, Walter Bailey, used racialized and gendered assertions to support Leggett’s innocence. In his opening statement, Bailey argued that Leggett was “of weak mental fortitude” and could not be held responsible for her actions, given that she was also a victim of sexual abuse.²⁷ Relying on pseudo-scientific beliefs about the fragility of white women, Bailey argued that Leggett had a “feeble constitution” that led her to kill her newborn child. He believed that the overwhelming stress stemming from her sexual relationship with her brother led her to make a terrible decision. However, according to Bailey, the legal answer should be rehabilitation and psychological treatment, not incarceration.²⁸ At the core of his argument, Bailey was asserting Leggett’s whiteness was the reason for her to receive lenient treatment from the court.

This argument resonated with eugenic feminists, who believed that Leggett could be retrained into a fit wife and mother if offered the right treatments. In a speech outside the Pitkin County Courthouse, Minnie C.T. Love asserted that rest and phototherapy would help Leggett

²⁶ “Women Speak,” *Denver Evening Star*, December 21, 1893.

²⁷ *Sarah Leggett vs. The City of Aspen*, 72, 31-2.

²⁸ *Ibid.*, 33.

recover from the trauma she had endured and return to society as a healthy young woman. According to Love, “Ms. Leggett is a perfect candidate for rest cure and, in three months, she can emerge ready to live a productive life.”²⁹ On the surface conversations about prison reform, rehabilitation, and the need for more robust mental healthcare for victims of sexual violence seems like a surprisingly progressive response to the Leggett case. However, Love’s ideas came from a place of concern over the changing racial demographics of Colorado. Though publicly Love avoided directly discussing race, in her private letters, she openly expressed her motivations for undertaking the case and her anxiety about the rising numbers of immigrants and people of color. In a letter to a friend, Love wrote, “The growth of the Negro population in our state is alarming, and something must be done to encourage the development of the white population. I am undertaking this [Leggett’s] case because I believe that rehabilitating our women prisoners may bolster our numbers.”³⁰ From 1880 until 1890, the Black and Hispanic populations in Colorado had more than quadrupled, spurring concerns among eugenic feminists that the racial demographics of the state could change dramatically over the next few years.³¹ Additionally, an influx of immigrants from Eastern Europe, Asia, and Latin America were rapidly changing the demographics of Denver, with immigrant neighborhoods growing daily. New ethnic neighborhoods were appearing all over the city - from Greek town to the Irish

²⁹ “Courthouse Speeches,” *The Aspen Times*, December 20, 1893.

³⁰ Correspondence from Minnie C.T. Love to Cathleen Johnson, 24 December 1893, HW-12-2874, Box 19, Folder 10, Minnie C.T. Love Papers, *History Colorado*, Denver, Colorado.

³¹ U.S. Census Bureau, Colorado Population Density, 1880, Prepared by Ancestry.com and U.S. Census Bureau, Colorado Population Density, 1890, Prepared by Ancestry.com Colorado Census.

district, and nativists and eugenicists were concerned about the effect that this might have on public health.

As the trial continued, eugenic feminists from neighboring states began to travel to Aspen, in the hopes of supporting Love's cause and potentially even bringing the same type of reforms to their home state. Alice Samuels, an activist from New Mexico, arrived in Aspen on December 19, 1893. She was quick to give an interview to the press, calling the Leggett case a, "phenomenal opportunity for reform."³² Like Love, Samuels was concerned about the racial demographics in her state and felt that rehabilitating white, female prisoners could be beneficial for the growth of the race. In a letter between them, Samuels wrote directly about the "disconcerting" birthrates of people of color, Native Americans, and immigrants, who both Samuels and Love viewed as direct threats to white supremacy in the Western states.³³ Beyond the Leggett case, the two discussed how prison reform (specifically for white prisoners) could help with their larger desire to criminalize, marginalize, and stigmatize people of color. In one letter, Samuels wrote, "Our [prison reform] platform must be focused on the release of white convicts, while avoiding the emancipation of colored prisoners."³⁴ Both Love and Samuels worried that fighting for Leggett's release might contribute to reform efforts that would benefit people of color, so they believed that they could use eugenic science as a mechanism for justifying the release of white women, while other women remained incarcerated.

³² Alice Samuels, "Editorial," *The Aspen Times*, December 21, 1893.

³³ Minnie Love Papers, History Colorado

³⁴ Correspondence from Alice Samuels to Minnie C.T. Love, 28 December 1893, HW-12-2874, Box 19, Folder 11, Minnie C.T. Love Papers, *History Colorado*, Denver, Colorado.

During the trial, Leggett's attorney Walter Bailey repeatedly referenced racialized science in order to justify leniency for his client. Like eugenic feminists, he believed that eugenics could be used to explain why Leggett killed her child and why she should be declared not guilty. He made references to her "weak constitution" and brought numerous doctors to testify that Leggett's whiteness, gender, and history of sexual trauma made her vulnerable to mental illnesses and psychosis, which led to her killing her infant.³⁵ These narratives were specially crafted to use Leggett's race as a reason for her release, behind the perceived legitimacy of biomedicine and science.

Proto-Eugenicists on Trial

Bailey's decision to have eugenicists testify in the Leggett trial was relatively unique for the period. The movement was burgeoning in 1893, with the majority of eugenics conferences and organizations not being founded until after 1900.³⁶ In Colorado, eugenicists commonly identified as nativists, reformers or activists, though their missions aligned with the goals of the eugenics movement and their beliefs were firmly rooted in white supremacy. In fact, the term eugenics had been coined only ten years earlier and was used to describe the desire to limit the breeding of "unfit" people.³⁷ Many of the doctors or expert witnesses in the Leggett trial did not

³⁵ Sarah Leggett vs. *The City of Aspen*, 72, 42

³⁶ Garland Allan, "'Culling the Herd': Eugenics and the Conservation Movement in the United States, 1900-1940," *Journal of the History of Biology* 46, no. 1 (2013): 37. <http://www.jstor.org/stable/42628761>.

³⁷ Terenzio Maccabelli, "Social Anthropology in Economic Literature at the End of the 19th Century: Eugenic and Racial Explanations of Inequality," *The American Journal of Economics and Sociology* 67, no. 3 (2008): 481-2. <http://www.jstor.org/stable/27739721>.

openly identify as eugenicists, but they believed in the superiority of the white race and able-bodied people and used biomedicine and science to justify their ideas.

One of the first expert testimonies in the Leggett trial came from Dr. Hubert Work who was a prominent doctor and, eventually, would go on to found the Colorado State Hospital and become the chair of the Republican National Committee. Over the next few decades, Work became an outspoken proponent of sterilization and incarceration for the insane, but early in his career, he was similarly concerned about the high birth rates of immigrants and people of color and believed that prison reform could help to solidify white supremacy in Colorado. Like eugenic feminists, Work thought that the release of the nearly six hundred white, female inmates could be beneficial for the growth of the race. During his testimony, he asserted that Leggett was, “a fine candidate for rehabilitation.”³⁸ In his description of Leggett, Work stated that she was “emotionally fragile...not unusual for her race or class,” but with the right psychiatric care, she could be transformed into a “fine wife and loving mother.” He continued to say that Leggett’s murdered child would have likely suffered from “deformities” or “imbecility” because she was a product of incest. Though her murder was tragic, the child would likely not have lived a full or productive life, according to Work. In his testimony, Work stopped shy of saying that the murder was justified, but he did imply that Leggett’s child would have had numerous medical challenges that neither she nor her brother were prepared to take care of. He implied that Leggett’s baby would have been a financial and emotional burden, not to mention a constant reminder of the sexual trauma that she experienced. Though Work was not incorrect about the risks of inherited disease or the potential that Leggett’s baby might have had physical or psychological challenges,

³⁸ *Sarah Leggett vs. The City of Aspen*, 72, 68.

his testimony emphasized that sick children were unnecessary and unwanted burdens that prevented parents from focusing on their healthy children.

Work's testimony appealed to eugenic feminists, who seemed convinced that the infant's murder was, ultimately, not a total moral crime because of her potential physical and intellectual disabilities. In a brief statement after Work's testimony, Minnie Love stated, "Dr. Work has demonstrated that the Leggett child would have suffered from deformities or imbecility. Though her murder is horrific, she is now not an encumbrance to her family or society."³⁹ Love seemed to believe that, even though murder was terrible, it would have been a burden for Leggett to care for a disabled child, and the stress of a sick child might have prevented her from having healthy children. For activists like Love, the potential that Leggett could be rehabilitated into a submissive wife and mother was too high; in this case, the ends justifies the means. Even though the murder of the infant was terrible, it would be an even more terrible crime to imprison young, healthy, white woman who could be trained into becoming an exemplary wife and mother. Work's testimony only strengthened the cause of the eugenic feminists, many of whom believed that with the right psychological treatments, Leggett's life could be transformed into that of the idyllic Victorian woman.

During cross-examination, the prosecution asked Work if he believed it was legally acceptable that Leggett had murdered her child. Instead of directly answering the question, Work simply replied, "As the product of inbreeding, the infant would have had physiological retardation."⁴⁰ The prosecution persisted, asking Work how he knew that Leggett's child would

³⁹ "Trial Rages On," *Aspen Times*, December 16, 1893.

⁴⁰ *Sarah Leggett vs. The City of Aspen*, 72, 106.

have medical challenges, since he had not examined her body. Once again, Work dodged the question by citing eugenics-based studies that demonstrated that children born of incest were more likely to suffer from “idiocy,” “imbecility,” and “insanity.”⁴¹ These terms refer to intellectual, emotional, and, sometimes, physical disabilities that may be the result of inherited diseases or that may be caused by other factors. For Work, the potential presence of disabilities made the infant a social and emotional liability. The defense believed that this rhetoric would resonate with the all-male jury and the legitimacy of scientific studies would persuade them to find Leggett not-guilty. In a conversation with the *Aspen Times*, Bailey stated, “Scientific testimony will demonstrate to the jurors that Ms. Leggett was not of sound mind when the infant died.”⁴² Because Work was a prominent doctor, budding politician, and published author, the defense assumed that his testimony would carry significant influence with the jury because it came from a place of professionalism, even if the information was biased and biologically inaccurate.

After calling Work to the stand, Bailey questioned another prominent reformer, Emma Adams, who was a local author that had published books and pamphlets on the biological superiority of the white race and the importance of raising healthy children. Adams was one of the first women in Colorado history to be an expert witness in a criminal trial, but the defense believed that having a woman supporting Leggett’s release might be beneficial to their case.⁴³ Besides the professionalism and credentials of Work, the defense wanted to present a woman’s

⁴¹ *Ibid.*, 108.

⁴² “Courthouse” *Aspen Times*, December 16, 1893.

⁴³ *Sarah Leggett vs. The City of Aspen*, 72, 119.

perspective on the murder. Like eugenic feminists of the time, Adams was a staunch supporter of suffrage, while also openly expressing her concern about the rapid growth of the non-white populations in Colorado. In her first pamphlet, published in 1890, *On the Raising of Children*, argued that the needs of healthy children should be prioritized above the needs of disabled children. She wrote, “For the health of the race, it is important that idiot or invalid children be discarded...there are establishments that will care for the child, while the parental focus can remain on the strong children.”⁴⁴ Adams further argued that disabled children are an unnecessary distraction to the important role of raising a healthy and productive family. Much like other eugenicists at the time, Adams was a firm supporter of constructing a healthy family unit, even if that meant abandoning a sick or special needs child. Though she did not support their murder or the murder of Leggett’s infant, she did suggest placing sick children in hospitals, asylums, or state facilities, where they could not pose challenges to the important task of raising healthy, white children.

While being questioned by the defense, Adams stated explicitly that Leggett made the wrong moral choice, but that her child was now living “free of pain.”⁴⁵ Adams also supported the rhetoric that Leggett was fragile and needed psychological treatment, not punishment and imprisonment. She stated, “Ms. Leggett can be trained into a fit mother and wife, but she must have a doctor’s care for her weakened constitution.”⁴⁶ Citing eugenics-based beliefs in the fragility of white women, Adams presented a case for rehabilitating Leggett, rather than

⁴⁴ Emma Adams, *On the Raising of Children* [pamphlet], 1890, 2.

⁴⁵ *Sarah Leggett vs. The City of Aspen*, 72, 94.

⁴⁶ *Ibid.* 95.

imprisoning her. She seemed to echo the sentiment of eugenic feminists like Love and Samuels, who supported racialized prison reform initiatives. In her view, the rehabilitation of white women was a priority, given that Colorado was increasingly diversifying. Like Work's testimony, the defense believed that reliance on racial stereotypes and biased science would persuade the jury into finding Leggett innocent of the charges. They also thought that having a woman testify on behalf of Sadie might persuade the jury to support her case.

During the cross-examination, the prosecution attacked Adams's credentials; they wanted to establish that she had no medical degree, was not a practicing professional, and that her perspective was misinformed and inaccurate. The prosecutor directly asked Adams about her medical credentials, to which she replied, "I have none."⁴⁷ He also directly asked if she would abandon a child that had medical disabilities to which she replied, "I would do what was best for my healthy children and my husband."⁴⁸ This line of questioning was designed to make Adams appear cold, unmotherly, and unlikeable, so that the jury would be more inclined to disregard her testimony. This tactic appeared to have worked, at least on some members of the media, as an editorial in the *Aspen Times* described Adams as a "defector of motherly values."⁴⁹ Many Victorians felt that Adams was espousing dangerous ideas that threatened the family values that defined the era. Despite support from eugenic feminists, many women viewed Adams' and Work's ideas as dangerous to their domestic system and felt that the abandonment or murder of a

⁴⁷ *Sarah Leggett vs. The City of Aspen*, 72, 121.

⁴⁸ *Ibid.*, 134.

⁴⁹ "Trial Continues," *Aspen Times*, December 23, 1893.

child was the highest legal and moral crime. Bailey likely alienated much of the jury and the public by espousing the eugenic ideas in his defense of Leggett.

However, Adams' argument did resonate with some women across the state, especially those who were proponents of eugenics and believed in racialized science. In one editorial in the *Aspen Times*, writer Jane Turney described watching her neighbor struggle with a disabled child, and stated that she believed removing the child from the home would be “healthier for mother and child.” In her article, Turney argued that institutions were better equipped to handle the needs of sick children and that the space between the child and mother would allow the mother to “rest and recuperate from the undue pressure” of having a disabled child.⁵⁰ She also believed that, had the child been removed from the home, the mother would have had less anxiety and, therefore, would have been more fertile to have healthy children. This pseudo-science resonated with some people across the state, many of whom believed that stress could cause infertility and sterility in women. In Turney’s article, she expressed sympathy for Leggett, who she felt was a victim, and believed that rehabilitation would be the best option for her, rather than imprisonment. It seemed that women, in particular, were moved by Adams’ argument and responded well to the idea that the institutionalization of disabled children would be beneficial for Victorian society as a whole.

In the third expert witness testimony, Bailey called Edgar Bell to the stand; he would go on to be a kleagle, or recruiter, in the Colorado chapter of the Ku Klux Klan. Bell was a staunch nativist, openly hostile towards immigrants, people of color, and Catholics, and he was a legislator in the Colorado senate. Bell had recently co-authored a law that would require that all

⁵⁰ “Conclusion Nears in Leggit Trial,” *Aspen Times*, January 5, 1894.

“idiots,” including children, be relegated to asylums. It was his belief that asylums could house disable children, so that families could focus on raising healthy kids without the pressure of having a sick child in the home. During his testimony, Bell referred to the murder of Leggett’s child as “an unfortunate incident” that was ultimately beneficial for the growth of the white race in Colorado.⁵¹ He believed that Leggett should be rehabilitated and allowed to return to society, with the belief that she could go-on to produce healthy, white children. Much of his testimony was a promotion for his bill, which he claimed would have prevented the murder of Leggett’s child because she would have been removed at birth and taken to an asylum. Bell was explicit in his concern about the growth of non-white populations. In his testimony, he directly referenced the “outstanding number of immigrant children” that were born in Colorado and argued that more needed to be done to encourage the white birthrate, including rehabilitating and reforming female prisoners.⁵² This racialized rhetoric did resonate with the all-white jury, as one juror would later tell the media, “I am concerned about the future of our race.”⁵³ It seems that this approach, rather than the eugenic feminist one, was more effective in influencing the jury and the public. However, it may have swayed some jurors into believing that the growth of the white race needed to be prioritized above the enforcement of healthy family units.

In an editorial published after Bell’s testimony, an anonymous writer outlined their concern about the lower birth rate of Anglo families in comparison to that of immigrants. They wrote, “We are murdering our babies, while Negroes, Irish, and Mexicans continue to

⁵¹ *Sarah Leggett vs. The City of Aspen*, 72, 117.

⁵² *Ibid.*, 118.

⁵³ “Bell Speaks” *Aspen Times*, January 15, 1894.

reproduce.”⁵⁴ In this case, it seemed that Bailey’s approach backfired, as many eugenicists felt that it was a crime against the white race that Leggett had killed her infant, even though she may have had hereditary illnesses. Their first concern was the fast growth rate of immigrant populations, not the institutionalization of disabled children. Unintentionally, Bailey seemed to have exploited a rift in the eugenics movement, as feminists tended to prioritize the health of children and family, while men seemed more concerned about the changing demographics of the state and promoting the birth of white children - healthy or sick. Because of this ideological split, the jury would be a test case for determining which issue was more of a priority for white men and what role this case might play in creating a legal precedent for eugenics legislation.

Regulating Sexual Deviancy

The moral panic about sexual deviancy, immorality, and criminality was rampant at the turn-of-the-century. Legal trials across the country attempted to reconcile alleged sexual crimes with the staunch Christian values of the time.⁵⁵ Often these cases revolved around sodomy or homosexuality, miscegenation, or sexual inversion; however, cases of incest, child sexual abuse, and otherwise criminal couplings were also used to construct the emerging legal field of criminal sexual law.⁵⁶ Additionally, many legal experts viewed psychiatry and biomedicine as means to

⁵⁴ Anonymous, “Editorial,” *Aspen Times*, January 18, 1894.

⁵⁵ George Chauncey, "From Sexual Inversion To Homosexuality: Medicine And The Changing Conceptualization Of Female Deviance," *Salmagundi*, no. 58/59 (1982): 119. <http://www.jstor.org/stable/40547567>.

⁵⁶ *Ibid.*, 115.

reform sexual deviants, rather than imprison them.⁵⁷ In the Leggett Trial, reformers believed that a case could be made for imprisoning sex criminals without the victim's testimony - as Sadie had refused to testify against her brother. They also sought an alternative punishment for Sadie, as they viewed her as a victim of a sexual crime, rather than the perpetrator of a murder.

Many protesters and members of the media openly questioned why William Leggett, Sadie's brother, was not on trial. Leggett had freely stated that she had been sexually abused since the age of fourteen, her brother had fathered her children, and she feared for her life while she was living in the same house as him. In her interview with investigators, Leggett explained that she had been living, "with a beast of a man."⁵⁸ These written statements from Leggett are the only historical record of her voice; she did not testify at trial, and the only information about her home-life comes from the police files. The accusations of incest and the potential disabilities of her child were essential to the defense's case, so the public questioned why there was yet to be a legal case established against William. However, because Leggett would not testify against her brother, the police decided not to pursue a case against him. For some eugenic feminists, the crime of sexual abuse and incest was equal to the crime of murdering an infant. They felt that he should be arrested and tried, with or without Leggett's compliance, and they were outraged that the Aspen sheriff's department was not taking steps to right this injustice. Additionally, many people were concerned about the apparent decline in moral values and family ethics that defined

⁵⁷ De Block, Andreas, and Pieter R. Adriaens, "Pathologizing Sexual Deviance: A History," *The Journal of Sex Research* 50, no. 3/4 (2013): 280. <http://www.jstor.org/stable/42002060>.

⁵⁸ Pitkin County Sheriff's Office, *Sarah Legget*, Officer William Coats, Report #982a, Snowmass, Colorado: 1894. Paper.

the Victorian era. Across Colorado, articles and editorials began to panic about the decline of Christian moralities in the state.

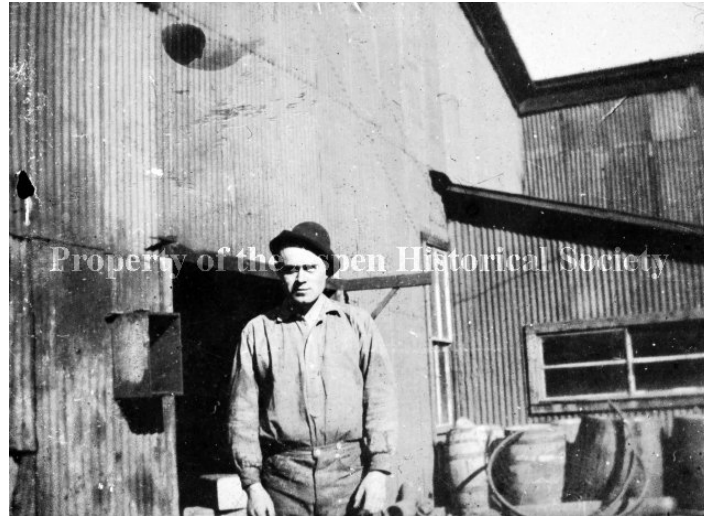


Figure 2.2: William “Shorty” Leggett pictured near a mining settlement in Aspen, Colorado, date unknown.⁵⁹

In a speech outside the Pitkin County courthouse, Love called for Shorty’s arrest, “I demand that the sheriff locate Mr. Leggett and bring him to justice.”⁶⁰ The Aspen police force was not formally created until the 1940s, so arrests relied on the sheriff’s office, which was often slow to respond and had faced criticism for its lack of presence in mining settlements.⁶¹ Women around the state wrote about their frustrations that Leggett was not facing any legal repercussions. In one editorial in the *Aspen Times*, an anonymous writer questioned, “Why is Ms. Leggett on trial

⁵⁹ Aspen Historical Society, *Photograph of William Leggett*, Box 21a, Roll 12.

⁶⁰ “Women Interviewed,” *Aspen Times*, December 18, 1893.

⁶¹ Pitkin County Sheriff’s Office, *Sarah Legget*, Officer William Coats, Report #982a, Snowmass, Colorado: 1894. Paper.

while Mr. Leggett remains a free man?”⁶² This query seemed to resonate with protesters, who felt that the negative publicity that Leggett was receiving should also be directed towards her brother.

