The Idea of Southern Womanhood and its Influence on Scottsboro

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...I'm not the President,
Nor the Honorable So-and-So.
But only one of the
Scottsboro Boys
Doomed 'by law' to go.[1]

Langston Hughes crafted these words into a poem dedicated to one of the nine Scottsboro boys who were wrongfully accused of raping two white women in Alabama in 1931. Hughes put quotation marks around 'by law,' and for good reason. The series of trials for the Scottsboro boys were faced with many legal discrepancies and biases which leads us to the question of how lawful the court really was. This idea can be found when examining the women in this case, Ruby Bates and Victoria Price, the two accusers of rape

While not being the typical white Southern women themselves, Ruby Bates and Victoria Price benefited from the overwhelmingly popular thought that all white Southern women were ladies. Both women were widely known as prostitutes in Huntsville, and were in and out of jail for vagrancy as well.[2] The two young women, when possibly facing new vagrancy charges, started making up stories in an effort to save themselves from returning to jail. "They tell a wild tale of knives and pistols brandished by ferocious blacks who hurled them from a swiftly moving train. The 'law' jumps to the trigger. The wires start humming along the line – to the next station – Paint Rock – 'Stop that train – stop that freight – round up the niggers –'"[3] When people heard the terms white woman, blacks, and rape in the same sentence it mattered very little whether the women were ladies. All that mattered was that "justice" was accomplished. Thus the Scottsboro Trials began.

Historiography

Overview of the Study of Scottsboro

The Scottsboro Case has been studied by many historians, but due to its location on the Civil Rights timeline, the impact of Scottsboro overall is relatively small. Even though Scottsboro was one of the first events shaping Civil Rights, however, there is an impact. The Scottsboro case has been credited with helping the Civil Rights Movement emerge by introducing new political involvement groups, and implementing new legislation to make trials fairer for all races. Scottsboro has also been widely associated with lynching. The defendants were not lynched, however,

and Scottsboro has even been given credit for the early stages of lynching eradication. The other main focus of my study deals with the women of this case. How women are studied in relation to rape in the South, and how they are generally viewed by society shed light on the way in which Price and Bates affect the trials.

When starting to study the Scottsboro Case many will turn to Dan Carter,[4] as he is the leading scholar on Scottsboro. He has written one main text[5] and many other articles concerning the trials. His works are very helpful, and are very complete on the incident. He uses many primary sources for his writing. James Goodman, another looked to expert in Scottsboro, writes in a very similar way. While not given as much credit for his Scottsboro history, he, like Carter, only focuses on the facts of the case, and does not offer any supplemental support or suggest any implications to this period in history.[6] Both could be identified as positivist historians. Instead of working for, and striving towards the truth, they both engulf their work with primary source material, which is very evident in their writing. They believe that if you surround yourself with the sources the truth will ultimately come out. While both Carter and Goodman give an informative overview of the case, the way that it affects history is fuzzy. However, if one focuses on some of the main ideas surrounding Scottsboro, the larger implications become clear. These include racial discrimination and the role of women in the South.

Racial Discrimination Studies

The first aspect of Scottsboro that has had an effect on the way history is studied is that of racial discrimination. Throughout the case it is apparent that the nine boys were not given a fair trial, but over the course of history these unfair advantages are used as a tool to further racial progression. The discrimination in Scottsboro gave rise to new institutions ready to help in the fight for African American rights. Herbert Shapiro, a historian focusing on race relations in the 20th century, suggests that the Scottsboro case gave rise to the International Labor Defense. "But new factors entered into the calculations in this case, factors that would significantly affect the future of the black struggle...Shortly after the boys were convicted in April 1931, they placed the case in the hands of the International Labor Defense, an organization that would combine courtroom efforts with mass agitation."[7] This is helpful to the study of history because this group not only assisted in the fight for Civil Rights, but also kept everything well documented which can help historians evaluate this period of time.

Another way that historians have studied Scottsboro for the benefit of race relations is through some of their actual court precedents. In Mark Grossman's *The Civil Rights Movement,* Scottsboro is discussed as one of the first cases in which actual court decisions would help the civil right's movement gain momentum. New trials were ordered in Scottsboro after the courts deemed an all white jury to be an unfair advantage. "The Alabama Supreme court ruled 7-2 (Justice James McReynolds and Pierce Butler dissenting) that the absence of blacks on the jury tainted the conviction, and it overturned them and ordered new trials."[8] The trial is seen as a huge step forward in the beginning stages of the Civil Right's Movement, and helps historians utilize political history by using court cases to study how and why events shape this period of history.

In order to understand why there was such a push for civil rights for African Americans, and how Scottsboro helped paved the way, it is beneficial to look at the evolution of lynching in the South. Scottsboro became the turning point, making lynching take the back seat and giving favor to the courtroom. Historians such as B.D. Amis[9], Dora Apel[10], and Lynn Barstis Williams all agree that opposition to lynching, and the lynch-mob mentality, was one of the driving forces behind abolishing lynching, and using Scottsboro as a catalyst to do so. Williams states, "For much of the 1930s, artwork in various media became propaganda clamoring for release of the Scottsboro boys and against the widespread injustice of lynching."[11]

This study and importance of lynching not only made Scottsboro an example on how justice could still be obtained without lynching, but also initiated lynching's demise. Raymond Wolters discusses how using Scottsboro as an example, actually helped to stop lynching in the South. "Thus Roy Wilkins recalled that for several years the association had been able to raise large sums of money from the local branches only when spectacular cases arose in which individuals were victimized by racial hate…the anti-lynching crusade built purely on emotional resentment; the Scottsboro case.'"[12] All of these historians have shown not only the importance of lynching when studying the South, but also how Scottsboro has helped to destroy it in the long run. Another aspect of Scottsboro's history that is studied, and changes through the course of history, is that of women and their changing roles

Women's role in Scottsboro and Southern History

When evaluating these sources dealing with the lynch mob mentality, and the implications that Scottsboro has on the study of lynching, one should ask what, or who, is missing? Usually the answer to this question is the victim of the crime. In the Scottsboro Case, the women tend to fall from the limelight in most of the sources. I believe this is partly due to the heinous nature of the crime, especially when involving black males and white females. The attention quickly leaves the women and proceeds to punishing the men.

