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ARTICLES

**RACE, SEX, VIOLENCE, AND THE PROBLEM OF AGENCY
IN NORTH CAROLINA, 1889-1903**

PATRICK LYNN RIVERS

ABSTRACT: *The article interrogates the logic deployed by southern white supremacists seeking to excuse their racist hatred and violence during the late-nineteenth and early twentieth-centuries. White supremacists in the South pointedly wielded the shibboleth of the 'nigger beast rapist' preying upon white females to justify this hatred and violence, most powerfully manifested through lynching and the mere threat of lynching. The actual demographics of heterosexual sexual violence in North Carolina in particular during this period, as pieced together in the article with available evidence, contradicted white supremacist claims; in fact, as suggested in the article, heterosexual sexual violence was as common within racial groupings as between them.*

White supremacy always depends upon rationales. 'Protecting' white females from the 'nigger beast rapist' helped white supremacists rationalise the lynching of black males, leading, for example, to the 1898 race riots in Wilmington, North Carolina.¹ North Carolina's girls and women, though, unwittingly contested white supremacist thinking used to justify white-on-black racial hatred and violence with lynching and the 1898 riot being but the most brazen examples, and, thus, central points of reference for this article. Girls and women challenged the reasoning beneath white supremacist hatred and violence manifested through lynching and the 1898 riot in Wilmington by using 'public' spaces such as courtrooms to expose 'private' sexual violence frequently occurring in the home, or close to 'home.' Courtroom testimony and sworn statements of girls and women helped to make evident the fact that heterosexual sexual violence in North Carolina, 1889-1903, was mostly black-on-black and white-on-white, not black-on-white.

From 1889-1903 when lynching was a particularly potent political tool,² court cases involving black-on-black sexual violence particularly undercut white supremacist reasoning. Scholars considering race and heterosexual sexual violence have predominantly done one of two things, both of which divert attention away from black-on-black sexual violence. (This article only considers heterosexual sexual violence with female accusers and males who are accused; of course, this is the primary dynamic of North Carolina cases resulting in conviction in the period 1889-1903, except in sexual

violence cases involving minors, where a parent was legally able to act in the name of the child.) Firstly, scholars have tended to focus on sexual violence involving black males and white females, largely responding to white supremacist rhetoric. Such has been the case in recent historical studies, for example, those by Kenneth W. Goings and Gerald L. Smith, Dianne Miller Sommerville, Lisa Lindquist Door, and in recent contemporary studies such as those Roger Steele, Jonathan Markovitz, and Tracey Owens Patton and Julie Snyder-Yuly.³ The result has been the privileging of white females at the expense of black females who were subjected to black-on-black and white-on-black sexual violence. Secondly, scholars have, to a much lesser degree, highlighted white-on-black sexual violence directed against African American females as in studies by Bruce E. Baker - examining the 1880s context - and Danielle L. McGuire - looking at a case from the 1950s. This second direction of the scholarship, however, has left unaddressed what is likely a more prevalent racial dimension of sexual violence, intraracial sexual violence, with black females as targets.

While there has been research conducted on the historical dimensions of black-on-black sexual violence,⁴ many dimensions of such violence remain to be considered. For example, avoiding truths that are hard to articulate, the social critic bell hooks shifted responsibility from African American men onto white men, arguing that black men on the plantation only imitated their white masters.⁵ Elsewhere, based on her reading of Freedman's Bureau papers, Catherine Clinton largely dismissed the prevalence of black-on-black sexual violence. However, in fact, the Bureau mostly dealt with social conflicts between blacks and whites, not so much conflicts within the African American community.⁶

More recent scholarship by Laura F. Edwards, Edward E. Baptist, and Dawn Rae Flood, however, did what that of hooks and Clinton did not. Namely, they recognized the salience of black-on-black sexual violence and attempted to wrestle with the complexities of this violence. Edwards and Baptist, though, concerned themselves mostly with, respectively, Reconstruction and slavery, not the turn-of-the-century South, and they did not attempt to quantify the racial dimensions of sexual violence as I do in this article. Flood's study in particular paid close attention to the ways that the courtroom defence of black males charged in black-on-black sexual violence cases played on racist and patriarchal constructions of the sexually promiscuous black female, not unlike white supremacists. And, further, Flood noted that this took place in a Chicago civil rights context in which a premium was placed on defending black males from racist sexual stereotypes often at the expense of black females.⁷ Flood's study, though, centred on Chicago cases post WWII, not southern ones at the turn of the

century, and Flood never sought to quantify interracial and intra-racial cases of sexual violence as I do in this article.

Drawing attention to the historical phenomenon of black-on-black sexual violence does not erase the fact of other racial configurations of sexual violence; it is, instead, an acknowledgement that sexual violence, in addition to being about power, is about social context. And, considering the research of the sociologists Scott South and Richard Felson, this social context proved relevant to understanding the demographics of southern sexual violence in the late-nineteenth and early-twentieth centuries. South and Felson pointedly demonstrated that sexual violence as phenomenon is largely conditioned by proximity and social accessibility of the accused to the accuser, not by the racial preference or predisposition of those committing sexual violence. More recent studies by Gail E. Watt (whose study is attentive to the historical and contemporary dimensions of sexual violence), Larry W. Koch, and Antonia Abbey, *et al*, corroborated South's and Felson's findings.⁸ Given the racial boundaries erected by southern whites by the 1880s and 1890s—residential segregation and Jim Crow in general as practices racially regulating social interactions—black male proximity and access to white females had very real limits while more ready proximity and access to black females was more the norm. Thus, there should be many more black-on-black sexual violence court cases than black-on-white cases, 1889-1903. Likewise, the same social norms shaped white male access to white females, and black females, for that matter. This was the case even as white supremacy likely gave white males much more sexual access to black females than black males had to white females.

