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Habeas Corpus as a Means for Economic Freedom in the Progressive Era

Janana Khattak

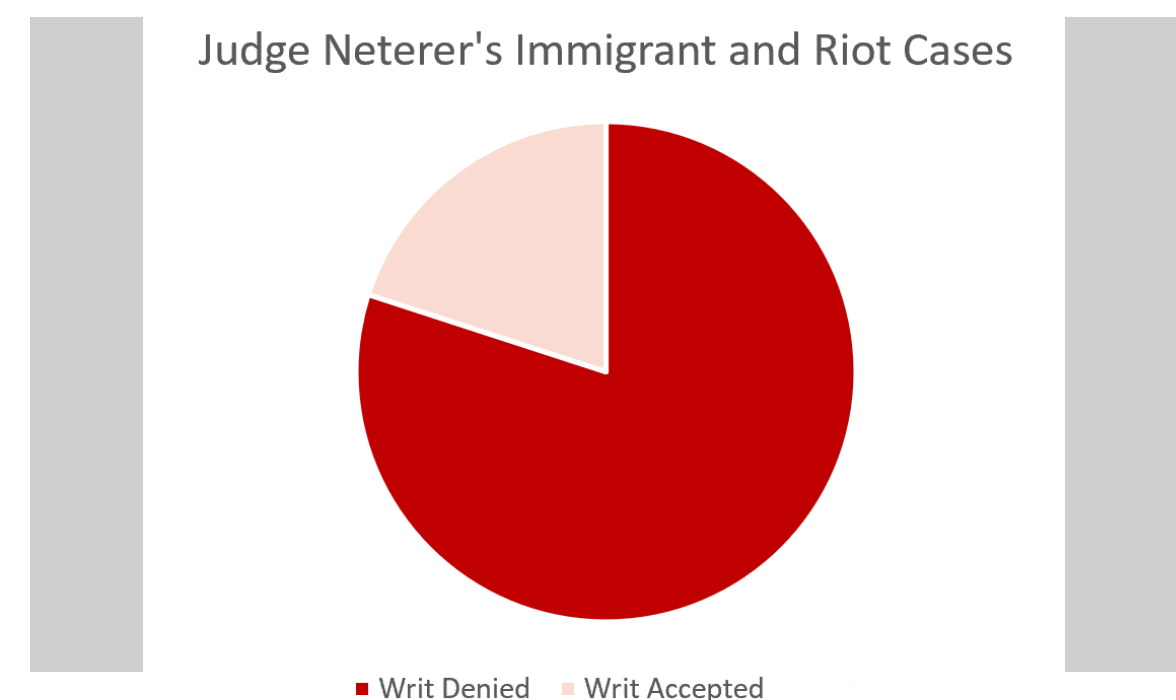
Abstract + Background

Habeas Corpus protects individual freedom by allowing detained individuals proper trial. Economic liberty, or the “right to earn a living in an occupation of choice without unnecessary government interference”, is a key component of individual freedom.

Following the depression of 1893, the Progressive Era ushered in a sharp increase in productivity. This was in part because of an immigration boom. While immigrants sought economic opportunities for the betterment of themselves and their families, ideologies of nativism rose.

