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Emma Rosenau April 10, 2023

The Flexibility of the Rule of Law: How Interracial Rape is Used as an Enforcer of White Supremacy

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Abstract

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By Emma Rosenau

The Rule of Law is the legal principle that all laws are meant to be equally enforced and independently adjudicated. With America's racist past and present, however, justice in cases of rape is meted out unfairly, and repercussions are a matter of life and death. This thesis will argue that court systems established during enslavement are inherently racist, and thus it is often impossible for justice to be provided in cases of interracial rape. Rape was used as a way of leveraging power over enslaved individuals. Since emancipation, the court systems have continued to unfairly rule on these cases. Regardless of evidence, Black men can be found guilty of rape and sentenced to death, whereas white men who rape women of color are disproportionately protected from such punishments in the court of law. Without fair administrations of laws, the promise of a truly democratic America cannot be realized.

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Dedication

For Haywood Patterson, Olen Montgomery, Clarence Norris, Willie Roberson, Andy Wright, Ozzie Powell, Eugene Williams, Charlie Weems, and Roy Wright. For Kevin Richardson, Raymond Santana, Jr., Yusef Salaam, Antron McCray, and Korey Wise. For Recy Taylor, Jannie Ligons, and Chanel Miller. The court system failed you, but I hope I can give you some justice.

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Introduction

On the day that America announced its freedom, the nation's Founding Fathers signed a Declaration which stated that "all men are created equal;" simultaneously, there were almost half a million enslaved individuals across the nation.[1] Even more contradictory, thirty-four of the forty-seven signers of the Declaration of Independence owned slaves.[2] This created a unique paradox for the nation – are all men created equal, and was everyone truly able to celebrate Independence Day if they were not in fact independent? The answer in 1776 was no, the rights of the "men" referred to in the famous line were reserved exclusively for white, land-owning men.

The man who wrote the Declaration of Independence was among the seventy-two percent of signers who owned slaves, but Thomas Jefferson's treatment towards his slaves has become a great talking point in recent years. Sally Hemings was only fourteen years old when she first met the future President of the United States. In 1787, Hemings had been chosen to travel from Virginia to Paris with Jefferson's daughter, Maria.[3] Two years later, she returned to America at sixteen-years-old, pregnant with Jefferson's child.[4] When recounting the story of his parent's relationship, Madison Hemings said that while in Paris, Sally "became Mr. Jefferson's concubine."[5] While this might have been considered accurate at the time, we now recognize this as rape – enslaved women had no legal ability to consent because their bodies were considered

[1] Thomas Jefferson, "Declaration of Independence: A Transcription," *National Archives,* July 4, 1776, https://www.archives.gov/founding-docs/declaration-transcript; J. David Hacker, "From '20 and Odd' to 10 Million: The Growth of the Slave Population in the United States," *National Library of Medicine,* May 13, 2020, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7716878/.
[2] Tom Kertscher, "Evidence Shows Most of the 47 Men in Famous 'Declaration of Independence' Painting were Slaveholders, *PolitiFact,* September 10, 2019, https://www.politifact.com/factchecks/2019/sep/10/arlen-parsa/evidence-shows-most-47-men-famous-declaration-inde/.
[3] "The Life of Sally Hemings," *Monticello*, n.d., https://www.monticello.org/sallyhemings/.
[4] Ibid.
[5] Ibid.

property of those who owned them. In addition to the uneven power dynamic created by Jefferson's ownership of Hemings, he was also thirty years her senior.

Thomas Jefferson's rape of Sally Hemings is an example of the adultification of Black children. Adultification refers to the systemic racism which forces Black children into social and physical adult roles.[6] Not only are Black children viewed as more mature than white children, but they are also characterized as aggressive, angry, and deviant.[7] This rhetoric is not new, rather it has been echoed for decades, if not centuries, across America. There are several infamous cases of adultification of Black children in which Black teenagers have been falsely accused of raping white women. In 1931, nine Black boys between the ages of twelve and nineteen years old were falsely charged with raping two white women on a train. No one was raped that day; the story was completely fabricated by the young women who feared repercussions for their own illegal behavior. A similar case occurred again in 1989 in New York City. Trisha Meili was raped in Central Park and five Black and Latino teenagers were coerced into giving false confessions. Supporters of the prosecution stood outside the courtroom during the trials of the boys with signs that read, "adult crimes, adult punishments."[8] This rhetoric does not, however, reach young white men accused of rape. Brock Turner was nineteen years old when he sexually assaulted Chanel Miller on his college campus, but despite being older than all of the Central Park Five defendants and the same age as the oldest Scottsboro Boys, his young age acted as a safety net. Turner's

[6] Amie Koch and Arthi Kozhumam, "Adultification of Black Children Negatively Impacts Their Health: Recommendations for Health Care Providers," *Nursing Forum* 58, no. 5 (2022), https://pubmed.ncbi.nlm.nih.gov/35575413/.
[7] Aamna Mohdin, "'They Saw Me as Calculating, Not a Child': How Adultification Leads to Black Children Being Treated as Criminals," *The Guardian,* July 5, 2022, https://www.theguardian.com/society/2022/jul/05/they-saw-me-as-calculating-not-a-child-how-adultification-leads-to-black-children-being-treated-as-criminals.
[8] Sarah Burns, *The Central Park Five: A Chronicle of a City Wilding* (New York: Alfred A. Knopf, 2011), 139.

judge handed down a lenient sentence because he was a youthful offender, whereas the minors in the Central Park Five case were given the harshest possible sentences.

Interracial rape has always been a powerful thing in American history; before emancipation, enslavers found many benefits in raping enslaved women. First, it was an assertion of their power over Black women, because women had no way of saying no. Rape was psychologically damaging to the entire enslaved population: women, because they were victims, and men, because there was nothing that they could do to protect their female family members. Also, due to the status of enslavement being inherited from the mother, there was an economic benefit for enslavers – the children who were products of rape would then become their property.

After Reconstruction ended, a predominant strategy for white communities to control Black bodies was through lynching Black men. While men could be lynched for any offense, the accusation of raping a white woman was the most effective reason. After the lynching of her friends in Memphis, Tennessee for owning a grocery store that competed with a white-owned store, Ida B. Wells began to investigate lynching and the excuse of rape. Wells found that a rape accusation did not require any proof and throughout her anti-lynching pamphlet, *The Red Record,* she showed many instances of white women lying about being assaulted, resulting in the death of innocent Black men. She further found that even in consensual relationships, Black men were at risk of death because "the Southern white man says that it is impossible for a voluntary alliance to exist between a white woman and a colored man."[9] Despite the counterpoints found by Wells, as the prevalence of lynching increased, so too did fear over the stereotype of the Black male rapist.

[9] Ida B. Wells, "The Red Record," *Southern Horrors and Other Writings,* ed. Jacqueline Jones Royster (Boston: Bedford/St. Martins, 2016), 74.

White retaliation against the alleged Black male rapist soon escalated from individual cases of lynching to city wide race massacres. In Atlanta in the early 20th century, white women began to gain more economic independence, and with that came more social freedom as well. White men began to fear for the sexual purity of their female counterparts, because any sexual act with a Black man, "whether coerced or voluntary," was considered "an act of aggression against their own claims to manhood."[10] In response, newspapers and magazines began to publish exaggerated stories of Black sexual savagery that would put white women in danger. During the summer of 1906, these portrayals became more vivid and incendiary. Gubernatorial candidate Hoke Smith only further stoked fears by telling his supporters that "all black men were potential rapists."[11] On September 24, 1906, the city hit a breaking point: white mobs launched an assault on the Black community of Atlanta, in the name of protecting white women. Over the course of three days, between twenty-five and forty Black Atlantans were killed.[12] A Northern white journalist later concluded that of the twelve Black-on-white rapes written about in white newspapers, only two actual rapes took place, and there were three possible attempted rapes, but the other seven allegations were completely unfounded.[13]

Laws are ever-changing; they can be amended or overturned, but the principles of the Rule of Law are meant to be set in stone. In cases such as the Scottsboro Boys, the Central Park Five, and Brock Turner's trial (often referred to as the Stanford Rape Case) where the defendants were treated unequally before the law, the Rule of Law proved itself to be flexible. The adultification of Black children helped to vilify them in the court of law. Put simply, the Rule of

[10] David Fort Godshalk, *Veiled Visions: The 1906 Atlanta Race Riot and the Reshaping of American Race Relations* (Chapel Hill: University of North Carolina Press, 2005), 22.
[11] Ibid., 50.
[12] Clifford Kuhn and Gregory Mixon, "Atlanta Race Massacre of 1906," *New Georgia Encyclopedia,* November 14, 2022, https://www.georgiaencyclopedia.org/articles/history-archaeology/atlanta-race-massacre-of-1906/.
[13] Godshalk, *Veiled Visions,* 38.

Law is the legal principle that no one is above the law. Everyone in American is meant to follow the same set of widely known, equally enforced, and independently adjudicated laws. Unfortunately, with an inflammatory crime such as rape, the criminal justice system appears to lose its aspect of equally enforcing laws.

The Rule of Law has been bent to convict Black men and boys of crimes which they have not committed, and consequently hand down harsh sentences, while white men and boys are too often treated delicately. In the last century, rape accusations have been adjudicated more often in the court of law, but outcomes have largely remained the same. Lynch law began to decrease during the 1930s, and between 1930 and 1972, 455 people were executed after being found guilty of rape.[14] Eighty-nine percent of those executed were Black.[15] The criminal justice system has decided outcomes in cases of interracial rape, "not based on evidence, but rather based on the race of the involved parties."[16] In the classic American novel, *To Kill a Mockingbird,* Harper Lee writes that "in [the] courts, when it's a white man's word against a black man's, the white man always wins. They're ugly, but those are the facts of life."[17] Although fictional, these ugly facts are a horrible reality in American courts, because they were designed, created, and controlled by white men for centuries.[18]

In the 1970s, the Supreme Court of the United States heard several cases regarding the constitutionality of capital punishment. In *Furman v. Georgia* (1972), the Court recognized that the wanton and arbitrary use of the death penalty was cruel and unusual because it could be

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[14] "Race, Rape, and the Death Penalty," *Death Penalty Information Center,* n.d., https://deathpenaltyinfo.org/policy-issues/race/race-rape-and-the-death-penalty,
[15] Ibid.
[16] Emma Rosenau, "A Criminal Justice System that Fails to Provide Justice: Miscarriages of Justice Leading Up to and During the Civil Rights Movement," 15.
[17] Harper Lee, *To Kill a Mockingbird* (New York: Warner Books, 1982), 243.
[18] Emma Rosenau, "A Criminal Justice System that Fails to Provide Justice," 15.

applied in a discriminatory manner.[19] Without strict guidelines for the use of capital punishment, race became a factor in sentencing. A study conducted by the Florida Civil Liberties Union found that sentencing for those convicted of rape significantly differed depending on the race of the defendant or victim. In the sentencing of rape cases between 1940 and 1964, only five percent of white men who raped white women received the death penalty while fifty-four percent of Black men who were convicted of raping white women were sentenced to death.[20] Conversely, the study found that no white men were executed for the rape of a Black woman. Other research has found that there are no cases in American history where a white man received the death penalty for "the non-homicidal rape of a Black woman."[21] The Furman decision required that all state legislatures create new legislation for capital punishment and a few years later, in *Coker v. Georgia* (1977), the Court ruled that using the death penalty as a punishment for rape was an excessive punishment.[22] While the Supreme Court eventually ruled the use of capital punishment in rape cases as unconstitutional, the adjudication in cases of interracial rape remained discriminatory.

* * *

This project seeks to synthesize several fields of research which have individually been explored in depth but have yet to be covered as one topic. Taking an interdisciplinary approach, this work will look through a lens of legal theory to discuss the power of rape in the context of historic judicial outcomes. After discussing the establishment of governmental branches that fail

[19] *Furman v. Georgia,* 408 U.S. 238 (1972).
[20] Marvin E. Wolfgang and Marc Riedel, "Rape, Race, and the Death Penalty in Georgia," *American Journal of Orthopsychiatry,* 45, no. 4 (1975): 662, https://psycnet.apa.org/fulltext/2013-41586-014.pdf?auth_token=4bf93c907e4a55b8d7633e5edbe76033e2905c7a.
[21] "Race, Rape, and the Death Penalty," *Death Penalty Information Center,* n.d., https://deathpenaltyinfo.org/policy-issues/race/race-rape-and-the-death-penalty,
[22] *Coker v. Georgia*, 433 U.S. 584 (1977).

to carry out their purpose, the reader will be familiarized with cases that prove such failures. The key intervention of this thesis is to analyze five cases of interracial rape through the lens of the Rule of Law, the global legal theory that everyone is meant to be held equally accountable under the law.[23] The Rule of Law was manipulated in the five cases that are covered in the succeeding chapters and this thesis will show that such exploitations were possible because of the court's racist beginnings.

America is a nation designed by white men and built on the slave labor of individuals enslaved by the designers. Enslaved individuals had their every movement observed. Slave patrols were the first policing system in America and are older the nation itself. In 1704, patrols were created to monitor the activities of enslaved people.[24] The American Paradox was established a few decades later when the Founding Fathers announced the nation's independence while still depriving human beings of their liberty.[25] Thomas Jefferson contradicted his own statement regarding the equality of men and the inalienable rights for all in *Notes on the State of Virginia,* where he wrote about the inherent inferiority of Black people in America.[26] James Madison was another enslaver who contributed to the new nation by writing the Constitution, which set up each branch of government and outlined the roles of the courts; the Rule of Law is a key aspect of fair and just courts.

This thesis focuses on a very intense subject, but the power that rape holds needs to be addressed. White rape of enslaved Black women was utilized to remind enslaved people of their

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[23] Brian Z. Tamanaha, "The History and Elements of the Rule of Law," *Singapore Journal of Legal Studies,* 2012, 233, https://www.jstor.org/stable/24872211; Richard H. Fallon, Jr., "'The Rule of Law' as a Concept in Constitutional Discourse," *Columbia Law Review* 97, no.1 (1997): 2, https://doi.org/10.2307/1123446.
[24] Larry Spruill, "Slave Patrols, 'Packs of Negro Dogs' and Policing Black Communities," *Phylon* 53, no.1 (2016) 48, https://www.jstor.org/stable/phylon1960.53.1.42.
[25] Edmund S. Morgan, "Slavery and Freedom: The American Paradox," *The Journal of American History,* 59, no. 1 (1972): 6, https://doi-org.proxy.library.emory.edu/10.2307/1888384.
[26] William Cohen, "Thomas Jefferson and the Problem of Slavery," *Journal of American History,* 56, no. 3 (1969): 512, https://doi.org/10.2307/1904203.

subordination and lack of autonomy. Historically, rape has been used as an assertion of power over minority groups.[27] Interracial rape has occurred on American soil long before enslaved Africans were brought over through the Middle Passage. European settler colonists sexually assaulted Native American women with impunity. White rhetoric towards the rape of Black and Native American women is similar: these women are considered unrapable and the economic benefit of sexual violence far outweighed any drawbacks.[28]

By establishing the paradoxical nature of America's foundational documents before introducing the cases analyzed in this thesis, the reader will begin to understand the potential corruption that could dismantle the court system's goal of justice. With the understanding of rape and the power dynamics arising from it, this project applies the legal theory of the Rule of Law to real court cases. Relying on books written by historians, memoirs written by victims, and periodicals covering specific cases, this work aims to show failures of the justice system in adjudicating cases of interracial rape. Periodicals published by journalists like F. Raymond Daniell and Ronald Sullivan for The New York Times during the Scottsboro Boys and Central Park Five trials, respectively, provide a glimpse into the opinions of the American public during each case. Often, though, these periodicals neglect to explain legal processes to their readers. The books explore specific cases of interracial rape and the coinciding legal procedures.[29] Where this thesis diverges from the traditional non-fiction books is the application of legal theory to each of the cases. Failures in the cases are applied to individual principles of the Rule of Law. The

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[27] Claudia Card, "Rape as a Weapon of War," *Hypatia,* 11, no. 4 (1996): 6, https://www.jstor.org/stable/3810388.
[28] Andrea Smith, "Not an Indian Tradition: The Sexual Colonization of Native Peoples," *Hypatia,* 18, no. 2 (2003): 74, https://vawnet.org/sites/default/files/assets/files/2016-10/NotIndianTradition.pdf; Stephanie Jones-Rogers, "Rethinking Sexual Violence and the Marketplace of Slavery: White Women, the Slave Market, and Enslaved People's Sexualized Bodies in the Nineteenth-Century South," *Sexuality and Slavery,* (Athens: University of Georgia Press, 2018), 117.
[29] Burns, *The Central Park Five;* Dan T. Carter, *Scottsboro: The Tragedy of the American South* (Baton Rouge: Louisiana State University Press, 1969); Chanel Miller, *Know My Name,* (New York: Viking Press, 2019).

comparison of a legal theory to court cases turns the Rule of Law from a conceptual aspect of the justice system into a necessity to achieve a fair trial.

* * *

A nation built by men who owned other men is bound to be unjust. The Declaration of Independence was written by Thomas Jefferson, who owned 600 enslaved people during his lifetime, creating a paradox of independence in America.[30] Similarly, James Madison, who wrote the Constitution of the United States, owned more than 100 enslaved people, which he had inherited from his late father.[31] Article III of the Constitution outlines the structure of the court system for the country and when writing the Federalist Papers in support of the ratification of the Constitution, Madison emphasized that mutable laws "[poison] the blessings of liberty itself."[32] Madison understood that laws would adapt as the country grew, but he knew that laws must be applied equally to everyone, or else the sanctity of the justice system would be at risk. Ironically, a system of government created by enslavers, as all but one of the Founding Fathers were, would continue to poison the American justice system for centuries to come.

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[30] Lina Mann, "The Enslaved Household of President Thomas Jefferson," *The White House Historical Association,* n.d., https://www.whitehousehistory.org/slavery-in-the-thomas-jefferson-white-house#:~:text=Despite%20working%20tirelessly%20to%20establish,most%20of%20any%20U.S.%20president.
[31] Callie Hopkins, "The Enslaved Household of President James Madison," *The White House Historical Association,* n.d., https://www.whitehousehistory.org/slavery-in-the-james-madison-white-house.
[32] James Madison, "The Federalist Papers: No. 62," *Library of Congress,* February 26, 1788, https://guides.loc.gov/federalist-papers/text-61-70#s-lg-box-wrapper-25493449.

Chapter 1:

The Scottsboro Boys

On March 25, 1931, a train left from Chattanooga, Tennessee and wound through the states of Alabama and Mississippi before arriving in Memphis, Tennessee. The train carried many young hoboes to new cities that would offer opportunities for work, but for nine young Black boys, this train almost carried them to the electric chair. A fight broke out between a group of Black boys and some white riders, and the Black boys forced many of the white patrons to jump from the slow-moving train. The altercation was reported to officials in Paint Rock, Alabama and the train was soon stopped. The Jackson County Sheriff ordered the "capture of every negro on the train."[33] Quickly, the men conducting the search found the nine young Black boys, one white boy in his early twenties, and one white woman named Victoria Price and a white girl, Ruby Bates, aged twenty-one and seventeen, respectively. Shortly after the train was stopped, Bates pulled a deputy aside and informed him that she and her friend had been raped by the Black boys.[34] Bates' accusation was a sham, the boys had not touched her or Price, but regardless, the African American youths were quickly arrested and charged.