In one speech, Minnie Love argued that incest and sexual deviance should be vigorously policed. She asserted, “If elected to the city council, I will ensure that deviants like Mr. Leggett are brought to justice and that women like Ms. Leggett can live free from subjugation.”⁶³ An essential part of her political platform was the regulation, policing, and enforcement of acceptable sexual behaviors, and, by extension, the birth of healthy children. Women across the state seemed concerned about the lack of punishment for William; in one editorial in the *Denver Evening Star*, author Lillian Lewis wrote, “While the murder of Ms. Leggett’s child is deeply distressing; the rampant acceptance of Mr. Leggett’s actions is highly disturbing. We must demand more from our congressmen and do what is right [imprison him].”⁶⁴ Newly empowered women felt that they could undertake the cause against sexual violence and deviance and enact lasting, systemic change. Many Aspen protesters felt it was unacceptable that Sadie had been tried, while William had escaped any accountability for his actions and they wanted to use their political power to create lasting change.

In her private letters, Minnie Love wrote to Alice Samuels about the need for stronger domestic violence legislation. She argued, “More must be done for the protection of women in this state. While [they] legislate, women face violence within their own homes.”⁶⁵ Seemingly,

⁶² “Editorial,” *Aspen Times*, December 27, 1893.

⁶³ *Ibid.*

⁶⁴ Lillian Lewis, “Editorial,” *The Denver Evening Star*, January 8, 1894.

⁶⁵ Correspondence from Minnie C.T Love to Alice Samuels, 3 January 1894, HW-12-2874, Box 19, Folder 11, Minnie C.T. Love Papers, *History Colorado*, Denver, Colorado.

this trial was a turning-point for Love to consider how to integrate domestic abuse legislation into her own plans for eugenics-based bills on family management, public health, and sexual deviance. She also believed that the punishment for incest had to be increased, writing, “We cannot allow sickly, inbred children to be born in this state.”⁶⁶ From the perspective of public health, Love was concerned about the health conditions associated with incest and believed that “deviants” needed to be imprisoned and kept from victimizing women. Eugenicists like Love felt that the incest was a direct threat to the health of the state and the growth of the population and that, if abusers were kept in jail, crimes like those in the Leggett case would be completely avoidable. Love had wanted to use the trial as a legal precedent to advocate for laws that regulated reproduction, institutionalized disabled people, and supported the release of white, female inmates.

Alice Samuels agreed with Love about the need for more protections against sexual deviancy and inbreeding. In one of her letters, she wrote about a case in Arizona, in which a white woman was repeatedly raped by her father, resulting in the birth of four children, many of whom had medical issues, like clubfoot and heart problems. Samuels wrote, “Deviants need to be removed from society, for the sake of women and children...while they walk among us, our health is threatened.”⁶⁷ Like in the Leggett trial, the victim refused to testify against her father and, in fact, ended up moving back in with him. This case was a massive disappointment for Love, who similarly hoped for an arrest and imprisonment without the victim’s testimony. Both Samuels and Love pushed for the arrest of William Leggett, believing that this could be a test

⁶⁶ *Ibid.*

⁶⁷ Correspondence from Alice Samuels to Minnie C.T. Love, 11 January 1894, HW-12-2874, Box 19, Folder 11, Minnie C.T. Love Papers, *History Colorado*, Denver, Colorado.

case for trying incest without the participation of a victim. If he could be arrested without Sadie's testimony, it would be easier to police sexual abuse around the country and implement laws that protected victims, without their participation.

After the conclusion of the trial, one juror told the *Aspen Times*, "I would like to see Mr. Leggett on trial for his crimes. It is excessively punitive to focus all of our attention on Ms. Leggett."⁶⁸ Jurors expected to see charges levied against William because so much of the Leggett trial relied on the assumption of sexual abuse and incest. However, when the Aspen Police failed to do so, members of the public began to speculate that more needed to be done to regulate sexual deviancy and abuse. Months after Leggett's imprisonment, jurors began to question whether they had made the right decision in convicting her. In one editorial, a juror expressed his doubt about the outcome of the case, stating, "Perhaps we were quick to place blame on her, but I question if that was the right choice."⁶⁹ It seemed that the arguments of Love, Samuels, and other suffragettes slowly eroded the confidence of the jury, who chose to find Leggett guilty and imprison her for ten years in prison.

In fact, incest seemed to a focus of the media after the conclusion of the trial, as the *Aspen Times* and *Denver Evening Star* published articles about the "rise" of sexual deviancy and moral decay across Colorado. In one article, a local doctor articulated his concerns about the health of babies, who were products of incest or sickly mothers. He stated, "I have seen more cases this year of major malformations...resulting from sickness of mother or deviance of

⁶⁸ "Leggitt Jurors Speak," *Aspen Times*, January 28, 1894.

⁶⁹ "Editorial," *The Aspen Times*, May 18, 1894.

father.”⁷⁰ In his view, these deformities were caused by either mental or physical illness of the mother, inbreeding, or both. In another article, author William Spinnet argued that accusations of incest had increased since the conclusion of the Leggett trial, indicating that more needed to be done about the “moral slump” of the state.⁷¹ It seemed that the trial may have persuaded more victims to come forward, though according to court records, there was not an incest trial until 1896, more than two years after the conclusion of the Leggett case.⁷² In his article, Spinnet cited a quote from Leviticus, “You shall not uncover the nakedness of your father, which is the nakedness of your mother; she is your mother, you shall not uncover her nakedness.”⁷³ At the crux of his anxiety, Spinnet seemed concerned about the apparent attack on Christian morality and values that seemed to be taking place as incest accessions rose in Western Colorado.

Activist Alice Samuels was explicitly worried about a perceived attack on Christian, family values. She believed that the Leggett case was a symptom of a much larger moral decline across the West. Citing the incest case in Arizona, Samuels wrote openly about her concern that the teachings of the Bible were being “carelessly discarded.”⁷⁴ In her letters, Samuels frequently cited scripture, drawing clear parallels from the Bible to the Leggett case and other “deviancy” trials in the West. She quoted 1 Timothy 3:4, “He must manage his own family well and see that his children obey him, and he must do so in a manner worthy of full respect.” Samuels believed

⁷⁰ Howard Miller, *Denver Evening Star*, “Deformities and Imbecility,” February 1, 1894.

⁷¹ “Editorial,” *Denver Evening Star*, February 11, 1894.

⁷² Colorado Bureau of Prisons, “Sarah Leggett,” *Museum of Colorado Prisons*, Box 17b, Roll 8. 1894.

⁷³ *Holy Bible: New International Version*, Lev.18:7. 2017.

⁷⁴ Correspondence from Alice Samuels to Minnie C.T. Love, 17 January 1894, HW-12-2874, Box 19, Folder 13, Minnie C.T. Love Papers, *History Colorado*, Denver, Colorado.

that the management of the family was at stake in the West, as incest trials, emerging sex crime legislation, and increased policing of abortion became common. These cases illustrated to women like Samuels that sexual deviancy and moral decay were on the rise and that there had to be increased legislation designed to protect the nuclear family structure and the health of children. Like Love, she hoped to see increased legislation that regulated sexual or deviancy and promoted the health of the white nuclear family.

Other states had taken a strong stance against abortion, incest, and sexual abuse by instituting rigid laws and incentivizing policing of the domestic arena. For example, Illinois investigators were performing deathbed interrogations of women who had procured illegal abortions.⁷⁵ Additionally, twenty years before the Leggett case, Iowa legislators had expanded their definition of incest to include grandparents-grandchild, uncle-niece, and aunt-nephew relationships.⁷⁶ Incest laws came at the intersection of family law and an emerging field of criminal sex laws, which were designed to police “immoral” behaviors - such as sodomy, bestiality, and prostitution. However, Colorado was slow to adopt those laws, in part because it was a newly formed state - just twenty years old at the time of the Leggett trial.⁷⁷ Additionally, much of Western Colorado, which consisted of mining camps, was hardly policed and often functioned as an autonomous zone. In these spaces, prostitution, cases of bestiality, and sodomy

⁷⁵ Leslie Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867-1973*. Berkeley: University of California Press, 1997, 29.

⁷⁶ Brian Connolly, *Domestic Intimacies: Incest and the Liberal Subject in Nineteenth-Century America*, Philadelphia: University of Pennsylvania Press, 2014, 81. <http://www.jstor.org/stable/j.ctt6wr92z>.

⁷⁷ Reagan, *When Abortion was a Crime*, 66-7.

were not uncommon.⁷⁸ Beyond the banning of abortion and murder, there were very few legal incentives for police to investigate suspected sexual abusers and almost no protections for victims of sexual violence. Many legislators were hesitant to define criminal sexual acts because prostitution and the sex economy were essential parts of the mining towns in Colorado. Despite the pressure from activists and increased moral panic across the state, Colorado would not implement laws regulating criminal sexual acts until the early twentieth century.

Aftermath

Despite efforts from nativists, reformers, activists, and Leggett's defense attorney, Sadie Leggett was sentenced to ten years in the Colorado Women's State Penitentiary.⁷⁹ At the time of her incarceration, the Penitentiary had just been completed. It was considered maximum security and was designed to house the state's most dangerous criminals. The judge's decision to sentence her to that facility indicated that he was unmoved by the eugenicists' arguments and did not believe that inbreeding or disability was a justification for the child's death. In his statement at the end of the trial, Judge Eaton stated, "The murder of this infant is reprehensible. There is no moral, legal, or medical sense to this crime, and Ms. Leggett must face the most severe punishment."⁸⁰ Neither the jury or not the judge seemed moved by the arguments that Leggett had a "weak constitution" that required immediate medical care, rather than imprisonment. Leggett, herself, seemed unsurprised by the verdict and in a brief statement to the Aspen Times,

⁷⁸ Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush*, New York: W.W. Norton, 2001, 142.

⁷⁹ *Sarah Leggett vs. The City of Aspen*, 72, 92.

⁸⁰ *Ibid.*, 89.

she stated, “My peers have found me guilty...I must face God for what I have done.”⁸¹ Leggett accepted that imprisonment was the correct punishment for her crime and appeared to be somewhat relieved that she was being removed from her family home, where she lived with her abuser.



Figure 2.3: Sadie Leggett’s intake photo from the Colorado State Penitentiary.⁸²

On January 28th, 1894, Leggett was brought to Colorado Women’s Prison via coach and buggy. The journey from Aspen to Canon City was two hundred and forty miles and took nearly fourteen days through the Rocky Mountains in winter. Once Leggett arrived, she was imprisoned in solitary confinement for the next eighteen months. On August 19, 1896, Leggett was pardoned by the warden, Richard Newell.

⁸¹ “Ms. Leggit Speaks,” *Aspen Times*, January 17, 1894.

⁸² Colorado Bureau of Prisons, “Sarah Leggett,” *Museum of Colorado Prisons*, Box 17b, Roll 8. 1894.

Unfortunately, there are very few surviving records of Sadie's life after her release from prison. However, it is clear that she left the state of Colorado relatively quickly and settled in Los Angeles, where she was counted on the 1900 census.⁸³ Leggett did not marry until 1922, at the age of forty-five, when she met Mr. Thomas Girvin, who had two children from a previous relationship.⁸⁴ Sadie died on July 5, 1951 at the age of seventy-four; she was survived by her husband and step-children.

According to her step-grandchildren, Sadie never spoke of her imprisonment or her life in Colorado. In fact, one of them recalled asking her about her family, and Sadie had simply replied, "You're my family," indicating that she had no desire to revisit or remember her early life in Colorado. By all accounts, Sadie loved her step-children as if they were her own and, in fact, her grandchildren had no knowledge of her imprisonment or past until our conversation in September of 2019. They remembered her only as "Grandma Sadie" and recalled that she had a delicious banana bread recipe.

The Leggett trial reveals the deeply polarizing conversations that were happening across political spheres. Proto-eugencists were divided on the issue of motherhood, and whether or not the murder of Leggett's infant should constitute a race-based crime or an opportunity for racialized prison and medical reform. Women were particularly involved in these conversations and had a range of reactions to the trial. Some felt that this was a political opportunity to encourage the growth of the white population, as immigrant, Mexican, and black communities grew across the state. Others sought prison reform, in order to vindicate Leggett and "train" her

⁸³ U.S. Census Bureau, 1900 California Census Report, 1900, prepared by Ancestry.com.

⁸⁴ California, County Birth, Marriage, and Death Records, 1830-1980. California Department of Public Health, courtesy of www.vitalsearch-worldwide.com.

in how to become a responsible mother. These conversations mobilized people across the political aisles and demonstrated how deeply divided the state was over the issues of sexual violence, motherhood, and race.

Unlike Mary Solander, who had access to financial resources and was able to advocate for herself, Leggett was sixteen at the time of her incarceration and had been abused since the age of fourteen; therapy, legal assistance, and medical care were not options for her at the time of her imprisonment, and she opted to hide her past from her friends and family, rather than to publicly disclose the torment that she endured as a child. Leggett did not have the means or education to successfully navigate the complexities of the Colorado judicial system, and her story is representative of thousands of women who found themselves in similar positions. As both a victim and a perpetrator of violence, Leggett occupied a complicated space within the judicial system, and the state did not have the infrastructure to support her or adequately protect her from continued psychological pain.

Whereas in the 1870s, men led political crusades against female doctors and passed anti-obscenity laws, the Leggett trial presents a marked shift, in which women began to more forcefully advocate for their respective causes and were emboldened to be more vocal about the changes that they wanted to see across the state, in part due to their newly granted voting rights. Leggett's story stands in stark contrast to that of Stella Moore, covered in Chapter 3, who had access to vast financial resources and a large amount of social influence that she utilized to protect herself from legal consequences. However, like Moore's and Solander's, Leggett's trial led to massive mobilization of politicians and activists, who sought to use the case as an opportunity for reform and to gain attention for their political causes. These political

conversations revealed a deep divide in across Progressives in Colorado, who sought increased social support and government reform, while supporting white supremacist policies and working to keep Colorado from losing its white majority.

Chapter 3: Stella

“It is very little to me to have the right to vote, to own property, if I may not keep my body, and its uses, in my absolute right.”¹

“I have hope that women’s bodies and homes will be protected by the law, but I worry that protection will not extend to the Negroes.”²

On a snowy January night in 1917, two gunshots rang out from the Park Hill mansion of Stella Newton Britton Moore and her husband, John Smith.³ Servants rushed to call the police, and when authorities arrived, Stella Moore was standing undressed over the body of her dead spouse, covered in his blood. She was immediately arrested and charged with first degree murder, but the crime was not what it initially appeared to be. Moore claimed that her husband had been an “degenerate” alcoholic, who was physically and sexually abusive with her and her daughter.⁴ This case divided the Colorado courts over the issue of domestic violence; did women have the right to kill their abusers? How was domestic abuse legally proven, if there was limited evidence? With the national suffrage movement building and women demanding equal political and economic rights, the question of domestic abuse became a question of women’s political and bodily agency. Unlike in the Sadie Leggett case, the Moore trial led to a number of efforts to reform the current domestic violence laws and concerns about the vulnerable legal position that

¹ Elizabeth Cady Stanton, Jill Elaine Hasday, "Contest and Consent: A Legal History of Marital Rape," 88 *California Law Review* 1373, No. 41 (2000), 17-19.

² “Minnie Scalabrino Letter,” April 13, 1917, *Elizabeth Ensley Papers (Bibliographical Index)*, History Colorado.

³ Stella Moore is referred to in the press under a number of names, including Stella Moore Smith, Stella Newton Britton Moore, and Stella Smith. This paper will refer to her as Stella Moore because that is what she was called during her trial at the Colorado Supreme Court.

⁴ “The Smith Mansion Murder,” *Denver Post*, January 15, 1917, 5.

many women found themselves in. In fact, the trial would catalyze a number of conversations between activist communities, ranging from suffragettes, socialists, and to anti-lynching reformers.

This case hit at the heart of class politics in Colorado, as Moore was from an elite family and well-known in the Denver socialite scene. Increasing tension between the railroad workers, factory employees, and the wealthy led to riots that consumed the city between 1917 and 1921. Plus, the thriving black community in the “Harlem of the West,” Five Points, was an adjacent threat to Moore’s wealthy, white Park Hill neighborhood and racial conflict was brewing in the borders between the neighborhoods. The shooting of John Smith and Stella Moore’s persuasive claim that she was an abused wife, frustrated the African American community, who were often victims of police brutality and racialized violence that went unchecked, unnoticed, and often supported by the state. Medical evidence surrounding the case was contradictory, as defense specialists testified that the murder was in self defense, while the prosecution’s witnesses testified that Smith had been forced onto his knees and the gun had been placed to his temple before being fired.⁵ The confusion surrounding the medical testimony meant that the trial was based almost entirely on circumstantial evidence and social assumptions about Moore, Smith, and fears of racial desegregation, class uprisings, and women’s newfound political powers.

The trial of Stella Moore demonstrates the confluence of urban politics in the post-emancipation West; suffrage protests, burgeoning class conflict, racial tensions, and the segregation of Denver that played out in the courtroom behind a legal backdrop that addressed the immediate question of rights for domestic abuse survivors and women’s political and bodily

⁵ *Stella N B S Moore vs. The State of Colorado*, March 26, 1917, 52.

agency. Conversations between reformers, protestors, and writers would shape how the trial was memorialized and how ethics about motherhood became entrenched in local race, gender, and class politics. Stella Moore's trial demonstrates that socioeconomic politics influenced how good motherhood was understood and accepted by popular society; while the suffragettes heralded her as an excellent mother, working class men and members of the black community in Denver saw her as greedy, murderess, who killed her husband in cold blood to protect her family inheritance. Newspaper sources further demonstrate that African American activists, suffragettes, socialists, and union workers were in communication about the trial and strategized about how to use it to create increased protection for their respective political causes. Moore's acquittal likely speaks more to her privilege as a white socialite, rather than her innocence. Unlike the other women featured in this project, Stella Moore was extremely privileged and had the benefit of a strong legal network, which actively sought to capitalize on her status as a victim of domestic abuse and used race and gender politics to their advantage. The media portrayals of Moore were certainly more sympathetic to her plight than they were with Mary Solander or Sadie Leggett, both of whom were portrayed as cold-hearted and un-motherly.



Figure 3.1: Stella Newton Moore, above, pictured with John Smith, left, and William Moore, right, February 17, 1917.⁶ This article demonstrates the sympathetic coverage that Stella Moore received. Even though John Smith was murdered, he is portrayed as being abusive, dangerous, and, almost, deserving of his death. However, Stella is narrativized as being an innocent victim, who had fallen into a dangerous trap when she married her chauffeur.

As the daughter of a prominent lawyer, Stella Newton had a comfortable upbringing in the University Park neighborhood near the University of Denver. At age eighteen, she married oil magnate William Moore, who was more than twice her age; he introduced her to the Denver socialite scene and moved her into the illustrious Park Hill neighborhood north of downtown. Moore quickly adapted to this posh lifestyle and became the president of the Sacred Thirty-Six, the most exclusive social club in the city. The membership of the Sacred Thirty-Six consisted of the wealthiest women in Denver, dedicated to promoting charitable causes and hosting expensive parties.⁷ They were particularly renowned for their banquets, which were considered the events

⁶ "The Fateful Romance of Pretty Mrs. Smith," *Arkansas Gazette*, February 17, 1918, 3.

⁷ "Smith Trial Continues," *Denver Post*, March 2, 1917, 2.

of the year for the upper classes.⁸ In 1904, William and Stella welcomed a daughter, who they named Mildred. However, soon Stella found herself “weary of convention, weary of parties, weary of society.”⁹ She began to feel trapped in her marriage to William and wanted to break free of the constraints of her socialite life. During the trial, many wealthy homemakers resonated with Moore’s sentiments; they felt constrained by the high society and longed for more opportunities. After only four years of marriage, Moore began an affair with her limo driver, a ruggedly handsome man, John Smith. The affair violated almost every social rule for a wealthy, white woman. Beyond the expectations of chastity, women were extremely discouraged from entering into romantic unions with men beneath their social class. In nearly every way, Moore had transgressed almost all social and sexual expectation placed upon her.

Stella Moore’s divorce from William Moore sent shockwaves across Denver; not only was Stella having an extramarital affair, but she was leaving her luxurious life to marry a working-class man who Stella herself described as, “barely literate.”¹⁰ Though other wealthy socialites fantasized about the excitement of an extramarital affair, they rushed to judge Moore’s character once John moved into the home. In one article published during the trial, Moore’s former friend questioned, “What kind of mother would bring that beast [John Smith] into the home?”¹¹ After the divorce, Stella kept the Park Hill mansion, but she lost her place as the president of the Sacred Thirty-Six and became ostracized from her wealthy social circle. Moore’s

⁸ Oral History Interview of Mrs. Nancy Hillberg, conducted by Ashley Achee, September 13, 2019.

⁹ “Stella Moore Smith Claims Abuse,” *Rocky Mountain News*, January 19, 1917, 3.

¹⁰ “Mrs. Moore Smith Exonerated!” *Rocky Mountain News*, March 29, 1917, 3.

¹¹ “Mrs. Smith Lays a Trap!” *Denver Post*, January 20, 1917, 5.

decision to move John Smith into the Park Hill house was unpopular with the neighbors, who felt that Smith’s habit of shooting targets in his backyard, his rough demeanor, and on-and-off employment was philistine and had no place in their community.¹²As quickly as it had begun, their relationship began to deteriorate when Moore discovered that Smith had been stealing from her in order to fuel his addictions to cocaine and alcohol.¹³



Figure 3.2: A charity ball hosted by the Sacred Thirty-Six in Capitol Hill, Denver, in December 1914. ¹⁴

Over the months, Stella Moore began to confide in her friends that she was unhappy in her marriage. She claimed that Smith was having affairs, spending her money, and refusing to work. Unfortunately, Moore’s complaints fell on deaf ears; as Dorothy Kuvin would say during the trial, “I told her that he was no good when she met him.”¹⁵ All of Moore’s former friends seemed to question her judgment, as both a wife and mother. Kuvin continued, “I worried about little

¹² “The Park Hill Trial Concludes,” *Denver Post*, March 27, 1917, 8.

¹³ “Mrs. Smith Protects Her Child, Slays Husband,” *Denver Post*, January 29, 1917, 4.

¹⁴ “The Sacred Thirty-Six Winter Ball,” *Denver Post Archives*, December 1914.

¹⁵ *Stella N B S Moore vs. The State of Colorado*, March 26, 1917, 43.

Mildred.” As John’s addictions grew and his behavior became increasingly erratic, Moore became increasingly concerned that her daughter may be in danger. John threatened that he would “ruin her” in one of their heated arguments, so Moore sent Mildred to live with her father for two months.¹⁶ However, when Mildred returned to the Park Hill house, the Smith’s marriage had continued to deteriorate.

