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<u>Treasure Welle</u>	<u>04/01/2024</u>
Name	Date

Unveiling a Fragile Construct: Media's Impact on Black Women's Personhood

By

Treasure Welle

Linette Park

Advisor

Department of Philosophy

Linette Park

Advisor

Dilek Huseyinzadegan

Committee Member

Aminah Hasan-Birdwell

Committee Member

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Abstract

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This paper examines the intersections of race, gender, and media in shaping perceptions of Black women's personhood through an analysis of three high-profile trials: Angela Davis' 1971 murder trial, Anita Hill's testimony during Clarence Thomas' confirmation hearing, and Megan Thee Stallion's assault case against Tory Lanez. Drawing from historical precedents, such as the Salem witch trials and legal doctrines like *Partus Sequitur Ventrem*, the paper illuminates how media continues to reinforce the subjugation of Black women by denying their personhood. Through a Black feminist lens, the analysis reveals how media collaborates with the legal system to perpetuate racialized and gendered narratives, casting Black women as societal threats and undermining their credibility and victimhood. By examining the evolution of media coverage from print to television news to social media, the paper underscores the persistence of discriminatory practices and the urgent need for critical engagement with visual media. Ultimately, the paper calls for a reevaluation of truth, justice, and representation in media, emphasizing the ongoing struggle for recognition and equality faced by Black women.

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Introduction

In 1692, the infamous Salem witch trials unfolded in Massachusetts, with Mary Walcott accusing not only Tituba, an enslaved woman, but also Candy, another enslaved woman hailing from Barbados, of witchcraft. While historical discussions often center on Tituba's trial, Candy's case remains overlooked, providing a unique perspective on the complexities of Black female nonpersonhood. Scholars frequently highlight Tituba as an emblem of the challenges faced by Black women in asserting personhood. However, Candy's trial, occurring shortly after Tituba's, sheds light on her strategic approach. Learning from Tituba's mistakes, Candy immediately admits to practicing witchcraft, presenting evidence, and implicating her owner Margaret Hawkes: "Candy no witch, Barbados. This country, mistress give Candy witch...Mistress bring book [the Devil's Book] and pen and ink, make Candy write in it."¹ Unlike Tituba, Candy confronts the intersection of racial identity and accusations head-on, emphasizing her innocence and revealing a compelling narrative shaped by her experiences in the United States under Mrs. Hawkes's tutelage.

This case exposes the precarious "architecture of personhood."² Firstly, the language of the examination and archives is important. Throughout the examination, Candy is referred to as "Candy Negro."³ She is reduced to her race, which is indicative of her low social status and her nonpersonhood. She is not a person; she is just Black. Contrastingly, Margaret Hawkes is referred to as "Mrs. Hawkes" rather than Goodwife Hawkes, which was the norm at the time. This is indicative of Mrs. Hawkes' high social status.⁴ Candy understood that she was marked as

¹ "SWP No. 023: Candy," *Salem Witch Trials Documentary Archive and Transcription Project*, accessed March 17, 2024, <https://salem.lib.virginia.edu/n23.html#n23.2>

² Imani Perry, *Vexy Thing: On Gender and Liberation* (Durham: Duke University Press, 2018), 28.

³ "SWP No. 023: Candy,"

⁴ Jonah Hoffmann, "Remembering Candy and Mary Black," Salem Witch Museum, February 18, 2022, <https://salemwitchmuseum.com/2022/02/18/remembering-candy-and-mary-black/>.

a witch, she understood that she was both gendered and racialized. She knew that her testimony was worthless, so she instead decides to borrow power, or personhood from her owner. Mrs. Hawkes' race afforded her protections, due to the personhood her whiteness imparted her with, that Candy was not privy to. Candy recognized that to align her misdeeds with Mrs. Hawkes, she too may be able to benefit from the protection that shielded Mrs. Hawkes' status. Despite Candy's confession and the evidence presented against her, Candy's case is eventually pardoned by the Governor himself.⁵ This pardon is granted not because of Candy's innocence but instead it is granted in order to protect the identity and prestige of Mrs. Hawkes. Mrs. Hawkes deserved protection because she was a white woman. Contrastingly, Candy, despite her gender, is not worthy of protection because she is Black. Despite the fact that she too was her woman, Candy's Blackness takes precedence over her gender shaping the strategy she must employ to fight for her innocence. Gender identity itself becomes an expression of personhood that Candy, as a Black woman, simply cannot access.

Defining Black women's personhood

While Candy grapples with the necessity of borrowing personhood from Mrs. Hawkes, it is her very lack of personhood that paradoxically underscores the possibility of Mrs. Hawkes asserting her own personhood. Mrs. Hawkes defines her personhood in opposition to Candy's enslaved status, emphasizing her freedom and agency. This dynamic relationship between white personhood and Black non-personhood echoes Hegel's *Phenomenology of Spirit*, where the doctrine of negativity illuminates their symbiotic connection.⁶ According to Hegel, negation exposes an inherent necessity, and in this context, Blackness becomes the essential counterpart that allows for the construction of white personhood. Personhood is closely associated with the

⁵ "SWP No. 023: Candy,"

⁶ Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit* (Oxford u.a.: Clarendon Press, 1977).

idea of spirit. Personhood is meant to represent the unity of one's spiritual and corporeal bodies. To be a nonperson is to be without a spirit. Therefore, personhood is a transcendental concept, giving persons a kind of universal worth. Throughout his *Phenomenology of Spirit*, Hegel is attempting to trace the development of consciousness. The concept of negativity becomes central to his goal of understanding the trajectory of human consciousness.

The doctrine of negativity, as elucidated by Hegel, has been an enduring element within the institution of slavery. Mary Nyquist further examines this concept, drawing attention to its roots in Greco-Roman slavery traditions that laid the groundwork for American chattel slavery. Within these traditions, both political and chattel slavery served to legitimize the hierarchical structure of society.⁷ Chattel slavery, grounded in the Greek Aristotelian tradition, asserted that the enslaved's status reflected their supposed inherent nature. On the other hand, political slavery, marked by its perceived injustice, posed a threat to the free, male citizens' participation in the political process. Nyquist's analysis not only underscores the inherent necessity revealed by the doctrine of negativity but also highlights the perceived threat that this necessity poses to the power hierarchy sustaining slavery.

Despite being an enslaved woman, Candy posed a threat to Mrs. Hawkes, symbolizing the violence Mrs. Hawkes might have faced had she lacked the protection of her white skin and social status. This suggests a projection of perceived violence onto others. Candy, despite her enslaved status and her gender, posed a threat to Mrs. Hawkes; she represents the type of violence Mrs. Hawkes could have been subjected to had she not had her white skin and social status to shield her. Nyquist's analysis of the institution of slavery offers a definition of personhood: personhood is defined by the relationship between persons and nonpersons;

⁷ Mary Nyquist, "1. Ancient Greek and Roman Slaveryes," *Arbitrary Rule: Slavery, Tyranny and the Power of Life and Death* (Chicago: University of Chicago Press, 2013).

personhood cannot exist without nonpersonhood. Hence, the status of an individual was determined by the privileges they were granted, in comparison to those privileges nonpersons were explicitly denied access to. In the case of Mrs. Hawkes and Candy, Mrs. Hawkes is defined by her status as the wife of Mr. Hawkes while Candy is defined by her race. Expressions of personhood such as gender roles and citizenship become synonymous with personhood. Black women's nonpersonhood is both racialized and gendered; their nonpersonhood is represented not just through their inability to participate politically, as all Black people were barred from doing in this era, but also their inability to fully exist in the domestic sphere in which women were subjugated. Post the abolition of slavery and Civil rights movement, Black women are in theory considered to be persons; however, juridical attacks on expressions of Black women's personhood, namely attacks on Black female kinship and motherhood, expose the *de facto* nonpersonhood of Black women.

The traditional gender roles that defined white women as wives and mothers in need of patriarchal protection did not apply to Black women. Black women, enslaved and free, were subjected to hard labor and forcibly removed from their children and spouses. The racialized and gendered nature of Black women's personhood highlights the racial construction of gender. The gender roles that inhibited and defined white women did not apply to Black women because of their race. In Hortense Spiller's "Mama's Baby, Papa's Maybe," she draws a distinction between flesh and body. While a body is a person, a human entity capable of personhood, the flesh is just a human form that has been completely reduced to a thing. She writes that start of the New World "marked a *theft of the body* — a willful and violent (and unimaginable distance) severing off the captive body from its motive will. Its active desire. Under these conditions, we lose at

least *gender*.”⁸ Black people, or captive bodies, became nonpersons stripped of all that made them human and reducing them to flesh, a thing. Personhood and nonpersonhood are closely related to the body/flesh dichotomy. Bodies have personhood; their personhood is legitimated through the flesh’s lack of personhood. The flesh acts as the foil, reduced to an expression of otherness.

There is no gender differentiation or expression at the level of the flesh. This is what leads Spillers to her conclusion regarding the “marked woman” status prescribed to Black women. The term “marked woman” constitutes the gendered racial stereotypes that act as “undecipherable markings on the captive body [which] render a kind of hieroglyphics...various symbolic substitutions and efficacy of mending that repeat the initiating moments.”⁹ Black women are unable to express their gender and thus the cultural contexts that further define their gender, such as motherhood and marriage. These are the “hieroglyphics” that mark Black women and codified into law.

The writ of *habeas corpus* exemplifies the systemic erasure of Black women's legal personhood. Originating from the Latin phrase "you shall have the body," *habeas corpus* mandates that individuals under arrest must appear before a judge or court.¹⁰ Within the framework of Black women's identity and Hortense Spillers' flesh/body dichotomy, *habeas corpus* assumes heightened significance. How can the Black woman's body be recognized in the courtroom when she has been reduced to mere flesh? The stark reality is that it cannot. Instead, Black women are relegated to the status of flesh within the judicial system. This assertion finds

⁸ Hortense J. Spillers, “Mama’s Baby Papa’s Maybe: An American Grammar Book,” *Diacritics* 17, no. 2 (1987): 445.

⁹ *Ibid.*, 446.

¹⁰ Chris Naylor, “‘You have the body’: Habeas Corpus Case Records of the U.S. Circuit Court for the District of Columbia, 1820-1863,” *National Archives*.

reinforcement in a legal history that systematically denied Black women participation in fundamental expressions of personhood, such as motherhood and marriage.

One of the first instances in which the state imposed restrictions on the Black female gender expression was *Partus Sequitur Ventrem*, a 1662 Virginia code that established that the status of a child born in the Virginia colony would be dependent on the status of their mother.¹¹ This Virginia code, which was later adopted by the rest of the 13 colonies, established the inheritability of enslaved status and also named the Black mother as the determinant for the enslaved status of her children. The Black child and mother relationship was legally defined not through kinship, but through a form of property transferred by maternal descent highlighting the nonpersonhood of enslaved Black women. They could not be mothers because they were property.

The language of *Partus* conveys Black women's status as property by equating Black reproduction with animal husbandry. In Latin, the word *nativitas* translates to childbirth. *Nativitas* is the Latin origin for the English word nativity, which refers to the birth of Christ. Nativity and natality share a common linguistic root. Natality is a central theme in Hannah Arendt's political philosophy. For Arendt, natality symbolizes the capacity of humans to begin something new, to innovate.¹² It represents the inherent human agency to shape the course of history through transformative actions. The connection between these two terms, natality and nativity, underscores the significance of birth as a catalyst for change and innovation. Both natality and nativity are linguistically associated with origin and nationality, highlighting how birth and beginnings shape individual and collective identities. The linguistic roots shared by

¹¹ Jennifer L Morgan, "*Partus sequitur ventrem*: Law, Race, and Reproduction in Colonial Slavery," *Small Axe* 22, no. 55 (2018): 3.

¹² Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 2018).

these terms underscores the complex interplay between birth, identity formation, and social categorization. *Partus* effectively excludes Black women and their offspring from this interplay. The language of *Partus* ensures that Black women's births cannot act as catalysts for change. They are excluded from ideas of origin and nationality, another form of personhood.

While *Partus*, also translates to birth, it is not commonly associated with human births. Instead *partus* translates to produce, to deliver, to acquire, or to lay eggs or offspring. *Partus* is the language used to describe the birth of one's property—their cattle, chickens, and other livestock. This 1662 code evokes the language of animal husbandry to reflect the systematic dehumanization and objectification of Black individuals, reducing them to a status at birth rather than their inherent humanity. The parallel between Black women's reproduction and animal husbandry emphasizes the fact that everything the Black Woman's "body could do was harnessed to the capital accumulation of another."¹³ Black reproduction was seen, as established through legal codes, as a form of commodity production. Stripping Black women of their ability to express their personhood through motherhood.

Partus categorized Black reproduction as a form of labor, which in turn provided a justification for the taxation of Black women's labor including reproduction. In *Black Women, Black Love America's War on African American Marriage*, Dianne Stewart discusses the racist-sexist jurisprudence which encouraged the separation of Black families. Stewart notes that "in 1643 the Virginia General Assembly ratified laws that levied taxes on African-descended women's labor, slave or free."¹⁴ If Black women were unmarried and enslaved, their slave master would have to pay the tax; however, once Black women were married, the tax placed an undue

¹³ Morgan, "*Partus sequitur ventrem*: Law, Race, and Reproduction in Colonial Slavery," 17.

¹⁴ Dianne Stewart, *Black Women, Black Love: America's Attack on African American Marriage*, (New York: Seal Press, 2020) 21.

burden on their husbands. It also placed a burden on free Black single women who were then responsible for financing the tax without any spousal support. Laws like this limited a Black woman's ability to express their personhood. Unlike white women, Black women could not be wives and in turn mimic the nuclear family unit.

Stewart also considers austere federal and state welfare regulations from the 1950s and 60s which similarly discouraged Black marriage. They did so by restricting access to certain welfare privileges when a man was present in the household.¹⁵ To qualify for state or federal welfare, Black women had to prove that they were single and raising their families alone. If a man was present within the household, the family was barred from participating in welfare programs. Even if the man in the house was not the father of the children or if the combined income of the two parents was insufficient, the family would still be kept from welfare benefits. Stewart shares the story of Jacquelyn Williams. As a child her family wished to enter the Pruitt-Igoe housing project in St. Louis, Missouri in the 1950s.¹⁶ In order to enter the housing project, the welfare department informed her mother of twelve that her father would have to leave not just the home but the state entirely.¹⁷ In another example, Ms. Neal Shirley was charged with "intent to defraud" because she misrepresented her relationship with her partner Mr. Shirley in order to continue to get welfare benefits.¹⁸

In order to benefit from state assistance, the Black family had to be incomplete. Black women could not receive spousal or emotional support from a male partner. Therefore, Black women had two options: they could creatively avoid the discovery of the men in their lives and risk criminal indictment, like Ms. Shirley, or never engage in marital partnerships with men.

¹⁵ Stewart, *Black Women, Black Love: America's Attack on African American*. 104.

¹⁶ *Ibid.*, 108.

¹⁷ *Ibid.*

¹⁸ *Ibid.*, 109.