Some historians focus on the notion of lynching, and how it ties into the women's role. One of the leading historians engaged in the study of the rape of females in the South is Jacquelyn Dowd Hall.[13] Even though in rape the victim is female, the male still gets most of the attention. Instead of making sure the woman is alright and helping her cope, the focus is put on the attacker, especially when the attacker is black. "As stories spread the rapist became not just a black man but a ravenous brute…"[14] Dowd has shown that even after advances have been made over time, the most predominant course of action when dealing with this "brute" can only be lynching. "Despite the pull of modernity, the emotional logic of lynching remained: only swift, sure violence, unhampered by legalities, could protect white women from sexual assault."[15]

Lynching aside, other historians have agreed with the idea that rape of Southern women is serious, and eventually loses focus of the victim. Peter W. Bardaglio[16] suggests that this is not only due to the victims being women, but because when a black male commits this crime it is challenging the authority of the white male dominated south. "The rape of white women by blacks provoked such profound

rage among southern white men because they viewed female sexuality as property that they owned, like slaves, and protection of this property was a key to preserving their position in society."[17] Due to this challenge of power, the shift to focusing on the attacker versus the victim emerges. This will be looked at closer in the paper because it directly correlates with the Scottsboro Case. It will become apparent that Ruby Bates and Victoria Price, two women of questionable character, were looked at as helpless victims and their flaws never made it to the surface like they should have. Instead, as Bardaglio suggests, the attention was directed more towards the nine boys where is should not have been in the first place.

This idea of focusing on the attackers proves very beneficial for the two women, Bates and Price, in the Scottsboro Case. Keith Burgess-Jackson, using the Scottsboro trial focuses on the rape itself. "The equation is wrong, according to them, because Bates and Price were white, and at the least this means that the 'Scottsboro Boys' could not save themselves at the two women's expense, while the two women could benefit 'from the privilege of being white in southern society' and save themselves 'at the expense of nine lives.'"[18] Instead of being put back into prison for prostitution and vagrancy, the two women are lost in the background since the focus in no longer on them, but on the "evil brutes" that committed the crimes. This is a popular sentiment when examining racial tension and the Civil Rights Movement. White individuals, even when they shouldn't be praised, gain respect and power, and black individuals suffer at their hands, even when not deserving of such treatment

However, with the emergence of the women's rights movement the focus grows steadily back to women, and they receive the vindication against their attackers that they deserve.[19] One of the leading Southern feminist writers is Anne Firor Scott.[20] Her work, *The Southern Lady: From Pedestal to Politics 1830-1930*[21], shows in detail the progression of women's rights in the South. This leads to an even larger study and more writings on women as individuals. Gerda Lerner,[22] another leading feminist historian puts women in the forefront, using many biographies to show the importance of women. She is a feminist different from most of her colleagues, however, and believes that more of a focus should be on individual instead of just gaining rights, contradictory of Scott. In this study on more emphasis is placed on women being on a pedestal, and being the prize of men which occurred mostly before women's rights were in full force. In order to determine why women, even lowly women, were looked so highly upon, the perceptions and stereotypes given to women must be examined. Scott does a good job of showing this portrayal of women, as a counter to the progression of the women's movement, as do other feminist authors from the South.

Some historians, like Edwin Mims, give an overview of how Southern women are perceived throughout history. "We associate such women, young and old, with stately columns and porticos, polished halls, family portraits, immemorial trees, and a social life notable for its charm and courtesy."[23] However, another popular notion is shown by other historians such as Sharon Mckern and Shirley Abott. They believe that one of the main contributing factors to the women's movements was fueled by the roles placed upon them by males. "The Southern woman is a product of a provincial, male dominated tradition shaped by the rural past even in the reality of an urban present."[24] Women were looked so highly upon that if they did not live up

to their given standards, then they were not truly women. "To grow up female in the South is to inherit a set of directives that warp one for life, if they do not actually induce psychosis. This is true for high-born ladies as well as for farm women, and no one has ever quite explained it."[25] These studies on how women were viewed are extremely helpful in discovering why the women in the Scottsboro case are able to escape punishment. Their own faults were not taken into account, because to the men of the court, Bates and Price were viewed as the perfect Southern lady. They would rather uphold a woman's name then save an innocent man's life. This can directly be seen when looking at the ways in which Samuel Leibowitz, the defendant's attorney, was restricted in the way he cross-examined the women. This will be looked at in depth in the paper.

This concept of the perfect Southern woman, however, is not prevalent in the study of women's history by itself, but must be extracted from the study of Southern women's culture in general. One way to study their culture is by looking at the literature that is produced during this time period, and then examining the way in which women are portrayed. The most influential historian who illustrates this point is Kathryn Lee Seidel.[26] She discusses how the Southern woman was revered, and even in literature, was put upon a pedestal mirroring society. "Thus the Southern belle in literature before the Civil War was portrayed as an untouched Eve in a domestic garden, or a goddess on a pedestal, unsullied by money, experience, and vanity. As Stowe discovered, to criticize this flower of civilization was to attack the South itself."[27]

Two other historians focus on one main piece of literature, *Gone With the Wind*[28], and use it to show the relationship of women and the novel. Since this is a very popular novel, Francis Ludlow and Shirley Abott[29] have used it as a text in order to understand women's history. One point they both make clear, however, is that everything in literature is not entirely accurate as to how women really lived, but it is very representative of how society viewed them. "Margaret Mitchell, by intent or by chance, offered harassed readers the perfect antidote to thought: a glamorous heroine and the South of a thousand romantic traditions."[30] Using literature was a useful tool for historians, especially when dealing with social histories. By looking at their culture, and the works that their culture produced, it becomes clear how they lived and what they valued.

After examining how these different aspects of the Scottsboro case are studied, it is clear that each piece relates to each other, and helps to determine how this event has shaped history or has had an impact on the way the past has been understood. The racial discrimination in this case plays a part with helping the civil rights movement get started, and the focus on women being held in such high esteem helps to understand why progression in women's rights also grew. While the rest of this paper will not directly focus on these ideas, it is very helpful to understand the larger implications of this case, and the effect that it has on the study of history as a whole.

The Scottsboro Case consisted of two white female accusers, and nine black males that supposedly raped them. The following lists all the main participants, and their ages.