The young boys became known internationally as the "Scottsboro Boys," named after the town in which the alleged assault took place. It is important to realize that they were just as their title implied: boys. Through the next seven years of trials, they were painted as brutes, savages, and men. The oldest boys, Clarence Norris, Charlie Weems, and Andy Wright were nineteen; Haywood Patterson was eighteen; Olen Montgomery was seventeen; Ozie Powell and Willie Roberson were sixteen; Eugene Williams was thirteen, and Leroy "Roy" Wright was only twelve years old. Their trial began three short weeks after Bates made the initial charge. As promised by

[33] Carter, *Scottsboro*, 5.
[34] Ibid., 6.

the Sixth Amendment, the boys were ensured lawyers for their defense; however, the story of the rape spread so far and so quickly that no lawyers in Jackson County wanted to represent them. Eventually, sixty-nine-year-old Milo C. Moody volunteered to take the case, and a nearby Black church raised money to pay an additional lawyer from Tennessee, Stephen R Roddy.[35] Milo Moody was in the early stages of dementia while Stephen Roddy was an alcoholic who was unfamiliar with Alabama law.[36] So, while the boys were technically granted their Sixth Amendment rights, their lawyers were inadequate at best. Rape was a capital crime and without a strong defense, Alabama's notorious electric chair, Yellow Mama, was a looming possibility.[37]

The women who made the accusations were prostitutes.[38] In the South, in this case, it did not matter. Instead, by any means necessary, it became a necessity to protect white womanhood, even if the woman might normally fail to earn respect. It was the view of many Alabamans that Price "might be a fallen woman, but by G-d she is a white woman," and thus she would still be protected.[39] Lynching became a common tool of intimidation following the emancipation of enslaved people, regularly used on Black men accused of raping white women, before even going to trial. This time, much to white Southerner's chagrin, the accused were granted their Constitutional right to a trial. Local whites "[declared] regretfully that the old way of the rope was better than the new way of the law."[40]

Regardless of the preferences of white Alabamans, the nine boys went to court. They were not tried all at once, but instead faced individual or smaller group trials. First to stand trial

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[35] Ibid., 18-19.
[36] Kathryn Martinez, "Clarence Norris: The Last Voice of the Scottsboro Boys," *St. Mary's University Scholars,* November 1, 2019, https://stmuscholars.org/clarence-norris-the-last-voice/.
[37] Kelly Kazek, "10 Things to Know about Alabama's Electric Chair, Yellow Mama," *Advance Local,* January 21, 2016, https://www.al.com/news/2016/01/post_87.html.
[38] Ibid., 78.
[39] New York *Herald Tribune,* November 30, 1933, quoted in Dan Carter, *Scottsboro,* 295.
[40] F. Raymond Daniell, "Scottsboro Trial Moved 50 Miles," *The New York Times,* March 8, 1933, 14, https://timesmachine.nytimes.com/timesmachine/1933/03/08/issue.html.

for their lives were Charlie Weems and Clarence Norris. The same day, eighteen-year-old Haywood Patterson faced the jury. Next up were Andy Wright, Olen Montgomery, Ozzie Powell, Willie Roberson, and Eugene Williams in a group. Last was the young Roy Wright.

The trials were essentially over before they began. The Scottsboro Boys were being tried by an all-male, all-white jury, and had already been judged as guilty by the greater American public. The boys had a thirty-minute meeting with their lawyers, and then the trial began. Because of the short meeting, the lawyers did not learn that Willie Roberson had gonorrhea and that Olen Montgomery was almost completely blind. This information could have helped justify that the two young boys were in no physical condition to carry out such an assault.

Victoria Price took the stand and told the story of the alleged assault, going into great detail. Then, Ruby Bates gave a testimony that began to contradict Price's. Her testimony was far less movie-like than the guns blazing assault describe by Price, but Roddy did not question Bates on the ways the two stories differed. The state then called Dr. R. R. Bridges to testify about his physical examination of Price and Bates, which took place about ninety minutes after the alleged rape. Dr. Bridges said that the women had few bruises or scratches to indicate manhandling. He explained that while Bates had semen in her vagina, it was non-motile, but neither Roddy nor Moody asked any questions to help explain the relevance of the unmoving spermatozoa to the jury. At the end of the short trials, eight out of the nine boys were sentenced to death; Roy Wright, the twelve-year-old, was sentenced to life in prison without parole.[41] Despite contradictory testimonies and no physical evidence of rape, the all-white jury found all nine boys guilty. Eight Black teenage boys faced the electric chair and the ninth was condemned to life in prison, all to protect the sanctity of white womanhood.

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[41] "Eight Negroes Face Death for Assault: All Given Chair in Attack on White Girl Hoboes," *Boston Globe,* April 10, 1931, 20, https://bostonglobe.newspapers.com/image/431247021/?terms=scottsboro&match=1.

The Scottsboro case quickly gained national notoriety and after the first trial, several groups stepped forward to provide better legal assistance for the appeals that would inevitably follow. One group that became impassioned with the case was the International Labor Defense (ILD) an offshoot of the Communist Party of the United States (CPUSA). Many Communists felt the outcome of this case was an attack on working class Americans everywhere, not just Black Americans. The other group that wanted to represent the nine boys was the National Association for the Advancement of Colored People (NAACP). The secretary of the NAACP was Walter White, a survivor of the Atlanta Race Massacre of 1906; White was initially the most outspoken member of the NAACP in favor of taking on the Scottsboro Boys case. His peers were cautious because "the last thing they wanted was to identify the Association with a gang of mass rapists unless they were reasonably certain the boys were innocent or that their constitutional rights had been abridged."[42] The ILD quickly received permission from the boys and their parents to represent them and began finding replacement attorneys. Tennessee lawyer George W. Chamlee, Sr. accepted a retainer to represent the Scottsboro Boys.

Across the nation, Black citizens began speaking out against the idea of having Communists represent the boys; they feared the ILD was only doing this for their own propaganda goals. One prominent Chattanooga minister announced that "Negro preachers of the South and Negroes in general, are not in sympathy with the intervention in this case by the International Labor Defense."[43] The NAACP capitalized on this negative public opinion and began trying to convince the boys that the Association was better suited to represent them through the appeals process. The two groups exchanged blows, working to discredit one another in order to gain favor in the eyes of the Scottsboro Boys.

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[42] Carter, *Scottsboro,* 52-53.
[43] Ibid., 57.

After the ILD ultimately beat out the NAACP to represent the boys, the organization began to file an appeal to the Alabama Supreme Court. Joseph Brodsky replaced Moody and Roddy and provided counsel for the boys in their appeal hearing. He argued that the boys were denied a fair trial on many fronts, including the glaring inadequacy of their counsel.[44] In what would be the second loss of many, the Alabama justices ruled that the boys received a fair trial and upheld their convictions. The ILD hired a well-renowned constitutional attorney to take this case to the Supreme Court of the United States. The Supreme Court agreed with the boys' lawyer and called for a new trial on the grounds that they were denied due process when tried without adequate counsel.[45] The case was sent back to Scottsboro.

For this trial, it seemed as though the boys were in a better position than they had been in the initial courtroom. For starters, they had a legitimate counsel. More importantly, they had a new witness who was willing to testify for them: the woman who first accused them of rape. In 1932, Ruby Bates wrote a letter confessing to lying about the assault. She lied "about those Negroes jazzing [her] those policemen made [her] tell a lie that is [her] statement."[46] The letter was sent to Earl Streetman, her boyfriend, who was arrested with it on his person; the police turned the letter over to the prosecution, who did not give it to the defense for several weeks.

In 1933, it was time for the second Scottsboro trial to begin, with yet another new lawyer for the not-as-young boys. Samuel Leibowitz, a New York Jew, traveled to Alabama to join George Chamlee in court. The lawyers successfully argued for a change of venue for the new trial, because public opinion had become so radicalized in Scottsboro that it would be impossible

[44] Carter, *Scottsboro,* 157.
[45] *Powell v. Alabama 287 U.S. 56,* 57, as quoted in Carter, *Scottsboro,* 161.
[46] Chris Eckl, "The Scottsboro Case of 1931: A Calm Judge Recalls Hate," 1964, Dan T. Carter research files, Stuart A. Rose Manuscript, Archives, and Rare Book Library, Emory University.

for the boys to have an unbiased jury.[47] White Southerners remained convinced of the boys' guilt and despite their young teenage years, they still "agreed that the punishment [fit] the crime since the assailants were *black*."[48] On March 27, 1933 – almost exactly two years after they were initially accused – the Scottsboro Boys were once again put on trial for their lives, this time fifty miles from Scottsboro, in Decatur, Alabama. As soon as the trial began, Leibowitz filed a motion, asking Judge James E. Horton to quash the indictments under the pretense that the charges were null and void because the grand jury that brought down the charges was all-white. Leibowitz argued that authorities had "arbitrarily and invariable [sic] refused, neglected and omitted to lace [sic] the names of negro citizens," on the jury lists, which "clearly violated the defendants' rights under the Fourteenth Amendment of the United States.[49]

To prove the unconstitutional exclusion of Black jurors in the grand jury, Leibowitz called forward a respected white newsman from Scottsboro, and asked if he had had ever seen a Black person serve on a jury in Jackson County. The man, James Stockton Benson, denied a policy of exclusion but conceded that he had never seen a Black man on a jury. He reasoned that this was because Black Alabamians did not have sound judgment and it was preferable for an illiterate white man to be on a jury compared to an educated Black man because "they will nearly all steal."[50] Regardless of Leibowitz's best efforts, Judge Horton overruled the motion to quash; Leibowitz began the next day by attempting to prove the unconstitutional exclusion of Black jurors in Morgan County, where Decatur is located. Horton quashed the motion again.[51]

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[47] F. Raymond Daniell, "Scottsboro Trial Moved 50 Miles," *The New York Times,* March 8, 1933, 14, https://timesmachine.nytimes.com/timesmachine/1933/03/08/issue.html.
[48] Dan Carter, *Scottsboro*, 178.
[49] "*State v. Patterson*. Morgan Co., Ala. Motion to Quash the Indictment. March 27, 1933. Testimony 242 p.," 1933, 7, Courtesy of Cornell University Law Library, Scottsboro Trials Collection, https://digital.library.cornell.edu/catalog/scott2013; Carter, *Scottsboro,* 194.
[50] Ibid., 195.
[51] Ibid., 199

The first to stand trial for the second time was Haywood Patterson. The first witness for the prosecution was Victoria Price, who plainly told the court of her brutal rape for the fifth time since that fateful day in 1931. From this very first testimony, the prosecution made a mockery of the legal process. During Price's direct examination, the prosecuting attorney, Thomas E. Knight, pulled out a piece of evidence that had never before been seen by the defense: Victoria Price's torn step-ins (undergarments) from the day of the assault. Upon Leibowitz's objection to the new evidence, Knight spun the step-ins "through the air and into the lap of one of the bewildered jurors. The courtroom exploded into laughter."[52] Despite the crude showmanship from Knight, Judge Horton allowed for the undergarments to be submitted as evidence.

One of Samuel Leibowitz's greatest strengths as a lawyer was his thorough cross-examinations, which often led witnesses to contradict themselves. Unfortunately, a hostile witness like Victoria Price would not make Leibowitz's job easy for him. Where she had no problem recalling even the most minute details for Knight, she regularly told Leibowitz "I won't say… I can't say… I can't tell you that… I can't remember"[53] Such aloofness made it difficult for the defense to paint her as an unreliable witness. Instead, Leibowitz decided to attack Price's character and credibility, presenting to the court Price's previous arrest record. Two months before the alleged assault in Scottsboro, Price and her married boyfriend were found guilty of adultery and fornication.[54] Knight objected, stating that her past sexual history was irrelevant because she was not the one on trial; Judge Horton sustained the objection. However, such respect regarding a rape victim's past was often reserved exclusively for white women.

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[52] Ibid., 204-5.
[53] Ibid., 205-6.
[54] Ibid., 206.

Black women who were rape victims were seldom shown the same respect that white victims were afforded. In 1944, 300 miles south of Scottsboro in Abbeville, Alabama, the inverse of the infamous Scottsboro case occurred: a Black woman was kidnapped and raped by a group of white men. The rape of Recy Taylor did not garner the same public outrage that followed the Scottsboro Boys case.

Recy Taylor was walking home to her husband and baby from church choir practice with her neighbors on September 3, 1944, in Abbeville, Alabama. Seven armed men approached them, announcing they had to take Taylor to the Sheriff for allegedly assaulting someone earlier in the evening, despite her being at church.[55] The Black worshippers had no means of defense against the armed men, so Taylor was forced into the backseat of their car. The men drove several miles out of town before turning the gun on Taylor, ordering her to "get them rags off… or [they'd] kill [her]."[56] The men raped Taylor six times before blindfolding her, and dumping her on the side of the road. What Recy Taylor did not know at the time was that her neighbors immediately reported the abduction and gathered a team of law enforcement officers to search for the missing mother. A distraught Taylor was eventually found by the search party, to whom she explained what had happened to her. Her description of the vehicle pointed to one suspect, who was quickly arrested.

Hugo Wilson was questioned in the Henry County jail, and quickly confessed to separating Taylor from her friends. He also admitted to having "'intercourse with her.' Wilson swore that they did not use force. 'We all paid her.'"[57] The sheriff believed Wilson's version of

[55] Danielle L. McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance – A New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power* (New York: Vintage Books, 2010), 5.
[56] Ibid., 6.
[57] Ibid., 29.

the events; he neither arrested any of Taylor's other assailants, nor did he file any charges against them.

One might wonder why an upstanding member of the Black community, a woman returning home to her husband and newborn baby, was written off as nothing more than a prostitute, while a white woman, who was a known prostitute, was made out to be the perfect picture of Southern womanhood. The answer was simple: the racialization of gender. Since enslavement, Black women have been placed into two categories based on their level of sex appeal to white men: the Jezebel and the Mammy. The Mammy was an enslaved woman who helped raise the children of her enslavers. She was portrayed "with her hair hidden beneath a bandana… ample weight, dark skin and course manners, [she] was stripped of sexual allure."[58] On the other hand, there was the Jezebel, an innately promiscuous Black woman with "an insatiable appetite for sex."[59] This stereotype led to Black women being considered unrapable for two reasons. First, because of her promiscuity, a Jezebel desired sexual relations with white men, so white men did not have to rape them. Second, because they were considered property, enslaved women "legally could not be raped."[60] Even following emancipation, these stereotypes remained deeply ingrained in American society. In fact, in the years between the Scottsboro Trials and the rape of Recy Taylor, the first Black actor won an Oscar. Hattie McDaniel was honored for her portrayal of Mammy in *Gone with the Wind,* but she accepted her

[58] *Ethnic Notions,* directed by Marlon T. Riggs (California Newsreel, 1987), https://newsreel.org/transcripts/ethnicno.htm.
[59] "The Jezebel Stereotype," Ferris State University Jim Crow Museum, n.d., https://www.ferris.edu/HTMLS/news/jimcrow/jezebel/index.htm.
[60] Ibid.

groundbreaking award whilst sitting at a table in the corner at the "whites only" Cocoanut Grove nightclub, away from her costars.[61]

White women in the postbellum period, on the other hand, were viewed as needing protection. The life of a white woman in the South was far from perfect, but for different reasons than those faced by Black women. White men viewed their wives and daughters as their dependents.[62] Men went to work, while women stayed home to cook, clean, and complete daily chores. When white women began to encourage their own independence through work or an interest in politics, white men saw their way of life threatened once more. The excuse of Black men raping white women was doubly effective excuse for white men to carry out extralegal killings. On one end, they could instill fear in and assert power over the Black community; at the same time, the notion of white women requiring protection became cemented in society.

It was easy for the white sheriff to believe that a Black woman was a sex worker because of racist stereotypes. This was the norm for the rape of a Black woman by a white man, or men, but Taylor did the unthinkable, and decided to continue pressing charges. The NAACP office in Alabama learned about the case and sent their best investigator down to Abbeville to help with the case; her name was Rosa Parks.[63]

* * *

While Recy Taylor was made out to be a prostitute, and thus was unrapable, Victoria Price's past run-ins with the law were ignored during the trials for the Scottsboro Boys. Despite hostility from the witness, Leibowitz continued his cross-examination. When he asked about her

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[61] Seth Abramovitch, "Oscar's First Black Winner Accepted Her Honor in a Segregated 'No Blacks' Hotel in L.A.," Hollywood Reporter, February 19, 2015, https://www.hollywoodreporter.com/movies/movie-news/oscars-first-black-winner-accepted-774335/.
[62] Crystal Feimster, *Southern Horrors: Women and the Politics of Rape and Lynching* (Cambridge, Mass.: Harvard University Press, 2009), 63.
[63] McGuire, *At the Dark End of the Street,* 7.

physical health follow her alleged rape, Leibowitz finally got Price to tell the court that she remembered crying at the doctor's office and that she had been bleeding from her vagina.[64]

The next witness was the conductor of the train, R. S. Turner, who Leibowitz planned to use to prove that Price was lying about the train makeup, and her location on the train. Throughout her testimonies, Price firmly remembered that the rape had occurred in the gondola car immediately next to a box car. However, during his testimony, Turner explained that he had seen the women in the fourth gondola from the engine; this fourth gondola was also where Price's lost snuff-box was recovered.[65] Turner's explanation contradicted the star witness's memory of the train makeup, because the fourth gondola was directly adjacent to two other gondolas. In an unusual move by the prosecution, Price returned to the stand for further questioning. Suddenly, her memory seemed to be revived because she said that the one of boys pulled out his private parts and told her and Bates "when I put this in you and pull it out you will have a negro baby."[66] Leibowitz quickly objected, arguing that the newest testimony was intentionally inflammatory in order to push the jury to forget the damaging testimony from Turner. Judge Horton overturned the objection and Price's testimony continued.

Price intentionally used this language to stoke anger at potential miscegenation. Fears of "race-mixing" only went one way: when a white woman was carrying a Black man's baby. After the rape of Recy Taylor, one activist pointed out that white people were "earnestly striving for the purity of [their] race, yet [they] openly permit a great many of [white] men to freely cohabit with women of the Negro race."[67] The Jezebel stereotype allowed for the disregard of fears of

[64] Carter, *Scottsboro,* 207.
[65] Ibid., 210.
[66] Ibid., 212.
[67] McGuire, *At the Dark End of the Street,* 51.

potential race mixing when white men raped Black women, but it still justified prosecuting Black men (or boys in the case of Scottsboro) to the fullest extent.

The next witness was Dr. Bridges, who had testified in the first trial, but faced almost no cross-examination from the boys' unqualified legal team. Fortunately for the nine boys, Leibowitz was ready to question the doctor and his cross-examination became vital to the case. In the initial trial, Dr. Bridges made no reference to the women's behavior, but in 1933, he explained that they "were completely composed and calm. Their pupils were not dilated, and their pulse and respiration were normal."[68] This directly contradicted Price's statement that she cried and bled from the vagina during her examination. Once again, Dr. Bridges referenced the non-motile sperm that was found in the women's vagina. The average juror would not recognize the importance of non-motile spermatozoa, but Leibowitz made sure this group of twelve men understood; Dr. Bridges explained that for an examination that occurred ninety minutes after intercourse, it would be very rare to see such a phenomenon because sperm "normally lived from twelve hours to two days in the vagina."[69] The non-motile sperm could be explained by Price's potential intercourse with her boyfriend in the days leading up to March 25, but as a hostile witness, she would not acknowledge such an activity occurred.

Ruby Bates was called to the stand as a surprise witness for the defense. Bates swore that she and Price "had concocted the whole story of the attack."[70] She further explained she was not even on the train car where the Black and white hoboes fought, rather she was one car over.[71] Bates completely recanted her initial statement and testimonies alleging that the young boys had

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[68] Carter, *Scottsboro,* 213.
[69] Ibid.
[70] F. Raymond Daniell, "Girl Recants Story of Negroes' Attack," *The New York Times,* April 7, 1933, 3, https://timesmachine.nytimes.com/timesmachine/1933/04/07/99302962.html?pageNumber=3.
[71] Ibid.

raped her and Price. Despite all of the testimonies countering Victoria Price – even ones from other white witnesses – the 1933 trial of Haywood Patterson ended the same way as in 1931, with a guilty verdict and a death sentence.

