

# Criminal Justice Review

<http://cjr.sagepub.com>

---

## **Black Female Executions in Historical Context**

David V. Baker

*Criminal Justice Review* 2008; 33; 64

DOI: 10.1177/0734016808316782

The online version of this article can be found at:  
<http://cjr.sagepub.com/cgi/content/abstract/33/1/64>

---

Published by:



<http://www.sagepublications.com>

On behalf of:

Georgia State University, College of Health and Human Sciences

**Additional services and information for *Criminal Justice Review* can be found at:**

**Email Alerts:** <http://cjr.sagepub.com/cgi/alerts>

**Subscriptions:** <http://cjr.sagepub.com/subscriptions>

**Reprints:** <http://www.sagepub.com/journalsReprints.nav>

**Permissions:** <http://www.sagepub.com/journalsReprints.nav>

**Citations** (this article cites 60 articles hosted on the  
SAGE Journals Online and HighWire Press platforms):  
<http://cjr.sagepub.com/cgi/content/refs/33/1/64>

# Black Female Executions in Historical Context

David V. Baker

*Riverside Community College, California*

This article examines the systemic oppression of executed Black women from the earliest periods of American history. The most consistent factor in Black female executions throughout U.S. history is criminal justice authorities' executions of Black women largely for challenging gendered and racist exploitation. Colonial and antebellum slavery institutionalized the persecution of slave women, who often retaliated against oppressive brutality by killing White masters. White lynch mobs effectively augmented the legal killing of Black women in postbellum society and lowered Black female execution rates. Reduced to a peonage state in the apartheid of Jim Crow, Black women's crimes of resistance against White brutality paralleled those of slave women decades earlier. And despite the delusional expansion of civil rights and the sovereignty of Black people over the confines of segregation in the modern era, the racialized sexism of American criminal justice has rendered Black women ever more vulnerable to the death penalty.

**Keywords:** *Black females; executions; capital punishment; systemic oppression*

Criminal justice researchers have afforded scant attention to gendered racism in capital punishment (Feinman, 1994; Seitz, 2005), and what research investigators have done on gender issues in capital sentencing is limited largely to the modern era (Bohm, 2003; Crocker, 2001; Howarth, 1994, 2002; Morgan, 2003, Rapaport, 2000, 2001; Rueter, 1996; Schmall, 1996; Schulberg, 2000, 2003; Shapiro, 2000; Streib, 2003; D. White, 1998). Few scholars have linked the atrocities committed against Black women by contemporary justice practitioners to comparable forms of mistreatment experienced by Black women to the centuries of Black female oppression preceding the modern era in capital punishment (D. Baker, 1999; Harries, 1992; P. Johnson, 1995; Seitz, 2005; Streib & Sametz, 1989). Yet, as bell hooks (1981) makes clear, "sexism looms as large as racism as an oppressive force in the lives of black women" (p. 15). Surprisingly, although death penalty jurisdictions put to death 83% of Black women executed in the United States before the end of slavery, criminal justice researchers have failed to study female executions during that period, as well as during Reconstruction, Jim Crow, and the civil rights period, beyond simply constructing descriptive profiles of dubious historical data (Streib, 1990). Analyses of Black female executions are devoid of a historical-contextual connection between earlier and later execution periods; thus, criminal justice researchers have failed to account for Black women executions as corresponding to the U.S. justice system's historical legacy of devaluing Black women (Mann, 1989).

This article furthers our understanding of the intersection between gendered racism and capital punishment in the U.S. criminal justice system by examining the contextual peculiarities giving rise to Black female executions since the earliest periods of American history. The historical record makes clear that challenging the racist and sexist exploitation of Whites

largely accents Black female executions during slavery, when Black females retaliated violently against White oppressive brutality. Lynch mob violence toward Black females was so pervasive in the postbellum period that Black female execution rates actually decreased relative to their numbers in colonial and antebellum slavery. In the apartheid of Jim Crow, Black female crimes of resistance against White brutality paralleled those of slave women decades earlier. And the racialized sexism of mostly White judicial officers in the modern era has rendered Black women vulnerable to the death penalty even supposing a national civil rights agenda diminishing the gendered racism troubling the lives of Black women.

### **African Women and the Slave Trade**

The gendered racism accenting the lives of Black females in the United States began when European slavers transported some 650,000 Africans from West African coastal nations to colonial enterprises in British North America. The experiences of slave women were significantly different from those of enslaved men (D. White, 1998). Traders did not place female slaves in ship holds with shackled males, thus rendering them particularly susceptible to the vicious maltreatment of White slavers. Slave traders usually positioned female slaves on quarterdecks where they could move freely and be far more accessible to the sexual perversions of officers who “were permitted to indulge their passions” (P. Johnson, 1995, p. 15, note 84). Rape was a common torture for captured, disobedient slave women. Traders often branded slaves once aboard ship and would ruthlessly beat slave women who resisted stripping naked for the practice. Crewmembers particularly “ridiculed, mocked, and treated contemptuously” slave women with children (hooks, 1981, p. 19). Slavers sadistically abused slave children just to watch the mothers’ anguish, and if a child died from the cruelty, slavers forced the mother to throw their child overboard or suffer even more brutality. Slavers were no less barbaric in their treatment of captured pregnant slave women. Aboard the American slave ship *Pongas* carrying some 250 mostly pregnant women, for instance, females “who survived the initial stages of pregnancy gave birth aboard ship with their bodies exposed to either the scorching sun or the freezing cold” (hooks, 1981, pp. 18-19). Even if a newborn survived the ordeal, captured mothers often smothered to death their babies fearing the child would grow up in slavery (Bennett, 1982). The historical record is clear—in the earliest periods of initial contact with Africans, American slave traders viciously mistreated their female captives. African women suffered excessively from the “brutalization and terrorization” of the slave trade (hooks, 1981) with slavers commonly subjecting Black women to such unique forms of abuse as rape, sexual assault, and vicious attacks against their pregnancies and motherhood (hooks, 1981; Christopher, 2006).

### **Slave Women Executions in Colonial and Antebellum Slavery**

Slavery was a societal system of domination, degradation, and subordination, with an especially rigid legal structure allowing privileged, landowning Whites to manage African women as chattel property (Weicek, 1996, p. 1714). It was the concerted efforts of colonial legislatures, judicial officers, regional sheriffs, and local constables that formed the justice

system of slavery (Morris, 1996). Slave historians distinguish *colonial slavery* from *antebellum slavery* to acknowledge the variant forms of slavery that developed in discrete regions of the U.S. at differing times and for separate reasons (Berlin, 1980, 1998; Wright, 1991). Despite this delineation of slave history, scholars find it difficult to develop much of an understanding about the legal frameworks in which slave women lived out their lives in the early colonial period because not much exists in the historical record about the treatment of slave women (Bush, 1996). There is so little in the record on slave women in early colonial history that one legal historian refers to the period as “the dark ages of American law” (Friedman, 1985, p. 33; see also Greenberg, 1982). Still, slavery was horrible for men but it was far more dreadful for women—“superadded to the burden common to all, [slave women had] wrongs, and sufferings, and mortifications peculiarly their own” (D. White, 1998, p. 62). The racist and sexist oppression of Black women remained unabated once in the British colonies, and the severity of the punishments increased for slave females as the institution expanded throughout the colonies.

Jurisdictions executed more than *three times* as many slave women in antebellum slavery as in colonial slavery. Beginning with Massachusetts’s execution of Maria, a young slave woman, for arson–murder in September 1681, officials executed 58 slave women before 1790 and 126 slave women from 1790 to emancipation. Undoubtedly, authorities executed far more slave women than what the historical record reveals (see Schwarz, 1996, 1998). Jurisdictions put to death roughly half of all executed slave women for murder, conspiracy to murder, and attempted murder in the colonial period, but this figure increased to 73% in the antebellum period. Slave women mostly strangled, clubbed, stabbed, burned, shot, poisoned, or hacked to death their White masters, mistresses, overseers, and even their owner’s children (W. Jordan, 1968). Of the 109 slave women executed for murder where historical records sufficiently identify victims, 67 murdered a member of their master’s family and 35 murdered unrelated victims (Streib, 1990). Schwarz (1996) claims that Whites were nearly 92% of the victims of slaves condemned to hang in colonial Virginia, and officials convicted 241 slaves for the violent killing of Whites in antebellum Virginia. Of these homicides, slaves murdered 119 of their masters or members of their masters’ families and 122 other Whites, including persons of authority, overseers, hirers, and constables. Regrettably, the historical record does not distinguish between male and female slaves involved in these killings.

Mostly, it was slave women’s reaction to White oppression that accented their murder of White owners (Schwarz, 1998). Jenny hanged in chains for poisoning to death her master in Maryland in 1770—“a horrible punishment that amounted to slow starvation” beyond the state’s law (Morris, 1996, p. 277). Virginia authorities burned alive Eve for poisoning her master Peter Montague with a glass of milk. Executioners afterward quartered Eve’s burnt body and displayed it publicly (Schwarz, 1998, p. 92). There is nothing in the historical record as to why Jenny and Eve killed their masters, but to Schwarz (1998, p. 92), “Eve died because of common law, her status as a slave, and her identity as a woman.” In July 1818, Sarah and five or more others beat slave owner Dr. Robert Berkeley to death, burned his body in a cabin fireplace, and then buried the remains. Shortly before Berkeley’s murder, one of the killers confessed to a friend “his master was a bad master and he would sooner die than serve him” (Schwarz, 1998, p. 237). That same year, Caty murdered her previous owner Linah Harwell who had once referred to Caty as “a bitch and a strumpet

[prostitute]" (Schwarz, 1998, p. 237). Two years later, Celia, along with Abel, axed to death James Powell and his wife and then set their house on fire with them in it but saved the couple's infant child. Celia and Abel's owner, a man named Daughtry, hired out Abel to James Powell, who repeatedly whipped Abel. Officials hanged the two for murder in August 1821. In another case, Missouri hanged a 13-year-old slave girl named Mary when she confessed to beating and drowning one of her owner's children in 1838 (Frazier, 2006; Streib & Sametz, 1989). Virginia executed Jane Williams in 1852 for slashing to death with a hatchet her master's wife and infant. Reportedly, Jane's owner mistreated her badly and had threatened to sell Jane without also selling her child. A newspaper at the time characterized Jane as "a fiend" and "a wretched murderess" and that she would die "without the smallest particle of sympathy from any human being possessed of the ordinary feelings of justice" (Shipman, 2002, p. 149). In still another case in 1839, a Lincoln circuit court in Missouri found slave Fanny guilty of murdering William Florence, a 10-year-old White boy found dead in a peach orchard. The evidence showed that Fanny had killed the boy although authorities garnered the testimony of slave witnesses under the threat of death. There is nothing in the record showing that Fanny hanged for the murder (she most likely did) because an appeals court reversed and remanded the case to the trial court for a new hearing (*Fanny (a slave) v. State*, 1839). Also, in March 1844, Judge Henry Goldthwaite determined that Alabama authorities should hang Nancy, a slave woman, for assaulting with intent to kill Mary Beasley, a White woman (Morris, 1996, p. 295).

