

**Black Feminists' Activism Against Sexual Violence: A Critical Study of Three Topical Cases**

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Course: HIST 449, Honours Graduating Essay

Instructor: Dr. Robert Brain

A graduating thesis submitted in partial fulfilment

of the requirements for the degree of

Bachelor of Arts (Honours)

in

The Faculty of Arts

History Department

We accept this thesis as confirming to the required standard

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26<sup>th</sup> April 2022

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## **Acknowledgement**

This thesis would not exist, first and foremost, without my family. They were the ones who gave me the push to apply to the Honours History with International Relations program when I needed it the most. Thank you, Daddy, Mummy, and Olasubomi, for being my biggest supporters these four years, especially while writing my thesis. You were there every step of the way, and I am grateful that you took the time to read all the writings that turned into this work.

I am beyond honoured to have completed this thesis in the History Department at the University of British Columbia and started the process under the direct supervision of Dr Leslie Paris. I left our in-person and zoom consultation sessions ever more confident about my thesis and writing from your detailed feedback. In addition, I am genuinely grateful for the guidance that Dr Robert Brain provided as the Honours Chair. This long, sometimes terrifying, and often stressful endeavour seemed less so every week from the support and encouragement you gave the cohort. Likewise, thank you, Dr Crystal Webster. My thesis is better from the feedback you provided. Finally, I am grateful for the Honours History Travel Grant that the History Department awarded. It allowed me to travel to Schlesinger Library at Harvard University to access the archive materials needed for my thesis.

Many thanks to my dear friends, Ally Cui, Charlotte He, Sherry Zeng, and Sharon Wu, for the study sessions via zoom, reassurance, and support. I am immensely grateful for the seven-year-long and counting friendship we share. Although we attended different universities across the world and are miles apart, you were all right by my side throughout these four years.

Reneilwe Nteta and Tshenolo Mmono, the story of my undergraduate experience would be incomplete if I did not talk about you both. Thank you for the study sessions at IKB, the support, and especially the laughs these past four years.

I could not have asked for a better cohort to have worked on this thesis with. It was a joy reading your drafts and seeing how far all of you have come. Thank you once again for the interest and excitement expressed about my research. I appreciate the time and care you all took when giving feedback and suggestion on my thesis.

This thesis would have been incomplete without the help of librarians, archivists, and assistants from Smith College Special Collections, Schlesinger Library at Harvard University, Chicago Public Library, and David M. Rubenstein Rare Book Manuscript Library at Duke University. Thank you for your work, especially during Covid-19, to ensure that researchers like myself got access to the materials we needed and your suggestions on archive collections.

I might be missing many more folks. So, thank you to everyone who asked about my thesis, allowed me to share my work, and wished me the best of luck.

**Note to Readers**

The introduction, chapter 1 and chapter 2 of this thesis begin with a narrative of a survivor of sexual violence. This structure was a deliberate attempt to listen attentively and write thoughtfully while respecting the survivors, which the thesis focuses on. I hope you do the same as you read this work.

## Introduction

### Betty Jean Owens

On the 2nd of May, 1959, Betty Jean Owens, Thomas Butterfield, Richard A. Brown, and Edna Richardson went on a double date, dressed in gowns and tuxedos, to watch a musical performance by R&B crooner Roy Hamilton at Tallahassee, Florida, A&M University where they were freshmen.<sup>1</sup> After a night of good music and laughs, at 1.30 AM, they headed to their car parked on campus.<sup>2</sup> Unfortunately, what had begun as a fun spring night for four friends ended terribly, especially for Owens. The 2nd of May 1959 was the same night four white men, Patrick Gene Scarborough, David Erwin Beagle, Ollie Odell Stoutamire, and William Ted Collinsworth in Tallahassee, had agreed to go out, armed with switchblades and shotguns, with lewd intentions in mind.<sup>3</sup>

Upon spotting Owens and her friends at the empty car park near Jake Gaither Park, the four white men approached them.<sup>4</sup> Scarborough threatened Butterfield and Brown, the two male friends, to drive away from the car park with a gun. Owens, however, was not as fortunate as Richardson, who had managed to run away.<sup>5</sup> Beagles caught up to Owens, threatened her with a knife and

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<sup>1</sup> 'Negro Coed Kidnapped, Raped In Florida; Four Whites Jailed', *Daily News*, 3 May 1959, <https://www.newspapers.com/image/456762891>; Danielle L. McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance- a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power* (New York: Alfred A. Knopf, 2011), 131.

<sup>2</sup> '4 WHITES SEIZED IN RAPE OF NEGRO; Said to Confess Abducting Florida Co-Ed at Gunpoint -- Arrested After Chase', *The New York Times*, 3 May 1959, <https://www.nytimes.com/1959/05/03/archives/4-whites-seized-in-rape-of-negro-said-to-confess-abducting-florida.html?searchResultPosition=1>.

<sup>3</sup> Ibid.

<sup>4</sup> The carpark they had parked their car at on campus was near Jake Gaither Park.

<sup>5</sup> McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance- a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*, 131.

pushed her into Collinsworth's car.<sup>6</sup> That night, Owens was kidnapped, blindfolded with a diaper, manhandled, and driven to the outskirts of town, where they raped her seven times.<sup>7</sup>

Butterfield and Brown had not gone far after their encounter with Scarborough. When they returned to the car park, they reconciled with Richardson and rushed to the local police station to help save Owens.<sup>8</sup> Joe D. Cooke, Jr, an intern from Tallahassee, called for backup after hearing the account from Owen's friends and agreed to help find the nineteen-year. Unlike other officers, such as Police Chief Frank Stoutamire, Deputy Sheriff Cooke was not bigoted toward African Americans.<sup>9</sup> After a car chase on the outskirts of Tallahassee, Cooke rescued Owens and arrested the four predators. Owens was found with her clothes ripped, gagged with a diaper, and her arms bound behind her back with a belt.<sup>10</sup> She was sent to the hospital of Florida A&M University to be treated for shock while the police held her assailants without bail on rape charges.<sup>11</sup>

Sadly, Owens's story was not uncommon. Since the origins of slavery in the United States, African American women have experienced frequent and severe sexual violence from white men. As Patricia Hill Collins argued in *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, sexual violence was widespread because the institutionalised "rape of enslaved Black women operated as a mechanism of social control" predominately in Southern

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<sup>6</sup> Claude Sitton, '4 BEGIN DEFENSE IN TRIAL ON RAPE; Student Tells of Taking Girl Away in Auto -- State Rests Florida Case', *The New York Times*, n.d., <https://www.nytimes.com/1959/06/13/archives/4-begin-defense-in-trial-on-rape-student-tells-of-taking-girl-away.html?searchResultPosition=1>.

<sup>7</sup> Owen was raped twice by Scarborough, Beagle, and Stoutamire, and once by Collinsworth.

<sup>8</sup> Claude Sitton, 'NEGRO GIRL TELLS JURY OF RAPE BY 4; Florida Co-Ed, 19, Identifies White Youths on Trial as Her Attackers', *The New York Times*, 12 June 1959, <https://www.nytimes.com/1959/06/12/archives/negro-girl-tells-jury-of-rape-by-4-florida-coed-19-identifies-white.html?searchResultPosition=1>.

<sup>9</sup> McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance - a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*, 133–34.

<sup>10</sup> '4 WHITES SEIZED IN RAPE OF NEGRO; Said to Confess Abducting Florida Co-Ed at Gunpoint -- Arrested After Chase'.

<sup>11</sup> 'Negro Coed Kidnapped, Raped In Florida; Four Whites Jailed'.

states.<sup>12</sup> Rape laws, for example, were initially framed for the protection of upper-classmen whose daughters and wives were assaulted. Furthermore, as argued by Angela Davis in *Women Race and Class*, one of the most crucial historical features resulting from institutionalised racism in the United States has been the notion that white men, especially those in power, have a right to the bodies of African American women.<sup>13</sup> As a result, after slavery, sexual violence toward African American women usually went unnoticed, and the accused were unpunished even when they had openly admitted to the crime. This inaction was because sexual violence became a sharp political weapon against African Americans' collective effort to achieve equality in the United States.

### **The Indictment**

At the time of the crime, Patrick Gene Scarborough was 29 and on leave from the Air Force. David Erwin Beagle was 18 and had just finished high school. William Ted Collinsworth, 24, was a married father of two who worked as a telephone lineman. Ollie Odell Stoutamire was 16 and lived with Collinsworth.<sup>14</sup> On the way to the police station, the four assailants did not take their arrest seriously. Just like most white men in the South, the four aggressors were under the belief that they could commit sexual violence against African American women with impunity, but not white women. They saw African American women as sexually available and thus "unrapeable". Their racist fueled sexism led them to admit to their crime openly and make written confessions

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<sup>12</sup> Hills Patricia Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (Routledge, 2014), 32.

<sup>13</sup> Angela Yvonne Davis, *Women, Race and Class* (New York: Vintage Books, 1983), 175.

<sup>14</sup> 'Pledge Justice In Rape Trial of 4 in Florida', *Daily News*, 10 June 1959, <https://www.newspapers.com/image/456839346>.



about the abduction and rape.<sup>15</sup> More specifically, the confessions indicated that Scarborough was the kidnapping mastermind.<sup>16</sup> There was enough evidence to bring the four men to trial.

In 1959, rape was punishable by death in fifteen Southern states (including Florida), the District of Columbia and Nevada. From 1930 to 1957, 361 African American men and 38 white men were given the death penalty for rape crimes.<sup>17</sup> If the four assailants were found guilty of rape, the state would have sentenced them to death. However, in 1959 no white man had ever been executed for the rape of an African American woman.<sup>18</sup> As such, there was much discourse on the fairness of the trial and the justice that Owens would get. Furthermore, 40 juries were rejected before an all-white male jury was selected for Owens' case.<sup>19</sup> The court warned the public solemnly that the jury had been selected without regard to skin colour, race or faith. However, the all-white jury made African Americans, especially from Tallahassee, doubtful that the four men would get punished for their attack on Owens, let alone receive the death penalty.<sup>20</sup>

On 3rd May 1959, the students of Florida A&M University protested the rape of Owens and expressed their anger towards the all-white jury that was selected. In addition, hundreds of

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<sup>15</sup> McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance- a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*, 134.

<sup>16</sup> Sitton, '4 BEGIN DEFENSE IN TRIAL ON RAPE; Student Tells of Taking Girl Away in Auto -- State Rests Florida Case'.

<sup>17</sup> Allan Knight Chalmers, 'Florida Verdict Praised; Stride Toward Equal Justice Seen in White Youths' Conviction', *The New York Times*, 5 July 1959, <https://www.nytimes.com/1959/07/05/archives/florida-verdict-praised-stride-toward-equal-justice-seen-in-white.html?searchResultPosition=1>.

<sup>18</sup> Chalmers.

<sup>19</sup> Frank Holeman, 'Coed Says She Begged 4 Not To Rape Her', *Daily News*, 12 June 1959, <https://www.newspapers.com/image/392317392>.

<sup>20</sup> Frank Holeman, 'Jury Weighs Fate of 4 in Coed Rape', *Daily News*, 14 June 1959, <https://www.newspapers.com/image/392319920>.

African American college students engaged in a passive demonstration of justice by singing hymns and praying for days without going to their classes.<sup>21</sup>

### **The Trial**

The Betty Jean Owens trial, also known as the ‘State of Florida vs Patrick Gene Scarborough, David Erwin Beagle, Ollie Odell Stoutamire, William Ted Collinsworth, 1959’, began on the 11th of June 1959. Prosecutor William D. Hopkins, who oversaw the case, was confident that it would demonstrate an equal standard of justice in the South.<sup>22</sup> He pleaded dramatically to the jury to view the case as if the victim was a “white girl raped by four Negroes” and left the death penalty decision to the jury.<sup>23</sup> In 1959, there was a higher execution rate for rape cases if the assailant was an African American man and the victim a white woman. Prosecutor Hopkins was deeply aware that the all-white jury needed to see beyond the racism and sexism they may have had against African American women for Owens to get justice. They needed to accept that sexual violence against an African American woman was equally unacceptable as against a white woman. Prosecutor Hopkins believed the best way to achieve this objective was to have the jury “see” Owens as a white woman. Although this request came from a positive place, by explicitly trying to get the jury to ignore her racial identity, Prosecutor Hopkins highlighted that race created a disparity in sexual violence convictions.

Judge John W. May Walker, who was presiding over Owens’ trial, took 34 minutes to explain to the jury of twelve men and two alternatives that they could consider the outcome of

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<sup>21</sup> ‘NEGROES DEMONSTRATE; Students Ask Justice for Four Whites Accused in Rape’, *The New York Times*, 4 May 1959, <https://www.nytimes.com/1959/05/04/archives/negroes-demonstrate-students-ask-justice-for-four-whites-accused-in.html?searchResultPosition=1>.

<sup>22</sup> ‘Pledge Justice In Rape Trial of 4 in Florida’.

<sup>23</sup> Holeman, ‘Jury Weighs Fate of 4 in Coed Rape’.

each defendant individually. He emphasised that giving the defendants a recommendation of mercy would spare them from execution but still make them liable to a life imprisonment sentence. Furthermore, Judge Walker told the jury that they could convict the defendants of assault with intent to commit rape or acquit any or all of them as alternatives to the death penalty.<sup>24</sup> On one hand, it can be argued that Judge Walker's clarification was for the jury to be clear of their responsibility and the consequence of the verdict they had to make. On the other hand, however, Judge Walker's over-emphasis on not giving the defendants the death penalty was clear.

The defence team tried to acquit the case by claiming that the state failed to prove nothing but sexual intercourse.<sup>25</sup> However, their notion was denied by Judge Walker. After the failed attempt, the defence lawyers focused their cross-examinations on proving that Owens consented to sex with the four defendants. The lawyers argued that Owens' submission was evidence that she willingly gave in.<sup>26</sup> Collinsworth's lawyer helped him enter a plea of not guilty by reason of insanity, claiming that the 24-year-old who worked as a telephone lineman had the intelligence quotient of 60 or 62, which was the mental age of a 9-year-old.<sup>27</sup> Stoutamire's lawyer adopted the strategy that the 16-year-old was immature and thus unaware of the meaning of his confession.<sup>28</sup>

To counter the defence arguments, Owens bravely testified on her behalf. The all-white male jury had listened as she described what happened the night of the 2nd of May 1959,

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<sup>24</sup> Holeman.

