

## **Women and Sexual Assault in the United States, 1900-1940**

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In the United States, the history of sexual in the first half of the twentieth century involves multiple contradictions between the ordinary, almost invisible accounts of women of all colors raped by fathers, husbands, neighbors, boarders, bosses, hired hands, and other known individuals and the sensational mythmaking involving rapacious black men, sly white slavers, libertine elites, and voluptuous vixens black and white who asked for it.<sup>1</sup> Throughout this period, race remained inextricably tied to stories of sexual violence, but the debates centered on black men assaulting white women. Neither the historical legacy of white slave owners assaulting their black slaves, nor the ongoing use of white-on-black sexual violence as a tool of terror to enforce Jim Crow entered the public discourse of sensational court cases, blockbuster movies, or bestselling novels.<sup>2</sup> Similarly, Asian, Latina, and Native American women experienced sexual assault, but their stories received little attention in the courts or in popular culture. Locally, men of color incurred blame for any white perception that they stepped out of their place, while women of color lived their lives vulnerable both to white men and men within their communities.

Instead, much of the debate about sexual assault in the first four decades of the twentieth century revolved around, the “unwritten law” where honorable white men avenged the sully of their women. Both North and South, people excused lynching and the murder of presumed rapists as honor killings. In courtrooms, defense attorneys linked the unwritten law to insanity pleas. Such a move worked around the question of women’s reliability even as it reinforced the entitlement of white men. Overtime, however, famous court cases in New York, San Francisco, Indianapolis, Scottsboro, and Honolulu shifted the discourse away from

the unwritten law and extralegal “justice” to a more complicated script of unreliable women and imperfect men. National coverage of these cases, made possible by wire services and the Hearst newspaper empire, highlighted clashes between regional and national norms, spurring heated debates about the proper roles of men and women.

Blockbuster movies like *The Birth of the Nation* (1915) and *Gone with the Wind* (1939) and Book-of-the-Month Club selections such as John Steinbeck’s *Of Mice and Men* (1937) and Richard Wright’s *Native Son* (1940) built on the coverage of sensational court cases, contributing to national stereotypes about sexual violence and its causes and culprits. At the turn of the twentieth century, the media generally portrayed white women as sullied innocents, black men as unthinking predators, and white native-born men as honorable avengers; however, by the eve of World War II, the discourse had shifted. By the late 1930s, novelists, playwrights, and movie makers were emphasizing women’s culpability in making themselves vulnerable to assault by being out of their appropriate sphere, even as they explored men’s conflicting impulses that led to them to harm boundary-crossing women.

### **The Black Beast and the Fair Maiden**

While the figure of the sexually rapacious black man had deep roots in Anglo-American culture, with the rise of Jim Crow and the efforts to disenfranchise African-Americans, it took on new dimensions. The image of the black rapist lusting after white women overlapped with that of underemployed black “sporting” men drinking and brawling in urban red-light districts. The perceived threat of the black “bully” intensified race riots in Atlanta and Springfield, encouraged prohibitionists, and justified lynching. Movies like D.W. Griffith’s *Birth of the Nation* (1915) and Lois Weber’s *Suspense* (1913) once again

broadened the characterization of colored rapists, stoking a nationwide distrust of tramps and men of color who escaped the social surveillance provided by work or incarceration.

At the end of the nineteenth century and the beginning of the twentieth, a new image of the black rapist developed which played on white fears of urbanization and mixed-race sociability. In 1895, popular vaudevillian May Irwin first sang her signature piece, “The Bully Song” in which she posed in black-face as a man going around town, seeking to kill another bully [Figure 1]. The character was clearly urban, visiting dance halls in the “levee” (a slang term for a city’s red-light district), and armed with a straight razor. Although the fight between the men revolved around who would have the highest status in the vice district, the image of the bully also involved sexual prowess as the man took time to dance with “Miss Pansy Blossom.”<sup>3</sup> Although Irwin sang for laughs, the image of the “razor-toting” black man socializing in mixed-race dance halls and saloons evoked fear and hatred among whites who saw unfettered black male sociability as a challenge to white supremacy.<sup>4</sup>

During the hotly contested fall primaries in Georgia, editors of the *Atlanta Journal* and *Atlanta Constitution* stoked these fears through a series of escalating rape scares. More specifically, they called out the vice dens of Decatur Street, the heart of Atlanta’s mixed-race vice district, for serving alcohol to black men at bars with paintings of naked white women hanging above them.<sup>5</sup> These accusations provided clear targets to white rioters, when on 22 September 1906, after another hot day with newspapers reporting multiple sexual assaults by black men of white women, drunken whites decided to take action. Although white rioters later spread their attacks to black residential neighborhoods, they started their violence by destroying black-owned saloons, pawn shops, pool rooms, restaurants, and clubs in Atlanta’s tenderloin.<sup>6</sup>

In the immediate aftermath of the Atlanta Riot, to curtail mixed-race drinking and sex, and to introduce segregation into even the most disreputable venues, six Southern states went dry. Texas and Florida failed to pass state-wide prohibition, but introduced local option for the regulation of drinking. Some states, such as Louisiana, that remained wet introduced licensing laws requiring owners to segregate their barrooms.<sup>7</sup> Ironically, attributing black men's lust for white women to liquor served a more "progressive" purpose. By this way of thinking, black men were not fundamentally sexually depraved, rather it was the intoxicating environment of city pleasures that corrupted hardworking menial laborers.

Social dislocation also defined the hobo rapist, a stereotype frequently figured as a swarthy racial degenerate. In her 1913 short silent film *Suspense*, Lois Weber pioneered the technique of a triangulated split screen, as she showed a wife isolated in the countryside calling her husband on the telephone while a dark-skinned tramp broke into their home. Using montage to the same effect as D.W. Griffith would two years later in *The Birth of the Nation*, the loving husband rushed home to save his imperiled wife from a sexual predator. With barely any written explanations, Weber relied on visual signifiers that played on the audience's stereotypes about race, class, and sexuality to build the suspense of the title.<sup>8</sup>

In *The Birth of the Nation*, D.W. Griffith also used the power of film to reinforce stereotypes about the sexual danger of black men elevated above their proper station. In *The Clansman: A Historical Romance of the Ku Klux Klan*, the 1905 novel by Thomas Dixon on which Griffith based his movie, Dixon portrayed the rape and suicide of a fifteen-year-old white woman as sparking the first significant action of the Klan.<sup>9</sup> Gus, the former slave who raped her, was now a captain in the Union League, and believed he deserved the rights and

privileges of white men. In the movie version, most likely due to fears about censorship, Griffith reframed Gus's stalking of the young woman as a desire for marriage, but the wide circulation of the novel guaranteed that audiences knew that Griffith alluded to rape not marriage. Griffith faced no such restrictions in blaming Reconstruction for Flora's fate. In an intertitle, he explicitly framed Gus and his pursuit of Flora as "a product of the vicious doctrines spread by the carpetbaggers."<sup>10</sup> Rather than suffer Gus's touch, Flora threw herself off a cliff.<sup>11</sup> To avenge her death, the Klan gathered and held a trial, declaring Gus guilty before they murdered him. Making the so-called honor killing explicitly political, the Klansmen dropped his dead body on the porch of Austin Stoneman, the Thaddeus Stevens character. To reinforce the point further, Dixon and Griffith repeated this narrative trope with the Northern heroine, Elsie Stoneman, imprisoned and threatened with marriage by the ambitious mulatto politician Silas Lynch. This time, however, the endangered maiden survived, saved by her Southern lover, Ben Cameron, the leader of the area's Klan. [Figure 2] In the movie's climactic scene, hooded riders carrying a burning cross raised the clans from the surrounding counties to save Elsie from a fate worse than death. In so doing, the Klan righted both the social and political order: Elsie and Ben get married, and on the next election day, armed Klansmen on horses kept black men from the polls.