Slave women were often vicious in killing their White oppressors. In September 1731, Hannah, a slave woman belonging to Moses Atwater in Connecticut, hanged for murdering two teenage White girls, Jemima Beecher and Hannah Merriman, who resided in Atwater's house. The slave woman reportedly crept into the girls' bedroom and stabbed the two in the throat with a large butcher knife, killing them instantly. In another gruesome case, officials in New Jersey hanged 15-year-old Jane Huff, a slave girl belonging to 62-year-old Sarah Hight in May 1837. Sarah "nagged and scolded Jane about almost everything" and at times "struck Jane with household objects." Jane was often indifferent to Sarah's concerns and disobeyed her orders prohibiting Jane to see her young boyfriend. One night after Sarah had fallen asleep in a chair, Jane hit Sarah between the eyes with a fire poker severely stunning her. Jane then drug Sarah over to the fireplace where meat was boiling in a kettle, removed the meat, and then thrust Sarah's head into the boiling water—"Jane did not release her grip until Sarah Hight's head was cooked like a lobster" (Hearn, 2005, pp. 80-81).

At times, murdering slave women had White servant accomplices. A New Jersey sheriff dragged a slave woman named Hagar and a slave man named Ben on a wooden sledge through town to their executions after a court had convicted them of murdering their master. Their accomplice was a White servant named John Hunt. The three had conspired to kill Sherron when, in April 1717, while inspecting his fields and distracted by Hagar's purposeful small talk, Hunt hacked Sherron to death with a hatchet after Ben had retrieved the murder weapon from a tool shed. At their execution site, "Hagar was chained to a stake and burned to ashes—probably while still alive and conscious. Ben was hanged by his neck until dead. After that, his body was dipped in tar and set in a wrought iron frame [a gibbet]. This was hung aloft from a derrick pole for all to see. It probably remained there for many years, that being the custom" (Hearn, 2005, p. 5). Hunt died the same way that county officials had put Ben to death a month earlier. In another case, authorities in Michigan hanged

slave woman Ann Wyley for attempting to arson her master's house, and a Canadian Frenchman named John Coutincinau for robbery, in March 1777. An alternative explanation is that Judge Philip Dejean sentenced the two to wear hemp collars that slowly choked them to death. Still another version of the execution is that John hanged and Ann bought her freedom from execution by serving as John's executioner (Barnett, 2005; see also Farmer, 1890, p. 174).

Slave women often acted in concert with slave counterparts in response to White oppression. Of the 165 slave women executions during colonial and antebellum slavery, some 48% involved multiple executions that occurred on the same day for the same crime (Espy & Smykla, 2004). Slave women confederates were usually one or two slave men. For instance, Virginia hanged Winney and her accomplice Phill for murdering their master "most barbarously" near Fredericksburg in July 1769 (Schwarz, 1998, p. 147). In several multiple execution cases, slave women acted with one or two other slave women to commit murder or poisoning in retaliation for their mistreatment from White owners (Blackman & McLaughlin, 2003). In Virginia, officials hanged Creese and Sally for killing their mistress, who had been repeatedly violent toward Creese. Melvaine, a female slave belonging to Florentine Frivaz, and Melvaine's slave brother Mango hanged in February 1855 in a parish jail yard in Louisiana for killing young Wesley Latham, the son of the overseer of the plantation ("Execution of two negroes," 1855). Frivaz was engaged to Latham, and Melvaine feared that Latham would usurp her authority in the household.

Jurisdictions often imposed harsher punishments on slave women than their male co-conspirators; slave women often burned to death for their crimes whereas male co-conspirators hanged for the same offense. In September 1681, Massachusetts burned alive Maria for the arson of her master's (Joshua Lambe) house that unintentionally killed the Lambe's baby girl. Some argue that her sentence was severe because of the infant's death and that residents were increasingly concerned over a rash of fires occurring in and around Boston at the time. If that were the rationale for burning alive Maria, then authorities would not have simply banished her two Black male accomplices from the colony but imputed the painful execution method of burning at the stake (Twombly & Moore, 1967, p. 234). In New York in February 1708, an unidentified slave woman "roasted alive over a slow fire for several hours with a vessel of cool water held near her mouth. When she finally expired her body was burnt to ashes" (Hearn, 1999, p. 6). Her two unidentified male slave accomplices hanged for the same murder.

Slave women account for all female executions in the United States for arson, assault, attempted arson, and petty treason (Streib, 1990). Poisoning and arson, however, were the most prevalent methods slave women used to kill their White oppressors and destroy property unjustly acquired through slave labor. Some alleged poisonings and related attempted murders by slave women resulted from unintentional acts, however, even if poisoning was "well-suited to women's resistance because of their duties as cooks and nurses on the plantation" (P. Johnson, 1995, p. 22). Cases of poisoning typically involved an accusation of poisoning food prepared by slave women for the owner's family, which mostly resulted from a lack of safe food preparation methods rather than intentional acts of harm (Streib, 1990). Other cases involved slaves unknowingly administering poisonous medicine or unlawfully administering medicines. Even so, common law classified poisoning one's master as "petit treason." Officials in South Carolina hanged an unknown slave woman and a

slave male accomplice in January 1761 for poisoning. In June 1772, Judith hanged for poisoning in Virginia. Poisoning of masters and masters' families was more prevalent in the antebellum period, where execution inventories show mostly southern jurisdictions executing 10 slave women for poisoning. In 1833, for instance, Mississippi hanged Nancy for poisoning two members of her owner's family (Shipman, 2002). Louisiana hanged Mily in July 1851 for poisoning. Other cases of slave women executions for poisoning include authorities in Virginia hanging Renah and Fanny in January 1832. Maryland hanged Auriela Chase just before Christmas in 1833 for poisoning. In 1849, officials in Virginia also hanged Eliza and Roberta for poisoning, and Kentucky authorities hanged Frances for poisoning in September 1860.

Jurisdictions also executed juvenile female slaves for poisoning. Authorities in Boston hanged 17-year-old Phillis in 1751 for the arsenic poisoning of her master's 1-year-old son. Phillis had mixed the poison in the child's milk. In another case, Missouri hanged 16-year-old Rosanne Keen for poisoning her owner Enos Seeley. Young Keen reportedly used arsenic borrowed from a neighbor that she mixed with butter and served to Seeley. He succumbed to the poison but authorities believed Seeley died of natural causes. It was only when a neighbor revealed that she had given the poison to young Keen that suspicions escalated and officials exhumed Seeley's body. A laboratory analysis confirmed Seeley had died from arsenic poisoning, and officials tried, convicted, and sentenced Keen to death for the murder. Local authorities hanged Keen in a jail yard in April 1844 although she was reportedly "deficient in intellect" (Streib & Sametz, 1989, pp. 17-18).

Arson convictions also brought severe penalties for slave women; mostly southern jurisdictions hanged or burned to death slave women for arson. Arson was a crime appealing to slave women because they often "did not have the physical strength to confront their white enemies," and arson was a "powerful way to deprive whites of their property and injure their economic well-being" (Schwarz, 1998, pp. 115-116). Slave women burned their master's houses, jails, shops, wheat stacks, and agricultural buildings such as mills and barns. Slave women were 30% of slaves convicted of arson in colonial Virginia. To Schwarz (1998), these figures "give some perspective on the method these women employed to counter the power of their masters" (p. 116). Maryland officials executed Jenny and Grace, two female slaves belonging to Joseph Galloway, for arson in 1751 (Morris, 1996). Virginia hanged Violet in 1780 for burning her master's (Sawyer) house and the court that convicted Violet demanded that her "severed head was to remain on display on a pole near Staunton" (Schwarz, 1998, p. 115). Dinah hanged in New Jersey in October 1788 for poisoning her master's wife and burning down his barn. New York hanged Nelly for burning Jeremiah Vanderbilt's house in October 1790. In 1793, fires in Albany, New York, destroyed 26 houses and did more than \$200,000 in damage. Three slaves were involved in setting the fires, including two female slave teenagers: 12-year-old Bett and 14-year-old Dean. Both hanged, and their accomplice, a male slave named Pompey, hanged a month later (Gerlach, 1977). Pennsylvania hanged Sucky for arson in July 1780, and Virginia hanged Malina in 1861, along with her confederate Andrew, for burning their master's barn, stable, corn house, and tobacco house (Morris, 1996, p. 334).

Jurisdictions also executed slave women for theft crimes, including burglary and robbery. New York hanged young Venus in February 1767 for burglary, in which she had stolen items from a White man's house (Streib & Sametz, 1989). Ann Wyley hanged for robbery

in March 1777 in Michigan, and Phoebe hanged for housebreaking in Pennsylvania in 1764. As late as March 1865, South Carolina hanged young Amy Spain in part for stealing “linens, sheets, pillow cases, flour, sugar, lard, and some furniture” from her master Major A.C. Spain (Streib & Sametz, 1989, p. 19).

