BAD GIRLS:
RACE, CRIME, AND PUNISHMENT IN NEW YORK STATE, 1893—1916

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ABSTRACT OF THE DISSERTATION

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By LEIGH-ANNE ANASTASIA FRANCIS

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This dissertation analyzes the intersections of gender, race and class by exploring crime, punishment, labor and community in New York City and Auburn Prison. “Bad Girls” focuses primarily on African American women while offering comparisons with European immigrant and native-born white women criminals and inmates. Most histories of African American women prisoners privilege white reformers’ views. My dissertation centers the perspectives of the convicts. Additionally, these historical studies present women’s criminal activity primarily as a moral problem; my dissertation argues that crime was a form of work for many black women. It also explores the community, relationships, beliefs and practices that imprisoned women forged to survive their incarceration.

In the post-Civil War era, the vast majority of African American women lived in severe poverty. Recognizing that acute social, political, and economic vulnerabilities are race and gender specific, “Bad Girls” argues that efforts to overcome them led many black women to commit crimes in order to survive or support their families. Most of those sent to Auburn were poor New York City residents – including many southern migrants – for whom theft helped meet basic needs. Given black women’s limited access to legitimate work, it is not surprising that some turned to illegal work to sustain themselves, in part or in full.
“Bad Girls” also examines imprisoned women’s resistance to penal policies and practices. Female inmates established biracial, multi-ethnic communities that helped them survive incarceration. Yet African American, European immigrant, and native-born white women still constituted discrete groups with distinct cultural practices. In 1913, Auburn inmates acquired a degree of self-determination following an undercover investigation by Madeleine Doty, a white middle class reformer. As a result of Doty’s expose, inmates were allowed to organize a Prisoner’s League that challenged longstanding and abusive policies. White working-class matrons experienced their efforts as an attack on their position. This struggle between the all-white prison matrons and the biracial community of inmates, ultimately, resulted in the disbandment of the League. Still, this history suggests that even as the penitentiary shaped and transformed incarcerated women, so too did incarcerated women shape and transform Auburn prison.
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Introduction
Bad Girls:
Race, Crime, and Punishment in New York State, 1893—1916

Today, African American females comprise roughly six percent of the United States’ population, but they represent almost thirty-three percent of the country’s incarcerated women.\(^1\) Black women’s high incarceration rate reflects the culmination of historical trends that include disproportionate arrests, convictions and imprisonment and marks the U.S. penal system as a lynchpin of institutional racism, classism and sexism. It is impossible to stem this crisis in African American women’s lives without an adequate record of black women prisoners’ historical experiences.

One place to begin this investigation is at Auburn State Penitentiary for Women. Some might consider it ironic that Auburn, New York, first served as a way station and refuge for runaway bondspeople before becoming the site of a postbellum prison that would contain hundreds of African American women who should have been living out the dreams offered by emancipation. That sense of irony is intensified when considering that the former slave Harriet Tubman\(^2\) guided hundreds of escaping bondspeople through Auburn on their way to freedom, the very city where a formidable model for all U. S. penitentiaries was constructed a few decades later.\(^3\) Auburn was a place that many

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\(^1\) In 2008, African American women comprised 32.6%, Latinas 16% and white women 45.5% of the total population of women imprisoned in state and federal prisons and local jails. In 2014, there were 215,322.

\(^2\) Harriet Tub, man led thousands of enslaved African Americans to freedom through Auburn, NY. Auburn was also home to free black and white abolitionists. In 1857, former Governor William H. Seward’s family provided Tubman with a house in Auburn (her niece would come to live there, so would her parents who Tubman relocated from Canada where they had escaped to by way of the underground railroad). In 1908, Tubman and her husband Nelson Davies built a home in Auburn. Tubman died in Auburn, NY in 1913.

\(^3\) There were two primary models of incarceration in early America. The second model institution was established at Eastern State Penitentiary in Philadelphia, Pennsylvania, which was built in 1829. Auburn State Penitentiary for men, which served as the initial model, was constructed in 1817. The Auburn State Penitentiary for Women was constructed in 1893 using the men’s prison as a model. “History of Eastern
fugitives from slavery and newly-freed blacks viewed as a safe harbor, at least briefly. Of course fugitive slaves passing through Auburn were always in danger of recapture and those who migrated north after the Civil War faced numerous challenges. But the African American women who were sent to Auburn to serve out prison sentences had a difficult time imagining the city as a space of liberation or hope. Still, Auburn’s geographic history—its entangled fluctuations of liberation and oppression – offers a rich site for exploring the experiences of black women imprisoned in the United States in the late nineteenth and early twentieth centuries.