<sup>25</sup> Sitton, '4 BEGIN DEFENSE IN TRIAL ON RAPE; Student Tells of Taking Girl Away in Auto -- State Rests Florida Case'.

<sup>26</sup> Holeman, 'Coed Says She Begged 4 Not To Rape Her'.

<sup>27</sup> Claude Sitton, 'NEGRO GIRL TELLS JURY OF RAPE BY 4; Florida Co-Ed, 19, Identifies White Youths on Trial as Her Attackers'.

<sup>28</sup> Sitton, '4 BEGIN DEFENSE IN TRIAL ON RAPE; Student Tells of Taking Girl Away in Auto -- State Rests Florida Case'.

attentively.<sup>29</sup> Owen's shared that she profusely begged the four men not to rape her, but they had threatened her instead. She explained that she stopped struggling because the four men had overpowered her with a knife and shotgun and knew they would have killed her if she did not do as told.<sup>30</sup> On the 22nd of June 1959, seven weeks after the sexual assault, Owen's courage was not in vain. Judge Walkers handed out life sentences to the four assailants.

### **Aftermath**

The verdict of Owen's case was a massive win for the African American community, especially African American women. The president of the National Association for the Advancement of Colored People, Reverend David H. Books, believed that it was evidence of the United States' move towards eliminating the double standard of the justice system. Similarly, Roy Wilkins, the Executive Secretary of the National Association for the Advancement of the Colored People, hoped that the verdict would be a precedent that other Southern jurists would follow.<sup>31</sup>

Owen's case and the subsequent trial were drastically different from those before hers. It was the first time in United States' history that a white man, let alone four, would be sentenced to life imprisonment by an all-white jury for the rape of an African American woman. The significant sentencing in Owen's trial raises whether the case was a turning point for future sexual violence cases involving African American female survivors in the United States.

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<sup>29</sup> Claude Sitton, 'NEGRO GIRL TELLS JURY OF RAPE BY 4; Florida Co-Ed, 19, Identifies White Youths on Trial as Her Attackers'.

<sup>30</sup> Holeman, 'Coed Says She Begged 4 Not To Rape Her'.

<sup>31</sup> The Associated Press, '4 White Youths Get Life Terms For Raping Florida Negro Co-Ed; 4 WHITES GET LIFE FOR RAPING NEGRO', *The New York Times*, n.d., <https://www.nytimes.com/1959/06/23/archives/4-white-youths-get-life-terms-for-raping-florida-negro-coed-4-white.html?searchResultPosition=1>.

## Research Topic

My thesis project is on Black feminists' activism against sexual violence toward African American women. It explores Black feminists' articulation against sexual violence in the 20<sup>th</sup> century in the United States. It aims to answer three overarching questions. The first is how Black feminists brought awareness of the sexual violence African American women faced and its severity under a legacy of institutionalised rape. The second is whether there were changes to the tools or frameworks adopted by Black feminists in their activism against sexual violence and what those changes were over time. The third, as discussed above, is whether landmark (court) cases were precedents for social, political, or legal reforms on how sexual violence towards African American women was handled.

This thesis will analyse two prominent sexual violence cases to answer the above questions – Joan Little's case from 1973 and Anita Hill's from 1991. These cases spanned several years, which is helpful for an exploration of change over time and involved women of different classes with experience of sexual violence that occurred in different spaces. In 1973, Joan Little fled prison after killing her white jailer in self-defence against his sexual assault. The incident led to the Free Joan Little movement of 1973-1975, and its subsequent trial in 1975 tested African American women's right to defend themselves against sexual violence.<sup>32</sup> Joan Little's case involved the right to self-defence against a sexual assault in prison by an African American female inmate with a complicated sexual and criminal history. Lastly, in 1991 Anita Hill testified at the Supreme Court judge hearings against then-nominee Clarence Thomas about the sexual harassment she

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<sup>32</sup> Danielle L McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance - a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*, New York: Alfred A. Knopf, 2011, 202-228.

experienced while working under him.<sup>33</sup> Anita Hill's case involved protecting an African American professional woman against sexual harassment in the workplace.

The three cases engaged within the whole thesis were chosen because they each represent different types of sexual violence, in different periods, in different spaces and experienced by women at different stages in their life. Betty Jean Owens was a young university student when she was raped in a public space. Joan Little was a prison inmate when her jailer sexually assaulted her at a government institution. Anita Hill was an office worker when her supervisor at work sexually harassed her. These different cases help highlight the multi-dimensionality of African American women's struggles and the severity of sexual violence and illuminate the various measures required to combat sexual violence.

### **Black Feminism**

In this thesis, Black feminism is understood the same way The Combahee River Collective did: a “political movement to combat the manifold and simultaneous oppressions that all women of colour face”.<sup>34</sup> More specifically, this combat refers to fighting against the major interlocking system of oppression, such as racial, sexual, and class oppression. The development of Black feminist thought and the continued contribution to the theory, as argued by Patricia Hill Collins in *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* require searching for its expression in “alternative institutional locations and among women who are not commonly perceived as intellectuals” due to the history of oppression, and systemic racism in the

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<sup>33</sup>Anita Miller, ed, *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991*. Chicago, IL: Academy Chicago Publishers, 1994, 6.

<sup>34</sup> The Combahee River Collective, 'A Black Feminist Statement' 42, no. 3/4 (2014): 271.

United States.<sup>35</sup> Furthermore, Little, Hill, and Owens are all African American women aware of how their racial identity and sexual identity placed them in uniquely different predicaments compared to white women in the United States. As such, all three of them are Black feminists. Hence, this thesis will engage with their experiences, testimonies, and courage as activism.

### **Feminist Organisations**

Little and Hill's case will be analysed alongside work by feminist organisations: the Black Women Organised for Political Action, the National Black Feminist Organisation, the National Alliance of Black Feminists, and the National Organisation for Women. These organisations were selected because they were national organisations involved with Black feminism and the well-being of African American women during the 20<sup>th</sup> century in the United States.

The Black Women Organised for Political Action (BWOPA) was founded in 1968 by Aileen Hernandez to get African American women more politically involved to address the interlocking oppression they faced. One fundamental way the organisation achieved their goals was by creating newsletters that addressed severe issues such as rape and violence against women and advertised workshops African Americans could attend on those issues.<sup>36</sup>

The National Black Feminist Organisation (NBFO) was formed in 1973 by Florynce Kennedy, Michele Wallace, Faith Ringgold, Doris Wright, and Margaret Sloan-Hunter to address the particular and specific needs of African American women. They had borrowed the New York City chapter of the National Organisation of Women to set office. NBFO's goals and objectives

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<sup>35</sup> Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, Routledge, 2014, 14.

<sup>36</sup> Black Women Organized for Action, *What It Is: A Newsletter of Black Women Organized for Action, What It Is : A Newsletter of Black Women Organized for Action.*, vol. 4, 3 vols (San Francisco, Ca.: Black Women Organized for Action, 1976).

were to challenge mainstream standards of beauty and womanhood that were unrealistic, challenge distorted images of African American women, and to strengthen the liberation movement. The organisation achieved their intentions by implementing workshops on self-image, reproductive freedom, and job training programs.<sup>37</sup> NBFO lasted until 1977.<sup>38</sup>

The National Alliance of Black Feminists (NABF) was founded in June of 1974, after positive feedback from African American women across the country, especially in Chicago, on having a border-based organisation that represented African American women. In January 1976, they were incorporated as a non-profit organisation. In May, the organisation formally opened and began initiatives, such as a press conference that announced its existence nationally. The goals and objectives of NABF were to promote and preserve the cultural enrichment and heritage of African American women while helping to “politicise them to address the dual oppression of racism and sexism”.<sup>39</sup> The NABF achieved their goals and objective by initiating marches, rallies, campaign lobbies, fundraisers, and publishing writings on the Equal Rights Amendment, reproductive freedom, and sexism.<sup>40</sup> Unfortunately, the organisation folded in the early 1980s.<sup>41</sup>

The National Organisation for Women (NOW) was founded in 1966 by 28 women during the Third National Conference Commissions on the Status of Women. It had 300 members in its first year and grew to 1,3000 by 1968. In the mid-70s, the organisation became the largest feminist

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<sup>37</sup> National Black Feminist Organization (NBFO) and National Alliance of Black Feminists, 1970-1973, undated. Papers of Florynce Kennedy, 1915-2004 (inclusive), 1947-1993 (bulk), MC 555; Vt-133; MP-56, 23.6., Box: 23. Schlesinger Library, Radcliffe Institute.

<sup>38</sup>Karen Kumler Boyd, ‘Betterment Organizations Not Immune to Snobbery’, *Lancaster New Era*, 29 February 1988, <https://www.newspapers.com/image/564008001>.

<sup>39</sup> Brenda Eichelberger / National Alliance of Black Feminists Papers [Box 1, Folder 6], Vivian G. Harsh Research Collection of Afro-American History and Literature, Chicago Public Library.

<sup>40</sup> Brenda Eichelberger / National Alliance of Black Feminists Papers [Box 1, Folder 21], Vivian G. Harsh Research Collection of Afro-American History and Literature, Chicago Public Library.

<sup>41</sup> Boyd, ‘Betterment Organizations Not Immune to Snobbery’.



organisation in the United States, with 500 chapters and 100,000 members.<sup>42</sup> NOW focused on lobbying for gender equality in the United States, primarily through members of Congress. Its Task Force on Rape worked towards developing model rape law, studying the jury selection methods and instructions, and establishing a National Center for the Prevention and Control of Rape.<sup>43</sup>

### **Limitations**

It would be no exaggeration to say that Covid-19 was the most significant limitation of this thesis. Unfortunately, I could not travel to all the libraries and archives with valuable sources for my research. In addition, several of the libraries and archives were understaffed because of Covid-19. Thus, there was a limit to the pages of materials that staff could scan, materials took a long time to be scanned, and often folders to be scanned were selected in blind faith.

### **Primary and Secondary Sources**

Due to the sensitivity of the research topic and marginalisation of the group being researched, primary sources by and about African American women, Black feminists, and national Black feminist organisations in the United States are prioritised to ensure that their voices are heard. Similarly, Betty Jean Owens' case from 1959, Joan Little's case from 1973, and Anita Hill's case from 1991 are not seen as case studies but instead the stories of real-life people. As such, oral history, newspaper articles by Black publications, letters to editors of newspaper and magazine publications by African American readers are crucial to the thesis. Likewise, magazine articles

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<sup>42</sup> Irene Nolan, 'The Feminist Movement Is Forging through the '70s', *The Courier-Journal*, 1 January 1975, <https://www.newspapers.com/image/110542008>.

<sup>43</sup> Task Force on Rape [correspondence, member lists, contact list, press releases, etc.], 1973-1980. Records of the National Organization for Women, 1959-2002 (inclusive), 1966-1998 (bulk), MC 496; M-152, 49.5-49.6., Carton: 49. Schlesinger Library, Radcliffe Institute.

from Black publications and feminist publications such as Ms. magazine, the statements and testimonies from the survivors, and the agendas from Black feminist organisations are studied. More broadly, sources that reflect female agency and present the historical importance of personal and social life for African American women are analysed. This particular emphasis on primary sources is rooted in the notion that the connection between experience and consciousness that shapes the lives of African American women every day often infuses the work of Black women activists and scholars, as discussed by Patricia Hill Collins in *Black Feminist Thought*.<sup>44</sup>

Alongside *Black Feminist Thought*, “A Black Feminist Statement” drafted by the Combahee River Collective in 1982, *Women, Race and Class* by Angela Davis, and the article “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color” by Kimberle Crenshaw are central to the thesis. They not only engage deeply with the formation and development of Black feminist theory, but they also explore the interlocking oppressions that affect African American women daily. A robust understanding of these interlocking oppressions is crucial for engagement in the topic of sexual violence and in ensuring the African American women in this thesis are not overlooked or disregarded because of their multiple identities. Similarly, the works of Angela Davis, Benita Roth, Brittney C. Copper, Danielle L. McGuire, Paula J. Giddings, and Shayne Lee are all but a few scholars whose works are vital for the foundation of the thesis.

## **Historiography**

The scholars Danielle L. McGuire with her book *At the Dark End of the Street: Black Women, Rape and Resistance – A New History of the Civil Rights Movement from Rosa Parks to*

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<sup>44</sup> Ibid., 24.

*the Rise of Black Power*, and Paula Giddings with *When and Where I Enter: The Impact of Black Women on Race and Sex in America* have engaged with the history of African American women's resistance to the institutionalisation of rape, and sexual basis of the presumptions of their immorality in the United States, and how the Civil Rights Movement and Black feminism were birthed from this resistance. Similarly, the thesis will tell a story of power, vulnerability, and Black women's activism and thus will be in conversation with these sources. However, the thesis is not on the history of the Civil Rights Movement or factors that led to the Black feminist movement. In contrast, it is motivated by the theme of African American women's safety under the legacy of institutionalised rape, how Black feminists and African American women advocated for their safety and the degree to which there was transformation.

This thesis combines narrative history, feminist history, gender history, oral history, and legal history to fill court (and court-like) proceedings with real stories. It aims to centre the voices and experiences of survivors in the history of Black feminists' activism against sexual violence.

## **Methodology & Framework**

The thesis adopts a feminist methodology, specifically Joan Scott's framework of gender, as a category of historical analysis to explain how change occurred. Scott defines gender as "a constitutive element of social relationships based on perceived differences" of the sexes and sees gender as a primary way of signifying relationships of power.<sup>45</sup> As such, normative concepts, cultural symbols, the notion of politics and references to social institutions and organisations, and subjective identity represent power are explored in the thesis.<sup>46</sup> Foucault's theories of power relations are utilised better to problematise sexual violence as a tool for power. In other words,

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<sup>45</sup> Joan Wallach Scott, *Gender and the Politics of History*, New York: Columbia University Press, 2018, 42.