Slave rebellion was a major concern among White planters as early as 1642 and a crucial component of slave codes was to deter insurrections by imposing harsh punishments. Most female slave insurrection amounted to day-to-day resistance that took on a variety of forms, including “malingering; self mutilation; suicide; destruction of owner’s crops, tools, and livestock; running away; or criminal activity like stealing and violent insurrection” (Reiss, 1997, p. 198). Slave women also manifested resistance to bondage by assaulting or poisoning overseers and owners, breaking tools, pilfering, and burning barns (Reich, 1989). To a lesser extent, slave women’s resistance included controlling reproductive and maternal functions, such as inducing abortions and committing infanticide. In many cases, slave women “killed their children because they did not want them to be slaves” (Morris, 1996, p. 301), and, thus, infanticide was part of the resistance by slave women to the oppression of slavery (Bridgewater, 2001). One Tennessee physician confirmed that slave women used medicines, violent exercise, and external and internal manipulations as rudimentary birth control or to effect miscarriages (D. White, 1998, p. 85; see also Gutman, 1976, pp. 80-82). Streib (1990) has identified seven slave women who murdered their own children, and Schwarz (1998) claims Virginia officials sentenced three slave women to death for infanticide during the antebellum period but none during the colonial period. In one case, a Virginia court found a teenage slave woman guilty of murdering her newborn infant in 1818 and she hanged for the offense (Schwarz, 1998, p. 252, note 33). Elsewhere, slave women’s infanticide began early in the colonial period. In June 1693, Grace murdered her own newborn child by dumping it down a latrine. Rhode Island authorities hanged young Hannah Degoe for murdering her newborn that she had dumped in “some rubbish that had accumulated behind the chimney” at the house where she lived (Hearn, 1999, p. 110-111). Slave woman Betty hanged in May 1712 in Massachusetts after authorities found her “guilty of feloniously concealing the death of a bastard child born of her and privately burying and disposing of the said child” (Hearn, 1999, pp. 111-112). Elizabeth Colson hanged for infanticide in Massachusetts in May 1727 after giving birth to her out-of-wedlock child. The historical record suggests that in most cases of slave women infanticide, the murdered children were illegitimate.

Scholars recount several cases where slave women committed infanticide out of concern for the well-being of their children (D. White, 1998). In one case, an Alabama slave woman killed her baby because her master was the father; and her mistress knew it and treated the child callously. The slave mother confessed to killing her baby claiming that she wanted to save the child from further cruelty. One slave woman killed her newborn to keep her master from selling the child as he had her other three children. Many Whites interpreted these events as evidence that slave women lacked maternal feelings (D. White, 1998). But infanticide was mostly an uncharacteristic behavior of slave mothers, and in most cases, infant deaths were accidental, with mothers inadvertently overlaying and suffocating infants while sleeping. Smothering accounted for more than 60,000 slave infant deaths during the antebellum period. But this explanation troubles some slave historians (M. Johnson, 1981) as well as contemporary medical practitioners (Spinelli, 2004). M. Johnson (1981) suggests that most reported cases of slave mothers suffocating their children might have been “crib

deaths,” or what the medical community today refers to as sudden infant death syndrome (SIDS). Malnutrition and planters overworking pregnant slave women surely contributed to infant sudden deaths. In some cases, slave women rendered psychotic raised reasonable doubts as to the culpability of women for killing their children. Virginia sentenced Jenny to death, for instance, for drowning her three young children, even though a county judge found her insane. Lucy, a slave woman believed to have killed her mulatto child, actually abandoned the child or it was born dead, and not intentionally killed. Frantic about running away from her abusive master, one Virginia slave woman killed her 4-year-old child. Clearly, as Schwarz (1998) points out, “slavery played a crucial role in the paternity, birth, or death of these unfortunate children. Slavery was like an unindicted co-conspirator or a perpetrator in many infanticides committed by slave women” (pp. 253-254; see also Abdullah, 2007).

A staunch reality of slave life for bonded women was that they were at once agricultural workers and the primary mode for increasing domestic slave populations, especially after Congress prohibited traders from importing slaves after 1808. Planters valued slave women that produced children; child-producing female slaves were generally worth 25% more than were childless slave women (Reiss, 1997). Planters considered female slaves *breeders*, but not *mothers*, because slave women had no legal control over their own children (Bridgewater, 2001). Masters considered a slave woman a “good breeder” if she had 15 to 20 pregnancies during her productive years (Reiss, 1997). Still, planters expected pregnant slave women to maintain their normal work schedules and production yields. Planters did not exempt pregnant women or mothers with infants from fieldwork. Consequently, miscarriages among slave women were common and infant mortality high. Slave mothers often left their infants lying on the ground next to them as they worked, whereas other mothers worked with their babies fastened to their backs. Some slave women left their infants in the care of young children or older women, and nursing mothers were frequently unable to feed their babies and suffered the excruciating pain of swollen breasts. Undaunted, overseers regularly punished nursing mothers that fell behind in their work. As one slave narrative explains, “I have seen the overseer beat them with raw hide, so that the blood and milk flew mingled from their breasts” (Davis, 1981, p. 9). Planters treated disobedient pregnant slave women harshly but guardedly to ensure the survival of unborn infants. One account explains that “a woman who gives offense in the field, and is large in a family way, is compelled to lie down over a hole made to receive her corpulency, and is flogged with the whip or beat with a paddle” (Davis, 1981, p. 9).

Given the occupational distribution of plantation slaves in the United States, planters regularly consigned slave women to domestic work as house servants; some 17% of women slaves were domestics (Fogel, 1989). Consequently, many slave women worked in close proximity to their White owners, who often sexually abused and raped them. Sexual relations with White owners were a routine feature of life for slave women that was “both deeply traumatic and destructive of family life” (Fogel, 1989, p. 181). Most slave women victimized by White sexual aggression were unmarried, and sexual assaults on slave girls as young as 12 years old were common. Married slave women largely escaped White rape because White men knew slave husbands would revenge the rape of their wives; they “would rather die than stand idly by” (Fogel, 1989, p. 166). White rape of bonded women was pervasive in the southern slavocracy (Genovese, 1974; Kolchin, 1993; Stamp, 1956). One crude measure of the prevalence of White rape of slave women is that the father was

White in *one out of every six* female-headed households; roughly 10% of slave children in 1860 were mulatto (Fogel, 1989; see also Aptheker, 1993, pp. 25-35). Owners' perversions toward slave women rendered the women powerless to not only resist the sexual advances of masters, but also those of masters' sons and overseers. One southern planter vulgarly declared that White rape of slave women explained the "absence of Southern prostitution and the purity of white women" (Kolchin, 1993, p. 124). Actually, White and mulatto prostitution was widespread during slavery, but there is no evidence that slave women were prostitutes (Fogel & Engerman, 1974; Genovese, 1974).

Sexual control over slave women by White owners was critical to slavery and owners relied on the routine sexual abuse of slave women as much as they did other forms of brutality. Slave law disregarded slave women's rights to control their own bodies, and as a result, slave owners sexually attacked females with legal immunity; the rape of a slave woman was not a crime (Higginbotham, 1996; Morris, 1996). One scholar explains, "Forced sexual exploitation of the black woman under slavery was no offhand enterprise. Total control over her reproductive system meant a steady supply of slave babies, and slave children" (Brownmiller, 1975, p. 153; see also Roberts, 1993). Also in place was the notion that "sexual coercion was an essential dimension of the social relations between slave master and slave—the right claimed by slave owners over the bodies of female slaves was a direct expression of their presumed property right over black people as a whole" (Davis, 1981, p. 175).

Slave women often reacted violently to sexual brutality. Celia's hanging in Missouri was one such case. Seventy-year-old Robert Newsome bought 14-year-old Celia and forced sexual relations on her immediately and repeatedly. One night when Newsome went to Celia's cabin to abuse her, she struck him with a stick and killed him instantly. Celia was pregnant for the third time by Newsome and was very ill when he last approached her. At her trial, the court was concerned only with whether Celia had a right to defend herself against her master's assault. The trial judge made it clear that Celia did not have that right. To the court, Celia had no sexual rights over her own body because she was Newsome's property and she ought to have submitted to Newsome's demands. Celia was guilty of murder and hanged 4 days before Christmas in 1855 (Higginbotham, 1996). Incestual victimization provoked one slave woman to kill her master, Jacob Bryan, who she battered to death with a hoe. Bryan was the slave woman's father and the father of her four children (Shipman, 2002).

Tarpley (1996) explains that the racism of slavery also empowered White women to brutalize slave women who were sexually involved with their husbands (see also Fede, 1996; Salmon, 1986). In many slaveholding households, White women whose husbands sexually assaulted female slaves tortured and persecuted slave women. Among the accounts of beatings and whippings suffered by slave women, William Byrd recounts how his wife "cause[d] little Jenny to be burned with a hot iron" (Kolchin, 1993, p. 58). Silvia Dubois recalled the abuse she suffered at the hands of her mistress: "Why, she'd level me with anything she could get hold of—club, stick of wood, tongs, fire-shovel, knife, ax, hatchet" (S. Johnson, 1998, p. 491). One scholar recites the story of a mistress who beat her cook's head in with a fire shovel because she had burned the dinner (Clark, 1995).

There was little regional variation in slave women executions in the colonial and antebellum slave periods. Mostly southern states hanged and burned to death capital offending female slaves. One reason for southern dominance in slave women executions is that slavery mostly flourished in the South after 1790; Virginia alone accounted for 38% of all

female slave execution. Jurisdictional authority for female slave executions lied mostly with military officials in the early colonial period and almost exclusively with state authorities in the antebellum period. Actual executions took place in county facilities, mostly in jail courtyards. Black women suffered uniquely under the institutional confines of colonial and antebellum slavery. The historical record makes clear that slave women fought back viciously against the sexualized brutality of White masters by killing their owners, members of their owners' families, and destroying their owners' property. Slave women responded to the violence of White masters by intentionally aborting pregnancies and at times killing their own children. The retort of the state to the rebellious undertakings of brutalized slave women was judicial murder.

### **Black Women Executions in Reconstruction**

Jurisdictions executed far fewer Black women during Reconstruction than in colonial and antebellum slavery. Execution inventories confirm that mostly southern jurisdictions hanged five Black females for murder between 1866 and 1877. The dramatic decrease in Black women executions during Reconstruction may have resulted from what some scholars insist was a period of positive social relations and a growing complacency in criminal justice policy toward "dangerous classes" (Turner, Singleton, & Musick, 1984). But there is little historical evidence to support this proposition; in fact, emancipation ushered in one of the most chaotic and turbulent periods in U.S. history. Although the demise of slavery brought about critical developments in Black *political rights*, Blacks found improving their *social rights* a far more formidable task (Siegel, 1997). In effect, legal emancipation did not move southern society appreciably toward racial equality during Reconstruction; the South remained as segregated and racially unequal as it had been during slavery. The Reconstruction Amendments had introduced an ambiguity into Black-White race relations, and keeping "Blacks in their place" had become more difficult to enforce and often resulted in chaotic and unpredictable forms of racial domination over Blacks. To White planters, the loss of nearly 4 million bonded workers profoundly threatened the South's economic and political viability, and immediately after emancipation, southern states limited Black rights by adopting laws similar to those used to regulate Blacks in slavery. Poor Whites viewed the gains made by Blacks during Reconstruction as rebellious and launched violent retaliations against Blacks (McPherson, 1999). By 1866, all southern states had enacted *Black codes* to regulate Black lives, with Mississippi and South Carolina enacting the first and harshest codes (Higginbotham, 1996). Southern states sought to keep Blacks subordinated to Whites by imposing these discriminatory measures precluding Blacks from voting, serving on juries, and testifying in court cases involving Whites (Foner, 1988).