To legitimate the political violence of the Klan, Griffith and Dixon tied the protection of white womanhood to the oppression of black men who would dare step beyond their proper sphere. In this way, they evoked a particular version of the honor code that Southern gentlemen supposedly lived by, notably the "unwritten law" that justified white men avenging the assault of their women. This romanticized version of the Klan's origins served as a foundational myth when white supremacists reestablished it in the 1910s.<sup>12</sup>

Civil rights organizations, including the newly founded NAACP, protested both the movie and the rape-revenge myth to little avail. The movie showed across the nation, and even Ida B. Wells's careful research showing that for all their rhetoric, most lynchers murdered men suspected of crimes unrelated to sexual assault failed to convince Congress to pass an anti-lynching law.<sup>13</sup> It would take almost two decades and the travesty of the Scottsboro Boys' trials before civil rights activists could start to shift the hegemonic assumptions of white women's nobility and black men's bestiality. It would take even longer to challenge successfully the myth that black women always wanted sex or to alter effectively the reality that white men could assault black women with little repercussion.<sup>14</sup>

### **Prodigal Daughters**

White men's sexual privileges did not, however, go completely unchallenged. At the turn of the twentieth century, the respectable middle-class observed with some anxiety the explosive growth of a new commercial popular culture based in dance halls, cheap theaters, cinemas, and amusement parks. A source of both pleasure and danger, this urban revolution in "manners and morals" prompted social reformers to raise questions about consent, male expectations, and young women's sexual peril.<sup>15</sup> Using legislation concerning age of consent, seduction, and white slavery, middle-class reformers attempted to prevent a debauched elite and disreputable working class from preying on vulnerable young women.

The 1907 trial of millionaire Harry Thaw, dubbed the "trial of the century" by the Hearst newspapers, illustrated the urgent need for more elastic understandings of sexual abuse. At the same time, Thaw's insanity defense reconfigured the "unwritten law" for the

modern era.<sup>16</sup> Thaw murdered architect Stanford White for having raped his wife Evelyn Nesbit five years previously when she was sixteen years old and White was forty-seven. In the trial testimony, Nesbit, an internationally renowned model, described how White groomed her, showering her with attention and convincing her mother of his platonic affections for Evelyn. Then, one night, he invited her alone to his Madison Square Garden retreat where he drugged and raped her. Awakening in a bloody bed, Nesbit went into shock. She later recalled how White soothed her, persuading her to stay with him. With White supporting her and her mother, Nesbit remained in a relationship with White for another two years, but as Nesbit grew older, White's interest waned.<sup>17</sup> [Figure 3]

In 1903, Nesbit started dating Harry Thaw, the son of an industrialist from Pittsburgh. Thaw had a reputation for violence and instability, and he whipped Nesbit bloody while they travelled together in Europe. Nevertheless, she married him in 1905.<sup>18</sup> Consumed by jealousy and fixated on Nesbit's prior abuse, Thaw murdered White during a musical revue in full view of the audience. With so many witnesses, the fact that Thaw murdered White was never in question, instead the trial turned on whether his knowledge of his wife's rape by White drove him insane, forcing him to avenge her even years later.<sup>19</sup> The first trial ended with a hung jury, while the second acquitted Thaw on the grounds of insanity.

The Hearst papers regularly promoted hyperbole, but the Thaw trial was indeed a trial for the new century. Although both the jury and the audience were mostly male, female reporters – soon to earn the sobriquet of “sob sisters” – covered the trial to great effect with their stories wired across the nation. The sensational coverage, especially the sob sisters' sympathy for Nesbit and their distaste for White's libertine lifestyle, fascinated an avid readership, increased newspaper circulation, and set the tone for the reporting of

controversial trials in the future.<sup>20</sup> The Thaw trial also had an impact on practices within the courtroom. First, it raised the question about the composition of the jury and the audience – and the right of women to participate in both.<sup>21</sup> Next, Thaw’s lawyers successfully reconfigured the “unwritten law” from an honorable action taken immediately upon discovery of a woman’s “defilement” to a psychological compulsion that allowed for an elapse of time. Thaw’s lawyers even succeeded in labelling this compulsion *Dementia Americana*, setting an important precedent for subsequent cases concerning women’s rape and men’s revenge.<sup>22</sup> Finally, because the case rested on Thaw’s state of mind, his lawyers argued that the veracity of Nesbit’s testimony did not matter. She reported what she told him about her experiences, and she reported how he reacted. If Thaw believed her version of events, that was all the jury needed to know.<sup>23</sup> In keeping with other efforts of the era, this approach bypassed questions of women’s truthfulness.

Both before but especially after the Thaw trial, reformers concerned about young women’s sexual vulnerability worked to pass a set of laws in states across the nation. These laws emphasized disparities of power even as they sought ways around the he said/she said conundrum. During the late nineteenth and early twentieth centuries, the Women’s Christian Temperance Union and child-saver organizations such as the Society for the Prevention of Cruelty to Children fought state-by-state battles to raise the age of consent. In the 1880s, when child-savers began their efforts, most states placed the age of consent at ten or twelve, but by 1920, every state except Georgia had raised the age to between sixteen and eighteen years.<sup>24</sup> Seduction laws, which had a long history in the common law, carried strong class connotations and often revolved around men promising marriage before sex then reneging after completion. As civil suits, judges rather than juries heard the cases, which often worked in women’s favor. Feminists sought to make seduction a more serious infraction and turn it



into a felony crime. By 1935, thirty-five states considered seduction a criminal offense, up from twenty in 1900.<sup>25</sup> Taken together seduction and age of consent laws made documenting physical violence a less intrinsic part of showing sexual abuse. They also made the issue of women's consent – and her overall trustworthiness – a secondary consideration. With out-of-wedlock pregnancies and the ages of participants relatively easy to prove, these laws lowered the evidentiary bar for successful prosecution of assailants.

White slavery laws, especially the 1910 Mann Act, earned the most notoriety out of all the laws attempting to expand the prosecution of rape. At its heart, the Progressive-era white slavery narrative involved a more powerful man who either drugged or seduced a woman, then raped her and sold her into prostitution. As the name would suggest, however, white slavery had a racist element with reformers blaming the rape and enforced prostitution of women on traffickers who were Jewish, French, and to a lesser extent Chinese men.<sup>26</sup> Activists usually pictured victims as white country girls, but since the late nineteenth century, nativists used the specter of Chinese women coerced into prostitution to argue for a permanent Chinese Exclusion Act.<sup>27</sup> Jane Addams, on the other hand, pointed out the way white procurers exploited racism to protect themselves: they would bring Southern black girls up to the North, promising them work as domestics, but placed them instead in houses of prostitution, secure in the knowledge that neither judge nor jury would give much credence to their testimony.<sup>28</sup> Despite the narrowly commercial intent of the legislators – they intended it to pertain to pimps profiting from prostitution – in the 1917 *Diggs v. Caminetti* case, the Supreme Court declared constitutional a more expansive interpretation: taking women across state lines for any sexually immoral purpose comprised a criminal act.<sup>29</sup> Although the Mann Act became the punch line for jokes in the 1960s and 1970s, between the World Wars parents

used it to appeal to federal authorities when local authorities dismissed their daughters' rapes.<sup>30</sup>

In newspapers and novels, and on the stage and screen, progressive Americans pointed to the hypocrisy of forgiving men (young and old) for sexual peccadillos while condemning women to a "fate worse than death". Anti-vice reformers like Clifford Roe called for parents to forgive their "prodigal daughters" as they would their sons. They saw this forgiveness as a necessary step in achieving a single sexual standard.<sup>31</sup> Many urban Americans agreed, but instead of holding men to the same standard of purity as women, they pursued a more tolerant approach to extra-marital sex. While historians rightly point out that a sexual revolution started among the urban working class before World War I, the veneration of flappers and fraternity boys in the 1920s ushered in a new era of sexual relations that made the pre-war concerns about seduction, age of consent, and white slavery seem old fashioned and out-of-touch.