A few days before the murder, Moore was seen practicing her shooting outside the home by one of the servants, who thought it was strange because Moore had never shown any interest in firing a gun before. Stella reportedly told her ex-husband, William, that she was planning on killing her husband because he refused to divorce her and she did not see any other way to protect her daughter.¹⁷ However, that statement was not corroborated by William, who testified on Stella’s behalf during her trial. At two o’clock in the morning, servants heard Moore banging on the door, demanding to be let inside before Smith, furious at having been woken up, let her in and slammed the door behind him. Moore described the next few hours as “a living nightmare.”¹⁸ Smith forced her to remove her clothes, and “jelly wobble” on her hands and knees, while he sexually assaulted her and forced her to drink whiskey.¹⁹ Smith continued to beat Moore before claiming that he was going to sexually assault Mildred, who was only twelve years old.²⁰ When Smith left the room to get more whiskey, Moore took a handgun from his dresser

¹⁶ Sheila O’Hare, *Wicked Denver: Mile-High Misdeeds and Malfeasance*, The History Press; Charleston, NC (2012), 55.

¹⁷ “Mrs. Smith Lays a Trap!” *Denver Post*, January 20, 1917, 5.

¹⁸ *Stella N B S Moore vs. The State of Colorado*, March 26, 1917, 43.

¹⁹ *Stella N B S Moore vs. The State of Colorado*, March 26, 1917, 43. In this context, “jelly wobble” was a term used to describe shaking or gyrating from side-to-side.

²⁰ *Stella N B S Moore vs. The State of Colorado*, March 26, 1917, 43.

and shot him two times in the head. When asked if she felt remorseful about the death of her husband, Moore said, “I would shoot him a thousand times to protect my child.”²¹

After only forty minutes of deliberation, the jury found Moore innocent of all charges and heralded her as a wonderful mother, who went to extreme lengths to protect the innocence of her daughter. Judge Dickson stated, “The court has instructed you that a woman has the same right to protect her home, her honor, her life, and her child as a man. This is the law and it covers every question involved in this case.”²² This case was a victory for suffragettes, who were fighting for political equality for women, but the outcome of the case was criticized by the white working class and African American communities, who felt that Moore’s wealth and race had enabled her to get away with murder.

Working class men felt that Moore was able to escape conviction because she was a wealthy woman and that she used her gender and social status to manipulate the jury and gain her freedom. The lead detective, Samuel Howe, even wrote, “rotten” on the case file after Moore was acquitted, demonstrating his frustration that she had escaped persecution and showing his doubts about her abuse claims. African American newspapers published terse articles about the trial; one reads, “White Woman Declared Innocent” and was placed next to an article about the beating of a black woman just outside the Park Hill gates.²³ Moore’s trial demonstrates the confluence of urban politics in the post-emancipation West; suffrage protests, burgeoning class conflict, racial tensions, and the segregation of Denver that played out in the courtroom behind a

²¹ *Stella N B S Moore vs. The State of Colorado*, March 26, 1917, 43.

²² Sheila O’Hare, *Wicked Denver*, 57.

²³ “Mrs. Moore Vindicated,” *Denver Post*, March 17, 2.

legal backdrop that addressed the immediate question of rights for domestic abuse survivors and women's political and bodily agency.

Denver in Context

During World War I, Denver was experiencing a number of economic, cultural, and demographic changes. The influx of industrial jobs and renewed demand for mined materials led to an economic boom across the city, as well as a forceful labor reform movement and thriving Progressive party. The economic downturn of the 1890s was a faint memory, as job opportunities were readily available and former "ghost towns" were revived with workers.²⁴ Though the economy was thriving, Denver's urban population was slowly declining during this period. Workers left poor factory conditions in favor of agricultural work or mining, which were more consistently unionized across the state. While other urban centers in the West were rapidly expanding, Denver actually lost residents in the years between 1916 and 1917. With these social and economic changes came a thriving white supremacist movement and growing influence of the Ku Klux Klan, and the eugenics and nativist movements.

The neighborhoods of Park Hill and Cherry Creek, just outside the city center, thrived during this time, became havens for white, wealthy families. These neighborhoods selectively adopted covenants banning black and Latino people from living there.²⁵ These segregation efforts caused neighborhoods around Park Hill and Cherry Creek to become predominantly black

²⁴ Carl Abbott, *How Cities Won the West: Four Centuries of Urban Change in Western North America*, United States: University of New Mexico Press, 2011, 91.

²⁵ Phil Goodstein, *Park Hill Promise: Quest for an Idyllic Denver Neighborhood*, Denver: Capitol Hill Books, 2012, 13.

and Latino. The Colorado census in 1915 shows that there were 11,318 African Americans living in Colorado, and the vast majority of those (8,121) lived in the Five Points and Montclair neighborhoods.²⁶ In fact, many black families worked as domestic employees for the white residents of Park Hill and Cherry Creek - as is the case in the Pearl O'Loughlin case. Though completely segregated, these neighborhoods were economically intertwined and, at times, dependent upon each other.²⁷ This complex economic relationship contributed to increasing protests about wages, inequality, segregation, and racial violence during the 1910s. The trial of Stella Moore exposes how private anxieties about race, tensions between the working class and elite, and the increasing urbanization of the city became publicly entrenched into politics, laws, and media narratives. The socioeconomic forces that were changing the city and its demographic were also shaping the foundations of the legal system in Denver.

The case of Stella Moore demonstrates that Denver was struggling to maintain its urban population, with workers strikes, protests against racism and segregation, and suffrage demonstrations; the city was in a state of cultural turmoil. The urban population growth slowed between 1910 and 1920, demonstrating that the social and political discontent had a physical effect on the economy of the city. This study addresses how the urban landscape of the city contributed to the issues of race, class, and gender that were raging before World War I and why Denver's urban population growth slowed during those years, while other cities thrived. The

²⁶ Colorado Census, 1915.

²⁷ For more on the histories of segregation and economic entanglements, Mehrsa Baradaran, *Color of Money - Black Banks and the Racial Wealth Gap*, 2017 is helpful for understanding the complexities of the wealth gap and how segregation perpetuated economic and financial violence and discrimination. Additionally, Thomas Sugrue, *Origins of an Urban Crisis: Race and Inequality in Postwar Detroit*, Princeton University Press: 1996 provides essential insights into how racism becomes economically intertwined into the fabric of a city.

unique confluence of activism, economic decline, and unionization across the state contributed to a volatile political environment that was hostile to outsiders and sought to police any activity that was viewed as deviant.

Historiographically, Denver has been heralded as a mecca of progressive politics and women's rights. Despite the sheen of equity, by the 1910s, Denver had a growing white supremacist population, a powerful faction of the Ku Klux Klan, and *de facto* segregation within urban spaces.²⁸ During the trial, these conservative voices played a crucial role in the demonization of Moore, as well as in the media rhetoric that surrounded her trial. On paper, women had the right to vote in Colorado by the turn-of-the-century. However, suffrage and socialist protests in Denver continued into the twentieth century, especially in black, immigrant, and Mexican communities, who felt ostracized by the law that excluded them. In addition, because Colorado had gained suffrage rights, it became an activism hub for political thinkers who saw the state as a mecca of progressivism - and were sorely disappointed by the narratives surrounding Stella Moore's trial. This chapter is the first localized study of the suffrage movement in Colorado and how it impacted normative attitudes and beliefs about motherhood and women's bodily agency.

²⁸ There have been a number of books that have discussed the history of suffrage and women's activism in the American West. For a national overview, Ellen DuBois, *Suffrage: Women's Long Battle for the Vote*, New York: Simon & Schuster, 2020 is one of the foremost studies of women's political participation from 1848 until 1920. For this project, her final chapters on 1915-1920 were especially helpful for understanding how the national suffrage movement organized itself. Additionally, Chris Enss, *No Place for a Woman: The Struggle for Suffrage in the Wild West*, 2020 provides an insightful overview into the nuances of the Western suffrage movement, as well as Notably, Rebecca Mead, *How the Vote Was Won: Woman Suffrage in the Western United States, 1868-1914*, New York: NYU Press, 2006. For a more localized study, Neylan McBaine, *Pioneering the Vote: The Untold Story of Suffragists in Utah and the West*, Salt Lake City: Shadow Mountain, 2020 is a really informative perspective about the role that polygamy and Mormonism played in the suffrage and statehood issues in Utah.

Women and the Case Against Stella Moore

As early as the late nineteenth century, suffragettes identified the violence associated with marital rape and spousal abuse as part of a larger issue of gender inequality. Elizabeth Cady Stanton wrote, “It is clear to me, that [the marriage] question underlies, this whole movement and all our little skirmishing for better laws, and the right to vote, will yet be swallowed up, in the real question, has woman, as wife, a right to herself? It is very little to me to have the right to vote, to own property, if I may not keep my body, and its uses, in my absolute right.”²⁹

Suffragettes in Colorado echoed these sentiments, with protests continuing even after the ratification of women’s rights to vote, believing that more could be done to ensure equality - especially within the institution of marriage. These protests were met with significant backlash from the predominantly male political community. In 1916, Colorado senators attempted to repeal women’s suffrage, believing that it had contributed to the moral decline of the female population and that soon women would want more legal rights than men had.³⁰ There became increasing concern amongst male politicians that women were attempting to infiltrate the legal system and gain more concrete victories that would place them on the same political footing as men. Suffragettes counteracted this by writing a number of articles that detailed how women drank less than men and that working women helped to stimulate the economy. They also articulated that gender equality would benefit men as well as women, with one activist writing, “Suffrage advantages the men too; do not they have daughters, wives, mothers whom they

²⁹ Elizabeth Cady Stanton, Lucy Stone, Jill Elaine Hasday, "Contest and Consent: A Legal History of Marital Rape," 83.

³⁰ “Colorado Attempts to Repeal Suffrage,” *Women's Journal*, March 30, 1917, seq. 8.

love?”³¹ Still, however, this new effort led to a renewal of protests and political activism across the state that continued into January of 1917. Not all women were quick to support Moore during the trial. The trial was the site of divisive rhetoric between activists, who saw her case as a potential political foothold, and women around Colorado who blamed her for leaving her marriage and marrying someone from a working class background. These class and perception politics would enter into the heart of the criminal trial and serve as a point of contention between historic political allies.

From the moment that Stella Moore was arrested, she became an icon in the suffragette community. Some activists saw her case as representative of the battle that they had been trying to fight since the late nineteenth century - the issue of women’s bodily agency and safety within marriage. Believing her claim that she was a battered wife, activists issued their support for her and their belief that she should be cleared of all charges. *The Colorado Worker*, a progressive newspaper that posted essays from activists around the state, published an editorial from prominent suffragette and socialite, Minnie Reynolds Scalabrino that wrote, “Mrs. Moore’s trial demonstrates that the vote is not enough. Women and negroes deserve equal rights under the Constitution, to protect their homes, their families, and themselves.”³² The murder of John Smith became a political cause for female activists around the state, who saw this case as an example of the plight of women in abusive relationships. In addition, for some activists, the case of Stella Moore was a reminder of both racial and gender discrimination across the country. Scalabrino continued, “Mrs. Moore has suffered. We will suffer no more under the scourge of prejudice and

³¹ “A Woman Remarks,” *Rocky Mountain News*, October 14, 1916.

³² “Letter from a Suffragette,” *The Colorado Worker*, November 20, 1916, 3.

violence in this great land.”³³ To many women, this case demonstrated a much larger issue of women’s bodily autonomy and the lack of protection for domestic abuse survivors - echoing Elizabeth Cady Stanton’s call for a woman’s “right to herself.” These activists were particularly vocal about the need for protections for married women, who may have found themselves in a dangerous, abusive, or toxic situation. Arrests for domestic violence and abuse were almost unheard of in Colorado during this period, and activists saw this case as an example of why increased state intervention was needed to prosecute these crimes. Domestic violence is not a punishable crime in Colorado, rather it is a sentence enhancer; often, it is added onto a charge of assault or battery, but it cannot be prosecuted on its own.³⁴ For Moore, this meant that it would be extremely difficult for anyone to prosecute her husband for his physical and emotional abuse. From records at the Colorado State Penitentiary in 1917, of the two-hundred and fourteen prisoners incarcerated in Canon City, only one was found guilty of violence against his spouse.³⁵ He was released after sixteen days in the penitentiary, while his wife was left with permanent injuries from the beating that she sustained.³⁶ This startling statistic indicates how difficult it was to prosecute domestic abuse in the 1910s, as well as how unlikely it was for abusers to face prison time for their actions. The growing cries for domestic violence regulation indicate that a more cohesive political response was needed to address women’s bodily agency.

³³ “Letter from a Suffragette,” *The Colorado Worker*, November 20, 1916, 3.

³⁴ *Stella N B S Moore vs. The State of Colorado*, March 26, 1917, 149.

³⁵ Records from the Colorado State Penitentiary, March 1917.

³⁶ Record of Marcus M. Kilkenny, Colorado State Penitentiary, March 3, 1917.

Socialites within Moore's own community supported her throughout the trial, with a number of her friends testifying on her behalf. Like the suffrage activists, many of them believed that the trial symbolized larger political issues taking place and used their time on the stand to make a plea for more laws protecting the rights of women. Moore's friend, Evelyn Whitman, testified, "Mrs. Moore refused to be treated as a slave any longer. Her brute husband deserved what he got."³⁷ Whitman, like Scalabrino, viewed Moore's trial as an example of the violence that occurred behind closed doors, that women were often silent about. By drawing parallels between Moore's marriage and the institution of slavery, Whitman makes important political connections between the subservient status of women and the treatment of enslaved individuals. She was not the first to do so. In fact, leaders of the suffragette movement viewed women's political and economic status as akin to slavery.³⁸ As early as 1792, Mary Wollstonecraft compared the plight of women to the institution of slavery. She wrote, "[Women] may be convenient slaves, but slavery will have its constant effect, degrading the master and the abject dependent."³⁹ By equating the subjugation of women to the system of chattel slavery, Wollstonecraft and others attempted to underscore the importance of gender equality - at the expense of enslaved people who were legally, politically, and economically considered property. The passage of the fifteenth amendment, which gave African American men the right to vote,

³⁷ *Stella N B S Moore vs. The State of Colorado*, March 26, 1917, 172.

³⁸ Ellen DuBois, *Woman Suffrage and Women's Rights*, New York: New York Univ. Press, 1998, 52.

³⁹ Mary Wollstonecraft, *A Vindication of the Rights of Woman*

was a thorn in the side of suffrage activists who believed in white racial superiority and thought that they were more deserving of those political rights than black men.⁴⁰

However, other members of Moore's socialite community were reluctant to support her during the trial. Many of them blamed her for having an affair and marrying someone from a lower economic background. They argued that this trial was the inevitable result of a mixed-class marriage and thought that Moore was foolish to leave a comfortable lifestyle for a life of economic and emotional insecurity with a working class man. In one *Rocky Mountain News* interview, entitled, "Trial Continues, Women Fight," Mathelda Watkins states, "I know Mrs. Moore and, if you ask me, she was guilty from the moment she left her husband [John] and went off with that guttersnipe. I don't feel the least bit sorry for her."⁴¹ Watkin's statement echoes many of the beliefs that circulated around the Park Hill neighborhood and epitomizes the growing rift between progressive activists and conservative housewives. The women of Park Hill largely avoided commenting on the trial and many of them hid from the media during Winter of 1917. *The Denver Post* and *Rocky Mountain News* frequently stated that they were unable to get anyone from the neighborhood to comment on the case proceedings, which led activists like Minnie Scalabrino to believe that Moore had been abandoned by her friends and neighbors.

The article went on to interview Scalabrino, who argued that, "The women of this community should know that this can happen to them. This trial is about our bodies, our rights."⁴² Activists attempted to use this trial as a way to bridge class divides and point to larger

⁴⁰ DuBois, *Woman Suffrage*, 91.

⁴¹ "Mrs. Moore Smith Takes the Stand," *Rocky Mountain News*, March 13, 1917, 2.

⁴² "Mrs. Moore Smith Takes the Stand," *Rocky Mountain News*, March 13, 1917, 2.

issues of domestic violence and sexual assault, but they were met with increasing resistance from the upper-crusts of society, who felt that these issues were better left unaddressed and unregulated. Moore's trial brought many of these issues to the forefront of Colorado politics, with women's voices being centered in the mainstream media. Scalabrino even addressed the issue of urbanization in this article, stating, "Denver is not a wild territory anymore. We have to stop treating our women like property."⁴³ She went on to argue that, because Denver had been on the forefront of industrial modernization, as well as political victories for women, it made sense to acquit Stella Moore and institute a series of legal protections for both single and married women. With industrial modernization underway in Colorado and increasing labor protests, Scalabrino believed that political and social modernization was the next logical legal step for lawmakers to protect the city. She asserted that, as Colorado society became increasingly urban, it made sense to implement laws that protected women from violence. However, her calls for regulation and protections fell upon deaf ears - wifebeating was not made illegal until 1920, but it was not until the second-wave feminist movement of the 1960s that domestic violence would become a national issue.

⁴³ "Mrs. Moore Smith Takes the Stand," *Rocky Mountain News*, March 13, 1917, 3.



Figure 3.3: Minnie Scalabrino protesting Stella Moore’s trial in March 1917 and advocating for domestic violence legislation.⁴⁴ By framing the conversation about the Moore trial as a call for domestic violence legislation, Scalabrino hoped to bring national attention to the issue.

Despite these very public demonstrations about women’s rights and choices, prosecutors attempted to limit activist conversations in the courtroom. When Evelyn Whitman attempted to bring up Moore’s suffering, she was abruptly cut off by the prosecutor, who stated, “This isn’t a political platform, Mrs. Whitman. Please only answer the questions posed.”⁴⁵ Prosecutors desperately wanted to keep the trial from becoming a political circus, but these attempts were pointless, as increasing national attention on the trial sparked a number of suffragettes to write their support for Moore and echo Susan B. Anthony’s “real question.” Scalabrino rallied women of the Denver Women’s Press to publish pamphlets, calling for the acquittal of Stella Moore and

⁴⁴ “Minnie Scalabrino Protests the Stella Moore Trial,” Colorado State Archives, box 9832a.

⁴⁵ *Stella N B S Moore vs. The State of Colorado*, March 26, 1917, 172.

arguing that Denver legislators should do more to protect women from domestic violence. As the pamphlets began to circulate, so too did counter-arguments about the possibility that protections for married women would give them the rights to “attack” their spouses without legal consequence. Working men in particular were concerned about the possibility that legal protections against domestic abuse would incentivize wives to beat their husbands. As one man questioned to the *Denver Post*, “What about the husbands? Who’s gonna protect us when our gals get uppity?”⁴⁶

White Workers vs. Stella Moore

Colorado, like many parts of the West in the early twentieth century, experienced social and political upheaval with the influx of African American migrants after emancipation; as a Ku Klux Klan stronghold, the threat of a diversifying society ate at the heart of white workers and the white elite alike. By 1917, Denver was an increasingly industrialized city; with factories, farms, and a booming railroad industry that enabled the influx of a number of migrants from around the United States. With the growing industrial economy, workers became increasingly involved in the fight for the protection of labor rights and improved working conditions. Populist and nativist politics were popular among white workers, who felt oppressed by the wealthy and resentful of immigrants and people of color who were taking jobs away from them.

However, few historians have studied how the building conflict between the working class and elite contributed to the slowing growth of the urban population in the West during the pre-war years. As previously noted, while urban centers in California, Washington, Oregon,

⁴⁶ *Denver Post*, March 2, 1917, 3.

Oklahoma, and Illinois experienced intense growth between 1910-1920, Denver's growth was much slower. In this period, Denver experienced intense racial conflict and police violence, labor strikes, the rapid development of suburban and exurban areas, as well as an increase in farmers and agrarian workers. The trial of Stella Moore and the popular rhetoric that surrounded it provide insight into the social conflicts that were brewing in the city and these conversations may explain why Denver's growth stagnated in the years before World War I.

White workers, at odds with the black and Mexican working class in adjacent neighborhoods, often engaged in conflict with each other and in protest that directly challenged the authority of the railroad, mining, and industrial monopolies that controlled the city. In 1917, Colorado was recovering from the Ludlow Massacre on the plains, but labor protests were beginning again in the city of Denver, as a result of the wage cuts in the railroad, streetcar, and mining industries.⁴⁷ The Colorado Labor War, Colorado Coalfield War, and the Ludlow Massacre had been major blows to the psyche of working class people. Deportations, massive layoffs, and physical violence had become rampant in the years following the conflicts. An estimated one-hundred and fifty people had died in the Colorado Coalfield War, making it one of the nation's most violent labor confrontations in American history.⁴⁸ The city of Ludlow had been abandoned by the workers after the massacre, many of whom had moved to the city of Denver, seeking railroad and factory jobs that were believed to be safer and more regulated than mining jobs. However, by the time of Stella Moore's trial four years later, tensions between laborers and the elite had reached an all-time high across the state due to wage cuts and the corporate refusals to

⁴⁷ "Wages Cut, Workers Riot," *The Larimer County Independent*, October 6, 1916, 7.

⁴⁸ Andrews, *Killing for Coal*, 21.

meet union demands for safer working conditions, shorter hours, and higher paychecks for laborers.

The protests were occurring in Capitol Hill, about a mile from the Moore homestead and continued during the trial, with laborers protesting the media attention that was given to the case. *Colorado Worker* published an editorial entitled, “Moore Goes Free, Workers Continue to Suffer,” which detailed the perceived hypocrisy of the trial in contrast to the oppression faced by industrial workers.⁴⁹ White workers, in particular, identified with John Smith, who came from an impoverished background, and they felt that Stella had lied about the abuse claims because she regretted marrying a man from a lower class. Smith came from an Anglo-Protestant family, and had a long family history working in coal mines and railroads until he landed a job as a chauffeur for the Moore family. White workers felt a sense of kinship with him because of his racial and religious identity, as well as because of his desire to live a more economically stable life. They criticized the state of Colorado and the media for spending so much time covering the case, all the while failing to give attention to the plight of industrial workers in the city. White workers also criticized how John Smith had been portrayed in the newspapers, arguing that he had been compared to an “ignorant brute who had no place in her [Stella’s] high society world.”⁵⁰ They felt that John Smith was condemned in the media and the courtroom, and that Stella was pretending to be a victim of abuse to cover up her crimes.

⁴⁹ “Chauffeur for the Wealthy Slain,” *Colorado Worker*, March 27, 1917, 1.

⁵⁰ “Chauffeur for the Wealthy Slain,” *Colorado Worker*, March 27, 1917, 3.