Welfare laws also reinforced a particular visual narrative about the Black family by creating situations like that of Jacquelyn's mother—forced to raise her twelve children alone in order to enter a housing project. *Partus* and the 1643 Virginia Labor tax code ensured that Black women would struggle to find marriage partners. While welfare laws compelled the separation of Black families. The Black family was presented as a pathogen, a sickness with the potential to infect others. Black women's wombs lie at the matrix of this pathogen.

Welfare laws discouraged the establishment of Black nuclear families thus thwarting Black women's ability to express their personhood within the constraints of a society that upholds the nuclear family as the ideal kinship structure. Under neoliberal ideals, nuclear families are not only privileged but also perceived as the primary means through which individuals can achieve social recognition and fulfill their roles as responsible citizens. However, being barred from participation in the nuclear family, through punitive welfare laws, prevents Black women from realizing their personhood in multiple ways. Firstly, it denies them the social recognition and validation that comes with being part of a normative family unit, regulating their relationships and identities to the margins of society. Secondly, it erodes their autonomy and choice by limiting their ability to form meaningful partnerships and access vital support networks, leaving them vulnerable to economic instability and social isolation. Additionally, the exclusion from nuclear families undermines Black women's sense of identity and self-worth, perpetuating narratives of inferiority and undesirability that have been historically constructed around Black familial structures. The systemic exclusion of Black women from nuclear families not only reflected but also reinforced broader patterns of inequality and marginalization, denying them the full realization of their personhood within a society that prioritizes certain familial configurations over others.

Most recently, the growth in popularity of “fetal protection laws” — a term that encompasses feticide laws, drug policies, statutes criminalizing maternal conduct, and statutes authorizing the confinement of pregnant women to protect the health of fetuses — poses a direct threat to birth givers.¹⁹ The legality of fetal protection laws hinders on the recognition of fetal personhood. Fetal personhood presents fetuses as existing persons in need of legal protection. Its precedent is found in the expansion of the personhood status prescribed to existing children. Laws created to protect children are applied to fetuses thus becoming fetal protection laws. The compelling interest of protecting the personhood of fetuses allows for the supposed personhood of pregnant women to be encroached upon.

This creates a conflict between the personhood of the fetus and that of the birth giver. While they are both assigned a personhood status that differentiates the two entities, they share the same body. Fetal protection laws allow for the state to intervene on behalf of the fetus and its personhood. However, who steps in to defend the personhood of the birth giver? The short answer is no one, but as Goodwin notes, these laws were simply not created to protect the personhood and rights of birth givers. In the context of the war on drugs, fetal protection laws became a way for the state to actively strip birth givers, especially Black mothers, of their personhood status through expanded drug laws and other interventions. Prior drug use, before a birth giver was even pregnant, became grounds for the state to deem a pregnant person “unfit.”²⁰ This unfit status allows the state to impose confinement, mandatory drug treatment, sterilization, and the removal of one’s child once they are born. Essentially, pregnancy became a vehicle through which birth givers are stripped of their personhood.

¹⁹ Michelle Goodwin, *Policing the Womb: Invisible Women and the Criminalization of Motherhood*, (New York: Cambridge University Press, 2022) 28.

²⁰ *Ibid.*

Fetal protection laws clearly threaten the personhood and rights of birth givers and their loved ones, yet this violation is rarely seen as such. Why is it that fetal personhood, the personhood of a possibility, so easily takes precedence over the personhood of existing pregnant persons? Spiller's notion of ungendering, which refers to the systemic erasure or negation of Black women's womanhood within dominant discourses and structures of power, helps to answer this question.²¹ This process of ungendering is what reduces Black women's bodies to flesh. They are stripped of their gender, and like Candy, become defined by only their race. While women, specifically white women, may have bodies, pregnancy, and the possibility for pregnancy, immediately reduces a birth giver to flesh. They are no longer a body with motive, gender, or desire, but an expression of otherness. Birth givers, their ability to get pregnant and give birth, are placed in the realm of possibility or the imaginary. Fetuses also lie in the realm of possibility, while they could eventually grow and become an infant, they could also end up as miscarriages and stillbirths which are natural consequences of pregnancies. In the space of possibility, state intervention, through the criminal legal system and other juridical spaces, is justified as a means of control.

Black women's personhood is defined by this juridical history; a history that often reduces them to their wombs or marriage statuses while simultaneously inhibiting their ability to be mothers and wives. One cannot consider Black female personhood without acknowledging the manner in which the juridical field has continuously sought to limit Black female personhood. This history makes one consider whether or not the term "Black female personhood" is an oxymoron of sorts. Can one be a Black woman and a legal person? Personhood was never meant to include Black people or women. How can Black women be

²¹ Spillers, "Mama's Baby Papa's Maybe: An American Grammar Book," *Diacritics* 17, no. 2 (1987): 445.

considered legal persons under this framework when their very sub status is what animates the status of legal persons? As noted by the juridical history outlined above, maintaining the concept of personhood and expanding its definition to include Black people has only led to the recreation of nonpersonhood status for Black people and women.

Media and Black Women's Personhood

Mass media, and its contested visual field, provides the stage for the recreation of the subperson status assigned to Black women. Mass media outlets continue to promote images of Black women that underscore their inherent nonpersonhood; papers and television news promote images of Black "Welfare Queens" accused of cheating the system, Black women criminalized for miscarriages, and supposed militant or oversexualized Black women. Judith Butler writes "the visual field is not neutral to the question of race; it is itself a racial formation, an episteme, hegemonic and forceful."²² Clearly, the visual field is not objective, it is a contested site. Even though the visual field is often portrayed as unquestionable, it is actually influenced by the same preconceived notions of Black female personhood that shape racist institutions. Similarly, mass media depends on the visual field to present unbiased reporting. Therefore, one need not read a biased article in order to develop preconceived notions about those discussed in the media. The visual field is instead presented as an uncontested site, hard evidence of a person's perceived criminality. Butler, however, highlights the ways in which the visual field is manipulated, not through photoshop or other forms of digital editing, but through predetermined interpretation and the ideologies that form people's interpretations. Through its dependency on the visual field, mass media then becomes instrumental in the filtering of one's interpretation of the visual field.

²² Judith Butler, "Endangered/Endangering: Schematic Racism and White Paranoia," essay, in *Reading Rodney King/Reading Urban Uprising* (London, United Kingdom: Routledge, 1993): 17.

It is through this filtered interpretation that the media posits a relationship between Blackness and gender that underscores the non-personhood of Black women.

Butler centers their analysis of the visual field on the Rodney King trial. Specifically, she focuses on the “highly publicized video recording taken on the spot and televised,” which was used as evidence during the trial. Despite the fact that the disturbing video shows Rodney King being brutally beaten by multiple police officers, the defense attorney for the police presented the video as evidence of the threat King posed to the police officers seen brutalizing him. This situation exemplifies the contested nature of the visual field. Butler writes that the video was reproduced “within a racially saturated field of visibility.”²³ They are suggesting that this visual field is drenched in racist misconception. Even though the evidence clearly showed a Black man being brutalized by police officers, one jury member was still motivated to believe that “King was in ‘total control’ of the situation.”²⁴ The misconceptions which filtered the jury’s interpretation of the visual evidence presented in King’s case, led to the acquittal of those police officers.

Malcolm X similarly noted the importance of the media in reducing Black people to a subperson status. When discussing press coverage of the riots in Detroit, and other northern cities, during the summer of 1964, X explains that rather than focusing on the “negative conditions in the Black community” which fueled the riots, the press instead “referred to the rioters as vandals, hoodlum, thieves.”²⁵ What Malcolm X articulates is the way in which the press, and mass media more generally, act as a technology translating Black nonpersonhood; Black people could not be protesters standing up against injustice; instead they had to be

²³ Butler, “Endangered/Endangering: Schematic Racism and White Paranoia,” 15.

²⁴ *Ibid.*

²⁵ 1. Malcolm X, “After the Bombing,” essay, in *Malcolm X Speaks: Selected Speeches and Statements* (New York, New York: Grove Press, 2020): 166.

criminals. X also speaks on a poll taken by *NewsWeek* in 1965 which concluded that Black Americans are satisfied, X notes that white media “invents statistics to create an image, thinking that that image is going to hold things in check.”²⁶This poll was taken during the height of the Civil Rights Movement, meaning a majority of Black Americans were in no way satisfied with the reality of Black life in the United States. However, this is the narrative that is translated to the public through the press. The narrative is what makes white people believe that Black Americans are truly happy with their nonpersonhood and also teaches Black Americans to settle for these conditions.

The notion of evidence takes on a complex and vexing dimension when considering Black women’s personhood, particularly within the context of mass media and its contested visual field. Mass media outlets perpetuate images and narratives that reinforce the inherent nonpersonhood assigned to Black women. Despite claims of objectivity, the visual field is not neutral but rather shaped by preconceived notions of Black female personhood rooted in racist ideologies. Judith Butler’s analysis of the Rodney King trial exemplifies how the visual field is manipulated to reinforce these stereotypes. The highly publicized video recording of King’s beating, despite clearly depicting police brutality, was interpreted through a racially saturated lens, leading to the acquittal of the officers involved. Similarly, Malcolm X’s observations about media coverage of the Civil Rights Movement illustrate how mass media perpetuated narrative that reduce Black individuals to subperson status, denying them agency and legitimacy in their struggles for justice. In contemporary society, mass media continues to serve as a technology that reinforces Black women’s legal nonpersonhood, reducing them to dehumanizing images and narratives that undermine their rights and dignity. Thus, the notion of evidence becomes vexing

²⁶ Malcolm X, “After the Bombing,” 175.

as it is manipulated and distorted within the visual field to uphold systems of oppression and deny Black women's personhood.

Connecting the historical observations of Malcolm X to the contemporary examination of media's impact on Black women's personhood, it becomes evident that the role of mass media as a technology translating Black women's subpersonhood persists across different contexts and periods. Malcolm X's insights into press coverage during the Detroit riots highlight how the media framed Black protesters as criminals rather than individuals standing up against injustice, perpetuating a narrative that undermined the legitimacy of their grievances. The impossibility of Black personhood, and the paradoxical nature of the statement itself, underscores the symbiotic connection between Black persons' legal personhood and White personhood. In essence, Black people's personhood, or its absence, animates the possibility of white personhood. Black women face additional challenges, as their personhood is further questioned and undervalued through the racialized and gendered oppression known as misogynoir. In a modern "post-racial" society, overt discrimination through legal institutions is harder to justify. Consequently, media becomes the medium through which Black women's legal nonpersonhood is affirmed, reducing them to mere images, headlines, and soundbites that reinforce their lack of legal personhood.

This historical perspective sets the stage for a comprehensive analysis of media's influence on Black women's personhood in three high-profile trials. By delving into Angela Davis' 1971 murder trial, Anita Hill's testimony during Supreme Court Justice Clarence Thomas' confirmation hearing, and Megan Thee Stallion's assault case against Tory Lanez, this paper aims to unravel how media, encompassing press, television news, and social media, continues to serve as a tool stripping Black women at the center of each trial of their personhood, contributing to the perpetuation of a subperson status outlined in earlier historical examinations. Each of these

trials or hearings were highly publicized involving celebrities or important political or government figures. Additionally, the cases are pulled from different decades showing how the transition from print media to television news to social media reporting impacted representations of Black women's personhood. Examining these cases through a Black feminist lens is indispensable for enriching media philosophy, which often neglects the perspectives of Black women. Black feminist philosophers and thinkers consistently prioritize centering Black women and their lived experiences. Through these three case studies, this paper will elucidate how media collaborates with the legal system, reinforcing the subjugation of Black women and the persistence of racialized and gendered narratives. Drawing from the parallels of Candy's witch trial, the cases examined in this paper reflect a similar pattern of media serving as a tool to cast Black women as societal threats, echoing the stigmatization faced by Candy and other women accused of witchcraft in the past.

Explanation of Terms

This section explains some of the terms that will be used frequently in my honors thesis. The subject matter of my thesis is women, specifically Black woman, I acknowledge that the term "woman" encompasses all individuals who identify as such. However, for the sake of clarity and consistency within this paper, I will use the term "woman" to specifically refer to individuals whose gender identity aligns with the sex assigned to them at birth. While I understand that this definition is restrictive, it is necessary for maintaining coherence in the context of this paper. Additionally, I defer to the ways in which the women I discuss choose to identify and represent themselves.

Throughout this thesis, I frequently employ the terms "nonperson" and "subperson" interchangeably, alongside "nonpersonhood" and "subpersonhood," to elucidate the concept of

lacking full personhood. Non or subpersons are individuals who are unable to fully access the privileges associated with personhood, including unrestricted gender expression and recognition as victims. It's important to note that these terms don't necessarily imply the complete negation of personhood but rather signify a lack of full realization of the legal and social privileges accorded to individuals considered full persons.

Outline of the thesis

The first chapter delves into Angela Davis' 1971 murder trial and its media coverage, revealing how the legal system and media collaborated to reinforce Black women's subperson status. Despite Davis' ability to stand before the court and defend herself, her personhood was consistently undermined by the prosecution's case and The New York Times' coverage of the trial. While much attention was given to the prosecution's narrative regarding Davis' romantic relationships and political militancy, minimal coverage was afforded to her defense. Additionally, the evolution of publicized images of Davis as she became more involved in activism subtly eroded her personhood over time.

In the second chapter, the focus shifts to Anita Hill's testimony during Clarence Thomas' confirmation hearing. Here, I explore the racial construction of gender and its impact on Hill's framing during the trial and by the media, despite both Hill and Thomas being Black. I also discuss the arbitrary application of legal language across genders and races. Finally, I compare media framing of Hill's testimony to Christine Blasey Ford's during Brett Kavanaugh's confirmation hearing. By analyzing the differences in Hill's framing compared to Thomas and Ford, I underscore the influence of Hill's race and gender on public discourse surrounding the credibility of her testimony. Hill's case serves as a poignant example of how the racial construction of gender strips Black women of their personhood.

The third chapter centers around the testimony of Megan Pete, known as rapper Megan Thee Stallion, in the trial of Daystar Peterson, also known as rapper Tory Lanez. Peterson was found guilty of shooting Pete in her feet after an altercation in Hollywood Hills. Despite the court's affirmation of Pete's testimony, social media users were quick to deny her victimhood, thereby stripping her of her personhood. The internet was flooded with tweets, memes, and blog posts accusing Pete of being a man, transgender, a liar, and a jealous woman scorned. Through these posts, Pete's personhood was consistently called into question and denied. The culture of reposting and resharing further perpetuated the stripping of her personhood.

The conclusion of this paper put the three cases in conversation with each other, assessing the similarities and differences in the manner in which Davis, Hill, and Pete were stripped of their personhood. The media's role in constructing these narratives reflects broader power dynamics, marginalizing Black women and denying their victimhood. Philosophically, these cases prompt reflection on truth, justice, and representation, with digital media complicating the landscape further. The conclusion stresses the need for critical examination of visual media's role in reinforcing or challenging existing structures of oppression, underscoring the ongoing struggle for recognition and equality faced by Black women in society.