<sup>46</sup> *Ibid.*, 43.

through Foucauldian discourse analysis, sexual violence can be understood beyond the notion of non-consensual sex. Deconstruction is another methodology applied in the thesis. According to Scott, deconstruction as a historical method relies on language and textual analysis (analysing social and political experiences as if they were a text).<sup>47</sup> This method is valuable for the thesis to clarify assumptions and explain how change occurred.<sup>48</sup> However, much care is taken with this methodology as it may neglect the dilemmas of the survivors by seeing them as subjects in time. Thus, deconstruction in how Patricia Hill Collins understands and utilises to expose a “concept as ideological or culturally constructed rather than as natural or a simple reflection of reality” will be prioritised.<sup>49</sup>

In the article “Rape and the Inner Lives of Black Women in the Middle West”, the author Darlene Clark Hine discussed the sexual vulnerability of African American women and their powerlessness as victims of rape and domestic violence. Hine’s analysis of the sexual vulnerability and her perspective that rape and the threat of rape was something African American women had to keep secret helped Hine coin the theory “culture of dissemblance”.<sup>50</sup> Hine defined the term dissemblance as attitudes and behaviours of African American women that created an illusion of openness and exposure to their lives.<sup>51</sup> However, the illusion was to shield African American women’s oppressors from knowing the truth of their inner lives and themselves. More specifically, because of the intersection between class tensions, racial animosity, regional economic variations,

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<sup>47</sup> Joan Wallach Scott, “Gender: A Useful Category of Historical Analysis.” *The American Historical Review* 91, no. 5 (1986), <https://doi.org/10.2307/1864376>, 1061.

<sup>48</sup> Joan Wallach Scott, *Gender and the Politics of History*, New York: Columbia University Press, 2018, 42.

<sup>49</sup> Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, Routledge, 2014, 15.

<sup>50</sup> Darlene Clark Hine, ‘Rape and the Inner Lives of Black Women in the Middle West’, *Signs* 14, no. 4 (1989): 912.

<sup>51</sup> *Ibid.*, 912.

and gender role differentiation, African American women developed and abided by a cult of secrecy – a culture of dissemblance, to protect the sacred parts of their personal lives.<sup>52</sup>

During the Great Migration, Black Southern women moved to the North despite working the same domestic jobs.<sup>53</sup> This reality made the dangerous move across the country challenging to understand. However, using “culture of dissemblance” as a framework, Hine recognised the hidden motivations that resulted in the migratory movements we know of in African American history. The author argued that African American women had moved from the South to the North for personal autonomy. She further argued that these women wanted to escape the sexual exploitation inside and outside of their families and the rape and threat of rape they were experiencing from white and African American men.<sup>54</sup> Although Hine used the culture of dissemblance to understand African American women’s migratory movements hundreds of years ago, it is still significant today in understanding other themes in African American history and the lives of twentieth-century African American women. For example, in Hine’s article, “Rape and the Inner Lives of Black Women in the Middle West”, she argued that the theory culture of dissemblance pushes scholars to develop a framework to understand the motivations behind African American women’s actions and how they acquired the agency.<sup>55</sup> Similarly, in the article “(Re)Turning to “Rape and the Inner Lives of Black Women”: A Black Feminist Forum on the Culture of Dissemblance” by Shoniqua Roach, the author argued that “culture of dissemblance” emphasises the importance of reclaiming

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<sup>52</sup> Ibid., 915.

<sup>53</sup> Ibid., 913.

<sup>54</sup> Ibid., 914.

<sup>55</sup> Ibid., 920.

African American women's narratives on sexual exploitation and violence, and ethical engagement with African American women's experiences that have been intentionally excluded.<sup>56</sup>

The first way that the theory culture of dissemblance is used in my thesis is as an approach to engaging with archival materials related to the theme of my thesis. Rape and sexual assault are personal incidents that people do not willingly share. The sensitivity of those incidents increases when it comes to African American women because of the legacy of institutionalised rape in the United States and how they felt unprotected by the country's judicial system. Hence, a lack of materials on personal accounts or experiences relating to rape and sexual assault is understandable, and further so, considering the culture of dissemblance. In the article “(Re)Turning to “Rape and the Inner Lives of Black Women”: A Black Feminist Forum on the Culture of Dissemblance” by Shoniqua Roach, the author argued that the theory of culture of dissemblance “disrupts the aforementioned historical void and circumvents violent historical documentation by white public institutions, which are predicated at least in part on the denial of black female privacy.”<sup>57</sup> This argument means that the source from and how I get my archival materials is crucial. Suppose there are detailed materials on the rape or sexual assault of Black women at an archive. In that case, I assume (unless explicitly acknowledged) that they were probably attained without the consent of those individuals.

Employing “culture of dissemblance” as an approach to engage with archive materials means that I prioritise materials that African American women have willingly donated to archives in my thesis. I focus on materials that have been written to be shared with the public. I use the

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<sup>56</sup> Shoniqua Roach, '(Re)Turning to "Rape and the Inner Lives of Black Women": A Black Feminist Forum on the Culture of Dissemblance', *Signs: Journal of Women in Culture and Society* 45, no. 3 (March 2020): 515–19, <https://doi.org/10.1086/706429>.

<sup>57</sup> *Ibid.*, 515.

theory to look at the experiences of African American women when it comes to rape and sexual assault to see the things that I might be missing. In addition, I am aware that whatever detail or experience that I am unable to find might be the result of African American women protecting their private lives and should respect their privacy. Similarly, I am vigilant about whose narrative I am supporting when looking at an archive material, a white person in power or an African American woman speaking for herself? Furthermore, I omit the names of African American women that wrote in newspapers and magazines about their experiences of rape and sexual assault to protect their privacy.

The second way the theory culture of dissemblance is helpful to me is as a framework for writing my thesis. In the article “Rape and the Inner Lives of Black Women in the Middle West,” the author Darlene Clark Hine argued that stereotypes, hindering assumptions, and negative beliefs were used to fill in the gaps to “inadequate and erroneous information about the true contributions, capabilities, and identities of Black women.”<sup>58</sup> This argument is related to what Patricia Hill Collins termed “controlling images”, the images placed upon African American women that have been designed to make various forms of oppression seem natural, normal and inevitable.<sup>59</sup> Hine’s argument provides some nuance in using Black feminist theory in my thesis. More specifically, it raises the question of whether creating alternative self-images and shielding those powerful but private definitions of themselves is a tool or framework adopted by African American women and Black feminists in their activism against sexual violence.<sup>60</sup> In addition, as argued by Hine, the theory of culture of dissemblance pushes scholars to develop a framework to understand the

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<sup>58</sup> Hine, ‘Rape and the Inner Lives of Black Women in the Middle West’, 915.

<sup>59</sup> Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, 69.

<sup>60</sup> Hine, ‘Rape and the Inner Lives of Black Women in the Middle West’, 916.

motivations behind African American women's actions and how they acquired the agency.<sup>61</sup> This framework is significant because the concept of agency and motivation are crucial in my thesis in understanding how African American women stood up for themselves against sexual violence.

Due to the cult of secrecy that Black women adopted because of the culture of dissemblance, there are many gaps in the depiction of the personal lives of Black women. These gaps prevent a robust understanding of African American women. In the article "Black Feminine Enigmas, or Notes on the Politics of Black Feminist Theory", the author Jennifer C. Nash argued that the theory culture of dissemblance highlights that Black feminist historiography work is "necessarily an imaginative practice, one that merges the historical and the literary, the archival and the speculative, the documented and the elusive".<sup>62</sup> This argument means that one solution to the gaps in the personal lives of Black women is a sense of imagination. More specifically, one could adopt "critical fabulation" as both a historical method and way of writing as termed by Saidiya Hartman and used in her book *Wayward Lives, Beautiful Experiments: Intimate Histories of Riotous Black Girls, Troublesome Women and Queer Radicals* to fill in the gaps caused by the culture of dissemblance. Critical fabulation, as depicted in Hartman's book, is a form of radical imagination that prioritises the stories of ordinary Black girls and women by focusing on who is not in the archives and who would never be in the archive and then telling their story. However, I am not implementing this solution in my thesis.

I am not adopting critical fabulation in my thesis because I have access to good primary sources on the people and organisations my thesis focuses on. Secondly, and most importantly, I am implementing deconstruction as a methodology in my thesis. Using deconstruction, the gaps

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<sup>61</sup> Hine, 920.

<sup>62</sup> Jennifer C. Nash, 'Black Feminine Enigmas, or Notes on the Politics of Black Feminist Theory', *Signs: Journal of Women in Culture and Society* 45, no. 3 (March 2020): 520, <https://doi.org/10.1086/706432>.



in the private lives of African American women are seen as ideologically or culturally constructed rather than natural or straightforward reflections of reality. This awareness takes us back to the root of the “culture of dissemblance”—African American women actively protecting their private lives. Thus, I will be respecting the privacy of African American women by not trying to fill in those gaps.

### **Respectability Politics**

African American women were often not believed and deemed lacking credibility when they reported experiences of sexual violence. This pattern led to systems of strategies, such as respectability, intended to help present African American women as credible victims. Respectability is crucial in understanding Black feminists’ activism against sexual violence. In the nineteenth century, abstinence from sexual activity meant that you were socially responsible, which translated to respectability.<sup>63</sup> In her book *Beyond Respectability: The Intellectual Thought of Race Women*, Brittney Cooper argued that this politics of respectability produced African Americans’ racial conception of gender in the decades after Reconstruction.<sup>64</sup> In the twentieth century, the politics of respectability took a new form. It operated as a system of gender disciplining and gender production within the African American community.<sup>65</sup> As a result, there has been a standard of behaviour or at least presenting behaviour that does not allude to any sexual desires, expression, or experience to protect oneself and from an attack on credibility during sexual violence cases. In Little and Hill’s case analysis, respectability politics play out clearly.

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<sup>63</sup> Shayne Lee, *Erotic Revolutionaries: Black Women, Sexuality, and Popular Culture* (Lanham: Hamilton, 2010).

<sup>64</sup> Brittney C. Cooper, *Beyond Respectability: The Intellectual Thought of Race Women* (University of Illinois Press, 2017), 83, <https://www.jstor.org/stable/10.5406/j.ctt1q31sfr>.

<sup>65</sup> Cooper, 83.

## Chapter 1

### Joan Little<sup>66</sup>

Joan Little was born in Washington, North Carolina, on the 8th of May, 1954.<sup>67</sup> As the oldest of nine children, growing up was not always smooth sailing.<sup>68</sup> She had to live in low rent housing and sometimes in the slums.<sup>69</sup> Her family often went days without food, clothes, and heat.<sup>70</sup> In the summer of her 9<sup>th</sup> grade, Little took on her first job working tobacco and later worked at a local café called Rawls to help earn money for her family. Little enjoyed writing, especially poetry. She took up the hobby after an English class in high school, where she read Shakespeare and other poets, which sparked a desire to express her feelings on paper. Unfortunately, in 12<sup>th</sup> grade, Little left school for a thyroidectomy operation and did not return. Instead, she worked to fend for herself and took on many jobs such as waitressing, sheetrock finisher, and garment factory worker.<sup>71</sup> After leaving school, Little became friends with people she described as “bad company” and began begging and stealing.<sup>72</sup>

On the 14th of January 1974, Little broke into a building on River Road and stole “2 televisions, 1 30-30 rifle, 6 pairs of shoes, 1 stereo, [and a] set of men and women household goods of a value of \$850.00” from Mr and Mrs Ronnie Johnston, Roland Rhodes, Pat Mills and James

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<sup>66</sup> Her name was spelt many ways such as Joanne Little or Joann Little, but she is Joan Little.

<sup>67</sup> Testimony of Joan Little, Series 1, Folder 1, in the James Reston, Jr., Collection of Joan Little Trial Materials #4006, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

<sup>68</sup> Joann Little/correctional facilities, 1975-1976, 1987, Box 93, Minnie Bruce Pratt Papers, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

<sup>69</sup> Writings by Joanne Little, 1974, Box 1 Folder 2, Joan Little Collection, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

<sup>70</sup> Letters of Support and Joanne Little Defense Fund, 1974-1975, Box 1 Folder 1, Joan Little Collection, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

<sup>71</sup> Testimony of Joan Little, Series 1, Folder 1, in the James Reston, Jr., Collection of Joan Little Trial Materials #4006, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

<sup>72</sup> Writings by Joanne Little, 1974, Box 1 Folder 2, Joan Little Collection, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

Keyes. On the 4th of June, 1974, at nineteen years old, Little was convicted for the January break-in and was given a seven-to-ten years sentence.<sup>73</sup> However, instead of being sent to the North Carolina Correctional Center for Women in Raleigh, North Carolina, to wait for her appeal, she was taken to Beaufort County Jail, the only woman amongst white males.<sup>74</sup> Little spent about three months in Beaufort County Jail before things took a turn for the worst.

Little described Beaufort County Jail as filthy.<sup>75</sup> It had two cells, each on the left and right, with five bunks and a TV monitor in front of the cellblocks.<sup>76</sup> During the three months of her confinement, Little was only given a clean sheet once despite asking numerous times. As the only woman in the cell block, for some privacy and to avoid being recorded on the monitor when she went to bed at night or took baths, Little would tie a blanket onto each corner of the jail bars to cover her cell. During Little's confinement, Clarence Alligood, a 62-year-old jailer of 190 pounds, had inappropriate conversations and behaviours toward Little. Alligood was the only jailer who entered "the jail's female section". Whenever he was on duty, which was usually in the evening, he would enter Little's cell to secretly talk or give her sandwiches. On more than one occasion, he told Little that she looked good in her gown and that he wanted to have sex with her. Little always declined and ignored any other remarks with sexual innuendos from Alligood.<sup>77</sup>

Alligood offering Little food was not a nice gesture because of the power dynamic between prisoners and jailers. Alligood had abused his power to enter Little's cell at night and sneak

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<sup>73</sup> Beaufort County Superior Court Documents, 1974, Box 1 Folder 8, Joan Little Collection, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

<sup>74</sup> Letters of Support and Joanne Little Defense Fund, 1974-1975, Box 1 Folder 1, Joan Little Collection, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

<sup>75</sup> Joann Little/correctional facilities, 1975-1976, 1987, Box 93, Minnie Bruce Pratt Papers, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

<sup>76</sup> A closed-circuit television (CCTV).