The remainder of this article proceeds as follows. The 'White Supremacy in Political Context' section provides historical context on the white supremacist mindset so central to North Carolina and southern politics, 1889-1903. The next section of the article, 'Political Context in Social Context' is largely about the racial dynamics and spatial dimensions (mostly proximity and accessibility, and familiarity) of sexual violence in North Carolina, 1889-1903. The final section of the paper is a 'Conclusion' used to tally—based on available evidence—the racial dimensions of sexual violence court cases resulting in conviction, 1889-1903. I also reflect upon the findings so as to raise problematic questions with problematic answers.

White Supremacy in Political Context

North Carolina white supremacists deployed the politics of lynching (actual and rhetorical) at a time of rising economic and political power for middle-class blacks. In the 1890s, this modest increase in black power largely came as deteriorating economic conditions sparked protest leading to an electoral

alliance between populists and Republicans. As a significant GOP voting block, middle-class blacks enjoyed more access to the levers of power by the mid-1890s when populists and Republicans came to power in statehouses and city halls in North Carolina and other parts of the South.⁹

From the perspective of white North Carolina Democrats during the late-nineteenth century, power in black hands, however small, presented a threat to white hegemony, but white supremacists especially presented any semblance of black influence as a threat to 'white womanhood'. For example, white supremacists leading the 1898 Wilmington race riot bemoaned what was represented as the black city coroner's special sexual access to white female bodies as well as the coercive power over white women and girls supposedly held by the fourteen black policemen in Wilmington by 1895.¹⁰ This rationale existed in relation to gender constructs of white females as possessors of an innocence and moral highness leading lives proximate to the classic 'piety, purity, submissiveness and domesticity' characterisation offered by scholar Barbara Welter in the 1960s and later refined by historians and women's studies scholars.¹¹ White females supposedly endangered by the so-called 'new crime'—black males committing acts of sexual violence against white females—existed as crucial symbols of white 'civilisation' in white supremacist rhetoric of the day because white females were understood to be a moral and spiritual force in white society.¹²

White supremacists in North Carolina signed a kind of contract with each other, culminating in the 1898 Wilmington race riot. This was a contract advanced when, in a provocative 1895 speech, the Georgian activist Rebecca Felton called upon white men to 'lynch a thousand times a week'¹³ to protect white women and girls (especially on farms) from the 'new crime', and as Alex Manly, a black newspaper editor in Wilmington, and Ida B. Wells-Barnett, a black journalist with a national audience and reputation, later challenged Felton's 'new crime' claim by explicitly stating that white women enjoyed consensual sex with African American men.¹⁴ (*The Morning Star*, a white-owned newspaper in Wilmington, reprinted a large part of the Manly editorial over forty-nine consecutive days leading up to election day 1898, selecting the parts of Manly's column which bolstered white supremacist ends.¹⁵) In response, white supremacists destroyed Manly's presses. In the days preceding the 1898 election, white supremacists also made threats against the lives of populist and Republican leaders. Despite black resistance, black Wilmingtonians violently died during the election-day riot though the exact number murdered is unknown. Organised election thievery accompanied white supremacist violence as Democrats made sure that Democratic candidates won at the polls, and non-Democrats who won were pressured not to take the oath of office. The 1898

Wilmington Riot, in which lynching rhetoric prominently figured, also preceded the passage of a constitutional amendment in North Carolina excluding black men from the suffrage while carefully preserving the suffrage for poor white men. Of white supremacist actions in Wilmington, Alfred Moore Waddell, a leader of Wilmington's 'white revolution', wrote that:

*white Wilmingtonians set the pace for the whole South on the question of white supremacy, and assured beyond further controversy the adoption of the constitutional amendment in regard to negro suffrage in the State admits of no doubt....It was the spontaneous and unanimous act of all the white people and was prompted solely by an overwhelming sense of its absolute necessity in behalf of civilization and decency.*¹⁶

Political Context in Social Context

What Felton and Waddell did not politicise was important. They did not mention women such as Betsy Leak, the daughter of a farm labourer and a domestic labourer, both of whom were illiterate. Betsy escaped the concern of Felton and Waddell because she and the man convicted of committing an act of sexual violence against Betsy were both black.¹⁷ Much the same was the case in *State v. Walter Morrison*, involving a black man convicted of assault with intent to rape a black woman, Betty McLean, who was married to a farmer.¹⁸

Instead, Felton and Waddell privileged females like Ida Anderson. However, they never mentioned the 1897 case involving Anderson because she and the man accused of raping her, Boomer Childress, were both white.¹⁹ Felton and Waddell also failed to mention Addie May Dellinger, who was white and the daughter of a farmer who worked his own land. The man convicted of committing sexual violence against Dellinger in 1892, Jonathan Fitzpatrick, of Yancy County, North Carolina, was also white.²⁰

Fitzpatrick's and Childress' sexual violence exposed a shortcoming in the rhetoric of Felton and Waddell. The black 'beast', as understood by Felton, Waddell, and other white supremacists, did not exist. North Carolina courts convicted black males for sexual crimes committed against black females, even as historians downplay this reality. These same courts also convicted black males of sexual violence crimes committed against white females. Further, courts in North Carolina tried, convicted, and sentenced white males for sexually violent crimes committed against white females, but not

black females, not that black females were not on the receiving end of white male sexual violence.