Although Judge Horton had done his best to grant Patterson a fair trial, the jury ultimately convicted him again. For Horton, there were too many discrepancies for the trial to be considered fair and constitutional so, a few months after the trial ended, he gathered the defense lawyers and the prosecution in his home in Athens, Alabama. Horton told the men that with so many witnesses and such a detailed story from the alleged victim, there ought to have been ways to corroborate her testimony. The most damning pieces of information came from Dr. Bridges, who had once been a key witness for the state. During Price's examination after the assault, Dr. Bridges found no evidence of the physical abuse alleged on the stand. Price claimed she had been hit in the head with the butt of a pistol, had lacerations on her back, and was bleeding from her vagina. Dr. Bridges' professional opinion countered everything.[72] He additionally provided insight that the sperm collected from Price's vagina was far too old to belong to any of the boys given how soon after the alleged assault he conducted the physical examination. With all of this information at hand, Judge Horton came to the conclusion that any semen extracted from Price or Bate's vaginas had to have come from sexual encounters in the days leading up to the train ride from Chattanooga to Memphis. With this evidence and more, Horton set aside the judgement made by the jury and ordered a new trial for Patterson. Alabama Supreme Court Chief Justice John C. Anderson told Horton to step down from the case and replaced him with Judge William Washington Callahan.[73]

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[72] James Horton, "Decision on Motion for a New Trial," Cornell University Scottsboro Trials Collection, June 22, 1933, 9-10, https://digital.library.cornell.edu/catalog/scott3016.
[73] Carter, *Scottsboro,* 272.

Although he was removed from the case, Judge Horton's ruling still stood, and trials began once more. This trial began the same way as the previous one, with a motion for a change of venue. Between the second and third trials, four supporters of the Scottsboro Boys traveled through Morgan County interviewing residents. Overwhelmingly, the responses implied that not only were the boys in danger, but so was Samuel Leibowitz.[74] One man admitted his willingness to organize a lynch mob himself and six law enforcement officers "said they would only offer sham resistance to a lynching mob."[75] This information was presented to Judge Callahan, but he dismissed the motion. With such clear bias throughout the county, one might wonder how the boys would receive a fair trial by jury. Ultimately, they would receive no such thing.

When Victoria Price took the stand to share her story yet again, she was more hostile than ever, but this time she had the support of Judge Callahan. When Leibowitz asked Price about the days leading up to the alleged assault, Callahan upheld objections made by the state. Continuously, he upheld all objections regarding the thirty-six hours before March 25, 2931.[76] In doing so, he effectively ripped the defense's strongest witness from them. Leibowitz continued to try to no avail, and he began to realize that Dr. Bridges' testimony would likely be rendered useless. While he could still discuss Price's physical state, without the ability to prove that Price had partaken in sexual intercourse with her boyfriend in the days prior, there was no alternative explanation for the (non-motile) semen in her vagina – other than rape. Throughout Leibowitz's cross-examination of Price, Judge Callahan proved himself to be more and more biased in favor of the prosecution. When Leibowitz asked if Price had removed her overalls or if they had been

[74] "Lynchings Feared in Scottsboro Case," *The New York Times,* November 10, 1933, 7, https://timesmachine.nytimes.com/timesmachine/1933/11/10/issue.html.
[75] Ibid.
[76] Carter, *Scottsboro,* 285.

torn, Callahan interrupted, reminding him to "treat the lady with more respect."[77] While Price's womanhood was protected during the third trial for her alleged rape, Recy Taylor had to fight tooth and nail for any trial at all.

* * *

One month after she was raped, Recy Taylor appeared before an all-male, all-white grand jury, who were set to decide if her all-male, all-white rapists would go to trial. Taylor arrived at the courthouse with her family to learn they were the only ones there. None of her assailants had been arrested, nor had Hugo Wilson been placed on bond as Sheriff Gamble had promised.[78] Unsurprisingly, the grand jury declined to indict the absent men. This "faint shadow of judicial procedure," was meant to appease Black Alabamians into believing that Taylor received equal consideration under the law.[79]

In the month following the farce of the grand jury, Rosa Parks worked to spread Taylor's story across the country. Networks of African Americans shared the horrific details and came together to demand justice. Groups from all over the nation came together to form the "Committee for Equal Justice for Recy Taylor." The Committee took immediate action, sending delegates down to Abbeville to investigate the rape and organizing a mailing campaign which flooded Alabama Governor Chauncey Sparks' offices with letters demanding justice for Recy Taylor. One woman wrote to the Governor that she had "heard a great deal of how the South prides itself on protecting its womanhood."[80] She was likely remembering the not-so-long-ago Scottsboro Trials, without realizing the protections of womanhood were only extended to white

[77] F. Raymond Daniell, "Accuser Renames Scottsboro Negro," *The New York Times,* November 28. 1933, 11, https://timesmachine.nytimes.com/timesmachine/1933/11/28/issue.html.
[78] McGuire, *At the Dark End of the Street,* 40.
[79] Ibid., 41.
[80] Ibid., 50.

women. Governor Sparks faced so much pressure that he eventually sent his own private investigators, J.V. Kitchens and N.W. Kimbrough to investigate the crime.

Kitchens and Kimbrough arrived in the town where Recy Taylor was born, raised, and raped. They met with Sheriff George Gamble, who gave them insight into life in Abbeville. Gamble stated that Taylor was "nothing but a whore around Abbeville," who had been treated multiple times for venereal disease.[81] The Sheriff also told the men that he immediately opened an investigation into the case and arrested all of the men. The investigators then spoke with other white citizens and immediately learned that the Sheriff had lied to them. Taylor was described as a good worker, who had "never been involved in any disturbance of any kind."[82] Having lost trust in the Sheriff, the men continued to investigate the crime. They soon learned that none of Taylor's rapists had ever been arrested. Enough information was uncovered, and there was so much external pressure across the nation, that Sparks was forced to open a second grand jury; they once again declined to indict. Taylor's rapists walked free.

Victoria Price stood alone in her statements that she had been raped, but repeatedly won her cases, despite Ruby Bates' and Dr. Bridges' denials of the event. On the other hand, Recy Taylor had been proven to be a law-abiding citizen who did not practice prostitution, but her rapist's confession of assault was not enough for an indictment. As a white woman, Price was easily believed while Taylor was tossed aside.

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With such a hostile courtroom for the boys' third trials, Samuel Leibowitz was forced to get creative. Rather than simply prove that his clients were innocent, he pivoted to discuss Victoria Price's potential motive. The truth is, a crime was committed on March 25, 1931, but

[81] Ibid., 76.
[82] Ibid., 77.

not by the people on trial. As the ILD had previously uncovered, it was known that Price was a prostitute. One could easily reason that she and Bates were traveling that day to find "work." This was a violation of the 1910 Mann Act, which made it illegal to transport "any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose."[83] So, when the train was stopped, Leibowitz explained, the women cried rape, effectively turning themselves from potential defendants into complainants. Despite his new strategy, the boys were once again found guilty.

The Scottsboro Boys and their team of lawyers filed another appeal to the Alabama Supreme Court, asking for the convictions to be set aside, arguing that the boys were denied a fair trial because of the systemic exclusion of Black men from serving on juries. The appeal was denied, but the Supreme Court of the United States agreed to hear the case. For the second time in four years - a quarter or more of most of these boys' lives - Scottsboro was going to D.C. Leibowitz presented information about forged jury books to the Justices who were fortunately a less hostile audience. The Supreme Court decided that "there had been long and systemic exclusion of Negroes [from serving on juries] and, to avoid judicial challenge, the local officials engaged in a fraudulent effort to forge the jury rolls."[84] The Scottsboro legal team was successful, so they returned to Decatur, Alabama for a fourth trial for the accused boys.

In many ways, the trials that began in January 1936 were similar to the previous ones, but there were a few key differences. This time, Samuel Leibowitz would not be the lead attorney for the boys. The Scottsboro Defense Committee (SDC), with advice from Judge Horton, decided that having a Southern born lawyer as the lead attorney would benefit the boys. Clarence Watts

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[83] "Mann Act," *Cornell Legal Information Institute*, n.d., https://www.law.cornell.edu/wex/mann_act#:~:text=The%20Mann%20Act%20(also%20known,for%20any%20other%20immoral%20purpose.%E2%80%9D.
[84] Carter, *Scottsboro,* 323.

of Huntsville, Alabama joined the defense team, and Leibowitz took a back seat in the courtroom.[85] But similar to the previous trial, Judge Callahan quashed the defense's motion for a new venue. Callahan once again would not allow any questions about Price's activities in the days leading up to the alleged rape so once more, Dr. Bridges testimony about the lack of living semen inside the women meant nothing to the jury. Without the ability to explain that she had had intercourse with her boyfriend, the jury would not understand the importance of the non-motile semen. The last similarity was the verdict: Haywood Patterson – the first to face trial – was still guilty. This time, though, he did not receive the death penalty; for the first time in six years, a Scottsboro Boy was sentenced to 75 years in prison.[86]

After this limited success for the Scottsboro Boys, things began to go awry for both the prosecution and the defense. The next trials were postponed because Dr. Bridges fell ill and was unable to supply a testimony until he recovered. While Clarence Norris, Roy Wright and Ozie Powell were being transported from Decatur back to the Birmingham Jail, chaos ensued. The deputy driving the boys slapped Powell for "sassing" him. Powell responded by pulling a pocketknife from his pocket and slashing the man's throat. The Sheriff then shot Powell in the head.[87] The unexpected violence further postponed the trials. At the same time, the SDC capitalized on Patterson's "lenient" sentence, trying to spark negotiations to free the boys.

Lieutenant Governor Knight – the man who had been prosecuting the boys for half a decade – and Alabama Attorney General A.A. Carmichael were willing to let some of the boys go free if Patterson, Norris, and a few others would plead guilty to the rape. Leibowitz immediately rejected the offer because the boys "would rather die in the chair than admit the

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[85] Ibid., 340.
[86] F. Raymond Daniell, "75 Years in Prison Set for Patterson," *The New York Times,* January 24, 1936, 1, https://timesmachine.nytimes.com/timesmachine/1936/01/24/issue.html.
[87] Carter, *Scottsboro,* 349.

commission of a crime of which they are innocent."[88] The men could not reach an agreement, so the trials continued.

By now, it was July 1937, and over six years had passed since the boys, now young men, were accused of raping Victoria Price and Ruby Bates. So much time had passed that important figures in the case had died: both Dr. Bridges and Lieutenant Governor Knight died in the interim following the shooting of Powell. The trials began again, but this time each of the boys were tried individually. The trials were similar to all those in the past, Clarence Norris was once again sentenced to death by an all-white jury. Andy Wright was sentenced to ninety-nine years. Charlie Weems got seventy-five years. But when Ozie Powell entered the courtroom, it was announced that the rape charge was dropped; now he would only be tried for assaulting the deputy, a crime to which he had already pled guilty. He was sentenced to twenty years.[89]

On the surface, this seemed like a win: the rape charges were dropped, and Powell had a more manageable sentence to serve. That being said, the prosecution was left confused – all of the evidence was the same against each of their clients – if four were guilty of rape, having just received between seventy-five years to the death penalty, how can charges be dropped against another? Then another bombshell was dropped in the courtroom. All charges against Olen Montgomery, Willie Roberson, Roy Wright, and Eugene Williams were dropped. The same evidence that sentenced their co-defendants to decades in prison would free the four boys. Montgomery and Roberson's poor health justified their innocence; Wright and Williams were

[88] Memorandum of Negotiations between Samuel Leibowitz and Thomas Knight and A.A. Carmichael, July 30, 1937, in Scottsboro Legal File 7, NAACP Papers, as quoted in Carter, *Scottsboro,* 364.
[89] Carter, *Scottsboro,* 371-375.

freed because they were only twelve and thirteen years old, respectively, at the time of the alleged crime.[90]

The ruling shocked and confused the world. The state had just admitted that they had jailed four innocent children for almost seven years. Leibowitz spoke out about the illogical manner of Alabama's justice. Victoria Price had testified that all nine of the boys raped her and Bates, but now the prosecution only believed her in some instances. With half of his clients freed and the other half sitting in an Alabama jail serving time for a crime they did not commit, Leibowitz began trying to convince the governor of Alabama to pardon those still found guilty.

Imprisoned for a crime that they did not commit, the boys struggled psychologically. Clarence Norris regularly wrote letters asking for updates from his advocates. He expressed his loss of hope, saying he was "tired of service time in prison for nothing, [he'd] rather be dead and in Hell."[91] Simultaneously, Andy Wright developed "prison psychosis" and struggled with depression.[92] Six years after Charlie Weems was sentenced to seventy-five years prison, he was granted parole on November 17, 1943.[93] In 1946, Ozie Powell and Clarence Norris were granted parole. Four years later, in May 1950, after nineteen years in the custody of the Alabama government, Wright was released.[94] Haywood Patterson was never granted parole, but in 1948, he escaped prison and fled to Detroit. Alabama officials asked he be returned to complete his

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[90] F. Raymond Daniell, "Scottsboro Case Ends as 4 Go Free; 2 More Get Prison," *The New York Times,* July 25, 1937, 1, https://timesmachine.nytimes.com/timesmachine/1937/07/25/issue.html.
[91] Clarence Norris to Allan Knight Chalmers, October 30, 1939, in Chalmers Collection, quoted in Carter, *Scottsboro,* 410.
[92] Carter, *Scottsboro,* 409-410.
[93] "The Scottsboro Trial: A Timeline," *PBS*, n.d. https://www.pbs.org/wgbh/americanexperience/features/scottsboronine-black-youth-arrested-for-assault/.
[94] Carter, *Scottsboro,* 412-413.

seventy-five-year sentence, but Michigan Governor G. Mennen Williams refused to sign extradition papers.[95]

Forty-five years after the Scottsboro Boys were first accused of raping Victoria Price and Ruby Bates, Alabama Governor George Wallace pardoned Clarence Norris.[96] Of the five boys to be convicted, Norris was the only one still alive in 1976 to receive the recognition of his innocence. In 2013, Alabama state legislature passed legislation which allowed posthumous pardons; after eight decades, the Scottsboro Boys were finally exonerated.[97]

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The Scottsboro Boys were subject to seven years of hellish trials, and five of them continued to be imprisoned for years. Even the boys who were freed first felt their Scottsboro Boy identity follow them for the rest of their lives. During the era of repeated trials and convictions, the case gained international notoriety for its repetitive negligence towards the Rule of Law. The Rule of Law is a key aspect of political morality: described by legal philosopher Lon L. Fuller as "publicly promulgated rules, laid down in advance, and adherence to at least some natural-law values."[98] The American Bar Association (ABA) created a list of four principles which make up the Rule of Law:

1) A system of government in which all persons… are accountable under the law.
2) A system based on fair, publicized, broadly understood and stable laws.

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[95] "Scottsboro Man Wins," *The New York Times,* July 13, 1950, 23, https://timesmachine.nytimes.com/timesmachine/1950/07/13/86445941.html?pageNumber=23.
[96] Ellis Cose, "The Saga of the Scottsboro Boys," *American Civil Liberties Union,* July 27, 2020, https://www.aclu.org/issues/racial-justice/saga-scottsboro-boys#:~:text=That%20drama%20revolved%20around%20nine,unremittingly%20brutal%20system%20of%20justic.
[97] Meghan Barrett Cousino, "Clarence Norris," *The National Registry of Exonerations,* https://www.law.umich.edu/special/exoneration/Pages/casedetailpre1989.aspx?caseid=238#:~:text=In%20November%202013%2C%20more%20than,formally%20exonerate%20them%20as%20well.
[98] Richard H. Fallon, Jr., "'The Rule of Law' as a Concept in Constitutional Discourse," *Columbia Law Review* 97, no.1 (1997): 2, https://doi.org/10.2307/1123446.

3) A fair, robust, and accessible legal process in which rights and responsibilities based in law are evenly enforced.
4) Diverse, competent, and independent lawyers and judges.[99]

Almost all of these principles were violated throughout the seven years of trials the Scottsboro Boys faced.

From the very first trial, the Rule of Law appeared to be optional for the Alabama justice system. The appointment of Milo Moody and Stephen Roddy was the first of many failures, this one violating the fourth principle listed by the ABA. While they might have been competent lawyers at the height of their careers, that was no longer the case in 1931. Although it was not their fault that they were denied access to their clients until minutes before the trial, Moody and Roddy still neglected to carry out their defense in a professional manner. A competent lawyer would have conducted a more in-depth cross-examination of key witnesses like Dr. Bridges or even the contradictory accuser, Ruby Bates. Instead, just as Recy Taylor's grand jury served as a shadow of judicial procedure, the assignment of unqualified lawyers was the Alabama system's way of making the case easier to prosecute.

The state of Alabama appointed these men to appease the Sixth Amendment guarantee that "[i]n all criminal prosecutions, the accused shall enjoy the right… to have the Assistanse [sic] of Counsel for his [defense]."[100] So, while the Sixth Amendment was upheld under a technicality, the Rule of Law was still being violated. The inadequacy of the representation made it easier to convict the innocent boys. The Supreme Court recognized the bending of the Rule of Law and ordered a new trial for the boys, this time demanding they receive competent counsel.

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[99] "What is the Rule of Law," American Bar Association, n.d., https://www.americanbar.org/advocacy/rule_of_law/what-is-the-rule-of-law/.
[100] U.S. Const. amend. VI.

During the succeeding trials, counsel was no longer an issue, but several new inadequacies arose. The grand jury that indicted the boys as well as the juries that repeatedly convicted them were, by-design, all-male and all-white. In addition to requiring adequate counsel in court proceedings, the Sixth Amendment also promises that "the accused shall enjoy the right to a speedy and public trial, by an impartial jury."[101] Without an impartial jury, the boys received neither a fair nor accessible legal process – the third principle of the Rule of Law.

The jury's bias became clear through the ways in which they weighed witness testimonies. During the second, third, and fourth trials, when Dr. Bridges was cross-examined to discuss the importance of non-motile sperm, the jury was presented with glaringly conflicting testimonies. One, from a physician who had graduated from Vanderbilt University School of Medicine and had been practicing medicine for seventeen years. The other, from a prostitute whose co-victim took the stand next to recant her prior statements. With so many trials and retrials, at least one hundred individuals served as jurors in the trials of the Scottsboro Boys. Each juror chose to believe the testimony of Victoria Price over those given by Dr. Bridges, Ruby Bates, and all of the Scottsboro Boys.

The third principle of the Rule of Law was broken further during the third and fourth trials, over which Judge Callahan presided. In addition to making objections of his own during Leibowitz's cross-examination of Price in the third trial, he unfairly ruled on the prosecution's and defense's objections. The second part of this principle requires that responsibilities (sustaining or overturning objections) be evenly enforced. However, during Knight's direct and re-direct examination of Victoria Price in Clarence Norris's trial, Leibowitz made twelve objections, eleven of which were overruled, and only one was sustained. On the other hand,

[101] Ibid.

while Leibowitz cross-examined Price, Knight made sixteen objections and they were all sustained.[102] With such uneven rulings made by Judge Callahan, this trial was neither fair nor equally enforced. Leibowitz was unable to make any leeway in his defense for the Scottsboro Boys because any pertinent questions he asked were objected to and overruled.

Even Judge Horton, who tried to be fair when adjudicating Haywood Patterson's trial, still disregarded the Rule of Law in some instances. The second ABA principle of the Rule of Law requires a trial "based on fair, publicized, broadly understood and stable laws."[103] Before going to trial, both prosecuting and defense attorneys partake in discovery: a period of time in which they collect facts, study evidence and prepare for the trial. All materials gathered by prosecutors during discovery must be shared with defense attorneys.[104] During the second trial, Knight presented Price's torn undergarments as evidence of brutality. Leibowitz understood that the publicized rule of discovery had been violated, and immediately objected because he had never been presented the evidence.[105] Horton accepted it anyways.