Angela Davis and the Media's Construction of the Imaginary Enemy

On October 13th, 1970, Angela Davis was arrested in New York City on charges of conspiracy, murder, and kidnapping. Specifically, she was accused of aiding and abetting the kidnapping and murder of a Judge Harold Haley, resulting from a shootout in a California courtroom on August 7th of the same year. Johnathan Jackson, a 17-year-old boy, attempted to negotiate the release of his brother, George Jackson, and other prisoners by taking hostages in a courtroom. Davis had befriended both Jackson brothers while working to free the Soledad Brothers, three Black inmates, one of which was George Jackson. All three men were heavily involved in prison reform activism and incarcerated for minor theft charges. Despite the nonviolent crime that landed them in prison, the Soledad Brothers were accused of murdering a white prison guard. Davis believed these men were targeted because of their reformist activism.

Davis corresponded frequently with Jackson via letters, helped organize prison protests, and aided in building the defense for all three inmates. The shootout left Judge Haley, Johnathan Jackson, and two inmates—William Christmas and James McClain—dead. Davis was accused of supplying Jackson with weapons used in the hostage-taking. The evidence against Angela Davis was circumstantial at best, yet the prosecution pursued charges of conspiracy, murder, and kidnapping. Davis went into hiding after being indicted of these crimes and spent months on the Federal Bureau of Investigation's Most Wanted List until she was apprehended two months later. Once she was arrested, President Nixon famously congratulated the FBI on apprehending the “dangerous terrorist,” shaping Davis' perception in the public eye.²⁷ Davis' trial began in March

²⁷ Free Angela Davis and all Political Prisoners, directed by Shola Lynch (2013; Roc Nation)

of 1972; the trial was highly publicized with more than 300 newsmen applying for credentials in order to enter the courtroom.

Davis' correspondence with the Jackson brothers, as well as the fact that two of the guns used in the shoot-out were purchased by her, were what connected her to the crime. This evidence clearly circumstantial; however, that did not stop the prosecution from attempting to give Davis the death penalty, for each of the three charges against her. In *Free Angela Davis and all Political Prisoners*, Davis says that given the fact that she could not die three times, this trial was not for her but for "the construction of this imaginary enemy and [Davis] was the embodiment of that enemy."²⁸ The media and the prosecution worked in tandem to bolster the threat that Davis, the imaginary enemy, posed. This imaginary enemy is not a person capable of attaining personhood, but rather an idea exemplifying what white America should be most afraid of. The media played a vital role in constructing this image of Davis. News coverage of Davis' trial rarely focused on the facts of the case. Instead, it focused on Davis' personal relationships, political affiliations, and physical appearance. In order to translate the danger that Davis posed to the American people, both the prosecution and the news heavily relied upon traditional sexist-racist tropes of Black women painting Davis as a Jezebel, Black Militant, and emotionally unstable woman. These tropes sought to rid Davis of her personhood and any legal protections her personhood may have afforded her.

Davis' trial exemplifies the profound implications of racial and gendered stereotypes on the legal construction of personhood and culpability. By framing Davis as an "imaginary enemy," the prosecution sought to strip her of her humanity and reduce her to a symbol of fear and danger. This raises fundamental philosophical questions about the nature of being and the

²⁸ *Free Angela Davis and all Political Prisoners*, directed by Shola Lynch (2013; Roc Nation)

possibility of selfhood in the face of oppressive ideologies. Davis, as a Black woman, confronts not only the threat of physical violence but also the erasure of her identity and agency through the reinforcement of sexist-racist tropes. These tropes, rooted in epistemological violence, perpetuate a narrative that denies Davis the opportunity to be recognized as a fully realized human being with inherent dignity and rights. The media's complicity in perpetuating these tropes underscores the power dynamics at play in shaping public perception and influencing legal outcomes. Through an examination of Davis' case, we are compelled to confront the ways in which systemic biases and stereotypes undermine the pursuit of justice and hinder the realization of true personhood for marginalized individuals.

The reading of images depicting Davis in her trial, as well as passages from news articles reporting on the trial, serves as a critical lens through which one can analyze the profound implications of racial and gendered stereotypes on the legal construction of personhood and culpability. These images offer insights into the ways in which Davis was portrayed and perceived within the courtroom, shedding light on the ways in which oppressive ideologies manifest and are perpetuated through visual representation. By foregrounding the analysis of these images, one can more effectively explore how Davis' identity as a Black woman intersected with prevailing stereotypes to shape her legal proceeding and public perception. In doing so, one can interrogate the broader implications of these representations for the understanding of personhood and the pursuit of justice within a society marked by systemic biases and inequalities.

Media's construction of Angela Davis' romantic narrative

Due to the fact that the charges brought against Davis carried the death penalty, Davis was denied bail. She was placed in a Women's Detention Center and immediately put in solitary

confinement. Davis said that she felt “very lonely” in solitary, but she used that time to read and write letters.²⁹ Specifically, she wrote letters to George Jackson, one of the Soledad Brothers who remained at San Quentin Prison. They were able to relate to each other’s conditions and deepened their emotional connection through this correspondence. Davis’ attorney argued that in order to build their defense, Davis needed to meet with each of the Soledad Brothers.³⁰ This allowed Davis to meet with George Jackson in the mess hall of a jail at the Marin County Civic Center. According to a New York Times article, Jackson’s hands were “loosely chained to his waist” throughout the conversation. News coverage of the meeting focused on the intimate moments between Davis and Jackson. The title of the New York Times article reads “Angela Davis Meets a Soledad Brother,” and the opening line of the New York Times article explains that “Angela Davis embraced George Jackson.”³¹ While the title suggests that the article will contain details about Davis’ case or the contents of the meeting between her and Jackson, the opening line centers Davis and Jackson’s personal relationship.

The media’s fixation of Angela Davis’ brief encounter with Jackson and their subsequent relationship not only reveals the collaboration between the justice system and media in constructing false narratives but also highlights the ways in which romance becomes a point of persecution for Davis. This romantic narrative serves as a tool for the prosecution to portray Davis as emotionally unstable and driven by irrational infatuation, rather than as the highly educated and politically motivated individual she truly is. Saidiya Hartman makes the connection between an ungendered, reduced subperson status and promiscuity, “The tensions generated by the law’s dual invocation of property and person, or by “full enjoyment” and limited protection to

²⁹ *Free Angela Davis and all Political Prisoners*, directed by Shola Lynch (2013; Roc Nation)

³⁰ “Angela Davis Meets a Soledad Brother,” *The New York Times*, July 9, 1971.

³¹ *Ibid.*

life and limb, were masked by the phantasmal ensnaring agency of the lascivious black.”³² As nonpersons, flesh, or things, Black women’s capacity and desire for “full enjoyment” is limitless, justifying their perceived promiscuity. Davis’ Blackness act as evidence of her unadulterated pursuit of her desire. In this case, her desire was the freedom of her alleged lover, George Jackson. Hartman also highlights the way in which white desires, the desire to create the “lascivious black,” became law; the prosecution’s case against Davis exemplifies this. The romanization of Davis’ relationship symbolizes the white desire to reduce Davis to a subperson status. Their circumstantial case against Davis depended on the believability of this narrative.

Davis’ academic achievements, indicative of her intellect and expertise, are overshadowed by the sexist-racial tropes that portray Black women as foolish and emotionally driven. Moreover, the prosecution’s focus on Davis’ supposed romantic involvement with Jackson detracts from the larger context of her activism and dedication to the cause of freeing political prisoners. In this way romance becomes a lens through which Davis is dehumanized and her agency is undermined. This manipulation of Davis’ relationships within the legal context underscored the ways in which the law is complicit in perpetuating systemic biases and injustices, further entrenching the marginalization of Black women within society.

The *New York Times* is specifically complicit in establishing Davis’ romantic passions as the motive for her supposed crime. On the day that Davis was apprehended by the FBI in New York City, the *New York Times* printed a story entitled “Soledad A Letter to Angela Davis.” The article contains an excerpt from the book George Jackson had written, *Soledad Brother: The Prison Letters of George Jackson*, as he awaited trial. The excerpt is clearly aimed at framing the relationship between Davis and Jackson as romantic. Opening the excerpt with “Dearest Angela”

³² Saidiya Hartman, “Seduction and the Ruses of Power,” *Callaloo*, vol. 19, no.2 (1996): 544.

brings attention to the term of endearment Jackson uses when referring to Davis.³³ Jackson then goes on to say that he is “thinking about [Davis]. I’ve done nothing else all day.” The first part of the excerpt focuses on Jackson’s dissatisfaction with the image of Davis that his sister had sent to him. He asks for a larger photo that is printed in color then discusses his more general dissatisfaction with his prison experience after being locked up for ten years. The letter then transitions back to the photograph with Jackson stating “do you sense how drunk this photograph has made me? You've got it all, African woman. I'm very pleased... You're the most powerful stimulus I could have.”³⁴ This excerpt alone could serve of evidence of the seemingly passionate relationship between Davis and Jackson. Jackson is “drunk” off a photo of Davis and completely enamored with her. He treasures this photograph and thinks of her all the time. However, while the excerpt ends with this final declaration of passion, the longer letter printed in its entirety in *Soledad Brother: The Prison Letters of George Jackson*, does not end here.

What is most important about this article is not necessarily the content of the excerpt, but what *The New York Times* chose to leave out and how that impacted Davis’ perception. Firstly, very minimal context is given in the excerpt. The article defines Angela Davis as a “former philosophy professor,” a member of the FBI’s Most Wanted List, and a suspected accomplice in the “spectacular San Raphael shootout.”³⁵ This description of Davis is simply insufficient. Davis was much more than the job she was removed from or the crime of which she was falsely accused. However, *The New York Times*, chose to associate her with criminality in her description, subtly influencing viewers’ perception of her. *Similarly*, George Jackson, the author of the letter, is the man who “has been charged with the murder of a prison guard and is awaiting

³³ “Angela Davis Meets a Soledad Brother,” *The New York Times*, July 9, 1971.

³⁴ “Soledad: A Letter to Angela Davis,” *New York Times*, October 13, 1970.

³⁵ *Ibid.*

trial” and the brother of the boy who died during the shootout.³⁶ The article also provides no date for when the letter was written, even though in the actual book a date is provided, May 29th, 1970. The lack of context given to the excerpt allows readers to place this letter, and the passion expressed in the letter, within their own timeline.

Additionally, the article never explicitly states that the excerpt included in the text is not the full letter. The rest of the letter is not included in the article but there are no ellipses demonstrating that fact that the excerpt in the article skips whole paragraphs and has a different ending. In the rest of the letter, which is presented in *Soledad Brother* Jackson details the books he wanted Davis to send him, his anger at the seemingly hopeless state he was in, and his fear of the CIA’s monitoring of his and Davis’ correspondence. These portions of the letter that *The New York Times* article excludes provide context to the relationship between Davis and Jackson. They act as proof that their relationship may have not been romantic. Why would Jackson fear the CIA's surveillance of Davis and their correspondence if they were merely exchanging love letters? It's evident that Jackson regarded Davis as a fellow comrade, someone with whom he could freely exchange their activist-centered ideals.

The final part of Jackson’s letter that the *New York Times* article sought to leave out seemingly references the nature of the relationship between Davis and Jackson. Jackson ends the letter with “Should we make a lovers' vow? It's silly, with all my tomorrows accounted for, but you can humor me. Power to the People!”³⁷ The idea that Davis and Jackson would be lovers is presented as a joke which is demonstrative of the nature of their friendly relationship. Jackson calls a potential romantic relationship with Davis “silly,” given that his days are “accounted

³⁶ “Soledad: A Letter to Angela Davis,” *New York Times*, October 13, 1970.

³⁷ *Ibid.*

for.”³⁸ Recognizing that it he may spend more time in prison, Jackson cannot take a romantic relationship between him and Davis seriously. He then ends the letter with “Power to the People,” demonstrating his political affiliation. *The New York Times* chose to omit these important moments in the letter in order to support the narrative they were trying to translate. The news organization wished to present the relationship between Jackson and Davis as romantic, so they purposefully omitted sections of the letter that demonstrated the platonic nature of their relationship. To ensure that readers would not do their due diligence in ensuring the accuracy of the letter, they present the excerpt as if it was the whole letter, the whole truth.

Illustrating the collaboration between media outlets and courts to reinforce the nonpersonhood of Black women, the media played a crucial role in publicizing the purported romantic relationship between Davis and Jackson, despite its inadmissibility in court. On April 20, 1972, the *New York Times* printed a story entitled “Love Letter Read at the Davis Trial.” The article explains that the letters between Jackson and Davis were not read in front of the jury, and none of the letters were placed into evidence.³⁹ The article places quotes from both Jackson and Davis’ letters in direct conversation with each other in order to establish the romantic relationship between both parties, relating exactly what the prosecutor read in court:

[Davis:]“What activities am I supposed to take time off from? Since that day described to you, my life, all my life's efforts, have gone in one direction: Free George Jackson and the Soledad Brothers.

[Jackson:] “Man. I have gotten into a lot of trouble, but I don't give a damn. I love you. I love my people. That is all that matters, liberation by any means necessary. Those means are determined by the nature and intensity of” the enemy's response.⁴⁰

³⁸ Soledad: A Letter to Angela Davis,” *New York Times*, October 13, 1970.

³⁹ *Ibid.*

⁴⁰ Earl Caldwell, “Love Letter Read at the Davis Trial,” *The New York Times*, April 20, 1972.

Taken out of the context of the colloquialisms of this time period and the way in which communist leaning activists spoke with each other, these letters could be seen as evidence of some sort of romantic relationship between Davis and Jackson. However, the sixties and seventies have been coined the era of free love for a reason. People were quick to profess their love and admiration for each other, not necessarily in a romantic sense. While Jackson wrote that he loved Davis in his letters, the statement was quickly followed by “I love my people,” suggesting that his affection for Davis mirrors his affection for his people. The prosecution also highlighted the fact that Davis’ letter to Jackson was signed, “I love you. Hasta la Victoria, Angela” in order to support their claim that Davis was in fact in love with Jackson.⁴¹ Similarly, when Davis writes that her “life’s efforts” have become completely devoted to freeing “George Jackson and the Soledad Brothers,” it is more a of declaration of her dedication to the cause and not a profession of love.

The *New York Times*’ involvement in framing Angela Davis’ personal relationships serves to strip her of personhood by perpetuating a false narrative constructed by the prosecution. By selectively quoting excerpts from Davis’ and Jackson’s letters and presenting them side by side, the article insinuates a romantic relationship between the two, despite the lack of evidence to support such a claim. This deliberate manipulation of Davis’ words and actions reinforced stereotypes and undermines her agency, reducing her to a caricature of emotional vulnerability rather than a political activist fighting for justice. The *Times*’ complicity in perpetuating this narrative highlights the insidious ways in which media outlets collaborate with the legal system to perpetuate injustice and strip individuals like Davis of their personhood.

⁴¹ Earl Caldwell, “Love Letter Read at the Davis Trial,” *The New York Times*, April 20, 1972.

The fact that the jury was originally not permitted to hear the contents of these letters due to their dubious procurement does not mitigate the damage done by their public dissemination through outlets like *The New York Times*. While the legal system may attempt to uphold standards of evidence and fairness, the press can still wield significant influence in shaping public opinion and reinforcing biased narratives. In this way, *The New York Times*' portrayal of Davis' personal relationships renders the courts' role in stripping her personhood obsolete, as the press is able to circumvent legal constraints and disseminate prejudiced interpretations of her actions and intentions. This underscores the broader issue of media complicity in perpetuating systemic biases contributing to the marginalization of individuals within society.