Closer attention to the racial dimensions of sexual violence in North Carolina during the late-nineteenth century should not escape the historian's empirical eye, if only for the prison's scrupulous attention to the record. In the 'Descriptive Register of Prisoners', all prisoners entering the North Carolina State Prison had a composite record of their identities drawn.²¹ Each prisoner was given a number. His, or her in some cases, educational attainment, occupation, age, marital status, etc., were recorded in this large ledger. The book included one's county of birth, county where tried, sentencing date, and term of sentence, as well as the date admitted to the penitentiary. Predating the information age, a single hand inscribed the convict's vital statistics such as weight, height, hair, eye colour, in addition to criminal statistics such as the number of prior felony convictions.

In the register, race was important in expected and unexpected ways. As expected, white was white in the ledger. That is, imprisoned whites were just 'white'. Prisoners of colour, by contrast, unexpectedly came in a number of hues. For example, African Americans were not just 'black' but 'nearly black'. Some 'blacks' were not just black but 'copper' and 'light copper'. Other blacks were 'gincake', 'dark gincake', 'light gincake', or 'very dark gincake'. 'Mulatto' prisoners received their own 'racial' category; in addition to the 'mulatto' designation, there was the additional mark of 'bright' or 'very bright' for those classified as 'mulatto'. Interestingly, the interracial sex that yielded this variety in skin colour—forced sex, consensual sex, white-black sex, black-white sex—confused the keeper of the records to such a degree that a Joseph Green, prisoner number 9544, received the classification 'nearly white', but not quite. These racial schemata reflected recognition, at some level, of the miscegenation which white communities in the South ardently sought to edit from their white 'civilisation' with the 1898 riot in Wilmington, the spectacle of lynching, and merely by embedding the fear of lynching in black communities.

The register also provided a record of physical markers upon the persons of prisoners, ranging from scars to the absence of body parts, as in the spoiled ear of T. N. Dowell, 'white', who was convicted of an 1889 attempted rape of his white wife, Elsey, by forcing sexual contact between Elsey and another man. (Among T. N. Dowell's markers, besides his mangled ear, were: white, blue eyes, red hair, 5' 10 3/4", 175 lbs., literacy, employed as a labourer.) Even as Dowell's whiteness was encoded upon arrival at the state prison, race and racism were supple enough to facilitate conviction despite the so-called 'marital right' giving husbands such as Dowell the right to rape their wives and even though the other man involuntarily involved in the

attempted rape was Isaac Lowery, a 'colored' man. T. N. Dowell became an interesting exception because, upon appeal, the North Carolina Supreme Court, in effect, racially reconstructed Lowery so that his testimony against a white man was fully factored just as the court reconstructed the white Dowell so that he could be temporarily relieved of white male privilege, convicted, and imprisoned for an act of sexual violence that was oddly both interracial and intraracial. (Lowry was totally exonerated of any wrongdoing in this case.) This whole racial code switching, as it took place in *State v. Dowell*, was interesting as, in essence, white supremacy's racial constructs did not change. Who could be placed where changed, but the constructs themselves did not really change, ultimately allowing both white supremacy and patriarchy to be perpetuated.²²

Whatever the gradient of colour, whatever racial exception was made, familiarity reflecting Scott South and Richard Felson's identified factor of proximity and social accessibility between accused and accuser, was very common in North Carolina sexual violence cases in 1889-1903, particularly cases leading to conviction and imprisonment. Mary Loman knew John White. (Both were white.) Loman publicly stated in court documents that 'White caught me [and] threw me down. Put his hand under my close [sic] and unbutined [sic] my drawers'.²³ A female relative of White claimed to be close enough to hear if Loman hollered or screamed. White's relative heard no resistance. White, by contrast, claimed to have had intercourse with Loman prior to his being accused of attempting to rape her. According to his testimony, White sought to woo Loman sexually with gifts and: 'a promise that she would be all right with me', noting that he had had her consent on three previous occasions.²⁴ Based on the court's assessment of Loman's resistance, insofar as she tried to elude White but did not necessarily vocalize her resistance, White, an illiterate labourer, was found guilty of attempted rape and sentenced to ten years in the state penitentiary. In a different case, that of *State v. Benjamin Donnell*, Julia Gray responded to the alleged verbal and physical advances made by Benjamin Donnell. According to her deposition, '[Donnell] ran after me [and] caught me, [and] I hallowed [sic]'. The reported assault continued, Gray claiming that 'he throwed [sic] me down [and] I hallowed [sic]'.²⁵ Showing the limits of resistance, Gray declared that Donnell 'took what I had [and] I hallowed [sic] all the time'.²⁶ Based upon available sources, Gray and Donnell were both likely black because Gray lived with the forty-year old Donnell and his wife.