> This was where the legal proceedings began that revolved around the rape charges made by Roby [sic] Bates (17 years old) and her friend Victoria Price (21 years old or perhaps even 27 years old), both White, poor, and underemployed mill workers, against Olen Montgomery (18 years old), Clarence Norris (18 years old), Haywood Patterson (18 years old), Ozie Powell (16 years old), Willie Roberson (16 years old), Charlie Weems (20 years old), Andy Wright (19 years old), Roy Wright (14 years old), and Eugene Williams (15 years old), all temporary workers, African American, and poor.[31]

What Happened That Day

The incident at Scottsboro began on a train on March 25, 1931. Generally, those who stole away in the cars of a train where in hopes of finding work in nearby towns, and were too destitute to secure any other means of transportation. Since this was in 1931, the depression had left many without jobs and no way of earning money, so stealing rides on the train in search of work was very common. "With no money, the way many impoverished workseekers traveled in those days was by hitching rides on empty freight cars. As Mr. Norris and a group of young blacks rode the rails heading into northern Alabama from Tennessee, a fight broke out with some white youths. Most of the young white men left the train."[32] However, there were a few left. The other riders included Victoria Price, Ruby Bates, and Lester Carter, a friend from a hobo-jungle. These three were not in the same area as the nine black boys so they did not even know about each other. "The sun is shining and along the same embankment stand the two girls and one of the men. The girls wear overalls. The taller and prettier of the two looks a little frightened...A freight train pulls out of the Huntsville yards, and our three adventurers swing aboard."[33]

After news of the first fight, the train was to be inspected at the next stop. At this point the riders were as follows. "The only Negroes left on the train were the nine young Negro boys. A few white men and the two white girl hoboes dressed in men's clothing were still on the train."[34] The authorities were surprised to find out, however, that two of the people on board were in fact women. They had not been recognized as so earlier due to their clothes. "In searching the train, the deputies saw three white hoboes getting out of the gondola car. But two turned out to be women in men's clothing."[35]

As word traveled about the inspection to the townspeople at the next stop, the accusations started flying. Why could there possibly be two white women on a train full of black men? No matter what the answer to the question is, they had already devised their own stories, and were ready to take action. "By the time the train is flagged to a stop at the dusty metropolis of Paint Rock, Alabama – the total population of the town is at the station armed with broomsticks, rusty rifles, ancient shot guns. Savage delight and grim determination – waiting for that train."[36]

Before the train arrived at the stop the two women had already begun to worry about vagrancy charges if they were found on the train. They had already gone to jail for prostitution and stowing away on train cars. If they were caught again, they knew they would be put back in jail. They couldn't have realized how easy it would be to

get out of that situation, however. When they got off the train they were immediately met with questions. They did not say anything false at first, and tried to tell the crowd that they had not been touched. "But the state solicitor urges them on. 'Go ahead and say they did it,' he told the two women. 'That boy attacked you, didn't he? Go ahead and say that he did it!'"[37] After endless prompting, the women went on to tell the people ridiculous stories of rape just as they wanted to hear. Even if they had not made up these stories, the crowd was ready for action due to the racial tension of the town, and the opportunity this event gave them to act out towards the nine boys. "Without waiting for any answer from Ruby and with Victoria probably watching them from beneath lowered eye lids – the words begin to spread through the crowd – 'Rape – lynch – rape – attack – white girls – niggers lynch them – lynch them.'"[38]

If Price and Bates had argued that they were not touched, and had just been stowing away on the train, they might have faced charges for being on the train. So for them to just let the crowd think what they wanted was the best move for them. "The two white women now ceased to be arrested vagrants and became 'pure' and holy examples of 'outraged white womanhood.'"[39] Many of the townspeople, even after the trials, believed that protecting the women and trying the boys was the right thing to do. Even if they were not raped, no Southerner wanted to see a woman be hassled about vagrancy and prostitution when it could be replaced by a black man dying. "The singular opportunity afforded Bates and Price should be appreciated by every woman. From languishing in a jail cell as the lowest of low, vagrant women who stole rides on freight cars, it was a short step to the witness stand where dignity of a sort could be reclaimed by charging that they had been pathetic, innocent victims of rape."[40] A few years later when Bates recanted her testimony, it is shown that the women did in fact falsely accuse rape on purpose.[41] "Bates began saying in 1933, she and Price perjured themselves by pressing false rape charges against the 'Scottsboro Boys,' and they did so quite selfishly in order to avoid vagrancy or prostitution charges."[42]

The townspeople had their own ideas regarding this trial, which started on April 6th just seven days after the incident occurred, and the way it affected their community. Some of them thought that it was about time something big like this happened. "The fifteen thousand or so inhabitants of Scottsboro and the hillbillies of the surrounding countryside have ordinarily very little excitement and it was a long time since anything had come their way like nine niggers accused of rape."[43] However, the need for this excitement induced numerous exaggerations that only worsened the situation for the nine boys. Newspapers, such as the Jackson County Sentinel, started printing stories about events that never happened. "The white girls were found in the car in a terrible condition mentally and physically, after their unspeakable experience at the hands of the black brutes."[44] They added as many details as they could to get the townspeople going, never really caring that they were making them up as they wrote.

Other newspapers commented on how well Scottsboro was handling this affair, and that other towns should take the same, "fair", approach.

> Only the *Constitution* editorialized on the initial verdicts. Under the heading 'Honor to Alabama,' the paper said: 'The governor and people of Alabama deserve the praise of the whole country for the manner in

> which they have handled the perpetrators of the repulsive outrage upon a couple of white girls by a band of Negro tramps on a freight train near Scottsboro several weeks ago. Not in many years has so dastardly and inflaming a wholesale crime been committed in the south. The provocation to a horrified and maddened community to take summary and deadly vengeance upon the guilty brutes was fairly irresistible, but the cool courage of the local sheriff and his influence over his fellow citizens led to the peaceable arrest and imprisonment of the doers of multiple outrages.'[45]

The citizens of the town even went as far to say that they were proud that they didn't lynch the boys because they are so guilty that it will be a great accomplishment to kill them using the law. "Calm-thinking citizens last night realized that while this was the most atrocious crime in this county, that the evidence against the negroes is so conclusive as to be perfect and that the ends of justice could best be served by legal process."[46] While it is good that there is a shift into the legal process from taking matters into your own hands, it is still a problem when the outcome is already established before a trial has even taken place.