Ultimately, Horton recognized the inconsistencies in Victoria Price's uncorroborated testimony, and he decided to overturn the jury's guilty verdict. His decision to order a new trial for Haywood Patterson showed how the Rule of Law should function. After hearing all arguments made by the prosecution and the defense, and testimonies from witnesses on both sides, Horton acted as a competent and independent judge when he overturned the jury's decision. In a seventeen-page document, Judge Horton described all the reasons why a new trial

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[102] *"Norris v. Alabama*. October Term, 1934, no. 534. Transcript of Record, v, 707 p.," 1934, 513-538, Courtesy of Cornell University Law Library, Scottsboro Trials Collection, https://digital.library.cornell.edu/catalog/scott5028**.**
[103] ""What is the Rule of Law," American Bar Association, n.d., https://www.americanbar.org/advocacy/rule_of_law/what-is-the-rule-of-law/.
[104] "Discovery," U.S. Department of Justice, November 7, 2014, https://www.justice.gov/usao/justice-101/discovery#:~:text=Prosecutors%20must%20also%20provide%20the,to%20the%20time%20of%20trial.
[105] Carter, *Scottsboro,* 204.

was necessary, and in doing so, he brought upon himself an untimely end to his career as a judge. First, Thomas Knight convinced Chief Justice Anderson to have Horton step down from the case.[106] Then the following year, Judge Horton lost reelection for Judge of the Eighth Circuit Court of Alabama. When interviewed later in life, Horton expressed no remorse for his decision because "if [he] had not ruled as [he] did, [he] wouldn't be living today… [he] couldn't have faced [his] conscience even if it did make [him] a little unpopular at the time."[107] Despite Horton's best efforts, the Rule of Law was no match for the political power held by Thomas Knight and the racism built into the Alabama justice system.

The Rule of Law was also overlooked in the case of the rape of Recy Taylor. Sheriff Gamble's refusal to arrest the man Taylor identified as one of her rapists showed his lack of interest in equal accountability under the law. Furthermore, the legal process that Taylor experienced was neither fair nor accessible. Gamble never organized a police lineup for Taylor to identify her other assaulters, so during the grand jury hearing that none of Taylor's assailants were present at, she was unable to point to her attackers.[108] When Governor Sparks ordered a second grand jury, the Committee for Equal Justice for Recy Taylor had more hope. In addition to Hugo Wilson's initial confession, another one of the men, Willie Joe Culpepper corroborated Taylor's testimony and there was the new evidence that the Sheriff had tried to cover up the entire assault.[109] Taylor's supporters hoped there would be enough evidence to indict the white men this time. Unfortunately, the glaringly uniform grand jury of exclusively white men once again failed to return an indictment.

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[106] Ibid., 272.
[107] Chris Eckl, "The Scottsboro Case of 1931: A Calm Judge Recalls Hate," 1964.
[108] McGuire, *At the Dark End of the Street,* 40.
[109] Ibid., 79.

The repeated disregard for the Rule of Law pushed the Scottsboro Boys through four trials and landed five of them in prison for years. On the other hand, despite two confessions from Recy Taylor's rapists, the men were never indicted and thus never faced trial for their crime. Without proper judicial practices, the young Scottsboro Boys never stood a chance in proving their innocence, and even once they were released from the custody of the Alabama justice system, they never escaped the rhetoric established during the seven years of trials.

Chapter 2:

The Central Park Five

On January 26, 1989, Clarence Norris, the last surviving Scottsboro Boy, died at seventy-six years old. In the more than fifty years since he and eight other boys were falsely accused of raping two white women in Alabama, the Civil Rights Movement had come and passed, but racism and discrimination were still parasitic entities in American society. At Norris' funeral, the Reverend Calvin Butts of Abyssinian Baptist Church in Harlem reminded mourners that the same injustice "is still a part of the fabric of our nation. Now in the North today, we find injustice that would make the Scottsboro case seem insignificant."[110] Less than three months after the funeral, a rape case reminiscent of the Scottsboro Boys case gripped New York City and the nation.

On April 19, 1989, twenty-five Black and Latino boys entered Central Park in New York City; five of them did not return home for years. The boys were not taking a leisurely stroll through the park, but they also did not commit the rape of which they were accused. Conjuring the imagery of animals, which studies have shown are attached to African Americans, their behavior that night was described as "wilding" by the media.[111] The *Daily News* headline on April 22, 1989, read: "Park marauders call it 'WILDING'... and it's street slang for going berserk."[112]

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[110] William K. Rashbaum, "Funeral Held for Last 'Scottsboro Boy,'" 1989, Louise Thompson Patterson papers, Stuart A. Rose Manuscript, Archives, and Rare Book Library, Emory University.
[111] Phillip Atiba Goff et al., "Not Yet Human: Implicit Knowledge, Historical Dehumanization, and Contemporary Consequences," *Journal of Personality and Social Philosophy,* 94, no. 2 (2008), https://web.stanford.edu/~eberhard/downloads/2008-NotYetHuman.pdf.
[112] Maddie Burakoff, "How Central Park's Complex History Played into the Case Against the 'Central Park Five,'" *Smithsonian Magazine,* May 31, 2019, https://www.smithsonianmag.com/history/how-central-parks-complex-history-played-crime-century-180972324/.

The group's first assault occurred around 9:05 pm, when they came across Antonio Diaz, a homeless man, whom they robbed and beat up.[113] Shortly after, at 9:12 pm, the group encountered Gerry Malone and Patricia Dean, a couple on a tandem bicycle. The boys lined up across the road and stretched their arms out in an effort to block the couple's path. At the very last minute the boys jumped out of the bikers' ways, and Malone and Dean escaped unharmed.[114] At 9:25 pm, Antonio Diaz approached a police officer who was driving through the park and reported the attack; other officers in the park received a radio correspondence which described the group of young boys. Now officers all around Central Park were looking for them.[115] At the same time, a jogger named David Lewis asked one of the boys if he wanted to race, without knowing that more of the group were waiting for him up ahead, with plans to attack him. Lewis was able to outrun his would-be assailants and ran directly to the Central Park Precinct to report what happened.[116] At 9:30 pm, the group encountered the final two runners. First was Robert Garner, who the boys confronted looking for money, but Garner explained he had no cash on him, so they let him leave. As Garner ran off, John Loughlin jogged towards the group. Loughlin was thrown to the ground and severely beaten. The police officer who brought him to the hospital remarked that Loughlin looked as though he had been "dunked in a bucket of blood."[117] After this final assault, the large group of boys dispersed, and left Central Park in small groups. Around 10 pm, a pair of police officers arrested five boys as they were crossing the street to leave the park and return home. Among the first arrests were fourteen-year-old Raymond Santana, Jr., and Kevin Richardson.[118]

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[113] Burns, *The Central Park Five*, 22.
[114] Ibid.
[115] Ibid., 23.
[116] Ibid., 24.
[117] Ibid., 25.
[118] Ibid. 28.

On the same night, Trisha Meili went on her regular nightly run through Central Park; she too, did not return home for months. Despite the fears expressed by her friends and family, Meili enjoyed running at night, but compromised by running the more dangerous part of the park first. Around 9:15 pm, Meili was about halfway between the East and West Drives when she was hit on the back of her head with a large tree branch. She was dragged off the main road, raped and beaten across her face with a rock. The head injury she sustained meant Meili lost all memory of her attack, and thus was unable to identify her attacker. She was tied up with her white long sleeve running shirt – by now completely stained red by her blood – and left to die.[119]

Hours later, past midnight, Vinicio Moore and Carlos Colon walked home through Central Park after having a few drinks. They heard a muffled moaning and saw Meili's "blood-drenched body jerking and twitching."[120] The men ran to find a pair of police officers who quickly got Meili to Metropolitan Hospital. Interestingly, the first five boys were arrested and brought to the Central Park Precinct before Meili's body was discovered. Initially brought in for questioning about the assaults on Diaz, Lewis, Garner, Loughlin, Malone and Dean, the boys quickly became rape suspects.

The morning of April 20, 1989, detectives were dispatched to pick up more of the boys who had been "wilding" in Central Park the evening before. From the questioning the night prior, detectives compiled a list of other boys who were in the park that they wanted to bring in for questioning. Antron McCray, a fifteen-year-old from Harlem was asked to come in with his parents for questioning. His parents' presence was required because he was a minor. In New York, upon the arrest of a child under sixteen years of age, police officers are required to "make responsible efforts to notify a parent or other person legally responsible for the child's care and

[119] Ibid., 26.
[120] Ibid. 29.

give them an opportunity to be present."[121] If there is no reasonable effort, the child's statement is void; however, if an effort is made but parents are absent, the statements are not automatically barred.

That evening, detectives continued their search for young boys who they knew had been in the park the night prior. Fifteen-year-old Yusef Salaam was just returning home from school when four detectives arrived at his apartment, asking for his name and age. Salaam provided his student transit card to show his age. His birthdate was handwritten on the card, reading 2/27/73, which would make him sixteen-years-old, not fifteen, as he actually was. Yusef made himself a year older "to impress girls," but the detectives now believed that he did not require parental presence for questioning.[122]

Yusef was with his friend Korey Wise when they ran into the detectives. Despite being in the park the night before, Korey was not on the list of boys who were wanted for questioning. The detectives suggested to Korey that he could go "downtown with [his] buddy, you'll be right back."[123] Now in the custody of the NYPD were the five boys who would become known to the world as the Central Park Five.

* * *

The Central Park Jogger Rape Case enthralled the nation. New York City in the 1980s was filled with crime – muggings were the norm and crack entered the scene in 1984. There were over 25,000 homeless individuals in the city and in 1989 an average of thirty-six people were murdered weekly.[124] The week of April 19, 1989, there were twenty-eight additional rapes or

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[121] George Coppolo, "Interrogation of Minors - Presence of Parents or Guardians," Connecticut General Assembly, March 1, 2000, https://www.cga.ct.gov/2000/rpt/2000-R-0282.htm#:~:text=The%20child%20may%20not%20be,request%20to%20have%20an%20attorney.
[122] Burns, *The Central Park Five,* 46.
[123] *The Central Park Five,* directed by Ken Burns (2012; PBS), 0:37:49.
[124] Burns, *The Central Park Five,* 10-12.

attempted rapes reported (twenty-five of which were committed against women of color), so why did this specific case skyrocket to infamy?[125] The Central Park Jogger Rape Case was perfect for the media to exploit; Trisha Meili was white, she grew up in an affluent suburb of Manhattan, and she was a well-educated investment banker, while her alleged attackers were young Black and Latino boys.

Ida B. Wells was a famous anti-lynching activist who endeavored to spread the truth regarding the horrific acts. Wells researched reasons and methods of lynchings; she found that there were three main excuses used by lynch mobs to carry out their extralegal attacks. First was the necessity to repress alleged race riots. No insurrection ever materialized, so the next excuse created was to stop "Negro domination,": lynching became a strategy of achieving disenfranchisement.[126] When Black men were scared into submission and no longer attempting to vote, lynchers moved onto their third and most valuable excuse of Black men raping white women. Suddenly, Black men were brutes who could not be trusted around white women. Although lynching decreased in the 1930s – it was even a shock to some that the Scottsboro Boys were not lynched – the fear of savage Black brutes remained.

In the 1980s, there was still great fear surrounding Black criminality. In fact, in September 1988, presidential candidate George H. W. Bush capitalized on this fear and painted his opponent, Michael Dukakis as soft on crime. While Dukakis was the governor of Massachusetts, Willie Horton was granted a weekend furlough – a weekend pass to leave prison. Horton was a Black man who had been convicted of murder and sentenced to life in prison. During his weekend out of prison, he raped a white woman and stabbed her fiancé.[127] The Bush

[125] Ibid., 67.
[126] Wells, "The Red Record," *Southern Horrors and Other Writings*, 73.
[127] Burns, *The Central Park Five,* 14.

campaign released an attack ad with photos of Willie Horton, describing his gruesome crime. The ad narrator stated that "Dukakis not only opposes the death penalty, he allowed first-degree murderers to have weekend passes from prison."[128] Putting out one of the most racially divisive political ads in our nation's history, Bush contributed to the belief that Black men were savages and brutes who were meant to be feared. Two months after the release of the ad, George H. W. Bush was elected the 41st President of the United States. Six months after the release of the ad, Trisha Meili was raped in Central Park.

The media continued President Bush's messaging; in addition to the new popular verb "wilding" used to describe the evening of April 19, 1989, the twenty-five boys in Central Park were repeatedly referred to as a "wolfpack." Comparing the boys to wild animals served to increase fear but it was not a new tactic. Since enslavement, white Americans used the rhetoric that Africans required Christianity in order to become civilized, and the best way to do so was through enslavement. In his famous poem, "The White Man's Burden," Rudyard Kipling writes to white men of their duty:

> "Your new-caught, sullen peoples,
> Half devil and half child
> Take up the White Man's burden
> In patience to abide"[129]

In this poem, it is the duty of white people to hold patience while civilizing enslaved people, who Kipling does not even consider people: they were merely half devil and half children. They were

[128] Doug Criss, "This is the 30-year-old Willie Horton Ad Everybody is Talking About Today," *CNN,* November 1, 2018, https://www.cnn.com/2018/11/01/politics/willie-horton-ad-1988-explainer-trnd/index.html.
[129] Rudyard Kipling, "The White Man's Burden," *History Matters,* February 1899, https://historymatters.gmu.edu/d/5478/.

beasts that needed civilization. The myth of the inhumanity of Black people in America remained, even in 1989.

One prominent New Yorker used his extreme wealth to run a full-page advertisement in all four of the New York City Daily Papers on May 1st. The headline read: BRING BACK THE DEATH PENALTY. BRING BACK OUR POLICE![130] The ad called for New York to reinstate the death penalty, which had been effectively abolished in 1984.[131] What this man failed to realize was that even if the state were to reinstate capital punishment, the 1977 Supreme Court decision in *Coker v. Georgia* ruled that the death penalty was a "grossly disproportionate" punishment for convicted rapists.[132] This man was Donald Trump, who would go on to be the 45th President of the United States.

The political state of New York City, whilst paired with the general fear surrounding Black men across the nation, created a police department desperate for a win in the realm of law and order. The Central Park Jogger Rape Case was a massive failure on the part of the New York Police Department. It was not surprising that the group of boys were arrested that night as they had committed several crimes. It also was unsurprising that they would be initial suspects in Meili's case; but it should have quickly become abundantly clear to the officials on the case that these boys were innocent of rape. Almost every aspect of this case was poorly investigated: detectives failed to connect Meili's rape with the string of other assaults that occurred in the weeks leading up to and following April 19th, inaccurate timeline confessions from the suspects were ignored and DNA tests that failed to return a match were overlooked. Even basic facts

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[130] Donald Trump, "Bring Back the Death Penalty," *The New York Times,* May 1, 1989, 13, https://timesmachine.nytimes.com/timesmachine/1989/05/01/issue.html.
[131] "New York," *Death Penalty Information Center,* n.d., https://deathpenaltyinfo.org/state-and-federal-info/state-by-state/new-york.
[132] *Coker v. Georgia* 433 U.S. 583 (1977).

regarding the scene of the crime were disregarded. But the corruption of the case began when Korey Wise, Yusef Salaam, Antron McCray, Kevin Richardson, and Raymond Santana, Jr. were brought into police custody and coerced to give false confessions.

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When Kevin Richardson and Raymond Santana, Jr. were first arrested, it was for the various assaults (physical, not sexual) committed against joggers and bikers in the park. Being only fourteen years old, both of their families were brought down to the Central Park Precinct to be present for questioning. After eleven hours of sitting in the precinct, Kevin was finally brought back to be questioned. Present in the small room were Kevin and his mother, Grace Cuffee, who had recently survived a stroke. They were joined by two detectives from the Central Park squad and two detectives from the North Manhattan Homicide Squad.[133] Ms. Cuffee was brought out of the interrogation room, but she immediately asked to return, stating that she had to see her son. Kevin recalls his mother being taken by the shoulder and led outside. While some detectives were outside with Ms. Cuffee, others were inside questioning Kevin. He explained that the officers knew his mother "was a weak person, was disabled. And they, they used that."[134] Grace Cuffee went home because she was unwell, and Kevin's older sister Angela took her place as his guardian.

When Angela Black arrived at the Central Park Precinct, detectives explained they would get her mother home safely and asked for her cooperation in the investigation, "so that [her] brother can go home."[135] Black describes seeing her brother so terrified that he was shaking. Kevin and Angela sat through hours of intense interrogation before Kevin admitted to taking part

[133] Burns, *The Central Park Five,* 38.
[134] *The Central Park Five,* directed by Ken Burns (2012; PBS), 0:26:56.
[135] Ibid., 0:27:27.

in the assault which he knew nothing about. He described the group coming across a "lady jogger" wearing "gray shorts with black biking pants and a white tank-top."[136] Although he placed himself at the scene of the crime, Kevin remained adamant that he did not actively participate in the rape. He also implicated Antron McCray, Raymond Santana and Steve Lopez in the assault. When the siblings had a moment alone, Angela said to her younger brother, "Kevin, I can't believe you saw this woman get raped." Kevin replied by confessing, "Angie, I didn't see a rape… they told me to say it so I could go home."[137]

There are some interesting aspects of Kevin's written statement, several of which should have set off alarms of concern for the detectives present. The most glaring inaccuracy of the statement was Kevin's description of the "lady jogger." He described her as wearing gray shorts over a pair of black pants, and a white tank top. In reality, Meili was wearing a white long sleeve tee shirt and black leggings, with no shorts on top.[138] Kevin's young age is clear in the written statement, which contained a multitude of grammatical and spelling errors. Just a boy, Kevin appears to not have had a grasp on the homophones of there/they're/their. At the end of his statement, Kevin describes everyone leaving the scene of the crime, leaving the woman "still their."[139]

Raymond Santana, Jr.'s father, Raymond Santana, Sr., arrived at the precinct with his mother. Santana, Sr. had to go to work, so he left his Spanish speaking mother, Natividad Colon to stand in as her grandson's guardian. The detectives began in an accommodating manner,

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[136] "Written Statement of Kevin Richardson," *New York City Law Department*, April 20, 1989, 2, http://www.nyc-cpj.org/Home/folder?container=original-investigation-and-prosecution&name=https://nyccpjstorage.blob.core.windows.net/original-investigation-and-prosecution/Statements/.
[137] *The Central Park Five,* directed by Ken Burns (PBS, 2012), 0:34:38.
[138] Burns, *The Central Park Five,* 7.
[139] "Written Statement of Kevin Richardson," *New York City Law Department*, April 20, 1989, 2, http://www.nyc-cpj.org/Home/folder?container=original-investigation-and-prosecution&name=https://nyccpjstorage.blob.core.windows.net/original-investigation-and-prosecution/Statements/.

translating the Miranda Rights into Spanish so Mrs. Colon could understand; however, they conducted the interview almost exclusively in English.[140] Raymond was forced to sit in the Central Park Precinct for fifteen hours before he was brought in for an interview. When he finally was interviewed, he was presented with hostile detectives who repeatedly asked him the same question. Mrs. Colon had no understanding of the interrogation occurring in front of her, and she was often taken from the room so that the questioning could be more vigorous. Raymond's first written statement made no reference to the rape.[141]

After this initial statement, detectives continued to talk with Raymond, but this time he had no guardian present. He was convinced to make an amendment to his previous statement. Similar to Kevin's statement, Raymond placed himself at the scene of the crime, but maintained that he did not rape Meili. His second written statement described Kevin raping Meili, and Raymond crawling "next to her and" feeling "her tits."[142] Also akin to Kevin's confession, Raymond got several details of the assault wrong; he told the detectives that Meili was raped at the reservoir in the park, when she was actually found approximately nine blocks north of the reservoir. Although the detective was confused by this misinformation, it was still put in his written statement.