One result of the continued subjugation of Blacks in Reconstruction was the loss of their labor value after emancipation. But southern justice systems quickly recognized the pecuniary benefit of Black prisoners as lessees to private and public enterprises. Black prisoners composed large numbers of leased prison work gangs for mining and railroad interests and prison farms, unprecedented in slavery. Fewer Black female executions during the period resulted from the dramatic increase in Black women prison populations in southern states immediately following the Civil War. Before emancipation, southern states rarely incarcerated slaves because planters' production needs made few slaves eligible for public

punishment. After 1865, however, newly freed Black women swelled the ranks of southern prison populations, with Black females comprising between 40 and 70% of females committed to southern penitentiaries. Black female incarceration rates increased because many Black women had significant contact with Whites as domestic servants and housemaids, thus rendering them especially prone to crime accusations. Although imprisoned Black women committed mostly property crimes, violent crimes were still common among Black females.

Also attributable to reducing executions of Black women during Reconstruction was an increase in White violence toward Black people as a related means of imposing capital punishment (Aguirre & Baker, 1991; Clarke, 1998; E. Jordan, 2000; Ogletree, 2002; Tolnay & Beck, 1995; Vandiver, 2006). Black lynchings became commonplace during Reconstruction. Racial violence was an insidious and pervasive feature of everyday life for Blacks during this period, with southern Whites employing the selective and deliberate strategies of such vigilante groups to terrorize Blacks. Assaulting, murdering, lynching, politically repressing, and executing Black people continued throughout Reconstruction. The vulnerability of Black women to White male sexual violence was greater in the postbellum period than it had been during slavery (D. White, 1998). The sexual brutalization of Black women continued with White men raping, shooting, scalping, and cutting off the ears of Black women who resisted their sexual advances (Wade, 1987, p. 18). In Texas, some 1,524 acts of violence against Blacks took place between 1865 and 1868, and nearly 200 of these incidents involved the victimization of Black women. White employers beat Black women for “using insolent language,” for refusing to call her employer “master,” and “for crying because he whipped my mother” (Foner, 1988, p. 120). White mobs even whipped, flogged, beat, assaulted, castrated, and murdered Black children (Carrigan, 2005). Whites killed 295 Blacks in Caddo Parish in Louisiana between 1865 and 1876, and in 1865 alone, Whites killed more than 2,000 Blacks, including women and children, near Shreveport, Louisiana (Foner, 1988, p. 119). Whites set fire to an entire Black settlement in 1866 and lynched 24 Blacks, including women and children (Foner, 1988). Rioting White mobs in cities in Tennessee and Mississippi “raped black women as they went on an antiblack rampage” (Feagin, 2000, p. 58). From 1884 to 1900, White mobsters in the Black belt states (Mississippi, Alabama, Louisiana, and Georgia) lynched 1,678 Blacks, including 51 women that White men raped before their lynchings (S. Baker, 1908; Bierria, 2003).

Black female executions in the period attest to the systemic brutality suffered by Black women. It was in this era that authorities executed one of the youngest Black females put to death in U.S. history. Kentucky officials hanged 12-year-old Eliza in February 1868 for killing Walter Graves, a 2-year-old White child under her care as a babysitter. Eliza confessed to the killing after the family’s White neighbors threatened her with lynching. Officials arrested and tried Eliza for Walter’s murder. Though the trial judge rendered her confession involuntary and inadmissible given the lynching intimidation, a jury nevertheless convicted Eliza for the White boy’s death. In another case, Maryland hanged 16-year-old Mary Wallis in a county jail yard for poisoning and killing the Read family’s infant. Mary reportedly poisoned the child’s milk. Mary was mentally challenged, and because of her age and mental deficiency the jury recommended leniency for Mary. But as many White trial judges did at the time, this judge overruled the jury’s suggestion and sentenced Mary to death.

In two other cases of the period, officials hanged Alcee Harris for killing her husband, and hanged Ann Hunt for killing her White lover's other romantic interest. There is no public information concerning the hanging of Sarah Jane Bradley for killing an unidentified White person. What's more, the historical record is silent in explaining why Eliza and Mary Wallis killed innocent White children. These cases of Black female violence most likely result from what one scholar explains as higher levels of violence accenting the gendered racism of southern society that rendered Black women more likely to murder. These Black women may have been responding to the brutalization of Whites accenting much of slavery. The violent reaction of Black women who killed their spouses and unrelated White children may also have been individual responses to "the stress generated by their dislocation, isolation, and economic marginality" (Rafter, 2004, p. 145).

### **Black Women Executions in Jim Crow**

Whites in postbellum society harbored a gross intolerance toward marginalized persons, and the legal system proved the most effective apparatus to ensuring Whites' social, political, and economic supremacy. Jim Crow segregation took hold as an institutional means of subordinating Blacks with the collapse of Reconstruction, and by 1890, southern society had fully established the legal separation of Blacks (Sitkoff, 1981). Segregationist policies were not limited to the Jim Crow South and governed the lives of northern Blacks as well (Litwack, 1961). Congress and the U.S. Supreme Court were complicit in sanctioning the institutionalization of White supremacy in the post-Reconstruction era. Beginning with the *Civil Rights Cases* (1893) striking down the provisions of the Civil Rights Act of 1875, a series of U.S. Supreme Court decisions effectively dismantled the federal civil rights protections put in place during Reconstruction and ushered in a constitutionalization of White hegemony in U.S. society (*Plessy v. Ferguson*, 1896; *Williams v. Mississippi*, 1898; *Giles v. Harris*, 1903). These judicial mandates effectively replaced laissez-faire segregation and brought about complete legal domination of Black people. As a result, Whites again had the full force of law behind them in their social, political, and economic dominion of Black people.

The social instability of Jim Crow ushered in yet another killing period for Black people. Legal and extralegal executions killed more than 8,100 Black persons in the period. The White justice system killed 4,707 Black prisoners and White lynch mobs killed another 3,445 Blacks (Espy & Smykla, 2004; Zangrando, 1980). Lynching victims often included Black women, of whom many were pregnant (Marable, 1985). White terrorists often lynched Black women alongside their children and other family members (O'Shea, 1999). Black women were 3% of the 2,364 Black lynching victims identified in 10 southern states between 1882 and 1930 (Tolnay & Beck, 1995). The killing of Black women was particularly heinous; White mobs lynched White females but there is no confirmation that White female lynching victims suffered the savagery inflicted on Black women (W. White, 1969).

The execution of Black women from the end of Reconstruction to the early days of the civil rights movement accents the brutality and violence suffered by Black women during Jim Crow. Mostly southern jurisdictions executed Black women for crimes of murder. Because White society excluded Black women "with little or no formal education and few technical skills . . . from the urban industrial workplace," most Black women executed in

the period were domestic servants and housemaids whose offenses (Seitz, 2005, p. 41), one can reasonably conclude, involved horrid crimes of resistance against violent White aggression similarly experienced by slave women (Rafter, 2004; Seitz, 2005).

Virginia Christian's killing of her White employer Ida Belote represents an all too familiar story of Black females in southern society. As Streib and Sametz (1989) characterize the killing, "The social position and popularity of the victim stood in stark contrast to Christian's family background, unkempt appearance, and rude manner in describing the crime" (p. 26). Young Christian was a poor, mentally retarded Black girl whose family members were sharecroppers on Belote's farm and for whom Christian was a laundress. She was one of eight children, and her father's meager wages could not adequately support his family. Christian's mother was an invalid who had a reputation for dishonesty, and some argue that Christian had "adopted her mother's habits of immorality, dishonesty, and thievery" (Streib & Sametz, p. 25), but Christian was not a hardened criminal (Halperin, 1999). In contrast, Ida Belote was an older White woman and one of the town's "white aristocracy by way of her father's prominence as the owner of a large grocery" (Streib & Sametz, 1989, p. 25). Belote frequently mistreated Christian, and in mid-March 1912, a violent argument ensued between the two in which Belote accused Christian of stealing a locket and a skirt. Belote hit Christian with a cuspidor—commonly called a "spittoon"—which sent Christian into a violent frenzy. The altercation escalated when Christian and Belote ran for two broom handles Belote used to prop up her bedroom windows. Christian grabbed one of the broom handles and struck Belote on the forehead. In an attempt to stifle Belote's screams, Christian stuffed a towel down Belote's throat, and the woman died by suffocation. When Christian left the house, she stole Belote's purse with some money and a ring. One newspaper reported that police found Belote's body "laying face down in a pool of blood, and her head was horribly mutilated and a towel was stuffed into her mouth and throat" (Streib & Sametz, 1989, p. 25; see also Moten, 1997). The police soon arrested Christian, and during questioning she admitted to hitting Belote but was shocked that Belote was dead. Christian claimed she had no intent to kill Belote. With a lynch mob looming in the background, an Elizabeth City County Court tried and convicted Christian for murder and the trial judge sentenced her to death in the state's electric chair. One day after her 17th birthday in August 1912, a short 5 months after the crime, Virginia authorities executed Christian at the state penitentiary in Richmond. The state's medical school took possession of Christian's body because her parents were too poor to transport the body home (Diggs, 1976).

The 1940s saw poor young Black girls from North Philadelphia often standing on street corners in prominent neighborhoods waiting for affluent housewives to hire them as housemaids (Gregory, 2004). In one such case, Freda Wodlinger, an older housewife from a prominent White family in West Oak Lane, hired young Corrine Sykes. Corrine was a shy and petite girl with low intelligence, who was illiterate and inclined to hysteria. Three days after Corrine's hire, police found Wodlinger dead from multiple stab wounds; there was a terrific struggle with the killer hacking Wodlinger to death with a heavy kitchen knife. Missing from the house were \$50 in cash, \$2,000 in jewelry, and a sable fur piece. Suspicion immediately turned to Corrine, who police arrested after an extensive search. Corrine gave conflicting stories but in the end signed a written confession despite her illiteracy. A jury convicted Corrine of first-degree murder and the trial judge sentenced her to death by electrocution. Pennsylvania executed Corrine Sykes in October 1946. Troubled by

doubts that Corrine was Wodlinger's killer, some believe Corrine's judicial killing was a wrongful execution. For one, immediately on her arrest, Corrine implicated her boyfriend, J. C. Kelly, saying that he had threatened to kill her and her mother if she didn't steal the valuables for him (Grosvenor, 1998). Others find it strange that when Corrine's boyfriend learned of her arrest "he raced to his boarding house, burned the sable, and dumped the diamonds" (Grosvenor, 1998). Another point is that Corrine was far too small to have inflicted the severity of the knife wounds that killed Wodlinger. There is also speculation that years after Corrine's execution, Wodlinger's husband made a deathbed confession that he had killed his wife. Whatever happened, Corrine's execution had a poignant impact on North Philadelphia's Black community. Some 10,000 people attended Corrine's viewing, although it was open only to family members and close friends. On the day of her execution, most housemaids in the city went home early from their jobs. According to a woman whose grandmother worked as a housemaid in North Philadelphia at the time, city buses were full of Black housemaids going home early on that day and an uncanny quiet settled over the city. What's more, employers would no longer allow housemaids' boyfriends or husbands in their houses; an increasing mistrust accented the relations between White employers and Black housemaids (Grosvenor, 1998; see also *Death Row Divas*, 2005; Moten, 1997).