Some citizens still wanted to punish the old way instead of bothering with trials because of the extreme conditions of rape. An outraged woman in town worried that another incident might occur if they did not take extreme measures. "When I asked why, she replied, 'The next time they would finish up those black fiends and save the bother of a second trial.' Then she told me of a story of the mistreatment suffered by the two white girls at the hands of 'those horrible black brutes,' one of whom 'had her breast chewed off by one of the negroes.'"[47] There was still the lynch mobs that surrounded the court on a daily basis. "Yet the trials opened in an atmosphere tense with mob hysteria, on several occasions with the courtyard filled with a mob clamoring loudly for the Negroes' blood."[48]

April 6, 1931 opened the first day of trials. During these first trials the defendants were tried in sets of 2 or 3 individuals. The courts felt that if they tried all of them together it would look to much like a legal lynching, and by breaking them up could still achieve a fast trial, and not look to hasty in their procedures.[49] Two days later all but the youngest boy, Roy Wright, received the death penalty for their gang rape of Victoria Price and Ruby Bates. However, this was soon appealed and by March of 1932, the Alabama Supreme Court upheld the death sentence for all but Eugene Williams, the next youngest member of the group.[50] Later in November of that year, The U.S. Supreme Court stepped in with Powell v. Alabama, and declared that the boys did not have adequate representation during the first trials, so they retry them. After three more trials[51] in Alabama, all resulting in death for the boys, the U.S. Supreme Court steps in again with Norris v. The State of Alabama in 1935. The decision resulted in it being unconstitutional for a black man to be denied a spot on a jury. So again, the trials went back to Alabama where finally in January of 1936, Hayward Patterson was convicted once more and sentenced to 75 years in prison. This was monumental because this was the first instance of a black man accused of rape received anything less than death.[52] It wasn't until 1950, however, until all the boys were rightfully freed. "Through either escape or parole through the years, the Scottsboro Boys are eventually all free. Andy Wright is the last to leave the

Alabama state prison system on parole."[53] After knowing the background on the trials themselves, it is now imperative to understand the attitudes of the South regarding women. It is by studying the women that a connection can be made as to why Price and Bates were treated as perfect Southern ladies during the trials.

Women in Society

One of the most predominant views about women during this time period is that they are set apart from the rest of society, but not in inferior way like most groups that are stereotyped. Women were looked upon very highly and put on pedestals in the eyes of Southern men. "On her pedestal at the center of the South's romantic dream stood, of course, its central symbol: the Southern lady. Like the dream world itself, she was beautiful, fragile, good, and ultimately irrelevant to reality."[54] One achieves this status by adhering to the values and morals that the ideal Southern lady would hold as dictated by those before them, and the wishes of their husbands. "Historically, the ideal of the Southern lady lies at the very core of the culture and beliefs of the American South. The image of the lady and her adherence to a strict code of behavior, her dignity, morality, and chastity have resulted in the Southern male placing her upon a pedestal from which she finds it difficult to descend."[55]

Because there is this sense that the Southern woman is set apart from others, and that part of this is due to the guidance of males, they are closely protected by society and would punish anyone who tried to threaten their womanhood. "None of the South's traditional concerns is dearer to its heart than that of the special nature – and stature – of the white Southern lady. In the mind of the South the idea of the lady has been held sacred, a myth whose centrality must be protected at all times, and particularly at those times when the South sees its special characteristics under threat."[56] This goes hand in hand with Scottsboro. Even if Price and Bates themselves were not the perfect Southern lady, they still represented one which would not be defiled by the nine boys. This is evident in the way that the court would not allow anyone to discredit them, or make them look bad on the stand.

Even if being put on top of a pedestal does not sound appealing in reference to today's standards of being a women, the women of the South usually did not have any problems with their lifestyle, and fell into it naturally. "She had not to learn to be a lady, because she was born one…She lived in an atmosphere created for her – the pure, clean, sweet atmosphere of her country home…"[57] They celebrated their status, and were usually content with being the women their husbands and society wanted them to be. "If talking could make it so, antebellum southern women of the upper class would have been the most perfect examples of womankind yet seen on earth. If praise could satisfy all of woman's needs, they would also have been the happiest."[58] They not only served their own families, but the South in general, thus making their contributions have an impact all across the South. "Her life was one long act of devotion, - devotion to God, devotion to her husband, devotion to her children, devotion to her servants, to the poor, to humanity."[59]

Men of the South were faced with challenges in light of this admiration for women. Since it is one of the most important aspects of life, it is something that they must take seriously. "If there is one thing upon which Southern people have prided

themselves, it is their reverence for womanhood."[60] This means that if anything ever conflicted with this view they must defend their women at all costs. Here is an example of this mentality.

> The private sphere of women embraced femininity, beauty, simplicity, and submissiveness; the highest roles to which a southern woman could aspire were those of nurturing mother, dutiful wife, and social moral pillar. Men, in contrast, operated in a public sphere, where they provided for their families and property and carried on business. These separate spheres constituted an unwritten contract between men and women, where women remained domestic and atop their pedestals, and men protected them.[61]

Since the men of the South put there women on this pedestal it was their responsibility for keeping them there. "The Southern lady was a white woman who acquiesced to patriarchal authority in exchange for male protection and support and who left the realm of politics to her father and husband in deference to the particular abilities of man."

Rightfully so, the men were more than willing to protect since it was the women in society that managed the household and provided guidance for children. "This marvelous creation was described as a submissive wife whose reason for being was to love, honor, obey, and occasionally amuse her husband, to bring up his children and manage his household."[62]

Even though some women resented the fact that all they were there for was keeping a household running and being looked up to by the men in society they had to follow the pattern. Some desperately wanted in. Amanda Jane Cooley Roberts wrote about her predicament in her diary. "I know not what to do; I can't leave home, it seems unless I marry, and there is the difficulty, I cannot find any body to marry."[63] However, for those that did marry, if they dissented from their roles they would not be accepted, and therefore, could not live a fulfilling life.