Media's color-coding of Davis

Inside the courtroom, the prosecution centered Davis' affiliation with the Black Panther Party and the Che-Lumumba Club; while outside the courtroom, media coverage of Davis' trial did the same. Davis was not a member of the Black Panther Party; she was only involved in the educational in the San Diego chapter. However, Davis was in fact a member of the Che-Lumumba Club, an all-Black branch of the Communist Party in the United States. Media coverage of her trial that did not center her relationship with Jackson, centered her association with the communist party. New York Times headlines called Davis the "Red Professor" and "Red Teacher."⁴²⁴³ The headlines marked her as a communist, defined her by her political affiliation. The media capitalized on her association with the Communist Party USA in order to vilify and discredit her in the eyes of the public. This label also reflected the strong anti-communist sentiments of the Cold War period, painting Davis as an enemy of the State before

⁴² Steven V. Roberts, "Coast Test over Red Professor Is Near," *The New York Times*, May 26, 1970.

⁴³ "U.C.L.A. Bypassed on Red Teacher," *The New York Times*, May 17, 1970,

her trial even began. According to the media, her identity as a communist aligned her with a sort of radicalism that explained her descent into criminal activity.

The *New York Times* article titled “Angela Davis: The Making of a Radical,” explores the progression of images of Davis used in the press, which demonstrate her descent into radicalism. The fall of 1969, images of Davis “showed a tall black girl in a mod mini-dress lecturing to a philosophy class.”⁴⁴ In 1969, Angela Davis was 25 years old. Referring to her as a “Black girl” effectively infantilized the philosophy professor demonstrating the racism that undergirded representations of Davis. Her intellect and obvious maturity are completely erased by this racially loaded description. Additionally, the focus that the article puts on what she is wearing, “a mod mini-dress,” acts as a reminder of the way in which representations of Davis were both racialized and gendered. The attention given to her “mod mini-dress” is meant to undermine her intelligence and respectability. Despite the microaggressions, this image of Davis centers her profession. It presents Davis as being different—unlike other women, Black people, or Black women. This image also highlights Davis’ constructed proximity to whiteness; because she is educated and chic she is further separated from Blackness and in turn that much closer to whiteness.

By June, the dominating image of Davis had transformed. The article states “newspapers pictured her dressed in denim and marching in a picket line with a sign that said, ‘Save the Soledad Brothers from Legal Lynching.’”⁴⁵ Jeans are commonly associated with manual labor; thus, becoming a symbol of the working class. In the seventies, jeans took on a deeper symbolic meaning, “jeans did not distinguish between social classes.”⁴⁶ Jeans were viewed as an equalizer

⁴⁴ “Angela Davis: The Making of a Radical,” *The New York Times*, August 23, 1970.

⁴⁵ *Ibid*

⁴⁶ Jennifer S James, “Blue Jeans and American Pie: The Symbolic Development of Blue Jeans in America,” *Prized Writing*, 1993,

justifying their association with communism in the United States. The *New York Times* article emphasizes the fact that Davis is wearing denim as a way to subtly remind readers of her political affiliations. It brings attention the fact that she had in fact become more radical, moving further from whiteness. The attention given to what she is wearing also acts as a subtle reminder of her gender. Had she been a man, what she was wearing would not be considered pertinent; however, due to her gender, what she is wearing becomes a part of her identity. The article also centers the political nature of this popularized image of Davis. In this image, Davis holds a sign reading “Save the Soledad Brothers from Legal Lynching.” Davis was hyper involved in activism surrounding the Soledad Brothers’ case and the building of their legal defense. Ironically, Davis would soon fall victim to “legal lynching,” but the inclusion of the contents of her sign tease at her increased radicalism.

The final image of Davis discussed in the article is from late August 1970. It is a drawing of Davis demonstrating her round afro, dark sunglasses, and a pin on her jacket that says, “Free the Soledad Brothers.”⁴⁷ This image of Davis is what “was adorning posters in post offices and police stations across the country.”⁴⁸ This was the image of Angela Davis the “Black militant.” The same image that the FBI used when searching for Davis across America. In this popularized image, Davis’ mouth is closed. One of Davis most identifiable features was the gap between her two front teeth. This was the description the FBI used when searching for Davis across the country while she evaded police custody. *Free Angela Davis and All Political Prisoners*, discusses the fact that this description of Davis, a tall Black woman with a space between their teeth, was used as justification to harass and question any Black woman who just loosely resembled this description. This illustrates the detrimental impact of visual imagery on public

⁴⁷ “Angela Davis: The Making of a Radical,” *The New York Times*, August 23, 1970.

⁴⁸ *Ibid.*

perception of Black women, perpetuating unwanted scrutiny and harassment. Additionally, this image serves as a stark reminder of the systemic racism and discrimination faced by Black women during that era. The FBI's focus on Davis's physical features, rather than her actions or beliefs, highlights the dehumanizing tactics employed by law enforcement to target and intimidate activists. The widespread dissemination of this image in public spaces, coupled with the FBI's description, contributed to the vilification and surveillance of not only Davis but also other Black women who shared similar physical characteristics. It underscores the harmful consequences of racial profiling and the perpetuation of harmful stereotypes through visual imagery. Ultimately, this portrayal of Angela Davis as a threatening figure not only misrepresented her activism but also reinforced negative perceptions of Black women as inherently suspicious or dangerous.

Metaphorically speaking, the image of Davis with her mouth closed is symbolic of her silence throughout her trial. During the two months she was on the run, Davis obviously did not speak to the public—through speech or writing—about her case. However, even after she was apprehended by the FBI then later released from prison on bail, Davis never released an official statement.⁴⁹ This was somewhat unexpected considering Davis often acted as the voice of whatever movement she was a part of; she never shied away from writing articles, publishing letters, or giving speeches about the Soledad Brothers or any political movement she was involved in. Her silence was noted, which made it even more impactful when she delivered her own opening statement after the prosecution completed their arguments against her.

⁴⁹ Free Angela Davis and all Political Prisoners, directed by Shola Lynch (2013; Roc Nation)

Testimony—The Defense Opening Statement

While Davis was incarcerated for 16 months, she was eventually released from the detention center. This was in part due to the persistence of National United Committee to Free Angela Davis, a group of activists united by their efforts to free Davis and all political prisoners, which had been campaigning for bail. Additionally, in February of 1972 California abolished the death penalty. One of the reasons why Davis was originally denied bail was because any person accused of a crime that carried the death penalty was automatically denied bail in California. The prosecution was pursuing the death penalty for all three of the crimes Davis was accused of. The abolition of the death penalty allowed Davis to ask to the court to be released on bail. When she was released, this slightly shifted her perception in the public eye. When she finally gave her opening statement in front of the court, she gave the statement as a free woman defending her freedom.

The opening statement for the defense, given by Davis, demonstrates her understanding of the architecture of personhood and the precarious nature of her personhood. She uses the moment to not only challenge the arbitrary accusations against her but also the broader structures of power that perpetuate the persecution of Black personhood. In her statement, she articulates the legal systems failure to recognize her as a full person under the law, drawing attention to the inherent inequities that plagued her trial from the outset. She does this by rejecting the publicized images and narratives presenting her as an “imaginary enemy.” Instead, she asserts her identity as a scholar, activist, and advocate for justice. By doing so, Davis refuses to be reduced to a stereotype of caricature, challenging the narrative of nonpersonhood that seeks to dehumanize and marginalize her. Davis systematically interrogates every aspect of the prosecution’s case starting with the use of eyewitness testimony in the prosecution’s case:

Judicial history is replete with instances where innocent people like me have been convicted on the basis of mistaken identifications. This is particularly true when it is a question of white people identifying Black people. We ask you to examine this testimony cautiously and critically.⁵⁰

Davis takes this moment to acknowledge the long-standing pattern of injustice within the legal system that has been particularly detrimental to Black people. Understanding the importance of optics, Davis aligns herself with other falsely accused and convicted individuals. The prosecution's case heavily depended on eye-witness testimony which was the only evidence that "definitively" tied Davis to the crime. Davis highlights the prevalence of mistaken identifications, especially by white people who, due to inherent racial bias, struggle to tell Black people apart. Lastly, Davis asks the jury to examine each testimony "cautiously and critically."⁵¹ Davis is subtly demanding a fair trial. She requests fair treatment and true scrutiny of the arbitrary evidence brought against her. She recognizes the potential of bias or flaws in the prosecution's case yet asks that she still receive a thorough and impartial evaluation.

The attention Davis gives to the racial bias in mistaken identifications and her demand for a fair trial are demonstrative of her cognizance of her lack of personhood. As a Black woman and a communist Davis was not considered a person; therefore, her right to a fair, unbiased trial was not guaranteed. Had Davis not been a Black woman or a communist, her case may have not even progressed to a trial given the lack of hard evidence connecting her to the crime. However, Davis is not afforded the protections the personhood provides. Instead, she had to face public scrutiny, spend time in isolation behind bars, and watch as the prosecution tore into her public and private

⁵⁰ Angela Y. Davis, *Frameup: The Opening Defense Statement Made by Angela Davis, March 29, 1972* (San Francisco, CA: National Committee to Free Angela Davis, 1972): 11.

⁵¹ Angela Y. Davis, *Frameup: The Opening Defense Statement Made by Angela Davis, March 29, 1972* (San Francisco, CA: National Committee to Free Angela Davis, 1972): 11.

lives. *The New York Times*, which had so closely followed the Angela Davis trial, printing quotes from the prosecution's case, did not cover the defense's case. While they printed quotes from the prosecution's statement, Davis' relatively brief opening statement was not given the same coverage. Davis' testimony was immensely powerful, she challenged the legitimacy, yet her statement was not as publicized. Perpetuating the fact that even when she chose not to be silent, the press still had the ability to silence her. By delivering her own opening statement, Davis attempts to lay claim to her personhood, using her voice in the courtroom. However, *The New York Times*, refuses to affirm her personhood by not printing anything from her perspective.

In her opening statement, Davis addresses the main evidence the prosecution used to nail her to the crime. She easily dismantles the motive that the prosecution created. In response to the prosecution's claim that Davis' romantic feelings for Jackson acted as the motive for the crimes she was accused of, Davis said:

this is utterly fantastic, this is utterly absurd. Yet it is understandable that Mr. Harris would like to take advantage of the fact that I am a woman—and women in this society are supposed to act only in accordance with the dictates of their emotions and passions.

This is a symptom of the male chauvinism which prevails in this society.⁵²

Davis bluntly calls out the prosecution's dependence on gendered and racialized tropes in order to paint her as an overly emotional woman capable of murder. She also highlights the undercurrent of gendered and racialized tropes that undergird the prosecution's assumptions about her. As a Black woman, Davis is assumed to be inherently emotional and irrational, a stereotype with historical roots in the dehumanization of Black women during slavery. She also suggests that the prosecution is culpable of purposefully and intentionally using this trope against

⁵² Angela Y. Davis, *Frameup: The Opening Defense Statement Made by Angela Davis, March 29, 1972* (San Francisco, CA: National Committee to Free Angela Davis, 1972).

her. By framing her as overly emotional and irrational, the prosecution sought to undermine her credibility and portray her as unfit to defend herself against the charge. By mentioning the way in which “women in this society” are treated, Davis seeks to place herself within a larger context and history that speaks to the marginalization and disempowerment that women, specifically Black women, experience within legal and social contexts through the manipulation of racialized and gendered tropes. She states that all women, Black and white women alike, face a common enemy: male chauvinism. Once again bringing attention to the broader systemic inequalities that perpetuates gendered stereotypes and discrimination against women, especially Black women.

In response to the lack of publicization of Davis’ statements and case, the National United Committee to Free Angela Davis published *FrameUp; The Opening Defense Statement Made by Angela Y. Davis March 29, 1972*. The book consisted of a short preface providing the context of Davis’ case, the entirety of Davis’ opening statement for the defense, as well as photographs of Davis, protesters, and other organizers. *FrameUp* serves as a manifestation of bell hooks’ concept of the oppositional gaze—a form of resistance against the white male gaze that seeks to objectify and stereotype Black women.⁵³ *FrameUp* deliberately seeks to challenge and subvert dominant narratives and representations through visual imagery. Firstly, it counters the lack of publicization of Angela Davis; statements and case by providing a platform for her voice through the publication of her opening defense statement. This act of amplifying Davis’ perspective challenges the silencing tactics of the dominant discourse, asserting her agency and humanity. In addition, the inclusion of photographs in *FrameUp* serves to disrupt and contradict the publicized representations of Davis perpetuated by the mainstream media. In the image of Davis presented in *FrameUp*, her curly afro is on display, she wears large, printed, dangly

⁵³ bell hooks, *Black Looks: Race and Representation* (New York: Routledge, 2015).

earrings and a small, soft smile. The image of Davis presented in the book contrasts the dehumanizing drawing of Angela Davis the Black militant which was printed in *The New York Times* and posted in post offices and police stations across the country. The headshot humanizes her, reminding readers that the accused is a person deserving of freedom. This is the oppositional gaze.

The next image shows Davis seated in front of a host of microphones. Her sister sits beside her, and a group of Black and white men and women sit and stand around her. On the wall behind her is a poster of Malcolm X and quote by Davis, “the demands to free all political prisoners must burst out of a movement encompassing the broad masses of people.” Davis advocacy for political prisoners swerved as a central part of her defense. In her opening statement, Davis clearly states that her connection to Jackson and the rest of the Soledad Brothers was a continuation of her advocacy for political prisoners and not necessarily a unique relationship. The image also contradicts the prosecutions subtle digs at Davis’ credibility. This image demonstrates the fact that Davis was a dedicated advocate and a leader within the movement.

Most of the news organizations that covered Davis’ defense were Black owned networks and papers. These news organizations serviced Black communities and centered Black stories. The fact that only Black led news organizations felt the need to center Davis’ side of the story is once again indicative of Davis lack of personhood. While within the courtroom, the prosecution constantly sought to chip away at Davis personhood, highlighting the malleability of her personhood, mainstream media outlets did not need to chip away at it. Instead, they could simply ignore her side of the story; thus, invalidating her testimony, her one claim to personhood. Davis trial exemplifies how the legal system, imbued with racial biases, denies Black women of their

personhood. *The New York Times'* racialized coverage and the public discourse surrounding Davis' case suggested a predetermined narrative that in turn undermined her right to a fair trial and portrayed her as an outsider to the legal system. Due to the prosecution's weak case, Davis is eventually found not guilty by an all-white jury. However, despite her not guilty verdict, mainstream media had already influenced public opinion, shaping attitudes and reinforcing existing prejudices. In the eyes of the public, Davis was already a dangerous Black militant and criminal. Davis became representative of her entire race; If she was a dangerous, overly emotional, criminal, all Black people, especially Black women, were as well. In this way the media recreated Black female nonpersonhood outside of the confines of the courtroom. The framing of Davis as a radical Black Militant and dangerous figure influenced how the public viewed the broader civil rights movement and activism in the 1970s. This coverage greatly contributed to the polarization of opinions fueling a divisive narrative that hindered constrictive dialogue on issues of racial injustice.