Like many other cases of Black female executions during the period, the case of Rosanna Lightner Phillips more than illustrates "the manner in which gender, race, and status operated dialectically to shape the historical social construction of the southern Negro female offender" (Seitz, 2005, p. 56). Rosanna was a Black female born into rural southern poverty. She was illegitimate and born to a mother who dropped out of school in the sixth grade to give birth to Rosanna. Her mother gave Rosanna to her grandmother and a sister to raise. After her grandmother's death, Rosanna moved back to live with her mother at the age of 6. Rosanna became sexually promiscuous at an early age and by the time she was 14 years old, Rosanna had become pregnant, dropped out school, and gave birth to the first of two illegitimate children. As a young teenager, Rosanna worked as a nurse and house cleaner, earning \$2 a week. Rosanna developed a criminal record during this time that included arrests for drunkenness and a violent assault on a police officer; by the age of 17 she faced a 2-year prison sentence for larceny. After leaving prison in 1937, she met her husband, Daniel Phillips, who was a farmer and textile worker with a fifth grade education earning \$60 a month. At that time she gave birth to her second illegitimate child, which was not Daniel's. They had a tumultuous relationship accented by persistent violence.

In early 1942, Rosanna and Daniel went to work as domestics for Harry F. Watkins and moved into a tenant dwelling on Watkins' property. In September of that year, authorities found Watkins' decomposed body at the bottom of a well with a wound on the back of his head and another wound through the front of the neck that nearly severed the head. Suspicion immediately focused on the Phillips, who had recently abandoned Watkins property for a nearby town. Officials arrested Rosanna and Daniel and the state's prosecutor filed felony murder charges against the two with robbery as the underlying cause of the murder. Their trial lasted 13 hours and it took an all-White male jury less than an hour to render a unanimous guilty verdict against the "Negro farm tenants." Both admitted complicity in the murder yet implicated the other as the actual killer. There is nothing in the historical record indicating why the Phillips killed Watkins other than stealing Watkins' wallet. But if one were to believe Rosanna, she had nothing to do with Watkins' killing and

watched Daniel commit the murder from the kitchen window where she stood washing the morning dishes. North Carolina executed Rosanna and Daniel Phillips by lethal gas on the same day in November 1942 (Seitz, 2005).

Other cases in the period involved executions of young Black girls convicted of killing White children. Some 3,500 people witnessed 18-year-old Margaret Harris hang in October 1883 for murdering Lela Lewis, a White infant. In October 1892, South Carolina hanged 14-year-old Milbry Brown for poisoning a White infant (Shipman, 2002). In this case, the mentally retarded Brown worked as a domestic servant for W.C. Carpenter of Gaffney, South Carolina. Mrs. Carpenter regularly badgered Brown about her work habits, and on one occasion Brown became incensed by Mrs. Carpenter's criticism that she was sweeping too slowly. In retaliation, Brown poured carbolic acid down the throat of the Carpenter's infant, who died hours later. The state hanged Brown in the jail yard at Spartanburg (Streib & Sametz, 1989). In another case, Alabama hanged 19-year-old Pauline McCoy in January 1888 for murdering a much younger White girl named Annie Jordan. There was speculation that Pauline may not have committed the murder, however. Annie Jordan, who was mentally retarded, had wandered away from home. Days later, authorities found her unclothed body in a pine thicket and discovered that she had been strangled to death. Officials questioned Pauline when they found her with the dead girl's shoes. Pauline immediately accused her father of killing young Annie; it is most likely that Pauline's father had sexually assaulted Annie and then killed her. Some speculate that Pauline lacked the upper body strength to kill Annie. Nevertheless, a trial court convicted Pauline of the murder and sentenced her to death.

In other cases, Black women killed Whites with whom they had little familiarity. Alabama electrocuted Selena Gilmore in January 1930 for the shotgun killing of Horace Johnson, a White waiter who quarreled with Gilmore over a food order (O'Shea, 1999). Mississippi executed Mildred Louise Johnson in the electric chair in May 1944 for murdering Annie Laura Conklin, her elderly White landlady who lived alone. Johnson savagely beat Conklin to death with a stick, a fireplace poker, and a pair of tongs (O'Shea, 1999; Seitz, 2005). Upon her arrest, Johnson confessed to the murder and implicated her common-law husband Jesse James and her father-in-law Charles Bartley in the killing. The record is silent on whether officials held James and Bartley accountable for the killing, and it is equally silent as to any reason why Johnson had murdered her landlady. But Jim Crow southerners needed not much more rationale than the murder of an elderly White woman to execute a poor Black woman.

At least one Black female hanged for killing her stepchild during this period. In a territorial hanging, federal authorities in Oklahoma executed Dora Wright in July 1903 for the murder and mutilation of her young stepdaughter. Wright was a domestic servant and any reason for the killing remains unknown. Hundreds of people in McAlester viewed the execution. And in one case, Betty Evelyn Butler strangled and drowned Evelyn Clark, with whom Butler had had a brief lesbian relationship. In still another case, Jon Getz, a New York attorney, provides some idea why the state executed Helen Fowler: "I think race may have played a strong factor—you've got two black people killing a white guy. [Helen] was a disposable person in [the jury's] mind. I think they threw her in for good measure, so to speak. She certainly didn't get her fair day in court, and so she died an early death. The system is supposed to be about fairness" (Staba, 2001; *New York v. Helen Fowler and George F. Knight*, 1944). In at least two other cases, there is little evidence other than female status, race, and poverty supporting convictions and subsequent executions. Unquestionably,

much of this poor Black female violence for which they suffered execution resulted from the gendered racism of Jim Crow society accenting their daily existence (Simpson, 1991).

## Black Women Executions in the Modern Era

White violence against Black Americans remains pervasive in U.S. society: “From lynching to cross-burning and church-burning, anti-black violence has been and still remains the prototypical hate crime—an action intended not only to injure individuals but to intimidate an entire group of people” (Leadership Conference on Civil Rights Education Fund, 2004, p. 13). Though Black resistance to racial inequality in the early civil rights period succeeded in effecting legislative and legal reforms, these developments have had little enduring impact on the burden of Blackness in U.S. society (Cashin, 2004). As Feagin (2000) explains, “Civil rights laws and desegregation decisions have been overwhelmed by the massiveness of racial discrimination” (p. 242). The lower socioeconomic status of most Black women today reflects the failure of government reforms in the modern era. Black women remain far below national averages in levels of educational attainment, placement in the occupational structure, and income (DeNavas-Walt, Proctor, & Mills, 2004). The continued marginalization of Black women in American society undoubtedly has placed them at disproportionate risk of contact with the criminal justice system. The impact of public policy reforms producing such draconian measures as mandatory minimum sentencing, three-strike laws, and reductions in the availability of parole and early release programs have had a perverted impact on Black women and their communities. The human cost of these measures on “weakened lives, wrecked families, troubled children are incalculable, as are the adverse social, economic, and political consequences of weakened communities, diminished opportunities for economic mobility, and extensive disenfranchisement” (Human Rights Watch, 2003, p. 1).

Modern jurisdictions have executed two Black women, Frances Elaine Newton and Wanda Jean Allen, but it is Allen’s execution for murdering her Black lesbian lover that most notably accents the legal problems facing condemned Black women today.<sup>1</sup> Allen is a contentious figure in the imposition of capital punishment because her case symbolizes how poverty, mental health, race, and sexuality distinctively accent capital sentencing of Black lesbian women (Goodwin, 2003; Shipman, 2002). These social characteristics distinguished Allen as executable to the sentencing jury because state prosecutors successfully portrayed Allen erroneously, yet decisively, as “disobedient, dangerous, a threat to society, immoral, manly, and sexually deviant” (Goodwin, 2003, p. 229). The evidence in Allen’s case overwhelmingly reveals that state judicial authorities should have never permitted the execution to take place.

Allen was the second of eight children born to a mother who suffered from alcoholism and mental retardation, and who drank excessively during her pregnancy with Wanda. Acting as a surrogate mother to her younger siblings after her father abandoned the family, Wanda regularly stole food and clothing for the children, which led to several juvenile arrests. Allen performed poorly in school, and at the age of 15, officials diagnosed her as mentally retarded. Years later, while serving a prison term for a manslaughter conviction—a case so dubious that she was able to plead guilty and receive a minimum sentence—Allen met Gloria Leathers, with whom she began a lesbian relationship.

After their release from prison, Allen and Leathers lived together and had a tumultuous relationship. In late 1988, the women argued at a grocery store over a welfare check. A police officer escorted the women to their house and watched as Leathers collected her belongings and moved out. Afterwards, Leathers went to the police station to file a complaint against Allen, who followed her, hoping to talk to Leathers. One account has it that Allen shot Leathers in the abdomen with a handgun as she exited the car she drove to the police station. Allen's account is that she shot Leathers in self-defense after Leathers attacked Allen with a rake. During an argument earlier the same day, Leathers had attacked Allen and slashed her face with the garden rake. Allen also feared Leathers because Leathers had killed a woman 10 years earlier in Tulsa, Oklahoma (Mogul, 2005). Leathers died 2 hours after police arrested Allen. Oklahoma tried Allen and, after a short deliberation, a jury convicted her of capital murder and recommended the death penalty. At most, Allen's crime was a heat-of-passion manslaughter that did not warrant a death sentence.