> If these speculations ring true, one pressing question still remains. Since the ideal of perfection placed a great strain upon women, why did they tolerate their role? One reason is suggested by the early indoctrination already mentioned: the institutions and mores of the society all pointed in the same direction. Churches, schools, parents, books, magazines, all promulgated the same message: be a lady and you will be loved and respected and supported. If you defy the pattern and behave in ways considered unladylike you will be unsexed, rejected, unloved, and you will probably starve.[64]

Women also felt that it was there duty to marry, and if not you would be looked down upon as well. Leah Byrd Haynie wrote this in her memoirs, "If she lives, woman must make the choice to marry or become that hocking thing, an old maid." [65]

However, even if a woman deviates from this path, they will still be upheld as a Southern lady if threatened by the right circumstances. This notion is obvious in

this case in particularly, and also in other cases dealing with rape. Any woman that is taken advantage of by a black male will be defended as if she were a perfect woman

Scottsboro is not the only example of this. Nell Williams, another young Southern lady was involved in a fight and failed rape attempt that broke out between a black male, and a few other women. Her sister and friend were killed by a gun that was introduced by the male, and she was only wounded. When Nell recovered, she immediately accused the first black man she saw in the street of being the attacker. She had no proof, and all the evidence in the case pointed to this man's innocence.[66] However, much like Scottsboro, the court seemed to not care. "Rather than humiliate Miss Williams by contradicting her story, the state of Alabama was willing to convict an innocent man."[67] In other words, Miss Williams mirrors Price and Bates and the innocent black man mirrors the nine Scottsboro Boys. As one Southerner, regarding the rape of white women, puts it, "A Negro accused of rape by a white woman had not the 'chance of a sheep-killing dog to establish his innocence or to get the benefit of any doubt."[68]

Price and Bates

Many characteristics of both Price and Bates set them apart from most other Southern women. One of the most distinguishable was their dress. Instead of the modest, and feminine clothing that most women wore, Bates and Price usually donned overalls and raggedy shirts. Even after the incident occurred, the townspeople felt sorry for the two and replaced their clothing. This shows how important it was to take care of women, and also shows that the image of the ideal woman is placed upon those that are clearly not ideal. "Victoria's story so touched a group of Scottsboro citizens that the next day they bought her and Ruby new clothing to replace the overalls and threadbare dresses they had been wearing."[69]

Their past records also set them apart from other women. Both had been jailed numerous times for participated in vagrant activity in the hobo-jungles and as prostitutes. Even the media was enlightened to their pasts and had material that could discredit anything they said on the stand. "A newspaper editor in Alabama said to me later on, 'I have the evidence about the characters of those girls which might free the boys if I published it.' 'Why don't you?' I asked curiously. 'We are a family newspaper,' he replied."[70] This means that the two women participated in activities which could not even be reported on because their actions were considered improper for women during this time. For Price independently, who insisted the boys raped her even after Bates had told the truth about the lie, had the law against her. "And, at the last trial of Norris, two residents of Huntsville, both former officers of the law, testified that Victoria Price's reputation for veracity was a bad and that they, who had known her since 1924, would not believe her on oath in a court of justice."[71] But even though both of the women's character was not upstanding, collectively the courts still wanted them to be the innocent victims of such a terrible crime.

One last example of how the two women differed from the norm was their crude behavior on the stand. While both were uncooperative at times, showing their lack of respect for the proceedings, some of their other actions were very unladylike. "Occasionally Ruby leaned forward and, carefully holding one finger over half her

mouth, sent a stream of snuff into the spittoon. But afterwards she simply wiped her mouth with her arm and leaned back in her chair, her soft brown eyes almost expressionless."[72] All of these aspects show that Price and Bates were not the typical Southern Lady like most women during this time, but even in light of these flaws, they still were seen as much more superior than the boys and worthy of getting them convicted and executed at all costs.

Rape in the South

Rape committed by a black man to a white woman in the South was the most heinous of all crimes committed during this time. "... the black rapist, 'a monstrous beast, crazed with lust'; the white victim – young, blond, virginal..."[73] This example shows the image of the Southern woman as pure, while the image of the attacker is anything but. Due to the extreme esteem given to these women, to hurt their image in any way is a crime, let alone defiling her at the hands of a "substandard" human being. Men put their women on a pedestal during this time, and for anyone to take them off and victimize them is appalling, but, for someone that they have such a built up hatred for is far worse. Not only do they hate black men, but they view them as inferior, thus making it a slap in the face for white Southern men to have an inferior cause them pain. As Hall puts it in one of her books, "Of all aspects of racial etiquette, those governing sexual relations aroused the strongest emotions and carried with them the severest sanctions."[74]

To the Southern population it is not only that the black male is a "brute" and will ravish a white female, but that they thirst for it. "White Southerners, both inside and outside the legal system, widely shared the belief that black men were obsessed with the desire to rape white women."[75] It is unfathomable to think that a white Southern woman would ever want anything sexual to do with a black man, as far as the white males are concerned. This means that any sexual relations between the two was always one-sided, and considered rape. "A white woman who made sexual advances to a man was socially unacceptable, masculine, shameless. And a man who had any type of physical contact – simply did not exist. Therefore any such relationship was seen to be initiated by the black man, a crime punishable by torture and death."[76] These characteristics of women fit Price and Bates, and thus show that when it comes down to it, the South would rather back up two women with questionable reputations than nice black males.

The punishments for rape by black men were not taken lightly in the South. Before lynch mobs, castration was used a main control method against future rapes. However, this soon converted to the execution of the man. "Rather than prescribing castration, southern states during the antebellum period called for the execution of black men convicted of rape or attempted rape of a white female."[77] Death was the only answer to this serious of a crime. Dan Carter explains this Southern mentality.

> In the South it has been traditional...that its white womanhood shall be held inviolate by an 'inferior race.' And it mattered not whether the woman was a 'spotless virgin or a 'nymph de pave.' There could be no extenuating circumstances. If a white woman was willing to swear that a negro either

> raped or attempted to rape her, 'we see to it that the Negro is executed,' declared Arkansas poet John Gould Fletcher. "For the rape of a white woman, however, there was only one punishment: Death."[78]

Death was on the minds of all the townspeople in this case as well, however, hopes of a fair trial were made possible by the constant protection and insurance that they boys would not be touched by anyone other than the courts. Still, the mentality of the citizens would not change so easily. "As one old timer said without heat after Victoria Price stepped down from the witness stand, 'Anyone would have to [convict] after hearin' her say that a nigger raped her.'"[79]

How The Case Was Affected

After examining how women are viewed in the south during this time, and by looking at the serious nature of rape, it is seen that both directly affect each other in the outcome of this case. Price and Bates were treated well by the court, while the actually innocent parties suffered. The court did not care that Price and Bates were not the "ideal" woman; to them they were on top of that pedestal and were true victims. No matter how hard the defense tried to break Price, she always gave answers that were accepted by the court, even though were as far from the truth as one could get. "Her testimony was contradictory, often evasive, and time and again she refused to answer pertinent questions... In addition to this the proof tends strongly to show that she knowingly testified falsely in many material aspects of the case."[80] Instances like these pushed the defense farther away from freeing the boys, and perpetuated the idea that no matter what, the court was not going to allow the women to be mistreated by questioning their integrity.