Figure 3.4: Industrial workers protesting the exoneration of Stella Moore outside the Denver courthouse on March 28, 1917.⁵¹

On the evening after Moore's exoneration, white workers marched down Glenarm Place, outside the Denver courthouse, to protest her release. These workers demanded the re-examination of the physical evidence and that Moore be jailed for the premeditated murder of her husband. Their protests were not without cause; the medical examiner in the trial testified that it was likely that Stella Moore had planned the murder of her husband because of the injuries to his body.⁵² According to the doctor, John Smith had a ring-shaped burn on his head, where Moore had held the gun to his temple before shooting him. He also had bruises on his cheek and small cuts on his arm, which the doctor believed to be defensive wounds from Moore's attack. Even Moore's neighbors stated that she was spotted practicing her shooting two days before the incident, something that was unusual for her. The prosecution claimed that Moore seduced John after he had gotten drunk, lured him to the bedroom, where she beat him with the gun and shot him twice

⁵¹ "Working Class Protestors Outside the Stella Moore Trial," Colorado State Archives, box 9832a.

⁵² *Stella N B S Moore vs. The State of Colorado*, March 26, 1917, 61.

in the head. In their testimony, Moore's own friends claimed that she had admitted that she thought about killing her husband. According to them, she felt isolated, scared, and alone in her marriage, and could not bear the thought of having two divorces - making her even more removed from her social circle.⁵³

The mainstream Colorado media was firmly supportive of Moore and her version of events, and they avoided publishing any details that made her look like less than a victim. In one *Denver Post* article, the author wrote that the medical examiner's testimony made Moore faint during the proceedings, but he neglected to state what the testimony entailed.⁵⁴ Only publications like the *Denver Star*, an African American newspaper, *Colorado Worker*, the working class paper, and *The Revolution*, a small, socialist publication, covered the controversial details of the medical examiner's testimony. The *Denver Post* and *Rocky Mountain News* often referred to Moore as "small," "fragile," and "pale," as if to emphasize her victim status.⁵⁵ They perpetuated the image that Moore's defense worked hard to cultivate and promoted her story that she was the victim of a brutal domestic assault.

In light of the medical examiner's evidence and the lack of media coverage that it got, the protesters felt that Moore's release was yet another slap in the face for working men in the city. Writers declared that she was a black widow, who seduced poor men out of boredom and then murdered them to protect her fortune. They asserted that John Smith's life had not been valued by the state and Moore had used her feminine wiles and ample trust fund to manipulate the

⁵³ *Stella N B S Moore vs. The State of Colorado*, March 26, 1917, 93.

⁵⁴ "The Final Witnesses in the Smith Trial," *Denver Post*, March 13, 1917, 5.

⁵⁵ "Miss Smith Appears Sickly," *Denver Post*, March 13, 1917, 5.

public and the jury. In the *Colorado Worker*, one editorial declared, “They [the wealthy] can kill us in the factories, the mines, and now in our homes.”⁵⁶ For many protestors, the failure to convict Moore signified a bigger issue with the mistreatment of laborers in Denver. They felt that, because Moore had been acquitted, more women would be able to kill their husbands without consequence. It demonstrated the systematic and intentional devaluation of poor, white lives. For them, John Smith’s crime had been marrying into a wealthy family that did not like him, not the alleged abuse and sexual assault of his wife.

In the *Colorado Worker*, suffragettes and laborers debated the outcome of the Moore trial; with female activists proclaiming that it was a victory for all women, and that workers should be pleased by the legal precedent that it created to protect women from violence.⁵⁷ Scalabrino wrote, “There is a more pressing issue at stake here. If Mrs. Moore can escape the oppression of her marriage, workers can escape the oppression of the factory.”⁵⁸ Many suffragettes saw this trial as a precursor to the kind of legal regulation that would protect all people from oppression - even industrial workers. However, some male writers felt that this was more evidence that women were immune from legal consequences and that men would increasingly become victims of violent female crime.⁵⁹ James Johnson responded to Scalabrino’s article by arguing that the trial was more evidence of women manipulating the political system and media to gain rights without any legal consequences for their actions. He wrote, “Mrs. Moore is guilty of murder, just

⁵⁶“Editorial on the Moore-Smith Case,” *Colorado Worker*, March 31, 4.

⁵⁷ “A Woman’s Response,” *Colorado Worker*, April 3, 6.

⁵⁸ “A Woman’s Response,” *Colorado Worker*, April 3, 6.

⁵⁹ “A Woman’s Response,” *Colorado Worker*, April 3, 6.

as Mr. McParland was guilty in 1903. The death of Mr. Smith is hardly a cause for celebration. You and your women want your rights, yet you want to avoid legal accountability for your actions.”⁶⁰ Johnson’s article seemed to epitomize the sentiment of white workers in the city, who felt betrayed by their employers and the government.

Following Johnson’s article, Minnie Scalabrino published a scathing editorial in the *Colorado Worker*, in which she accused male workers of being self-interested in causes that only helped them, rather than laws, trials, and state regulations that could potentially help all people.⁶¹ Scalabrino believed that it was only a matter of time until domestic abuse victims would be legally protected, and that any kind of social protections would also extend to industrial workers. She saw the trial as an opportunity to lobby for regulations that would prevent all types of domestic and workplace violence, rather than an isolated trial that protected one, wealthy woman from abuse. However, these conversations came to an abrupt end when the *Colorado Worker* stopped publishing in May 1917, after a series of violent labor confrontations between police and railroad workers. The trial seemingly continued to fuel the building tensions between poor whites and wealthy suffragettes.

Park Hill, Five Points, and African American Rhetoric Surrounding the Case

⁶⁰ “A Man Responds,” *Colorado Worker*, April 10, 2. James McParland was a Pinkerton spy and anti-Unionist who was largely responsible for inciting violence during the Colorado Labor Wars.

⁶¹ “Scalabrino Writes Back,” *Colorado Worker*, April 17, 4.

Denver, 1915 Urban Demographics

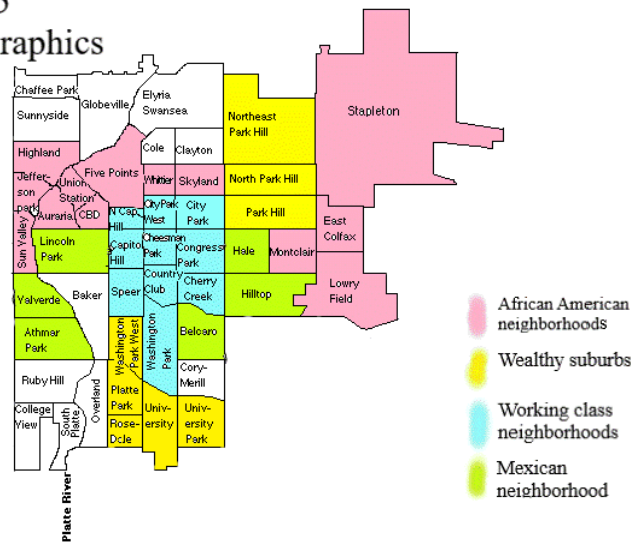


Figure 3.5: A demographic map of the Denver metropolitan area in 1915.⁶²

In addition to the local debates between suffragettes and industrial workers, African American newspapers covered the case of Stella Moore. The Five Points and Montclair neighborhoods outside Park Hill were known colloquially as the “Harlem of the West,” with a thriving artistic community, a number of black-owned businesses and a growing African American population.⁶⁴ Duke Ellington, Billie Holiday, and Earl Hines performed in Five Points in the 1930s and 1940s, with over fifty jazz clubs opening in just twenty years. However, in 1917, there had been a decade-long struggle to avoid integrating the neighborhoods and to keep black people from moving into the all-white communities that surrounded them.

⁶² Figure created by the author based off of United States census data from 1915.

⁶³ “Population: Reports by States Alabama-Montana, 1164 pp. (color plates), 1920 ed,” *United States Census*, 1915.

⁶⁴ “Denver's Harlem of the West Legacy Endures amid Change,” *The Washington Times*, February 14, 2017. <https://www.washingtontimes.com/news/2017/feb/14/denvers-harlem-of-the-west-legacy-endures-amid-cha/>

Five Points resident Nancy Hillberg recalled protesting the Park Hill homeowners association when she was only seventeen. She, along with a number of black activists, business owners, and migrants, wanted African Americans residents to be allowed to live in the community in 1941, stating that the Homeowners Association laws had become increasingly restrictive in response to the growth of Montclair, Colfax, and Five Points neighborhoods. She remembered, “We was marching outside that big brick building for hours, but they wouldn’t even come out to talk to us. The police showed up and we all had to go home.”⁶⁵ Nancy Hillberg’s fight for fair and equitable housing in 1941 had its roots in the early part of the 1900s, when Park Hill established itself as a white-only community.⁶⁶

In Fall of 1916, black protesters gathered outside the gates of the Park Hill neighborhood to protest the stringent housing laws that prevented African Americans from moving into the community. The *Denver Star* accused the city of “spreading the agitation of segregation” and called for a city-wide rebellion against the “oppressors of Negroes in politics, law, and housing.”⁶⁷ The protests continued into the new year, when Stella Moore was arrested for shooting her husband. Activists and journalists for the *Denver Star* were disturbed by the overwhelming media attention that the case received, when their lengthy protests were effectively ignored by the *Denver Post* and *Rocky Mountain News*.

In February 1917, the *Star* published a lengthy article, condemning the state government of Colorado and the mainstream press for focusing on “a murderess and adulterer,” and ignoring

⁶⁵ Oral History Interview of Mrs. Nancy Hillberg, conducted by Ashley Achee, September 13, 2019.

⁶⁶ “Homeowners Association Pamphlets,” 1915-1945, Denver Public Health Archives.

⁶⁷ “Call to Action,” *Denver Star*, October 14, 1916, 1.

the “plight of Negroes across the city, who demand equal rights, fair housing, and freedom from violence.”⁶⁸ The author continued, “How can white murderers go free, while Christian, hard working colored people are thrown in jail without recourse? Where is the public sympathy for them?” Members of the black community felt that their suffering was ignored (and often encouraged by the state), while Stella Moore was portrayed as a weak, powerless victim, despite being accused of murder. They were frustrated by race-based stereotypes that portrayed black people as perpetually criminal, while white people were assumed to be innocent - even when they admitted to committing violent crimes.⁶⁹

On March 23, 1917, the *Star* published an editorial that encouraged everyone who was fed up with the violence and oppression of the city to move to the plains and start new lives as farmers and business owners. Some African Americans felt so disheartened by the inequality and violence taking place in the city that they left Denver and moved to the black colony of Dearfield, on the fringes of the Colorado plains. Advertisements and editorials in the *Denver Star* pointed to the Stella Moore trial as evidence that there would never be true justice in Denver, and black people should move to the colony if they wanted a chance at freedom.⁷⁰ Writers from Dearfield wrote articles that argued that life in the colony was free of the racism and violence that the black communities experienced in Denver. After the conclusion of the trial, the colony of

⁶⁸ “The Stella Smith Trial,” *Denver Star*, February 17, 1917, 3.

⁶⁹ Deborah Gray White, *Aren't I a Woman?*, 34-5.

⁷⁰ “The Stella Smith Trial,” *Denver Star*, February 17, 1917, 3.

Dearfield thrived, with three-hundred new residents moving in from the city and new businesses opening up in the colony.⁷¹



Figures 3.6 and 3.7: Black migrants arriving in Dearfield, Colorado in Spring 1917.⁷²

Black flight from the city was not just a reaction to the outcome of the Stella Moore trial; it was also a result of increasing social violence and restrictive housing covenants, Ku Klux Klan rallies in downtown Denver, a lack of employment opportunities, and the over-policing of the Five Points, Montclair, and Colfax neighborhoods. Violence against African Americans had increased markedly in Denver over the last few years, and there was a strong desire to escape as lynching, beatings, and false imprisonment became more and more common. Black writers for the *Star* argued that the Stella Moore trial was a symptom of a much larger, prejudiced system that excused white violence and criminalized black innocence.

In one article, writer Lawrence Wright asserted, “The trial of Mrs. Moore exemplifies the sickness of our society. White murderers run free, while Negroe citizens suffer in the streets. Park Hill segregates us, so they protect their own kin, cover up their own crimes.”⁷³ Surprisingly,

⁷¹ “Dearfield Colony 1915-1920,” Weld County Archives, box 432.

⁷² “Dearfield Colony 1915-1920,” Weld County Archives, box 432.

⁷³ “Smith Moore Case Editorial,” *Denver Star*, March 23, 4.

his attitude seems to nearly mirror the attitude that white workers had about the trial. Like many of the laborers in Denver, Wright felt that Moore manipulated the jury using her gender and her wealth (as well as her race). He believed that the American political system was designed to support and believe white women, often at the expense of less privileged people. Wright had historical evidence as proof of his claims.⁷⁴ In his article, he referenced the case of Preston "John" Porter Jr., who was twelve when he was accused of raping and murdering a young white girl in Denver. He was subsequently tied to a wooden stake and set on fire, with the help of the Denver police, who had arrested him and tortured him for two days before he was murdered. In another case, from November 1916, a black woman named Elenor Brown was lynched by a mob after she was accused of killing her white employer and his daughter. She claimed that he had sexually assaulted her, but the police arrested and tortured her for three days. She was eventually taken by a mob and lynched on the outskirts of the city.⁷⁵ In fact, by 1917 there had been over one hundred lynchings of people of color across Colorado, many of them assisted by the state police force.⁷⁶ In the wake of this violence, it was especially upsetting to the black community that an admitted killer was heralded as a good mother and feminist hero by suffragettes and the Denver media.

Even though the black neighborhoods and white working class had similar perspectives on the Stella Moore trial, they remained political and social rivals. Racism was pervasive among both the suffragettes and white working class, so there was little public conversation between the

⁷⁴ Leonard, Stephen J. *Lynching in Colorado, 1859-1919*. Boulder: University Press of Colorado, 2002, 17.

⁷⁵ "Mother of Three Lynched," *Denver Star*, November 25, 1916.

⁷⁶ Leonard, *Lynching in Colorado*, 86.

populations regarding the Moore case. However, Elizabeth Ensley, a prominent black activist and suffragette, wrote several appeals to begin a race and class inclusive conversation about the violence across the state. In several pamphlets, created by the Colorado Association of Colored Women's Club in Spring of 1917, Ensley argued that, "As violence becomes more rampant in our society, we have a duty to come together to protect our community from the state, the police, or anyone who threatens our liberty."⁷⁷ However, Ensley's call for unity amongst the different political groups was unsuccessful; she, like many black activists of the time, felt that joining with the women's movement and labor reform movement, had the best chance of creating lasting political change. Her articles were largely ignored by Colorado suffragettes, who had little interest in desegregating and addressing issues of race.

However, Minnie Scalabrino wrote Ensley a brief letter on April 13, 1917, in which she addressed the social issues created by the Stella Moore trial. She wrote, "I have hope that women's bodies and homes will be protected by the law, but I worry that protection will not extend to the Negroes."⁷⁸ Scalabrino's concerns were rooted in the long history of racialized violence across the state; based on recent events (like the lynching of Elenor Brown), it did not seem as though the government was willing to protect the African American communities across Denver. In fact, it seemed as though they were actively participating in violence against them. Scalabrino's letter continued with a brief, hopeful statement, "Our parties are more fractured than

⁷⁷ "Colorado Association of Colored Women's Club newsletter," March 29, 1917, *Elizabeth Piper Ensley Papers (Bibliographical Files)*, History Colorado, 4.

⁷⁸ "Minnie Scalabrino Letter," April 13, 1917, *Elizabeth Ensley Papers (Bibliographical Index)*, History Colorado, 11.

ever, but I will always consider you a friend.”⁷⁹ It seems as though Scalabrino realized that there was little chance of any meaningful coalition building between the suffragettes and the African American activists in 1917, but she still had hope that labor reformers would align themselves with the women’s movement. She concluded the letter, “I will keep writing for the *Colorado Worker*; and I will keep fighting for our cause.” Elizabeth Ensley died two years later, while Minnie Scalabrino continued to fight for equality until her death in 1936.

Aftermath

Stella Moore died in 1953, in the same Park Hill house where she shot her husband. At the time of her death, her trial had been long forgotten by the Denver media, and her death received a small note in the back of the *Rocky Mountain News*.⁸⁰ The front page of that edition covered the story of a riot that took place at a delinquent girls facility in Santa Rosa, California. The women had cut the police with glass fragments and smashed the facility window’s with rocks; they claimed that they had been forced into the hospital because they defied gender norms and felt that the state was persecuting them. The same fight that Minnie Scalabrino undertook in 1917 was still raging in 1953. The perceived victory of the Stella Moore trial and the hope for increased regulation and protection of women had still not materialized. It was not until the 1970s that nationwide support for domestic violence victims would become nationally available.

⁷⁹ “Minnie Scalabrino Letter,” 1.

⁸⁰ “Concluding Witnesses in the Smith Trial,” *Rocky Mountain News*, March 21, 1953, 12.



*Figure 3.8: Remains of the Dearfield colony, Summer 2019.*⁸¹

The promises of the Dearfield colony also failed to come to fruition. Black flight to the colony reached a peak in 1920, with nearly one thousand residents, but, by 1930, the colony had only twelve occupants.⁸² The lack of economic opportunity, compounded by harsh winters and low crop yield led to a flight from the colony. Black families found the instability and lack of access to modern amenities to be more challenging than anticipated. It became a ghost town shortly thereafter, when there were no bidders to buy the town at auction. In 1917, during a peak period of racial violence in Denver, the Dearfield colony represented a place of hope; a black utopia without racism, oppression, or the presence of the Ku Klux Klan. It was a dream that failed to materialize, and black residents had no option, but to return to Denver or try their luck elsewhere.

The trial of Stella Moore catalyzed a number of conversations between laborers, suffragettes, and African Americans around the city. Each group recognized that the trial could have larger political ramifications for their respective causes. Suffragettes hoped for increased

⁸¹ Photograph by Ashley Achee, June 18, 2019.

⁸² “Dearfield Colony 1915-1920,” *Weld County Archives*, box 432.

protection for domestic violence victims and legal recognition of women's bodily agency. They thought that the outcome of the trial could be a stepping stone to regulation that might help all marginalized people. Workers worried that this case would increase domestic violence within their own homes, and felt that they had to fight against the verdict in order to protect themselves from this new perceived threat. Finally, African Americans felt that the verdict was another example of the state protection of white women, at the cost of poorer, more vulnerable people. Writers for the *Denver Star* compared the case to Elenor Brown, a woman who was lynched for murdering her white employer. The trial contributed to journalists supporting black flight from the city and into the colony of Dearfield.

The Stella Moore trial is exceptional because of Moore's wealth, social influence, and the large amount of media attention that the case garnered. Unlike Sadie Leggett, who was unable to advocate for herself, Moore's voice is centered in the historical record - through media interviews, court transcripts, and historical documentation of her life. Moore's case demonstrates the confluence of urban politics in the post-emancipation West; suffrage protests, burgeoning class conflict, racial tensions, and the segregation of Denver that played out in the courtroom behind a legal backdrop that addressed the immediate question of rights for domestic abuse survivors and women's political and bodily agency - a conversation that was not fully crystalized when Leggett was on trial.

In 1920s Denver, suffragettes and working class men alike were deeply concerned with issues of domestic violence, women's political power, and the rights that women had within marriages. While suffragettes wanted to institute more legal protections, working class men feared that those rights would incentivize women to become violent within marriages and might

lead to the wrongful villainization of men. Simultaneously, members of the black neighborhoods in Denver were outraged at the attention that the Moore trial received, while their communities were subjected to heinous violence without trials, media coverage, or, seemingly, empathy. In addition, Stella Moore's trial demonstrates that class and race politics influenced how "good" motherhood was understood and accepted by popular society; while the suffragettes heralded her as an excellent mother, working class men and members of the black community in Denver saw her as greedy, murderess, who killed her husband in cold blood to protect her family inheritance. This negative perception of the wealthy became mainstream in Denver during the Great Depression and had significant ramifications for Pearl O'Loughlin, covered in Chapter 4, who was accused of murdering her wealthy husband for her inheritance in 1931.

Chapter 4: Pearl

“This trial is an opportunity for all of us to examine how poverty breeds violence and what we, as a community, can do to prevent this from ever happening again.”¹

“She is a remarkable woman,” said Mrs. Ray, the jail warden’s wife, *“Her nerve truly must be iron.”²*

During the first stock market collapse in 1930, Pearl O’Loughlin worried about the fate of her finances and her economic security. Fearing that her husband, Leo, would leave his vast fortune to her step-daughter, she decided to take matters into her own hands. According to the Denver police, on October 12th, she ground up a glass jar and placed the shards into little Leona’s dinner plate and her husband’s coffee. However, when Leona failed to become ill from ingesting the glass, police claimed that Pearl drove her to a park in the historically black neighborhood of Hilltop, where she beat her and drowned her in a lake. While Leo remained bedridden, Pearl attempted to frame the family’s African American cook, Imelda. Unfortunately for Pearl, Leo recovered from his injuries and began to suspect her of attempting to murder him and his daughter. After nearly thirty-six hours of interrogation, the police were forced to release Pearl, but they subsequently discovered ground up glass in the kitchen and the family sugar bowl - suggesting that Pearl had been slowly poisoning her family over the course of months. A media frenzy erupted from the killing: a wealthy, white stepmother accused of murdering her stepchild

¹ “Scalabrino Speaks,” *Rocky Mountain News*, July 18, 1931.

² “Will Render Verdict in O’Loughlin Murder Monday,” *Pampa Sunday News-Post*, December 7, 1931.

days after a global economic collapse. The story was perfect for selling papers and feeding into negative stereotypes about the wealthy. When placed in conversation with the other trials in this project, the O'Loughlin trial provides context into how the Great Depression impacted beliefs about women's social roles and exposed the political and class-based fracturing that was occurring around the state. Whereas Stella Moore was praised for the killing of her husband, Pearl O'Loughlin was villainized for the attempted murder of hers. This case reveals how prejudices about step-motherhood, in conjunction with a growing resentment for the wealthy and fear about the social and economic instability contributed to a state-wide desire to criminalize anyone who was violating social norms. This trial is a marked shift from the Stella Moore trial, in which beliefs and expectations about good motherhood and respect for the upper classes overrode potentially damaging physical evidence. O'Loughlin was perceived as guilty before she even entered the courtroom. Convicted in 1931, at the start of the Great Depression, O'Loughlin's story demonstrates how class-based stereotypes were influential in determining the outcome of criminal trials, the effects of class-based segregation and stereotypes surrounding white criminality and victimhood on the Colorado legal system, and how beliefs and perceptions about step-motherhood integrated themselves into legal proceedings and interpretations of the law.