### **Exposing Hypocritical Men**

The sexual revolution of the Jazz Age presented its own problems for women. Popular movies including *Flaming Youth* (1923), *Irene* (1926), *It* (1927), and *Our Dancing Daughters* (1928) reinforced the image of the fun-loving flappers, but they also glamorized sexually aggressive men.<sup>32</sup> Right from the start, cracks showed in the shiny façade of liberated merriment. Both on screen and off, Americans grappled with questions of sexual morality, class status, and social hypocrisy.

On Labor Day weekend 1921, Roscoe “Fatty” Arbuckle, blockbuster film comedian, drove north from Hollywood to San Francisco for a weekend spree with some friends. After seeing the sights, the party settled in on Monday for a day of drinking and dancing. Arbuckle and his friends Fred Fishback and Lowell Sherman ordered in liquor and fixings and waited for two chorus girls, Alice Blake and Zey Prevost, from the nearby Tait-Zinkand Café to join the fun. By lunch, a few others had joined the festivities including Virginia Rappe, small-time starlet and sometime fashion designer.<sup>33</sup> At some point, after Rappe and Arbuckle had spent time alone in an adjacent room, Rappe experienced extreme abdominal pain and became quite ill. Both her fellow partygoers and the hotel physician assumed she was reacting badly to the bootleg liquor.<sup>34</sup> When she did not get better, the hotel transferred her to a local sanitarium. By Friday, she was dead. On Saturday, just before midnight, police arrested Arbuckle for Rappe’s murder.<sup>35</sup> [Figure 4]

Over the years, the Arbuckle case has incited increasingly scurrilous speculation. Rappe died from a ruptured bladder, but what caused her bladder to rupture remained unclear. At the time, many speculated that it was Arbuckle’s great weight that crushed her while he attempted to rape her. Others presumed alcohol poisoning compounded by venereal disease. In the 1970s, Arbuckle’s biographer David Yallop pointed to the possibility of a botched abortion.<sup>36</sup> Most famously, then and now, rumors swirled around that Arbuckle, unable to perform, raped her with a Coca-Cola bottle (sometimes broken, sometimes not).<sup>37</sup>

The trial could not have come at a worse time for Arbuckle. San Francisco had just gone through a controversial rape trial after a group of at least eight young men had gang raped two teenage girls on Thanksgiving Day 1920. Feminist reformers wanted to ensure that Arbuckle’s status would not exonerate him, and that his violation of Virginia Rappe

would receive as rigorous a prosecution as the “Howard Street Gang.” With the Hearst papers behind them, women actively protested Arbuckle’s behavior and made up a significant part of the audience in the courtroom.<sup>38</sup> Neither the prosecution nor the defense performed well. The prosecution witnesses seemed coached to the point of perjury – or they never showed at all.<sup>39</sup> The defense, on the other hand, tried to rely on the good will Arbuckle had garnered over the years as a beloved comedian, overlooking the fact that many of his movies made light of matrimonial bonds and celebrated free and easy flirtation.<sup>40</sup> The first two trials resulted in hung juries. After the first trial, commentators blamed California’s practice of mixed-sex juries for the stalemate, reporting on one of the women jurors who refused to listen to reason and held out for Arbuckle’s conviction.<sup>41</sup> The third jury famously acquitted Arbuckle, declaring: “We feel a great injustice has been done him...He was manly throughout the case, and told a straightforward story on the witness stand, which we all believed.”<sup>42</sup> Despite his acquittal, Arbuckle never starred on the screen again. Instead, he made a living by returning to the vaudeville circuit, and later behind the camera as a writer and director. Hollywood insiders would on occasion try to redeem Arbuckle’s reputation, but they never succeeded. Instead, he became an object lesson on how the rush to judgment by journalists, movie censors, and women’s clubs could irreparably ruin an innocent man’s career.

Women’s groups concerned about how the new sexual mores might hurt impressionable young girls, and conservative organizations fearing the erosion of family values regularly railed against the songs, dance, and cinema of the 1920s. The resurgent Klan, which reached the height of its organizational strength in this period, made protesting the Catholic-Jewish cultural conspiracy that they saw undermining American morality a key point of their platform.<sup>43</sup>

In contrast to the Reconstruction-era Klan, the second Klan was a relatively public, mixed-sex national organization with significant strength in the North and in cities of varying sizes.<sup>44</sup> Indeed, the Indiana “Realm” provided important national leadership for the movement.<sup>45</sup> For all their moral sanctimony and condemnation of modern values, the Indiana leadership was known for its heavy drinking. Grand Dragon D.C. Stephenson and his secretary had even been caught in a naked roadside tryst in 1923.<sup>46</sup> But it was Stephenson’s kidnapping and violent rape of Madge Oberholtzer in 1925 that conclusively exposed the hypocrisy of the KKK’s rhetoric about respect for women, precipitating a sharp decline in Klan membership.

Stephenson, the leader of the KKK in Indiana, started pursuing Oberholtzer after meeting her at the inauguration party for Indiana’s newly elected governor, Edward L. Jackson.<sup>47</sup> Stephenson repeatedly asked her out, until she reluctantly consented.<sup>48</sup> On March 15, two months after their first meeting, Stephenson tricked Oberholtzer into seeing him. With help of his bodyguards, Stephenson forced Oberholtzer to drink whiskey to the point of sickness, then ushered her into a locked drawing room on a train bound for Chicago. Once on the train, Stephenson violently raped her, biting her all over. After stopping and taking a hotel room in Hammond, Indiana, Stephenson continued his assaults of her, but Oberholtzer persuaded the bodyguards to take her to a pharmacy where she bought bichloride of mercury tablets with the intent of committing suicide. She only succeeded in taking a few pills before being interrupted by Stephenson. Stephenson and his bodyguards decided to return Oberholtzer, who was now quite ill, to her home in Indianapolis. Suffering from the infected bites and kidney damage from the bichloride of mercury, Madge never recovered and died in

mid-April. Before she did so, she swore out a dying declaration detailing Stephenson's assault.<sup>49</sup>

With his political connections, Stephenson thought he was above the law, but as word got out first in the local press, then nationally about Oberholtzer's lethal injuries, public opinion turned against him. At trial, the defense attempted to besmirch Oberholtzer's reputation to little effect.<sup>50</sup> After almost six hours of deliberation, the jury acquitted Stephenson's accomplices, but found him guilty of second degree murder. Sentenced to life in prison, Stephenson expected a pardon from his crony Governor Ed Jackson, but Jackson did not deliver and two years after his conviction, Stephenson turned over to the press evidence of all the politicians the Indiana Klan had bribed under his stewardship.<sup>51</sup> These combined scandals lead to the Klan's collapse in Indiana (with membership dropping from 250,000 to 4,000) and a drastic loss of credibility in the rest of the nation.<sup>52</sup>

The 1920s heralded new cultural trends in public entertainment and private parties, but as both the Arbuckle and Stephenson cases showed, Americans still looked askance at high profile men using their status to exploit less powerful women and indulge their sexual appetites. And yet, these cases also showed the extent of public tolerance for women's sexual autonomy. Male journalists and jurists attempted to smear the Rappe and Oberholtzer's reputations, but their deaths insulated them from the worst kind of questioning that other less famous rape survivors endured.<sup>53</sup> For the moment, though, elite male entitlement seemed successfully curbed as long as Hollywood fixers did their work and other men in power targeted women above the age of consent.<sup>54</sup> Notably such limitations only applied to white women: women of color whatever their age received little protection from the law.