Even when evidence was contradictory the women were still not looked at as telling lies. A witness, Ory Dobbins, took the stand to incriminate the boys saying he watched a few of the boys take a woman by the waist and throw her into a car. He lives close to railroad and witnessed all of this while walking to his barn. The following is his statement regarding how he knew it was a woman that was taken by the black males. "His reason for stating it was a woman is as follows: 'Q. you know it was a woman don't you? A. She has on women's clothes. COURT: She had on women's clothes? Q. What kind of clothes, overalls? A. No, sir, dress.'"[81] This goes against what the women were actually wearing, overalls, and therefore can not possibly be a reliable testimony. This shows just how ingrained the images of the ideal woman were in the minds of Southern men. Dobbins assumed that because Price and Bates were women, they would be wearing dresses. Regardless of dress, his testimony also shows that he in fact was making the story up since there was no one on the train in a dress, so he story shows the way in which he would rather lie and help the women versus not saying anything and letting the nine boys go free. However, the court still held this, as well as many other accounts like this one, in high regard.

Another aspect of the case that hurt the defense in light of the mentality of the court was that of how the lawyers were able to address Price and Bates. Samuel Leibowitz[82], the defense attorney, paid very close attention to detail, and could usually

catch the women in their contradictions. During this instance he was trying to get across that Price was married and had been participating in an adulterous relationship which would show that she, a woman, was fallible. "He began his cross-examination gently, almost kindly: 'Miss Price…shall I call you Miss Price or Mrs. Price?' 'Mrs. Price, 'answered the witness sullenly. She looked at her interrogator as though he were a poisonous snake circling her chair."[83] As much as Price and Bates might have been uncomfortable with his questioning, it was not nearly as uncomfortable as it made the rest of the court. "Once when Leibowitz asked Mrs. Price with a touch of sarcasm in his voice, if she had not removed the overalls she said were torn from her by the assailants, Callahan sternly warned him to 'treat the lady with more respect.'"[84] Leibowitz was also faced with criticism from those in the jury. "The 'brutal manner' in which Leibowitz cross examined Mrs. Price 'makes one feel like reaching for his gun while his blood boils to the nth degree.' Leibowitz made the fatal mistake of regarding Victoria Price as a cut rate prostitute. He was 'not accustomed to addressing Southern juries,' said Robert Eleazer."[85] No matter how hard he tried, he didn't realize the South would not stand for their woman to be discredited. This in turn made it hard for Leibowitz to complete his job or discrediting the accusers of the boys he was defending.

This same notion can be found in various mediums in culture as well as in the courtroom. One way it is shown in society is through song. A female country music artist made this clear when talking about what she could and could not sing about.

> A Southern woman babies her man, she says, And men need to and like to be babied. Every man likes to be babied. But that's great, because when somebody comes and offends his woman, he'll fight the biggest man in the world to protect her! I feel very feminine, and I love being a woman, and I love being treated that way. One thing that still holds true is that the world just doesn't want to hear a women put down in a song. If a woman sings a song, she can sing about the man cheating on her. Or if she's done wrong herself, she can sing about wanting to make it up to him. But you don't want to sing a song that makes a women look bad or immoral. You still don't want a song that makes a woman look terrible, because men still like to uphold their women. And every women wants to feel she is a lady."[86]

With ideas like this about what can and can't be said, it's no wonder that Leibowitz was silenced when trying to discredit the women. To the courts it looked like he was damage the reputation of the women, which was totally not acceptable in the South during this time.

The court would sometimes allow a certain line of questioning, but then there was the difficulty to get the women to cooperate. Many times, even if they were willing to answer questions, they did not understand, nor were willing to try.

> Using a model of the freight train, Leibowitz tried to illustrate the sequence of events. Mrs. Price adamantly refused to agree that the model looked like the train she had ridden. What were the differences? Asked Leibowitz.

> 'That is not the train I was on,' she snapped. 'It was bigger, lots bigger, that is a toy.' No amount of cajoling from Leibowitz could force from her an admission that it was a suitable replica.[87]

Even when the women, Bates in particular, helped the defense by taking the stand and saying that they both made up the whole rape, the court still would not see it as valid testimony. Bates decided that it was time she came forward and told the courts that it was all a lie. She had not been raped, and she hoped to get the boys free. "Ruby Bates, after the first trial in which she supported the tale, broke ranks and joined the defense side. She said no rape occurred, that the entire story was fabricated in the heat of the racial conflict. She worked arduously to free the Scottsboro defendants, all to no avail."[88] However, the courts couldn't believe her. The images of the males raping them had already permeated their minds, and they would not let anyone get away with such an awful crime. They therefore assumed Bates was paid off by the defense because a white Southern woman would never defend a black man. "Ruby Bates, testifying in the defense of the Scottsboro boys, was the first white woman in the history of the South to defend Negroes from the charge of rape."[89]

It is quite ironic how the court handled Bates and her new testimony. Previous to her coming forward, Leibowitz was often silenced when trying to discredit the women, but in this case the court was much crueler with their words. It was as if they couldn't believe she was anything but a perfect woman until she opposed them, and even in that case it wasn't her fault, but the defense that corrupted her. This statement referring to Bates new testimony being bought shows this sediment. "Howls 'Are you going to let Alabama justice be bought by Jew money from New York¿' Judge Horton overruled Leibowitz motion for new trial on basis of this prejudiced statement. Lynch mob organizers openly cry, 'Lester Carter and Ruby Bates ought to be sent to prison for what they said.'"[90] Even the prosecutor in his closing remarks criticizes Bates and the defense. "In his summation Attorney General Knight said, 'Ruby Bates sold out lock, stock and barrel for a coat and a hat and God knows for what else.' This is a framed defense.'"[91]

With all of this resistance to her new testimony, Bates still stayed adamant about making things right, and clearing the boys' names. Here is a statement she made about the issue.