The state prosecutor successfully convinced the jury that Allen posed a significant societal danger because she was a lesbian killer. One contemptible feature of gendered racism in the criminal justice system today is that White prosecutors consistently marginalize Black female lesbian defendants by using their sexuality to malign and disparage them to juries (Kirby, 2001). Allen's lesbianism and her alleged "dangerousness" overwhelmed the state's case. The state prosecutor freely, yet erroneously, asserted that Allen dominated her lover, when factually she and Leathers largely mistreated each other. The state prosecutor won the trial court's rejection of defense motions outlining Leathers' violent nature (American Civil Liberties Union, 2004). The prosecution inaccurately, yet purposefully, portrayed Wanda as wearing "the pants in the family" and that she was the masculine one in the relationship. The state's attorney even solicited testimony from Allen's mother that Allen used the male spelling of her middle name (Gene). Wanda's sexuality played a prominent role in her trial and "evidences, again, that when a woman acts out from society's gender expectations, she faces harsher penalties" (Kopec, 2003, p. 362). Even Oklahoma's Black churches rebuffed efforts for leniency for Allen from the state's governor because she was a lesbian (Kohn, 2001).

Allen's case also provides a particularly egregious illustration of how prosecutorial gendered racism taints capital cases involving Black women. During closing arguments, for instance, the prosecutor depicted Allen as a Black monster deserving of the death penalty by comparing Allen to a gorilla. The prosecution produced a greeting card belonging to Allen with the picture of a gorilla on the cover with a caption that read, "Patience my ass, I'm going to kill something." While showing the card to the jury, the prosecutor said, "That's Wanda Allen in a nutshell." The sole purpose of the prosecutor showing the picture to the jury was to portray Allen as an aggressive beast. An appeals court, however, found no prejudicial error in the prosecutor's racist tactic. The racist scheme employed by the prosecutor to denigrate Allen was especially effective because "the definition of Allen as a brutal beast undeserving of mercy persisted long after her trial" (Alford, 2006); at her clemency hearing Allen was mostly concerned with dispelling the way the racist prosecutor had characterized her during the trial (Goodwin, 2003, p. 234).

Prosecutorial lawlessness is not limited to capital cases involving Black women, but in Allen's case, the prosecutor engaged in *seven* separate instances of misconduct, including withholding evidence at trial, making false statements to the Parole and Pardon Board,

biased behavior, and outright lying to the jury (*Allen v. Massie*, 2000; Goodwin, 2003; Shortnacy, 2001). Common forms of prosecutorial misconduct in capital cases involving Black female defendants include suppressing exculpatory evidence, ignoring circumstances that may mitigate a death sentence, subornation of perjury, intimidation of witnesses, fabrication of incriminating evidence, rendering improper argumentation, and providing false information to juries (Armstrong & Possley, 1999; Bright, 1995; Elliot & Weiser, 2004; Kroll, 1992; Texas Defender Service, 2000; P. White, 2001).

What is more, state attorneys use peremptory challenges in capital cases to discriminate openly against Black women in jury selection. Prosecutors use peremptory challenges as a procedural device to remove potential jurors during voir dire for unexplained reasons. Whereas prosecutors must give a reason when challenging jurors for cause, the peremptory challenge requires no justification and is “exercised without a reason stated, without impunity, and without being subject to the court’s control” (Siebert, 1999, p. 308). It is the capricious nature of the peremptory challenge, however, that effectively masks race and sex discrimination in jury selection by allowing prosecutors to discriminate intentionally against Black female jurors (Broderick, 1992; Griffin, 1997). Jurists often hold that striking Black women as jurors does not amount to racist exclusion. In one case, a trial judge responded to a defense lawyer’s objection to the prosecutor’s striking of Black women: “You have got women on the jury. What function does a Black woman fulfill that the White woman doesn’t?” (Babcock, 1993). Prosecutors prefer White jurors in capital cases because they are more punitive and more prone to convict Black defendants (Baldus, Woodworth, Zuckerman, Weiner, & Broffitt, 2001; Bowers, Steiner, & Sandys, 2001; Broderick, 1992; Colbert, 1990; Dieter, 1998; Griffin, 1997; S. Johnson, 1985; Underwood, 1992). It is difficult to make the case for gendered race discrimination when prosecutors abuse peremptory challenges because courts allow “almost any conceivable justification for peremptory challenges, however arbitrary or irrational, while ignoring evidence that such challenges were exercised in a racially discriminatory manner” (Conrad, 1998, p. 190; see also Mintz, 1987; Savage, 2005).

Allen’s indigence was a significant factor leading to her execution, because poor Black women accused of capital crimes cannot afford private attorneys and rely on court-appointed lawyers or public defenders, who are largely ineffective in mitigating capital cases (Bright & Keenan, 1995; Lofquist, 2002; Wing, 2005). As a poor Black woman, Allen relied on a court-appointed lawyer (Robert Carpenter) who denied Allen her Sixth Amendment right to competent counsel and an adequate defense. Carpenter, who had never tried a capital case, sought to recuse himself or to have assistance from the state’s public defenders office, or at least the assistance of an experienced investigator (Reissmann, 2002). The court rejected these requests. Carpenter’s most severe error was failing to introduce well-documented evidence of Allen’s mental retardation and mental disability. Had he adequately investigated Allen’s troubled and delinquent childhood, he would have discovered that she had an IQ of 69 (within the range of low-functioning, mild mental retardation) resulting from brain damage incurred from a head injury suffered in an automobile accident when she was 12 years old (*Allen v. State*, 1994). She had also endured a stab wound to the temple as a teenager that certainly exacerbated her problem. Allen never completed high school and it is doubtful she functioned intellectually even at an eighth-grade level. Carpenter’s incompetence precluded the trial court from fully litigating Allen’s mental retardation; her mental impediments surely would have kept Allen from execution because the U.S. Supreme Court ruled shortly after

her judicial killing that executing mentally retarded defendants is unconstitutional (*Atkins v. Virginia*, 2002).

## Concluding Remarks

A substantive conclusion that one can make from a historical–contextual analysis of Black female executions in the United States is that criminal justice investigators must recognize Black women as a group worthy of study. Although much of the discussion in this essay attempts to isolate the racist and sexist conduct of justice practitioners directed toward Black women, and the imposition of capital punishment, often the systemic oppression accenting executions is blurred between Black women and Black men. Indeed, the predominantly White judiciary and its agents of social control have directed much of their racial violence and brutalization to Black people generally without much regard to gender. Yet, as this essay shows, there is much about the racist and sexist context of criminal justice history that is specific to the execution of Black women in this country. Still, scholars must move far more deliberately to employ substantive theoretical frameworks that more appropriately explain the social, political, and economic forces accenting highly predictable criminal justice outcomes for Black women.

One historically consistent factor giving rise to Black female executions is that justice authorities have executed Black women for challenging their racist and sexist exploitation by Whites. Although colonial and antebellum slavery fully institutionalized the sexualized persecution of slave women, the perversion of sexual violence against Black women continued throughout Reconstruction and Jim Crow. Today, as in the past, White violence remains manifested in the gross indifference of criminal justice officials to Black females as victims of White male violence. The transparency of the racialized, sexist oppression experienced by Black women in the U.S. criminal justice system today is the disregard justice officials have toward safeguarding the most fundamental rights of Black women accused of capital crimes. Gendered racism toward Black female capital defendants is systemic to the prosecutorial selection of capital cases, the deliberate abuse of peremptory challenges in gaining the advantages of White jurors, the racist misconduct in failing to meet *Brady* safeguards, and the ineffectiveness, and often racist disregard, of defense lawyers (see *Brady v. Maryland*, 1963).

The historical–contextual analysis furthers our understanding of Black female executions occurring in a societal system of White domination and Black subordination. The analysis illustrates, in a graphic sense, the brutality of Black female executions rooted in our society’s racist and sexist social fabric, and shows that these roots are so deeply buried in our racist and sexist relations that they prevent change. The death penalty has proven to be an effective means of subjugating Black women to White interests, even if it is often beyond social scientists and legal scholars to corroborate purposeful and deliberate discrimination. As one scholar explains, for the most part, contemporary racism “is not manifested in a straightforward and overt manner to allow for such showing. Indeed, what we know about why race still matters and will likely always matter in our system of capital punishment . . . suggests a covert, subtle, and diffuse process whereby an easily identified racist action or utterance performed by a biased judge, juror, witness, or prosecutor is not likely to be found” (Lynch, 2006, p. 182). Even so, the structural influences of gendered

racism in capital sentencing persist and remain highly predictable outcomes of intentional and calculated discriminatory motives. The racially oppressive outcomes accenting the capital sentencing of Black women in the United States are systemic and multifaceted.

## Note

1. Criminal justice investigators cannot relegate the relevance of Allen's case to previous historical periods accenting systemic gendered racism in the execution of Black women to the *race of the defendant* versus the *race of the victim* connection, even if Allen victimized a Black person. Instead, the overpowering importance of Allen's capital case is the blatant gendered racism and homophobia deliberately employed by the state prosecutor and the gross incompetence of her defense lawyer, who denied Allen evenhandedness and fairness in her capital trial. As in the past, Allen was a poor, uneducated, and troubled woman who the state prosecutor exploited to gain a capital conviction and execution.