Familiarity also characterized the case in which Sarah Ward, sixteen years of age, and Cora Yarboro (age unknown) were involved, but this familiarity was 'parental'. Ward lived with her mother and her stepfather, Algey Johnson. According to Ward, 'after he [Johnson] had done all he wanted to,

he lay in bed awhile, then got up and put on his clotes [sic], and went away'. A physician was recorded to say that 'what I observed might have occurred from first intercourse with any man. There was nothing unusual in this case from what happens from a first intercourse sometimes'. Familiarity between accused and accuser, facilitating positive identification, even more than the physician's testimony which might be understood to be inconclusive on force versus consent, led to the conviction of Algey Johnson in this black-on-black case, with Johnson being described as 'copper' in the prison register.²⁷ In another case involving a child and an adult charged with that child's care, J. B. Barnes, forty-eight, was convicted of the assault and attempted rape of Cora Yarboro. The latter lived with Barnes and his wife, who were *in loco parentis* as both of her parents were deceased. J. B. Barnes, white, said, 'I confess I am guilty, but when my passions get up, I cannot control myself'.²⁸

Familiarity was frequently not just a matter of the accused and accuser being acquaintances or friends, or stepfather-stepdaughter or foster parent and charge, but also a matter of accused and accuser having actual blood ties. Martha Smith, white, did not scream when her white uncle, later known as prisoner number 12979 in the 'Descriptive Register of Prisoners', 'stuck it in me and hurt me very bad'.²⁹ Perhaps Martha did not scream because she was only seven years old, too young to understand the full meaning of what had happened. Martha's age made it easier to convict her uncle. Courts operated from the premise that children, especially under ten years of age, could not consent to intercourse under any circumstances. The state legislature, especially wary of the number of children victimised by sexual violence, mandated longer sentences for sexual crimes against girls (not boys, due to differential sentencing) between ten and fourteen years of age. Penetration of a girl under ten led to a death sentence, which could be modified in the course of legal proceedings and by executive action of the governor. A Haywood County court convicted the uncle of attempted rape and sentenced him to fifteen years in the state penitentiary. Alice Fedder, white, actually left a mark upon her assailant, Carl Fedder, identified as 'white' in the 'Descriptive Register of Prisoners'. Their relationship remained unclear in the available records, although their names more than likely marked kinship and probable blood ties. Alice Fedder pelted Carl Fedder with a fist, eventually making the latter's nose bleed. In legal documents, Alice Fedder declared her resistance, saying that 'I fought at him [and] did my best to get away from him'. Knowing her assailant, and thus being able clearly to identify the accused, along with resisting attack, Alice Fedder acted so as to hasten the conviction of Carl Fedder.³⁰

Interestingly, kinship and probable blood ties figured, too, in *State v. Henry Gorham*, a case prosecuted in 1892 by George White, who shortly after this

case became the African American congressman for North Carolina's 'Black Second'. Gorham, a 'mulatto' in the 'Descriptive Register of Prisoners', went to prison for sexual violence against Sarah Gorham, identified as white in court documents.³¹ George White was not re-elected to the seat in 1902, once the full impact of the 1900 statewide amendment designed to disenfranchise black men became increasingly entrenched.

Issues related to proximity, accessibility, and familiarity became a feature, but differently configured, in the sexual violence cases involving variously Bettie Carter, Susan Goss, Ola Canady, and Margaret King. David Glenn of Yadkin, who was soon to be prisoner 11508 in the 'Descriptive Register of Prisoners', as well as a 'gincake', covered his head with a blanket. His accuser, Bettie Carter, black, voiced her terror. Carter eventually identified her alleged assailant who lived no more than three hundred yards from her.³² Susan Goss, seventeen, also knew the man who attacked her, he being her physician. (The alleged attack occurred during a medical examination.)³³ Besides the fact that Nash was a physician, that Nash was initially convicted compounded the likelihood that both parties were white; a white male would not have likely been convicted of sexual violence against a black female, especially in a jury trial, as was the Nash trial. That both were white was further indicated by the fact that no mention of race was made in the North Carolina Supreme Court judgment overturning the Nash conviction, and no mention is a kind of default identification of 'white'. In another case, Ola Canady, white, also recognized her 'black' attacker, Wash Atwater, although she had not seen him for two years.³⁴ Finally, Margaret King, whose race could not be determined in the available records, described one of her assailants as a 'low chunky black man', and the other as a 'yellow man'. Expressing the familiarity of proximity, King recalled two men coming to her door one night claiming to be friends of a Billie Evans. They also claimed to be Ken and Mack Pharr. Failing to recognize the voice of either man at the door, King refused to admit them into her home. Two men ambushed King in a field later that same night, while she was on the way to someone else's home.³⁵ A state court convicted John Barringer in this case, Barringer being described as being 'dark gincake' in the prison record, and he served time in the state prison for attempted rape. The state subjected Sam Pharr, understood to be the 'yellow man' in the court records, to execution.³⁶

Conclusion

Between 1889 and 1903, as recorded in the 'Descriptive Register of Prisoners', 222 men entered North Carolina's state penitentiary upon conviction for attempted rape or rape. 197 of the 222 did time for attempted rape. Of the 197, 28 were white, 162 were black as understood in the

nomenclature of the prison register, and 7 were classified as mixed race. 25 of the 222 were imprisoned for rape. 3 of the 25 were white, 22 were black. These were the numbers in a state that, in 1890, according to the U.S. Census, was approximately 35% black and 65% white.³⁷

Of the 222 cases examined, there were 48 cases in which the race of both the accused and the accuser were available, so the study really relies on what Stephanie M. H. Camp has referred to in an informal talk as 'shards' when referring to the evidentiary basis for her study of female slave resistance.³⁸ Racial determinations in this study were made, firstly, after obtaining identifying information about the convicted from prison records and then, secondly, seeking county court records for each case leading to a conviction so that I could obtain identifying information on the accuser both from court and census records. Working with data availability varying from county-to-county and year-to-year, I determined that there were 18 cases of black-on-black sexual violence, 18 of 48 total cases.³⁹ Seventeen cases of the 48 cases involved a black accused and white accuser. Ten cases consisted of white-on-white sexual violence. Two cases comprised 'mulatto' males and white females. One case included a black male and a Native American (Lumbee) female as accused and accuser. None of the 48 cases involved a white accused and black accuser, which, of course, does not mean that such acts of violence did not take place, because they surely did take place. Of note, the 222 cases cited here excluded incest cases that, depending on the circumstances, might be considered to be a form of sexual violence. Between 1889 and 1903, nine white males and seven black males went to prison in North Carolina after being convicted of incest.