## **Gang Violence Across the Color Line**

As Jim Crow grew more entrenched and regional differences seemed to intensify, a heated debate about assumptions of white innocence and black guilt ensued. In the 1930s, two cases of gang rape across the color line rocked the nation far beyond the purview of the sensational press. Both the Scottsboro case in Alabama and the Massie Affair in Hawaii brought into question the rush to judge young men of color as inherently rapacious and to consider young white women as trustworthy models of sexual purity. Each case highlighted troubling stereotypes about class, race, and sexuality that undercut the cultural legitimacy of lynching and the unwritten law. These cases exposed the horrors of racial discrimination, but they also severely damaged the credibility of sexual assault survivors. The trials of the Scottsboro Boys and the Massie Affair went a long way toward sealing the image of duplicitous white women crying rape.

One of the most famous miscarriages of justice, the Scottsboro case saw nine African-American teenagers accused of sexually assaulting two white women on a train travelling west from Chattanooga to Memphis, Tennessee by way of northern Alabama. The proximate cause of the accusation was a fight on 25 March 1931 where a group of black boys successfully fought off a number of white boys on the freight cars they were all riding illegally. At the next stop, the defeated white boys reported the incident to the sheriff who set out to arrest the black boys. Rather than charge them with what was in essence a scuffle, law enforcement officials picked up nine teenagers and two young white women rail riders as well.<sup>55</sup> Victoria Price (21) and Ruby Bates (17), perhaps fearing prosecution for vagrancy

and violation of the Mann Act, swore out an affidavit that Clarence Norris (19), Charlie Weems (19), brothers Andrew Wright (19) and Roy Wright (12), Haywood Patterson (18), Olen Montgomery (17), Willie Roberson (17), Ozie Powell (16), and Eugene Williams (13) had gang raped them.<sup>56</sup> [Figure 5] Bates later recanted, but Price remained resolute, withstanding defense questions and adding supporting details in each subsequent trial.<sup>57</sup> As an angry crowd gathered around the jail and the court house, Judge Alfred Hawkins gave the defense and the prosecution a week to prepare their cases before starting the trials. On the strength of Price's testimony, and with the fury of the mob an ever present threat, the juries comprised entirely of white men convicted the Scottsboro boys in four trials over four days.<sup>58</sup> With the help of the Communist Party USA, the defendants appealed, calling for a change of venue, adequate time for trial preparation, and the need for African-Americans jurors. Two of their appeals went to the United States Supreme Court. In *Powell v. Alabama* (1932), the majority of the Court held that as part of the due process guarantees, defendants had the right to an attorney and that that attorney must have sufficient time to prepare for trial. In *Patterson v. Alabama* (1935), the Court declared that to receive a fair trial, the jury pool for African-American defendants must include African-Americans.<sup>59</sup> The CPUSA and judges such as James E. Horton helped set in motion crucial precedents for protecting the rights of African-Americans and other people of color.

And yet, as Susan Brownmiller pointed out to great controversy in her landmark 1975 book *Against Our Wills*, the defense of black men's rights rested on arguments denouncing white women's credibility.<sup>60</sup> Neither Bates nor Price fit the ideal of white Southern womanhood. They rode the rails, they had sex outside of marriage, and they may very well have prostituted themselves with white and black men they met in disreputable mixed-race settings.<sup>61</sup> They no more represented perfect victims than the twelve-year-old Roy Wright or



the thirteen-year-old Eugene Williams epitomized the burly black aggressor.<sup>62</sup> Price, who had already served time for adultery, initially cooperated out of fear of further incarceration, but by assuming the role of rape victim, Price not only protected herself, she also benefited from the construction of the Southern rape myth and gained the implicit class status of endangered white womanhood.<sup>63</sup> Overtime, however, Price came to represent female duplicity.

The Massie Incident stood as a clear counterpoint to the Scottsboro saga. On Saturday, 12 September 1931, six months after the events of Scottsboro, Thalia Massie, a twenty-year-old navy wife in Honolulu, reported that she was gang raped by five mixed-race local boys. Drinking heavily all evening, Massie and her husband of almost four years, Lieutenant Thomas Massie, attended a Waikiki nightclub popular with young navy officers.<sup>64</sup> Just before midnight, after spending most of the time at the club on her own, Massie departed on foot. An hour later, she flagged down a haole (white) family driving along Ala Moana Road, asking them to take her home. Clearly bruised around her face, she refused to go to the hospital or to the authorities. When Thalia's husband returned home, however, he called the police. After they arrived, Thalia told the detectives that a group of Hawaiian boys had kidnapped, beaten, and raped her.<sup>65</sup>

Right from the start white police officers helped frame a group of mixed-race young men, and right from the start there were problems with Massie's timeline.<sup>66</sup> Horace Ida, Henry Chang, David Takai, Joe Kahahawai, and Ben Ahakuelo, or the Ala Moana boys as the newspapers dubbed them, had been joyriding around Honolulu most of the evening attending parties, going to dances, and looking for alcohol. They also just missed getting into a car accident with Homer and Agnes Peeples. Agnes and Joe Kahahawai got into a brief fist

fight. Still angry, Agnes reported the incident to the police at 12:45.<sup>67</sup> When the police questioned her at the station, Massie recalled a license plate that was just one digit off from that of the car the Ala Moana boys were driving; yet there was no way Thalia could have seen the car that night.<sup>68</sup>

The haole newspapers and the Navy brass called for the immediate arrest and prosecution of the Ala Moana boys. The first trial, which opened on 16 November 1931 ended almost three weeks later with a hung jury.<sup>69</sup> Local white observers blamed the composition of the mixed-race jury for perpetrating a travesty of justice. Women reformers, both white and Hawaiian, pointed to the need for women on juries.<sup>70</sup> Judge Alva Steadman let the men go, but he required them to check in daily at the courthouse.

While Thalia and her husband waited for the new trial, Thalia's mother Grace Fortescue joined them in Hawaii. Fortescue, a D.C. socialite with family ties to both Alexander Graham Bell and the Roosevelts, and Thomas Massie, who grew up in a locally prominent family in Winchester, Kentucky, perceived the continued freedom of the Ala Moana boys as a personal affront to Thalia, an injustice to them and their families, and a dishonor to all white womanhood.<sup>71</sup> With careful planning, Thomas and Grace with two lower ranking Navy sailors stalked the Ala Moana boys and, on 8 January 1932, they kidnapped Joseph Kahahawai from outside the judiciary building. Two and a half hours later, police officers George Hapbottle and Thomas Kekua pulled over Thomas, Grace, and Edward Lord as they sped towards the Kalona Blowhole to dispose of Kahahawai's naked body.<sup>72</sup> The police immediately took them into custody, and shortly thereafter arrested Deacon Jones who had stayed behind to clean up Kahahawai's blood at Grace Fortescue's rented bungalow.<sup>73</sup>

Calling on her wealthy relatives and her social networks, Grace Fortescue raised the money to hire legendary attorney, Clarence Darrow.<sup>74</sup> In his last case, Darrow used the Thaw defense, arguing that Thomas Massie went temporarily insane at the thought that his wife's rape would go unavenged. Once again, the defense asserted that the veracity of alleged victim did not matter – only that the murderer believed the accuser's story. Once again, the prosecution exposed the way an insanity plea poorly camouflaged the underlying argument for the unwritten law.<sup>75</sup> In a significant twist, however, Prosecutor John Kelley questioned Massie on the stand about his Southern background and his region's preference for lynching. In his concluding statement, he underscored Massie, Fortescue, and the others' arrogance in thinking they could take the law into their own hands.<sup>76</sup> The mixed-race jury refused to bow to Darrow's tired arguments. They proclaimed the four defendants guilty.<sup>77</sup> Cognizant of the Navy's threats to militarize Hawaii's territorial government, and aware of the white supremacist lens through which the mainland newspapers had covered the trial, Hawaii's haole governor, Lawrence Judd, commuted the conspirators' sentence to time served.<sup>78</sup> The Massies fled Hawaii, and the second rape trial never happened.