Anita Hill: Unraveling Racial Gendering in Media

On October 11, 1991, Anita Hill testified at Supreme Court Justice Clarence Thomas' Senate confirmation hearing. Hill accused Justice Thomas of sexual harassing her while he was her boss at the United States Department of Education's Office for Civil Rights and the Equal Employment Opportunity Commission (EEOC). Specifically, Hill accused Thomas of making unwanted sexual advances—continually asking her on dates despite their working relationship—and made inappropriate comments towards her—like discussing the type of pornographic materials he enjoyed watching. The media coverage of the Anita Hill hearings vividly exemplifies entrenched societal challenges, rendering the concept of Black female personhood seemingly unattainable, as the intersectionality of race and gender is overshadowed by biased narratives, systemic inequalities, and the perpetuation of damaging stereotypes.

Seeing as Clarence Thomas is a Black man and his accuser Anita Hill is a Black woman, it was suggested that race was not a factor in the hearing. A *Washington Post* article published days after the hearing quoted Senator Kennedy, "the fact is that these points of sexual harassment are made by an Afro-American against an Afro-American," he said. "The issue isn't discrimination and racism; it's about sexual harassment. And I hope we can keep our eye on that particular issue."⁵⁴ Kennedy's quote was a response to Justice Thomas referring to Hill's testimony and accusations as a "high-tech lynching." To dismiss Hill's accusations and the impact of those accusations as simply a case of sexual harassment is to ignore the unique form of oppression Hill faces. The sexual harassment framework is limiting, making it easier for Thomas to avoid the consequences of his actions.

⁵⁴ 1. Ruth Marcus, "4 Testify Hill Spoke Years Ago of Harassment - The Washington Post," *The Washington Post*, 1991.

The racial construction of Anita Hill's gender

Anita Hill's accusations against Clarence Thomas and the subsequent hearing were actively deracialized in order to misrepresent the case as a simple case of sexual harassment. However, to focus solely on sexual harassment without acknowledging racial dynamics limits one's understanding of the power dynamics at play. The treatment of both Hill and Thomas, by the media and the Senator Panel, were shaped by their racial identities regardless of the fact that they are both Black. Any analysis that ignores the racialized nature of these hearings cannot offer a comprehensive understanding of the case. This is not to say, however, that gender did not play a significant role in the hearings. It instead acknowledges the racialized nature of gender. For Clarence Thomas to appear deracialized or raceless, Anita Hill then needed to appear hyper-racialized in order to serve as his foil. The hyper-racialization Hill experienced during the hearings and in the media coverage surrounding the hearings, was innately gendered while also being grounded in anti-Blackness. Hill's race and gender intersected to shape the specific form of discrimination and scrutiny she faces. As a Black woman, Hill was subjected to unique stereotypes and expectations that were both racialized and gendered. These stereotypes portray Black women as hypersexual, aggressive, and untrustworthy, contributing to the particular scrutiny and disbelief she faced during the hearings. Media coverage and public discourse surrounding the hearings often relied on racist tropes and stereotypes to discredit her testimony and undermine her credibility. These stereotypes perpetuated harmful narratives about Black women's morality and reliability contributing to the skepticism and dismissiveness she encountered.

In her analysis of the treatment of Anita Hill following the publicization of her accusations of sexual harassment against Clarence Thomas, Toni Morrison speaks to the

racialized nature of Anita Hill's testimony. She highlights how the Hill's "description of Thomas' behavior toward her did not ignite a careful search for the truth; her testimony simply produced an exchange of racial tropes."⁵⁵ Even when made aware of the accusations regarding Thomas' behavior prior to the official confirmation, the Senators on the panel, including Senator Specter and current President Joe Biden, they did not find the accusations significant enough to investigate. The "exchange of racial tropes" Morrison mentions refers to Thomas' pondering of why Hill may have brought these charges against him. Thomas was unable to find a justifiable reason and instead suggested that Hill disliked "lighter-complexioned" women—meaning, one gathers, his marriage to a white woman."⁵⁶ Thomas attempts to disparage Hill's character by presenting her as a jealous and angry Black woman who is overconcerned about race and racial issues. This is the very assault on Hill's character that she attempted to avoid by stating her credentials at the beginning of her testimony.

The lack of inquisition inspired by Hill's accusations are evidence of her inherent lack of personhood. Vital to the concept of personhood is relation and communitarian ethics, which emphasize the role of social relationships and interpersonal connections in shaping personal identity and moral agency. Essentially, to be a person is to be a part of a community and subject to the responsibilities and protections that community affords. Hill is barred from these privileges and protections. When she accuses Thomas of sexual harassment, her testimony, her truth does not even trigger a thorough investigation; however, it is used as a basis to question her character. The symbolism of Hill's testimony mirrors that of Tituba and other subjects of witch trials. Perry writes that "Tituba, and countless others were symbolic and literal resister to

⁵⁵ Toni Morrison, "Friday at the Potomac," essay, in *Race-Ing Justice, En-Gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality* (New York, New York: Pantheon, 1992): xvi.

⁵⁶ *Ibid.*

personhood, sovereignty, and the property regime”⁵⁷ In Tituba’s case, because she was a witch or a Black woman, she could not testify because she did not have *reason*; yet her testimony is used as a basis for executing others. Similarly, while Hill’s testimony is constantly delegitimized—through media coverage, the Senators who interrogated her, and Thomas’ testimony—her testimony is used as a basis for executing her own character.

Through his testimony, Thomas consistently characterized Hill as a difficult woman. These assertions were then supported by headlines promoting these racial tropes “an *intellectual* daughter of black *farmers*; a *black female* taking *offense*; a black *lady* repeating *dirty words*.”⁵⁸ Morrison uses italics to highlight the paradoxical nature of the tropes imposed on Hill. She was both an “intellectual” and a child of “farmers”, a “black female” who decided to take offense to Thomas’ comments, and a “lady” who uses “dirty words.” The paradoxical nature of these epithets also highlights how difficult it was for the media to define and thus characterize her. While Thomas’ testimony started the character assassination Hill experienced, media coverage worked to further reduce Hill’s personhood by reading between the lines of Thomas’ testimony and redistributing these racialized tropes.

Thomas, on the other hand, was easy to characterize. Hill’s characterization as a difficult Black woman was then contrasted with Thomas’ “model citizen” persona. Senator Danforth, when questioned about Thomas’ character spoke of his laugh, “he laughs...laughter is the antidote to that dread disease, federalitis.”⁵⁹ Like Hill, Thomas’ representation is also inherently racialized. Rather than a difficult Black man, Thomas is a happy citizen, mirroring the image of

⁵⁷ Imani Perry, *Vexy Thing: On Gender and Liberation* (Durham: Duke University Press, 2018), 28.

⁵⁸ Toni Morrison, “Friday at the Potomac,” essay, in *Race-Ing Justice, En-Gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality*, xvi

⁵⁹ *Ibid.*, xii.

an Uncle Tom happily doing the master's work. Morrison calls Thomas' laughter a "metonym for racial accommodation and obedience needed to open discussion with a black person."⁶⁰ His laughter acts as a white flag, an indicator telling white people that Thomas was approachable and obedient, unlike Hill. While Senator Kennedy suggested that the hearing was raceless, judging by the racialized nature of these tropes, Kennedy's assertion was clearly incorrect.

Despite the racialized nature of representations of both Hill and Thomas, Morrison does point to the way in which Thomas' race was minimized in order to mitigate its impact on public perception of his persona. Contrastingly, Hill's race was constantly subtly referenced, Thomas "was cloaked in garments of loyalty, guardianship, and (remember the laugh) limitless love... Anita Hill was dressing in the oppositional costume of madness, anarchic sexuality, and explosive verbal violence."⁶¹ In order to fit the narrative being told throughout the hearing, Thomas could not be associated with the racial tropes that have defined Black people. Instead, he had to be the exception. This meant that Hill had to represent every racial trope at the same time in order to truly act as Thomas' foil. While Thomas was loyal and obedient, Hill was traitorous and contentious. The hearings were not about investigating the truth but rather affirming the racial tropes they wished to project onto Hill.

The language of law and its impact on personhood

Colin Dayan speaks to the importance of legal definitions arguing that the American criminal legal system strips incarcerated people of their personhood, and thus their victimhood and the recognition of their suffering, through the language of law. Working in tandem with the

⁶⁰ Toni Morrison, "Friday at the Potomac," essay, in *Race-Ing Justice, En-Gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality*, xii

⁶¹ *Ibid.*, xv

language of law, the media surrounding criminal or legal proceedings work to affirm the lack of personhood expressed in these proceedings. While Hill was not the subject of the hearings themselves, that is she was not the person being accused or confirmed, the hearings are nonetheless consistently referred to as “the Anita Hill hearings.” It was no longer Justice Thomas’ confirmation hearing, instead Hill was on trial. This puts Hill in the place of the incarcerated person stripped of her personhood and defending her innocence. Though Hill is, for all intents and purposes, on trial, she is not afforded the legal protections guaranteed to those on trial by law. Recognizing the position she has been put in, Hill seeks to preemptively assert her personhood. When introducing herself to the Senate panel Hill started her testimony by listing her work and educational experiences. She does this to showcase her character and highlight her respectability, highlighting that this hearing would not be a normal trial.

Colin Dayan asks the question “who gets to be wanton?” in order to interrogate the way in which the legal definitions upheld by the criminal legal system are inconsistently applied; while some are criminalized for wanton behavior, others are able to use legal definitions to explain such behavior away. Dayan writes that wanton, “targets the power and privilege enjoyed by agents administering torturous treatment.”⁶² Borrowing from the example of the US soldiers who were charged for torturing prisoners in Abu Ghraib, Dayan demonstrates how legal definitions are often manipulated in order to justify the torture of others in name of justice. However, justice, and what is necessary in order to protect citizens, is consistently defined by those in power. These definitions are often employed in order to protect government interests and the government actors who enact this violence. Thus is the case in the Anita Hill hearings.

⁶² Colin Dayan, “Who Gets to be Wanton?” In *The Law Is a White Dog: How Legal Rituals Make and Unmake Persons*, 177–208. (Princeton University Press, 2011): 186.

To answer Dayan's question, Clarence Thomas, like prison guards and the soldiers in Abu Ghraib, gets to be wanton, because the law and the media will work to protect him.

The main way in which blatant wantonness is overlooked in the intent argument is as follows: as long as one did not intend to cause harm, legal definitions make it more difficult to hold someone accountable for that harm. Dayan calls this "reasonableness gone reckless."⁶³ In order to prove criminal liability, one must also prove criminal intent. It is through this means that the criminalized is stripped of their personhood. Victimhood is an expression of personhood.⁶⁴ To be a victim of a crime, or of wantonness, one must first be considered a person worthy of protection under the law. The intent argument centers the intent of the criminal actor rather than the harm experienced by the victim. Hill posited herself a victim, yet she is tried in court almost as if she was an assailant purposefully and unjustly attacking Justice Thomas' character. Through this switch up, Hill is stripped of her personhood.

Mirroring initial responses to the actions of the soldiers in Abu Gharib, prior to Anita Hill's testimony, Senate panel members sought to minimize the harassment she faced at the hands of Thomas. Media coverage surrounding the hearings exposed this agenda. A *New York Times* article entitled "The Thomas Nomination: The Senate and Sexism; Panel's Handling of Harassment Allegation Renews Questions About an All-Male Club" discusses how sexism within the Senate influenced Anita Hill's treatment throughout the hearing. The article explains how Representative Pelosi and other female lawmakers petitioned to reconsider Thomas' Supreme Court nomination. Specifically, the article exposes the fact that Senate members had been well aware of Hill accusations prior to her testimony in October but had chosen to ignore

⁶³ Colin Dayan, "Who Gets to be Wanton?" In *The Law Is a White Dog: How Legal Rituals Make and Unmake Persons?* 181.

⁶⁴ Kelli Moore, *Legal Spectatorship: Slavery and the Visual Culture of Domestic Violence*, (Durham, Duke University Press, 2022): 94.

it.⁶⁵ Senator Arlen Specter told reporters that rather than formally investigating the allegations he “privately quested Judge Thomas before the panel voted on the nomination on Sept. 27.”⁶⁶

Senator Specter was satisfied with his response, stating “the lateness of the allegation, the absence of any touching or intimidation and the fact that she moved with him from one agency to another, I felt I had done my duty and was satisfied with his responses.”⁶⁷ Consistent with Dayan’s analysis of the Abu Ghraib soldiers’ cases, the intent argument, Thomas’s image and person, as a government actor, is protected above all else. His wantonness is questioned then dismissed privately. Hill’s victimhood, on the other hand, could not be affirmed because what she experienced did not fit into Specter’s definition of what can truly be characterized as harassment. Demonstrating the arbitrary nature of the language surrounding criminal law. Because Hill had not been physically assaulted by Thomas, “the absence of touching or intimidation,” she had not really experienced harassment.

This instance speaks to the arbitrariness of language Dayan questions throughout her essay. The American criminal legal system depends on definitions in order to operate effectively. For someone to be accused of a crime there must be legal terminology that defines the harm caused by the crime and the punishment for the crime.⁶⁸ Senator Specter overlooked Hill’s pain because there was no legal definition for the harassment she faced: her accusations were made past the statute of limitations set by the EEOC for harassment claims and Thomas has not physically assaulted her. The accusations could not be investigated through legal frameworks; thus, barring them from any sort of legal definitions. In the article, Dowd attributes that the lack

⁶⁵ Maureen Dowd, “The Thomas Nomination: The Senate and Sexism; Panel’s Handling of Harassment Allegation Renews Questions about an All-Male Club,” *The New York Times*, October 8, 1991.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ Colin Dayan, “Who Gets to be Wanton?” In *The Law Is a White Dog: How Legal Rituals Make and Unmake Persons?* 190.

of investigation into Hill's accusations to sexist Senate members' lack of understanding of women's issues; however, this it goes deeper than that. Hill, through the handling of her accusation, was in fact a victim of sexism within the Senate; however, as a Black woman the sexism she faced was also innately racialized. Not only were her accusations of harassment dismissed because they could not easily be defined, but as a Black woman, she was denied victimhood.

Morrison also highlights the way in which Thomas' confirmation hearing sought to prove that Thomas was innocent in the eyes of criminal court. This calls back to Dayan's assertions concerning the arbitrariness of legal definitions. The confirmation hearings were transformed into a trial in which Hill was the defendant and the U.S. government were the prosecutors. The mimicking of criminal proceedings is consistent with Dayan's discussion of who gets to be wanton. The government and its actors, namely Justice Thomas, get to be wanton. They get to transform senate hearings into trials aimed at proving Thomas "was innocent in the eyes of criminal law rather than focusing on whether or not he was fit for this very particular and ethically-concerned position" (Morrison, xviii). Despite their insistence that Thomas' nomination was not fueled by civil rights organizations' calls for that the nomination of a Justice that would continue Thurgood Marshall's civil rights legacy, the nomination of a different candidate that was not facing sexual harassment allegations was never considered. Instead, the hearing was made into a trial that allowed the Senate panel to more easily dismiss the charges brought against Thomas. Due to the reliance on legal definitions in trial proceedings, Hill's testimony would never have been able to significantly impact Thomas' confirmation.