Looking back on the night of his questioning, Raymond recalls being under the impression that he would be a witness for the case because he had not participated in raping Meili. Raymond explains why he falsely confessed:

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[140] Burns, *The Central Park Five,* 41.
[141] Ibid., 42.
[142] "Second Handwritten Statement of Raymond Santana, Jr.," *New York City Law Department*, April 20, 1989, 4, http://www.nyc-cpj.org/Home/folder?container=original-investigation-and-prosecution&name=https://nyccpjstorage.blob.core.windows.net/original-investigation-and-prosecution/Statements/.

> "I didn't think about consequences. I didn't think about anything. The only thing that I thought about was he (the detective) was gonna make sure I go home."[143]

Fifteen-year-old Antron McCray and his parents were brought to the 20th Precinct and began his interview. His interview was full of hysterics, which were sure to put a young boy on edge: detectives were shouting, and his mother was crying. The detectives asked Antron about the female jogger, but he told them truthfully that he had only seen one woman the night before, "and she was with a man on a bike," referencing Patricia Dean, who had been riding a tandem bike with Gerry Malone.[144] Linda McCray was asked to leave the room and Bobby McCray, Antron's stepfather was asked to encourage Antron's cooperation. Antron tells of the night:

> "They asked me to tell my story again. This time, yelling at me. All up in my face, pointing at me, poking me in my chest. It just kept going on and on and on. We stopped a few times because I was crying. And I had no protection. My father didn't do anything. I was scared."[145]

Antron said his father did not protect him because of the advice Bobby McCray had offered. Just like Angela Black, Bobby believed that if his son told the detectives what they wanted to hear, they would let him go home. In a moment alone together, Bobby told Antron that he believed that he had not seen a rape take place, "but he had to tell the police what they wanted to hear, or else they were going to put him in jail."[146] This damning piece of advice ultimately destroyed the father-son relationship between Bobby and Antron. Antron listened to his stepfather and signed a statement saying he was present for the rape of Trisha Meili. Like all the other boys, Antron denied raping her. He said that the attack on Meili happened before the attack

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[143] *The Central Park Five,* directed by Ken Burns (PBS, 2012), 0:43:58.
[144] Ibid., 0:28:22.
[145] Ibid., 0:28:56.
[146] Burns, *The Central Park Five,* 42.

on Loughlin by the reservoir, which contradicted Kevin's prior statement that the rape was the final assault of the night.[147]

Yusef Salaam was placed in a room for an interview without a guardian present because the officers who brought him to the 20th Precinct thought he was sixteen years old. Now that the detectives believed the boys in custody were the rapists they were looking for, the minor was subject to a harsh interrogation. Yusef recalls the fear he felt that night, alone in an interrogation room. Detectives interrupted his storytelling, repeatedly asking if that was when he "got the woman."[148] Throughout the interview, Yusef recognized how angry the detectives were. He remembers thinking to himself, "they might take us to the back of the precinct and kill us."[149] Forty-five minutes after Yusef's questioning began, his mother arrived at the precinct. Sharonne Salaam immediately demanded that the questioning stop, emphasizing to the Head of Sex Crimes, Linda Fairstein, that her son was a minor. It was not until Mrs. Salaam explicitly stated that Yusef was fifteen years old that questioning was stopped. The interruption of the illegal questioning meant that Yusef never signed his written statement.[150]

Despite being unsigned, the statement was still damning for both Yusef and for the other boys. Yusef implicated himself, Kevin and Korey Wise in the rape, but he denied raping Meili himself. Yet again, his statement had several inconsistencies. Like Raymond, Yusef also placed the rape near the reservoir, where the male joggers had been attacked. Yusef made a similar false statement to Antron, explaining the rape was not the final assault of the night and that Loughlin was attacked after the fact.[151]

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[147] Ibid., 43.
[148] *The Central Park Five,* directed by Ken Burns (PBS, 2012), 0:38:24.
[149] Ibid., 0:38:38.
[150] Burns, *The Central Park Five,* 47.
[151] Ibid.

Last to be interrogated was Korey Wise, the only sixteen-year-old of the group. Throughout the entire endeavor of being questioned, charged, and convicted, his name was repeatedly misspelled as "Kharey." This was just another level of dehumanization that the boys were subject to – no one ever bothered to learn Korey's given name. While he was the oldest of the five boys, Korey had an I.Q. of seventy-three and a learning disability that placed him at about a second grade reading level.[152] Korey likely did not understand the gravity of the situation and thus, did not ask for a lawyer or guardian to be present. In total, Korey gave four separate statements; it is believed that he kept changing his story to appease the detectives.

In his first statement, Korey said nothing of the rape, but after that statement was completed and signed, he told a detective he had seen the rape from behind a tree. His second statement had all the same information about the other assaults as the first statement, but also placed Korey as a witness for the final assault. He implicated Kevin, Raymond, Antron, and a fourth boy. Korey described the woman's legs being slashed with a knife and getting "jerked off on," but she had no cuts on her legs and no semen was found on her body.[153] In his third statement, his first videotaped statement, he said the jogger had been left with her arms spread to the side, but in reality, she was found with her hands tied in front of her face.[154] Before entering the room for the recorded statement, a detective said to Korey:

> "Go in here. You're gonna give this story, which you, which you has [sic], which you have said to me and the rest of my coworkers. You will go in here and give the story. I'm gonna be in the room. And I'm gonna make sure, make sure you do it."[155]

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[152] Michael Wilson, "A Crime Revisited: The Exonerated; None of the Former Defendants were able to Hear the News Firsthand," *The New York Times,* December 6, 2002, 40, https://timesmachine.nytimes.com/timesmachine/2002/12/06/255491.html?pageNumber=40.
[153] Burns, *The Central Park Five,* 52-53.
[154] Ibid., 54.
[155] *The Central Park Five,* directed by Ken Burns (PBS, 2012), 0:42:10.

Korey did as he was told.

There were at least twenty other boys in Central Park that night and at least seven of them were also brought in for questioning regarding the assaults that took place on April 19, 1989. So, why were only five charged with this heinous crime? What went wrong in those five interrogations that Kevin, Raymond, Antron, Yusef, and Korey would confess to a crime which they had not committed? Steve Lopez was one of the first boys to be arrested; he was brought to the Central Park Precinct along with Kevin and Raymond and he had been named by some of the other suspects as being present at the scene of the rape. Lopez differed from them though, because despite pressure from detectives, he "would not admit anything related to the female jogger, even as a witness."[156] Perhaps more important than his refusal to make a false confession was the protection and support his father provided. After repeated questioning, Eldomiro Lopez intervened, telling the detectives it was time to end the interrogation.[157]

While Eldomiro Lopez was able to end the questioning when he saw best for his son, some of the guardians of the Central Park Five did not have such an opportunity. For the entirety of his initial statement, Raymond did not have an English-speaking guardian present. He did not have an advocate to step in while he was time and again asked the same questions and yelled at by grown men. Kevin's ill mother was removed from the interrogation room while questioning was still happening. Her twenty-four-year-old daughter, Kevin's older sister, replaced her as his guardian. Detectives removed Antron's mother from the interrogation room because she was crying and yelling, but his father did nothing to protect him either. In fact, Bobby McCray instructed his stepson to tell the detectives what they wanted to hear. Yusef was unconstitutionally questioned without an adult present and questioning did not immediately stop

[156] Burns, *The Central Park Five,* 44.
[157] Ibid., 63.

when Sharonne Salaam arrived at the station. Korey Wise had no parent present for his interrogation.

Throughout the interrogations, detectives worked to craft the boys' statements to match the facts of the case. This was accomplished through asking leading questions, such as each boy being asked "is that when you saw the lady?" If they had been granted the opportunity to give their open, honest narrative, then no one would have mentioned Meili, because none of them had raped her. Similarly, during Korey's first video statement, Assistant District Attorney Elizabeth Lederer responded to Korey's statement about Meili being punched in the face in a suggestive nature:

"You get a punch, you get a bruise… you don't get bleeding… did you see anybody hit her with, with anything but their hands?"[158]

Korey stuttered a reply, "the more it look, the more it look, like it's, it's for, like a rock, rock wound… I did see Kevin pick up a, a hand rock, a small hand rock, hit her across the face with it."[159]

The five boys were kept in custody for between fourteen and thirty hours, and all they wanted was to go home. The pressure they faced from the adults questioning them, paired with their exhaustion, hunger and fear resulted in false confessions that would be used against them in trial. Regardless of how untruthful, a confession is likely to lead to a conviction. Juries cannot fathom why an innocent person would confess to something they did not do. Research completed almost three decades after the Central Park Five gave coerced confessions found that teenagers are especially vulnerable to psychological pressure placed on them during interrogations and

[158] Ibid., 54.
[159] Ibid.

thus, are more likely to make false confessions.[160] In the United States, police are allowed to lie to suspects about the evidence they have, which leads to many innocent people giving false confessions because they expect the alleged evidence to later exonerate them. Such a tactic was successful on Yusef Salaam, who was told by detectives that his fingerprints were pulled from the victim's jogging pants. Alone in an interrogation room at only fifteen years old, Yusef was tricked by the detective's approach.[161]

During the trials, the boys' lawyers tried to prove that the promises of going home after they gave a statement coerced the young boys into making false confessions to speed up the process. This tactic was futile without transcripts or videos of the interrogations because there was no way for the jury to know if coercion had taken place. In 2020, a new "Central Park Five" law was passed in New York, which "requires police to videotape all interrogations of minors to prevent cops from extracting false confessions."[162] But in 1989, it was ultimately a matter of reliability of the witnesses; the jury had to decide if they believed accused teenage rapists, or highly regarded adult detectives.

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After the confessions, the NYPD continued their investigation to build a case against the young boys. From the first day of investigating, the detectives worked in a backwards manner: rather than use evidence to find a suspect, they tried to interpret the evidence to prove the guilt of the suspects they already had.

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[160] James MacDonald, "The Psychology Behind False Confessions," *JSTOR Daily,* April 6, 2018, https://daily.jstor.org/the-psychology-behind-false-confessions/.
[161] Burns, *The Central Park Five,* 46-47.
[162] Rose Adams, "New 'Central Park Five' Law Requires Cops to Videotape Juvenile Interrogations," *Brooklyn Paper,* December 14, 2020, https://www.brooklynpaper.com/central-park-five-juvenile-interrogations/.

The crime scene indicated that the rape of Trisha Meili was carried out by one person, but that did not fit the narrative crafted in the Central Park Precinct that a group of wilding boys committed the gruesome crime. When detectives arrived at the scene of the crime, they found drag marks in the grass where Meili was brought from the road into the clearing where she was raped. The marks were only eighteen inches wide – about the size of a torso.[163] Out of the ordinary, though, was the lack of any surrounding footsteps that should have been present if at least five attackers were present.[164] For no footprints to be found, the boys would have had to walk in a single file line whilst dragging Meili off the road. That is an unrealistic assumption to be made, considering the boys were "wilding" all night – why would they suddenly enter a uniform formation?

The rape of Trisha Meili was not the only rape that took place in Central Park that week. On April 17, 1989, a twenty-six-year-old woman was raped at the northern end of the park. She informed detectives that her rapist was a Hispanic man with fresh stitches on his chin.[165] After working with local hospitals, detectives had a name: Matias Reyes. Two days later, on April 19, 1989, Reyes was spotted leaving Central Park. Detectives stopped the eighteen-year-old as he left the park, asking if he had seen a group of boys a few years younger than himself. Reyes said no, and continued walking.[166] He was wearing Meili's headphones which he had just stolen from her, but he was never a suspect in the case – detectives continued to look at Kevin, Raymond, Antron, Yusef, and Korey.

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[163] "Photograph of Crime Scene, By NYPD Crime Scene Unit (Undated)," *New York City Law Department,* 37. http://www.nyc-cpj.org/Home/folder?container=original-investigation-and-prosecution&name=https://nyccpjstorage.blob.core.windows.net/original-investigation-and-prosecution/Photographs/.
[164] Ibid., 35.
[165] Burns, *The Central Park Five,* 115.
[166] Ibid., 27.

While Matias Reyes lived freely after April 19, 1989, he went on to rape at least four more women.[167] One of his victims was twenty-four-year-old Lourdes Gonzalez, a pregnant mother of three. After he raped her, Reyes stabbed Gonzalez to death.[168] Another victim of Reyes' was a woman named Katherine Davis; after he raped her, Reyes used electrical cords to tie her up. Two chords "were tied together so that her hands were immediately in front of her face, in the same position that Trisha Meili had been found."[169] After having committed so many brutal rapes, Reyes became known in the NYPD as the East Side Slasher, but despite similarities between Meili's rape and the other victims of the East Side Slasher, no connection was ever made, and the case against the Central Park Five in Trisha Meili's rape continued.

In 1989, physical evidence was difficult to analyze and use as a definite means of proving guilt. Detectives tried to find hairs at the crime scene which could be considered "consistent" with any of the boys, or hair on the boys that could be "consistent" with Meili. At this time, a declaration of consistency was the best that detectives could ask for because DNA testing could not be applied to hair.[170] Light-colored hairs (both pubic and head) were found on Kevin Richardson's clothes, and they were deemed consistent with Meili's hair. There were other hairs on Kevin's clothes, none of which could be matched with Meili.[171]

A serologist with the NYPD was tasked with searching for the presence of semen and blood on the clothing belonging to the five young boys and Trisha Meili. While left to die, Meili lost seventy-five percent of the blood in her body – but no blood was found on the clothes of the

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[167] "Man Says He was Central Park Rapist," *ABC News,* September 26, 2002, https://abcnews.go.com/Primetime/story?id=132076&page=1#:~:text=Reyes%20stabbed%20some%20of%20the,one%2Dthird%20years%20to%20life.
[168] Burns, *The Central Park Five,* 117.
[169] Ibid., 118.
[170] Ibid., 92.
[171] Ibid., 91.

suspects.[172] It is quite an anomaly for a victim to lose so much blood, yet get no blood on her attackers, but detectives stuck with their theory. When searching for semen on the clothes, samples were found "near the crotch of Meili's jogging tights," as well as on articles of clothing worn by Kevin and Raymond.[173] DNA testing was run on all semen samples. The semen from Meili's pants matched that of her boyfriend; she explained that "the weekend before the attack, she had had sex with [her boyfriend] before putting on those same pants and going jogging."[174] Once Meili arrived at Metropolitan Hospital, she was administered a rape kit: an exam which takes careful DNA evidence from all over a rape victim's body to help police in their investigations.[175] Nothing came from Meili's rectal swab and so little came from the cervical swab that the FBI agent performing the tests said it was not enough to be considered a DNA profile. The DNA results were filed as inconclusive.[176]

The samples from the boys' clothes matched their own DNA, but their DNA was found nowhere else at the crime scene. Where in the Scottsboro Boys case, non-motile sperm played a significant role in showing that no rape occurred, this was a different scenario. Sperm can live inside the female reproductive system for up to five days, but outside the body, sperm will begin to die in minutes.[177] Once dead, there is no test to narrow down how old semen is, so there was no way for prosecutors to prove that the semen on the boys' clothes was from the night of April 19, 1989.

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[172] Ibid., 96.
[173] Ibid.
[174] Ibid.
[175] Charlotte Alter, "Here's What Happens When You Get a Rape Kit Exam," *TIME,* July 17, 2014, https://time.com/3001467/heres-what-happens-when-you-get-a-rape-kit-exam/.
[176] Burns, *The Central Park Five*, 96-97.
[177] Joanna Pike, "How Long Does Sperm Live: Sperm Lifecycle, Life Span and More," *Clearblue,* February 18, 2021, https://www.clearblue.com/fertility/how-long-sperm-live.

The boys were to be prosecuted in two separate trials; first was Yusef, Raymond, and Antron, whose trial was set to begin on April 16, 1990. Elizabeth Lederer was an Assistant District Attorney in New York City and was the lead prosecuting attorney in this case. Her strategy for the trial was to focus on the inconclusive nature of the DNA tests. Although the results could not prove the guilt of the boys, it also could not exonerate them. With the inconclusive nature of the tests, Lederer could focus on the confessions given by the defendants and use their own words to prove their guilt.

One month before the first trial was set to begin, the serologist who had run all tests the year prior noticed a yellowing area on one of Meili's socks. She thought it could be old semen which had grown bacteria and her suspicion was correct. The DNA found on Meili's sock did not match her boyfriend's, but it also matched none of the Central Park Five.[178] It did, however, match the very vague DNA profile from the cervical swab in Meili's rape kit. This officially proved that someone else raped Trisha Meili.

Regardless of this new information, the trials went on as scheduled. The teenagers were tried as adults; the rhetoric that adult crimes deserve adult punishments echoes the adultification of the Scottsboro Boys in the 1930s. After a six-week trial, Yusef, Raymond, and Antron were convicted for the rape and beating of Trisha Meili.[179] When it came time for their sentencing, no leniency was offered. The three boys continued to deny their involvement in the rape, which the Judge, Justice Thomas B. Galligan, viewed as a show of "defiance and lack of remorse."[180] While they were tried as adults, Galligan's sentencing was limited by the boys' juvenile status,

[178] Ibid., 113.
[179] Ronald Sullivan, "3 Youths Guilty of Rape and Assault of Jogger," *The New York Times,* August 19, 1990, 1, https://timesmachine.nytimes.com/timesmachine/1990/08/19/issue.html.
[180] Ibid., 33.

but he gave them the maximum they could receive: five to ten years.[181] After three years, the boys would be transferred to adult prisons, and after five years, they could be considered for parole.

Shortly after Yusef, Raymond, and Antron were sentenced, Kevin and Korey's trial began. Over eighteen months had passed since they were first arrested, so Kevin and Korey were now sixteen and eighteen years old, respectively. Kevin was ultimately convicted on all eight counts, including attempted murder, a crime that none of the other boys had been found guilty of committing. Korey, on the other hand, was found only guilty of assault, sexual abuse, and riot; he was the only defendant out of the five to receive an acquittal of the rape charge.[182] The contradictions in Korey's four separate statements made him an unreliable witness and the jurors did not know which of his versions to believe. Despite his lesser convictions, Korey faced a much longer sentence than the other boys because he was no longer a minor. He faced up to twenty-sex years, but Justice Galligan decreased the sentencing slightly, giving Korey five to fifteen years. As he had with the other boys, Galligan sentenced Kevin to the juvenile maximum, five to ten years.[183]

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After five years in juvenile and adult prison facilities, Kevin, Raymond, Antron and Yusef were eligible for parole. All four boys' parole applications were denied because they refused to admit guilt for raping Meili, and without showing remorse, they were unlikely to ever receive early parole. Instead, they were forced to wait for conditional release. Inmates can receive time off of their sentences for good behavior, and a conditional release occurs when the

[181] Ibid.
[182] Ronald Sullivan, "2 Teen-Agers are Convicted in Park Jogger Trial," *The New York Times,* December 12, 1990, 1, https://timesmachine.nytimes.com/timesmachine/1990/12/12/issue.html.
[183] Burns, *The Central Park Five,* 176.

"good time allowance" equals the amount of time remaining on the sentence.[184] Raymond received conditional release first in December 1995, Antron followed in September 1996, Yusef was released in March 1997, and Kevin was last, in June 1997.[185] Even after their release from prison the boys were unable to put their endeavor behind themselves: they were now registered sex offenders whose case was well-known across the city.