<sup>77</sup> Testimony of Joan Little, Series 1, Folder 1, in the James Reston, Jr., Collection of Joan Little Trial Materials #4006, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

sandwiches into the prison. The motivation behind Alligood's action was also ill-intended, as he did it to bribe or guilt Little into accepting his sexual advances. The longer Little stayed in prison, the more Alligood's manipulative behaviour was evident.

### **The Murder**

At 2 AM on the 27th of August 1974, Alligood approached Little with a pack of cigarettes and a bag of sandwiches while she was reading and listening to Western music. After telling her again that she looked good in her gown and that he wanted sex with her, he left. Not long later, Alligood returned to Little's cell. This time, with a grin on his face, he told her that she should be nice and have sex with him. Alligood sexually assaulted Little when she refused. With one hand on Little's neck and an ice pick pointed to her head in the other, Alligood pressured Little to perform oral sex on him. When Alligood loosened the ice pick in his hand, Little grabbed it, hit him with all her strength and escaped from Beaufort County Jail in fear.<sup>78</sup> Alligood was found dead, nude from the waist down, lying under a torn women's kerchief, in Little's cell on the 27th of August 1974, at 4:05 AM, with 11 stab wounds and evidence of sexual activity.<sup>79</sup> Little murdered Alligood in self-defence.

Eight days later, Joan Little turned herself in just before being declared an outlaw – it would have legalised anyone to shoot Little on sight. Little became a national symbol for African Americans, women, and prisoners during those eight days on the run. In her book, *At the Dark End of the Street: Black Women, Rape, and Resistance- a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*, Danielle L. McGuire discussed how court justice for

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<sup>78</sup> Ibid.

<sup>79</sup> "Smears of the urethra were made and stained by the paps method. The smears were tee[m]ing with spermatozoa." Autopsy Report, 1974, Box 1 Folder 7, Joan Little Collection, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

African American women who experienced sexual violence during the mid-1960s was the result of decades-long organising and personal testimony.<sup>80</sup> Little's attorney Jerry Paul was a well-known white civil rights lawyer. He believed her case was about an African American woman's right to defend herself against sexual assault and the right to do so even as a prisoner and continuously expressed such sentiment to the public.<sup>81</sup> However, Little would face the mandatory death by gas chamber penalty if she were convicted for the murder of Alligood.<sup>82</sup>

### **Getting Joan Little A Fair Trial**

Joan Little had a low chance of acquittal in North Carolina, especially if her trial happened in Beaufort County. In the 1970s, North Carolina had the most inmates on death row in the United States, and 68% of those inmates were African Americans.<sup>83</sup> In Beaufort County, few African Americans were called to jury duty, and many white people in the area held prejudice against African American women. Furthermore, local North Carolina newspapers failed to inform readers of how Alligood was found and the evidence of sexual activity.<sup>84</sup> Several news publications in the county eulogised Alligood for dying in the line of duty, which created strong resentment towards Little.<sup>85</sup> In addition, the local law enforcement had been irresponsible with vital evidence, such as

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<sup>80</sup> McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance - a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*, 204.

<sup>81</sup> Joann Little/correctional facilities, 1975-1976, 1987, Box 93, Minnie Bruce Pratt Papers, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

<sup>82</sup> Christina Greene, "'She Ain't No Rosa Parks': The Joan Little Rape–Murder Case and Jim Crow Justice in the Post–Civil Rights South', *The Journal of African American History* 100, no. 3 (June 2015): 428, <https://doi.org/10.5323/jafriamerhist.100.3.0428>.

<sup>83</sup> Greene, 429.

<sup>84</sup> Joann Little/correctional facilities, 1975-1976, 1987, Box 93, Minnie Bruce Pratt Papers, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

<sup>85</sup> Ellen Horowitz, 'Beaufort County – Eye of the Storm', *The Daily Tar Heel*, 27 March 1975, <https://www.newspapers.com/image/67861273>.

the jailer's clothing. Many police at the crime scene had touched evidence with their bare hands and sent any evidence favouring Little to different police stations.<sup>86</sup>

In the 1970s, a defendant could not rely much on the police to locate an alibi or other crucial witnesses, and an attorney had limited time to act as an investigator.<sup>87</sup> Little had to hire a criminologist herself who cost thousands of dollars to analyse evidence and testify as an expert witness. Furthermore, the state medical examiner, who had evidence in Little's defence, was prevented from testifying by the state.<sup>88</sup> In the article "'She Ain't No Rosa Parks': The Joan Little Rape–Murder Case and Jim Crow Justice in the Post–Civil Rights South", Christina Greene argued that an obstacle to Little receiving a fair trial was her encounters with law enforcement. The police had arrested Little after President Richard Nixon had implemented the "law and order" policies during his War on Drugs campaign. Nixon's political campaign, which had disproportionately attacked African Americans, was "fueled by unprecedented federal financing of local crime control, begun in the mid-1960s and reaching \$7 billion by 1979."<sup>89</sup> With all these barriers to receiving a fair trial, it was no surprise that Joan Little's case required and received extensive support from Black feminists.

Most of Little's supporters were from the African American community or sexual violence organisations, with Black feminists playing one of the most significant roles. In 1974, members of the National Alliance of Black Feminism held fundraisers and speak-outs to meet Joan Little's

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<sup>86</sup> Joann Little/correctional facilities, 1975-1976, 1987, Box 93, Minnie Bruce Pratt Papers, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

<sup>87</sup> Marvin D. Miller, 'Justice Ain't Cheap - A Defense Counsel's View of the Joan Little Case', *San Fernando Valley Law Review* 7, no. 1 (1978): 60, [https://heinonline.org/HOL/Page?handle=hein.journals/sfernvlr7&div=7&g\\_sent=1&casa\\_token=&collection=journals](https://heinonline.org/HOL/Page?handle=hein.journals/sfernvlr7&div=7&g_sent=1&casa_token=&collection=journals).

<sup>88</sup> Joann Little/correctional facilities, 1975-1976, 1987, Box 93, Minnie Bruce Pratt Papers, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

<sup>89</sup> Greene, "'She Ain't No Rosa Parks'", 430.

\$100,000 bond and get her acquitted.<sup>90</sup> The Rape Crisis Center, the Feminist Alliance Against Rape, the National Organisation for Women, and the National Black Feminist Organisation had also joined the fund-raising effort and helped mobilise national support.<sup>91</sup> In addition, the National Organisation for Women Rape Task Force had planned press conferences, demonstrations, and petitions to help Little's lawyers when they were filing pre-trial motions.<sup>92</sup>

The Southern Poverty Law Center, headed by a young Black Georgia State Senator (named Julian Bond), sent two million letters to appeal for funds for Joan Little's defence after her bail was raised to \$150,000.<sup>93</sup> When the district attorney realised that Little's defence could post bail at \$15,000 and that Joan Little's Defence Fund had raised substantial money, he utilised the technicality that Little did not have a bond in her breaking entering appeal to increase the bail.<sup>94</sup> The district attorney's action was a clear example of someone in power weaponising the justice system to undermine the efforts of the African American community.

There was also strong support for Joan Little on historically Black university campuses. For example, the Howard University of Washington DC donated \$600 to Little's defence, and many Black sororities backed her case.<sup>95</sup> A few months later, in the first days of September, Golden Frinks, a 55-year-old organiser for the Southern Christian Leadership Conference in Eastern North

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<sup>90</sup> Brenda Eichelberger / National Alliance of Black Feminists Papers [Box 1, Folder 6], Vivian G. Harsh Research Collection of Afro-American History and Literature, Chicago Public Library.

<sup>91</sup> Danielle L. McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance - a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power* (New York: Alfred A. Knopf, 2011), 214.

<sup>92</sup> Task Force on Rape [correspondence, member lists, contact list, press releases, etc.], 1973-1980. Records of the National Organization for Women, 1959-2002 (inclusive), 1966-1998 (bulk), MC 496; M-152, 49.5-49.6., Carton: 49. Schlesinger Library, Radcliffe Institute.

<sup>93</sup> James Reston Jr., 'The Joan Little Case', *The New York Times*, 6 April 1975, <https://www.nytimes.com/1975/04/06/archives/the-joan-little-case-in-a-small-southern-town-the-night-jailer-is.html?searchResultPosition=1>.

<sup>94</sup> Letters of Support and Joanne Little Defense Fund, 1974-1975, Box 1 Folder 1, Joan Little Collection, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

<sup>95</sup> Marcia Federbush et al., 'Her-Self' 3, no. 6 (01 1974): 1, <https://jstor.org/stable/community.28038348>.

Carolina, began to initiate the Free Joan Little movement. He went from church to church in the African American communities of Washington to bring awareness to Little's case. He gained their support by arguing that God had chosen little to save incarcerated African American women.<sup>96</sup>

In addition to different activists and organisations, the Free Joan Little Movement brought everyday folks from across the country together. Women from all walks of life went to Washington to volunteer and helped however they could, despite having other responsibilities and little money.<sup>97</sup> For example, on the 8th of September, 1974, a civil-rights march supporting Joan Little was held in Washington. It was peaceful, with multiple speeches about Little and why she needed to be acquitted.<sup>98</sup> Likewise, a rally was held 13th of March, 1975, in Greenville, with 140 people from across the county listening to speeches on how vital support for Little was.<sup>99</sup> In June of 1975, activist Angela Davis, arrested for her active role in the Black Liberation Movement during the 70s and incarcerated for over a year in harsh conditions, wrote an article centred on Joan Little's case in *Ms* magazine.<sup>100</sup> The article brought awareness to Little's case and engaged with white men's history of sexual violence toward African American women in the United States. Davis alluded to the possibility that Little was held at Beaufort County Jail and not transferred to the women's prison in Raleigh for sexual purposes.<sup>101</sup> Davis also believed that Little would have been part of the prison death statistic if she did not escape after defending herself against Alligood.<sup>102</sup> She had placed a criminal reputation in the United States into the larger context of a racist criminal

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<sup>96</sup> Reston Jr., 'The Joan Little Case'.

<sup>97</sup> Joan Taylor, 'ISSUES – BUT ANY ANSWERS? Volunteers for Joan Little', *Detroit Free Press*, 27 July 1975, <https://www.newspapers.com/image/98212902>.

<sup>98</sup> Reston Jr., 'The Joan Little Case'.

<sup>99</sup> Horowitz, 'Beaufort County – Eye of the Storm'.

<sup>100</sup> Angela Davis, 'Joanne Little: The Dialectics of Rape', *Ms Magazine*, June 1975.

<sup>101</sup> Davis, 75.

<sup>102</sup> Davis, 76.



justice system and the African American socio-economic conditions.<sup>103</sup> Furthermore, the article emphasised the historical importance of Little's case – a case that could overthrow capitalist institutions that promote sexism and racism.<sup>104</sup>

Joan Little was indicted by a Beaufort County grand jury for first-degree murder and faced maximum sentencing of death by electric chair. Before Little's trial on the 11th of August, 1975, the defence made considerable effort to ensure her a fair trial. During the pretrial hearings, a successful argument on the detrimental impact of the racist attitudes in Washington towards the case moved Little's trial to Raleigh, North Carolina, instead.<sup>105</sup> This move meant that the defence need not worry about the racist and sexist's beliefs of the jury. This victory was the contribution of some two dozen volunteers from the Northeast and Chicago that had worked to show that juries in North Carolina systematically excluded African Americans, women, and the poor by holding an economic criterion.<sup>106</sup> These volunteers conducted a survey to determine past juries, and the data were categorised by race, age, income and sex.<sup>107</sup> The data showed that although 30.3% of African American residents in Beaufort County were legally qualified for jury service, only 13.5% were in the jury pool.<sup>108</sup> Furthermore, the defence team worked with a panel of psychologists, sociologists, and body-language experts to question each prospective juror on possible racists,

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<sup>103</sup> Genna Rae McNeil, 'The Body, Sexuality, and Self-Defense in State vs. Joan Little, 1974-1975', *The Journal of African American History* 93, no. 2 (2008): 243.

<sup>104</sup> Angela Davis, 'Joanne Little: The Dialectics of Rape', *Ms Magazine*, June 1975.

<sup>105</sup> Cindy Jaquith et al., 'Her-Self: Her-Self' 4, no. 3 (01 1975): 1, <https://jstor.org/stable/community.28038353>.

<sup>106</sup> Taylor, 'ISSUES – BUT ANY ANSWERS? Volunteers for Joan Little'.

<sup>107</sup> Miller, 'Justice Ain't Cheap - A Defense Counsel's View of the Joan Little Case', 63.

<sup>108</sup> John B. McConahay, Courtney J. Mullin, and Jeffrey Frederick, 'The Uses of Social Science in Trials with Political and Racial Overtones: The Trial of Joan Little', *Law and Contemporary Problems* 41, no. 1 (1977): 208, <https://doi.org/10.2307/1191235>.

sexists and classist beliefs. As such, a total of six African Americans and six whites, with eight being women and two being liberal young white men, were selected as the jury for Little's case.<sup>109</sup>

### **The Trial**

There were many challenges during the *State of North Carolina vs Joan Little* trial, which began on 14<sup>th</sup> July 1975. The district attorney, William Griffin Jr., had adopted a tactic of depicting Little as a promiscuous woman. His argument centred around the notion that Little had lured Allgood with sex and killed him to escape from jail in the hopes of reconciling with her boyfriend.<sup>110</sup> He utilised the stereotypical jezebel trope and rumours about Little's respectability to try to win the case. In the chapter entitled "Mammies, Matriarchs, and Other Controlling Images" from *Black Feminist Thought: Knowledge, Consciousness, and The Politics of Empowerment*, author Patricia Hill Collins argue that African American women have been attacked with various negative images as punishment for their fight against inequality in the United States ever since slavery. One such negative image, also known as a controlling image, is the jezebel. It portrays African American women as sexually aggressive and justifies white men's sexual desire toward them and the sexual violence African American women experience. The consequence of controlling images is that it presents the racial, sexist, economic, and social injustices that African American women experience as normal, natural, and inevitable parts of daily life.<sup>111</sup> For example, Griffin tried to show that Little and her other young female friends had gone to a military base in Jacksonville, North Carolina, for prostitution. During Griffin's cross-examination of Little, he tried

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<sup>109</sup> Jan Dickson et al., 'The Second Wave: Second Wave, The' 4, no. 2 (01 1975): 4, <https://jstor.org/stable/community.28044446>.