Activists from around the state were drawn to this case, not just because of its sensational nature, but also because they viewed this trial as a political opportunity. Minnie Scalabrino, who publicly defended Stella Moore, returned to Colorado to support O'Loughlin because she believed that this was an opportunity for poverty reform and an increased system of state support

for people who were living paycheck to paycheck. Scalabrino rallied women from around the state to support the effort for more political reform. She and other female activists and politicians saw the potential for economic support, welfare systems, and free or low-income educational options that could prevent crimes like this from happening. The political tensions surrounding the trial provide insight into the popular attitudes at the time and demonstrate that there was a geographic divide occurring in the neighborhoods of Colorado between the wealthy and the impoverished; the trial exposed these rifts and forced people to confront them on a legal level. Additionally, the case reveals that much more work is needed to understand how Colorado, Utah, Nevada, and other western states coped with the compounding ecological and economic traumas of the Dust Bowl and Great Depression.

However, others believed that O'Loughlin had betrayed her working class roots and had allowed the media to portray all poor people as greedy, desperate, and, even, violent. Residents of Pearl's childhood neighborhood, Washington Park, condemned her actions and attempted to distance themselves from her, despite the effort that the prosecution made to link Pearl's impoverished upbringing with her criminal actions. Simultaneously, the residents of the wealthy Park Hill neighborhood were quick to assume Pearl's guilt because of her poor background. She was an outcast from both her childhood home and new adult community. Her trial demonstrates how deeply disconnected the wealthy and poor neighborhoods were and how they were quick to blame and resent each other during an economically unstable climate. Additionally, it reveals the deep seated tension and hypocrisies that plagued the legal system, as O'Loughlin was portrayed as simultaneously mentally deficient and highly cunning and conniving.

Finally, stereotypes, perceptions, and beliefs about step-motherhood and the idea of the “evil stepmother” made the O’Loughlin trial a media sensation across the country. Jurors, prosecutors, politicians and journalists referenced this caricature throughout the trial, attempting to mold the case story into a Grimm fairytale. The legal proceedings were certainly shaped by the notion that O’Loughlin was fulfilling a villain role - a greedy, apathetic psychopath who coveted what her stepdaughter was born into. This characterization seemed right out of a movie, and it was quickly exploited by the media, politicians, and the prosecution.

Denver in the Depression

Histories of the Great Depression in the American West have centered on the agricultural impact of the Dust Bowl and the “black blizzards” that killed thousands of people across the plains.³ Less attention has been focused on the urban centers outside of Los Angeles and how they were uniquely affected by both the ecological disasters and the financial collapse of the period. The majority of scholarly studies of the Depression have been national histories, with very limited focus on locality. Urban histories of the 1930s tend to focus on the American South, New England, Chicago and Los Angeles, and less attention has been devoted to middling

³ Carl Abbott, Leonard and Noel, "The Great Depression." In *Colorado: A History of the Centennial State, Fifth Edition*, University Press of Colorado, 2013, 285. www.jstor.org/stable/j.ctt4cgqpb.24.

Western cities - Denver, Las Vegas, Reno, Phoenix, Salt Lake City, etc.⁴ This chapter provides insight into an understudied subject and argues that urban centers in the West were uniquely affected by the Depression because they suffered both environmental as well as financial losses. The compounding nature of these disasters contributed to an immense sense of pessimism across the city and a deep resentment for the urban wealthy, who were viewed by the working class as unaffected by the tragedies.

In the 1930s, Denver became a hotbed of socialist organizing, labor activism and the anti-imperialist movement. This rise in activism can be attributed to the economic depression, as well as dismal conditions in factories, tenement housing, and rising unemployment and crime rates. During the O’Loughlin trial, many burgeoning activists viewed her as a vehicle for their political causes, while others were horrified by her actions and decried her as a murderer.⁵ The divisive rhetoric surrounding the trial reveals how politically fragmented the city was and how different factions tried to exploit the case for their own political gain. Like other cities at the time, a

⁴ For histories of the Great Depression in Los Angeles - especially the impact that it had on popular culture and Hollywood, see: Morgan, Iwan, and Philip John Davies, *Hollywood and the Great Depression: American Film, Politics and Society in the 1930s*, (Edinburgh: Edinburgh University Press, 2016). Chapters 2 and 3 are especially useful for this project because of their focus on political activism and women’s roles in shaping the political atmosphere of Hollywood during the Depression. The authors argue that women played a foundational role in mobilizing support for leftist politics and advocating for increased social welfare and reform during the Depression. They used their influence as actresses, singers, artists, etc. to garner support for increased government intervention. Additionally, David Kipen, *Los Angeles in the 1930s: The WPA Guide to the City of Angels*, (Los Angeles: University of California Press, 2011). Kipen has curated a rich collection of WPA interviews that provide insight into how working class and impoverished people conceptualized the Depression and their shifting economic roles. For midwestern, Urban histories, see: Christopher Reed, *The Depression Comes to the South Side: Protest and Politics in the Black Metropolis, 1930-1933*, (Bloomington: Indiana University Press, 2011). Reed argues that mainstream politics failed to address the specific needs of the urban, Black poor, which led to increased activism and mobilization against the government, as many people sought out alternate systems to address their needs. Interestingly, there are very few urban histories of the Midwest during the Great Depression, so Reed’s book plays a foundational role for scholars to understand how cities reacted to their economic circumstances.

⁵ “Sinner or Saint?” *Rocky Mountain News*, February 18, 1933.

growing socialist movement was confronted by a strong conservative party, resulting in paradoxical, yet fierce political discourse. In a unique twist, the trial of Pearl O’Loughlin forced these political forces to confront each other and debate the social and political roles of women and mothers living in poverty. The unique influences of political extremism, economic depression, and raging race, class, and sex-based tensions around the city made the O’Loughlin trial a national sensation and exposes the deep-rooted sociopolitical anxieties that lurked just under the surface of the city.

Pearl’s Life Before the Trial

Pearl Esta Weisz was born in 1898 in Denver, Colorado in tenement housing. Her mother and father had immigrated from Germany years before and her father worked in the railroad industry, where he was away from his family for long periods of time. Pearl and her mother lived in railroad flats in the working class neighborhood of Washington Park, just outside of downtown.⁶ Having grown up in poverty, Pearl longed for a better life and aspired to have financial stability as an adult. In an interview in the *Rocky Mountain News* in 1950, she stated, “I wanted something bigger, better than what I got.”⁷ Growing up in poverty, Pearl longed to have a life without the instability, sickness, and loneliness that she experienced as a child.

Dreaming of a better future, Pearl married first to a shoe salesman, Douglas Millican, who she felt could give her financial stability. Reflecting on this time, Pearl stated, “I was young.

⁶ “Stepmother Pleads Guilty to Murder,” *Denver Post*, December 16, 1930.

⁷ “Pearl O’Loughlin Speaks Out 19 Years After Conviction,” *Rocky Mountain News*, January 20, 1950.

I thought this [marriage to Millican] was my way out of the railroad flats.”⁸ However, Millican could only afford a small, one bedroom apartment in Capitol Hill that was only marginally better than the tenement housing in Washington Park. When Millican failed to provide Pearl with the life that she wanted, Pearl knew she had to aim for a marriage that could provide her with the lifestyle that she dreamed of having. She later reflected, “He gave me my son, but he didn’t give me nothing else.”⁹ Douglas Millican Jr. was born just a year after their marriage in 1917. The birth of their son spurred Pearl to leave her husband; she felt she would be repeating her mother’s mistakes if she stayed with him. In her 1950 interview, she remembered, “I had to get out for my boy.”¹⁰ After only two years of marriage, their divorce was finalized by the Colorado courts, and Pearl began looking for a wealthier husband.



⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

*Figure 4.1: Pearl O’Loughlin in 1927.*¹¹ Julia described Pearl as a “flapper” who loved dancing and drinking. This photograph of Pearl shows her in fashionable dress, with cropped hair and a stylish coat. During this period, Pearl branded herself as a stylish, confident woman.

After her divorce, Pearl cultivated a “flapper” persona and began to frequent the illegal bars in Denver, in the hopes of meeting a wealthier man. In the photograph above, it is clear that O’Loughlin embraced the styles at the time and made an effort to look sophisticated and trendy. In her interview with the *Rocky Mountain News*, she stated, “I cut my hair short, and I bought a dress that showed off my figure.”¹² In 1926, Pearl met Leo O’Loughlin, a wealthy Park Hill resident, who came from family money. Leo was also a veteran detective for the Denver Police department. He was significantly older than Pearl, who was only twenty-eight when they married. He was forty-seven and a recent widower. They married in 1927, in a small ceremony at the Denver courthouse. At first, it seemed that Pearl had met the man of her dreams; he swept her and her son away from the railroad flats and gave her a luxurious life in a mansion. However, it soon became clear that Pearl would always play second fiddle to Leo’s daughter, Leona, who was only ten. Leona was set to inherit nearly all of the family fortune, which irked Pearl. Later, Pearl reflected, “I grew up with nothing, but Leona had everything and she always wanted more.”¹³ Her resentment of Leona continued to build as Leo lavished her with fancy gifts and expensive tutors. Pearl felt that she was entitled to the same amount of attention, but Leo continued to focus on raising his daughter.

¹¹ Image provided by O’Loughlin’s granddaughter, Julia Millican, in Boulder, Colorado. September 12, 2019.

¹² “Pearl O’Loughlin Speaks Out 19 Years After Conviction,” *Rocky Mountain News*, January 20, 1950.

¹³ “Pearl O’Loughlin Speaks Out 19 Years After Conviction,” *Rocky Mountain News*, January 20, 1950.

In 1928, Pearl reportedly got into an argument with Leo's brother about the family fortune. Lewis urged Leo to remove Pearl from his will because he feared that Pearl would squander the money and fail to provide for Leona.¹⁴ Pearl became so angry that she set fire to Lewis's clothes, resulting in a small house fire in the guest room. Furious, Pearl threw him out of the house and forbade Leo from seeing or speaking to his brother. However, Leo continued to have clandestine meetings with his family, much to Pearl's chagrin. She later reflected, "Lewis was determined to keep the money in the family, and I knew I would never be part of the family in his eyes."¹⁵ Pearl realized that she would always be an outsider - because of her impoverished background, her lack of education, and her desire to control the family fortune. Over the course of 1928, Leo began to agree with his brother about Pearl's greed; she made snide comments to Leona, asked for large allowances and luxurious gifts, and became sullen when Leo gave presents to his daughter.¹⁶ Two weeks before Leona's death, Leo decided to change the terms of his will; Pearl would not be given any of his fortune and all of his money would go to Leona.

Tensions continued to rise in the home, and, according to the police, Pearl realized that she would always be in competition with Leona - and she would always lose. After more fights, according to the Denver police, Pearl became desperate. She began placing ground glass into the family's food, but neither Leo nor Leona became critically ill.¹⁷ She checked out a book from the Denver Public Library on local plants and medical botany - presumably looking for something

¹⁴ *P. O'Loughlin vs. The State of Colorado*, 2731 (2nd Judicial District Court, 1932), 213.

¹⁵ "Pearl O'Loughlin Speaks Out 19 Years After Conviction," *Rocky Mountain News*, January 20, 1950.

¹⁶ *P. O'Loughlin vs. The State of Colorado*, 263-4.

¹⁷ "Pearl O'Loughlin Speaks Out 19 Years After Conviction," *Rocky Mountain News*, January 20, 1950.

she could use to poison her husband and stepdaughter, but decided to continue using larger quantities of glass.¹⁸ Police speculated that Pearl realized that because of Leo's career as a police officer, she might face immediate suspicion if (or when) Leona became ill. She attempted to deflect blame by framing the family cook.

On October 12, 1930, Leo became extremely sick after dinner and was rushed to his bedroom, where the family doctor sedated him. Leona also felt unwell, but police believed that Pearl convinced her that a drive around the city and some fresh air would help her. That evening, she drove Leona to Berkeley Park, just a mile away from the family home, and drowned her in a small pond. Pearl intentionally chose an African American neighborhood because she hoped to frame the family's black cook, Imelda Jones, for the murders of Leo and Leona.¹⁹ Police believed that Pearl felt that Imelda would become an immediate suspect because she was the one who prepared and served the food, and Leona's body was dumped only a few blocks from her home. Her body was discovered three days later, by two boys looking for tadpoles. Pearl underestimated the scale of the police investigation that would take place.

Initially, the Denver police began to investigate Imelda, but they did not believe that a sixty year old woman, in relatively poor health, would be capable of dragging Leona's semi-conscious body into the park and drowning her. It was also unclear how Imelda would have been able to move Leona because she did not have access to a car - the only key to the family vehicle was in Leo's locked office. Furthermore, Imelda was seen at a church meeting the evening of the

¹⁸ *P. O'Loughlin vs. The State of Colorado*, 261-2.

¹⁹ *P.O'Loughlin vs. The State of Colorado*, 233.

twelfth, which was a thirty minute walk from the park.²⁰ She spent the next two days, Saturday and Sunday, with her family. When asked by police if she had anything to do with Leona's death, Imelda stated, "I didn't hurt that little girl, but if I was a betting woman, I would say her step-mommy did."²¹ Police took this accusation seriously, especially since Imelda had an alibi and no obvious reason to harm the child.

Pearl, however, seemed to disappear after dinner and did not reappear until much later that evening to sit by her husband's bedside. When asked where she had gone, Pearl stated that she had been contacting Leo's family and his attorney in case something happened to him. She stated that she wanted to make sure all of his financial affairs were in order and that Leona's trust fund would be secured, if anything should happen to Leo.²² The family doctor felt that she was behaving suspiciously, but he also knew Pearl was under duress because of her husband and step-daughter's illnesses. He asked if Leona needed to see a doctor, but Pearl insisted that she was resting and that they would call for him tomorrow if she still felt ill.

The next morning, Pearl claimed that Leona was not in her bed and was worried that the child had run away. After a call to the police, a Denver-wide manhunt took place for the missing girl. During this time, Leo was still sedated and unaware that his daughter was missing, and his cook was facing police interrogation. Within a day, Leona's body was found floating in the Civic Park lake, and the Denver police immediately knew that foul play was involved. Pearl was

²⁰ *Ibid.*, 234.

²¹ *P.O'Loughlin vs. The State of Colorado*, 171-2.

²² *Ibid.*, 186-188.

arrested two weeks later, and rumors began to swirl in Denver high society that she had involvement in her daughter's death.



Figure 4.2: Pearl awaits trial in the Denver City Jail, where she was photographed in 1931 by the *Denver Post*.²³ According to the article, Pearl chose to pose with her hands on the bars of the window, as if to indicate that she was longing for freedom.

Just days after Leona's death, Pearl was brought into the downtown Denver police station for an interrogation, where she was kept for six days. During this time, she was denied food, water, and was interrogated in front of her step-daughter's body.²⁴ In an article with the *Denver Post*, Pearl was photographed holding onto the bars of her jail cell, as if to highlight the injustices of her imprisonment and the ill treatment that she was receiving. The staging of the image portrays Pearl as a victim, rather than as a heartless stepmother. The police even brought a

²³ "Mother or Monster?" *Captured and Exposed*, Accessed November 3, 2020. <https://capturedandexposed.com/tag/pearl-oloughlin/>

²⁴ Julia Millican, interview by Ashley Achee, on September 12, 2019 in Boulder, Colorado, audio recording.

sickly Leo in to interrogate his own wife, hoping that she would be moved to confess if she saw the emotional and physical toll that these events were taking on her husband.²⁵ The pathologist showed Pearl the ground glass that was found in Leona's stomach and graphically described the details of her injuries, hoping that Pearl would confess to the murder. However, Pearl remained strong until police brought her husband into the room. Leo accused Pearl of Leona's murder, and she cracked under the emotional pressure. However, despite confessing to killing her step-daughter, the Denver courts deemed this confession inadmissible because Pearl had been severely mistreated by the police and was likely under severe emotional duress.²⁶ This confession would set the stage for multiple appeal attempts, and, ultimately, was a crucial reason for her early release from the Colorado State Penitentiary in 1951.

Class Politics Surrounding the Trial

For many socialists and political reformers, Pearl O'Loughlin's trial was viewed as a symptom of a larger problem: the exploitation of the poor, horrible urban housing conditions, and an economic system that was biased against those living in poverty. Socialist politics became prominent in Colorado in 1909 after the Colorado Labor Wars that led to the deaths of hundreds of mine and mill workers in Ludlow.²⁷ Due to the economic hardships of the 1930s, the socialist party had a surge of popular support; many people identified with the desperation that caused

²⁵ *P. O'Loughlin vs. The State of Colorado*, 192.

²⁶ *P. O'Loughlin vs. The State of Colorado*, 63-65.

²⁷ "Colorado Socialist Party Platform," Colorado State Archives, Box 7122a, 1909.

Pearl O'Loughlin to kill her stepdaughter. There was increasing resentment of the wealthy, who many viewed as unaffected and indifferent to the hardships that many Coloradans faced.²⁸ In an editorial from the *Denver Post*, the author argued that tensions between rich and poor had never been higher. He wrote, “There is a palpable anxiety that has gripped the city. Our wealthy neighbors fear their poor ones, and those in poverty have a deep resentment for those with more.”²⁹

Josephine Roche, a prominent labor reformer and member of the Colorado Progressive Party, gave a speech outside the Denver Courthouse, in which she decried, “the systematic conditions which drove Mrs. O’Loughlin to kill and made little Leona a victim.”³⁰ Roche also argued that had O’Loughlin not grown up in poverty, surrounded by desperate people, and facing consistent uncertainty about her access to housing, she would have been less likely to steal from her husband and murder her step-daughter. She claimed that the trial was a “crucible of the issues that politicians and the police have ignored for decades.”³¹ Roche, who had briefly served as a Denver police officer, also took time in her speech to blame the political corruption of the police and claimed that the investigation had been botched from the moment Leona went missing.

²⁸ “Protests Outside Gated Homes,” *Denver Post*, January 15, 1931.

²⁹ *Ibid.*

³⁰ “Roche Speaks on Trial,” *Greeley Sentinel*, May 29, 1931.

³¹ *Ibid.*



Figure 4.3: Josephine Roche prepares to deliver her speech at Capitol Hill, Denver.³²

However, many people viewed Roche's speech as a plug for her upcoming electoral campaign. She was hoping to become a senator for the Colorado Progressive Party, and some viewed this impassioned speech as a bid for votes, rather than a defense of O'Loughlin's actions.³³ Even a *Time* article referred to her constant speech-making as a "hollow gesture" that revealed that she was more interested in advancing her political career than addressing the issues that reformers had been fighting for decades. The chief of police, Rae Bennett, who was only twenty-six, argued that Roche was seeking revenge because she had been discharged from the police after only a few months of service.³⁴ In a brief press statement, he stated, "Discharged police officer, Josephine Roche, has a vendetta against this department and is using it to fuel her political career. The O'Loughlin case was handled professionally and efficiently."³⁵ The tension between

³² Josephine Roche, History Colorado Archive, Box 11f, 1931.

³³ "Rocky Mountain Gesture," *Time*, September 7, 1931.

³⁴ "Bennett Responds," *Greeley Sentinel*, June 2, 1931

³⁵ *Ibid.*

Roche and the police continued to play out during the trial, with Roche insisting that more needed to be done about the chronic poverty and corruption that plagued the city.

Other activists spoke up to support Pearl O’Loughlin. Minnie Scalabrino, who had been a supporter of Stella Moore during her murder trial, came out of retirement to speak on the O’Loughlin case. She traveled from her home in New Jersey to Colorado to speak on the courthouse steps. To a large audience of reporters, protestors, and activists, Scalabrino stated:

Over a decade ago, I publicly defended a woman who protected her family from an abusive husband. Today, I am coming to speak on a woman who murdered an innocent child. Her crimes are heinous, and there is no denying them. However, her circumstances warrant leniency. This trial is an opportunity for all of us to examine how poverty breeds violence and what we, as a community, can prevent this from ever happening again. The answer is not more punishment. The answer is compassion, reform, and to rid this city of the corruption that has infected it to its core.³⁶

Scalabrino’s words seemed to rally the socialist and progressive communities around Denver, and a few newspaper articles exposed the horrible housing conditions of the city. *The Rocky Mountain News* posted an article the following week entitled, “Women Leaders Suggest Larger Issues Associated with Poverty.” The journalist asserted that some of Scalabrino’s arguments may have merit; when he studied crimes associated with the most impoverished parts of the city, they were often “crimes of survival” - stealing food, money, killing for resources, etc.³⁷ He further argued that more political attention should be paid to the larger issues surrounding crimes

³⁶ “Scalabrino Speaks,” *Rocky Mountain News*, July 18, 1931.

³⁷ “Women Leaders Suggest Larger Issues Associated with Poverty,” *Rocky Mountain News*, July 22, 1931.

and that the O’Loughlin trial may provide insight into the “mindsets, problems, and conflicts” of impoverished Coloradans.³⁸

However, this argument was met with resistance from the conservative political elite in Colorado. In an editorial published a few days later, Rice William Means, a member of the Ku Klux Klan and former Colorado senator, issued a rebuttal. He argued that there was, “No poverty, no want, no fear...only weakness and feeble-minded choices.”³⁹ His argument suggested that O’Loughlin’s actions were the result of personal, emotional failings, rather than larger societal issues related to poverty. He further criticized Scalabrino as an “out-of-touch socialist” and Josephine Roche as “power hungry.” However, these attacks could be related to his political ambitions, rather than his own personal beliefs about the women. Means had been heavily criticized by Scalabrino and Roche during his time as a Colorado state senator.

Means painted O’Loughlin as a psychopath, with blatant disregard for human life and a complete lack of maternal feelings towards her step-daughter. He argued that the case was not a symbol of larger issues, but rather an isolated incident with a deranged, greedy woman. His resistance to Scalabrino and Roche’s arguments was likely a result of his own hyper-conservative beliefs and his own contempt for their criticisms of him while he was in office. Interestingly, Means did make a reference to the Grimm fairytale, *Little Snow-White*. He argued, “Just as the fictional queen poisoned the apple, O’Loughlin slaughtered her step-daughter because she was jealous of the child. She lacks the mother’s love that is so natural in good-hearted women...However, there are no morals to be learned from this story, no princess to be awoken.

³⁸ *Ibid.*

³⁹ “Means Speaks,” *Rocky Mountain News*, July 25, 1931.

Little Leona is gone forever and our duty is to imprison her killer.”⁴⁰ Surprisingly, Means did identify that Pearl’s working class background had something to do with the crimes she had committed. He argued that those living in poverty were there for a reason - laziness, mental ineptitude, low intelligence, etc. Unlike Scalabrino or Roche, Means connected criminal activity with poverty because of his belief in the biological inferiority of the poor. He had no sympathy for O’Loughlin - both because of her awful crimes, but also because he automatically believed that she was inherently “worse” than wealthier people. Means, Scalabrino and Roche ignited a state-wide debate about issues of poverty in Denver. Many Coloradans, suffering from the Great Depression and Dust Bowl, identified with Pearl’s desperation, even if they disagreed with her actions.