## References

- Abdullah, H. (2007, October 10). Researchers link Black infant deaths to stress of racism. *McClatchy Newspapers*. Retrieved March 6, 2006, from [www.jointcenter.org/index.php/content/download/1908/130571/file/Race%20and%20Infant%20Mortality.doc](http://www.jointcenter.org/index.php/content/download/1908/130571/file/Race%20and%20Infant%20Mortality.doc)
- Aguirre, A., Jr., & Baker, D. (1991). *Race, racism and the death penalty in the U.S.* Berrien Springs, MI: Vande Vere.
- Alford, R. (2006). Appellate review of racist summations: Redeeming the promise of searching analysis. *Michigan Journal of Race and Law*, 11, 325-365.
- Allen v. Massie, 2000 U.S. App. LEXIS 316 (2000).
- Allen v. State, 871 P.2d 79 (1994).
- American Civil Liberties Union. (2004). The forgotten population: A look at death row in the United States through the experience of women. Retrieved March 6, 2008, from <http://www.aclu.org/capital/women/10627pub20041129.html>
- Aptheker, H. (1993). *American Negro slave revolts*. New York: International.
- Armstrong, K., & Possley, M. (1999, November 14). Tribune investigative report: The failure of the death penalty in Illinois: Part 1. Death row justice derailed. *Chicago Tribune*.
- Atkins v. Virginia, 536 U.S. 304 (2002).
- Babcock, B. (1993). A place in the palladium: Women's rights and jury service. *University of Cincinnati Law Review*, 61, 1139-1180.
- Baker, D. (1999). A descriptive profile and socio-historical analysis of female executions in the U.S.: 1632-1997. *Women and Criminal Justice*, 10, 57-93.
- Baker, S. (1908). Following the color line. *American Magazine*. Retrieved March 6, 2006, from <http://www.spartacus.schoolnet.co.uk/USALynching.htm>
- Baldus, D., Woodworth G., Zuckerman, D., Weiner, N., & Broffitt, B. (2001). Use of peremptory challenges in capital murder trials: A legal and empirical analysis. *University of Pennsylvania Journal of Constitutional Law*, 3, 3-170.
- Barnett, L. (2005). Lynch law in Michigan. *The Historical Society of Michigan*, 28, 10-13, 26. Retrieved March 6, 2008, from <http://www.hsmichigan.org/pdf/chron/spring05/Spring05Part1.pdf>. Visited on March 6, 2008.
- Bennett, L. (1982). *Before the Mayflower: A history of Black America*. New York: Penguin Books.
- Berlin, I. (1980). Time, space, and the evolution of Afro-American society in British mainland North America. *American History Review*, 85, 44-78.
- Berlin, I. (1998). *Many thousands gone: The first two centuries of slavery in North America*. Cambridge, MA: Harvard University Press.
- Bierria, A. (2003). *An historical perspective on anti-rape organizing*. Seattle, WA: Communities Against Rape and Abuse. Retrieved March 6, 2006, from [http://cara-seattle.org/w\\_historical.html](http://cara-seattle.org/w_historical.html)

- Blackman, P., & McLaughlin, V. (2003). Mass legal executions of Blacks in the U.S., 17th-20th centuries. *Homicide Studies*, 7, 235-262.
- Bohm, R. (2003). *Deathquest II: An introduction to the theory and practice of capital punishment in the U.S.* Cincinnati, OH: Anderson.
- Bowers, W., Steiner, B., & Sandys, M. (2001). Death sentencing in Black and White: An empirical analysis of the role of jurors' race and racial jury composition. *University of Pennsylvania Journal of Constitutional Law*, 3, 171-274.
- Brady v. Maryland, 373 U.S. 83 (1963).
- Bridgewater, P. (2001). Un/Re/Discovering slave breeding in Thirteenth Amendment jurisprudence. *Washington and Lee Race and Ethnic Ancestry Law Journal*, 7, 11-43.
- Bright, S. (1995). Discrimination, death and denial: The tolerance of racial discrimination in infliction of the death penalty. *Santa Clara Law Review*, 35, 433-483.
- Bright, S., & Keenan, P. (1995). Judges and the politics of death: Deciding between the Bill of Rights and the next election in capital cases. *Boston University Law Review*, 75, 760-835.
- Broderick, R. (1992). Why the peremptory challenge should be abolished. *Temple Law Review*, 65, 369-423.
- Brownmiller, S. (1975). *Against our will: Men, women and rape*. New York: Bantam Books.
- Bush, J. (1996). The first slave (and why he matters). *Cordozo Law Review*, 18, 599-629.
- Carrigan, W. (2005). *The making of a lynching culture: Violence and vigilantism in Central Texas, 1836-1916*. Urbana, IL: University of Illinois Press.
- Cashin, S. (2004). *The failures of integration: How race and class are undermining the American dream*. New York: Public Affairs.
- Christopher, E. (2006). *Slave ship sailors and their captive cargoes, 1730-1807*. New York: Cambridge University Press.
- Civil Rights Cases, 109 U.S. 3 (1883).
- Clark, E. (1995). The sacred rights of the weak: Pain, sympathy, and the culture of individual rights in the antebellum America. *Journal of American History*, 82, 463-493.
- Clarke, J. (1998). Without fear or shame: Lynching, capital punishment and the subculture of violence in the American South. *British Journal of Political Science*, 28, 269-289.
- Colbert, D. (1990). Challenging the challenge: Thirteenth Amendment as a prohibition against racial use of peremptory challenge. *Cornell Law Review*, 76, 1-128.
- Conrad, C. (1998). *Jury nullification: The evolution of a doctrine*. Durham, NC: Carolina Academic Press.
- Crocker, P. (2001). Is the death penalty good for women? *Buffalo Criminal Law Review*, 4, 917-965.
- Davis, A. (1981). *Women, race, and class*. New York: Vintage Books.
- Death Row Divas. (2005). *Corrine Sykes*. Retrieved March 6, 2006, from [http://www.geocities.com/as\\_k13/corrine.html](http://www.geocities.com/as_k13/corrine.html)
- DeNavas-Walt, C., Proctor, B., & Mills, R. (2004). *Income, poverty, and health insurance coverage in the U.S.: 2003*. Washington, DC: U.S. Bureau of the Census, Current Population Reports. Retrieved March 6, 2006, from <http://www.census.gov/prod/2004pubs/p60-226.pdf>
- Dieter, R. (1998). *The death penalty in Black and White: Who lives, who dies, who decides*. Washington, DC: Death Penalty Information Center. Retrieved from <http://www.deathpenaltyinfo.org/article.php?scid=45&did=539>
- Diggs, I. (1976). DuBois and children. *Phylon*, 37, 370-399.
- Elliot, A., & Weiser, B. (2004, March 21). When prosecutors err, others pay the price. *New York Times*, pp. 25, 30.
- Espy, M. W., & Smykla, J. (2004). *Executions in the U.S., 1608-2002: The Espy file* (4th ICPS ed.) [Data file]. Ann Arbor, MI: Inter-University Consortium for Political and Social Research.
- Execution of two negroes. (1855, March 7). *The Planter* (Rockport, IN). Retrieved March 6, 2006, from <http://www.rootsweb.com/~inspence/THEPLANTERone.htm>
- Fanny (a slave) v. State, 6 Mo. 122 (1839).
- Farmer, S. (1890). *History of Detroit and Wayne County and early Michigan: A chronological encyclopedia of the past and present*. New York: Silas Farmer & Co.
- Feagin, J. (2000). *Racist America: Roots, current realities, and future reparations*. New York: Routledge.
- Fede, A. (1996). Gender in the law of slavery in the antebellum U.S. *Cordozo Law Review*, 18, 411-432.
- Feinman, C. (1994). *Women in the criminal justice system*. Westport, CT: Greenwood.

- Fogel, R. (1989). *Without consent or contract: The rise and fall of American slavery*. New York: Norton.
- Fogel, R. & Engerman, S. (1974). *Time on the cross: The economics of American Negro slavery*. Boston: Little, Brown and Company.
- Foner, E. (1988). *Reconstruction: America's unfinished revolution*. New York: Harper & Row.
- Frazier, H. (2006). *Death sentences in Missouri, 1803–2005: A history and comprehensive registry of legal executions, pardons, and commutations*. Jefferson City, NC: McFarland.
- Friedman, L. (1985). *A history of American law*. New York: Simon & Schuster.
- Genovese, E. (1974). *Roll Jordan, roll: The world the slave made*. New York: Basic Books.
- Gerlach, D. (1977). Black arson in Albany, New York: November 1793. *Journal of Black Studies*, 7, 301-312.
- Giles v. Harris, 189 U.S. 475 (1903).
- Goodwin, M. (2003). Gender, race, and mental illness: The case of Wanda Jean Allen. In A. Wing (Ed.), *Critical race feminism: A Reader* (pp. 228-237). New York: New York University Press.
- Greenberg, D. (1982). Crime, law enforcement, and social control in colonial America. *The American Journal of Legal History*, 26, 293-325.
- Gregory, K. (2004, June 2). Soul searching. (June 2). *Philadelphia Weekly*. Retrieved March 6, 2006, from <http://www.philadelphiaweekly.com/view.php?id=7373>
- Griffin, P. (1997). Jumping on the ban wagon: *Minetos v. City University of New York* and the future of the peremptory challenge. *Minnesota Law Review*, 81, 1237-1270.
- Grosvenor, V. (1998, April 3). *Remembering Corrine Sykes* (Transcript No. 98040320-212). National Public Radio (NPR) All Things Considered. Linda Wertheimer, Reporting.
- Gutman, H. (1976). *The Black family in slavery and freedom, 1750-1925*. New York: Vintage Books.
- Halperin, R. (1999). *Death penalty news—Virginia*. Retrieved March 6, 2006, from <http://venus.soci.niu.edu/~archives?ABOLISH/rick-halperin/oct99/0103.html>
- Harries, K. (1992). Gender, execution, and geography in the U.S. *Geografiska Annaler, Series B, Human Geography*, 74, 21-29.
- Hearn, D. (1999). *Legal executions in New England: A comprehensive reference, 1623-1960*. Jefferson City, NC: McFarland.
- Hearn, D. (2005). *Legal executions in New Jersey: A comprehensive registry, 1691–1963*. Jefferson City, NC: McFarland.
- Higginbotham, A. (1996). *Shades of freedom: Racial politics and presumptions of the American legal process*. New York: Oxford University Press.
- hooks, b. (1981). *Ain't I a woman: Black women and feminism*. Boston: South End Press.
- Howarth, J. (1994). Deciding to kill: Revealing the gender in the task handed to capital jurors. *Wisconsin Law Review*, 1994, 1345-1424.
- Howarth, J. (2002). Executing White masculinities: Learning from Karla Faye Tucker. *Oregon Law Review*, 81, 183-229.
- Human Rights Watch. (2003). *Incarcerated America: Human Rights Watch backgrounder*. Retrieved March 6, 2006, from <http://hrw.org/backgrounder/usa/incarceration/>
- Johnson, M. (1981). Smothered slave infants: Were slave mothers at fault? *The Journal of Southern History*, 47, 493-520.
- Johnson, P. (1995). At the intersection of injustice: Experience of African American women in crime and sentencing. *The American University Journal of Gender and the Law*, 4, 1-76.
- Johnson, S. (1985). Black innocence and the White jury. *Michigan Law Review*, 83, 1611-1708.
- Johnson, S. (1998). Symposium on race and criminal law: Batson ethics for prosecutors and trial court judges. *Chicago-Kent Law Review*, 73, 475-507.
- Jordan, E. (2000). Crossing the river of blood between us: Lynching, violence, beauty, and the paradox of feminist history. *Journal of Gender, Race and Justice*, 3, 545-580.
- Jordan, W. (1968). *White over Black: American attitudes toward the Negro, 1550-1812*. New York: Norton.
- Kirby, D. (2001, February 27). Was justice served? The execution of a lesbian raises tough questions about the death penalty. *The Advocate*. Retrieved March 6, 2008, from [http://findarticles.com/p/articles/mi\\_m1589/is\\_2001\\_Feb\\_27/ai\\_71190315](http://findarticles.com/p/articles/mi_m1589/is_2001_Feb_27/ai_71190315)
- Kohn, S. (2001). Greasing the wheel: How the criminal justice system hurts gay, lesbian, bisexual and transgendered people and why hate crime laws won't save them. *New York University Review of Law and Social Change*, 27, 257-280.