<sup>110</sup> Testimony of Joan Little, Series 1, Folder 2, in the James Reston, Jr., Collection of Joan Little Trial Materials #4006, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

<sup>111</sup> Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (Routledge, 2014), 69–81.

to confirm the rumour in Washington that Little engaged in prostitution.<sup>112</sup> Historically, African American women who did not follow the strict standards of respectability faced accusations of prostitution.<sup>113</sup> Griffin also made Little read the diary entries she wrote in crossword books and the novels about missing her boyfriend and badly wanting to leave jail.<sup>114</sup> Griffin had implied that the jury should not believe Alligood sexually assaulted Little because she had other sexual experiences.

During the trial, Griffin pushed the narrative that Alligood did not “look” like a rapist and would not have wanted to have sex with Joan Little because she was a woman of colour. In the book *Sexual Violence: Our War Against Rape*, Leslie Synder argued that most people make preliminary judgments about a rapist’s guilt based on the person’s appearance and position in life.<sup>115</sup> Alligood did not have the stereotypical portrait of a rapist. He was not unattractive, uneducated or from the lower socioeconomic class. Alligood was a well-known elderly married man with a decent work ethic and a family. His son, Don Alligood, claimed that Alligood would never have committed the behaviours described by Little as they went against his beliefs.<sup>116</sup> A long-time friend of Alligood, Red Davis, who was also the Sheriff of Beaufort County, testified that Alligood was not a ladies’ man and that his racial bias would have prevented him from feeling attracted to a woman of colour.<sup>117</sup> However, rape is a violent crime rooted in the desire for power.

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<sup>112</sup> Taylor, ‘ISSUES – BUT ANY ANSWERS? Volunteers for Joan Little’.

<sup>113</sup> Greene, “‘She Ain’t No Rosa Parks’”, 433.

<sup>114</sup> Testimony of Joan Little, Series 1, Folder 2, in the James Reston, Jr., Collection of Joan Little Trial Materials #4006, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

<sup>115</sup> Linda A. Fairstein, *Sexual Violence: Our War against Rape* (New York: William Morrow and Co, 1993), 155.

<sup>116</sup> ‘Alligood Express Dissatisfaction’, *The News and Observer*, 16 August 1975, <https://www.newspapers.com/image/653261186>.

<sup>117</sup> Reston Jr., ‘The Joan Little Case’.

It has nothing to do with how we understand consensual sex or sexuality. Therefore, none of the arguments favouring Alligood would have removed his culpability.

Little was forced by Griffin to vividly recount the sexual assault that could be described as verbal rape: having a survivor verbally describe how their sexual assault took place in a manner that forces them to relive their trauma. Griffin asked Little to show the court how Alligood touched her breast, how he had removed her gown, and how he had removed his pants. She was questioned in a manner that restated the assault in detail and had to repeat the exact language Alligood said to her. Griffin also questioned why Little did not shout, scream, or protest during the assault.<sup>118</sup> Fortunately, most of the women on the jury believed there was no logical explanation for Griffin's behaviour during the cross-examination. The district attorney had used a strategy of sexual humiliation on the wrong jury, a tool that would have possibly been more acceptable to a jury full of white racist and sexist men who believed African American women were "unrapeable".<sup>119</sup>

There were three broad strategies the defence team adopted during the trial to reduce the impact of Griffin's brutal prosecution. Firstly, Jerry Paul and Karen Bethea Galloway, the lead attorneys for Joan Little, had spent months training her on respectability.<sup>120</sup> As a result, they had Little dress smartly for court and spoke confidently for each session to remove any assumptions that she was promiscuous or engaged in prostitution.<sup>121</sup> In addition, Little had utilised Paul's and Galloway's advice during her cross-examinations to prevent herself from reacting angrily or

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<sup>118</sup> Testimony of Joan Little, Series 1, Folder 2, in the James Reston, Jr., Collection of Joan Little Trial Materials #4006, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

<sup>119</sup> Karen Lindsey et al., 'Off Our Backs: Off Our Backs' 5, no. 8 (01 1975): 2, <https://jstor.org/stable/community.28041824>.

<sup>120</sup> McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance- a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*, 220.

<sup>121</sup> 'Joan Little as a "Symbol": Has She Really Changed?'

getting frustrated. This strategy ensured that she calmly and openly gave her account of the incident and did not contribute to the negative perception the prosecution was trying to paint of her.

Secondly, they had convinced female inmates who had spent time with Little in Beaufort County Jail to testify on the jail's living conditions and Alligood's treatment. Although other female inmates had not stayed long in Beaufort County Jail during the three months that Little was imprisoned, these African American women could testify that Little was honest in her depiction of Alligood. It is important to note that the defence team had selected these inmates based on who had the most respectable and sincere appearance to increase their credibility and, in turn, Little's. They chose the female prisoners with only petty crimes on their rap sheet, who were physically attractive, and had good mannerisms. For example, rose Ida Mae Roberson testified that Alligood made seven or eight sexual advances to her during her incarceration and had entered her cell to the extent that she contemplated committing suicide to make it stop.<sup>122</sup> Similarly, Annie Marie testified that Alligood made sexual advances toward her while she scrubbed the jailed floor.<sup>123</sup> Finally, Phillis Ann Moore, who was jailed for a week in July 1974 with Little, testified that Alligood came into the women's section of the prison multiple times and asked Little if she missed her man. Moore also stated that Little did not encourage the behaviour and had actively rejected Alligood.<sup>124</sup>

Thirdly, Karen Bethea Galloway helped the jury put themselves in Joan Little's shoes. On the last day of the trial, Galloway dressed in a similar coloured pants suit to the one Little wore

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<sup>122</sup> Witness Interviews, 1974-175 Box 1 Folder 6, Joan Little Collection, David M. Rubenstein Rare Book & Manuscript Library, Duke University

<sup>123</sup> 'Joan Little Jury Hears Ex-Inmates', *New York Times*, 8 August 1975, <https://www.nytimes.com/1975/08/08/archives/joan-little-jury-hears-exinmates-are-told-by-2-women-that-slain.html?searchResultPosition=1>.

<sup>124</sup> Witness Interviews, 1974-175 Box 1 Folder 6, Joan Little Collection, David M. Rubenstein Rare Book & Manuscript Library, Duke University

when she told her story on the stand, styled her hair in an afro like Little, and walked back and forth in a four by a seven-foot box that she taped off on the courtroom floor.<sup>125</sup> Galloway then asked the jurors to imagine how they would have felt if they were Little.<sup>126</sup> This activity forced the jury to exercise compassion for Little's situation and how defenceless and helpless she would have felt during the attack.

After the help of numerous African American women before and during the trial and a strong defence team that had cost \$325,000, Joan Little was acquitted on 15th August 1975 for the murder of Clarence Alligood.<sup>127</sup> The jury had taken less than 84 minutes to agree on a not guilty verdict. Little broke into a sob at the defence table upon hearing the verdict.<sup>128</sup> The acquittal meant that Little and other women like her had successfully claimed the right to protect their bodies and lives. Karen DeCrow, then-president of the National Organisation for Women, hailed the verdict as the first legal precedent for women's self-defence rights.<sup>129</sup>

Little believed that her pardon was thanks to the public and had little to do with the government she had since lost faith in.<sup>130</sup> Little was aware of public support throughout her trial. Some of Little's feminist supporters wore T-shirts emblazoned with the slogan "Power to the ice pick" when they sat at the back of Wake County Courthouse during court sessions. The slogan

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<sup>125</sup> McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance- a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*, 224.

<sup>126</sup> Wayne King, 'Prosecutor and Defense Present Final Arguments in Joan Little Trial; Case Likely to Go to Jury Today', *The New York Times*, 15 August 1975, <https://www.nytimes.com/1975/08/15/archives/prosecutor-and-defense-present-final-arguments-in-joan-little-trail.html?searchResultPosition=1>.

<sup>127</sup> 'Joan Little Lawyer Is Scored by Judge', *The New York Times*, 24 October 1975.

<sup>128</sup> Wayne King, 'Joan Little Acquitted in Jailer's Slaying', *The New York Times*, 16 August 1975, <https://www.nytimes.com/1975/08/16/archives/joan-little-acquitted-in-jailers-slaying-joan-little-free-in.html?searchResultPosition=1>.

<sup>129</sup> Catherine O. Jacquet, 'Fighting Back, Claiming Power: Feminist Rhetoric and Resistance to Rape in the 1970s', *Radical History Review* 2016, no. 126 (1 October 2016): 79, <https://doi.org/10.1215/01636545-3594421>.

<sup>130</sup> 'It Was the People That Set Me Free', *The Miami News*, 16 August 1975, <https://www.newspapers.com/image/301611451>.

was their way of rejecting the state's belief that the murder of Alligood was a crime and emphasised a woman's right to self-defence.<sup>131</sup> However, Little's innocence did not apply to the break-in charge that had landed her in jail in the first place. Similarly, the not guilty verdict did not give Little freedom in a broader sense: she still had to deal with the aftermath of being called a criminal and a murderess.<sup>132</sup> Nevertheless, Little put her newfound prominence to good use. After her acquittal, she worked and spoke at the Black Panther Party for six months on the importance of reforming the United States' judicial system.<sup>133</sup> Her experience motivated her to pledge herself to fight racism.

### **Aftermath**

There were various positive impacts of Joan Little's Case and her acquittal. The Beaufort County Jail hired a matron to handle its female prisoners, for starters.<sup>134</sup> The case had also successfully fuelled a public debate about the prosecution of sex-based crimes. In addition, it supported the feminist agenda of emphasising rape as a violent crime involving aggression and humiliation that had nothing to do with sex.<sup>135</sup> Nonetheless, various Black feminist organisations continued to work to end sexual violence toward African American women. For example, the Black Women Organised for Action held a "Violence Against Women" meeting on the 30th of August, 1976, at 1 PM and at 7.30 PM to educate participants on various forms of violence toward

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<sup>131</sup> Jacquet, 'Fighting Back, Claiming Power', 78.

<sup>132</sup> 'Miss Little Appear on the Coast And Thanks the Black Panthers', *The New York Times*, 28 August 1975, <https://www.nytimes.com/1975/08/28/archives/miss-little-appears-on-the-coast-and-thanks-the-black-panthers.html?searchResultPosition=1>.

<sup>133</sup> Lindsey et al., 'Off Our Backs', 2.

<sup>134</sup> Taylor, 'ISSUES – BUT ANY ANSWERS? Volunteers for Joan Little'.

<sup>135</sup> McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance- a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*, 226.

African American women, such as the violence of rape and the violence against women in prisons, jails, and courts.<sup>136</sup>

There was an overall move to women claiming the right to protect and defend themselves. Self-defence became a form of activism against rape, and the body was re-imagined as a tool against sexual assault. Feminist groups advocated anti-rape squads, self-defence training and vigilante responses as examples of effective and empowering strategies that women could utilise to protect themselves.<sup>137</sup> The National Organisation for Women lobbied for special female officers/detectives. They wanted trained officers and detectives in the dynamic of sexual assault and the empathy and counselling strategies investigating sexual assault cases that were brought to police attention. Furthermore, the feminist organisation advocated for rape victims to be examined by physicians trained in sexual assault trauma and the presentation of court evidence.<sup>138</sup>

The all-women, African American a cappella ensemble *Sweet Honey in the Rock*, released a song in 1976 titled “Joanne Little” to bring awareness to her case. The song, which aimed to invoke an emotional reaction in listeners, expressed the anger that the group’s members and other African American women felt at seeing someone like them in such a situation. The repeated lines “Joan Little, she’s my sister/Joan Little, she’s our mama/Joan Little, she’s your lover/Joan the woman who’s gonna carry your child” highlight how Little’s experience could have happened to anyone in the African American community.<sup>139</sup> As a result, the song became an anthem of the Free

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<sup>136</sup> Black Women Organized for Action, *What It Is: A Newsletter of Black Women Organized for Action, What It Is: A Newsletter of Black Women Organized for Action.*, vol. 4, 8 vols (San Francisco, Ca.: Black Women Organized for Action, 1976).

<sup>137</sup> Jacquet, ‘Fighting Back, Claiming Power’, 73.

<sup>138</sup> Task Force on Rape [correspondence, member lists, contact list, press releases, etc.], 1973-1980. Records of the National Organization for Women, 1959-2002 (inclusive), 1966-1998 (bulk), MC 496; M-152, 49.5-49.6., Carton: 49. Schlesinger Library, Radcliffe Institute.

<sup>139</sup> Sweet Honey In The Rock. “Joanne Little.” YouTube. YouTube, October 7, 2021. <https://www.youtube.com/watch?v=j61vh9n2BPM>.



Joan Little movement and illustrated the power of direct action and radical protest against the racial and sexual status quo.

On 25th February 1976, a bill to revise Chapter 99 of title 18 of the United States code for the punishment of sexual assault was introduced in the house. The activism of several feminist groups led to a bill that broadened the definition of sexual assault, created stricter rules for punishing repeat offenders, and banned the use of the survivor's sexual conduct before the alleged time of the assault in the trial. The revision gave survivors more legal protection before and during a court hearing. Furthermore, by 1981, an estimated nine hundred rape crisis centres across the United States were prepared to be the first point of support and comfort to rape victims.<sup>140</sup> There was an increased narrative of self-determination and resistance. Victims of sexual assault were encouraged to reframe how they saw themselves and remove the perception that they were weak and inferior, especially in relation to men. Joan Little's case had profoundly affirmed African American women's rights to protect themselves against sexual assault in an institutional space.

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<sup>140</sup> Subject files. Federal legislation [Legislative Office]: rape [correspondence, printed material, notes, etc.], 1974, 1976, 1978-1980. Includes Jacob K. Javits and Doug Walgren. Records of the National Organization for Women, 1959-2002 (inclusive), 1966-1998 (bulk), MC 496; M-152, 90.12., Carton: 90. Schlesinger Library, Radcliffe Institute.