One question that remained under examined at the time and in subsequent accounts was why Victoria Price, Ruby Bates, and Thalia Massie lied. Their racism alone does not provide adequate answers. Indeed, the relative silence on this topic reinforced the shift from trusting white women's accusations to a new belief among liberals that women, especially white women, lie – particularly about sexual violence. At the very least, Massie's situation merits re-examination. Something happened to her that night. In the time between leaving the nightclub and when the family picked her up, someone had beaten her. When she talked the police, she was in even worse condition with a visibly broken jaw.<sup>79</sup> But rather than

implicate an acquaintance in the first instance or raise the issue of domestic violence in the second, Massie accused men of color who she had never met of sexual assault. The headlines in the early 1930s about gang violence across the color line triggered national debates about rape and violent retribution; however, they obscured the much more common occurrence of intra-racial sexual assault, especially domestic violence. Abuse within the extended household figured in none of the major trials of the first half of the twentieth century, but between 1936 and 1940, three widely acclaimed novels dramatized the issue.

### **Assault with in the Household**

Sexual violence among people who knew each other figured in *Gone with the Wind* (1936), *Of Mice and Men* (1937), and *Native Son* (1940). With the first two books almost immediately made into movies, and the last two chosen as selections for the Book-of-the-Month Club, they reached a truly national audience.<sup>80</sup> All three novels added empathetic complexity to the image of the rapist while conferring greater responsibility for abuse on the victims.

At first glance, sexual assault might seem tangential to Margaret Mitchell's 1936 *Gone with the Wind*, but it appeared twice in both the novel and the movie. As Dixon and Griffith did in *The Birth of the Nation*, Mitchell attributed the origins of the Ku Klux Klan to the assault of white women.<sup>81</sup> Multiple characters castigated Scarlett O'Hara for driving alone between her home and factory, endangering both herself and members of the Klan. "If you don't care personally whether or not you are raped, you might consider the consequences," Rhett Butler warned Scarlet in the book, "Because of your obstinacy, you may get yourself into a situation where your gallant fellow townsmen will be forced to

avenge you by stringing up a few darkies. And that will bring the Yankees down on them and someone will probably get hanged.”<sup>82</sup> Scarlett did get attacked, the Klan did respond, and Scarlett’s husband Frank Kennedy died in the ensuing fracas.<sup>83</sup> This storyline affirmed “common sense” propositions: that unemployed urban black men posed a threat to white womanhood, that white women who left their sphere brought their assault on themselves, and that white men were honor bound to avenge white women even when they did not deserve that protection.

More controversial was the scene where Rhett Butler swept Scarlett up the staircase to ravish her. The fact that it featured in many of the movie posters and lobby cards signified its central importance to the narrative. [Figure 6] Scarlett may have fought Rhett all the way up the stairs, but Mitchell excused the violence of the scene by cutting to the next morning when Scarlett awakened happy and re-invigorated by Rhett’s sexual mastery of her.<sup>84</sup> As with other social issues, the complexities of Mitchell’s story kept the novel from devolving into easy stereotypes, yet *Gone With the Wind* promoted a fundamentally conservative message. Just prior to sweeping Scarlett off her feet, Rhett threaded his fingers through her hair and threatened to crush her head like a walnut.<sup>85</sup> For many readers and viewers, the fact that Scarlett did not cower at his threats proved that they were evenly matched. To them, Scarlett and Rhett’s relationship represented the acme of romantic love, and *Gone With the Wind* inspired a whole genre of fiction where masterful men overpowered strong willed women. Whether what Rhett did counted as rape does not matter. With this scene, Mitchell went a long way toward reinforcing marital violence as normal, even desired. The fact that Mitchell divorced her first husband for domestic abuse and even swore out an attempted rape complaint against him makes the romance of Rhett and Scarlett’s relationship even more troubling.<sup>86</sup>

Published a year after *Gone with the Wind*, John Steinbeck's *Of Mice and Men* upended earlier stereotypes of hobo rapists to craft a story of male fragility and female carelessness. Set in California's Central Valley, the novella emphasized the loneliness of not just the migrant laborers, but all the inhabitants on the ranch where the story took place. Although the childlike Lennie did not rape Curley's wife, Steinbeck emphasized how sex figured as the key framework for interpreting any type of interaction between men and women. At the start of the story, Lennie and George were on the run from Weed where Lennie, who liked to pet soft things, had taken hold of the dress of young girl. When she protested, he got scared – and violent. The girl ran away crying rape, and Lennie and George fled the town just ahead of a lynch mob.<sup>87</sup> On the isolated ranch, George and Lennie met Curley's wife, who dressed in revealing clothes and wore heavy make-up. George knew from the start that that "tramp" would get them in trouble.<sup>88</sup> And indeed, one Saturday evening, when most of the men were in town drinking, Curley's wife came looking for company and found Crooks, the black ranch hand, Candy, the aged cleaner, and Lennie talking. When Crooks chided her for being down in the bunkhouse and told her to return to her cottage, she snapped back saying she could make an accusation and have him lynched in a second.<sup>89</sup> In the climactic scene that led to her death, Curley's wife, having ignored all admonitions to stay away from the bunkhouse, encouraged Lennie to pet her soft hair. When she asked him to stop, he kept touching her. She started to struggle, screaming until in a panic Lennie killed her.<sup>90</sup> Steinbeck's story carried many messages, but his characterization of the unnamed tarted-up wife highlighted her culpability in her fate. [Figure 7]

In his 1940 novel *Native Son*, Richard Wright also asked readers to empathize with a murderer and rapist. Bigger Thomas, a violent black man, who evoked the earlier figure of the bully, represented everything that white commentators warned women about.<sup>91</sup> [Figure 8] But Wright also showed how the construction of always guilty black men and always innocent white women fed Bigger's fear in the pivotal scene where he killed the white society woman, Mary. Mary, the daughter of the wealthy family for whom Bigger chauffeured, was rebelling against her family and dating a communist. With her boyfriend Jan, Mary convinced Bigger to take them to a soul food restaurant in Chicago's Black Belt. After she got too drunk to make it home on her own, Bigger snuck her back into her bedroom. When her blind mother came to investigate, Bigger fearing that she would discover them and accuse him of rape, accidentally smothered Mary with a pillow to fatal consequences.<sup>92</sup> This moment irrevocably set him on the path to death row, but it was his rape and murder of his girlfriend Bessie, and the disposal of her body with all his money in her pockets, that doomed him.<sup>93</sup> Yet Wright did not conjure up much sympathy for Bessie; she whined, she cried, she got drunk, and she manipulated Bigger for money. Even before Bigger raped Bessie, Wright had disconnected rape from sexual assault and gender violence. In a passage in which Bigger first considered at length the implications that people might accuse him of raping, not just murdering Mary, Bigger ruminated that

rape was not what one did to women. Rape was what one felt when one's back was against a wall and one had to strike out...He committed rape every time he looked into a white face. He was a long, taut piece of rubber which a thousand white hands had stretched to the snapping point, and when he snapped it was rape. But it was rape when he cried out in hate deep in his heart as he felt the strain of living day by day. That, too, was rape.<sup>94</sup>

By using of rape as a metaphor, and in such an ambiguous manner, Wright shifted sympathy away from the oblivious Mary and the clingy Bessie, and toward Bigger and other black men twisted by racial oppression.