In fact, during one press conference at the Denver Courthouse, a crowd of people with “leniency” signs protested outside.⁴¹ They did not deny that Pearl had committed the crimes she was accused of, but they requested clemency from the district attorney and prosecutor for the case. According to the protestors, “Pearl was desperate just like us.”⁴² The thirty-person crowd addressed the press, arguing that Scalabrino and Roche were right about the distress and anxiety that Pearl must have felt about her unstable marriage. One woman spoke up, “Her husband would have left her with nothing, and she wouldn’t be no different from you or me - livin’ on scraps.”⁴³ The ideologies of the Progressive activists had struck a chord with the impoverished

⁴⁰ *Ibid.*

⁴¹ “Public Calls for Leniency,” *Rocky Mountain News*, July 29, 1931.

⁴² *Ibid.*

⁴³ *Ibid.*

people of Denver. They identified with O'Loughlin and even understood her crime, even if they condemned it. In another interview, a man from the crowd stated, "Look it ain't right that she killed that Leona; there ain't no denying that. But we understand she was scared. We're all scared. Don't punish her for feeling something we are all feeling."⁴⁴ Despite Pearl's horrific crimes, some people rallied around her because they identified with her anxiety and insecurities about her financial future.

Conversations around the trial were polarizing. Some felt that O'Loughlin deserved to be imprisoned for life, while others identified with her desperation to secure her financial future. The trial exposed how life in the Great Depression was continually shifting politics into a binary of "pro-poor" and "anti-poor" rhetoric. Given that none of this rhetoric was mainstream during the Stella Moore trial just fifteen years prior, these new conversations signal a major shift in how the public perceived crimes involving the wealthy - likely spurred by the Great Depression. Staunch social conservatives, such as Rice William Means, felt that Pearl was an inherently inferior person, who did not deserve leniency. However, social progressives called for mercy, even if they were repulsed by O'Loughlin's crimes. Politicians and social reformers like Josephine Roche and Minnie Scalabrino believed that this crime was symptomatic of a larger problem: poverty. They argued that if systematic changes could be implemented, crimes like this could be prevented in the future. This argument resonated with the Denver poor, who felt frustrated at the lack of social assistance, services, and help that they were receiving from the government.

⁴⁴ *Ibid.*

Spatial Politics

The politics of space play an important role in how this case was perceived by both the public and the court system. O'Loughlin was born in working-class Washington Park, which was largely filled with tenement housing, boarding homes, and bunk apartments. The people of that area simultaneously supported her and attacked her in the media, with many of them resenting her "rags to riches" story. In one interview, O'Loughlin's neighbors referred to Pearl as, "money hungry."⁴⁵ They claimed that she had forgotten her familial background and how she was raised and, instead, had embraced the corruption and greed of the wealthy. As one elderly woman stated, "She ain't one of us no more."⁴⁶ Many residents of Pearl's neighborhood felt betrayed by her actions and felt that it portrayed all of them in a negative light. They believed that Pearl had rejected the morals of her youth and the working class values that were instilled in her when she lived in tenement housing.

Many residents of tenement and boarding houses were shocked by Pearl's actions, and they were frustrated with politicians who argued that poverty led to this crime. They felt that the media and politicians portrayed all poor people as potential criminals, who were likely to kill for money. One exasperated woman told the *Denver Post* that she felt that politicians like Roche and Scalabrino were making excuses for O'Loughlin, while also depicting poor Coloradans as morally weak and prone to violence. She stated, "I go to church every Sunday and so do my neighbors. We may be poor, but we ain't evil."⁴⁷ Some working-class residents felt alienated by

⁴⁵"Gatherings at the Courthouse," *Rocky Mountain News*, July 15, 1931.

⁴⁶ *Ibid.*

⁴⁷ "Outside the Courthouse," *Denver Post*, July 17, 1931.

the Progressive politics that linked poverty with criminality, and, while they wanted increased social reform and welfare, they were frustrated that there was a negative moral perception of them in the media and that was presented throughout the trial.

However, others believed that O’Loughlin’s obsession with wealth and financial stability was a result of her impoverished upbringing. In an interview with the *Denver Post*, one neighbor said, “We ain’t got nothing around here, so maybe she wanted better for herself and her kid.”⁴⁸ Colorado public health records from the 1930s indicate that there was a relatively large health disparity between those living in poorer, industrial areas and the wealthier parts of the city. In fact, in tenement housing, health officials estimated that tuberculosis, diphtheria, dysentery, and smallpox were rampant in the years between 1919 and 1930. More than 0.76% of residents in tenement housing in Denver were in active treatment for tuberculosis, which was approximately 0.26% more than the rest of the United States.⁴⁹ High-density housing residents were more likely to suffer from diphtheria, a very contagious bacterial infection that can cause respiratory failure and skin pustules, dust pneumonia, which was a result of sandstorms and blowing winds, poor working conditions, and lack of air circulation, and dysentery, a highly contagious gastrointestinal disease that was often fatal.⁵⁰ Health conditions spread quickly in tenement, bunk, and boarding housing, with many residents sharing bathrooms, kitchens, and common spaces.

⁴⁸“Outside the Courthouse,” *Denver Post*, July 19, 1931

⁴⁹John Murray, “A Century of Tuberculosis,” *American Journal of Respiratory and Critical Care Medicine*, February 4, 2004, <https://www.atsjournals.org/doi/full/10.1164/rccm.200402-140OE>

⁵⁰ Colorado Public Health Records, Box 1621a, 1929-1933.



Figure 4.4 and Figure 4.5: Interior of bunk housing in Denver, Colorado. Photographs taken in 1942 reflect a similar condition to how the housing would have been in the 1920s, when O’Loughlin lived there. Image taken from the Western Genealogy Archive at the Denver Public Library.⁵¹

These images, taken in 1942, depict the internal conditions of tenement housing in Pearl’s neighborhood. Tenants shared a bedroom, had a small kitchen without access to running water or appliances, and the walls lacked insulation, which made rooms extremely cold in winter. It is clear from these records that disease would have been rampant, especially as residents likely shared a well that would have been vulnerable to bacteria. There was also likely a common bathroom in many boarding houses, which would have contributed to rapidly spreading disease. As a child, Pearl suffered from cholera and her father died of tuberculosis; many around her suffered from other communicable diseases.⁵² Given these conditions, it is unsurprising that she was terrified of losing her newfound social position and returning to the tenement houses. Leo’s home had at least three bedrooms and three bathrooms, had a small servant’s quarter, had

⁵¹ Western Genealogy Archives, Box 42a, 1940-1947.

⁵² Julia Millican, interview by Ashley Achee, on September 12, 2019 in Boulder, Colorado, audio recording.

running water and new appliances, as well as a carport.⁵³ It was a massive upgrade from the environment of the tenements.



Figure 4.6 and Figure 4.7: The interior photographs of Leo O’Loughlin’s home show dramatically different conditions from the tenement houses. The home had new appliances, electricity, and multiple sitting rooms for entertaining guests. These photographs were presented by the prosecution during the trial to emphasize that Pearl was money-hungry and anxious to avoid a divorce that might result in her losing this home. Images from the Western Genealogy Archives at the Denver Public Library.⁵⁴

Having grown up in these conditions, many residents of the railroad flats expressed some level of sympathy towards Pearl - arguing that even prison would be better than returning to the neighborhood. Outside the courthouse, one man told a reporter, “I ain’t saying she’s a good woman, but I wouldn’t wanna go back their neither. Maybe the penitentiary is better.”⁵⁵ There seemed to be some sympathy amongst Washington Park residents, who felt that Pearl was

⁵³ Julia Millican, interview by Ashley Achee, on September 12, 2019 in Boulder, Colorado, audio recording.

⁵⁴ Western Genealogy Archives, Denver Architecture, Box 14c, 1920-1935.

⁵⁵“Wash Park Residents Discuss Trial,” *Rocky Mountain News*, July 25, 1931.

desperate to avoid losing her newfound wealth. They believed that the Denver Jail could have had better conditions than the bunk-housing in Denver. The sentiments expressed by Colorado residents seemed to mirror the cries from Progressive politicians, who argued that larger issues of inequality and poverty were essential to the case. Some residents agreed with Josephine Roche and Minnie Scalabrino who believed that reform and increased social welfare would have prevented something like this from happening. One neighbor stated that everyone in Pearl's community was "desperate" and maybe she had reached a breaking point, where she was more afraid of poverty than she was of murdering her family.⁵⁶

However, residents of Leo O'Loughlin's elite Park Hill community disagreed completely with Progressive politicians and poor residents who advocated for reform. They viewed Pearl as a predatory imposter, who sought to marry a wealthy man, take control of his money, and remove any threat to her inheritance. These critics made comparisons to the Stella Moore case, just a few decades earlier. Moore, a socialite, had been acquitted of murdering her husband, a working class man, after he attempted to sexually assault her and her child. She was heralded as a good mother and became a symbol of morality in Park Hill. Pearl was viewed as the antithesis of Stella - a greedy, poor woman who targeted her husband and plotted to murder him and his child. The *Greeley Sentinel* ran a story that compared the two cases. In one particularly stinging passage, the author described Pearl as a "wolf in sheep's clothing" who preyed on Leo and Leona. In the

⁵⁶ "Trials Compared," *Greeley Sentinel*, August 1, 1931.

same article, Moore was heralded as a good mother, who would have died to protect her child's innocence.⁵⁷

In another editorial, a wealthy resident wrote, "Mrs. O'Loughlin had no interest in assimilating into life in Park Hill. She was here for herself, and she had no affection for her husband or step-daughter."⁵⁸ She criticized O'Loughlin's refusal to "assimilate" into the wealthy culture of the neighborhood, but it is unclear if they would have accepted her, had she tried to "fit in." There is ample evidence that the social elite of Denver was extremely hierarchical and would not have accepted or wanted a working class woman to join their ranks, and it is unlikely that Pearl would have been able to form connections with them.⁵⁹ Seventeen years earlier, Stella Moore was ostracized from her elite social circle for marrying her chauffeur, so it is likely that Pearl would have struggled to feel accepted by the Denver elite.

These residents criticized politicians, Josephine Roche and Minnie Scalabrino, for using the trial to advance their political agendas. In one interview, a neighbor of O'Loughlin complained that the trial was being turned into a "political circus."⁶⁰ Many residents felt that Roche, Scalabrino, and others were co-opting the trial in order to advance their careers and agendas, which made them resentful of the Progressive political platforms. They also felt it was inappropriate for poorer people to be speaking to the Colorado media and advancing their own

⁵⁷ "Trials Compared," *Greeley Sentinel*, August 1, 1931.

⁵⁸ "Park Hill Residents Discuss Trial," *Denver Post*, August 1, 1931.

⁵⁹ Phil Goldstein, *From Soup Lines to the Front Lines: Denver During the Depression and World War II, 1927-1947* (Denver: University of Colorado Press, 2007), 16.

⁶⁰ "Park Hill Residents Discuss Trial," *Denver Post*, August 1, 1931.

political opinions. In the same interview, the neighbor argued that the interviewer should focus more on the Park Hill neighborhood and the O’Loughlin family.⁶¹ The residents of Park Hill were resentful about the media attention that the working class community was receiving and wanted to refocus the attention on the O’Loughlin family and the effect that the crime had on their neighborhood, rather than any larger political causes. They rejected the idea that this case might be representative of structural socio-political and cultural problems and advanced the position that Pearl was deranged, greedy, and the antithesis of a good mother. This train of thought aligned with the ideologies that Rice William Means espoused, and the Park Hill neighborhood appeared to rally around him.

The trial uncovered a growing political divide between the wealthy Park Hill neighborhood and the working class Washington Park community. A line was drawn across Denver; those who supported leniency for Pearl and wanted an expansion of state welfare programs and those who believed she should be imprisoned for the rest of her life and that poverty had nothing to do with the crime that she committed.

Step-motherhood on Trial

Pearl quickly became labeled an “evil stepmother” in the Colorado media. Articles across the country quickly capitalized on this narrative and published a number of pieces about Pearl’s resentment of her stepdaughter. In the *Rocky Mountain News*, an article called, “Saint or Sinner?” explored the belief that Pearl was trying to secure the financial future for her son and

⁶¹ *Ibid.*

herself, but ultimately concluded that she was a malicious sociopath, who failed to love Leona as if she was her own. The *Seymour Daily Tribune* in Indiana published an article that claimed Pearl had admitted to killing Leona. According to the author, Pearl claimed that she “did all the cooking and cleaning” and had slipped glass into Leona’s rice at dinner.⁶² The author speculated that Pearl was jealous of Leona because of all of the attention that Leo lavished on her. However, the article did not mention that Pearl had been interrogated for more than six days, in front of her step-daughter’s body. The selective news coverage combined with the police narrative that Pearl was a black widow, who tried to kill her husband and had succeeded in murdering her step-daughter, made Pearl a media sensation. Politicians like Rice William Means openly compared her to Snow White’s evil stepmother and the widespread popularity of the *Snow White* movie in 1938 led to a resurgence of articles about Colorado’s “evil stepmother.”

In a 1938 article from the *Craig Empire Courier*, Greg Kimball, a local columnist who often covered criminal cases, retold the story of the trial, as though Leona was Snow White and Pearl was the evil step-mother, who succeeded in murdering her. The story described the trial as “a real-life fiction” in Colorado’s history, with emphasis on Pearl as the wicked queen, and Leona as her victim.⁶³ Kimball made direct comparisons to the film, and even went as far to describe Pearl as a “great beauty” who saw that her step-daughter was likely to receive more male attention than her and worried that Leo may focus more on his daughter than on her. For

⁶² “Stepmother Admits to Slaying,” *Seymour Daily Tribune*, December 1, 1931.

⁶³ Greg Kimball, “A Real-Life Grimm Fairytale,” *Craig Empire Courier*, March 23, 1938.

him, this trial seemed to mirror the Grimm tale, with Pearl staring as the wicked queen and Leona as the princess who could not escape her grasp.

The jurors and prosecutors reacted strongly to Pearl's relationship to Leona. One was quoted in the *Rocky Mountain News* as saying, "There's just something so terrible about a stepmother doing this to her step-daughter. She should have loved that child. It is a crime against nature."⁶⁴ This juror seemed to believe that Pearl should have had a natural, instant affinity for her step-daughter, and he cited that relationship as part of the reason why the crime was so horrifying. Members of the all-male jury seemed to echo this sentiment, with many of them stating that Pearl's place within the family was a reason why they thought this crime was so heinous. During the trial, prosecutors repeatedly referenced Pearl's failure as a mother to love Leona and her resentment of the girl, not just as a motive for the crime, but also as a biological failing. Even Pearl's own attorney, John Keating, brought in a specialist, who testified that Pearl should be treated with leniency because she had a biological abnormality that made it impossible for her to love her step-daughter. According to Pearl, her lawyer encouraged her to act strangely during the trial, in order to enforce the idea that she was criminally insane or had some kind of mental deficiency.⁶⁵ She said that she would lay her head down on the desk because she was not sure how to "behave strangely" without interrupting the court proceedings.⁶⁶ This strategy was

⁶⁴ "O'Loughlin Jurors Speak Out," *Rocky Mountain News*, September 14, 1931.

⁶⁵ "Pearl O'Loughlin Speaks Out 19 Years After Conviction," *Rocky Mountain News*, January 20, 1950.

⁶⁶ *Ibid.*

interpreted by the media as Pearl's "indifference" towards the trial and the death of her step-daughter.

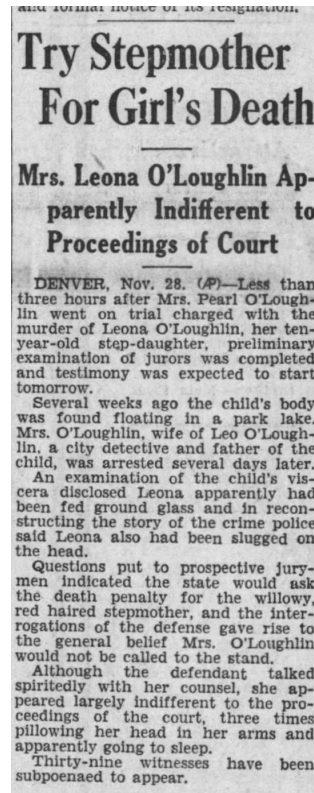


Figure 4.8: Denver Post writers believed that Pearl's behavior during the trial was a sign of her "indifference" to being prosecuted for Leona's murder. This perception contributed to the public opinion that she was a heartless sociopath without any empathy for her family.⁶⁷

Both the public and the jurors believed that O'Loughlin had no remorse for the killing and attempted murder of her husband, and they believed that she either suffered from a psychological problem or was naturally cold-hearted and evil. Her lawyers attempted to capitalize on this belief and change the "evil stepmother" narrative by portraying Pearl as mentally defective. During the proceedings, Keating claimed that, "Mrs. O'Loughlin is mentally unable to love her step-daughter the same as her biological son. This does not make her a murderer, but it does mean she

⁶⁷ "Try Stepmother for Girl's Death," *Denver Post*, November 28, 1931.

needs care, not prison.”⁶⁸ Pearl’s defense team justified her cold behavior towards Leona and her repeated fights with her husband about his daughter as a biological failing, rather than evidence that she was a sociopath. These beliefs were not uncommon. In Hilary Marland’s *Dangerous Motherhood* she argues that mothers were often perceived as criminally insane if they had not bonded “correctly” with their children or had any animosity towards them.⁶⁹ This narrative was exploited, both by the defense as well as the prosecution.

Leo O’Loughlin testified that he and Pearl had argued repeatedly about Leona. He claimed that Pearl was jealous of the attention that he gave Leona, and she wanted to receive the same amount of gifts and affection. He believed that Pearl saw Leona as a threat to her access to his money and wanted to eliminate her in order to become the main beneficiary of his savings. He argued that this was especially true after the stock market collapse because it seemed to trigger Pearl becoming increasingly combative and confrontational about the family’s finances. Leo went as far as to describe Pearl as a, “wicked stepmother,” who openly treated Leona with hostility and resentment. Leo’s brother, Lewis, similarly testified that Pearl had confronted him numerous times about the family fortune, and, at one point, had lit his clothes on fire during an argument.⁷⁰ He claimed that Pearl believed that Lewis was trying to mooch off of Leo because Lewis did not work and had no interest in finding a job.⁷¹ Universally, it seemed as though people believed that Pearl resented her stepdaughter and felt that she should not have been the

⁶⁸ *O’Loughlin vs. The State of Colorado*, 204.

⁶⁹ Mantel, *Dangerous Motherhood*, 21.

⁷⁰ *O’Loughlin vs. The State of Colorado*, 318.

⁷¹ *O’Loughlin vs. The State of Colorado*, 214.

primary beneficiary of the family fortune. Pearl's own lawyer attempted unsuccessfully to shift this narrative into one about mental illness. When asked about Keating's argument, jurors stated that they found it unconvincing. They believed that Leo's accounts were more persuasive and provided evidence that Pearl had a long-standing tension with her stepdaughter that resulted in her pre-meditated murder. Jurors were not persuaded by the Victorian argument that bad mothers needed to be mentally institutionalized, rather they saw Pearl as a direct threat to the public and believed that she should be imprisoned for life.

Interestingly, when Pearl entered the Colorado State Penitentiary in Cañon City, she was quickly hired as a governess for the warden's children. Roy Best believed that Pearl was a victim of mental illness and bad circumstances and he wanted to give her a second chance to redeem herself.⁷² It appeared that he was persuaded by Keating's arguments and believed that Pearl should have a gentler experience while at Cañon City. Best frequently brought Pearl to his home, where she was charged with caring for his children, preparing meals, and altering clothing. Best was quoted as saying, "[Pearl] is a model prisoner. The children enjoy her company and she has been warm and loving towards them."⁷³

⁷² "Warden Hires Murderer to Care for Children," *Rocky Mountain News*, January 7, 1933.

⁷³ *Ibid.*



Figure 4.9: Warden Roy Best hosts a family dinner in his home. His wife and two sons are pictured here. It is likely that Pearl would have spent many evenings preparing dinner for the family here and making sure that the children were prepared for school the next morning. Photograph from Getty Images.⁷⁴

Best believed that Pearl needed more personalized attention and care because of her supposed mental instability, and he thought that she would excel if hired as a governess for his home. Interestingly, this approach seemed to work because Pearl appeared to adjust well to her new position. In fact, she was hailed as a model prisoner and released after nineteen years in prison. Warden Best spoke at her parole hearing, claiming that Pearl was completely rehabilitated and that working with children had helped her heal from the loss of her stepdaughter. It seemed that Best was one of the few people who truly believed that Pearl was innocent.⁷⁵

⁷⁴ “Best Family Dinner,” *Getty Images*, N.D. <https://www.gettyimages.ie/detail/news-photo/boy-criminal-jimmy-melton-having-dinner-with-warden-roy-news-photo/50450142?adppopup=true>

⁷⁵ “Pearl O’Loughlin Speaks Out 19 Years After Conviction,” *Rocky Mountain News*, January 20, 1950.

By 1950, jurors reflected on the trial and believed that there may have been some bias during the court proceedings. One told the *Rocky Mountain News*, “I think some of us got swept up in the sensationalism of it. We really thought she was a wicked stepmother...Personally, I have no problem with her release. I think she has served her time.”⁷⁶ Every juror on the case was interviewed by the media, and they echoed the first juror’s sentiments. Many openly admitted that they were caught up in the rhetoric surrounding the trial and had not adequately examined the facts. In this instance, it seems as though many convicted Pearl because she was Colorado’s “wicked stepmother” rather than because they believed she was truly guilty of the crime.

The Pearl O’Loughlin Case and the Aftermath

The story of Pearl O’Loughlin has been repeatedly retold over the last ninety years. True crime documentaries, television adaptations, and amateur sleuths have undertaken this trial in an effort to understand the truth: Did Pearl really kill Leona? Was she a psychopath with no regard for her stepdaughter? Nearly ninety years after the trial, pop culture continues to capitalize on the narrative that O’Loughlin was an evil stepmother. For example, in a recent episode of *A Crime to Remember*, Pearl was depicted as a “sociopath” with “no conscience and no remorse” for the death of her stepdaughter.⁷⁷ The show promoted the idea that Pearl loved her biological son more than Leona and had murdered her in order to secure her access to the family inheritance.

⁷⁶ *Ibid.*

⁷⁷ *A Crime to Remember*, episode 37, “A Woman’s Place,” produced by John Block, aired March 31, 2018, on Investigation Discovery, <https://www.investigationdiscovery.com/tv-shows/a-crime-to-remember/full-episodes/a-womans-place>.

However, the show also acknowledged that the interrogation that Pearl underwent was extremely emotionally upsetting and could have resulted in a false confession.