## Chapter 2

### Anita Faye Hill

On the 30th of July 1956, Anita Faye Hill was born in East-Central Oklahoma, Okmulgee County, into a large and close-knit family, as the youngest of thirteen children.<sup>141</sup> Growing up, she lived in a frame house on a farm that faced Lone Tree Mountain with her parents, Erma, and Albert Hill, that raised their thirteen children to be disciplined by having everyone take part in fieldwork and home chores.<sup>142</sup> In Hill's words, her "childhood was one of a lot of hard work and not much money, but it was one of solid family affection".<sup>143</sup>

Hill started school in 1958, just four years after the *Brown v. Board of Education* decision ruled segregated education unconstitutional.<sup>144</sup> She was the second child in the family to have begun their education at an integrated country school. Hill was a straight-A student in high school, and her academic success continued in university. She graduated in 1977 with numerous academic awards from Oklahoma State University as a psychology major.<sup>145</sup> After three years at Yale law school, Hill worked at the Washington branch of Wald, Harkrader & Ross as a practising lawyer. Her co-workers described her as a competent, dependable, and quiet lawyer who mostly kept to herself. In 1981, Hill was hired as an assistant for the Office of Civil Rights at the Department of Education by then-Assistant Secretary Clarence Thomas. Gil Hardy, one of Thomas' friends who worked with Hill at Wald, Harkrader & Ross, recommended her.<sup>146</sup> In this position, Hill worked

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<sup>141</sup> 'THE THOMAS NOMINATION: WOMAN IN THE NEWS; A Private Person in a Storm: Anita Faye Hill', *The New York Times*, 11 October 1991, <https://www.nytimes.com/1991/10/11/us/thomas-nomination-woman-private-person-storm-anita-faye-hill.html?searchResultPosition=1>.

<sup>142</sup> Anita Hill, *Speaking Truth to Power* (ANCHOR, 1998), 28–30.

<sup>143</sup> Anita Miller, ed., *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991* (Chicago, IL: Academy Chicago Publishers, 1994), 22.

<sup>144</sup> Hill, *Speaking Truth to Power*, 40–42.

<sup>145</sup> 'THE THOMAS NOMINATION: WOMAN IN THE NEWS; A Private Person in a Storm: Anita Faye Hill'.

<sup>146</sup> Miller, *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991*, 28.

directly under Thomas as an attorney and assisted in his campaign for chair of the Equal Employment Opportunity Commission (EEOC). After Thomas was appointed chairman of the EEOC, Hill worked as his secretary.<sup>147</sup> Similarly, at the EEOC, Hill was remembered as a competent employee. In 1983, during a civil rights seminar with Thomas at Oral Roberts University, Hill was offered a position at the university by the law school's dean and never worked with Thomas again.<sup>148</sup>

In September of 1986, after Oral Roberts law school moved to Virginia, Hill began teaching at the University of Oklahoma. Despite her busy schedule as a professor, she engaged in local social service agencies. For example, Hill was on the Women's Resource Center board, an organisation that provided shelter and counselling to victims of sexual assault and domestic violence. In 1990, Hill became a tenured professor two years earlier than the usually required six years. In the summer of that year, she was named Faculty Admirative Fellow in the Office of the Provost and began exercising decision making power over major academic policy issues. In 1991, Hill was re-elected to the Faculty Senate for a second three-year term and served on the body's executive committee. Her reputation amongst her colleagues led to her election onto the law school committee that determined professors' salaries.<sup>149</sup>

Unfortunately, the credibility that Hill had built for over a decade was challenged and attacked during a three-day hearing where the Senate Judiciary Committee interrogated her about her sexual harassment allegations against Thomas on national television. Nevertheless, Hill's

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<sup>147</sup> Miller, 14.

<sup>148</sup> "I had not planned to return to Oklahoma; I had not planned to go into teaching. I would leave behind me in Washington a budding relationship with a young surgical resident for whom I cared very deeply. But the opportunity to leave the employ of Clarence Thomas and to be nearer my family was most compelling." Hill, *Speaking Truth to Power*, 87–89.

<sup>149</sup> *Ibid.*

personal story of sexual harassment broadened the nation's understanding of sexual harassment. It helped women across the United States put a name to an experience they long believed was part of being a working woman.

### **The Sexual Harassment**

In 1981, three months after working at the Department of Education, Thomas had asked Hill to go out with him socially. Hill believed that a social relationship with a supervisor would be inappropriate, so she declined Thomas' offer and clearly explained her position. However, it did not work; Thomas asked Hill out on several occasions in the following weeks.<sup>150</sup> Hill's professional relationship with Thomas took a turn for the worst when he began discussing sex vividly during work. According to Hill, Thomas talked about pornographic materials with bestiality, group sex, and rape scenes and suggested that she watch them too.<sup>151</sup>

Despite continuously rejecting Thomas' advances and refusing to talk about sex with him, Thomas abused his power by disrespecting her wishes and ignoring her discomfort. Fortunately, a few months before Thomas was appointed chairman of the EEOC, the conversations stopped. Hill interpreted this pause as a change in behaviour and continued to work under him as a secretary at EEOC. It is important to note that Hill had no other job prospects and felt like she had no other choice during this time. With Thomas' nomination as chair of the EEOC, she would have been laid off from her position at the Department of Education, where she worked as his assistant.<sup>152</sup>

In the fall and winter of 1982, a few months after working at the EEOC, the sexual harassment continued. Thomas had pressed Hill about why she did not want to go out with him,

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<sup>150</sup> Miller, *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991*, 22-23.

<sup>151</sup> Miller, 23.

<sup>152</sup> Miller, 30.

made sexual remarks about her appearance, and talked about oral sex.<sup>153</sup> Thomas had also begun to assign significant tasks to others, denied her the opportunity to work on special projects, and was uncooperative when she asked him to approve or sign off on projects.<sup>154</sup> In January 1983, Hill began looking for another job discreetly in fear that Thomas would misplace his anger at her rejections and make it difficult for her to get another job. The pressure and discomfort that Hill was experiencing during that time were so severe that in early 1983, she suffered stress-induced stomach pains that resulted in five days of hospitalisation.<sup>155</sup> When Hill informed Thomas that she would be leaving EEOC in July, he told her that she had no excuse to not go out with him anymore. He then abused his power to ask her for dinner after she declined the first time by stating that it was a “professional courtesy only and not a social invitation”.<sup>156</sup> During this dinner, Thomas explicitly informed Hill that if she “ever told anyone of his behavior that it would ruin his career”.<sup>157</sup> He had expected her to keep quiet about the sexual harassment.

Anita Hill never reported the sexual harassment she experienced working under Clarence Thomas. Like Hill, most women never report sexual harassment from their boss. Instead, they continue to work for the men and even have cordial relationships with them. This behaviour is because sexual harassment is an abuse of power. Most victims fear losing their job from retaliation, are dependent on the income from the job, and their career trajectory is contingent on a reference from their previous boss. Similarly, in Hill’s case, she firmly believed that telling at any point could affect her future career negatively, and she did not want “to burn all the bridges to the EEOC”.<sup>158</sup> As a result, Hill removed herself from the situation, did “not press a claim or charge

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<sup>153</sup> Miller, 24.

<sup>154</sup> Hill, *Speaking Truth to Power*, 87–88.

<sup>155</sup> Miller, *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991*, 24.

<sup>156</sup> Miller, 24–25.

<sup>157</sup> Miller, 25.

<sup>158</sup> *Ibid.*

against him”, and maintained a cordial, professional relationship with Thomas.<sup>159</sup> Instead, she chose to confide in John Carr, a man she was dating at that time, and three other friends, Ellen Wells, Susan Hoerchner, and Brand Mims, by telling them about the sexual harassment.<sup>160</sup>

### **The Account**

In September 1991, counsel to the Judiciary Committee’s Labor Subcommittee, Gail Laster, reached out to Hill and asked if she had heard allegations of Thomas’ harassment of women at the EEOC.<sup>161</sup> Laster was vetting Thomas, whom President George W. H Bush had just nominated as a Supreme Court judge, and Hill told Laster to follow up on the rumours. However, James Brudney, chief counsel to Senator Metzenbarum’s Labour Subcommittee and Laster’s boss, instructed Laster to discontinue her investigation.<sup>162</sup> Brudney believed there was not much value in the rumours, especially with Hill not being open with her information. During this time, Ricki Seidman, chief investigator for the Senate Labour and Human Resources Committee of Senator Ted Kennedy, reached out to Hill and explicitly asked if she had any comments on the sexual harassment allegations against Thomas. Hill gave no comments the first time Seidman called; however, she was ready to go forward with her account the second time he contacted her. Hill changed her mind because she believed she had a duty to report the sexual harassment. Hill had three conditions for sharing her experience with the senate committee. First, she did not want her account to be made available to the press, including a public hearing; she wanted an independent investigation of her charges and informed if other women had reported similar behaviour.<sup>163</sup>

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<sup>159</sup> Miller, 46.

<sup>160</sup> Hill, *Speaking Truth to Power*, 77–79; Miller, *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991*, 54.

<sup>161</sup> Hill, *Speaking Truth to Power*, 114–16.

<sup>162</sup> Hill, 117–18.

<sup>163</sup> Hill, 118–22.

On the 15th of September 1991, Brudney notified Hill that the judiciary committee had decided not to investigate her allegations because of her confidentiality request.<sup>164</sup> However, things changed after much persistence from Hill. Finally, on the 20th of September, she was told that her charges would be given to the FBI to investigate. Hill accepted the investigation on the notion that the recorded statement she gave the FBI would be attached to the report the FBI gave the committee.<sup>165</sup>

Sadly, the Senate staffers did not uphold the promise that Hill's allegations against Thomas and her name would be kept confidential and away from the public.<sup>166</sup> On the 3rd of October 1991, someone in Senate pushed Hill's account into the national agenda by sending it to the National Public Radio.<sup>167</sup> From that point on, Hill could no longer enter her house without facing intrusion from reporters. Hill and her sexual harassment experience became open to public scrutiny. News analysts, commentators, and the public began discussing her sexual harassment and deducing her decision to come forward. Furthermore, Hill had lost the power to talk about her trauma when, how, and to whom she wanted.

### **A Hearing or A Trial?**

From 11<sup>th</sup> to 13<sup>th</sup> October 1991, a hearing was organised by the US Senate Committee on the Judiciary in Washington, DC, to address Hill's sexual harassment allegations against Thomas. The committee consisted of fourteen white men: Senators Biden, Kennedy, Metzenbaum, DeConcini, Leahy, Helfin, Simon, Kohl, Thurmond, Hatch, Simpson, Grassley, Specter, and

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<sup>164</sup> Hill, 123.

<sup>165</sup> Hill, 124–26.

<sup>166</sup> Miller, *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991*, 42.

<sup>167</sup> Robert Maynard, 'Congress's Incompetence Produces Bloody Mess', *Lexington Herald – Leader*, 13 October 1991, <https://www.newspapers.com/image/68934292>.

Brown. In the opening statement, the committee chairman deliberately defined fairness to ensure that Hill's hearing was a fair process. Then-Senator Joseph R. Biden Jr. of Delaware defined fairness as "understanding what a victim of sexual harassment goes through, why victims often do not report such crimes, why they often believe that they should not or cannot leave their jobs".<sup>168</sup> However, the hearing did not achieve this fairness for two reasons.

The hearing was unfair because it did not uphold any clear framework for the Senate or those who testified. The purpose of the hearing was not explicit. It was unclear if the Senate Judiciary Committee had held the hearing to confirm Thomas's nomination or gauge Hill's allegations' credibility. In the chapter "The People vs. Anita Hill: A Case for Client-Centered Advocacy", from the book *Race, Gender, and Power in America*, the author Charles J. Ogletree Jr. argued that the lack of framework meant that a fair proceeding from Professor Hill's perspective depended on "the pro-Thomas senators' internal sense of fair play" or "on the willingness of the senators to object to unfair questions and statements to press for fair procedures".<sup>169</sup> However, the senators failed to do so on both counts. The only guideline emphasised before the hearing was that it was anything but a legal proceeding. The committee chairman had begun his opening statement by declaring that

*Because this is not a trial, the proceedings will not be conducted the way in which a sexual harassment trial would be handled in a court of law. For example, on the advice of the nonpartisan Senate legal counsel, the rules of evidence that apply in courtrooms will not*

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<sup>168</sup> Miller, *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991*, 11–12.

<sup>169</sup> Anita Hill and Emma Coleman Jordan, eds., *Race, Gender, and Power in America: The Legacy of the Hill-Thomas Hearings* (New York: Oxford University Press, 1995), 150.



*apply here today. Thus, evidence and questions that would not be permitted in the court of law must, under Senate rules, be allowed here.*<sup>170</sup>

During Thomas' opening testimony on the 11<sup>th</sup> of October, he stated, "I will not provide the rope for my own lynching or further humiliation", implying that the hearing was an attempt to lynch him.<sup>171</sup> Lynching was a caste system tool by white men to kill African Americans, especially for the success they were experiencing during Reconstruction, under the false accusation that those African American men committed sexual violence towards white women. Due to the history of lynching, such a statement to fourteen white men was racially charged and utilised to arouse an emotional response in the audience. In the article "Myths, Stereotypes, and Realities of Black Women: A Personal Reflection", the author Ella Louise Bell argued that the use of the term "lynching" evoked a strong emotional reaction from folks in the African American community because it conjured up "the collective unconscious nightmare of slavery".<sup>172</sup> It was also ironic that Thomas made such a comment during the hearing. Ida Well's investigation into lynching in the late 1800s found that it was also a tool against the morality of African American women. Historically, the alleged impulse of African American men to commit sexual violence was attributed to the "promiscuous Black female", thus the African American woman's fault.<sup>173</sup>

According to Stuart Lefstein, a Fellow of the American College of Trial Lawyers who had argued before the US Supreme Court and lectured on sexual harassment, Thomas' speech would

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<sup>170</sup> Miller, *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991*, 10.

<sup>171</sup> Miller, 18.