By January 2002, Korey had been denied parole thrice. Just as the four boys before him, he had refused to confess to a crime which he had not committed. Korey would not admit guilt. His last parole hearing was at the end of 2001, and Korey refused to attend because he knew that regardless of his good behavior in prison, he would not be released unless he confessed. Shortly after his third denial, Korey ran into another prisoner who he had gotten into an altercation with on Rikers Island back in 1990. The two apologized and then spoke briefly about their lives, but the man walked away from Korey with a sense of guilt.[186]

The man was Matias Reyes, who soon confessed to a prison employee that he knew a fellow inmate was innocent of a high-profile crime, because Reyes was the guilty one.[187] With that, the thirteen-year-old case was reopened. When Reyes was interviewed about that night, he told the story with an accuracy that Kevin, Raymond, Antron, Yusef, and Korey were unable to provide. Reyes told detectives he hit Meili over the head with a tree branch before dragging her off the road and raping her; he knew that she was beaten with a rock and described stealing her Walkman and taking her keys from a pouch tied to her sneakers.[188] This was all new information for detectives – they had never been able to find the headset around the crime scene or in

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[184] B.S. Brown, "Conditional Release and Good Time," *Columbia Human Rights Law Review,* 9, no. 2 (1978): 9, https://www.ojp.gov/ncjrs/virtual-library/abstracts/conditional-release-and-good-time.
[185] Burns, *The Central Park Five,* 185.
[186] Ibid., 188.
[187] Ibid.
[188] Ibid., 191-92.

possession of any of the five boys, and they had not even known about the key pouch on her shoes.

Additionally compelling to the reinvestigation efforts were the eerie similarities between the Central Park Jogger Rape Case and the victims of the East Side Slasher. Where he beat Meili across the face with a rock, Reyes had stabbed his other victims around the eyes, but for each, he had the same goal of blinding his victims. He also tied Meili and another victim in the same manner: gagged with their hands in front of their faces.[189] With the accurate confession from Reyes, a pair of assistant district attorneys began to look at the DNA evidence again.

DNA testing had improved greatly since 1989. Back when he was first accused, the hair found on Kevin Richardson's clothes were considered consistent with Meili's hair, but the individual DNA on the strands could not be tested. In 2002, FBI specialists extracted DNA from the hairs on Kevin's clothes and confirmed that they did not match Meili's DNA.[190] There was also the semen that had been found right before the first trials had begun, which was a match to the slight DNA pattern found in Meili's rape kit. When tested, Matias Reyes' DNA was a perfect match.[191]

Nancy Ryan was the assistant district attorney leading the reinvestigation of the Central Park Jogger Rape case. The wealth of knowledge that Reyes had surrounding the details of the night of April 19, 1989, paired with the new DNA tests that could be run made Ryan realize the prior convictions of the Central Park Five should not stand. The details that boys had given to detectives during their interrogations were known to be inaccurate. Not only did the defendants

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[189] Ibid., 118.
[190] Ibid., 191.
[191] "Notes Re Autorads, Hairs (Undated)," *New York City Law Department*, http://www.nyc-cpj.org/Home/folder?container=new-york-county-district-attorney-reinvestigation&name=https://nyccpjstorage.blob.core.windows.net/new-york-county-district-attorney-reinvestigation/Lab%20Requests%20and%20Results/.

fail to agree when and where the crime actually took place, but all other specific details they gave were contradictory to one another. Everyone said someone else had beat, held down, or raped Meili, and each boy maintained that while everyone else had, he did not rape Meili. Reyes' story made much more sense.

While this reinvestigation was taking place, lawyers working for the Central Park Five began filing motions to vacate their clients' convictions. At the conclusion of her investigation, ADA Ryan filed a motion summarizing the case to Justice Charles J. Tejada of the New York Supreme Court. Ryan told Justice Tejada "the People consent to the defendant's motions to set aside the verdicts on all the charges of which they were convicted."[192] Two weeks later, on December 19, 2002, Justice Tejada gathered the lawyers and some family members of the Central Park Five to announce the motion was granted in full.[193] The Central Park Five became the Exonerated Five.

[192] Nancy Ryan, "Affirmation in Response to Motion to Vacate Judgment of Conviction," *The Washington Post,* December 5, 2002, https://games-cdn.washingtonpost.com/notes/prod/default/documents/c7ba1e71-fc62-4169-a008-bcc8938ff808/note/6e97303c-37a7-44b2-aa42-c0992729cdee.pdf.
[193] Susan Saulny, "Convictions and Charges Voided in '89 Central Park Jogger Attack," *The New York Times,* December 20, 2002, 1, https://timesmachine.nytimes.com/timesmachine/2002/12/20/481734.html?pageNumber=1.

Chapter 3:

Oklahoma City Police Officer and the Stanford Rape Case

After Barack Obama was elected to become the 44th President of the United States on November 4, 2008, many believed the nation was entering a post-racial society. As votes were counted and it became clear that the President-Elect would be historic, Rudy Giuliani, former Mayor of New York City and future attorney for President Obama's successor, spoke out. Giuliani announced that the win meant the nation had "moved beyond… the whole idea of race and racial separation and unfairness."[194] There is no denying that the election of Barack Obama was historic, but by no means did it end racism. While the overt racism of the Jim Crow Era was fading from white Americans' minds, racism adapted and remained pertinent. Tim Wise describes this "Racism 2.0" as an instance of enlightened exceptionalism where white society makes space "for individuals who strike them as different," while simultaneously looking "down upon the larger mass of black and brown America with suspicion, fear, and contempt."[195] Racism 2.0 was fluid: in one breath someone could praise the new president while still scorning the high incarceration rates in Black communities. In fact, despite only making up twelve percent of the nation's population, Black citizens made up thirty-eight percent of incarcerated individuals in the year of the historic presidential election.[196]

So, while some of white America felt their votes cleansed their blood-ridden hands of the country's racist history, mass incarceration and police brutality indicated progress was far from

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[194] Tim Wise, *Between Barack and a Hard Place: Racism and White Denial in the Age of Obama,"* (San Francisco: City Lights Books, 2009), 26.
[195] Wise, *Between Barack and a Hard Place,* 23.
[196] "Census 2000 Shows America's Diversity," United States Census Bureau, March 12, 2001, https://www.census.gov/newsroom/releases/archives/census_2000/cb01cn61.html#:~:text=White%2075.1%20percent,Asian%203.6%20percent; William J. Sabol et al., "Prisoners in 2008," Bureau of Justice Statistics, June 30, 2010, 2, https://bjs.ojp.gov/content/pub/pdf/p08.pdf.

over; there remain consistent cases in which sexual violence is used to assert white supremacy. In the previous chapters, the cases that were discussed involved white victims and their alleged Black and Latino rapists, however cases also arise like Recy Taylor's, where a woman of color is sexually assaulted by a white man and does not receive justice. The assertions of white supremacy can be seen in several different forms. The treatment of victims depending on their race is indicative of the idea that white women are more deserving of protection and justice, while women of color are at fault for the assault they endured. Additionally, the race of the accused offender further changes the narrative. When men of color are falsely accused of rape, regardless of DNA evidence, they can be vilified and framed by the so-called justice system. In "post-racial" America, these horrors continued.

* * *

Policing power in America was built on racist beginnings, which never truly faded despite emancipation, Reconstruction, the Civil Rights Movement or the nation's entrance into its so-called "post-racial society." Originally called slave patrols, the first American policing system was created to supervise enslaved people. Slave patrolling has a longer history in America than the country itself; the idea of a slave patrol came from Barbados to Southern slaveholding states in 1704.[197] Slave patrols monitored the movement of enslaved people through passes, interrogations, and on-the-spot punishments for any violations of slave laws or customs. In slaveholding states, slave patrols carried the belief that "every facet of black life was suspect, warranting aggressive intervention and criminal investigations."[198] White southerners viewed the sizable enslaved population as criminal and dangerous, so they made it the duty of white citizens

[197] Larry Spruill, "Slave Patrols, 'Packs of Negro Dogs' and Policing Black Communities," *Phylon* 53, no.1 (2016) 4 8, https://www.jstor.org/stable/phylon1960.53.1.42.
[198] Ibid., 49.

to provide protection and security to their communities, thus establishing their extrajudicial control over enslaved Black people. The policing of enslaved people demanded constant knowledge of everyone's whereabouts, and white southerners thought it was a grave cause for concern if there was an unaccounted enslaved person.[199] The same form of racialized policing can be recognized well into modern-day society, because one's "blackness' was the stigmatized identification" that marked them as "requiring relentless supervision" in order to continue to assert white supremacy.[200]

Aside from policing, another method of asserting power over enslaved bodies was to rape enslaved women. The act of rape itself is an assertion of white supremacy, which is rooted in patriarchal power.[201] The assaulter feels a sense of ownership or belonging over his victim's body; a feeling that extends from the time of enslavement and remains prevalent today. Despite the alleged progress that came from Obama's election, sexual violence against people of color was still weaponized to assert white power over minority groups.

Rape is a form of violence that destroys a person at their core while their body stays alive, and during the time of enslavement, it often resulted in a child, who would – to the benefit of its mother's rapist – become enslaved. After the emancipation of enslaved people, rape was still a weapon which white men used to humiliate Black women, and it was committed without hesitation because white men knew the Rule of Law would bend in their favor. Rape "breaks the spirit, humiliates, tames, produces a docile, deferential, obedient soul," it establishes dominance, not only over the victims, but also the victims' community.[202] Black men saw their mothers and

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[199] Ibid., 50.
[200] Ibid.; Emma Rosenau, "A Criminal Justice System that Fails to Provide Justice," 2-3.
[201] Gerald Torres and Katie Pace, "Understanding Patriarchy as an Expression of Whiteness: Insights from the Chicana Movement," *Washington University Journal of Law and Policy,* 18, no. 129 (2005), https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1258&context=law_journal_law_policy
[202] Claudia Card, "Rape as a Weapon of War," *Hypatia,* 11, no. 4 (1996): 6, https://www.jstor.org/stable/3810388.

sisters, their wives and daughters, become victims of rape, and were unable to do anything to protect them.

When combined, the racism of policing and the power a man gains from violating a woman's body creates a dangerous power structure where Black women become targets of sexual violence. In 2015, Oklahoma City police officer Daniel Holtzclaw was found guilty on eighteen counts of sexual violence against Black women, including indecent exposure, sexual battery, forcible oral sodomy, and rape. The first alleged incident of assault took place on December 20, 2013 and continued until an official complaint was filed to the Oklahoma City Police Department (OKCPD) on the day of the final alleged assault, June 18, 2014. In that six-month period, Holtzclaw was accused of committing sixteen assaults against twelve women and one seventeen-year-old girl.[203]

Daniel Holtzclaw is biracial, with a white father and a Japanese mother, and in court records his race is listed as "Asian or Pacific Islander," but he held a job whose history is rooted in white supremacy and Black oppression. He capitalized on this. His victims, all of whom were African American, came from one of Oklahoma City's poorest neighborhoods, and many of them had previous criminal records pertaining to drug use or prostitution.[204] Holtzclaw stopped many of his victims for alleged traffic violations, and if they had warrants for their arrest, he would tell them he could help. Then he would assault them. The position of policing which was initially used to stop and control enslaved people was being weaponized, now in the form of the relentless supervision Holtzclaw used to assert his power over these women. Holtzclaw's

[203] Cass Rains, "Timeline: Daniel Holtzclaw Allegations," *Enid News and Eagle,* November 18, 2014, https://www.enidnews.com/news/timeline-daniel-holtzclaw-allegations/html_5a35b2a6-6f3f-11e4-aa93-a30aec246b5d.html.
[204] Eliott C. McLaughlin et al., "Oklahoma City Cop Convicted of Rape Sentenced to 263 Years in Prison," *CNN,* January 22, 2016, https://www.cnn.com/2016/01/21/us/oklahoma-city-officer-daniel-holtzclaw-rape-sentencing/index.html.

prosecutors believed that these women were targeted because their criminal history would make them less believable when up against a man in a position of power, a man like Holtzclaw. This is the same damaging thought process of politics of respectability that allowed for the protection of Victoria Price's lies while Recy Taylor was cast aside by the Alabama justice system.

The youngest victim was seventeen years old when she was assaulted by Daniel Holtzclaw on her mother's front porch. She was walking home after dark, and Holtzclaw offered her a ride home; he got her home safely, and then raped her. Just a child, she saw no point in "telling the police. What kind of police do you call on the police?"[205] The woman who finally came forward and reported her assault (to her assaulter's coworkers), was a grandmother of twelve with no criminal record. Jannie Ligons was Holtzclaw's final victim and took a risk reporting her assault.

Jannie Ligons was pulled over on June 18, 2014, and instructed to step out of the car; Holtzclaw first told Ligons to pull down her pants and then get into his police car. Scared for her life, she followed his instructions and swore to herself that "if he didn't kill [her, she] was going to tell on him."[206] The bravery that Mrs. Ligons demonstrated then inspired other women to come forward. The detective she spoke to believed her, but would the same courtesy have been extended to Holtzclaw's other victims, the ones with a less respectable background?

For example, would twenty-four-year-old Shandegreon "Sade" Hill have been believed if she came forward first, explaining that Holtzclaw raped her while she was in a hospital bed, going through a drug detox? In her recounting of the assault, Ms. Hill remembered the lewd things said by Holtzclaw as he forced her into oral sodomy. He joked, "ha-ha, you've never

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[205] "Prosecutors Conclude Daniel Holtzclaw Case," *The Associated Press,* December 2, 2015, https://www.enidnews.com/news/prosecutors-conclude-daniel-holtzclaw-case/article_054ee39a-9944-11e5-9ea5-af6c7a9738e0.html.
[206] Ibid.

sucked a white dick before."[207] This is another reminder that despite his biracial ethnicity, Holtzclaw viewed himself as white and thus thought he would have the protections of a white police officer if ever facing repercussions. Ultimately, Holtzclaw faced charges for each assault against each individual woman and was acquitted of all charges involving five of his victims, including Ms. Hill.[208]

In court, Assistant District Attorney Lori McConnell tried to combat the myth of the perfect victim. Daniel Holtzclaw targeted women who were the antithesis of the perfect victim in an attempt to protect himself. The perfect victim of sexual assault cannot "struggle with addiction, poverty or mental illness… or have a criminal record;" each of Holtzclaw's victims experienced at least one of these hardships.[209] This myth allows for society to "question the history and decision making of any victim who does not conform" to a perfect image, "while in the same breath forgiving the heinous acts of violence of the abuser."[210] The history of a victim does not make them any less deserving of justice, despite what Holtzclaw's lawyer, Scott Adams, tried to convince the jury. Adams used the same logic that Holtzclaw had when he chose his victims, asking each about their drug use and drinking habits in an attempt to undermine their credibility. The credibility which Adams was working to destroy was the same reason why Holtzclaw's first twelve victims had not come forward earlier.

During testimonies from Holtzclaw's victims, Scott Adams tried to put the women on trial, rather than his client. His strategy was if he could prove them to be so imperfect, then

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[207] Jessica Testa, "The 13 Women Who Accused a Cop of Sexual Assault, In Their Own Words," *Buzzfeed News,* December 10, 2015, https://www.buzzfeednews.com/article/jtes/daniel-holtzclaw-women-in-their-ow.
[208] *Holtzclaw v. State,* 2019 OK CR 17.
[209] Amanda Rodriguez, "The Myth of the 'Perfect Victim' of Sexual Assault," *Baltimore Sun,* May 4, 2021, https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0505-assault-victim-myth-20210504-yflhw5jh3zffddxbuwjqm664me-story.html.
[210] Ibid.

perhaps the jury would find them "guilty of some sin great enough to negate their victimization."[211] This was the same approach taken seventy years prior in defense of Recy Taylor's rapists, while it was prevented during the trials of the Scottsboro Boys. All of Holtzclaw's victims had their past mistakes exposed to the courtroom, but Judge Callahan stopped Samuel Leibowitz from asking Victoria Price any questions about her past run-ins with the law or even prior sexual encounters that could have explained the presence of semen in her vagina. Even more, Taylor's past was fabricated to make her less deserving of justice; there was an extra level of protection awarded to a white (alleged) victim, that was kept from Black victims.

The Rule of Law was largely upheld in the prosecution of Daniel Holtzclaw, but this case showed the expendability that racists feel towards Black women. Holtzclaw targeted his victims because he believed that in his powerful position, there would be no repercussions for his actions. The rhetoric touted by Adams further exemplifies the vilification of Black women; Holtzclaw's lawyer tried to argue that his victims were undeserving of justice because they were flawed individuals. Where the Rule of Law ultimately failed was in the diversity of the jury chosen to hear the case. Every Black woman who was called for jury duty was dismissed. Three Black men were funneled into the larger pool of potential jurors, but ultimately, they were all dismissed.[212]

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[211] Syreeta McFadden, "An All-White Jury Convicted Daniel Holtzclaw of Rape. It's Almost Enough," *The Guardian,* December 11, 2015, https://www.theguardian.com/commentisfree/2015/dec/11/daniel-holtzclaw-conviction-all-white-jury-justice.

[212] Shaun King, "KING: In the Trial of White Oklahoma City Cop Daniel Holtzclaw Accused of Raping Multiple Black Women, Every Single Member of the Jury is White," *New York Daily News,* November 5, 2015, https://www.nydailynews.com/news/national/king-accused-raping-black-women-white-jury-article-1.2423160

An all-white jury convicted Daniel Holtzclaw of eighteen counts of sexual abuse committed against eight women and he was sentenced to 263 years in prison.[213] In a post-trial interview with KOCO-TV, an Oklahoma City television network, one juror explained the voting process. The twelve jurors went victim by victim, voting on each individual charge that was allegedly committed against them.[214] The anonymous juror said that eighteen verdicts of not guilty were reached when the state left the jury with too many unanswered questions. In the case of the other eighteen charges, the jurors were convinced beyond a reasonable doubt of Holtzclaw's guilt.

When filing his appeal in 2019, Daniel Holtzclaw stated that he was a "young, productive man who was dedicated to serving the people and… his life has been forever ruined."[215] He was an upstanding member of society, a former college football player, and a "good cop." He tried to spark sympathy, without realizing that his actions had not only "ruined" his life, but also the lives of his thirteen victims. The argument of a rapist being a young man with his whole life ahead of him is used to protect him, while his imperfect victims are vilified. The 2019 sentiment that he was a young, upstanding member of society is reminiscent of another infamous rape case that had been decided a few years prior.

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On a January night in 2015, two Swedish graduate students rode their bicycles past a fraternity party at Stanford University and saw someone on top of an unconscious woman behind

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[213] Eliott C. McLaughlin et al., "Oklahoma City Cop Convicted of Rape Sentenced to 263 Years in Prison," *CNN,* January 22, 2016, https://www.cnn.com/2016/01/21/us/oklahoma-city-officer-daniel-holtzclaw-rape-sentencing/index.html.
[214] "FULL INTERVIEW: Juror in Holtzclaw Sexual Assault Case Speaks about Trial," by Jessica Schambach, *KOCO 5 News,* December 18, 2015.
[215] *Holtzclaw v. State,* 2019 OK CR 17.

a dumpster; he was digitally penetrating her.[216] Chanel Miller does not remember any of this, but she remembers waking up in an Emergency Department, covered in cuts and bruises, missing her underwear, and with pine needles caught in her hair. As hours went by, Miller learned she had been assaulted by a Stanford student at a party while she was visiting her younger sister. She had little memory of the night, but she knew she had been violated.