I am particularly interested in the black-on-black sexual violence figure. The number of black-on-black cases that could be identified arguably belies something missing in our understanding of sexual violence in general and black-on-black sexual violence in particular. Namely, as I infer in this article, and contemplate in this conclusion, most black males convicted of sexual violence in North Carolina in the years 1889-1903 were convicted of crimes committed upon black females.

Many questions emerge from the numbers and from my inference. One of the most obvious questions has to do with the 'protection' of black females by a white supremacist legal system dominated by white males, placing a third prong in the 'problem of protection' highlighted by historian LeeAnn Whites.⁴⁰ Apparently, this 'protection' only covered black-on-black acts of sexual violence, since, in this study's sample, no white male went to prison for committing an act of sexual violence against a black female. In any event, black females found themselves in an odd bind. On the one hand, black females faced black males who were more likely—more likely than

the available data on black-on-black sexual violence convictions suggests—to be their victimisers because of proximity and accessibility. On the other hand, the seeming ‘protectors’ of black females were the same white supremacists lynching black males and wielding the mere threat of lynching with relative impunity. Black females were thus uncomfortably caught between patriarchy’s sexual violence committed by black males and white supremacy.

Further, in addition to the high rate of black-on-black sexual violence, based on convictions and actual imprisonment, what appears to be a relatively high rate of black-on-white sexual violence can be understood either to contradict the findings of South and Felson regarding proximity and social accessibility or to raise questions about just how ironclad Jim Crow was in practice. Given the historical context, I suggest that the high rate of black-on-white sexual violence recorded was more likely a consequence of a climate that made it easier for white females to accuse black males and for these accusations to lead to conviction and prison time. This assertion, of course, will be problematic to some because it questions the veracity of claims made by white females against black males.

Beyond this, problematic in the sample presented, here, is the absence of middle-class males (white and black) from the ranks of the convicted and the dearth of middle-class females (black and white) who were accusers.⁴¹ In fact, nearly all those imprisoned in North Carolina between 1889 and 1903 were very working class. Most of those imprisoned were convicted for larceny, suggesting the socioeconomic dimensions of ‘crime’ during a period rife with economic dislocation due to agricultural and industrial difficulties, as capitalism and drought took their toll. Perhaps this suggested the way in which the Victorian ideals that permeated the white and black middle classes yielded a critical ‘private’ silence when confronted with the prospect of sexual violence court cases unfolding in a very ‘public’ forum such as a courtroom.

Needless to say, black female resistance to sexual violence helped to debunk the most politically effective white supremacist rhetoric of the late-nineteenth and early-twentieth centuries. Firstly, black-on-black sexual violence was at least as common as black-on-white sexual violence even as the stereotype of the ‘nigger beast rapist’ assaulting white females empirically becomes undone. This is an undoing particularly relevant considering the number of intra-racial cases and the inference that the black-on-white numbers are very likely inflated by the hyper-racialisation of sexual violence, especially during the period studied, 1889-1903. In addition to the high rate of black-on-black sexual violence noted above, the absence of white-on-black cases undoubtedly conceals the real rate of sexual

violence faced by black females highlighting the relative power of white males and black females in a white supremacist and patriarchal society, just as the rate of white-on-white cases (significantly lower than black-on-black cases leading to conviction) surely speaks to the subject position of white males relative to white females. Secondly, beyond the first point, black female resistance countered constructs characterizing black females as 'bad', and sexually licentious. In fact, black females protected themselves and their bodies from sexual violence, even as they surely used their gender and sexuality in agential ways contrary to white supremacist and patriarchal control. This resistance existed, even as a white supremacist and patriarchal society, today, might suggest that black females took advantage of the ease with which black males could be falsely accused of sexual violence in the nineteenth-century and twentieth-century South.⁴²

All of this still largely leaves unaddressed one big question. Of particular concern to the scholar who is black, and male, is the issue of how the 'shards' constituting this study should be assessed and disseminated given the fact that countless black males have had to confront extralegal violence, incarceration, and everyday indignities because of racist constructions of black male sexuality. (I write as a black male academic who has experienced the banal indignities, and as a black male whose black cousin is currently serving a 99-year prison sentence in Florida for a robbery and rape of a white female that I know that he did not commit.) Really, I suppose that the issue should be about the shape of assessment and dissemination of this article's findings, and to what ends assessment and dissemination should be directed, being cognizant of the past and aware that significant traces and lingering effects of the racial and gender politics discussed in this article survive.