Capping off the larger trend that reconfigured stereotypes about sexual assault, these three novels, and the movies and plays adapted from them, carried this message of male complexity and female culpability across the United States. *Gone With the Wind*, *Of Mice and Men*, and *Native Son* all challenged earlier notions of sacralized white womanhood by adding agency to women's characterizations; however, this agency translated into women crossing boundaries thereby bringing on their sexual assault. These award-winning blockbusters and bestsellers enshrined blaming the victim.

## **Conclusion**

The sensational sexual assault cases and their nationwide coverage thoroughly discredited the idea of lynching as honorable or the unwritten law as an adequate excuse for murder. And yet, when taken together Thaw's insanity defense, Arbuckle's three trials for murder, Stephenson's assault of Oberholtzer, the Scottsboro debacle, and the Massie Affair reveal a troubling pattern: defending men at the expense of women's credibility.

Commenting in 1944 on the sensational trials of the era, Helene Deutsch, a Polish psychoanalyst living in United States, gave an intellectual imprimatur to the dismissal of female victims. She argued that women fantasized about strong men mastering them through



sexual violence, and that they only cried rape because of their sexual repression. Deutsch opined:

We learn – often even without deeper analytic investigation – that rape fantasies are variants of the seduction fantasies so familiar to us in the lying accounts of hysterical women patients. Both rape and seduction fantasies are deliberately passed on to other persons as true...It is precisely rape fantasies that often have such irresistible verisimilitude that even the most experienced judges are misled in trials of innocent men accused of rape by hysterical women. My own experiences of accounts by white women of rape by Negroes (who are often subjected to terrible penalties as a result of these accusations) has convinced me that many fantastic stories are produced by the masochistic yearnings of these women.<sup>95</sup>

Deutsch's conclusions added to the distrust of women's accounts of sexual assault that had been building since the 1920s. Postwar liberals could intellectualize their disbelief of women victims with a psychoanalytical gloss that fundamentally denied women's words whatever they said. Women either fantasized their rape, or if a man actually raped them, then they must have secretly desired it. It would take more than thirty years, and the activism of second wave feminists including Susan Brownmiller, the New York Radical Feminists who organized the first speak-outs, and the journalists of *Ms. Magazine* to challenge effectively the portrayal of lying women who wanted it and vulnerable men trapped by circumstances.<sup>96</sup>

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<sup>1</sup> Reformers and the police barely acknowledged that boys could be raped and even less that men could be. For a discussion of sodomy arrests in the context of sexual violence, see Stephen Robertson, *Crimes Against Children: Sexual Violence and Legal Culture in New York City, 1880-1960* (Chapel Hill: University of North Carolina Press, 2005), 57-71.

<sup>2</sup> Hurston's *Their Eyes Were Watching God* addressed both issues, as well as domestic violence, but her novel received little attention at time, only gaining wide circulation after it was rediscovered in the 1970s, see Zora Neale Hurston, *Their Eyes Were Watching God: A Novel* (1937; Urbana: University of Illinois Press, 1978). See also the landmark essay, Darlene Clark Hine, "Rape and the Inner Lives of Black Women in the Middle West," *Signs* Vol. 1, No. 4 (Summer 1989): 912-920.

<sup>3</sup> Charles E. Trevathan, "The Bully Song" (1896):  
<http://levysheetmusic.mse.jhu.edu/catalog/levy:142.048> .

<sup>4</sup> It was in this context that the Department of Justice brought one of its first Mann Act cases against heavyweight boxing champion Jack Johnson, see Denise C. Morgan, "Jack Johnson versus the American Racial Hierarchy," in *Race on Trial: Law and Justice in American History*, ed. Annette Gordon-Reed (New York: Oxford University Press, 2002), 77-102.

<sup>5</sup> Charles Crowe, "Racial Violence and Social Reform: Origins of the Atlanta Riot of 1906," *Journal of Negro History* Vol. 53, No. 3 (July 1968): 234-256.

<sup>6</sup> Mara Keire, *For Business and Pleasure: Red-Light Districts and the Regulation of Vice in the United States, 1890-1933* (Baltimore: Johns Hopkins University Press, 2010), 57-58.

<sup>7</sup> Keire, *For Business and Pleasure*, 63-64.

<sup>8</sup> Change Before Going Productions, "Suspense. (1913) – Lois Weber, America's 1<sup>st</sup> Female Filmmakers," <https://www.youtube.com/watch?v=zfgiUvBaosg> .

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<sup>9</sup> In the book, the Flora character – Marion Lenior – was not related to the hero, but she was still much beloved young women. The book also made Gus’s rape of the young girl much more explicit. For variations between the book, the stage play, and the movie, see Melvyn Stokes, *D.W. Griffith’s The Birth of a Nation: A History of “The Most Controversial Motion Picture of All Time”* (New York: Oxford University Press, 2007), 39-51.

<sup>10</sup> In the book, the publishers captioned a still of the actress who played Flora: “Mae Marsh as the victim of Reconstruction,” see Thomas Dixon, *The Clansman: An Historical Romance of the Ku Klux Klan* (New York: Grosset and Dunlap, 1905), 302-303.

<sup>11</sup> In the book, Marion and her mother both threw themselves off the cliff after Gus raped Marion, see Dixon, *The Clansman*, 305-308.

<sup>12</sup> Kelly J. Baker, *Gospel According to the Klan: The KKK’s Appeal to Protestant America, 1915-1930* (Lawrence: University of Kansas Press, 2011), 227. The lynching of Leo Frank for the murder of twelve-year-old Mary Phagan also played a role in the Klan’s rebirth, see Michael Newton, *White Robes and Burning Crosses: A History of the Ku Klux Klan from 1866* (Jefferson, NC: McFarland and company, 2014), 38-40.

<sup>13</sup> Reformers calculated that less than a quarter of lynchings had direct sexual causes, see Jacquelyn Dowd Hall, “‘The Mind that Burns in Each Body’: Women, Rape, and Racial Violence,” in *Powers of Desire: The Politics of Sexuality*, eds. Ann Snitow, Christine Stansell, and Sharon Thompson (New York: Monthly Review Press, 1983): 334.

<sup>14</sup> Danielle L. McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance – a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power* (New York: Knopf, 2010).

<sup>15</sup> James R. McGovern, “The American Woman’s Pre-World War I Freedom in Manners and Morals,” *Journal of American History* Vol. 55, No. 2 (September 1968): 315-333.

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<sup>16</sup> Emil R. Pinta, *"Paranoia of the Millionaire": Harry K. Thaw's 1907 Insanity Defense* (New York: Nova Science Publishers, 2010), 4-5.

<sup>17</sup> Paul R. Baker, *Stanny: The Gilded Life of Stanford White* (New York: Free Press, 1989), 321-26, 387-89; Suzannah Lessard, *The Architect of Desire: Beauty and Danger in the Stanford White Family* (London: Weidenfeld and Nicolson, 1997), 232-233, 283-284.