Her assaulter was Brock Turner, a white student athlete at Stanford; Miller is Chinese American. Just as Black women are often seen as innately promiscuous through the Jezebel stereotype, Asian women in American society have also been viewed as hypersexual for centuries. Predating the Chinese Exclusion Act was the Page Act of 1875, which specifically targeted women from East Asia. Most often impacting Chinese women, the Page Act prevented women from immigrating to the United States, using morality as a pretense because Chinese women were viewed as prostitutes.[217] They are seen as submissive, while simultaneously being considered temptresses, and almost twenty three percent of Asian women will face sexual violence in their lifetime.[218]

When the first news article came out about the attack, Miller – referred to as Emily Doe by the media – finally learned the details of her assault. At the bottom of the horrific article detailing how she was found, Turner's swimming times were listed. For some reason, his athleticism became just as important as the assault he had committed. Miller gave a Victim Impact Statement before Turner's sentencing that went viral after she released it to the public. In

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[216] "'She Didn't Move at All': Swedish Duo Who Stopped Stanford Sex Assault Describe What They Saw," *CBC,* June 8, 2016, https://www.cbc.ca/news/trending/swedish-cyclists-stanford-brock-turner-sexual-assault-1.3622706.
[217] Nancy Wang Yuen, "A Sociologist's View on the Hyper-Sexualization of Asian Women in American Society," by Ailsa Chang, *NPR,* March 19, 2021, https://www.npr.org/2021/03/19/979340013/a-sociologists-view-on-the-hyper-sexualization-of-asian-women-in-american-societ.
[218] "The National Intimate Partner and Sexual Violence Study," *Centers for Disease Control and Prevention,* April 2017, 20, https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf.

the statement, Miller recalls reading that first news article. First, she learned that "she was found breathing, unresponsive with her underwear six inches away from her bare stomach curled in fetal positions," but there was a quick pivot to remind her that "by the way, he's really good at swimming."[219]

Immediately after Miller spoke about how her life was turned upside down after her assault, Turner's father had the opportunity to speak about his son's "good" character. Dan Turner reminded the courtroom that his son was a star, Division 1 athlete. Brock Turner was endearing, humble, smart and an Olympic-hopeful. He was many things, but according to his father he was not a sexual predator. The statement ended with Turner's father saying that the guilty verdicts "have broken and shattered him and [his] family in so many ways. His life will never be the one he dreamed about… that is a steep price to pay for twenty minutes of action out of his twenty-plus years of life."[220] Such a line of reasoning is the same that Daniel Holtzclaw tried to use in his appeal.

In tandem with the virality of Miller's Victim Impact Statement was the sentence handed down by Judge Aaron Persky. After being found guilty of three felony counts of sexual assault, Brock Turner was sentenced to probation and six months in county jail.[221] Judge Persky gave several explanations for his lenient sentencing, with a heavy emphasis on Turner's character witness testimonies. He told his courtroom that the effect of imprisonment "would have a severe

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[219] Chanel Miller, "Victim Impact Statement," *Know My Name,* (New York: Viking Press, 2019), 338.
[220] Victor Xu, "The Full Letter Read by Brock Turner's Father at his Sentencing Hearing," *The Stanford Daily,* June 8, 2016, https://stanforddaily.com/2016/06/08/the-full-letter-read-by-brock-turners-father-at-his-sentencing-hearing/.
[221] Sam Levin, "Stanford Sexual Assault: Read the Full Text of the Judge's Controversial Decision," *The Guardian,* June 14, 2016, https://www.theguardian.com/us-news/2016/jun/14/stanford-sexual-assault-read-sentence-judge-aaron-persky#:~:text=Stanford%20sexual%20assault%3A%20read%20the%20full%20text%20of%20the%20judge's%20controversial%20decision,-This%20article%20is&text=The%20judge%20who%20ruled%20that,justifications%20for%20his%20lenient%20sentencing.

impact on him," especially because he was a "youthful offender" who would have a hard time in state prison.[222] Judge Persky further stated that the high-profile level of this case and having to join the sex offender registration list would be enough of a punishment.

After such a light sentencing, one of the jurors of the case wrote a letter to Judge Persky to express his disappointment in the mock-punishment. The anonymous man, a new American citizen, reminded Persky the jury was "unanimous in [their] finding of the defendant's guilt and [their] verdicts were marginalized" by Persky's own opinion.[223] When compared, Judge Horton's decision to overturn the jury's conviction of Haywood Patterson in 1933 and Judge Persky's lenient sentencing of Brock Turner show how easily the Rule of Law can deteriorate. Persky accepted the jury's conviction but strayed from traditional sentencing guidelines because of his concern for the impact prison might have on Turner. Horton, on the other hand, did not accept the jury's ruling because he recognized the inconsistencies in Victoria Price's testimony and realized the prosecution failed to corroborate any of Price's statements. Understanding the third principle of the Rule of Law, Horton utilized his responsibilities based in law, and overturned the conviction and ordered a new trial for Patterson.

By allowing his own views to impact his sentencing, Persky managed to violate each of the American Bar Association's (ABA) four principles which make up the Rule of Law. The first three principles emphasize the importance of unbiased, stable accountability under the law. Sentencing for sexual assault in California varies depending on circumstances and severity, so prosecutors asked for Turner to be sentenced to six years in prison.[224] Persky's sentence was far

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[222] Ibid.
[223] Elena Kadvany, "Brock Turner Juror to Judge: 'Shame on You,'" *Palo Alto Weekly,* June 13, 2016, https://www.paloaltoonline.com/news/2016/06/13/brock-turner-juror-to-judge-shame-on-you.
[224] Ashley Fantz, "Outrage Over 6-Month Sentence for Brock Turner in Stanford Rape Case," *CNN,* June 7, 2016, https://www.cnn.com/2016/06/06/us/sexual-assault-brock-turner-stanford/index.html#:~:text=Outrage%20over%206%2Dmonth%20sentence%20for%20Brock%20Turner%20in%2

outside the standard level of punishment for three felony charges of sexual assault. In California, sentencing for one count of felony sexual battery ranges between one to four years in state prison.[225] Despite his guilt on three charges, Turner got a lesser punishment than guilt for one count typically receives. The cause for Persky's bias possibly comes as a violation for the fourth principle of the Rule of Law: diverse and competent judges.[226] The white, male judge showed leniency to the white, male defendant, just as the all-male, all-white grand jury in Recy Taylor's case chose to believe her all-male, all-white rapists.

0Stanford%20rape%20case&text=Widespread%20outrage%20has%20erupted%20over,decision%20as%20far%20too%20lenient.

[225] "Sex Crimes: Definitions and Penalties, California," *RAINN,* March 2020, 10, https://apps.rainn.org/policy/policy-crime-definitions-export.cfm?state=California&group=3.

[226] "What is the Rule of Law," American Bar Association, n.d., https://www.americanbar.org/advocacy/rule_of_law/what-is-the-rule-of-law/.

Conclusion

The applications and violations of the Rule of Law are not theoretical, rather there are real world consequences for its failure. Even after their pardons, (and for the Central Park Five – their eventual exonerations), the fourteen Black and Latino now-grown men struggled to reacclimate into the society that had branded them rapists during their teenage years. Both the Scottsboro Boys and the Central Park Five cases received so much publicity filled with anti-Black propaganda that much of the nation truly despised them.

After growing up in Alabama jail cells, many of the Scottsboro Boys struggled to reintegrate into society. While negotiations were happening between the Scottsboro Defense Committee (SDC) and Alabama officials, Olen Montgomery could not seem to get his bearings in the outside world. Nearly blind, Montgomery had trouble finding meaningful employment and he soon turned to drinking. He was falsely accused of rape for a second time, this time against a Black girl who later dropped the charges; the NAACP paid great money to keep this story out of newspapers to protect the remaining five Scottsboro Boys still being held in Alabama prisons.[227] Montgomery was not the only Scottsboro defendant to be accused of rape a second time after his release from prison. Andy Wright was accused of raping a thirteen-year-old Black girl, but defense attorneys proved that the charge only came about because the girl's mother felt a personal vendetta against the Scottsboro Boys.[228] Wright was nineteen years old when he was arrested for raping Victoria Price and Ruby Bates, and he spent nineteen years in prison – half of his life experiences were formed on the inside of Alabama correctional facilities. This was

[227] Carter, *Scottsboro*, 401.
[228] "'Scottsboro Boy' Held," *The New York Times,* July 12, 1951, https://timesmachine.nytimes.com/timesmachine/1951/07/12/issue.html.

damning for his psyche; it proved to Wright that the case had placed a "permanent jinx" on him that he would never be able to live down.[229]

The younger Wright brother, Roy, had been the most successful of the group at reentering society – perhaps because he was so young when he was first accused. He adjusted to the outside world, got married and maintained a steady job. Twenty-two years after he was released Wright discovered his wife having an affair; he stabbed her to death and then killed himself.[230] When Olen Montgomery was causing initial trouble for the SDC and their lawyers, one attorney remarked that Montgomery's life could become a reality for all of the defendants in the case because they were "probably already too ruined by this experience… to adjust… to life in this already maladjusted world."[231]

Before Matias Reyes confessed, the younger four of the Exonerated Five also found difficulty reintegrating into society as well-known rapists and registered sex offenders. Three years after his release, Antron McCray moved to Maryland and legally changed his name – he has never shared his new name with scholars.[232] After he was exonerated, Antron applied for a job as a corrections officer; despite the vacation of his conviction, he was rejected. He later wanted to take the police officers' exam but was once again told that regardless of how well he did, he would not get a job in law enforcement. His mother was confused as to why he would

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[229] Andy Wright to Allan Knight Chalmers, 1952, in Chalmers Collection, as quoted in Dan Carter, *Scottsboro,* 414.
[230] "Dead Killer Named as Scottsboro Boy," *The New York Times,* August 18, 1959, 58, https://timesmachine.nytimes.com/timesmachine/1959/08/18/80599434.html?pageNumber=58.
[231] Allan Knight Chalmers to Frances Levkoff, January 14. 1943, in Chalmers Collection; quoted in Dan Carter, *Scottsboro,* 401.
[232] Jim Dwyer, "Cleared in the Rape of the Central Park Jogger, but Still Calculating the Cost," *The New York Times,* November 20, 2012, https://www.nytimes.com/2012/11/21/nyregion/cleared-of-central-park-jogger-rape-still-calculating-the-cost.html?mtrref=www.google.com.

want to work in a criminal justice system that had treated him so poorly; he explained that "it was all he knew."[233]

Raymond Santana, Jr. not only struggled to find a job after his release from prison, but also regularly found himself at odds with his parole officer. He allegedly violated his parole by breaking curfew and was subsequently sentenced to two and a half years. This second time in prison, Raymond spent twenty months in a maximum-security facility which he said was worse than anything he had experienced during his teenage years.[234] Once he was released again, he still found it next to impossible to find a job and turned to selling crack; within six months he was caught. Due to his prior convictions, Raymond was sentenced harshly, and received forty-two months to seven years.[235] He was still serving time for the crack possession when Matias Reyes confessed, and the charges were vacated: he heard the news of his exoneration over a prison pay phone. Raymond was quickly released from prison because it was recognized he never would have had such a long sentence if the drug possession had been his first offense.[236]

On the other hand, Brock Turner has been able to live a life largely in obscurity since his release from county jail. Sentenced to a measly six months, Turner served only three months before getting released early for good behavior. After his release, Turner moved back to Ohio to live with his parents, where he has largely remained out of the public eye. He now goes by his middle name, Allen. He got a job and in 2021, he bought a two-bedroom home in Oakwood, Ohio.[237] During the summer of 2022, Turner was spotted around his neighborhood and

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[233] Burns, *Central Park Five,* 210-211.
[234] Ibid., 187.
[235] Ibid.
[236] Ibid., 196.
[237] "Brock Allen Turner," *Ohio Attorney General,* https://www.icrimewatch.net/offenderdetails.php?OfndrID=2365255&AgencyID=55149.

frequenting local bars. Many women took to TikTok, a popular social media application, to warn others about his presence and name change. The assault he committed happened on a college campus and now, his new home is only two miles away from the local university, the University of Dayton.

In many of these cases, retroactive apologies to those who were falsely accused or vilified by the justice system occurred decades later. When apologies were finally granted, the timing of them were quite interesting. Despite being a notorious racist, Governor George Wallace was the Alabama official to finally pardon one of the Scottsboro Boys. One of the most extensive books highlighting the failures of the Scottsboro Trials, *Scottsboro: A Tragedy of the American South,* by Dan T. Carter was published in 1969; the pardon happened in 1976, once many people began to understand how unjust the trials had been. Similarly, *At the Dark End of the Street: Black Women, Rape and Resistance* by Danielle McGuire came out in 2010 which finally prompted an apology to Recy Taylor from the Alabama Legislature in 2011. The apology came sixty-six years after she was raped, but she told McGuire that an apology was all she ever wanted.[238]

Aaron Persky, the judge who sentenced Brock Turner to six months in county jail faced significant backlash for his leniency towards the convicted sexual abuser. Within a week of Turner's sentencing, a Stanford Law Professor launched a successful campaign to have Persky recalled. Almost exactly two years after the sentencing, Persky became the first California judge to be recalled in over eight decades.[239]

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[238] Wynne Davis, "How Recy Taylor Spoke Out Against Her Rape, Decades Before #MeToo," *NPR,* January 8, 2018, https://www.npr.org/2018/01/08/576566358/how-recy-taylor-spoke-out-against-her-rape-decades-before-metoo#:~:text=Taylor%20received%20a%20formal%20apology,the%20Rise%20of%20Black%20Power.
[239] Maggie Astor, "California Voters Remove Judge Aaron Persky, Who Gave a 6-Month Sentence for Sexual Assault," *The New York Times,* June 6, 2018, https://www.nytimes.com/2018/06/06/us/politics/judge-persky-brock-turner-recall.html.

The NYPD officials who participated in the coercion of the Exonerated Five refused to accept the new findings from the District Attorney's office. Despite the detailed information that Matias Reyes gave to the police, some officials remained convinced he was lying. Linda Fairstein, the Head of the Sex Crimes Unit when the boys were prosecuted, shared her own theory regarding Reyes' credibility. Fairstein believed that Reyes worked with the Exonerated Five, but "he stayed longer when the others moved on."[240] Despite the evidence that the rape of Trisha Meili was committed by one person, Fairstein remained committed to the narrative that the "five men were participants."[241] Calling them men echoed the previous adultification of the boys.

After Netflix released a crime drama miniseries called *When They See Us* about the Exonerated Five case, Fairstein doubled down on her beliefs and was joined by President Trump. Trump reemphasized that he would not apologize for his harsh comments or newspaper advertisements he bought in 1989.[242] Less than a year after the show's release, Fairstein sued Netflix for defamation, claiming the show depicted her as "a racist, unethical villain who is determined to jail innocent children of color."[243] The trial has yet to be adjudicated, but U.S. District Judge Kevin Castel has announced that Fairstein can only sue over her depiction in five specific scenes.[244]

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[240] Andy Geller, "'Jogger' Prosecutor Stands by Verdicts," *New York Post,* November 25, 2002, https://nypost.com/2002/11/25/jogger-prosecutor-stands-by-verdicts/.
[241] Ibid.
[242] Jan Ransom, "Trump Will Not Apologize for Calling for Death Penalty over Central Park Five," *The New York Times,* June 18, 2019, https://www.nytimes.com/2019/06/18/nyregion/central-park-five-trump.html.
[243] Doha Madani, "Linda Fairstein Sues Netflix over Portrayal in 'When They See Us,'" *NBC News,* March 18, 2020, https://www.nbcnews.com/news/nbcblk/linda-fairstein-sues-netflix-over-portrayal-when-they-see-us-n1163291.
[244] Frank Pallotta, "Former Central Park Five Prosecutor can Sue Netflix for Defamation, Judge Rules," *CNN,* August 10, 2021, https://www.cnn.com/2021/08/10/media/netflix-lawsuit-when-they-see-us/index.html.

In an interview given a few days after the rape occurred, New York City Mayor Ed Koch predicted that "everybody here – maybe across the nation – will look at this case to see how the criminal justice system works."[245] Mayor Koch's prediction proved true, but not for the reason one would have thought in April 1989. The unjust prosecution of the Exonerated Five showed the systemic racism of a criminal justice system that adultified children of color.

President John Adams was the only Founding Father to not own slaves, and his objective when creating the Massachusetts state Constitution was to create "a government of laws and not of men."[246] However, centuries after the nation's inception, laws are adjudicated in a flexible manner that undermines the fairness of the court system. When white supremacists manipulate the Rule of Law to carry out their racist agenda, they undermine the Constitution. Interracial rape has been used to enforce white supremacy since the nation's founding, and until the Rule of Law is adhered to, the United States will neither be a government of laws nor of men.

[245] William Murphy, "Park Rape is a Justice Test: Koch," *Newsday,* April 22, 1989, 11, https://www.newspapers.com/image/705491348/?terms=criminal%20justice%20system&match=1.
[246] Benjamin Barr, "A Government of Laws and Not of Men," *Wyoming Liberty Group,* June 12, 2014, https://wyliberty.org/blog/legal-perspectives/a-government-of-laws-and-not-of-men.

Bibliography

Primary Sources

Archival Sources

Cornell University Library Digital Collections, Ithaca, NY

Horton, James. "Decision on Motion for a New Trial," June 22, 1933, Courtesy of Cornell University Law Library, Scottsboro Trials Collection, https://digital.library.cornell.edu/catalog/scott3016.

"*Norris v. Alabama*. October Term, 1934, no. 534. Transcript of Record, v. 707 p.," 1934, Courtesy of Cornell University Law Library, Scottsboro Trials Collection, https://digital.library.cornell.edu/catalog/scott5028.

"*State v. Patterson*. Morgan Co., Ala. Motion to Quash the Indictment. March 27, 1933. Testimony 242 p.," 1933, Courtesy of Cornell University Law Library, Scottsboro Trials Collection, https://digital.library.cornell.edu/catalog/scott2013.

Stuart Rose Manuscript and Rare Books Library, Emory University, Atlanta, GA

Eckl, Chris. "The Scottsboro Case of 1931: A Calm Judge Recalls Hate," 1964, Dan T. Carter Research Files, Box 3; Folder 33.

Rashbaum, William K. "Funeral Held for Last 'Scottsboro Boy,'" 1989, Louise Thompson Patterson Papers, Box 12; Folder 10.

Periodicals

Daniell, F. Raymond. "75 Years in Prison Set for Patterson." *The New York Times*, January 24, 1936. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/1936/01/24/issue.html.

———. "Accuser Renames Scottsboro Negro." *The New York Times*, November 28, 1933. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/1933/11/28/issue.html.

———. "Girl Recants Story OF Negroes' Attack." *The New York Times*. April 7, 1933. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/1933/04/07/99302962.html?pageNumber=3.

———. "Scottsboro Case Ends as 4 Go Free; 2 More Get Prison." *The New York Times*, July 25, 1937.

http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/1937/07/25/issue.html.

———. “Scottsboro Trial Moved 50 Miles.” *The New York Times*, March 8, 1933. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/1933/03/08/issue.html.

The New York Times. “Dead Killer Named as Scottsboro Boy,” August 18, 1959. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/1959/08/18/80599434.html?pageNumber=58.

Dwyer, Jim. “Cleared in the Rape of a Central Park Jogger, but Still Calculating the Cost.” *The New York Times*, November 21, 2012, sec. New York. https://www.nytimes.com/2012/11/21/nyregion/cleared-of-central-park-jogger-rape-still-calculating-the-cost.html.

Newspapers.com. “Eight Negroes Face Death for Assault: All Given Chair in Attack on White Girl Hoboes.” Boston Globe, April 10, 1931. https://bostonglobe.newspapers.com/image/431247021/.

Geller, Andy. “‘Jogger’ Prosecutor Stands by Verdicts,” November 25, 2002. https://nypost.com/2002/11/25/jogger-prosecutor-stands-by-verdicts/.

The New York Times. “Lynchings Feared in Scottsboro Case,” November 10, 1933. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/1933/11/10/issue.html.

“Man Says He Was Central Park Rapist.” ABC News, September 26, 2002. https://abcnews.go.com/Primetime/story?id=132076&page=1.

Murphy, William. “Park Rape Is a Justice Test: Koch.” Newspapers.com. Newsday, April 22, 1989. https://www.newspapers.com/image/705491348/.