> Because I told the truth, the Alabama bosses and officials threaten my life and the President's secretary shuts the door in my face. I see that the rich and the mighty don't care any more for us poor white workers than they do or the Negro people. My conscience drives me to do everything I can to help free these boys, I know are innocent. I will ask the white workers and the Negro people and all honest people who are against murder and oppression to unite in a still greater protest for the freedom of the Scottsboro boys and for the defense of all oppressed workers, white and black.[92]

Because the court in this case is very much in favor of traditional Southern values, Bates' testimony has no weight, and is disregarded as can be seen by the boys still not being freed. There seems to be no place for a Southern woman to defend black men accused of raping her.

Conclusion

Throughout this paper I have focused on two main ideas; The Scottsboro Case, and the ideas surrounding Southern women. Though not apparent when studying the case by itself, the notions of white Southernhood affected the case in many ways. When studying the two main women, Victoria Price and Ruby Bates, it is clear that they are not the ideal Southern ladies. However, society has placed women on top of a pedestal during this time, and it is very hard to knock them off, especially when they have accused nine black men of rape. Even attempts to show their uncertain integrity in the courtroom were not permitted, thus causing their "attackers" to be found guilty. "I'm not the President, Nor the Honorable So-and-So, But only one of the Scottsboro Boys, Doomed 'by law' to go."[93] This poem that was used to open with means more than just showing that the Scottsboro Boys were doomed to go to jail. As mentioned earlier 'by law' suggests that the law in this case represents the loosest sense of the word law. Due to the views on white women, black men, and the idea of rape, the law changed into what the court wanted it to be. Justice was not served for the Scottsboro Boys and all because the 'law' was influenced more by upholding the ideals of womanhood rather than justice.

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[2] "Scottsboro, a Record of a Broken Promise," (New York: Scottsboro Defense Committee, 1938), 18.

[3] "Scottsboro: The Shame of America," (New York: Scottsboro Defense Committee, 1936), 8-10.

[4] Dan T. Carter, History Professor at the University of South Carolina, is the leading authority on the Scottsboro Case. While his major work deals with Scottsboro most of his recent works involve looking at the changing politics of the South.

[5] Dan Carter, *Scottsboro: A Tragedy of the American South* (Lafayette: Louisiana State University Press, 1979).

[6] James Goodman, *Stories of Scottsboro* (New York: Vintage, 1995).

[7] Herbert Shapiro, *White Violence and Black Response: From Reconstruction to Montgomery* (Amherst, MA: The University of Massachusetts Press, 1988), 207.

[8] Mark Grossman, *The Civil Rights Movement* (Santa Barbara, CA: ABC-CLIO, 1993), 178.

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[11] Lynn Barstis Williams, "Images of Scottsboro," *Southern Cultures* 6, no. 1 (2000): 50.

[12] Raymond Wolters, *Negroes and the Great Depression: The Problem of Economic Recovery* (Westport, CT: Greenwood Publishing Corporation, 1970), 337.

[13] Jacquelyn Dowd Hall, professor at University of North Carolina Chapel Hill, has written many books and articles, besides the example of her work given, dealing directly with the implications of rape occurring between races, and the effect that it has in the Southern society. These include: "The Antilynching Movement," in *Black Women in America: An Historical Encyclopedia*, ed. Darlene Clark Hine (Brooklyn: Carlson Publishers, 1993), "The Mind that Burns in Each Body: Women, Rape, and Racial Violence," *Southern Exposure* 12, no. 6 (1984): 61-71, "Private Eyes, Public Women: Class and Sex in the Urban South," in *Work Engendered: Toward a New History of American Labor*, ed. Ava Baron (Ithaca: Cornell University Press, 1991), *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching* (New York: Columbia University Press, 1979).

[14] Jacquelyn Dowd Hall, "The Mind that Burns in Each Body: Women, Rape, and Racial Violence," 64.

[15] Ibid.

[16] Peter W. Bardaglio, now the provost at Ithaca College, has written mostly on the role of Southern families and the relationships between gender and race throughout the social history of this time. Some of his works include: "Rape and Law in the Old South: 'Calculated to Excite Indignation in Every Heart,'" *The Journal of Southern History* 60, no. 4 (1994): 749-772, "Rape – Only as Men See it," *Baltimore Evening Sun*, June 16, 1993, "'Shameful Matches': The Regulation of Interracial Sex and Marriages in the South before 1900," *in Sex, Love, Race: Crossing Boundaries in North American History*, ed. Martha Hodes (New York: New York University Press, 1999), 112-38, "The Transformation of Patriarchy: The Historic Role of the State," in *Families, Politics, and Public Policy: A Feminist Dialogue on Women and the State*, ed Irene Diamond (New York: Longman, Inc., 1983), 70-93, and "White Girlhood, Rape, and the Courts in the Postbellum South," Speech at History of Childhood Conference, Benton Foundation, Washington, D.C., August 2000.

[17] Peter W Bardaglio, "Rape and Law in the Old South: 'Calculated to Excite Indignation in Every Heart,'" 754.

[18] Keith Burgess-Jackson, ed., *A Most Detestable Crime* (New York: Oxford University Press, 1999), 203.

[19] Not to get confused, since the women in the case falsely accused the nine boys they are not in the same category as the women that have been neglected and miss-represented before the women's movement.

[20] Anne Firor Scott, W.K. Boyd Professor Emeritus at Duke University, has written many works that show the progression of the feminist movement in the South. These include: *Making the Invisible Woman Visible* (Urbana: University of Illinois Press, 1984), *One Half the People: The Fight For Woman Suffrage* (Philadelphia: Lippincott, 1975), *The Southern Lady, From Pedestal to Politics 1830-1930* (Chicago, University of Chicago Press, 1972), and *Unheard Voices, the First Historians of Southern Women* (Charlottesville: University of Virgina, 1993).

[21] Scott, *The Southern Lady: From Pedestal to Politics 1830-1930.*

[22] Gerda Lerner is an emeritus Professor of History and Women's Studies at the University of Wisconsin (Madison.) She is considered a feminist historian, but besides women, she also has a passion for class and race issues. Her works include: *The Female Experience: An American Documentary,* (Indianapolis: Bobbs-Merril, 1976), *Feminist Thought of Sarah Grimke,* (New York: Oxford University Press, 1998), *The Grimke Sisters from South Carolina: Rebels Against Slavery,* (Boston: Houghton Mifflin Company, 1967), and *Why History Matters,* (New York: Oxford University Press, 1997.)