NOTES

1 For more on the Wilmington Riot of 1898, see H. Leon Prather, *We have Taken a City: The Wilmington Racial Massacre and Coup of 1898* (Rutherford, NJ: Fairleigh Dickinson University Press, 1984); David Cecleski and Timothy B. Tyson, eds., *Democracy Betrayed: The Wilmington Riots of 1898 and Its Legacy* (Chapel Hill, NC: University of North Carolina Press, 1998), pp. 225-51; Glenda Elizabeth Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill, NC: University of North Carolina Press, 1996). On lynching, see Dora Apel, *Imagery of Lynching: Black Men, White Women, and the Mob* (New Brunswick, NJ: Rutgers University Press, 2004); George C. Wright, *Racial Violence in Kentucky, 1865-1940: Lynchings, Mob Rule, and 'Legal Lynchings'* (Baton Rouge, LA: Louisiana State University Press, 1996); W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930* (Urbana, IL: University of Illinois Press, 1993).

2 The year 1889 is a marker because it is the point when the 'nigger beast rapist' really became politicized, with the number of white supremacist lynchings markedly increasing in 1889, and peaking in 1892, in the South. The year 1903 marks a point when the removal of

African Americans from North Carolina's electoral politics was complete, as the 1900 state constitutional amendment disenfranchising black men became embedded in electoral outcomes. The amendment was a direct outgrowth of the 1898 riots.

3 Kenneth W. Going and Gerald L. Smith, '“Unhidden Transcripts”: Memphis and African American Agency, 1862-1920', *Journal of Urban History*, 21 (1995), 372-94; Dianne Miller Sommerville, *Race and Rape in the Nineteenth Century South* (Chapel Hill, NC: University of North Carolina Press, 2004); Lisa Lindquist Dorr, *White Women, Rape, and the Power of Race in Virginia, 1900-1960* (Chapel Hill, NC: University of North Carolina Press, 2004); Roger Steele, 'Race, Rape, and Justice in North Alabama: The Tommy Lee Hines Case, 1978-1993', *Alabama Review*, 56 (2003), 163-93; Jonathan Markovitz, 'Anatomy of a Spectacle: Race, Gender, and Memory in the Kobe Bryant Rape Case', *Sociology of Sport Journal*, 23 (2006), 396-418; Tracey Owens Patton and Julie Snyder-Yuly, 'Any Four Black Men Will Do', *Journal of Black Studies*, 37 (2007), 859-95; Bruce E. Baker, 'Lynch Law Reversed: The Rape of Lula Sherman, the Lynching of Mance Waldrop, and the Debate over Lynching in the 1880s', *American Nineteenth Century History*, 6 (2005), pp. 273-93; Danielle L. McGuire, '“It was like All of Us Had Been Raped”: Sexual Violence, Community Mobilization, and the African American Freedom Struggle', *Journal of American History*, 92 (2004), 906-31.

4 See, for example, Ann Field Alexander, '“Like an Evil Wind”: The Roanoke Riot of 1893 and the Lynching of Thomas Smith', *The Virginia Magazine of History and Biography*, 100 (1992), 182; Darlene Clark Hine, 'Rape and the Inner Lives of Southern Women: Thoughts on the Culture of Dissemblance', in *Southern Women: Histories and Identities*, edited by Virginia Bernard (Columbia, MO: University of Missouri Press, 1992), pp. 177-89; Deborah Gray White, *Ar'n't I a Woman?: Female Slaves in the Plantation South* (New York: Norton, 1985), p. 152; Laura F. Edwards, 'Sexual Violence, Gender, Reconstruction and the Extension of Patriarchy in Granville County, North Carolina', *North Carolina Historical Review*, 68 (1991), 237-60.

5 bell hooks, *Ain't I a Woman: Black Women and Feminism* (Boston: South End Press, 1991), p. 35. Despite this shift, hooks later managed to castigate black men and their sexism. See hooks, 'Confronting Sexism in Black Life: The Struggle Continues', *Z Magazine*, October 1993, pp. 36-39.

6 Catherine Clinton, 'Bloody Terrain: Freedwomen, Sexuality and Violence During Reconstruction', *Georgia Historical Quarterly*, 76 (1992), 313-32.

7 Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Urbana, IL: University of Illinois Press, 1997), 198-210; Edward E. Baptist, '“Cuffy,” “Fancy Maids,” and “One-Eyed Men”: Rape, Commodification, and the Domestic Slave Trade in the United States', *American Historical Review*, 106 (2001), 1619-50; Dawn Rae Flood, '“They Didn't Treat Me Good”: African American Rape Victims and Chicago Courtroom Strategies During the 1950s', *Journal of Women's History*, 17 (2005), 38-61.

8 Scott J. South, and Richard Felson, 'The Racial Patterning of Rape', *Social Forces*, 69 (1990), 71-93; Gail E. Watt, 'The Sociocultural Context of African American and White American Women's Rape', *Journal of Social Issues*, 48 (1992), 77-91; Larry W. Koch, 'Interracial Rape: Examining the Increasing Frequency Argument', *American Sociologist*, 26 (1995), 76-86; Antonia Abbey and others, 'Cross-sectional Predictors of Sexual Assault Perpetration in a Community Sample of Single African American and Caucasian Men', *Aggressive Behavior*, 32 (2006), 54-67.