Ransom, Jan. “Trump Will Not Apologize for Calling for Death Penalty Over Central Park Five.” *The New York Times*, June 18, 2019, sec. New York. https://www.nytimes.com/2019/06/18/nyregion/central-park-five-trump.html.

Rodriguez, Amanda. “The Myth of the ‘Perfect Victim’ of Sexual Assault.” Baltimore Sun, May 4, 2021. https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0505-assault-victim-myth-20210504-yflhw5jh3zffddxbuwjqm664me-story.html.

Ryan, Nancy. “Affirmation in Response to Motion to Vacate Judgment of Conviction.” The Washington Post, December 5, 2002. https://games-cdn.washingtonpost.com/notes/prod/default/documents/c7ba1e71-fc62-4169-a008-bcc8938ff808/note/6e97303c-37a7-44b2-aa42-c0992729cdee.pdf.

Saulny, Susan. “Convictions and Charges Voided In ’89 Central Park Jogger Attack.” *The New York Times*, December 20, 2002. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/2002/12/20/481734.html?pageNumber=1.

The New York Times. “‘Scottsboro Boy’ Held,” July 12, 1951. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/1951/07/12/issue.html.

The New York Times. “Scottsboro Man Wins,” July 13, 1950. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/1950/07/13/86445941.html?pageNumber=23.

Sullivan, Ronald. “2 Teen-Agers Are Convicted in Park Jogger Trial.” *The New York Times*, December 12, 1990. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/1990/12/12/issue.html.

———. “3 Youths Guilty of Rape and Assault of Jogger.” *The New York Times*, August 19, 1990. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/1990/08/19/issue.html.

Trump, Donald. “Bring Back the Death Penalty.” *The New York Times*, May 1, 1989. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/1989/05/01/issue.html.

Wilson, Michael. “A Crime Revisited: The Exonerated; None of the Former Defendants Were Able to Hear the News Firsthand.” *The New York Times*, December 6, 2002. http://timesmachine.nytimes.comhttp://timesmachine.nytimes.com/timesmachine/2002/12/06/255491.html?pageNumber=40.

Published Government Papers and Documents

Brown, B.S. “Conditional Release and Good Time | Office of Justice Programs,” n.d. https://www.ojp.gov/ncjrs/virtual-library/abstracts/conditional-release-and-good-time.

Coppolo, George. “Interrogation of Minors-Presence of Parents or Guardians.” Connecticut General Assembly. Accessed March 10, 2023. https://www.cga.ct.gov/2000/rpt/2000-R-0282.htm#:~:text=The%20child%20may%20not%20be,request%20to%20have%20an%20attorney.

“Census 2000 Shows America’s Diversity - Census 2000 - Newsroom - U.S. Census Bureau.” United States Census Bureau, March 12, 2001. https://www.census.gov/newsroom/releases/archives/census_2000/cb01cn61.html#:~:text=White%2075.1%20percent,Asian%203.6%20percent.

U.S. Department of Justice. "Discovery," November 7, 2014. https://www.justice.gov/usao/justice-101/discovery.

Schuchat, Anne, Debra E. Houry, and James A. Mercy. "The National Intimate Partner and Sexual Violence Survey." Centers for Disease Control and Prevention, April 2017, https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf

Jefferson, Thomas. "Declaration of Independence: A Transcription," National Archives, November 1, 2015. https://www.archives.gov/founding-docs/declaration-transcript.

Madison, James. "The Federalist Papers: No. 62." Library of Congress, February 26, 1788. https://guides.loc.gov/federalist-papers/text-61-70#s-lg-box-wrapper-25493449.

"Notes Re Autorads, Hairs (Undated)." New York City Law Department, n.d. http://www.nyc-cpj.org/Home/Disclaimer.

"Photograph of Crime Scene, By NYPD Crime Scene Unit (Undated)." New York City Law Department, n.d. http://www.nyc-cpj.org/Home/Disclaimer.

Ryan, Nancy. "Affirmation in Response to Motion to Vacate Judgment of Conviction." The Washington Post, December 5, 2002. https://games-cdn.washingtonpost.com/notes/prod/default/documents/c7ba1e71-fc62-4169-a008-bcc8938ff808/note/6e97303c-37a7-44b2-aa42-c0992729cdee.pdf.

Sabol, William. "Prisoners in 2008." Bureau of Justice Statistics, June 30, 2010. https://bjs.ojp.gov/content/pub/pdf/p08.pdf.

"Second Handwritten Statement of Raymond Santana, Jr." New York City Law Department, April 20, 1989. http://www.nyc-cpj.org/Home/Disclaimer.

U.S. Const. amend. VI

"Written Statement of Kevin Richardson." New York City Law Department, April 20, 1989. http://www.nyc-cpj.org/Home/Disclaimer.

Memoirs

Miller, Chanel. *Know My Name: A Memoir*. London: Viking, an imprint of Penguin Books, 2019.

Films

The Central Park Five. PBS, 2012.

Ethnic Notions Transcript. California Newsreel, 1987. https://newsreel.org/transcripts/ethnicno.htm.

Secondary Sources

Books and Articles

Abramovitch, Seth. "Oscar's First Black Winner Accepted Her Honor in a Segregated 'No Blacks' Hotel in L.A." *The Hollywood Reporter* (blog), February 19, 2015. https://www.hollywoodreporter.com/movies/movie-news/oscars-first-black-winner-accepted-774335/.

Adams, Rose. "New 'Central Park Five' Law Requires Cops to Videotape Juvenile Interrogations," *Brooklyn Paper*, December 14, 2020. https://www.brooklynpaper.com/central-park-five-juvenile-interrogations/.

Alter, Charlotte. "Here's What Happens When You Get a Rape Kit Exam." *Time*, July 17, 2014. https://time.com/3001467/heres-what-happens-when-you-get-a-rape-kit-exam/.

Astor, Maggie. "California Voters Remove Judge Aaron Persky, Who Gave a 6-Month Sentence for Sexual Assault." *The New York Times*, June 6, 2018, sec. U.S. https://www.nytimes.com/2018/06/06/us/politics/judge-persky-brock-turner-recall.html.

Barr, Benjamin. "A Government of Laws and Not of Men." Wyoming Liberty Group, June 12, 2014. https://wyliberty.org/blog/legal-perspectives/a-government-of-laws-and-not-of-men.

"Brock Allen Turner." Ohio Attorney General, n.d. https://www.icrimewatch.net/offenderdetails.php?OfndrID=2365255&AgencyID=55149.

Burakoff, Maddie. "How Central Park's Complex History Played Into the Case Against the 'Central Park Five.'" *Smithsonian Magazine*, May 31, 2019. https://www.smithsonianmag.com/history/how-central-parks-complex-history-played-crime-century-180972324/.

Burns, Sarah. *The Central Park Five: A Chronicle of a City Wilding*. 1st ed. New York: Alfred A. Knopf, 2011.

Card, Claudia. "Rape as a Weapon of War." *Hypatia* 11, no. 4 (1996): 5–18. https://www.jstor.org/stable/3810388.

Carter, Dan T. *Scottsboro: A Tragedy of the American South*. Rev. ed. Baton Rouge: Louisiana State University Press, 1979.

Cohen, William. "Thomas Jefferson and the Problem of Slavery." *The Journal of American History* 56, no. 3 (1969): 503–26. https://doi.org/10.2307/1904203.

Cose, Ellis. "The Saga of The Scottsboro Boys." American Civil Liberties Union, July 27, 2020. https://www.aclu.org/issues/racial-justice/saga-scottsboro-boys.

Cousino, Meghan Barrett. "Clarence Norris." National Registry of Exonerations. University of Michigan, n.d. https://www.law.umich.edu/special/exoneration/Pages/casedetailpre1989.aspx?caseid=238#:~:text=In%20November%202013%2C%20more%20than,formally%20exonerate%20them%20as%20well.

Criss, Doug. "This Is the 30-Year-Old Willie Horton Ad Everybody Is Talking about Today | CNN Politics." CNN, November 1, 2018. https://www.cnn.com/2018/11/01/politics/willie-horton-ad-1988-explainer-trnd/index.html.

Davis, Wynne. "How Recy Taylor Spoke Out Against Her Rape, Decades Before #MeToo." *NPR*, January 8, 2018, sec. National. https://www.npr.org/2018/01/08/576566358/how-recy-taylor-spoke-out-against-her-rape-decades-before-metoo.

Fallon, Richard H. "'The Rule of Law' as a Concept in Constitutional Discourse." *Columbia Law Review* 97, no. 1 (January 1997): 1. https://doi.org/10.2307/1123446.

Fantz, Ashley. "Outrage over 6-Month Sentence for Brock Turner in Stanford Rape Case." CNN, June 6, 2016. https://www.cnn.com/2016/06/06/us/sexual-assault-brock-turner-stanford/index.html.

Feimster, Crystal Nicole. *Southern Horrors: Women and the Politics of Rape and Lynching*. Cambridge, Mass: Harvard University Press, 2009.

FULL INTERVIEW: Juror in Holtzclaw Sexual Assault Case Speaks about Trial. Interview by Jessica Schambach, December 18, 2015. https://www.youtube.com/watch?v=pNocNciGIv4.

Godshalk, David Fort. *Veiled Visions: The 1906 Atlanta Race Riot and the Reshaping of American Race Relations*. Chapel Hill: University of North Carolina Press, 2005.

Goff, Phillip Atiba, Jennifer L. Eberhardt, Melissa J. Williams, and Matthew Christian Jackson. "Not Yet Human: Implicit Knowledge, Historical Dehumanization, and Contemporary Consequences." *Journal of Personality and Social Psychology* 94, no. 2 (2008): 292–306. https://web.stanford.edu/~eberhard/downloads/2008-NotYetHuman.pdf.

Hacker, J. David. "From '20. and Odd' to 10 Million: The Growth of the Slave Population in the United States." *Slavery & Abolition* 41, no. 4 (2020): 840–55. https://doi.org/10.1080/0144039x.2020.1755502.

Hopkins, Callie. "The Enslaved Household of President James Madison." White House Historical Association, n.d. https://www.whitehousehistory.org/slavery-in-the-james-madison-white-house.

Jim Crow Museum. "The Jezebel Stereotype." Ferris State University, n.d. https://www.ferris.edu/HTMLS/news/jimcrow/jezebel/index.htm.

Jones-Rogers, Stephanie. "Rethinking Sexual Violence and the Marketplace of Slavery: White Women, the Slave Market, and Enslaved People's Sexualized Bodies in the Nineteenth-Century South." In *Sexuality and Slavery: Reclaiming Intimate Histories in the Americas*, edited by Daina Ramey Berry and Leslie M. Harris, 109–23. University of Georgia Press, 2018. https://doi.org/10.2307/j.ctt22nmc8r.11.

Kadvany, Elena. "Brock Turner Juror to Judge: 'Shame on You,'" June 13, 2016. https://www.paloaltoonline.com/news/2016/06/13/brock-turner-juror-to-judge-shame-on-you.

Kazek, Kelly. "10 Things to Know about Alabama's Electric Chair, Yellow Mama." Advance Local, January 21, 2016. https://www.al.com/news/2016/01/post_87.html.

Kertscher, Tom. "Evidence Shows Most of the 47 Men in Famous 'Declaration of Independence' Painting Were Slaveholders." PolitiFact, September 10, 2019. https://www.politifact.com/factchecks/2019/sep/10/arlen-parsa/evidence-shows-most-47-men-famous-declaration-inde/.

King, Shaun. "KING: In the Trial of White Oklahoma City Cop Daniel Holtzclaw Accused of Raping Multiple Black Women, Every Single Member of the Jury Is White." New York Daily News, November 5, 2015. https://www.nydailynews.com/news/national/king-accused-raping-black-women-white-jury-article-1.2423160.

Kipling, Rudyard. "The White Man's Burden," February 1899. https://historymatters.gmu.edu/d/5478/.

Koch, Amie, and Arthi Kozhumam. "Adultification of Black Children Negatively Impacts Their Health: Recommendations for Health Care Providers." *Nursing Forum* 57, no. 5 (September 2022): 963–67. https://doi.org/10.1111/nuf.12736.

Kuhn, Clifford and Gregory Mixon. "Atlanta Race Massacre of 1906." New Georgia Encyclopedia, November 14, 2022. https://www.georgiaencyclopedia.org/articles/history-archaeology/atlanta-race-massacre-of-1906/.

Lee, Harper. *To Kill a Mockingbird*. Warner Books ed. New York: Warner Books, 1982.

Levin, Sam. “Stanford Sexual Assault: Read the Full Text of the Judge’s Controversial Decision.” *The Guardian*, June 14, 2016, sec. US news. https://www.theguardian.com/us-news/2016/jun/14/stanford-sexual-assault-read-sentence-judge-aaron-persky.

MacDonald, James. “The Psychology Behind False Confessions.” JSTOR Daily, April 6, 2018. https://daily.jstor.org/the-psychology-behind-false-confessions/.

Madani, Doha. “Linda Fairstein Sues Netflix over Portrayal in ‘When They See Us’ Series.” NBC News, March 18, 2020. https://www.nbcnews.com/news/nbcblk/linda-fairstein-sues-netflix-over-portrayal-when-they-see-us-n1163291.

LII / Legal Information Institute. “Mann Act,” n.d. https://www.law.cornell.edu/wex/mann_act.

Mann, Lina. “The Enslaved Household of President Thomas Jefferson.” White House Historical Association, n.d. https://www.whitehousehistory.org/slavery-in-the-thomas-jefferson-white-house.

Martinez, Kathryn. “Clarence Norris: The Last Voice of the Scottsboro Boys – StMU Research Scholars,” November 1, 2019. https://stmuscholars.org/clarence-norris-the-last-voice/.

McFadden, Syreeta. “An All-White Jury Convicted Daniel Holtzclaw of Rape. It’s Almost Enough.” *The Guardian*, December 11, 2015, sec. Opinion. https://www.theguardian.com/commentisfree/2015/dec/11/daniel-holtzclaw-conviction-all-white-jury-justice.

McGuire, Danielle L. *At the Dark End of the Street: Black Women, Rape, and Resistance; a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*. 1. ed. New York, NY: Vintage Books, 2010.

McLaughlin, Eliott C, Sara Sidner, and Michael Martinez. “Oklahoma City Cop Convicted of Rape Sentenced to 263 Years in Prison.” CNN, January 21, 2016. https://www.cnn.com/2016/01/21/us/oklahoma-city-officer-daniel-holtzclaw-rape-sentencing/index.html.

Mohdin, Aamna. “‘They Saw Me as Calculating, Not a Child’: How Adultification Leads to Black Children Being Treated as Criminals.” *The Guardian*, July 5, 2022, sec. Society. https://www.theguardian.com/society/2022/jul/05/they-saw-me-as-calculating-not-a-child-how-adultification-leads-to-black-children-being-treated-as-criminals.https://www.theguardian.com/society/2022/jul/05/they-saw-me-as-calculating-not-a-child-how-adultification-leads-to-black-children-being-treated-as-criminals.

Morgan, Edmund S. “Slavery and Freedom: The American Paradox.” *The Journal of American History* 59, no. 1 (1972): 5–29. https://doi.org/10.2307/1888384.

Death Penalty Information Center. “New York.” n.d. https://deathpenaltyinfo.org/state-and-federal-info/state-by-state/new-york.

Pallotta, Frank. “Former Central Park Five Prosecutor Can Sue Netflix for Defamation, Judge Rules | CNN Business.” CNN, August 10, 2021. https://www.cnn.com/2021/08/10/media/netflix-lawsuit-when-they-see-us/index.html.

Pike, Joanna. “How Long Does Sperm Live: Sperm Lifecycle, Life Span and More.” Clearblue, February 18, 2021. https://www.clearblue.com/fertility/how-long-sperm-live.

“Prosecutors Conclude Daniel Holtzclaw Case.” The Associated Press, December 2, 2015. https://www.enidnews.com/news/prosecutors-conclude-daniel-holtzclaw-case/article_054ee39a-9944-11e5-9ea5-af6c7a9738e0.html.

Death Penalty Information Center. “Race, Rape, and the Death Penalty,” n.d. https://deathpenaltyinfo.org/policy-issues/race/race-rape-and-the-death-penalty.

Rains, Cass. “Timeline: Daniel Holtzclaw Allegations.” Enidnews.com, November 18, 2014. https://www.enidnews.com/news/timeline-daniel-holtzclaw-allegations/html_5a35b2a6-6f3f-11e4-aa93-a30aec246b5d.html.

Rosenau, Emma. “A Criminal Justice System That Fails to Provide Justice: Miscarriages of Justice Leading Up to and During the Civil Rights Movement,” 2021.

“Sally Hemings | Life of Sally Hemings,” Monticello, n.d. https://www.monticello.org/sallyhemings/.

“The Scottsboro Trial: A Timeline | American Experience.” PBS, n.d. https://www.pbs.org/wgbh/americanexperience/features/scottsboronine-black-youth-arrested-for-assault/.

“Sex Crimes: Definitions and Penalties, California.” RAINN, n.d. https://apps.rainn.org/policy/error.cfm.

“‘She Didn’t Move at All’: Swedish Duo Who Stopped Stanford Sex Assault Describe What They Saw | CBC News.” CBC, June 9, 2016. https://www.cbc.ca/news/trending/swedish-cyclists-stanford-brock-turner-sexual-assault-1.3622706.

Smith, Andrea. “Not an Indian Tradition: The Sexual Colonization of Native Peoples.” *Hypatia* 18, no. 2 (2003): 70–85. https://www.jstor.org/stable/3811012.

Spruill, Larry H. “Slave Patrols, ‘Packs of Negro Dogs’ and Policing Black Communities.” *Phylon (1960-)* 53, no. 1 (2016): 42–66. https://www.jstor.org/stable/phylon1960.53.1.42.

Tamanaha, Brian Z. “The History and Elements of the Rule of Law.” *Singapore Journal of Legal Studies*, 2012, 232–47. https://www.jstor.org/stable/24872211.

Testa, Jessica. “The 13 Women Who Accused a Cop Of Sexual Assault, In Their Own Words.” BuzzFeed News, December 11, 2015. https://www.buzzfeednews.com/article/jtes/daniel-holtzclaw-women-in-their-ow.

Torres, Gerald, and Katie Pace. “Understanding Patriarchy As an Expression of Whiteness: Insights from the Chicana Movement.” *Washington University Journal of Law and Policy* 18, no. 129 (2005). https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1258&context=law_journal_law_policy

Wells, Ida B. *Southern Horrors and Other Writings: The Anti-Lynching Campaign of Ida B. Wells, 1892 - 1900*. Edited by Jacqueline Jones Royster. The Bedford Series in History and Culture. Boston: Bedford/St. Martin’s, 2011.

“What Is the Rule of Law.” American Bar Association, n.d. https://www.americanbar.org/advocacy/rule_of_law/what-is-the-rule-of-law/.

Wise, Tim J. *Between Barack and a Hard Place: Racism and White Denial in the Age of Obama*. Open Media Series. San Francisco: City Lights Books, 2009.

Wolfgang, Marvin E., and Marc Riedel. “Rape, Race, and the Death Penalty in Georgia.” *American Journal of Orthopsychiatry* 45, no. 4 (20131223): 658. https://doi.org/10.1111/j.1939-0025.1975.tb01193.x.

Xu, Victor. “The Full Letter Read by Brock Turner’s Father at His Sentencing Hearing.” The Stanford Daily, June 8, 2016.

Yuen, Nancy Wang. A Sociologist’s View on The Hyper-Sexualization Of Asian Women In American Society. Interview by Ailsa Chang, March 19, 2021. https://www.npr.org/2021/03/19/979340013/a-sociologists-view-on-the-hyper-sexualization-of-asian-women-in-american-societ.