White's interest in young girls was an open secret in New York society, for a longer discussion of his grooming of dancer Ruth St. Dennis and other young models, actresses, and dancers, see Baker, *Stanny*, 280-185 and Lessard, *Architect of Desire*, 203-204.

<sup>18</sup> Baker, *Stanny*, 330-333, 349.

<sup>19</sup> Lessard, *Architect of Desire*, 291-301; Pinta, *"Paranoia of a Millionaire"*, 32-33.

<sup>20</sup> Jean Marie Lutes, "Sob Sisterhood Revisited," *American Literary History*, Vol. 15, No. 3 (Autumn 2003): 504-32.

<sup>21</sup> Lutes, "Sob Sisterhood Revisited," 505-506, 509.

<sup>22</sup> Pinta, *"Paranoia of a Millionaire"*, 20-21; Martha Merrill Umphrey, "The Dialogics of Legal Meanings: Spectacular Trials, the Unwritten Law, and Narratives of Criminal Responsibility," *Law and Society Review*, Vol. 33, No. 2 (January 1999): 395-428. Other lawyers used the Thaw defense almost immediately, see Richard Hamm, "Girl Whose Story Caused Father to Kill," in *Murder, Honor, and Law: Four Virginia Homicides from Reconstruction to the Great Depression* (Charlottesville: University of Virginia Press, 2003), 97-153; David E. Stannard, *Honor Killing: Race, Rape, and Clarence Darrow's Spectacular Last Case* (New York, Penguin Books, 2005), loc. 7418-7440.

<sup>23</sup> Umphrey, "The Dialogics of Legal Meanings," 414-415.

<sup>24</sup> Georgia raised it from ten to fourteen, see Stephen Robertson, "Age of Consent Laws," <http://chnm.gmu.edu/cyh/teaching-modules/230?section=primarysources&source=24>. See also Freedman, *Redefining Rape*, 125-146.

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- <sup>25</sup> Estelle B. Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge, Mass.: Harvard University Press, 2013), 45-51.
- <sup>26</sup> Keire, *For Business and Pleasure*, 72.
- <sup>27</sup> Lucie Cheng Hirata, "Free, Indentured, Enslaved: Chinese Prostitutes in Nineteenth Century America," *Signs*, Vol. 5, No. 1 (Autumn 1979): 3-29.
- <sup>28</sup> Jane Addams, *A New Conscience and an Ancient Evil* (1913; Urbana: University of Illinois Press, 2002), 77.
- <sup>29</sup> David J. Langum, *Crossing Over the Line: Legislating Morality and the Mann Act* (Chicago: University of Chicago Press, 1994), 97-118.
- <sup>30</sup> Jessica R. Pliley, *Policing Sexuality The Mann Act and the Making of the FBI* (Cambridge, Mass.: Harvard University Press, 2014), 166-169. On the Mann Act as an absurd joke, see Langum, *Crossing Over the Line*, 3-5.
- <sup>31</sup> Clifford G. Roe, *The Prodigal Daughter: The White Slavery Evil and the Remedy* (Chicago: L. Walter Company, 1911): <https://archive.org/details/prodigaldaughter00roegoog>
- <sup>32</sup> *Flaming Youth*, dir. John Francis Dillon (1923); *Irene*, dir. Alfred E. Green (1926); *It*, dir. Clarence G. Badger (1927); *Our Dancing Daughters*, dir. Harry Beaumont (1928). See also Richard Griffith and Arthur Mayer with the assistance of Eileen Bowser, "But Flaming Youth Flamed On," in *The Movies*, rev. ed. (New York: Simon and Schuster, 1970), 190-199.
- <sup>33</sup> Greg Merritt, *Room 1219: The Life of Fatty Arbuckle, the Mysterious Death of Virginia Rappe, and the Scandal That Changed Hollywood* (Chicago: Chicago Review Press), 4, 7-10
- <sup>34</sup> David A. Yallop, *The Day the Laughter Stopped: The True Story of Fatty Arbuckle* (London: Hodder and Stoughton, 1976), 6-8. Kizer compiled and compared the different testimonies about the events of that afternoon, see David Kizer, *Wolves at the Door: The Trials of Fatty Arbuckle* (n.p.: Laukerry Press, 2010), 42-53.

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<sup>35</sup> Greg Merritt, *Room 1219: The Life of Fatty Arbuckle, the Mysterious Death of Virginia Rappe, and the Scandal That Changed Hollywood* (Chicago: Chicago Review Press), 43-46, 88-89.

<sup>36</sup> Yallop, *The Day the Laughter Stopped*, 8-10, 125-128. Kizer expands on Yallop's medical diagnosis of Rappe, see Kizer, *Wolves at the Door*, 25-26, 33-34.

<sup>37</sup> Merritt has an excellent discussion about the development of the rumors over time, see Merritt, *Room 1219*, 331-35.

<sup>38</sup> Merritt, *Room 1219*, 135-139, 169.

<sup>39</sup> The problems with the prosecution's case showed even as early as the Grand Jury hearings, see Merritt, *Room 1219*, 171, 175-176. Between the second and third trials, two witnesses were indicted for perjury, and Zey Prevost skipped out of attending the third trial, despite the District Attorney wiring her money for a train ticket, see Merritt, *Room 1219*, 259-260.

<sup>40</sup> See for example, *Coney Island*, dir. Roscoe Arbuckle (1917):

<https://www.youtube.com/watch?v=ed9H5-AnGAg&t=258s>

<sup>41</sup> Merritt, *Room 1219*, 201-202, 223-226; 255-257.

<sup>42</sup> Yallop, *The Day the Laughter Stopped*, 253.

<sup>43</sup> Kathleen M. Blee, *Women of the Klan: Racism and Gender in the 1920s, with a new preface* (1991: Berkeley: University of California Press, 2009), 70-76.

<sup>44</sup> William Rawlings, *The Second Coming of the Invisible Empire: The Ku Klux Klan of the 1920s* (Macon, GA: Mercer University Press, 2016), 115-117.

<sup>45</sup> Kenneth T. Jackson, *The Ku Klux Klan in the City, 1915-1930* (New York: Oxford University Press, 1967), 144.

<sup>46</sup> M. William Lutholtz, *Grand Dragon: D.C. Stephenson and the Ku Klux Klan in Indiana* (West Lafayette Indiana: Purdue University Press, 1991), 96-98.

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<sup>47</sup> Karen Abbott, “‘Murder Wasn’t Very Pretty’: The Rise and Fall of D.C. Stephenson,” *Smithsonian Magazine* (30 August 2012): <http://www.smithsonianmag.com/history/murder-wasnt-very-pretty-the-rise-and-fall-of-dc-stephenson-18935042/>.

<sup>48</sup> Douglas O. Linder, “The D.C. Stephenson Trial: An Account,” <http://www.famous-trials.com/stephenson/74-home>. For a version more sympathetic to Stephenson, see Lutholtz, *Grand Dragon*, 161-163.

<sup>49</sup> Baker, *Gospel According to the Klan*, 228-229.

<sup>50</sup> Rawlings, *The Second Coming of the Invisible Empire*, 248.

<sup>51</sup> Lutholtz, *Grand Dragon*, 302-309.

<sup>52</sup> Blee, *Women of the Klan*, 196.

<sup>53</sup> Women Ku Kluxers remained dubious about Oberholtzer’s virtue, see Blee, *Women of the Klan*, 95-96.