Interestingly, these popular adaptations do not include Pearl's own account of Leona's death. In 1950, Pearl spoke to the *Rocky Mountain News*, where she claimed to give the true story of what happened to Leona. Pearl asserted that Leona became ill after dinner, and she rushed her into the car to take her to the hospital. On the way to the hospital, Leona died. Pearl claimed that she panicked and put her body in Berkeley Park because she was afraid and was not sure what to do.⁷⁸ Additionally, Pearl claimed that she had no idea where the glass in the sugar bowl had come from and had no knowledge of how Leona and Leo had ingested it. Despite the holes in her story, the journalist found her credible. He wrote, "Ms. O'Loughlin told her story with candor and emotion. Though she did not offer an explanation for all presented evidence, I sensed truthfulness in her narrative."⁷⁹ Nearly nineteen years after her incarceration, Pearl was able to tell her story to the media, but it was met with mixed reception, and her own account has not been included in any of the true crime shows that covered the case.

Pearl's story, just like the stories of the other women in this dissertation, has been manipulated to suit political objectives and to make money. *Investigative Discovery*, numerous true crime podcasts, and bloggers have covered this story and added their own artistic spin to it, without considering Pearl's own words about what had happened. Right wing activists have recently re-examined Pearl's case as an example of female privilege, in which women

⁷⁸ "Pearl O'Loughlin Speaks Out 19 Years After Conviction," *Rocky Mountain News*, January 20, 1950.

⁷⁹ *Ibid.*

supposedly “get away with” crimes that men would have endured more consequences for. On a blog called, “Unknown Misandry,” the author aims to expose hidden cases of female privilege and uncover the secrets of the liberal agenda. The blog exclusively covers crimes committed by women against men, especially their husbands. Pearl’s trial has become the face of this political movement; the author believes that she was released early because of her privilege. Commenters on the blog express anger and resentment towards Roy Best and the criminal justice system for allowing Pearl to be released early and frustration at the perceived lighter treatment that women receive when on trial.

Whether she was innocent or guilty, the trial of Pearl O’Loughlin has persisted - through television, online forums, and in true crime podcasts. Her story continues to captivate audiences nearly ninety years after the court proceedings concluded. The case revealed the brewing tensions between progressives and conservatives, as well as a burgeoning political and moral divide between the wealthy Park Hill neighborhood and working class Washington Park, and it demonstrates how preconceived notions about step-motherhood had a concrete impact on how Pearl was perceived during the trial - even by her own legal team.

Throughout this project, these trials have revealed how women's political participation has changed over time - from the women who testified for Mary Solander in 1873 to the socialists who spoke publicly about the O’Loughlin trial. Women have always been politically engaged and sought to make lasting social change in their communities. However, the issues of white supremacy, class, and ableism divided female activists around Colorado and led to mixed results in achieving their political objectives. The women on trial - Mary, Sadie, Stella, and Pearl

- were caught in the crossfires of political ambitions, regressive laws, lawyers, judges, and juries with their own political motivations and beliefs. The trial of Pearl O'Loughlin reveals the deep class divides that were challenging the foundations of Colorado society during the Great Depression. Many of these divisions had been building for decades - as seen in the cases of Stella Moore and Sadie Leggett - while others were exacerbated by the miserable economic conditions gripping the country. In O'Loughlin's case, tensions surrounding wealth, inequality, and expectations about step-motherhood converged during her trial - causing explosive political tensions and leaving the city more divided than ever. Given the sensational nature of the case, it is hardly a surprise that it has been repeatedly televised and is continued to be politicized into the present.

Conclusion

Through the exploration of exceptional trials, this project tracked the evolution of women's political participation and criminalization in nineteenth and early twentieth century Colorado. Though their circumstances are unique, the women in this narrative represent thousands of women across the West who sought access to abortions or provided access to healthcare, were seeking protection from domestic violence and sexual abuse, or who were desperate to improve their circumstances. Their actions defied social norms, gender expectations, and broke the law. The sociopolitical forces around these trials often influenced their outcome and exposed how journalists, activists, politicians, judges, and jurors attempted to promote their own political causes through these cases. When placing all of these trials together, the efforts of activists and journalists become increasingly clear. Women at the turn-of-the-century were vocal advocates for themselves and they were deeply concerned about issues of violence, abuse, gender roles, and white supremacy. Politicians, doctors, journalists, juries and judges attempted to co-opt these trials for their own political causes - to mixed results. However, these cases did mobilize a number of essential conversations about the shifting roles of women in society and the need for increasing regulation for crimes and protections for domestic violence victims.

At the same time, progressive reform efforts intersected with eugenicists and white supremacy movements that sought to protect the state of Colorado from increasing immigration and postbellum African American settlement in the state. The trials also illuminate the complexities and contradictions of the Progressive Era. For example, some activists that supported women's suffrage also supported eugenics and worked to uphold white supremacy.

These beliefs became inextricably intertwined and led to the merging of white supremacist movements with the quest for women's political autonomy. These trials catalyzed a number of conversations that contributed heavily to the political atmosphere around the state. Though these cases led to a number of failed reform efforts, it is clear that the conversations that resulted from the trials had lasting impacts on how Coloradans thought about gender roles and reproductive agency - with the first abortion legislation considered in Denver in 1920.

These cases indicate that the legal landscape of Colorado was more flexible than it appears in broad historical narratives; women used the law to protect themselves and their families. Though judicial corruption and gendered biases were not uncommon in the nineteenth and early twentieth centuries, these trials are unique because they show the flexibility in allowing women to testify and present their arguments in court, as well as speak to the press and the jury on their own behalf. However, these trials also demonstrate the restrictions of the patriarchal system in place in Colorado. In the Solander trial, Mary, Anna Johnson, Jane Goyn, and Jane Caghan were able to tell their stories, but they were labeled as less credible than the male witnesses, who had their own biases and political objectives. The women in this trial also used the Fifth Amendment to protect themselves from questions about their healthcare and reproductive decisions, a move that indicates that women used the law to their advantage and knew to protect themselves from legal consequences.

Economic circumstances also played an essential role in the outcomes of each of these trials. The Denver Depression at the end of the nineteenth century and the massive flight of miners from Aspen contributed to dire economic circumstances and a significant lack of political and social opportunities for women like Sadie Leggett. This event both catalyzed her

circumstances and contributed to her criminalization, as the city of Aspen attempted to disguise its economic, social, and political troubles in 1893. Leggett's poverty, lack of resources, and open admission of her guilt contributed heavily to conversations about governmental support and the role that the state should play in regulating sexual deviancy and incest. Like the other women in this dissertation, Leggett found herself in the crossfires of political conversations about abuse, whiteness, eugenics, and the role of the judicial system in navigating complex conflicts. Because cities like Denver are understudied, this project expands the possibility for more localized studies to better understand how local circumstances can have lasting ramifications for people in the intersections of the judicial system.

Similarly, the Great Depression and the dire economic circumstances in Denver in the 1930s heavily contributed to the public's perception of Pearl O'Loughlin. Some of the public sympathized with Pearl. One onlooker told a reporter, "Pearl was desperate, just like us."¹ They understood her motivations and empathized with her desperation, despite finding her actions despicable. However, others worried about how O'Loughlin's actions would impact the public perception of all people living in poverty and sought to distance themselves from her. This divide demonstrates how the Great Depression was perpetuating complicated personal politics and impacting the public perception of legal cases. It is impossible to separate the economic from the legal in cases like these, and this study indicates the need for more holistic research into how public perceptions intersect with the judicial system.

The impact of national campaigns, such as women's suffrage, anti-obscenity crusades, and the regulation of sexual deviancy had profound impacts on the local level, as the judicial

¹ Julia Millican, interview by Ashley Achee, on September 27, 2020, via telephone, audio recording.

system attempted to navigate many divisive political voices. In cases like these, political campaigns and policies have deeply personal consequences for women like Sadie, Mary, Stella, and Pearl who were caught in political windstorms and found themselves simultaneously vilified and sanctified for their actions. This study reveals the need for more local histories that explore how national politics are interpreted on the local level and how the lives of individuals are impacted by larger political narratives and objectives. In Colorado, the judicial system messily attempted to reconcile the Progressive voices and objectives, along with those of Ku Klux Klan members, eugenicists, workers unions, and the wealthy. In these cases, often that meant harsher sentences that were quietly commuted after a few years, as the judicial system struggled to make sense of the complicated place of women who were both perpetrators and victims of violence.

It is impossible to analyze these trials without considering the impact of privilege in these stories. Privilege is at the heart of these cases; the women in this dissertation were white and had some degree of social influence- whether they were wealthy, educated, or had political connections. Privilege also explains why these trials have survived in the archive and why the media coverage surrounding them was sensationalized.² In my conversation with Julia Millican, Pearl O’Loughlin’s granddaughter, she argued that Pearl’s story has been told, retold, and appropriated because, “People love crimes involving white, wealthy women.” Because of the

² Numerous scholars have identified the role that whiteness plays in archival preservation and systemic erasure of black, brown, and indigenous voices. Marisa Fuentes, *Dispossessed Lives: Enslaved Women, Violence, And The Archive*, Philadelphia: University of Pennsylvania Press, 2018. Dr. Fuentes remains one of the foremost scholars on archival erasure and her work on the history of slavery in the Caribbean artfully illustrates the systemic violence and white supremacy that persists in the archives. Sadiya Hartman also provides insight into methodological approaches to archival erasure with her creation of critical fabulation. For more, please see: Sadiya Hartman, “Venus in Two Acts,” *Small Axe* 12, no. 2 (June 2008): 2–14. In another methodological approach, Rebecca Hall recently published a graphic novel that directly addresses the burden and violence of researching slavery in State and colonial archives. See: Rebecca Hall, Hugo Martínez, and Sarula Bao, *Wake: The Hidden History of Women-Led Slave Revolts*, New York: Simon & Schuster, 2021.

exceptional and shocking nature of many of these trials, the overwhelming amount of media coverage, and ample legal records there are clear historical narratives that can be constructed from the cases. Though Mary, Sadie, and Pearl were punished for their crimes, white privilege also contributes to why they were released early. For example, Mary Solander was sentenced to ten years in prison, for which she served three and a half years. Pearl was able to work as the warden's nanny and eventually had her sentence commuted. Stella Moore's acquittal is also linked to privilege, as she was able to use her wealth and whiteness to perpetuate a narrative about her being a victim of domestic abuse (a narrative that could have been true, but was certainly used by Stella and her legal team to manipulate public and legal perception of their client).

The stories in this dissertation indicate the need for more thorough historical work on the criminal justice system and how it intersected with women in the turn-of-the-century. These trials catalyzed numerous conversations, activism, and media that exposed the clear societal concerns about women's rights, bodily agency, and the meanings of motherhood. Exceptional moments, like the ones explored in this research, allow for the lines of sexism, racism, and discrimination to be laid bare. Trials like Pearl's, Stella's, Sadie's, and Mary's emphasize the need for a more thorough examination of how the criminal justice system reckoned with women who broke laws, defied gender expectations, and invented new meanings of womanhood for themselves.

Bibliography

Secondary Sources

- Abbott, Carl, Stephen J. Leonard, and Thomas J. Noel. "The Great Depression." *In Colorado: A History of the Centennial State, Fifth Edition*, 283-98. University Press of Colorado, 2013. Accessed July 28, 2020. www.jstor.org/stable/j.ctt4cgqpb.24.
- Abbott, Carl. *How Cities Won the West: Four Centuries of Urban Change in Western North America*. United States: University of New Mexico Press, 2011.
- A Crime to Remember*, episode 37, "A Woman's Place," produced by John Block, aired March 31, 2018, on Investigation Discovery, <https://www.investigationdiscovery.com/tv-shows/a-crime-to-remember/full-episodes/a-womans-place>.
- Adams, Jane. "Resistance To "Modernity": Southern Illinois Farm Women and The Cult of Domesticity," *American Ethnologist* 20, no. 1 (1993): 89-113.
- Allan, Garland. "'Culling the Herd': Eugenics and the Conservation Movement in the United States, 1900-1940." *Journal of the History of Biology* 46, no. 1 (2013). <http://www.jstor.org/stable/42628761>.
- Andreadis, Harriette. "True Womanhood Revisited: Women's Private Writing in Nineteenth-Century Texas," *Journal of the Southwest* 31, no. 2 (1989): 179-204.
- Andrews, Thomas. *Killing for Coal: America's Deadliest Labor War*. Cambridge, MA: Harvard University Press, 2010.
- Armitage, Susan. *Shaping the Public Good: Women Making History in the Pacific Northwest*. Corvallis, OR: Oregon State University Press, 2015.
- Armitage, Susan. *The Women's West*. Helena, MT: Montana Historical Society Press, 2003.
- Atkinson, Diane. *Rise up, Woman!: the Militant Campaign of the Women's Social and Political Union 1903-1914*. London: Routledge, 2013.
- Baillargeon, Denyse, and Yvonne Klein. *Making Do: Women, Family and Home in Montreal During the Great Depression*. Waterloo: Wilfrid Laurier University Press, 2006.
- Baptist, Edward. *The Half Has Never Been Told: Slavery and the Making of American Capitalism*. New York: Basic Books, 2016.
- Barzilai, Shuli. "Reading "Snow White": The Mother's Story." *Signs* 15, no. 3 (1990): 515-34. Accessed January 4, 2021. <http://www.jstor.org/stable/3174426>.
- Bassin, Donna, Margaret Honey, and Meryle Kaplan. *Representations of Motherhood*. New Haven: Yale Univ Press, 1996.
- Beisel, Nicola Kay. *Imperiled Innocents: Anthony Comstock and Family Reproduction in Victorian America*. Princeton: Princeton University Press, 2001.
- Black, Edwin. *War against the Weak: Eugenics and America's Campaign to Create a Master Race*. New York: Four Walls Eight Windows, 2004.
- Brodie, Janet Farrell. "Intended Consequences: Birth Control, Abortion, and the Federal Government in Modern America (Review)." *Bulletin of the History of Medicine* 75, no. 1 (March 1, 2001): 180–81. <https://doi.org/10.1353/bhm.2001.0003>.

- Brown, Joseph. *The History of Equal Suffrage in Colorado, 1868-1898*. Denver: 1898, News Job Printing Co.
- Butler, Anne. *Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865-90*. 1985.
- Butler, Anne. "Not Only Wide Open Spaces: Urban History and The American West," *Journal of Urban History* 37, no. 1 (2011): 124-132.
- Bynum, Victoria E. "The Seduction and Suicide of Mariah Murray: A Civil War Era Tragedy." *Ohio Valley History* 15, no. 1 (June 1, 2015): 21-40.
- Cappa, Jim. "Mining History of Colorado." *Colorado Geological Survey*. <http://hermes.cde.state.co.us/drupal/islandora/object/co:3408/datastream/OBJ/view>
- Chauncey, George. "From Sexual Inversion To Homosexuality: Medicine And The Changing Conceptualization Of Female Deviance." *Salmagundi*, no. 58/59 (1982). <http://www.jstor.org/stable/40547567>.
- Clyne, Richard. *Coal People: Life in Southern Colorado's Company Towns, 1890-1930*. Denver, Colorado: Colorado Historical Society, 1999.
- Cohen, Adam. *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck*. Penguin Press: New York, 2016.
- Connolly, Brian. *Domestic Intimacies: Incest and the Liberal Subject in Nineteenth-Century America*, Philadelphia: University of Pennsylvania Press, 2014. <http://www.jstor.org/stable/j.ctt6wr92z>.
- Critchlow, Donald. *Intended Consequences: Birth Control, Abortion, and the Federal Government in Modern America*. Oxford, UK: Oxford University Press, 2001.
- Dainton, Marianne. "The Myths and Misconceptions of the Stepmother Identity: Descriptions and Prescriptions for Identity Management." *Family Relations* 42, no. 1 (1993): 93-98.
- Dayton, Cornelia Hughes. "Taking the Trade: Abortion and Gender Relations In An Eighteenth-Century New England Village," *The William and Mary Quarterly* 48, no. 1 (1991): 19-49.
- De Block, Andreas, and Pieter R. Adriaens, "Pathologizing Sexual Deviance: A History," *The Journal of Sex Research* 50, no. 3/4 (2013): 280. <http://www.jstor.org/stable/42002060>.
- Devine, Shauna. "Health Care and The American Medical Profession, 1830-1880," *The Journal Of The Civil War Era*. <https://journalofthecivilwarera.org/2017/07/health-care-american-medical-profession-1830-1880/>.
- Dikötter, Frank. "Race Culture: Recent Perspectives on the History of Eugenics." *The American Historical Review* 103, no. 2 (1998): 467-78. doi:10.2307/2649776.
- Drachman, Virginia. "Female Solidarity and Professional Success: The Dilemma of Women Doctors in Late Nineteenth-Century America." *Journal of Social History* 15, no. 4 (1982): 607-10.
- DuBois, Ellen Carol. *Feminism and Suffrage: the Emergence of an Independent Women's Movement in America, 1848-1869*. Ithaca: Cornell University Press, 1999.
- DuBois, Ellen Carol. *Woman Suffrage and Women's Rights*. New York: New York University Press, 1998.
- Dyer, Frederick N. "Dispelling the Myths of Abortion History (Review)." *Journal of the History of Medicine and Allied Sciences* 62, no. 3 (July 5, 2007): 365-67.

- Eagan, Timothy. *The Worst Hard Time: The Untold Story of Those Who Survived the Great American Dust Bowl*. New York: Houghton Mifflin Harcourt, 2007.
- Enss, Chris. *No Place for a Woman: The Struggle for Suffrage in the Wild West*. Landham, MD: Rowman & Littlefield, 2020.
- Faulkner, Carol. *Unfaithful: Love, Adultery, and Marriage Reform in Nineteenth-Century America*. University of Pennsylvania Press. 2019.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*, New York: Pantheon Books, 1977.
- Freedman, Estelle. “‘Crimes Which Startle and Horrify’: Gender, Age, and the Racialization of Sexual Violence in White American Newspapers, 1870–1900,” *Journal of the History of Sexuality* 20, no. 3 (2011): 465–97. <http://www.jstor.org/stable/41305881>.
- Fuentes, Marisa J. *Dispossessed Lives: Enslaved Women, Violence, And The Archive*. Philadelphia: University Of Pennsylvania Press, 2018.
- Gober, Patricia. “Why Abortion Rates Vary: A Geographical Examination of the Supply of and Demand for Abortion Services in the United States in 1988.” *Association of American Geographers* 84, no. 2 (June 1994): 230–50.
- Goldstein, Phil. *From Soup Lines to the Front Lines: Denver During the Depression and World War II, 1927-1947*. Denver: University of Colorado Press, 2007.
- Goodstein, Phil. *Park Hill Promise: Quest for an Idyllic Denver Neighborhood*. Denver: Capitol Hill Books, 2012.
- Green, Elna C. *Southern Strategies: Southern Women and the Woman Suffrage Question*. United States: The University of North Carolina Press, 2000.
- Greenhouse, Linda. “Public Opinion & the Supreme Court: The Puzzling Case of Abortion.” *Daedalus* 141, no. 4 (2012): 69–82.
- Hanisch, Carol. “The Personal is Political.” *Notes from the Second Year: Women’s Liberation*, 1969. <https://www.carolhanisch.org/CHwritings/PIP.html>
- Hale, Edwin Moses. *A Systemic Treatise on Abortion*. New York: Wentworth Press, 1868.
- Haley, Sarah. *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*. Chapel Hill, NC: University of North Carolina Press, 2016.
- Hall, Rebecca. *Wake: The Hidden History Of Women-Led Slave Revolts*. Simon & Schuster, 2022.
- Hartman, Saidiya. “Venus in Two Acts.” *Small Axe* 12, no. 2 (June 2008): 2–14.
- Hayes, Melissa. “Sex in the Witness Stand: Erotic Sensationalism, Voyeurism, Sexual Boasting, and Bawdy Humor in Nineteenth-Century Illinois Courts.” *Law and History Review* 32, no. 1 (2014): 149–202.
- Helminski, Francis. “When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867-1973.” *Bulletin of the History of Medicine*.
- Hyde, Anne Farrar. *Empires, Nations, and Families: a New History of the North American West. 1800-1860*. New York: Ecco, 2012.

- Hyde, Anne F. "Cultural Filters: The Significance of Perception in the History of the American West." *The Western Historical Quarterly* 24, no. 3 (1993): 351–74. <https://doi.org/10.2307/970755>.
- Jameson, Elizabeth. *All That Glitters: Class, Conflict, and Community in Cripple Creek*. Urbana: University of Illinois Press, 1998.
- Joffe, Carole. "Portraits of Three 'Physicians of Conscience': Abortion before Legalization in the United States." *Journal of the History of Sexuality* 2, no. 1 (1991): 46–67.
- Joffe, Carole. *Doctors of Conscience: The Struggle To Provide Abortion Before And After Roe V. Wade*. 1st ed. Boston: Beacon Press, 1996.
- Johnson, Susan Lee. *Roaring Camp: The Social World of the California Gold Rush*. New York, New York: W.W. Norton, 2001.
- Johnson, Walter. *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom*. Cambridge: Harvard University Press, 2017.
- Johnson, Walter. *The Broken Heart Of America St. Louis And The Violent History Of The United States*. New York: Basic Books, 2020.
- Joseph, Anthony M. "The 'Pennsylvania Model': The Judicial Criminalization of Abortion in Pennsylvania, 1838-1850." *The American Journal of Legal History* 49, no. 3 (2007): 284–320.
- Kaplan, Amy. "Manifest Domesticity," *American Literature* 70, no. 3 (1998): 581-606.
- Kelly, Patrick J. "Victorian Vice." *Reviews in American History* 26, no. 4 (December 1, 1998): 717–24. <https://doi.org/10.1353/rah.1998.0078>.
- Kessler-Harris, Alice. *Gendering Labor History*. Urbana: University of Illinois Press, 2007.
- Kevles, Daniel J. *In the Name of Eugenics: Genetics and the Uses of Human Heredity*. [Cambridge]: [International Society for Science and Religion], 2007.
- Kipen, David. *Los Angeles in the 1930s: The WPA Guide to the City of Angels*. Los Angeles: University of California Press, 2011.
- Kornbluh, Joyce L. and O'Farrell, Brigid. *Rocking the Boat: Union Women's Voices, 1915-1975*. Rutgers University Press New Brunswick, N.J 1996.
- Krueger, Thomas A. "American Labor Historiography, Old and New." *Journal of Social History* 4, no. 3 (1971): 277-85.
- Kruse, Kevin M. *White Flight*. Princeton, New Jersey: Princeton University Press, 2005.
- Lauck, Jon, Gleaves Whitney, and Joseph Hogan. *Finding a New Midwestern History*. Lincoln, NE: University of Nebraska Press, 2018.
- Lee, Erika. *At America's Gates: Chinese Immigration during the Exclusion Era, 1882-1943*. United States: The University of North Carolina Press, 2004.
- Leonard, Stephen. *Lynching in Colorado, 1859-1919*. Boulder: University Press of Colorado, 2002.
- Leonard, Stephen. *Trials and Triumphs: A Colorado Portrait of the Great Depression*. Logan, UT: University of Colorado Press, 1993.