- Kolchin, P. (1993). *American slavery: 1619-1877*. New York: Hill and Wang.
- Kopec, J. (2003). Avoiding a death sentence in the American legal system: Get a woman to do it. *Capital Defense Journal*, 15, 353-382.
- Kroll, M. (1992). *Killing justice: Government misconduct and the death penalty*. Retrieved March 6, 2006, from <http://www.deathpenaltyinfo.org/article.php?scid=45&did=529>
- Leadership Conference on Civil Rights Education Fund. (2004, August). *Cause for concern: Hate crimes in America*. Retrieved March 6, 2006, from [http://www.civilrights.org/publications/reports/cause\\_for\\_concern\\_2004/cause\\_for\\_concern.pdf](http://www.civilrights.org/publications/reports/cause_for_concern_2004/cause_for_concern.pdf)
- Litwack, L. (1961). *North of slavery: The Negro in the free states, 1790-1860*. Chicago: University of Chicago Press.
- Lofquist, W. (2002). Putting them there, keeping them there, and killing them: An analysis of state-level variations in death penalty intensity. *Iowa Law Review*, 87, 1505-1557.
- Lynch, M. (2006). Stereotypes, prejudice, and life-and-death decision making: Lessons from laypersons in an experimental setting. In C. Ogletree Jr. & A. Sarat (Eds.), *From lynch mobs to the killing state: Race and the death penalty in America* (pp. 182-207). New York: New York University Press.
- Mann, C. (1989). Racism, powerlessness, and justice: Minority and female; A criminal justice double bind. *Social Justice: A Journal of Crime, Conflict & World Order*, 16(4), 95-114.
- Marable, M. (1985). *How capitalism underdeveloped Black America*. Boston: South End Press.
- McPherson, J. (1999). Comparing the two reconstructions. *Princeton Alumni Weekly*, 16, 18-19.
- Mintz, J. (1987). Note: *Batson v. Kentucky*: A half step in the right direction (racial discrimination and peremptory challenges under the heavier confines of equal protection). *Cornell Law Review*, 72, 1026-1046.
- Mogul, J. (2005). The dykier, the butcher, the better: The state's use of homophobia and sexism to execute women in the U.S. *New York City Law Review*, 8, 473-493.
- Morgan, E. (2003). Women on death row. In R. Muraskin (Ed.), *It's a crime: Women and justice* (pp. 289-304). Upper Saddle River, NJ: Prentice Hall.
- Morris, T. (1996). *Southern slavery and the law: 1619-1860*. Chapel Hill: University of North Carolina Press.
- Moten, D. (1997). *A gruesome warning to Black girls: The August 16, 1912, execution of Virginia Christian*. Unpublished doctoral dissertation, University of Iowa.
- New York v. Helen Fowler and George F. Knight, 293 N.Y. 721 (1944).
- Ogletree, Jr., C. (2002). Black man's burden: Race and the death penalty in America. *Oregon Law Review*, 81, 15-38.
- O'Shea, K. (1999). *Women and the death penalty in the U.S., 1900-1998*. Westport, CT: Praeger Press.
- Plessy v. Ferguson, 163 U.S. 537 (1896).
- Rafter, N. (2004). *Partial justice: Women, prisons, and social control*. New Brunswick, NJ: Transaction.
- Rapaport, E. (2000). Equality of the damned: The execution of women on the cusp of the 21st century. *Ohio Northern University Law Review*, 26, 581-600.
- Rapaport, E. (2001). Staying alive: Executive clemency, equal protection, and the politics of gender in women's capital cases. *Buffalo Criminal Law Review*, 4, 967-1007.
- Reich, J. (1989). *Colonial America*. Upper Saddle River, NJ: Prentice Hall.
- Reiss, O. (1997). *Blacks in colonial America*. Jefferson, NC: McFarland.
- Reissmann, K. (2002). Our system is broken: A study of the crisis facing the death-eligible defendant. *Northern Illinois University Law Review*, 23, 43-79.
- Roberts, D. (1993). Crime, race, and reproduction. *Tulane Law Review*, 67, 1945-1977.
- Rueter, T. (1996). Why women aren't executed: Gender bias and the death penalty. *Human Rights*, 23, 10-11.
- Salmon, M. (1986). *Women and the law of property in early America*. Chapel Hill, NC: University of North Carolina Press.
- Savage, D. (2005, April 19). Justices weigh state's jury selection law. *Los Angeles Times*, p. A12.
- Schmall, L. (1996). Forgiving Guin Garcia: Women, the death penalty and commutation. *Wisconsin Women's Law Journal*, 11, 283-326.
- Schulberg, D. (2000). The execution of females. *Orange County Lawyer*, 42, 25-32.
- Schulberg, D. (2003). Dying to get out: The execution of females in the post-Furman era of the death penalty in the U.S. In R. Muraskin (Ed.), *It's a crime: Women and justice* (pp. 273-288). Upper Saddle River, NJ: Prentice Hall.

- Schwarz, P. (1996). *Slave laws in Virginia*. Athens, GA: University of Georgia Press.
- Schwarz, P. (1998). *Twice condemned: Slaves and the criminal laws of Virginia, 1705-1865*. Union, NJ: Lawbook Exchange.
- Seitz, T. (2005). The wounds of savagery: Negro primitivism, gender parity, and the execution of Rosanna Lightner Phillips. *Women and Criminal Justice*, 16, 29-64.
- Shapiro, A. (2000). Unequal before the law: Men, women and the death penalty. *American University Journal of Gender, Social Policy and the Law*, 8, 427-470.
- Shipman, M. (2002). *The penalty of death: U.S. newspaper coverage of women's executions*. Columbia, MO: University of Missouri Press.
- Shortnacy, M. (2001). Guilty and gay, a recipe for execution in American courtrooms: Sexual orientation as a tool for prosecutorial misconduct in death penalty cases. *American University Law Review*, 51, 309-365.
- Siebert, A. (1999). *Batson v. Kentucky*: Application to Whites and the effect on the peremptory challenge system. *Columbia Journal of Law and Social Problems*, 32, 307-330.
- Siegel, R. (1997). Why equal protection no longer protects: The evolving forms of status-enforcing state action. *Stanford Law Review*, 49, 1111-1148.
- Simpson, S. (1991). Caste, class, and violent crime: Explaining difference in female offending. *Criminology*, 29, 115-135.
- Sitkoff, H. (1981). *The struggle for Black equality, 1954-1980*. New York: Hill & Wang.
- Spinelli, M. (2004). Maternal infanticide associated with mental illness: Prevention and the promise of saved lives. *American Journal of Psychiatry*, 161, 1548-1557.
- Staba, D. (2001, December 4). Falls murder case presents contrast to Northrup verdict. *Niagara Falls Reporter*. Retrieved March 6, 2006, from <http://www.niagarafallsreporter.com/fowler.html>
- Stampp, K. (1956). *The peculiar institution: Slavery in the antebellum South*. New York: Vintage Books.
- Streib, V. (1990). Death penalty for female offenders. *University of Cincinnati Law Review*, 58, 845-880.
- Streib, V. (2003). Execution women, juveniles, and the mentally retarded: Second class citizens in capital punishment. In J. Acker, R. Bohm, & C. Lanier (Eds.), *America's experience with capital punishment: Reflections on the past, present and future of the ultimate penal sanction*. Durham, NC: Carolina Academic Press.
- Streib, V., & Sametz, L. (1989). Executing female juveniles. *Connecticut Law Review*, 22, 3-16.
- Tarpley, J. (1996). Black women, sexual myth, and jurisprudence. *Temple Law Review*, 69, 1343-1388.
- Texas Defender Service. (2000). *A state of denial: Texas justice and the death penalty*. Retrieved March 6, 2006, from <http://www.texasdefender.org/publications.htm>
- Tolnay, S., & Beck, E. (1995). *A festival of violence: An analysis of southern lynchings, 1882-1930*. Urbana, IL: University of Illinois Press.
- Turner, J., Singleton, R., & Musick, D. (1984). *Oppression: A socio-history of Black-White relations in America*. Chicago: Nelson Hall.
- Twombly, R., & Moore, R. (1967). Black Puritans: The Negro in seventeenth-century Massachusetts. *The William and Mary Quarterly*, 24, 224-242.
- Underwood, B. (1992). Ending race discrimination in jury selection: Whose right is it anyway? *Columbia Law Review*, 92, 725-774.
- Vandiver, M. (2006). *Lethal punishment: Lynchings and legal executions in the South*. New Brunswick, NJ: Rutgers University Press.
- Wade, W. (1987). *The fiery cross: The Ku Klux Klan in America*. New York: Oxford University Press.
- Weicek, W. (1996). The origins of the law of slavery in British North America. *Cardozo Law Review*, 17, 1711-1792.
- White, D. (1998). *Ar'n't I a woman? Female slaves in the plantation south*. New York: Norton.
- White, P. (2001). Errors and ethnics: Dilemmas in death. *Hofstra Law Review*, 29, 1265.
- White, W. (1969). *Rope and faggot: Biography of Judge Lynch*. New York: Arno Press.
- Williams v. Mississippi, 170 U.S. 213 (1898).
- Wing, A. (2005). Examining the correlation between disability and poverty: A comment from a critical race feminist perspective—helping the Joneses to keep up! *Journal of Gender, Race and Justice*, 8, 655-666.

Wright, D. (1991). *African Americans in the colonial era: From African origins through the American Revolution*. Arlington Heights, IL: Harlan Davidson.

Zangrando, R. (1980). *The NAACP crusade against lynching, 1909-1950*. Philadelphia, PA: Temple University Press.

**David V. Baker** holds a doctorate in sociology from the University of California at Riverside and a juris doctorate from California Southern Law School. He is an associate professor of sociology at Riverside Community College, where he teaches courses in sociology and justice studies. He has held visiting lectureships at the University of California at Riverside, Chapman University, and California State University at Fullerton and San Bernardino. His research and teaching interests are in race and ethnic relations with an emphasis on exploring systemic racism in the U.S. criminal justice system. He has contributed works to several professional journals and law reviews and has coauthored several books. He is currently writing a book-length manuscript on the structure and dynamics of systemic oppression in the justice system.