9 For more on 'fusion' politics, see William Alexander Mabry, 'Negro Suffrage and Fusion Rule in North Carolina', *The North Carolina Historical Review*, 12 (1935), 79-102; Helen G. Edmonds, *The Negro and Fusion Politics in North Carolina, 1894-1901* (Chapel Hill, NC: University of North Carolina Press, 1951); Jeffrey J. Crow, '“Fusion, Confusion, and Negroism”: Schisms among Republicans in the North Carolina Election of 1896', *The North Carolina Historical Review*, 53 (1976), 364-84. For an excellent general treatment of North

Carolina politics that addresses power relations amongst elite, non-elite, black, non-black, rich and poor, see Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill, NC: University of North Carolina Press, 1985), pp. 85-267. Escott deals extensively with Wilmington and New Hanover County, as well as with populist themes in late-nineteenth-century North Carolina. Though it deals with a district of which Wilmington is not a part, a book by Eric Anderson effectively addresses black politics in the late-nineteenth century. Also, in a chapter titled 'The Meaning of White Supremacy', he looks into the role of the populist threat. See Anderson, *Race and Politics in North Carolina, 1872-1901: The Black Second* (Chapel Hill, NC: University of North Carolina Press, 1981). Anderson argues that race was more significant than the economic threat of the populists.

10 See Prather, *We Have Taken a City*, pp. 22-26.

11 Barbara Welter, 'The Cult of True Womanhood: 1820-1860', *American Quarterly*, 18 (1966), 152. For more on non-academic ideas about southern white womanhood, as expressed in a nineteenth-century magazine, see Evelyn Baker Dodd, 'The White Woman of the South--Then and Now', *Southern Magazine*, 4 (1894), pp. 164-66; Lula Lamar Strother, 'Characteristics of Southern Women,' *Southern Magazine*, 5 (1894), pp. 101-02. For scholarly insight on Victorianism and white womanhood see G. J. Barker-Benefield, *The Horrors of the Half-Known Life: Male Attitudes Toward Women and Sexuality in Nineteenth Century America* (New York: Harper & Row, 1976); Hazel Carby, *Reconstructing Womanhood: The Emergence of the Afro-American Novelist* (New York: Oxford University Press, 1987); Beth Maclay Doriani, 'Black Womanhood in Nineteenth Century America: Subversion and Self-Construction in Two Women's Autobiographies', *American Quarterly*, 43 (1991), 199-222; Virginia Bynum, *Unruly Woman: The Politics of Social and Sexual Control in the South* (Chapel Hill, NC: University of North Carolina Press, 1992); Eileen J. Suárez Findlay, *Imposing Decency: The Politics of Sexuality and Race in Puerto Rico, 1870-1920* (Durham, NC: Duke University Press, 1999); Evelyn Brooks Higginbotham, *Righteous Discontent: The Women's Movement in the Black Baptist Church, 1880-1920* (Cambridge, MA: Harvard University Press, 1993); *Journal of Women's History*, 14 (2002); Jo Burr Margadant, ed., *The New Biography: Performing Femininity in Nineteenth-Century France* (Berkeley, CA: University of California Press, 2000); Carol Smith-Rosenberg, 'Discourses of Sexuality and Subjectivity: The New Woman, 1870-1936', in *Hidden from History: Reclaiming the Gay and Lesbian Past*, edited by Martin Duberman, Martha Vicinus, and George Chauncey, Jr. (New York: New American Library, 1989), pp. 264-80.

12 White womanhood to be 'protected' by white supremacists such as Wilmington's Alfred Moore Waddell was an ambiguous and contradictory concept. For southern white men, fighting for women, or at least for the idea of southern white womanhood, became something for which they would allegedly die. Yet fighting for white women themselves, or at least for the political liberty and equality of white women, was another matter. In an interesting way, Waddell conflated the ideals of the protection of white women and white womanhood with liberal political concepts. For example, Waddell recalled a conversation with an elderly man in the spring of the Civil War's first year. According to Waddell, the man stated that 'a woman would be found at the bottom of the trouble'. Blaming the capture of the ancient Greek city of Troy on women, the old man likened southern women to Helen of Troy, and southern men to Athenian males whose defence of their women was synonymous with the defence of their independence and liberty. Perhaps this led the southern journalist Wilbur Cash to point out similarities between white womanhood in the South and the mythological Pallas Athena, the Greek god who was to ensure Athens' security. (And this was no 'Black Athena'.) Of special note here is that Pallas Athena was the Greek god of liberty. Thus symbolically, drawing upon Cash's observation on 'the mind of the South', the violation of white women by black men was equated with the violation of political liberty. See W. J. Cash, *The Mind of the South* (New York: A. A. Knopf, 1941), p. 86. Martin Bernal argued

that much of Europe's classical roots lie in Africa, thus 'Black Athena'. See Martin Bernal, *Black Athena: Afroasiatic Roots of Classical Civilization*, Volume I (New Brunswick, NJ: Rutgers University Press, 1987), pp. 280-336.

13 Rebecca Felton, 'Mrs. Felton Speaks', *The Morning Star* (Wilmington), 18 August 1898, p. 2.

14 Manly's response came in an editorial. No copies of the newspaper in which the editorial was printed survive. The editorial was transcribed by a North Carolina observer. Alex Manly, transcribed from original, Thomas Clawson Papers, Southern Historical Collection, Chapel Hill, North Carolina.

15 Following an alleged attempt to rape a white girl, the Manly reprint ran in the column space next to an article with the headline 'More Negro Scoundrelism[:] Black Beasts Attempt to Outrage the Young Daughter of a Respectable Farmer'. See 'More Negro Scoundrelism', *The Morning Star* (Wilmington), 22 September 1898, p. 1.

16 Alfred Waddell, *Some Memories of My Life* (Raleigh, NC: Edwards & Broughton, 1908), p. 245.

17 *State v. Jacob Little* (1892), Criminal Action Papers (Anson County), North Carolina State Archives, Raleigh, North Carolina (hereafter CAP, NCSA).