<sup>172</sup> Ella Louise Bell, 'Myths, Stereotypes, and Realities of Black Women: A Personal Reflection', *The Journal of Applied Behavioral Science* 28, no. 3 (September 1992): 150, <https://doi.org/10.1177/0021886392283003>.

<sup>173</sup> Paula J. Giddings, *When and Where I Enter: The Impact of Black Women on Race and Sex in America* (William Morrow & Company, 2007), 31.

not have been admissible if the hearing had been a sexual harassment trial.<sup>174</sup> He would not have been able to give a speech with unsupported claims about racism and lynching that possibly invoked the committee's feeling of guilt or wrongdoing. Thomas would not have been able to associate racial guilt with the hearing. Consequently, Thomas would not have been able to equate an investigation of the sexual harassment charge to a hate crime.

In addition, the unclear framework for the Senate or those who testified allowed Thomas to utilise stereotypes against African American women as the basis of his defence against Hill's allegation. For example, one of the core arguments by Thomas and several committee members on why Hill's credibility was questionable, and thus the sexual harassment accusation fake, was because of an account that Hill was delusional. John N. Doggett III, a former law school classmate of Thomas and an acquaintance of Hill, said in an affidavit that Hill demonstrated the ability to "fabricate the idea that someone was interested in her when in fact no such interest existed".<sup>175</sup> Doggett stated that Hill fantasised about him being romantically interested in her after a conversation at a party and concluded that Hill was delusional. The committee had not taken Hill's rebuttal that she did not fantasise about Doggett romantically and could barely remember him seriously.<sup>176</sup> Doggett's claim against Hill, a single and unmarried 35-year-old woman at the time of the hearing, and the context for the accusation was so consistent with the mainstream image of the "Black lady" that the senators had no trouble believing Hill could fabricate 'romantic' pursuits. In the book *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, Patricia Hill Collins argued that the image "Black lady" is rooted in the perception that working

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<sup>174</sup> Stuart Lefstein, 'The "Circus" Saved Judge Thomas', *Quad City Times*, 24 October 1991, <https://www.newspapers.com/image/306721880>.

<sup>175</sup> 'Thomas Classmate Says Hill Could "Fabricate" Romances', *Daily Press*, 12 October 1991, <https://www.newspapers.com/image/236326055>.

<sup>176</sup> Miller, *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991*, 76.

African American women are so consumed with work that they have no time for men, do not know how to interact with the opposite sex, cannot build romantic relationships, and as such stay unmarried.<sup>177</sup> This bias of the senators was also evident in the language they used to address Hill. The senators who found Hill credible called her “Professor Anita Hill”, while those who did not used “the woman, or this lady” to address her.<sup>178</sup> However, if the hearing had adopted the frameworks of a trial, the core argument would not have been allowed because there was no medical nor concrete evidence to highlight that Hill was or had been delusional at any point in time.<sup>179</sup>

The second obstacle to the hearing adopting the principle of fairness was the committee members’ bias. Despite the committee’s decision that they would not conduct the hearing as a trial or sexual harassment trial, the committee members treated it as a criminal trial. For some senators, this decision was more deliberate than others. Many of them had been lawyers and judges and instinctively tackled the hearing as a trial. For example, Senator Heflin’s thought process was to listen to all the testimony and then “determine the motivation for the one that is not telling the truth” because of his experiences as a lawyer and a judge.<sup>180</sup> However, motives are usually asked during a criminal trial. In a sexual harassment trial, the court would have only needed Anita Hill to prove her case with most of the evidence and not beyond a reasonable doubt as required in criminal cases.<sup>181</sup> In addition, there was a significant emphasis on Hill’s motive but no consideration of Thomas’ motive. This emphasis on Hill’s motive was especially concerning because Thomas had a more significant motive than Hill. Thomas was accused of the very same

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<sup>177</sup> Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, 81.

<sup>178</sup> Ellen Goodman, ‘Only Public Outcry Forced Charges into the Open’, *The Akron Beacon Journal*, 10 October 1991, <https://www.newspapers.com/image/153722048>.

<sup>179</sup> Lefstein, ‘The “Circus” Saved Judge Thomas’.

<sup>180</sup> Miller, *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991*, 66.

<sup>181</sup> Lefstein, ‘The “Circus” Saved Judge Thomas’.

act that he was responsible for preventing as chairman of the EEOC. He also had more to protect if he was lying, such as his confirmation onto the Supreme Court. However, the senators only paid attention to anything that could shake their belief that Thomas was innocent rather than listen to Hill open-mindedly. This mindset was significant because several senators had started the hearing with a verdict in mind. They already believed that Hill was framing Thomas.<sup>182</sup> The consequence of the committee members' mindset was that Hill spent much of the hearing having to defend herself rather than proving that her harasser, Thomas, was guilty. As such, the burden of proof was on the victim.

Furthermore, the committee members did not try to understand what Hill went through as a victim of sexual harassment. Their mindset caused them to treat Hill as an instigator, asking questions in a hostile and insensitive manner. For example, Senator Spector questioned why Hill felt uncomfortable about Thomas talking to her about women's large breasts, even though it was a word "we use all the time".<sup>183</sup> Several Senators had asked Hill to repeat the explicit comments Thomas made. Senator Heflin had asked Hill if she reported Thomas because she was a scorned woman.<sup>184</sup> Senator Danforth denounced Hill's charges as garbage.<sup>185</sup> Senator DeConcini asked Hill where the gumption was in suddenly calling anonymously to report the harassment after ten years.<sup>186</sup> Baker-Fletcher argues that Hill was harassed a second time "by members of a white male Senate panel who participated in a voyeuristic line of questioning".<sup>187</sup> These senators were

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<sup>182</sup> "Yet even before she finished, Senator Dennis DeConcini of Arizona rushed to call his own news conference and say he believed the nominee's denials and not the accuser." 'Anita Hill and the Senate's Duty', *The New York Times*, 8 October 1991, <https://www.nytimes.com/1991/10/08/opinion/anita-hill-and-the-senate-s-duty.html?searchResultPosition=1>.

<sup>183</sup> Miller, *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991*, 39.

<sup>184</sup> Miller, 66.

<sup>185</sup> 'Anita Hill and the Senate's Duty'.

<sup>186</sup> Hill, *Speaking Truth to Power*, 142–43.

<sup>187</sup> Karen Baker-Fletcher, 'The Difference Race Makes: Sexual Harassment and the Law in the Thomas/Hill Hearings', *Journal of Feminist Studies in Religion* 10, no. 1 (1994): 14.

comparing Hill to their perceived notion of how a victim of sexual harassment should act. That victims would immediately report their harassers and have nothing to do with them after. However, every woman processes and reacts to sexual harassment differently.

Overall, the hearing had allowed the fourteen white senators to play judge, jury, and executioner. They decided what evidence they wanted to accept, what questions they wanted to ask, and whether to confirm Thomas. For example, the Senators prevented Angela Wright, another victim who worked with Thomas at EEOC, from testifying because they believed she was a weak witness. However, Wright would have testified how Thomas sexualised her in the office and pressured her to date him.<sup>188</sup> Moreover, due to the senators' race, gender, and career, they had never experienced the power dynamics that bosses used when they sexually harassed their subordinates. The committee members were unfamiliar with the struggle of working minimum wage to make ends meet and having to curry favour with a boss to keep a job. Nevertheless, they did little to fill their knowledge gaps.

### **Alternatives**

How could the Senate Judiciary Committee have genuinely adopted a principle of fairness? First and foremost, they could have distinguished the nomination process from addressing the issue of sexual harassment and had two different hearings. However, it is also not disadvantageous if the committee insisted on having just one hearing, especially considering that sexual harassment was central to Thomas' qualification as a Supreme Court Justice. In that case, the senate committee

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<sup>188</sup> Adam Clymer, 'THE THOMAS NOMINATION; PARADE OF WITNESSES SUPPORT HILL'S STORY, THOMAS'S INTEGRITY', *The New York Times*, 14 October 1991, <https://www.nytimes.com/1991/10/14/us/thomas-nomination-parade-witnesses-support-hill-s-story-thomas-s-integrity.html?searchResultPosition=1>; Anna Quindlen, 'Public & Private; Apologies to Anita', *The New York Times*, 5 November 1994, <https://www.nytimes.com/1994/11/05/opinion/public-private-apologies-to-anita.html?searchResultPosition=1>.

should have educated themselves on sexual harassment. They should also have hired experts on sexual harassment to help fill in any of their blind spots, especially while the hearing was in place. Furthermore, the committee should have hired a non-partisan group to decide on evidence and witnesses and run the hearing. That would have left the committee to fairly deliberate on Thomas's confirmation.

### **Public Opinion**

On the 13th of October 1991, an ABC News-Washington Post poll found that 55% of its audience did not believe Hill's sexual harassment allegations. This attitude was similar across genders, with 56% of the male and 38% of the female audience believing Thomas's denial while 20% of the male and 28% of the female audience supported Hill.<sup>189</sup> This poll was representative of Americans' position on a national level, with most men and women siding against Hill.<sup>190</sup> It was also the same in the African American community. Thomas was nominated to replace Thurgood Marshall, the first African American Supreme Court judge in the United States. Many in the community felt that Hill had broken the code of silence, which Bell described as "directly related to protecting, or at last not adding to, the already fragile status" of African American men.<sup>191</sup>

One reason why most Americans voted in favour of Thomas was that they believed Hill was lying. They could not understand why she was coming forward after keeping quiet about the sexual harassment for ten years and concluded that someone paid her to lie.<sup>192</sup> The folks with such

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<sup>189</sup> 'Poll Finds Majority of Nation for Thomas', *Press and Sun-Bulletin*, 14 October 1991, <https://www.newspapers.com/image/68934292>.

<sup>190</sup> Debbie Price M., 'The Thomas/Hill Issue Has Forced Women to Examine Their Most Basic Beliefs', *Fort Worth Star - Telegram*, n.d., <https://www.newspapers.com/image/642650692>.

<sup>191</sup> Bell, 'Myths, Stereotypes, and Realities of Black Women', 154.

<sup>192</sup> 'Readers Comment on Thomas Hearing', *Abilene Reporter - News*, 14 October 1991, <https://www.newspapers.com/image/765048667>.

a perception might have been influenced by controlling images that portray African American women as lacking integrity. One such image would be the welfare queen, which depicts African American women having children to take taxpayers' money and economically dependent on the government.<sup>193</sup> If African American women could easily have children to receive cash hands out, what else could they do for money? Hill was aware of the common perception of African American women as untrustworthy and chose to take a lie detector test to bolster the credibility of her allegations. There were four questions centred on whether Hill had falsified her account.<sup>194</sup> Although Hill had passed the lie detector test, she could not use it during the hearing because the committee ruled it inadmissible. The committee chairman reasoned that the polygraph results were unacceptable because "the committee had not vouched for the examiner's credentials" and had not asked Hill to do the test.<sup>195</sup>

Another reason for the distrust towards Hill was that many Americans did not understand how she could have stayed in contact with Thomas after the harassment.<sup>196</sup> Hill had answered Thomas's calls and made several off her own to him a few times after leaving the EEOC for professional inquiries. Hill was comfortable doing so because Thomas's power over her only threatened her as an employer. However, the threat and the behaviour ended when she left his

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<sup>193</sup> Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, 80.

<sup>194</sup>The questions were: "Have you deliberately lied to me about Clarence Thomas?" "Are you fabricating the allegation that Clarence Thomas discussed pornographic material with you?" "Are you lying to me about the various topics that Clarence Thomas mentioned to you regarding specific sexual acts?" "Are you lying to me about Clarence Thomas making reference to you about the size of his penis?", 'Security Firm Says Hill Took, Passed Lie Detector Test', *Tampa Bay Times*, 14 October 1991, <https://www.newspapers.com/image/324284926>.

<sup>195</sup> 'Hill Passes Lie Detector Test', *Abilene Reporter - News*, 14 October 1991, <https://www.newspapers.com/image/765048648>.

<sup>196</sup> 'Readers Comment on Thomas Hearing'.

employment.<sup>197</sup> Nevertheless, Hill tried to keep as much distance from him after leaving EEOC and settling in her job at Oral Roberts University.

### **Feminist Activism Against Sexual Harassment**

In the month that President George Bush announced Clarence Thomas as the Supreme Court nominee, feminist organisations National Organisation for Women (NOW) and the Women's Legal Defence Fund joined the campaign opposing his nomination because of Thomas' record on women's rights issues.<sup>198</sup> Though their campaign against Thomas' nomination failed, feminists often credit Anita Hill and her experience during the hearing for energising the women's movement.<sup>199</sup> She became a symbol for sexual harassment issues by creating national awareness of sexual harassment and using her experience to educate the public on the issue.

In 1965, Title VII, which prohibited discrimination based on sex, was added to the Civil Rights Act of 1964.<sup>200</sup> However, Black feminist groups believed they needed to do more to remove societal tradition of rigid sex-role stereotyping, especially in the workforce, provide better job opportunities for African American women, and protect them against sexual harassment. In the late 70s, the National Alliance of Black Feminists raised the political awareness of African American women by marching, lobbying, and rallying for the Equal Rights Amendment (ERA).<sup>201</sup> Under the law, ERA would have ensured equality of rights was not "denied or abridged by the

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<sup>197</sup> Hill, *Speaking Truth to Power*, 150.

<sup>198</sup> Amy E. Black and Jamie L. Allen, 'Tracing the Legacy of Anita Hill: The Thomas/Hill Hearings and Media Coverage of Sexual Harassment', *Gender Issues* 19, no. 1 (December 2001): 36, <https://doi.org/10.1007/s12147-001-0003-z>.

<sup>199</sup> Bell, 'Myths, Stereotypes, and Realities of Black Women', 146.

<sup>200</sup> Nolan, 'The Feminist Movement Is Forging through the '70s'.

<sup>201</sup> Brenda Eichelberger / National Alliance of Black Feminists Papers [Box 1, Folder 6, 21 and 22], Vivian G. Harsh Research Collection of Afro-American History and Literature, Chicago Public Library.