Christine Blasey Ford and Anita Hill, a comparative analysis

In 2018, Christine Blasey Ford accused the Supreme Court Justice nominee Brett Kavanaugh of sexual harassment. Like Hill, Ford testified at Kavanaugh's confirmation hearing. However, comparing the media coverage of Hill and Ford's testimonies exhibit notable differences reflecting the racialized construction of gender and its impact of on personhood. In this analysis it is important to note that Ford's testimony comes after the #MeToo movement. The #MeToo movement is a social movement that emerged in the wake of widespread allegation of sexual harassment, assault, and misconduct within the entertainment industry in 2017. It later expanded to various other sectors and communities. The hashtag #MeToo, originally coined by Black female activist Tarana Burke back in 2006, gained renewed prominence as a rallying cry for survivors of sexual violence to share their experiences and show solidarity with one another. Obviously, the success of this movement impacted the manner in which Ford's testimony and accusations were received by the population. However, to suggest that the #MeToo movement explains why the media a general public were so receptive to Ford's testimony is to ignore the racial dynamics at play.

Ford represents the paradigm for the perfect victim; she is a doctor, a professor at a top university, a wife and a mother of two. Most importantly, she is a white woman. Her image, her identity as a white woman afforded her a level of public sympathy that Hill never experienced. A *CNN* article describes her "shy, quiet voice...as she stepped into the harsh spotlight of the Senate Judiciary Committee hearing room."⁶⁹ The article goes on to discuss the courage it took to give such "a raw, emotional retelling of the trauma of a sexual assault."⁷⁰ This coverage affirms her

⁶⁹ Maeve Reston, "'I Will Never Forget:' Christine Blasey Ford Recounts Her Trauma in Raw Testimony | CNN Politics," CNN, September 27, 2018.

⁷⁰ *Ibid.*

status as not just a victim but a survivor, an inspiration to girls and women around the world. The sympathetic reaction Ford received is well deserved, what she experienced was traumatic and to have to relive that trauma in front of the world took an immense amount of bravery. However, Hill deserved the same amount of sympathy.

Hill's testimony was similarly broadcasted to the public and she was also forced to detail the manner in which Thomas took advantage of his position as her senior to proposition her, yet media coverage of her testimony greatly differed from that of Ford. When describing Hill's testimony, media coverage published "Hill would coolly and impassively detail the nature of Thomas' alleged harassment."⁷¹ This article frames Hill as being almost robotic in her account of what happened to her, saying her testimony was given "coolly and impassively." This not so subtly makes readers question whether or not Hill was actually telling the truth. Can someone really be a victim of sexual misconduct without being emotional or shedding a tear while detailing what happened to them? Her lack of an emotional response coupled with her racial identity, further separated her from the popularized image of a victim. The article uses the word "alleged" to describe the harassment she experienced, once again translating the aura of dubiousness surrounding the journalist's reading of Hill's accusation.

After describing Hill's cool and impassive retelling of the harassment she was subjected to, the article then goes on to describe the sexual terminology Hill repeatedly used throughout the hearing, "Words like 'penis' and 'breast' and 'pubic hair' would enter the public record repeatedly in so somber and unutilating fashion that no one in the hearing room would blanch, let alone smirk or giggle."⁷² Coverage of Hill's articles always center this aspect of her testimony, not to highlight the inappropriateness of this terminology being used by a superior in

⁷¹ Jill Smolowe, "Sex, Lies and Politics: He Said, She Said," Time, October 21, 1991.

⁷² *Ibid.*

the work place, but to offer commentary on the use of the terms themselves. Her testimony is consistently reduced to these few words, without the context of why she had to repeat them. The article is consistent with its lackluster description of Hill's tone, this time referring to her retelling as "somber and untitilating" while describing the sexual terminology Hill subjected her to. However, the article fails to acknowledge the lengths Hill, as a Black woman, would have to go in order to be taken seriously. Laughter is a common response to discomfort; the juxtaposition of a serious setting like that of a Supreme Court Justice Confirmation Hearing and the repetition of sexual terminology is bound to create a level of discomfort. However, Hill knew that, in order to be taken seriously, her testimony could not stimulate laughter. Therefore, her cool tone acted as armor, forcing listeners to take her seriously. As the article describes, due to her somber tone when using this terminology "no one in the hearing room would blanch, let alone smirk or giggle."⁷³

In addition to a difference of the framing of both Hill and Ford, there is a palpable level of respect for Ford evident in media coverage surrounding her case, a level of respect that was never given to Hill. A Time Magazine article title reads "How Christine Blasey Ford's Testimony Changed America." The article discusses the manner in which Ford's truth was powerful enough to slow the confirmation process or "the machinery of political power."⁷⁴ It details the global impact of her testimony, describing a photo a woman in Hong Kong posted online stating that she believes Ford.⁷⁵ Hill is only mentioned once in the article, in order to compare the lack of public support her accusations against Thomas garnered in comparison to that of Ford. The article acts as if Ford was the first person to boldly stand before congress

⁷³ Jill Smolowe, "Sex, Lies and Politics: He Said, She Said," Time, October 21, 1991.

⁷⁴ Haley Sweetland Edwards, "How Christine Blasey Ford's Testimony Changed America," Time, October 4, 2018,.

⁷⁵ *Ibid.*

accusing a powerful man of wrongdoing. This is not to negate the impact of Ford's testimony, but the difference in the way in which Ford's testimony was received by the media provides a stark contrast to that of Hill.

A *Time Magazine* article from October of 1991 written about the Thomas confirmation hearings is entitled "Sex, Lies and Politics: He Said, She Said." This title alone demonstrates the lack of respect and credibility afforded to Hill. The title of the article reads almost like a gossip site, highlighting the scandal of the hearing rather than the harassment Hill faced at the hands of Thomas. Hill's trauma is spectacularized, rather than properly acknowledged. Linked in the article is another *Time Magazine* article entitled "the top 10 political sex scandals," supporting the idea that Hill's harassment and testimony was not legitimate. Additionally, the title and content of the *Times* article about Ford never doubts the accuracy and believability of Ford's testimony. The article about the Thomas hearings, however, are full of doubts concerning Hill.

While the #MeToo Movement primed the public to be more accepting of Ford's testimony, the personhood afforded to her as a white woman more clearly explains the stark contrast between media coverage of her accusations compared to that of Hill. Ford and Hill both are both highly educated and graduated from the best schools in their respective fields: Ford from Stanford School of Medicine and Hill from Yale Law School. While both confirmation hearing were inherently politically charged, they were both democratic leaning women accusing conservative Supreme Court nominees. Ford gained the support of the Democratic party and its leaders, Hill did not. People simply did not believe Hill, as the *Times* article suggests, they thought she was a liar. No amount of education and goodwill could change that. As a white woman, Ford is not marked by a history of ideologies that associate her skin color with criminality and deceit or gendered racialized tropes that manifested into a juridical history that

claimed Black women could not be victims of sexual assault or harassment. This is what stripped Hill of her personhood, tainting her in the eyes of the public.

The examination of Anita Hill's testimony during Justice Clarence Thomas' confirmation hearings sheds light on the complex interplay between race, gender, and the legal system. The impossibility of Black personhood, particularly for Black women facing racialized and gendered oppression, becomes evident in the media's role in reinforcing systemic challenges. The hearings, labeled as "the Anita Hill hearings," exemplify how media coverage can strip away legal personhood and perpetuate damaging stereotypes. The intent argument, explored by Colin Dayan, becomes a crucial lens through which Hill's victimhood is undermined. The hearings, transformed into a trial where Hill defends her innocence, mirror Dayan's analysis of legal definitions that protect those in power. The racialized nature of media representations, as highlighted by Toni Morrison, further complicates the narrative. Thomas's race is minimized to maintain a positive public image, while Hill is burdened with racial tropes, reinforcing societal biases. The hearings' transformation into a trial, aiming to prove Thomas innocence under law criminal law, underscores the arbitrary nature of legal definitions. The emphasis on protecting government interests and actors like Thomas reflects systemic inequalities. Comparing the media and public's reception to Ford's accusations to that of Thomas disprove the theory that race did not factor into Hill's treatment throughout the hearing. Despite assertions of a "post-racial" society, the Anita Hill hearings expose the enduring challenges rooted in biased narratives, systemic inequalities, and the manipulation of legal frameworks. The examination of this historical event serves as a poignant reminder of the intricate intersections of race, gender, and the legal system, prompting continued reflection on the pursuit of justice and equality.

The Media vs. Megan Thee Stallion

On July 12, 2020, at around 4:30 am police responded to shots fired reports in Hollywood Hills.⁷⁶ After finding the vehicle which matched the description given by witnesses, the Hollywood Division Officers conducted a traffic stop during which multiple individuals were detained. Upon further investigation, officers arrested Daystar Peterson, also known as Tory Lanez, a relatively popular Canadian rapper, singer, and songwriter. Peterson had a concealed firearm in the vehicle. Due to the fact that he was on parole at the time and was not supposed to have a weapon, Peterson was charged and booked in Hollywood Jail. The LAPD report states that “one person was transported to the hospital and received medical treatment for a foot injury.”⁷⁷

On July 15, 2020, TMZ posted a video that quickly took the internet by storm. The video shows Daystar Peterson laying on his stomach with his arms spread in the middle of the road beside a black SUV.⁷⁸ Megan Pete, most commonly known as Megan Thee Stallion, exits the vehicle with her hands up and walks backward with difficulty. Her bloody footprints stain the pavement as she continues to follow the police officers’ instructions until she eventually takes a seat. Another woman, Pete’s former best friend Kelsey Harris, exits the vehicle from behind the drivers’ side and is instructed to lay on the ground in a manner that mimicked Peterson’s position. For the next three years, bloggers, other musicians, and internet personalities would debate what happened on that night. Peterson has since been found guilty of three felony charges, one of which was for assaulting Megan Pete, and sentenced to 10 years in prison.

⁷⁶“Detectives Seeking Information Regarding Shooting NR20168LL,” LAPD Online, accessed March 18, 2024,

⁷⁷ *Ibid.*

⁷⁸ TMZ Staff, “Megan Thee Stallion Says She Was Shot in the Foot, LAPD Didn’t Know She Was Victim,” TMZ, December 4, 2022.

On July 15th, 2020, Pete posted on Instagram revealing that she had “suffered gunshot wounds” in both of her feet during the incident in Hollywood Hills.⁷⁹ She did not name the perpetrator; however, the video of Daystar Peterson’s arrest broke on TMZ the same day. Both Peterson and Pete were clearly identifiable in the video; thus, people were quickly able to connect Peterson to the assault. While mainstream news organizations covered the case and the subsequent trial. Press coverage of the incident and its repercussions primarily unfolded through social media. Social media has emerged as a key player in the realm of mass communication, showcasing its impact on the dissemination of news and information. It has become a vital form of press, allowing not just news organizations but individuals unprecedented opportunities to share content and shape public discourse. Platforms like *Instagram*, *Facebook*, and *X*—formerly known as *Twitter*— allow anyone with an account to share news and express their opinions on a global stage.

While social media’s impact on the press is often viewed in a positive light due to its decentralization of media power, it played a vital role in stripping Megan Pete of her personhood. Specifically, after admitting that she had been assaulted, Pete was met with a host of comments and messages via social media accusing her of lying, cracking insensitive jokes about the assault, or romanticizing her relationship with Peterson. These representations of Pete are reminiscent of the racialized and gendered tropes that have historically haunted Black women; Pete was accused of being a Jezebel, a man, a person incapable of victimhood, and an angry woman scorned. Daystar Peterson’s trial began on December 5, 2022, yet Pete is still being tried in the court of public opinion. Throughout the trial, there was limited court access, with no

⁷⁹ Giulia Heyward, “The Timeline of Events in the Tory Lanez Assault Case,” NPR, December 24, 2022.

cameras allowed inside the courtroom. Therefore, the public heavily relied upon daily recaps and twitter threads from reporters, creating a strong online discourse surrounding the trial.

Peterson was able to capitalize on the importance of image. Because there were no cameras allowed inside the courtroom, news cameras gathered outside of the courthouse capturing both Peterson and Pete as they entered the space. Peterson played close attention to the clothing he wore and how he presented himself in front of the cameras; he sported soft colored blazers and even entered the courthouse with his five-year-old son in his arms. He appeared confident, cool, calm, and collected. This was the image he presented to the public while continuing to disparage Pete's character both inside and outside of the courtroom. Contrastingly, on the day that Pete was brought into court as a witness she wore a purple pantsuit and dark sunglasses. Purple is the color for domestic violence awareness. The color she chose to wear acts as evidence of her victimhood, and her attempt to affirm her personhood.

Due to the lack of cameras, courtroom sketches of Pete and Peterson were the only visuals from inside the courtroom. While the sketches of Peterson closely resemble him, the sketches of Pete do not look like her. In many of the sketches she appears to have been stripped of her more Afrocentric features: her wider nose bridge and nostrils were replaced with a small button nose and her strong jawline was softened changing the structure of her face. Additionally due to the way in which the thicker end of her eyebrows is turned up, she appears angry in every sketch. In one of the sketches, even as she holds a tissue in her hands, obviously crying, her face does not soften, and her eyebrows stayed upturned. While it is entirely possible that Pete stayed angry as she recounted the details of the assault she experienced, court reporters and twitter threads disclosed that during her witness testimony, Pete had to take several breaks because she was so emotional. Courtroom drawings are meant to show the range of emotions the key players

within a trial experience. However, in their representation of this Black woman, a victim in an assault case, Pete is always angry. Even as she cries while recounting how Peterson said “Dance B*tch” as he shot at her feet, in the drawings she appears angry.

This raises a question on how Black female victimhood is portrayed visually. In these drawings, Pete is not represented in the way in which victims of assault are usually represented. She wears heavy makeup and appears emotionless as she faces the man who assaulted her. These were the only images that the public had access to, images that suggest Pete was somewhat unaffected by what happened to her. These images were then reproduced; they were reposted tens of thousands of times across social media platforms and published on major gossip blogs and news outlets. This sketch had a large impact on the how Pete’s victimhood was translated to the public. What the public was able to assess from these images was able to eclipse the truth shared in her actual testimony.

The reproduction of courtroom sketches of Pete and Peterson underscored the racial construction of gender and the persecution faced by Pete. The disparity in the portrayal of the two individuals in these sketches highlight the biased lens through which Black women are often depicted in visual media. While Peterson’s sketches closely resemble him, Pete’s sketches strip her of her Afrocentric features and depict her as a consistently angry demeanor, regardless of the emotional context of her testimony. This distortion of Pete’s appearance and emotions serves to perpetuate damaging stereotypes about Black women as inherently angry or emotionless, undermining her credibility as a victim of assault.

Moreover, the reproduction of these sketches across social media platforms and news outlets amplifies the distorted narrative surrounding Pete’s victimhood, further eroding the truth of her testimony. By disseminating images that suggest Pete was unaffected by the assault, the

media perpetuates harmful misconceptions about Black female victimhood and undermines the validity of her experiences. This not only reinforces the racialized and gendered stereotypes that contribute to the marginalization of Black women but also served to silence and discredit their voices in the pursuit of justice. The reproduction of these courtroom sketches reflects the broader societal dynamics of racism and sexism that shape the representation of Black women's experiences, perpetuating injustices and denying them the recognition and empathy they deserve.