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[26] Kathryn Seidel, now Dean of Students for The University of Central Florida, has produced many works on women's history through literature. These include: "Gail Godwin and Gail Glasgow: Southern Mothers and Daughters," *Tulsa Studies in Women's Literature* 10, no. 2 (1991): 287-294, "The Separate Self: Identity and Tradition in the Fiction of Gail Godwin," in *Southern Mothers : Fact and Fictions in Southern Women's Writing,* eds. Nagueyalti Warren and Sally Wolff (Baton Rouge: Louisiana State University Press, 1999), 156-68, "The Southern Belle as an Antebellum Ideal," Southern Quarterly 15, no. 4 (1977): 387-401, "The Southern Belle in American Literature: The Necessary Fantasy," *Helicon Nine: The Journal of Women 's Arts and Letters* (Spring 1987): 40-47, and *The Southern Belle in the American Novel* (Tampa: University of South Florida Press, 1985).

[27] Seidel, "The Southern Belle as an Antebellum Ideal."

[28] Margaret Mitchell, *Gone With the Wind* (New York: Warner Books, Inc., 1936).

[29] Shirley Abbott, "Southern Women and the Indispensable Myth," *American Heritage* 34, no. 1 (1982): 82-91.

[30] Francis Ludlow, "Her Infinite Variety," *The English Journal* 35, no. 1 (1946): 3.

[31] Keith Burgess-Jackson, 200.

[32] Warren Marr, "Justice, at Last, for 'Scottsboro Boy?,'" *Crisis* 83, no. 9 (1976): 311-12.

[33] "Scottsboro: The Shame of America," 6.

[34] Amis, 7.

[35] Ibid., 8.

[36] "Scottsboro: The Shame of America," 10.

[37] Amis, 9.

[38] "Scottsboro: The Shame of America," 10.

[39] Amis, 9.

[40] Burgess-Jackson, 202.

[41] The fact that Ruby Bates recants her testimony and works with the defense will be explained in more detail later in the paper.

[42] Burgess-Jackson, 202.

[43] Daniel W. Pfaff, "The Press and the Scottsboro Rape Cases, 1931-32," *Journalism History* 1, no. 3 (1974): 75.

[44] Arthur Garfield Hays, *Trial by Prejudice* (New York: Covici, Friede Publishers, 1933), 37.

[45] Daniel W. Pfaff, 73.

[46] Arthur Garfield Hays, *Trial by Prejudice*, 38.

[47] Ibid., 39.

[48] "4 Free, 5 In Prison," (New York: Scottsboro Defense Committee, 1937), 7.

[49] Lita Sorensen, *The Scottsboro Boys Trial: A Primary Source Account* (New York: The Rosen Publishing Group, Inc., 2004), 20.

[50] Ibid., 51.

[51] These are the trials that this paper discusses the most. Leibowitz, the defense attorney is introduced during these trials, and also Bates makes her defense debut during these trials Judge James Horton is the presiding judge, which his opinion to the case is one of my sources.

[52] Ibid., 52-53.

[53] Ibid., 53.

[54] Cherry Good, "The Southern Lady, or the Art of Dissembling," *Journal of American Studies* 23, no. 1 (1989): 73.

[55] Ibid.

[56] Ibid.

[57] Shirley Abott, *Womenfolks: Growing Up Down South, 105.*

[58] Scott, *Pedestal to Politics*, 4.

[59] Ibid., 5.

[60] Mims, 3.

[61] Alexis Girardin Brown, "The Women Left Behind: Transformation of the Southern Belle," *Historian* 62, no. 4 (2000): 759.

[62] Scott, *Pedestal to Politics*, 4.

[63] Jean Friedman, *The Enclosed Garden: Women and Community in the Evangelical South* (Chapel Hill: University of North Carolina Press, 1985), 32-33.

[64] Ibid., 20-1.

[65] Joan E. Cashin, *Our Common Affair: Texts From Women in the Old South* (Baltimore: Johns Hopkins University Press, 1996), 55.

[66] Carter, *Scottsboro: Tragedy of the South*, 134.

[67] Ibid.

[68] Ibid.

[69] Ibid.,, 14.

[70] Allan Knight Chalmers, *They Shall Be Free* (Garden City, NY: Doubleday and Company, Inc., 1951), 36.

[71] "Scottsboro, a Record of a Broken Promise," 18.

[72] Carter, *Scottsboro: A Tragedy of the American South,* 15-16.

[73] Hall, "The Mind that Burns in Each Body: Women, Rape, and Racial Violence," 64.

[74] Hall, *Revolt Against Chivalry,* 145.

[75] Bardaglio, *Rape and Law in the Old South,* 752.

[76] Cherry Good, 74.

[77] Bardaglio, *Rape and Law in the Old South,* 753.

[78] Carter, *Scottsboro: A Tragedy of the American South,* 105.

[79] Ibid., 241.

[80] "Scottsboro, a Record of a Broken Promise," 13.

[81] Judge James E. Horton, "Opinion of Judge James E Horton," (New York: The Scottsboro Defense Committee, 1936), 19.

[82] Samuel Leibowitz was brought into the case by the International Labor Defense. He was a very famous attorney in New York City, but many were skeptical of how he would perform in the South. Many resented the fact that he was brought in for the case, and often referred to him as a "Communist Jew."

[83] Carter, "A Reasonable Doubt," in *American Heritage* 19, no. 6 (1968): 43.

[84] Carter, *Scottsboro: A Tragedy of the American South,* 286-7.

[85] Ibid., 210.

[86] McKern, 116-117.

[87] Carter, "A Reasonable Doubt," in *American Heritage* 19, no. 6 (1968): 43.

[88] Marr, 312.

[89] Isidor Schneider, "The Story of Scottsboro" (New York: The International Labor Defense), 7.

[90] Ibid.,5-6.

[91] Ibid.

[92] Theodore Dreiser, "Mr. President: Free the Scottsboro Boys!," (New York: International Labor Defense, 1934), 8.

[93] Hughes.