- Lewis, O.F. *The Development of American Prisons and Prison Customs: 1776-1845*. Montclair, New Jersey, 1967.
- Limerick, Patricia Nelson. *The Legacy of Conquest: the Unbroken Past of the American West*. New York: W.W. Norton, 2006.
- Lindsay, Matthew J. "Reproducing a Fit Citizenry: Dependency, Eugenics, and the Law of Marriage in the United States, 1860-1920." *Law & Social Inquiry* 23, no. 3 (1998): 541-85. <http://www.jstor.org/stable/828869>.
- Lindsey, Treva B. *Colored No More Reinventing Black Womanhood in Washington, D.C.* Champaign: University of Illinois Press, 2017.
- Luker, Kristin. *Abortion and The Politics of Motherhood*. Berkeley, Calif.: Univ. of California Press, 1985.
- Magness, Phillip W. "The New History of Capitalism Has a 'Whiteness' Problem." *American Institute for Economic Research*. <https://www.aier.org/article/the-new-history-of-capitalism-has-a-whiteness-problem/>.
- Marland, Hilary. *Dangerous Motherhood: Insanity and Childbirth in Victorian Britain*. New York: Palgrave Macmillan, 2004.
- Martelle, Scott. *Blood Passion: the Ludlow Massacre and Class War in the American West*. New Brunswick, NJ: Rutgers University Press, 2008.
- McBaine, Neylan. *Pioneering the Vote: The Untold Story of Suffragists in Utah and the West*. Salt Lake City, UT: Shadow Mountain Publishing, 2020.
- McCoy, Ted. *Hard Time Reforming the Penitentiary in Nineteenth-Century Canada*. Athabasca University Press, 2012, 189-90
- McGirr, Lisa. *Suburban Warriors: the Origins of the New American Right*. Princeton: Princeton University Press, 2015.
- McTavish, Lianne. "Artion in New Brunswick." *Acadiensis* 44, no. 2 (2015): 107-30.
- Mead, Rebecca J. *How the Vote Was Won: Woman Suffrage in the Western United States. 1868-1914*. New York: New York University Press, 2006.
- Meldahl, Keith Heyer. *Hard Road West: History & Geology Along the Gold Rush Trail*. Chicago: University of Chicago Press, 2007.
- Moehring, Eugene P. *Urbanism and Empire in the Far West, 1840-1890*. Reno: University of Nevada Press, 2004.
- Mohr, James C. *Abortion in America*. Oxford, UK: Oxford University Press, 1979.
- Morgan, Iwan, and Davies, Philip. *Hollywood and the Great Depression: American Film, Politics and Society in the 1930s*. Edinburgh: Edinburgh University Press, 2016.
- Muhammad, Khalil Gibran. *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*. Cambridge, Mass: Harvard University Press, 2011.
- Murray, John. "A Century of Tuberculosis," *American Journal of Respiratory and Critical Care Medicine*, February 4, 2004. 1181-1186. <https://doi.org/10.1164/rccm.200402-140OE>
- Newman, Victoria. *Prisons of Cañon City*. Mount Pleasant, SC: Arcadia Publishing and the History Press, 2008.

- Nicolaides, Becky M. *My Blue Heaven: Life and Politics in the Working-Class Suburbs of Los Angeles, 1920-1965*. Chicago: University of Chicago Press, 2002.
- Nossiff, Rosemary. "Abortion Policy Before Roe: Grassroots and Interest-Group Mobilization." *Journal of Policy History* 13, no. 4 (October 1, 2001): 463–78.
- Oring, Elliott, ed. *Folk Groups And Folklore Genres Reader: A Reader*. Logan, Utah: University Press of Colorado, 1989.
- O'Hare, Sheila. *Wicked Denver: Mile-High Misdeeds and Malfeasance*, The History Press; Charleston, NC (2012).
- Pascoe, Peggy. *What Comes Naturally Miscegenation Law and the Making of Race in America*. Oxford: Oxford University Press, 2009.
- Reagan, Leslie. *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867-1973*. Berkeley: University of California Press, 1997.
- Reagan, Leslie Jean. "When Abortion Was a Crime." *The Atlantic* (October 1, 1998): accessed February 27, 2018, <https://www.theatlantic.com/past/docs/issues/97may/abortex.htm>.
- Reagan, Leslie Jean. "'About to Meet Her Maker': Women, Doctors, Dying Declarations, and the State's Investigation of Abortion, Chicago, 1867-1940." *The Journal of American History* 77, no. 4 (1991): 1240–64.
- Reed, Christopher *The Depression Comes to the South Side: Protest and Politics in the Black Metropolis, 1930-1933*. Bloomington: Indiana University Press, 2011.
- Roediger, David R. *The Wages of Whiteness: Race and the Making of the American Working Class*. London: Verso, 2007.
- Rotman, Deborah. "Separate Spheres?" *Current Anthropology* 47, no. 4 (2006): 666-676.
- Rubin, Eva R. *Abortion, politics, and the courts: Roe v. Wade and its aftermath*. New York: Greenwood Press, 1987.
- Ruíz, Vicki. *Cannery Women, Cannery Lives: Mexican Women, Unionization, and the California Food Processing Industry, 1930-1950*. Albuquerque: University of New Mexico Press, 1992.
- Self, Robert O. *American Babylon: Race and the Struggle for Postwar Oakland*. Princeton, NJ: Princeton University Press, 2005.
- Sievens, Mary Beth "Divorce, Patriarchal Authority, And Masculinity: A Case from Early National Vermont," *Journal of Social History* 37, no. 3 (2004): 651-661.
- Smith, Stacey L. *Freedom's Frontier California and the Struggle over Unfree Labor, Emancipation, and Reconstruction*. Chapel Hill: The University of North Carolina Press, 2013.
- Spruill, Marjorie. *One Woman, One Vote: Rediscovering the Woman Suffrage Movement*. S.I.: Newsage Press, 1999.
- Stanton, Elizabeth Cady, Jill Stone, and Jill Elaine Hasday. "Contest and Consent: A Legal History of Marital Rape," *88 California Law Review* 1373 (2000).
- Sugrue, Thomas J. *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*. Princeton: Princeton University Press, 2014.

- Triece, Mary. *On the Picket Line: Strategies of Working-class Women During the Depression*. Urbana-Champaign: University of Illinois Press, 2007.
- Trouillot, Michel-Rolph. *Silencing the Past*. Boston, MA: Beacon Press, 2015.
- Vecera, Vincent. "The Supreme Court and the Social Conception of Abortion." *Law & Society Review* 48, no. 2 (2014): 345–75.
- Walsh, Margaret. "Women's Place on The American Frontier." *Journal of American Studies* 29, no. 02 (1995): 241-255.
- Welter, Barbara. "The Cult of True Womanhood: 1820-1860", *American Quarterly* 18, no. 2 (1966): 151-174.
- Wheeler, Leigh Ann. "Where Else but Greenwich Village? Love, Lust, and the Emergence of the American Civil Liberties Union's Sexual Rights Agenda, 1920-1931." *Journal of the History of Sexuality* 21, no. 1 (2012): 60–92. <http://www.jstor.org/stable/41475056>.
- White, Deborah G. *Aren't I a Woman?: Female Slaves in the Plantation South*. New York: Norton, 1999.
- White, Richard, Patricia Nelson. Limerick, and James R. Grossman. *The Frontier in American Culture: Essays*. Berkeley: University of California Press, 1994.
- Worster, Donald. *Dust Bowl: The Southern Plains in the 1930s*. New York: Oxford University Press, 2004.

Primary Sources

- "Abortion Ecology." *Colorado Medical Journal*, 1888.
- "Abortion Fiend." *The Rocky Mountain News*, March 1873.
- "Abortion Murder." *The Rocky Mountain News*, December 22, 1872.
- Adams, Emma. *On the Raising of Children* [pamphlet]. Colorado Public Health Archives. 1890.
- "A Man Responds." *Colorado Worker*, April 10, 2.
- "A Sad Story." *Denver Post*, February 19, 1873.
- Aspen Historical Society. *Photograph of William Leggett*. Box 21a, Roll 12.
- Autopsy Records for the trials of Stella Newton Britton Moore and Pearl O'Loughlin, Boxes M-283, M-300, Colorado Public Health Archives, Denver, Colorado.
- "A Woman's Response." *Colorado Worker*, April 3, 6.
- "Bell Speaks." *Aspen Times*, January 15, 1894.
- "Bennett Responds." *Greeley Sentinel*, June 2, 1931.
- "Best Family Dinner." *Getty Images*, N.D. <https://www.gettyimages.ie/detail/news-photo/boy-criminal-jimmy-melton-having-dinner-with-warden-roy-news-photo/50450142?adppopup=true>
- "Call to Action," *Denver Star*, October 14, 1916, 1.
- California, County Birth, Marriage, and Death Records. 1830-1980. California Department of Public Health. Courtesy of www.vitalsearch-worldwide.com. Digital Images.
- "Chauffeur for the Wealthy Slain," *Colorado Worker*, March 27, 1917.
- "City and the Vicinity." *Denver Post*, December 31, 1872.

“City and the Vicinity.” *Denver Post*, January 12, 1873.

“City and the Vicinity.” *Denver Post*, June 3, 1888.

Cole, Martin, and A. F. M. Brierley. “Abortifacient Drugs.” *The Journal of Sex Research* 4, no. 1 (1968): 16–25.

“Colorado Association of Colored Women's Club newsletter,” March 29, 1917, *History Colorado*, Elizabeth Piper Ensley Papers (Bibliographical Files), 4.

“Colorado Attempts to Repeal Suffrage.” *Women's Journal*, March 30, 1917, seq. 8.

Colorado Bureau of Prisons. “Sarah Leggett.” *Museum of Colorado Prisons*, Box 17b, Roll 8. 1894.

“Colorado Socialist Party Platform.” Colorado State Archives, Box 7122a. 1909.

Colorado Public Health Records, Box 1621a, 1929-1933.

“Conclusion Nears in Leggit Trial.” *Aspen Times*, January 5, 1894.

“Courthouse Speeches.” *The Aspen Times*, December 9, 1893.

“Criminal Abortion.” *Colorado Medical Journal*, March 13, 1873.

Dalton, J.C. *Commissioner of the New York State Agricultural Society, for the Investigation of Abortion*. New York: Cornell University Library, 1868.

“Dearfield Colony, 1915-1920.” Weld County Archives, box 432.

“Deviancy in the State.” *Denver Evening Star*, February 17, 1894.

“Editorial.” *Aspen Times*, December 11, 1893.

“Editorial.” *Aspen Times*, December 27, 1893.

“Editorial.” *Aspen Times*, January 18, 1894.

“Editorial.” *Colorado Medical Journal*, February 1, 1873

“Editorial.” *Denver Evening Star*, February 11, 1894.

“Editorial.” *Denver Evening Star*, January 4, 1893.

“Editorial.” *The Aspen Times*, May 18, 1894.

“Editorial on Abortion.” *Rocky Mountain News*, January 20, 1873.

“Editorial on Criminal Abortion.” *Denver Medical Times*, March 20, 1888.

“Editorial on the Moore-Smith Case.” *Colorado Worker*, March 31, 4.

“Female Irreligion.” *Ladies' Companion*, XIII (May-Oct. 1840).

“Fetal Murder.” *Rocky Mountain News*, December 30, 1872.

F.R. Waggoner, “Criminal Abortion,” *Denver Post*, June 18, 1867.

“Gatherings at the Courthouse.” *Rocky Mountain News*, July 15, 1931.

Greg, Kimball. “A Real-Life Grimm Fairytale.” *Craig Empire Courier*, March 23, 1938. *Homeowners Association Pamphlets*. 1915-1945, Denver Public Health Archives.

Hay, Edmund. “Diachylon As An Abortifacient.” *The British Medical Journal* 1, no. 2508 (1909): 214–15.

Hall, Arthur. “The Increasing Use Of Lead As An Abortifacient; A Series Of Thirty Cases Of Plumbism.” *The British Medical Journal* 1, no. 2307 (1905): 584–87.

“Incarceration Records 1892-4.” *Museum of Colorado Prisons*. Collected at the Colorado State Penitentiary in Cañon City, Colorado.

“Josephine Roche.” History Colorado Archive, Box 11f, 1931.

Jollye, F. W. "Plumbism From the Ingestion of Diachylon As An Abortifacient." *The British Medical Journal* 1, no. 2359 (1906): 620–620.

Jones, Rodger. "Gold Booms in Aspen!" *Denver Post*, June 17, 1883.

Julia Millican, interview by Ashley Achee, on September 12, 2019 in Boulder, Colorado, audio recording.

Julia Millican, interview by Ashley Achee, on September 27, 2020, via telephone, audio recording.

"Ladies are Fearfully Scarce Down in Trinidad." *The Weekly Gazette*, August 8, 1872.

"Legget Case." *Aspen Times*, December 14, 1893.

"Leggett Arrives at Prison." *Aspen Times*, February 1, 1894.

"Leggett Trial." *Aspen Times*, December 10, 1893.

"Leggit Case Continues." *Aspen Times*, December 12, 1893.

"Leggitt Jurors Speak." *Aspen Times*, January 28, 1894.

"Leggitt Jurors Speak." *Aspen Times*, January 28, 1894.

"Letter from a Suffragette." *The Colorado Worker*, November 20, 1916, 3.

Lewis, Lillian. "Editorial." *The Denver Evening Star*, January 8, 1894.

Marker, Roy. "Editorial." *Aspen Times*, December, 6, 1893.

"Mary Solander: Opinion on the Colorado Supreme Court Case." *The Rocky Mountain News*, March 1873.

"Mary Solander." *Colorado State Penitentiary Records*, March 1873 - April 1876.

"Mary Solander." *Denver Post*, March 27, 1873.

"Mary Solander." *Denver Post*, Jan 13, 1873.

"Mary Solander." MyHeritage Database, May 29, 2010, accessed February 27, 2018, <https://www.myheritage.com/research/record-40001-853079559/mary-jane-solander-born-mciver-in-familysearch-family-tree>

Mary Solander V. The Territory of Colorado 250 (Colorado Supreme Court 1873).

"Means Speaks." *Rocky Mountain News*, July 25, 1931.

"Minnie C.T. Love." *The Lamar Register*, December 8, 1893.

"Minnie C.T. Love Papers." *History Colorado*, Boxes 11-21, 1892-1927.

"Minnie Scalabrino Letter." *Elizabeth Ensley Papers (Bibliographical Index)*, History Colorado.

"Minnie Scalabrino Protests the Stella Moore Trial." Colorado State Archives, box 9832a.

Miller, Howard. "Deformities and Imbecility." *Denver Evening Star*, February 1, 1894.

"Mother of Three Lynched." *Denver Star*, November 25, 1916.

"Mother or Monster?" *Captured and Exposed*, Accessed November 3, 2020. <https://capturedandexposed.com/tag/pearl-oloughlin/>

"Mrs. Moore Smith Takes the Stand." *Rocky Mountain News*. March 13, 1917, 14.

Mrs. Nancy Hillberg, interview conducted by Ashley Achee, via Skype, September 13, 2019.

"Mrs. Smith Appears Sickly." *Denver Post*. March 13, 1917, 5.

"Mrs. Smith Protects Her Child, Slays Husband." *Denver Post*. January 29, 1917, 4.

"Mrs. Smith Vindicated." *Denver Post*. March 17, 2.

"Ms. Leggit Speaks." *Aspen Times*. January 17, 1894.

“Negro Home Bombed by Autoists.” *Rocky Mountain News*. July 8, 1921, 6.
 Oakes, Frederick. “Expert Testimony,” *Colorado Medical Journal*, June 1875.
 “On Criminal Abortion.” *Colorado Medical Journal*. July 3, 1888.
 “Outside the Courthouse.” *Denver Post*. July 17, 1931.
 “Outside the Courthouse.” *Denver Post*. July 19, 1931.
 “O’Loughlin Jurors Speak Out.” *Rocky Mountain News*, September 14, 1931.
 “Park Hill Residents Discuss Trial.” *Denver Post*, August 1, 1931.
 “Pearl O’Loughlin Speaks Out 19 Years After Conviction.” *Rocky Mountain News*, January 20, 1950.
 “Personal Doctor Advertisements.” *Rocky Mountain News*, June 1888-May 1889.
 “Population: Reports by States Alabama-Montana, 1164 pp. (color plates), 1915 ed.” *United States Census*, 1910.
 “Population: Reports by States Alabama-Montana, 1164 pp. (color plates), 1920 ed.” *United States Census*, 1915.
 “Population: Reports by States Alabama-Montana, 1164 pp. (color plates), 1925 ed.” *United States Census*, 1920.
P. O’Loughlin vs. The State of Colorado, 2731 (2nd Judicial District Court, 1932).
 Pitkin County Sheriff’s Office, Sarah Leggett, Officer William Coats, Report #982a, Snowmass, Colorado: 1894. Paper.
Playfair, William S. A Treatise On The Science And Practice Of Midwifery. London: Smith, Elder & Co., 1866.
 “Protest in Aspen.” *Aspen Times*, December, 7, 1893.
 “Protests Outside Gated Homes.” *Denver Post*, January 15, 1931.
 Prison Records for Mary Solander, Sadie Leggett, Stella Newton Britton Moore, Pearl O’Loughlin, Microfilm Reels, 18373, 18375, 19342, 19389, 20938, 21203, January 1873-February 1931, Museum of Colorado Prisons, Canon City, Colorado.
 “Public Calls for Leniency.” *Rocky Mountain News*, July 29, 1931.
 Redee, Myron. “More Assistance Needed for Poor.” *Greeley Tribune*, August 27, 1931.
 “Rebuttal Witnesses in the Smith Trial.” *Rocky Mountain News*, March 21, 1953.
 “Roche Speaks on Trial.” *Greeley Sentinel*, May 29, 1931.
 “Rocky Mountain Gesture.” *Time*, September 7, 1931.
Sarah Leggett vs. The City of Aspen, 72, 1893-4.
 “Scalabrino Speaks.” *Rocky Mountain News*, July 18, 1931.
 “Scalabrino Writes Back.” *Colorado Worker*, April 17, 4.
 “Sinner or Saint?” *Rocky Mountain News*, February 18, 1933.
 “Smashing Denver’s Abortion Racket!” *Rocky Mountain News*, June 1947.
 “Smith Moore Case Editorial.” *Denver Star*, March 23, 4.
 “Smith Trial Continues.” *Denver Post*, March 2, 1917, 2.
 “Social Evil.” *Rocky Mountain News*, May 14, 1873.
 “Social Evil.” *Rocky Mountain News*, May 25, 1874.
Stella N B S Moore vs. The State of Colorado, 1919.

“Stepmother Admits to Slaying.” *Seymour Daily Tribune*, December 1, 1931.

“Stepmother Pleads Guilty to Murder.” *Denver Post*, December 16, 1930.

“Stepmothers from Hell.” *Unknown Misandry*. Last updated January 2, 2021, <http://unknownmisandry.blogspot.com/2011/08/pearl-oloughlin-fed-stepdaughter-ground.htm>

Storer, Horatio. “The Criminality and Physical Evils of Forced Abortion.” *American Medical Association Newsletter*, 1866.

“Symposium on Criminal Abortion.” *Colorado Medical Journal*, June 3, 1901.

“Testimony Today.” *Weekly Gazette*, Jan 13, 1873.

“The Fateful Romance of Pretty Mrs. Smith.” *Arkansas Gazette*, February 17, 1918, 3.

“The Final Witnesses in the Smith Trial.” *Denver Post*, March 13, 1917, 5.

“The Mary Solander Opinion.” *Denver Post*, March 16, 1873.

“The Park Hill Trial Concludes.” *Denver Post*, March 27, 1917, 8.

“The Sacred Thirty-Six Winter Ball.” Denver Post Archives, December 1914.

“The Smith Mansion Murder.” *Denver Post*, January 15, 1917, 5.

“The Stella Smith Trial.” *Denver Star*, February 17, 1917, 3.

“The Uri Clark Decision.” *Rocky Mountain News*, June 19, 1888.

Thomas, Theodor Gillard. *Abortion and Its Treatment from the Standpoint of Practical Experience A Special Course of Lectures Delivered at the College of Physicians and Surgeons* New York: D. Appleton and Co., 1889.

“Trial Continues.” *Aspen Times*, December 23, 1893

“Trial Rages On,” *Aspen Times*, December 16, 1893.

“Trials Compared.” *Greeley Sentinel*, August 1, 1931.

Trial Transcripts for Mary Solander, Sadie Leggett, Stella Newton Britton Moore, Pearl O’Loughlin, Boxes 14, 36, 92, 109, Colorado Judicial Archives, Denver and Colorado Springs, Colorado.

“Try Stepmother for Girl’s Death.” *Denver Post*, November 28, 1931.

“Unwelcome Child.” *Western Journal of Medicine*, February 1870.

U.S. Census Bureau. *California Census Report*, 1900, Prepared by Ancestry.com.

U.S. Census Bureau. *Colorado Census Report*, 1870, Prepared by Ancestry.com.

U.S. Census Bureau. *Colorado Census Report*, 1880, Prepared by Ancestry.com.

“Uri S. Clark.” *Denver Post*, June 20, 1888.

“Uri S. Clark.” *Rocky Mountain News*, May 29, 1888.

“Wages Cut, Workers Riot.” *The Larimer County Independent*, October 6, 1916, 7.

“Warden Hires Murderer to Care for Children.” *Rocky Mountain News*, January 7, 1933.

“Wash Park Residents Discuss Trial.” *Rocky Mountain News*, July 25, 1931.

Western Genealogy Archives, *Denver Architecture*, Box 14c, 1920-1935.

“What is a Baby Without a Home?” *Rocky Mountain News*, May 14, 1947.

“Will Render Verdict in O’Loughlin Murder Monday.” *Pampa Sunday News-Post*, December 7, 1931.

“Women Interviewed.” *Aspen Times*, December 18, 1893.

“Women Leaders Suggest Larger Issues Associated with Poverty.” *Rocky Mountain News*, July 22, 1931.

“Women Speak.” *Denver Evening Star*, December 21, 1893.

“Working Class Protestors Outside the Stella Moore Trial.” Colorado State Archives, 1917, box 9832a.