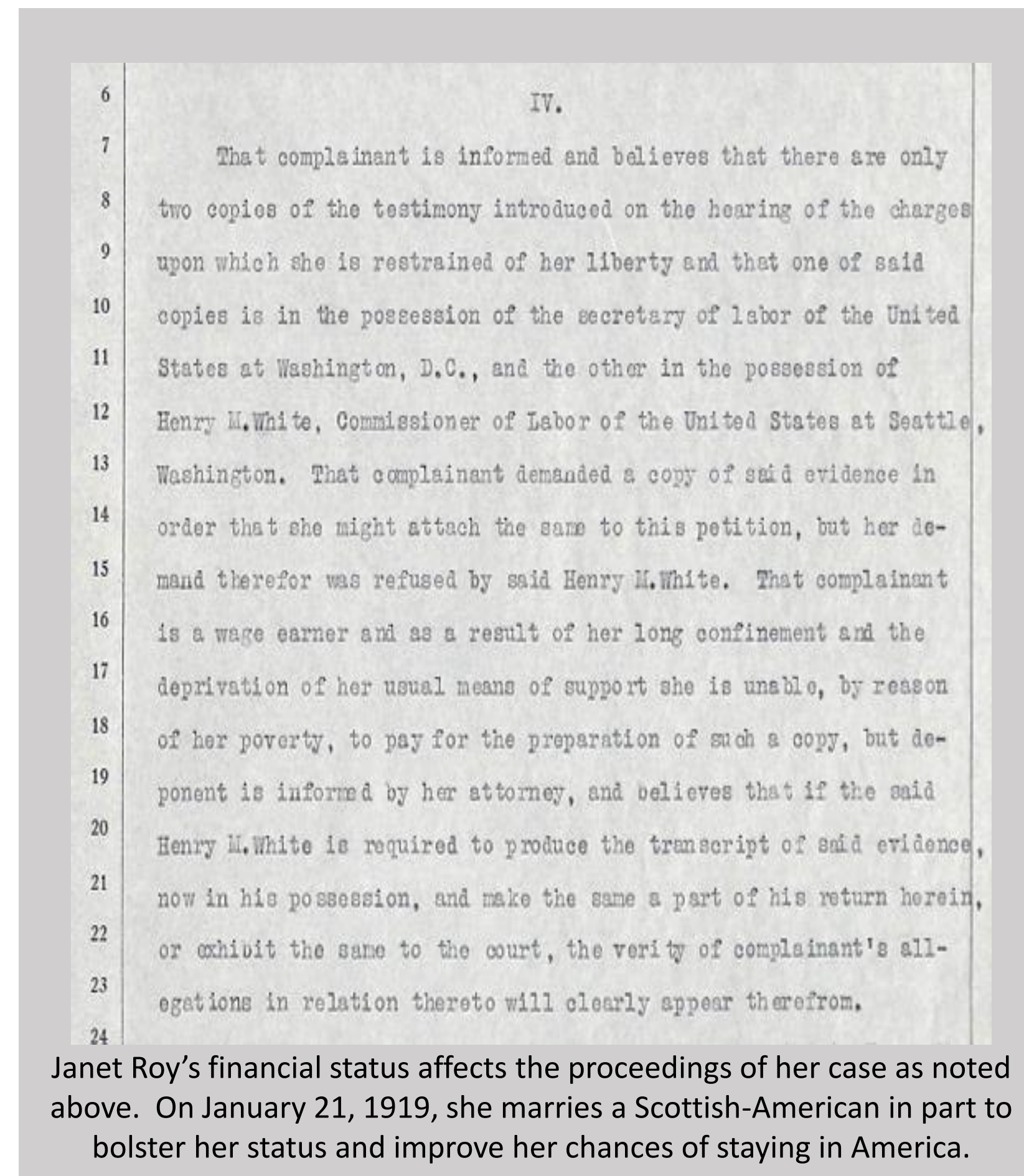
Research Question

How are Habeas suits, which are typically used to gain personal freedom, utilized to further the economic freedom of the petitioners? To what extent does an immigrant petitioner’s economic background affect their legal outcomes?



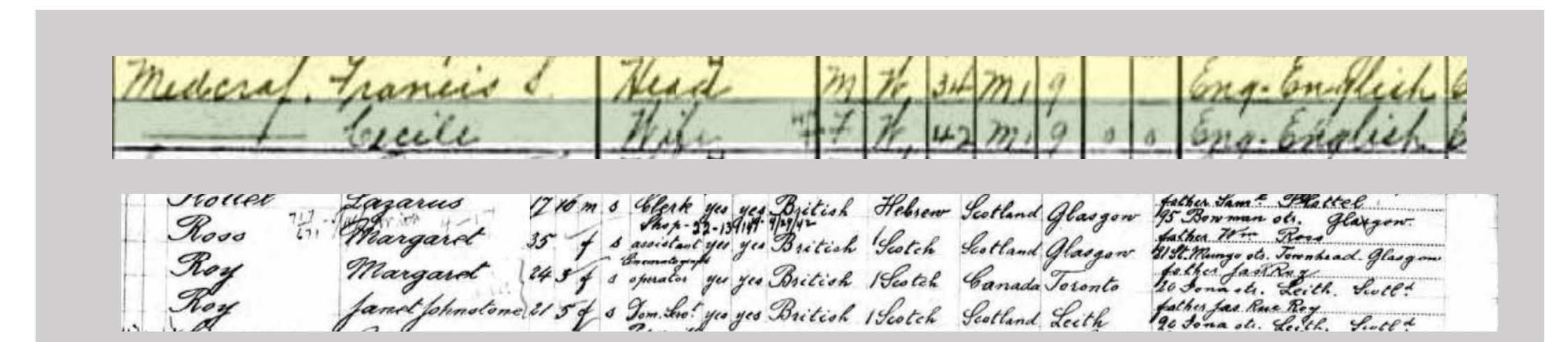
Method

Using a law and society lens, data is extracted from Washington State legal archives between 1890 and 1920. Washington was a hub for immigration and progressive reform, making it apt for our research. Individual immigrant habeas corpus cases are analyzed for respondent’s background, line of work, time in the United States, and the result of the petition. Cases judged by Jeremiah Neterer in the Washington District Court are qualitatively observed. Riot cases like the Roy sisters’ were also chosen for their relevance to increasing labor conscientious of the era.



Cases Compared

	Roy Sisters	Francis S. Medcraf
Background	Scottish	British
Occupation	Housekeepers	Dentist
Time in U.S.	2 years	10 years
Time in detention	1 year	<1 year
Nature of Dispute	Sedition	Licensing
Outcome	Denied	Denied



Outcome + Significance

Both the Roy sisters’ and Medcraf’s writ is denied. In denying writ and in deporting these petitioners, the state not only denies their personal economic freedom but also their ability to lay roots in America, and as such denies the ability for a family to progress. Medcraf however, was able to further engage the legal system and eventually become a naturalized citizen.

Habeas Corpus is an inefficient vehicle for furthering the economic freedom of immigrant petitioners in the progressive era.

This research enhances our understanding of *who* most benefitted from the social reforms of the Progressive Era and the drastic effect financial status has on immigrant’s path to citizenship in America.