United States or any State on account of sex.”<sup>202</sup> Although the fight to pass the ERA resulted in a coalition of diverse feminist groups and significantly pushed the feminist movement, Congress rejected it.<sup>203</sup>

In 1986, the Supreme Court declared that sexual harassment was sex discrimination.<sup>204</sup> The court had recognised that Title VII of the 1964 Civil Rights Act prohibited sexual harassment but only recognised two forms of sexual harassment claims which were “quid pro quo” claims (exchanging sexual favours for job benefits) and “hostile environment” claims.<sup>205</sup> Federal judges were tasked with deciding whether a women’s sexual harassment allegation was true and “tragic enough” to deserve relief. This framework of proving truth often imposed credibility tests that victims could not meet and pressure that victims need not have faced.<sup>206</sup> Consequently, this framework deterred sexual harassment victims from coming forward. In 1991, the US Merit Systems Protection Board found that 56% of all government workers experienced “persistent unwelcome sexual harassment attention on the job”, but only 5% of them filled complaints.<sup>207</sup> Many victims feared that their credibility, morals, and reliability would be questioned if they came forward and did not want to experience that humiliation. NOW created a Sexual Harassment Task Force to combat this problem and emphasised that sexual harassment should be understood as

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<sup>202</sup> ‘National Alliance of Black Feminists Programs’, *Struggle for Women’s Rights*, Organizational Records, 1880-1990 : Women’s Action Alliance, Part 1: Administration--General, Board of Directors, and Executive Director, 1971-1996, 1977, <https://congressional.proquest.com/histvault?q=104532-021-0238>.

<sup>203</sup> Nolan, ‘The Feminist Movement Is Forging through the ‘70s’.

<sup>204</sup> Hill, *Speaking Truth to Power*, 86–87.

<sup>205</sup> Subject files. Sexual harassment [reports, fact sheets, notes], 1986-1988. Records of the National Organization for Women, 1959-2002 (inclusive), 1966-1998 (bulk), MC 496; M-152, 96.36., Carton: 96. Schlesinger Library, Radcliffe Institute.

<sup>206</sup> Susan Estrich, ‘Power, Not Gender, Defines Thomas Case’, *Lexington Herald – Leader*, 13 October 1991, <https://www.newspapers.com/image/68934292>.

<sup>207</sup> Subject files. Sexual harassment [reports, fact sheets, notes], 1986-1988. Records of the National Organization for Women, 1959-2002 (inclusive), 1966-1998 (bulk), MC 496; M-152, 96.36., Carton: 96. Schlesinger Library, Radcliffe Institute.

“unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature”.<sup>208</sup> However, the Hill-Thomas hearing had a far more reaching impact. It allowed the nation to see and hear a victim’s credibility, morals and reliability being questioned on live television and brought awareness to the change needed in how sexual harassment was defined and handled.

Today, Hill is often seen as a superhero against sexual harassment. However, this perception fails to humanise her. When the hearings had begun, Hill told her legal advisors that she did not want to “be a figurehead for women’s issues or for a national movement to oppose Clarence Thomas”.<sup>209</sup> It is important to remember that the hearing was a traumatic experience for her. The Senate Judiciary Committee had questioned, ridiculed, and judged her for the whole nation to see live. Her whole life turned upside down the minute the world knew of her allegations against Thomas. Nevertheless, Hill deserves to be recognised for her fight against sexual harassment, not simply because of her experience as a victim of sexual harassment. Shortly after Hill joined the EEOC, she was assigned to review the agency’s position on sexual harassment. The EEOC is the government’s enforcement agency for sexual harassment claims in the workplace. In 1980, the EEOC issued guidelines on sexual harassment on the job and employers’ responsibilities for prohibiting such behaviour.<sup>210</sup> As part of the agency’s anti-discrimination enforcement responsibilities, it investigated complaints by victims of employment discrimination and made recommendations based on Title VII of the Civil Rights Act. The administration, a team that

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<sup>208</sup> Subject files. Sexual harassment [reports, fact sheets, notes], 1986-1988. Records of the National Organization for Women, 1959-2002 (inclusive), 1966-1998 (bulk), MC 496; M-152, 96.36., Carton: 96. Schlesinger Library, Radcliffe Institute.

<sup>209</sup> Hill and Jordan, *Race, Gender, and Power in America*, 147.

<sup>210</sup> Subject files. Sexual harassment [seminar guidelines packet], 1980. Records of the National Organization for Women, 1959-2002 (inclusive), 1966-1998 (bulk), MC 496; M-152, 96.34., Carton: 96. Schlesinger Library, Radcliffe Institute.

Thomas was in, wanted to lessen employers' responsibility under the assumption that harassment was personal behaviour with no harm. However, after studying the issue, Hill recommended that the EEOC continue its policy of holding supervisors accountable when they sexually harass their employees and turning a blind eye to co-workers experiencing workplace sexual harassment.<sup>211</sup>

### **Aftermath**

On the 15th of October 1991, the Senate voted 52–48 to confirm Thomas as an associate justice of the Supreme Court.<sup>212</sup> Although the objective of the hearing was not clear, Thomas' confirmation suggested that 52 Senators did not believe Hill's allegation or did not think it was severe enough to prevent him from being a Supreme Court judge. Nevertheless, there were numerous other positive impacts from Hill sharing her experience and from the hearing.

Hill had helped women across the United States put to word an experience they had been enduring in the workplace.<sup>213</sup> In 1992, there was a 72% increase in sexual harassment charges filed through the EEOC and Fair Employment Practices Agencies compared to 1990.<sup>214</sup> Hill's courage to come forward and share her experience encouraged other women who had kept quiet about their harassment to speak up for themselves. As a result of the hearing, the public's confidence in Congress deteriorated, and there was more support for campaigns on constitutional term limits on all US lawmakers. There were tons of letters and phone calls to the Senate and House from women who wanted to share their perspectives on the hearing and Thomas' nomination.<sup>215</sup> In addition, the

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<sup>211</sup> Hill, *Speaking Truth to Power*, 84–86.

<sup>212</sup> Black and Allen, 'Tracing the Legacy of Anita Hill'.

<sup>213</sup> "Surveys consistently show that 15% of women experience some sort of sexual harassment on the job every year." Subject files. Sexual harassment [reports, fact sheets, notes], 1986-1988. Records of the National Organization for Women, 1959-2002 (inclusive), 1966-1998 (bulk), MC 496; M-152, 96.36., Carton: 96. Schlesinger Library, Radcliffe Institute.

<sup>214</sup> Miller, *The Clarence Thomas--Anita Hill Hearings: October 11, 12, 13, 1991*, 7.

<sup>215</sup> Christopher Matthews, 'The Lesson for Congress in Anita Hill Revelations', *The San Francisco Examiner*, 11 October 1991, <https://www.newspapers.com/image/461550008>.

hearing inspired women, especially African American women, to actively participate in politics. In 1991, African American women were disproportionately represented in the public sector, and the hearing highlighted the consequence of such an imbalance.<sup>216</sup> Many African American women saw the hearing as a painful reminder that they were at a disadvantage when having their sexual harassment stories taken seriously. By 1992, many women who sought and won elected office broke records.<sup>217</sup> For example, Coral Moseley Braun believed one solution to guaranteeing African American women's voices in legislation was for more people who looked like her in office and thus ran for the Illinois Democratic Senate position in 1992. Braun won the primaries, defeated Senator Dixon, and became the first African American woman to serve in the United States Senate.<sup>218</sup>

The hearing created more conversation on sexual harassment and other forms of sexual violence. Men knew what sexual harassment was and that they, too, had a part in stopping it. Readers of various women's magazines such as *Ebony* and *Ms.* were more open about sharing their sexual abuse experiences. Those magazines became a source that African American women could turn to about crisis centres and support places for victims of sexual harassment. Court cases began to apply more precise definitions of sexual harassment and specify penalties. In 1991, after the hearing, Congress passed a new civil rights law that expanded the compensation to victims of sexual harassment and increased the maximum monetary compensation for large companies to \$300,000.<sup>219</sup> Lawyers began focusing on intersectionality when bringing claims about

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<sup>216</sup> There were only 2 women in the 100 people Senate, none of whom were African American. 'Female Senators Split on Thomas Nomination', *Press and Sun-Bulletin*, 14 October 1991, <https://www.newspapers.com/image/68934292>.

<sup>217</sup> Christy Gleason, 'Presence, Perspectives and Power: Gender and the Rationale Differences in the Debate Over the Violence Against Women Act', *Women's Rights Law Reporter* 23, no. 1 (2001): 1.

<sup>218</sup> 'HEADLINERS; Legacy of Anita Hill', *The New York Times*, 22 March 1992, sec. Week in Review, <https://www.nytimes.com/1992/03/22/weekinreview/headliners-legacy-of-anita-hill.html>.

<sup>219</sup> Black and Allen, 'Tracing the Legacy of Anita Hill', 35.

discrimination faced by women of colour to the court.<sup>220</sup> In 1994, the Violence Against Women Act became law and empowered women to protect themselves against gender-based violence.<sup>221</sup>

On a personal level, Hill's life changed a lot. She received much recognition. In November 1991, she was awarded the National Coalition of 100 Black Women in New York City. *Glamour* magazine had added her as one of their ten selections for Women of the Year. She also received the Isa D. Wells award.<sup>222</sup> In August 1992, Hill was awarded the Women Lawyers Achievement Award, which recognised women lawyers who contribute to providing other women lawyers career opportunities.<sup>223</sup> In March of 1993, Hill was selected for the "50 Black Women Who Made A Difference" spread that *Ebony* magazine had done in honour of Women's History Month.<sup>224</sup> She became a public figure whose opinions on sexual harassment and other gender issues were respected. In April of 1992, Hill had a sold-out conference at Hunter College in Manhattan with an audience of about 2,100 women. She gave a speech on sexual harassment and emphasised how it was an abuse of power and had nothing to do with misbehaviour or romance.<sup>225</sup> However, it also became impossible for her to go back to the normalcy that she used to experience.

Although Hill never got any amends for her own experience, she created a climate that helped reduce the sexual harassment other African American women experienced and aided in

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<sup>220</sup> Hill and Jordan, *Race, Gender, and Power in America*, 237.

<sup>221</sup> Gleason, 'Presence, Perspectives and Power: Gender and the Rationale Differences in the Debate Over the Violence Against Women Act', 2.

<sup>222</sup> Alessandra Stanely, 'Anita Hill Is Welcomed As a Heroine', *The New York Times*, 2 November 1991, <https://www.nytimes.com/1991/11/02/nyregion/anita-hill-is-welcomed-as-a-heroine.html?searchResultPosition=1>.

<sup>223</sup> Kevin Sack, 'THE 1992 CAMPAIGN: The Vice President; Quayle Attacks Bar Association for Honoring Hill', *The New York Times*, 12 August 1992, <https://www.nytimes.com/1992/08/12/us/1992-campaign-vice-president-quayle-attacks-bar-association-for-honoring-hill.html?searchResultPosition=1>.

<sup>224</sup> '50 Black Women Who Made A Difference', *EBONY*, March 1993.

<sup>225</sup> Deborah Sontag, 'Anita Hill and Revitalizing Feminism', *The New York Times*, 26 April 1992, sec. New York, <https://www.nytimes.com/1992/04/26/nyregion/anita-hill-and-revitalizing-feminism.html>.

shaping a system that gave victims some closure. Hill was a shift that gave African American women more gender and racial justice in the current legal system.

## Epilogue

Owens' case in 1959, Little's case in 1974, and then Hill's case in 1991 led to progression, a changing attitude toward sexual violence. Their cases dismantled public opinion that African American women's bodies were a given right to white men, the perception that if you were not "respectable", you could not defend yourself against sexual violence and sexual harassment was a myth. Today, we are at a point where, compared to before, there seems to be a 180-degree shift in public attitudes on sexual violence. The public used to be hostile, and survivors were afraid of going public with their accounts. We have evolved to a time where the public is now more sympathetic, survivors are more open with their accounts, and aggressors face severe consequences for their actions. This change has been evident from the #metoo movement. The experiences of the survivors in this thesis were bitter. Given the public attitude to women's issues today, those experiences significantly contributed to the progression that we have seen.

The experiences of Owens, Little, and Hill have shown how important the profiles of juries and those listening to their accounts are to the justice they get. More specifically, an approach used to get them to humanise survivors help survivors get justice. For example, the jury in Owens' case was encouraged to view her as a white lady to see beyond their racism and sexism. Social sciences were utilised in Little's case to remove juries with biases against African American women. However, in Hill's case, her listeners failed to humanise her and were long removed from having a boss or experiencing discrimination because of a power dynamic.

However, a lot more work needs to be done. The cases of the three survivors also highlight that when it comes to sexual violence, justice may happen for survivors but rarely is justice served. The four assailants who raped Owens got life sentences, but they evaded the death penalty because of their race. Little was acquitted of her murder charge, but she was still seen as a murderer and

did not get any restorative justice for the sexual assault she experienced. Most of the United States believed Hill was a liar for a long time before committee members began publicly apologising to her for how they treated her then. This March, Congress finally closed the legal loophole that allowed federal law enforcement officers to claim that sex with detainees was consensual.<sup>226</sup> Furthermore, when President Joe Biden announced he would be nominating the first African American woman to take Justice Breyer's position, Republican senators immediately resisted because they believed it would reduce the credentials of the Supreme Court judge.<sup>227</sup>

With today's advancements in technology, sexual violence now also occurs in the digital space. Therefore, scholars could help ensure the internet is a safe space for African American women by exploring sexual violence cases in different spaces and engaging with the tools or frameworks adopted by Black feminists in their activism against them.

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<sup>226</sup> 'Congress Has Closed The Loophole That Allowed Federal Officers To Claim Sex With A Detainee Is Consensual', accessed 15 April 2022, <https://news.yahoo.com/congress-closed-loophole-allowed-federal-155928392.html>.

<sup>227</sup> Jake Tapper Vazquez Ariane de Vogue, Jeff Zeleny, Betsy Klein, Maegan, 'Biden Nominates Ketanji Brown Jackson to Be First Black Woman to Sit on Supreme Court | CNN Politics', CNN, 25 February 2022, <https://www.cnn.com/2022/02/25/politics/supreme-court-ketanji-brown-jackson/index.html>.



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