Megan Pete's contested victimhood

Pete's case comes at the height of movements that centered Black women, namely “#Protect Black Woman” and “#Say Her Name” movements. In March of 2020, Breonna Taylor had been shot and killed by the police as she lied in her bed sleeping. George Floyd was murdered by a police officer two months later triggering a resurgence of the Black Lives Matter movement. While people were rightfully quick to organize around George Floyd's murder, initially Breonna Taylor's murder did not receive much attention or outrage. Megan Pete was one of the first celebrities to tell Breonna's story and demand that people #SayHerName. In her advocacy for Breonna Taylor, Pete was able to articulate the interconnectedness of systemic injustices faced by Black women. However, Pete's calls for the protection of Black women reflected the lack of protection she was given after she was assaulted.

Despite the fact Pete is a victim of intimate partner violence (IPV), the internet struggled to see her as a victim. This is in part due to the fact that Pete does not necessarily fit the image of the perfect victim. The claim of victimhood demands an image of innocence and helplessness, which is usually associated with whiteness, especially white women. Pete, as a fit 5'10 Black woman who openly discusses her sexuality, contradicts the image of the ideal victim. While her

physical characteristics contributed to the public's inability to see her as a victim, the idea that Black women could not be victims to violence has a juridical history. In antebellum America, an enslaved status meant Black women had no legal recognition, or personhood, whatsoever. Black women were not persons, so they could not be victims of violence. The American legal system has a dark legacy of failing to recognize Black women as victims of sexual or physical assault, perpetuating the myth of the "hypersexualized" Black women who is deemed less worthy of protection. This myth asserts that Black women are so inherently lascivious that they could never not consent to any sexual act. This line of thinking delineates from the times of slavery, during which Black women were systematically assaulted by white slave owners. This violence, however, was rarely acknowledged or prosecuted; instead, Black women were often blamed for inviting the violence they experienced.

Memeification of Black Women's Trauma

Pete's experience resonates with this troubling historical precedent of victim-blaming and the delegitimization of Black women's testimonies. A historical precedent that has its roots in stripping Black women of their personhood. A host of social media responses sought to minimize the pain the Pete had experienced especially through memes. Curtis James Jackson III, also known as rapper 50 Cent, posted memes on both *Instagram* and *Twitter*, some of which have since been deleted, making fun of Pete's assault. The first meme he tweeted was an image of Megan Thee Stallion slowly morphing into a photo of Jussie Smollett. The caption of the tweet was "Damn I'm confused all this sh*t going around...I don't know what to think. LOL."⁸⁰ In December of 2021, Jussie Smollett claimed that he had been attacked and was a victim of a hate crime due to his sexual orientation. It was later discovered that these reports were false, and

⁸⁰ Starr Bowenbank, "50 Cent Apologizes to Megan Thee Stallion for Tory Lanez Shooting Meme: 'Now I Know What Happened,'" *Billboard*, January 12, 2023.

Smollet was found guilty of five charges due to his false reports. The image 50 Cent promoted to his massive following suggested that Pete was lying about what happened to her. Despite the fact that he had expressed that he was “confused” about the whole ordeal and did not know the complete story, he still felt the need to disparage her character.

Another meme 50 Cent posted on *Instagram*, shows an iconic scene from the classic movie *Boyz N The Hood*. The scene is from the end of the movie, and it shows Ricky, one of the protagonists, getting shot in the back by a rival gang member. Pete’s face had been placed on Ricky’s head as he ran from the vehicle and an image of Peterson’s head was placed on the shooter. The caption of the *Instagram* post was “Run Ricky Run” followed by a laughing emojis and “WTF is really going on?”⁸¹ Once again 50 Cent expresses a lack of understanding of the situation yet still finds it appropriate to laugh at an image referencing Pete’s assault.

Interestingly enough, 50 Cent had been shot nine times in a drive-by shooting in 2000 and almost succumbed to his wounds. Much of 50 Cent’s clout and the public persona he developed in the early 2000s originated from his history with gun violence. However, as a fellow rapper in the music industry, he was able to joke about Pete’s critical situation highlighting the dissemination of misogynoir. While 50 Cent being shot catapulted his career, as Black women, Pete being shot only damaged her character.

Masculinization of Pete

Other discourse on social media suggested that the public rejected Pete’s victimhood due to them perceiving her as being masculine. Another tweet read “Meg portraying herself with aggressive, masculine undertones is why people reacted w/ no sympathy. Essentially we treated her like a man who got shot. If a feminine artist like Jhene Aiko or Beyonce got hit, the energy

⁸¹ TMZ Staff, “50 Cent Apologizes to Megan Thee Stallion for Mocking Gun Incident,” TMZ, April 8, 2022.

would be different.”⁸² This tweet exemplifies how the imaginary image of the perfect victim impacts real victims of violence. Specifically, Black women have to adhere to a stricter code for them to be considered victims. The rap genre is a male dominated genre, Pete’s height and success in that industry already associates her with masculinity. However, Iggy Azalea, a white rap artist who is also 5’10 is never accused of being masculine. This demonstrates the role that Pete’s skin tone plays in claims of her being more masculine.

The tweet mentions Jhene Aiko and Beyoncé as examples of feminine women who would be more likely to garner sympathy from the public if faced with assault. Colorism plays an important role in this assumption. Both Jhene Aiko and Beyoncé are light skinned women while Pete is a brown to dark skinned women. Jhene Aiko and Beyoncé’s proximity to whiteness through their lighter skin tones is what affirms their victimhood. Additionally, Jhene Aiko stands at 5’2 and Beyoncé is 5’7, shorter than Pete’s 5’10. Both Aiko and Beyoncé have smaller frames than Pete allowing them to conform to the “fair maiden” trope more easily. Contrastingly, Pete’s stage name Megan Thee Stallion is not just a reference to her home town of Houston, Texas, but also her stature. In Houston, the term stallion is used to refer to women who are tall and thick. Pete being perceived as less feminine than her white and lighter-skinned counterparts greatly impacted her apparent victimhood.

Pete is hypermasculinized to the point that many people online suspected that she was a transgender woman. In a social media post that received 28.7k views on Twitter, Curtis Bashar the self-proclaimed voice of hip hop tweeted, “OJ Simpson murdered his wife and he was proven not guilty Tory Lanez didn’t shoot Marcus Thee Stalker and his DNA wasn’t found on the gun and he was still found guilty...an evil world!”⁸³ Despite OJ Simpson’s not guilty verdict, most

⁸² (@cliff_ohio), “Just my opinion by Meg portraying...,” Twitter, July 28, 2020.

⁸³ Curtis Bashar (@IBashar), “OJ Simpson murdered his wife...,” Twitter, September 27, 2023.

people believe that he was guilty of murdering his wife. Bashar juxtaposes the outcome of the OJ Simpson trial with that of Daystar Peterson's trial in order to suggest that the verdicts should have been swapped. Additionally, he refers to Megan Thee Stallion as Marcus Thee Stalker. This is a reference to social media discourse suggesting Pete is a man that had some sort of obsession with Peterson.

An *Instagram* post by Cameron Ezike Giles, also known as rapper Cam'ron, that received 39,000+ likes read "Tory Lanez saw that d*ck and started shootn...IDC what no one say."⁸⁴ Pete's apparent masculinity acted as justification for Peterson's crimes. This adds another layer of complexity to the already fraught discussion surrounding her assault. The transgender allegations Pete faced served to undermine her identity as a Black woman. Transphobic rhetoric like this often seeks to invalidate transgender individuals' gender identities, denying them agency and autonomy over their own bodies. By insinuating Pete was transgender, Giles was invoking these stereotypes, further eroding her personhood and reinforcing notions claiming Black women are less deserving of sympathy and protection. It also raises interesting question regarding gender and victimhood. Even if Pete was a man or transgender, does that automatically mean that she deserved to be shot? Does her perceived proximity to masculinity mean that she is not worthy of protection or sympathy? Either way, this rhetoric was used to further ungendered Pete. In this case Spiller's term ungendering refers to the way in which Pete's identity as a Black women was undermined. By insinuating that Pete's apparent masculinity somehow justifies her assault, Giles perpetuates stereotypes about Black women demining Pete her agency and autonomy over her own body. This rhetoric not only seeks to invalidate Pete's gender identity but also reinforces the notion that black women are less deserving of sympathy and protection.

⁸⁴ Cameron Giles (@mr_camron), "Tory Lanez saw that...", *Instagram*, July 22, 2020.

The transphobic implications of Giles' post serve to further erode Pete's personhood and reinforce harmful stereotypes about transgender individuals.

Spillers highlights the manner in which the flesh is not a body, capable of personhood and expressions of personhood such as gender. Social media's reaction to Pete's assault, hypermasculinizing her and accusing her of being transgender, proves her point, demonstrating the malleability of Black gender and the precarious architecture of personhood. Megan Thee Stallion is a Black woman who exudes feminine energy through her music, lifestyle, and appearance. However, her femineity and gender are so easily called into question because of the precarious nature of her personhood. Internet memes, tweets, and *Instagram* posts reinvent her lack of personhood by continuing to make fun of the violence she faces and promote transphobic rhetoric meant to undermine her identity.

Victim Blaming

The victim blaming that haunted Pete throughout the aftermath of the shooting and Peterson trial took many forms. Social media posts like the ones mentioned above suggested that her perceived proximity to masculinity justified the violence she faced. Essentially, the internet suggested that because she chose to enter a male dominated field and diss men through her music, she deserved to be treated like a man. Other social media posts maliciously painted Pete as a traitor to her race for taking criminal action against Peterson. These posts suggested that, even though Pete was a victim, in seeking criminal action against Peterson, she was trying to "bring a Black man down." A *Twitter* user wrote "[we]e really failed as a black community bc why we let the white law get involved in a drunk fight that coulda been talked out." The altercation between Pete and Peterson was not a "drunk fight," he literally shot her. Pete's experience is trivialized in order to reframe her desire for justice as something that can be "talked

out.” Just as the comments masculinizing Pete and accusing her of being transgender seek to erase her gender, comments suggesting that she is a traitor to her race or trying to bring a Black man down erases her Blackness. Daystar Peterson as a Black man deserves protection from the community because he is Black, despite the fact that he is a criminal; yet Pete does not deserve the protection of the Black community despite her Blackness.

This narrative has real consequences, causing Black women to remain silent when they are victims of violence. Jewel Allison, one of Bill Cosby’s victims famously stated in her Washington Post article that she did not tell anyone about her assault because she “didn’t want to let black America down.”⁸⁵ She recognized what Bill Cosby symbolized to the Black community and felt that her truth would not be well received by the community. Pete faced a similar conundrum. Much of the criticism surrounding the aftermath of the shooting centered around Pete’s choice to not call the police herself and also initially telling the police that she had injured her feet after stepping on glass, not due to gunshot wounds. In her cover story for Elle Magazine, Pete explains that she was resistant to call the police or mention to them that Peterson had shot her because she feared for the lives of everyone present.⁸⁶ She was cognizant of the contentious history Black people have with the police and despite the fact that she knew Peterson was in the wrong, she did not want him to be physically harmed. Mimicking Allison’s response to Cosby’s assault, Pete originally sought to protect Peterson not necessarily because of who he was but because he was a Black man.

In *Mules and Men*, Zora Neale Hurston wrote that “the black woman is the mule of the world.”⁸⁷ Mules are the lowest creatures and born to be used by others. Despite the fact that Pete

⁸⁵ Jewel Allison, “Bill Cosby Sexually Assaulted Me. I Didn’t Tell Because I Didn’t ...,” The Washington Post, accessed March 18, 2024.

⁸⁶ Megan Pete, “‘Nobody Can Take Your Power’: Megan Thee Stallion in Her Own Words,” Elle, August 8, 2023.

⁸⁷ Zora Neale Hurston, *Mules and Men* (New York: Harper & Row, 1990).

was a victim to a crime that caused her bodily harm, the internet had already decided that she was a mule, destined to a life of being used by others. Why is it Pete's responsibility to save or protect Daystar Peterson even though he made the decision to perpetuate violence against her? While much of the discourse surrounding Pete's assault debated what she should have done to change the outcome of the situation or how her actions somehow justified the violence she experienced, social media users rarely questioned why Peterson shot Pete in the first place. The victim blaming that Pete continues to experience delineates from a racist-sexist juridical history that saw Black women as incapable of victimhood. What these social media posts from Black social media users show is that history has been internalized. W.E.B Dubois would call this a form of double consciousness, Black people viewing themselves not just through their own eyes but also through the eyes of their oppressor. Black social media users, internet personalities, and Pete's fellow Black rappers, could not see her as a victim because white people and law have blatantly denied Black women victimhood, womanhood, and personhood for centuries.

Romanticization of violence

Another way in which social media discourse delegitimized the assault Pete experienced was through the romanticization of Pete and Peterson's relationship. On a podcast, Draya Michele Howard, a model and media personality best known for starring on *Basketball Wives LA* in 2011, stated "I predict that they had some sort of Bobby and Whitney love that, you know, drove them down this snapped-esque type of road. And I'm here for it. I like that. I want you to like me so much you shoot me in the foot too." This clip from this podcast was posted online by The Shade Room. The Shade Room is a popular social media platform and entertainment news website that primarily focuses on Black pop culture, celebrity news, entertainment, and gossip. It

has an extremely large *Instagram* presence with 29 million followers, who regularly engage with the comment section on each post. In this clip that The Shade Room posted, not only does Howard compare Pete and Peterson's relationship to that of Bobby Brown and Whitney Houston, but she also diminishes the crime against Pete suggesting that Peterson shot her as an expression of love or affection.

The supposed romantic nature of the relationship between Peterson and Pete was fueled by the defense's case. Peterson's main defense was that he was not the shooter; instead, it was Kelsey Harris who shot her best friend because they were both in a relationship with Peterson. He took to social media in order to push this narrative. After a voice recording of Peterson apologizing to Pete hit the internet Peterson tweeted "Good d*ck had me f*cking 2 best friends...and I got caught...that's what I apologized for...it's sick how u spun it tho..." He wanted to present the shooting as a love triangle gone wrong. Despite the fact that news outlets obtained medical report documents that showed the bullet fragments in Pete's feet and screen shots of messages from Harris saying, "Tory shot Meg," social media users continued to question whether Pete was shot at all and if Peterson was truly the perpetrator.⁸⁸

To many social media users, this narrative that Harris shot Pete because she was jealous was more attractive and believable. One *Twitter* user tweeted "And again there should be no reason why: 1. Kelsey was given an immunity deal. For what? 2. Why Meg couldn't tell a Black journalist she wasn't in an intimate relationship with Tory when honestly it would have helped the case more 3. Why Sean Kelly saw 'the two girls fighting.'"⁸⁹ Despite the clear evidence brought against Peterson—the eyewitness who saw "the short guy" shoot at Pete's feet, Harris'

⁸⁸ Taiyler S. Mitchell, "The Doctor Who Operated on Megan Thee Stallion after She Was Shot Said Remnants from the Bullets Are Still inside Her Feet," *Business Insider*, December 15, 2022.