18 *State v. Walter Morrison* (1898), CAP (Robeson County), NCSA.

19 *State v. Boomer Childress* (1897), CAP (Wilkes County), NCSA. Note: There is a name discrepancy, here. 'Childress' appears in the court papers while 'Childers' appears in the prison register.

20 *State v. Jno. Fitzpatrick* (1892), CAP (Yancey County), NCSA.

21 See 'Descriptive Register of Prisoners', Prison Department Records, North Carolina State Archives, Raleigh, North Carolina.

22 See *State v. Dowell* (1889), CAP (Rowan County), NCSA; *State v. Dowell* (1890), 106 NC 720.

23 *State v. Jno. White* (1892), CAP (Davidson County), NCSA.

24 White's encounter was apparently limited to an attempt at intercourse, since White said, 'I could not enter' Loman. He continued, with unintended irony, 'I think too much of her to hurt her in any way.' Ibid.

25 *State v. Benjamin Donnell* (1894), CAP (Hyde County), NCSA.

26 Ibid.

27 *State v. Algey Johnson* (1889), CAP (Camden County), NCSA. Note: In prison records, 'Algey Johnson' is 'Thomas Johnson'. Privacy, as conceptualized in law, interestingly left women's 'privates' unprotected, as in *State v. Algey Johnson*. The rise of 'experts' aided in this. In particular, judicial standards of evidence relied upon verification of sexual violence. Medical doctors, as in *State v. Boyle*, a case eventually argued before the North Carolina Supreme Court, routinely testified in open court as to the physical markers for sexual assault, with verification requiring examination of female genitalia. Boyle came to an end in part because of Justice Avery's acceptance of the testimony of a Dr. Hines, an expert witness, who answered a hypothetical question suggesting that the physical bruises on the alleged and unnamed victim's genitalia should have been considered only in relationship to the defendant's claim of her incontinence. See *State v. Boyle* (1889), 104 NC 827-31.

28 *State v. J. B. Barnes* (1898), 122 NC 1031-34.

29 *State v. Bert Smith* (1899), CAP (Haywood County), NCSA.

30 *State v. Carl Fedder* (1900), CAP (Wilkes County), NCSA.

31 *State v. Henry Gorham* (1892), CAP (Edgecombe County), NCSA.

32 *State v. Dave Glenn* (1896), CAP (Yadkin County), NCSA.

33 *State v. H. A. Nash* (1891), 109 NC 824.

34 *State v. Wash Atwater* (1897), CAP (Orange County), NCSA.

35 *State v. Sam Pharr and John Barringer* (1896), CAP (Cabarrus County), NCSA.

36 'Descriptive Register of Prisoners'.

37 See U.S. Census, 'Table 48, North Carolina—Race and Hispanic Origin: 1790-1990', <http://www.census.gov/population/www/documentation/twps0056/twps0056.html>. Accessed 13 February 2009.

38 See Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill, NC: University of North Carolina, 2004).

39 The historian Laura F. Edwards, too, has found a high rate of black-on-black sexual assault. However, her study covered but a single North Carolina county (Granville) during Reconstruction, not the 1890s. See Edwards, 'Sexual Violence, Gender, Reconstruction and the Extension of Patriarchy in Granville County, North Carolina', 242.

40 LeeAnn Whites, 'Rebecca Latimer Felton and the Problem of "Protection" in the New South', in *Visible Women: New Essays on American Activism*, edited by Nancy A. Hewitt and Suzanne Lebsock (Urbana, IL: University of Illinois, 1993), pp. 41-61.

41 In her study of colonial South Africa during the nineteenth century, the historian Pamela Scully also found telling silences. See Pamela Scully, 'Rape, Race, and Colonial Culture: The Sexual Politics of Identity in the Nineteenth-Century Cape Colony, South Africa', *American Historical Review*, 100 (1995), 354 (on white-on-black), 349-52 (on middle class). Miranda Chaytor also argued that the bodies of women had been deleted from the discourse of rape until the seventeenth century. Chaytor wrote that, as the labour of middle-class women became less important to the household economy, they stopped appearing in court cases as the sexually assaulted, but poor women do show up since their labour is still considered to be property. See Miranda Chaytor, 'Husband(ry): The Narratives of Rape in the Seventeenth Century', *Gender and History*, 7 (1995), 396-97.

42 The historian Tricia Rose writes of a similar power dynamic between African American women and men in particular. Writing about a music video by a female rapper who is black, M. C. Lyte, Rose concludes that 'by setting her confrontation with [a black man, and lover in this case] in the subway, in front of their peers, Lyte moves a private problem between two lovers in the public arena and effectively dominates both spaces.' Tricia Rose, 'Never Trust a Big Butt and a Smile', *Camera Obscura: A Journal of Feminism and Film Theory*, 23 (1990), 120. But this domination by a subaltern group over subalterns who are both different and the same pits one subaltern against another. In short, by taking the bedroom into public spaces, black women were lodged between white supremacy and sexual violence. Also see Rose, *Black Noise: Rap Music and Black Culture in Contemporary America* (Middletown, CT: Wesleyan University Press, 1994), pp. 146-82. For more on contemporary occurrences of black-on-black sexual violence, see Clifton E. Marsh, 'Sexual Assault and Domestic Violence in the African American Community', *The Western Journal of Black Studies*, 17 (1993), 149-55.