<sup>54</sup> An exception was the rape of Patricia Douglass, see David Stenn, “It Happened One Night...at MGM,” *Vanity Fair* (1 April 2003): <https://www.vanityfair.com/news/2003/04/mgm200304>

<sup>55</sup> James E. Goodman, *Stories of Scottsboro* (1994; New York: Vintage Books, 1995), loc. 147-185.

<sup>56</sup> Susan Brownmiller, *Against Our Will: Men, Women and Rape* (1975; New York: Fawcett Books, 1993), 233; P.J. Ling, “A White Woman’s Word: The Scottsboro Case,” in *Race on Trial: Law and Justice in American History*, ed. Annette Gordon-Reed (New York: Oxford University Press, 2002), 131-132.

<sup>57</sup> On Bates recanting, see Dan T. Carter, *Scottsboro: A Tragedy of the American South*, rev. ed. (1969; Baton Rouge: Louisiana State University, 2007),

<sup>58</sup> The Boys were not all tried together in the same case. For an excellent summary of the first set of trials, see Ling, “A White Woman’s Word,” 119-125. For a brief biography of the

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men, see Douglas O. Linder, “The Scottsboro Boys,” *Famous Trials*: <http://famous-trials.com/scottsbtoroboy/1562-scottsbtoroboy> .

<sup>59</sup> Freedman, *Redefining Rape*, 253-254.

<sup>60</sup> Brownmiller, *Against Our Will*, 230-234.

<sup>61</sup> Freedman, *Redefining Rape*, 260-262; Carter, *Scottsboro*, 78-84.

<sup>62</sup> Ling, “A White Woman’s Word,” 119.

<sup>63</sup> Goodman, *Stories of Scottsboro*, loc. 476-482; Freedman, *Redefining Rape*, 259.

<sup>64</sup> Stannard, *Honor Killing*, loc. 527, 966-973, 1006-1026, 1037-1045. Thalia was sixteen when she married her husband, “Thalia Fortescue weds Naval Ensign,” *New York Times* (25 November 1927): 18.

<sup>65</sup> Stannard, *Honor Killing*, loc. 1127-1135, 1232, 1340-1387. For the most concise summary of the events, see Douglas O. Linder, “The Massie Trials: An Account,” *Famous Trials*: <http://www.famous-trials.com/massie/308-commentary>

<sup>66</sup> Stannard, *Honor Killing*, loc. 1357-1368, 1938-1943, 2728-2741.

<sup>67</sup> John P. Rosa, *Local Story: The Massie-Kahahawai Case and the Culture of History* (Honolulu: University of Hawaii Press, 2014), loc. 467-518; Stannard, *Honor Killing*, loc. 2631-2718

<sup>68</sup> Rosa, *Local Story*, loc. 518-523.

<sup>69</sup> Stannard, loc. 3414, 4633.

<sup>70</sup> Rosa, *Local Story*, 847-852, 213-229. Stannard, *Honor Killing*, loc. 4648-4658. The jury composition was complex. Rosa argued that it comprised of six white and one Portuguese men, five men of Japanese (2), Chinese (2), and Hawaiian (1) descent, see Rosa, *Local Story*, loc. 811. But Stannard said that of the twelve men, one was white, six were of mixed haole and Hawaiian background, and one was of Chinese, two were of Japanese, and one was of Portuguese descent, see Stannard, *Honor Killing*, loc. 3464.



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<sup>71</sup> On the various family connections, see Stannard, *Honor Killing*, loc. 239-262, 313-342, 451.

<sup>72</sup> Rosa, *Local Story*, loc. 2131-2136; Stannard, *Honor Killing*, loc. 5136-5196, 5208-5266.

<sup>73</sup> Stannard, *Honor Killing*, loc. 5336-5378.

<sup>74</sup> Stannard, *Honor Killing*, loc. 6357-6409.

<sup>75</sup> Rosa, *Local Story*, loc. 1355-1377; Bonni Cermak, "Race, Honor, Citizenship: The Massie Rape/Murder Case," in *Sex Without Consent: Rape and Sexual Coercion in America*, ed. Merril D. Smith (New York: New York University Press, 2002), loc. 4777-4786

<sup>76</sup> Stannard, *Honor Killing*, loc. 7351-7359, 7906-8011.

<sup>77</sup> Stannard, *Honor Killing*, loc. 8102-8113. On the complex racial and class background of the jurors, see Stannard, *Honor Killing*, loc. 6966-6979.

<sup>78</sup> Cermak, "Race, Honor, Citizenship," loc. 4810-4814.

<sup>79</sup> On Thalia's jaw injuries, see Stannard, *Honor Killing*, loc. 2074-2084, 3164, 3664.

<sup>80</sup> On *Gone With the Wind*'s adaptation to film, see Gavin Lambert, "The Making of Gone With the Wind, Part I," *The Atlantic* (February 1973):

<https://www.theatlantic.com/magazine/archive/1973/02/the-making-of-gone-with-the-wind-part-i/306455/>. On *Of Mice and Men* and its selection by Book-of-the-Month Club, staging

on Broadway, and adaptation to film, see Susan Shillinglaw, "Introduction," in John

Steinbeck, *Of Mice and Men* (New York: Penguin Classics, 1994). On *Native Son*'s selection

by Book-of-the-Month Club and its adaptation to the stage, see Milton Moskowitz, "The

Enduring Importance of Richard Wright," *The Journal of Blacks in Higher Education* No. 59

(Spring 2008): 58-62; Brooks Atkinson, "Stage: 'Native Son'" *New York Times* (25 March

1941): <http://www.nytimes.com/1941/03/25/books/wright-nativeplay.html>.

<sup>81</sup> Margaret Mitchell, *Gone With the Wind* (New York: Pocket Books, 1969), 545.

<sup>82</sup> Mitchell, *Gone With the Wind*, 569.

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<sup>83</sup> Mitchell, *Gone With the Wind*, 656-677.

<sup>84</sup> Mitchell, *Gone With the Wind*, 777-783.

<sup>85</sup> For a clip of the scene, see probawler8, "Gone With the Wind – Tear You To Pieces,"

YouTube: <https://www.youtube.com/watch?v=PRxfZHR3AxY>

<sup>86</sup> Carolyn Gage, "Tara and Other Lies: Margaret Mitchell and the Real Rhett Butler," *On the Issues Magazine* (Spring 1997):

[http://www.ontheissuesmagazine.com/1997spring/sp97\\_GAGE.php](http://www.ontheissuesmagazine.com/1997spring/sp97_GAGE.php)

<sup>87</sup> Steinbeck, *Of Mice and Men*, 10-11, 39-40.

<sup>88</sup> Steinbeck, *Of Mice and Men*, 30.

<sup>89</sup> Steinbeck, *Of Mice and Men*, 64, 73-77.

<sup>90</sup> Steinbeck, *Of Mice and Men*, 86-87.

<sup>91</sup> Richard Wright, "How 'Bigger' Was Born," *The Saturday Review* (1 June 1940): 3-4, 17  
reprinted in Richard Wright, *Native Son*, new ed. (New York: Vintage Classics, 2000), 5-7,  
23-24.

<sup>92</sup> Wright, *Native Son*, 112-120.

<sup>93</sup> Wright, *Native Son*, 261-270.

<sup>94</sup> Wright, *Native Son*, 258.

<sup>95</sup> Helene Deutsch, *The Psychology of Women: A Psychoanalytic Interpretation*, vol. 1 (1944;  
London: Research Books, 1946), 201.

<sup>96</sup> Brownmiller, *Against Our Will*, 455; Robin Warshaw, *I Never Called It Rape: The Ms.  
Report on Recognizing, Fighting and Surviving Date and Acquaintance Rape* (1988; New  
York: Harper Perennial, 1994).