⁸⁹ (@Nightshawn101), "And again there should be no..." *Twitter*, Feb 27, 2024.

text messages, Peterson’s apology—social media users still sought to poke holes in Pete’s case. This user question Harris’ role in the shooting, citing her immunity deal as evidence of her guilt. Another *Twitter* user wrote, “I think Kelsey shot because she was fighting with meg after finding out she was sleeping with tory, he just in the middle of everything. That’s why she wanted immunity. Reduce Tory sentence to time served or let him go.”⁹⁰ These two tweets reflect broader societal tendencies to frame Black women’s interactions and experiences within stereotypical narratives.

What seemed to hurt Peterson’s case in the court of public opinion was Kelsey Harris’ testimony. Specifically, when Harris went on the stand, she claimed to not have remembered anything that occurred that night. It became clear that Harris’ witness testimony had been tampered with. Days after the shooting occurred, in an interview with Pete’s lawyers, Harris had given a detailed account of all that occurred on July 12th. Additionally, the prosecution had access to the text messages that Harris had written claiming Peterson had shot Pete. However, when she was on the stand, she claimed to not have remembered any of this. The only thing Harris did remember was that her and Pete stop bring friends because Pete stole Peterson from her. Pete and Harris have since denied this claim. Their denial is supported by the fact that at the time of the shooting, Harris was still in a relationship with the father of her son.

Contrastingly, Pete’s claim that Peterson got violent with her is supported by his actions before and after the altercation between the two musicians. Online supporters of Pete were quick to point this out, “Tory literally assaulted august nd the women in past relationships nd y’all what him free cause he shot meg??”⁹¹ In September of 2022, August Alsina, a rnb singer, refused to give Peterson a handshake. Alsina claims Peterson and his team regrouped and before

⁹⁰ (@CapitalYere), “I think Kelsey shot because...,” *Twitter*, February 27, 2024.

⁹¹ (@Iamclickclack), “Tory literally assaulted august...,” *Twitter*, February 27, 2024.

approaching Alsina again and assaulting him. Alsina later posted photos of his injuries on *Instagram*. This is evidence of Peterson's violent history, yet as this *Twitter* user chose to point out, people would rather ignore this evidence in order to attack Pete.

The push to make a spectacle out of the relationship between Pete and Peterson stems from a desire to sensationalize or diminish Pete's victimhood by focusing on her personal life rather than the content of the court case. Peterson's case hinged on a sensationalized, contentious relationship Pete and Harris, who had been best friends for years. He sought to paint Pete as a Jezebel who had a history of sleeping with the men her best friend expressed interest in. While this framing was not successful in the court of law, it was effective on social media, the court of public opinion. What does this say about Pete's personhood? How is her victimhood so easily eclipsed by a sensationalized narrative? It acts as evidence of the precarity of Pete's personhood.

In late February 2024, a little over three years after the shooting and two years since Peterson was put in prison, Drake, one of the most popular rap artists of this generation, posted "Free Tory Lanez" on his *Instagram* story. His post was met with a mix of reactions, especially since Peterson has already been found guilty of assaulting Pete. Despite this, Drake was willing to throw his support behind Peterson, announcing his allegiance to the lesser-known rapper to his massive *Instagram* following. Even after being convicted, years after the assault, people refuse to believe Megan Pete.

What Pete experienced was a social lynching. She faced collective punishment and ostracization on *Twitter*, *Instagram*, *Facebook*, *Reddit*, and all other social media platforms. She was subjected to intense scrutiny, victim-blaming, and straight up disbelief within these platforms. The widespread use of social media only exacerbated the expansive dissemination of misinformation and harmful tropes. The public condemnation and vilification she faced was

entirely premature. Pete was found guilty in the court of public opinion before Peterson's trial even began. As soon as she accused Peterson, social media questioned her credibility and sought to discredit her allegations despite the fact that she was the victim.

Historically, lynching has been one of the clearest ways in which Black people were stripped of their personhood. It involves a complete denial of dignity, an erasure of one's identity, a complete inference with one's autonomy, and an impact on the entire community. Since July 12th, 2020, Pete's dignity has been completely denied. Social media users have accused her of being a liar, a man, a transgender woman, and a woman scorned denying her the dignity and respect afforded to all human beings; thus, treating her as less than human. The misinformation pushed on social media attempted to strip her of both her gender and race. Posts about her masculinity undermined her gender identity while users accusing her of trying to "bring a Black man down" erased her racial identity. Pete had no control over the narratives being shared about her. Even as she tried to debunk the lies being spread via social media, social media users were not willing to listen to her testimony. They instead chose to believe the more sensationalized narrative, stripping Pete of her personhood. Lastly, the social lynching Pete continues to face acts as a chilling message to all Black women. The fear and trauma we all saw play out in *Twitter* threads and *Instagram* comments reverberates throughout the Black female community, creating a pervasive atmosphere of insecurity. This collective trauma further reinforces feelings of powerlessness and marginalization undermining a sense of personhood and belonging among Black women.

Conclusion

Candy's witch trial, Angela Davis murder trial, Anita Hill's Testimony at Clarence Thomas' confirmation hearing, and Megan Pete's Testimony in Daystar Peterson's trial, exemplify the lack of personhood of Black women. Specifically, for the three case studies, the dubious manner in which media outlets addressed the women at the center of each trial or hearing demonstrates the fact that these women were never afforded the same protections as their male or white counterparts. News outlets' portrayal of the three Black women involved in each of these cases had an integral role in shaping the public's understanding or reality, truth, and mortality. Each of these cases raise questions about the philosophy of race, gender, and media and the manner in which these themes intersect. The portrayal of Black women in the media reflects deeply ingrained stereotypes about their sexuality, criminality, and moral character. Race and gender intersect to shape these narratives producing a unique form of intersectional oppression. The media's role in constructing narratives about Black women reflects broader power dynamics within society. By sensationalizing and fictionalizing their personal lives and relationships, the media reinforces stereotypes that serve to disempower and marginalize Black women, portraying them as lacking agency and autonomy.

There were certain arguments consistent in each of the case studies that expose the lasting impact of gendered and racialized tropes that impact Black women. Specifically, in each of these cases, there was a strange focus put on the personal, sexual, or romantic relationships of the women taking part in the trials or hearings. These relationships were discussed as if the relationships alone were enough to justify murder, lying to the police, or committing perjury in front of Congress. Even when these arguments were deemed inadmissible, or simply dismissed, within the courtroom, news outlets were sure to publish these fictitious narratives adding to the

spectacle surrounding each case. For Angela Davis, the romanization of her relationship with George Jackson acted as her motive for organizing to free George Jackson by any means necessary. For Hill, her all-consuming desire for Clarence Thomas and jealousy of his white wife explained why she brought false accusations against Thomas. In the case of Megan Pete, driven by her desire to assert dominance over her former best friend Kelsey Harris, she engaged in a sexual encounter with Daystar Peterson. This led to Kelsey shooting the female rapper in a fit of rage. These stories are all completely fabricated, yet the media ran with them, not just because of their spectacular nature, but also because these claims, no matter how arbitrary, were believable.

Underlying each of these narratives is the idea that even the most educated or successful Black women can so easily be consumed by their basest desires and regress to their most simple form: the black criminal. In Black men this trope manifests in a fear of different forms of violence. For Black women however, the racialized trope of Black criminality looks different because it is also gendered. Black female criminality is associated with promiscuity and prostitution. This association is what justified the focus media outlets put on the personal relationships of the Black women at the center of each of these cases. Each of these women were victims: Davis a victim of an attack on communist ideologies and leaders, Hill a victim of sexual harassment, and Pete a victim of assault. Yet despite their status of victims, survivors of personal attacks, their victimhood is almost never affirmed. Davis, Hill, and Pete, join a long juridical history of Black women being denied victimhood; in antebellum America, Black women could not be victims of sexual violence, and today Black women remain the invisible victims of the drug war and its gendered impacts.

The emphasis placed on the alleged romantic and personal relationships of the Black women implicated in these cases prompts contemplation of Colin Dayan's inquire into who gets

to be wanton. Davis, Hill, and Pete's wantonness does not afford them the protections that it did for Thomas, Peterson, or the soldiers in Abu Ghraib. In fact, their personal relationships, or alleged wantonness, are weaponized against them. Even their romantic relationships cannot be viewed in a positive light, instead they can only act as motive for their criminal acts. "Wanton" encompasses various meanings. It can denote cruel or violent actions carried out intentionally and without provocation, or it can refer to being sexually unrestrained, particularly in the context of women characterized as such. The use of the language of wantonness is innately gendered. The wantonness of the men involved in these cases, as well as the soldiers in Abu Ghraib, is dismissed because it is associated with the first definition of wantonness. For Black women entangled in these cases, already burdened with the unfair stereotype of promiscuity, any display of desire is unfairly interpreted as unchecked sexuality.

Another sexist racist trope that impacted both Hill and Pete was the jealous Black woman trope. This stereotype portrays Black women as irrationally jealous or envious, particularly in the context of romantic relationships. This stereotype is connected to the angry Black woman, or sapphire trope, depicting Black women as aggressive or confrontational when it comes to perceived threats to their relationships. This aggressive and jealous image of Black femininity contrasts the popularized image of white femininity, which is docile and sweet. In the context of Peterson and Pete's altercation, according to the defense, Pete and Harris' mutual jealousy is what led to Pete being shot by Harris. Peterson's entire defense was built on the idea that Black women, like Pete and Harris, lack the emotional control and rationality necessary to effectively problem solve. While this argument did not hold up in court, the independent journalists on social media were quick to run with this narrative. It was the media that ensured that even when

this argument was proven false in the courtroom, it was presented as truth in *Twitter* threads and *Instagram* feeds.

Similarly, in the Anita Hill case, the idea that Hill was a jealous and irrational woman was a vital part of Thomas' defense. Hill had absolutely nothing to gain from accusing Thomas of sexual harassment and misconduct. In fact, the publicization of her accusations exposed her to criticism and death threats. Therefore, the media, led by Thomas, tried to argue that Hill had some sort of irrational personal vendetta against Thomas. When asked why Hill would even accuse Thomas of harassment and misconduct, Thomas suggested that she was jealous of his white wife. News and media outlets then reproduced and distributed this information, despite the lack of evidence supporting Thomas' claim. The widespread dissemination of this assertion conveyed a stark message: it was deemed more plausible for a Black woman to fabricate allegations of sexual misconduct against a Black man involved with a white woman due to jealousy, than for her to be perceived as a genuine victim of such misconduct.

Philosophically, these cases prompt reflection on the nature of truth, justice, and representation. The media's selective framing of these narratives illustrates how power shapes the construction of reality, influencing public opinion and legal outcomes. Moreover, the intersectional identities of Davis, Hill, and Megan Pete complicate notions of justice, as race, gender, and class intersect to shape their experiences within the legal system. Social media's emergence as a platform for activism and advocacy has both amplified marginalized voices and perpetuated harmful narratives. While digital spaces provide opportunities for solidarity and resistance, they also enable the rapid spread of misinformation and reinforce existing power structures. As such, the ethical implications of media representation extend beyond traditional

forms of journalism, demanding critical engagement with the production and consumption of information in the digital age.

In each of these cases, media narratives were weaponized in order to undermine the credibility and lived experiences of the Black women at the center of the case. In Davis' case, news coverage of her trial dehumanized her, projecting images of her that stripped her of her personhood aligning her with militancy. News coverage of Hill's testimony stripped her of her race while simultaneously promoting highly gendered and racialized representations of her. The deracialization of the case minimized the racial dynamics at play, relegating Hill to a hypersexualized stereotype and casting doubt on her testimony. Lastly, social media discourse surrounding Pete's testimony in Peterson's trial criticized and made fun of Pete, a victim of assault. While some expressed support for Pete, others engaged in victim-blaming and disbelief, echoing the patterns of skepticism and scrutiny faced by Davis and Hill. The intersection of race, gender, and fame further complicated the narrative, underscoring the ways in which media coverage can be influenced by celebrity culture and societal biases.

The alleged uncontested nature of the visual field plays an important role in assessing the impact that news sources are able to have on public perception and cognition. Major news sources like *The New York Times*, *CNN*, *Time Magazine*, and *The Washington Post*, pride themselves on providing objective journalism. Central to their portrayal of objectivity is their reliance on visual representations. Pictures, sketches, videos, and visual descriptions are a vital part of objective journalism. In each of these cases, the visual field played an integral role in stripping Davis, Hill, and Pete of their personhood. The progression of popularized images of Davis as she became increasingly involved in political activism after returning to the United States, according to *The New York Times*, demonstrated her descent into radicalism. Davis and

the Free Angela Movement attempted to combat this visual representation of Davis by including softer images of Davis in *FrameUp*. However, *FrameUp*'s readership pales in comparison to that of *The New York Times*. Additionally, this source reach different types of audiences. In Hill's cases, her testimony was broadcasted across news stations. Analysis of her reaction and intonation when describing the harassment she faced at the hands of Thomas was used to undermine the credibility of her testimony. Similarly, the courtroom sketches of Pete, stripped her of the emotional response and her Afrocentric features. However, the sketches of her were not the only images that circulated the internet. The video of Pete hobbling out of the SUV in Hollywood Hills leaving a trail of bloody footprints and 50 Cent's memes were also constantly spread and reposted on all social media platforms.

The pervasive influence of visual media extends beyond traditional news sources to encompass the digital landscape of social media platforms, where images and videos are rapidly disseminated and consumed by a global audience. This phenomenon underscores the multifaceted nature of the visual field and its impact on shaping public perception and cognition. The circulation of images and videos related to Davis, Hill, and Pete across media platforms adds another layer of complexity to the narrative construction surrounding these individuals. While traditional news sources may strive to present objective journalism, the unregulated nature of visual interpretation allows for the proliferation of diverse and often conflicting narratives. One must consider the ethical implications of visual media in shaping public discourse and perceptions. The selective use of images and videos by both traditional news sources and social media users can perpetuate stereotypes, reinforce biases, and contribute to the marginalization of certain individuals or groups. As such, it raises questions about the responsibility of media organizations and individuals in the responsible use and dissemination of visual content.

The portrayal of Davis, Hill, and Pete is not solely shaped by their actions or testimonies, but also by their race and gender. The visual representation of these individuals reflects broader societal attitudes and power dynamics, highlighting the need for a critical examination of the ways in which visual media reinforces or challenges existing structures of oppression. The analysis of the visual field in relation to news sources and social media platforms underscores its significant role in shaping public perception and cognition. By examining the ways in which images and videos are used to construct narratives and influence public discourse, we can gain insight into the complex interplay between media representation, identity, and power in contemporary society. Despite the temporal and contextual differences, these cases share common themes of marginalization, disbelief, and the weaponization of stereotypes against Black women. The media's role in shaping public perception and perpetuating systemic biases cannot be understated. From the 1970s to the present day, Black women continue to navigate intersecting forms of oppression within the justice system, with media coverage often exacerbating rather than challenging these injustices. Black women's nonpersonhood epitomizes the paradox of being legal persons in theory but not in practice, standing at the nexus of this dilemma.

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