African Americans incarcerated at Auburn were not fully free – nor were they fully bonded. In fact, in any given moment African American inmates were both free and unfree because even as Auburn prison walled in African American bodies and regimented inmate behavior, it could not totally constrain convicts’ conduct, psyche and spirit. Still, black inmate experiences are not simply or best defined as bifurcated and oppositional – i.e., “free” versus “unfree.” Auburn’s black prisoners navigated a complex realm much like the variegated blend of fibers woven together to construct a taut stretch of rope; black inmates’ experiences of freedom and incarceration were tightly intertwined, coterminous and mutually constitutive. Like a rope stretched to its limits, Auburn’s women prisoners exhibited strength under tremendous pressure, enduring the burdens of confinement while teetering on the breaking point.

The experiences of black women incarcerated at Auburn illuminate larger issues in the study of race and gender. Writer bell hooks observed that, conventionally, discourse on race and racism “presumes that there is only one gender when it comes to

blackness so black women’s voices do not count.” Similarly, scholars of prison life generally consider race and gender as wholly distinct, examining the experiences of either African American men or white women. Until recently African American women prisoners were largely invisible in U. S. penal histories. In the past seven years, two major historical studies of black women prisoners have appeared. In 2006, Kali Gross’ *Colored Amazons*, traced the lives of black women criminals in twentieth-century Philadelphia, emphasizing the ways that such women challenge studies that highlight respectability and uplift as the cornerstones of black community in the North. Four years later, Cheryl Hicks published *Talk With You Like a Woman*, which examines black women prisoners, focusing on inmates at Auburn and Bedford prisons in New York State as well as prison reformers in New York City at the turn-of-the-twentieth-century.

Both of these important efforts to incorporate black women into historical analyses of prison life serve as foundations for my work. This dissertation expands upon their interpretations by focusing more closely on the gendered and sexualized depictions

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5 For a discussion on the interconnectedness of race and gender as well as the academic tendency to examine these categories exclusively and/or in a manner where one eclipses the other or one presumes the other, see Elizabeth Spelman. “Gender and Race: The Ampersand Problem in Feminist Thought” in Kum-Kum Bhavnani (Ed.), *Feminism and ‘Race’* (New York, NY: Oxford University Press, 2001), 74—88 and Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, Massachusetts: Harvard University Press, 2006)
of black female criminals in white society and media and highlighting racialized discourses and practices by comparing the experiences of black female criminals with those of native-born white and European immigrant women. At the same time, this study complements those of Gross and Hicks in challenging the androcentric perspectives of most prison research. For example, visual and textual histories on Auburn prison focus overwhelmingly on the men’s penitentiary. Moreover, the prison population’s maleness is not made explicit, but is rather, presumed. Discussions of male inmates’ race is equally unmarked; the issue emerges only when the subject is African American or Hispanic, which implies that white inmates are “raceless.” By examining the experiences of women—including native-born white, foreign-born white, and African American—imprisoned at Auburn, we can analyze more fully the ways that race and gender as well as class and sexuality shaped the legacy of crime and punishment at the turn of the twentieth century.

The work of Jonathan Markowitz can help us understand the invisibility of black female prisoners. In *Legacies of Lynching*, he interrogates the significance of collective memory, the profound impact of “national forgetting” on present day racial and sexual ideologies and practices (particularly violence) in the United States. When applied to the subject of incarceration, Markowitz exposes the elision of an important component of U.S. history: African American women’s identity and community formation, their experiences as mothers, lovers and laborers and their suffering and resistance to

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institutional racism inside and outside of the penal system. All of these factors define the historical experiences of African American women inmates. In attending to them, it becomes clear that even as the penitentiary shaped and transformed African American women, so too did black inmates shape and transform Auburn prison.

This dissertation uses a variety of sources, including the detailed records of prison officials, scrapbooks kept by the New York District Attorney’s Office, local newspapers, and the writings of prison reformers to explore the lives of women who were convicted of crimes that resulted in their incarceration at Auburn Women’s State Prison. While black women criminals and inmates sit at the heart of this study, their experiences can only be fully understood in comparison to their native-born white and immigrant counterparts. In examining the path all of these women took to Auburn prison as well as their incarceration there, I introduce three concepts to help us understand the relationship of female criminals to dynamics of race, class and sexuality at the turn of the twentieth century and their interactions with middle-class reformers.

The first concept, “criminal work,” builds on studies of sex work by recognizing some accused and convicted women’s illegal activity as a type of work and analyzing their illegal actions in connection to the economic circumstances that fueled them. While highlighting the importance of poverty, discrimination and low wages in creating incentives for petty theft and other minor illegal activities, I do not limit criminal work only to matters of survival. Criminal work thus also includes madams who ran brothels, managers of gambling dens, forgers, and those convicted of grand theft. While perpetrators of these crimes may not have been motivated by dire need, they nonetheless
pursued illegal activities as a way to make a living or supplement what they considered inadequate wages.

The second concept, “community,” emphasizes and analyzes three groups at the center of this historical narrative on race, crime, and punishment in New York State. They are criminal worker communities, prisoner communities, and fringe activist\textsuperscript{9} communities (i.e., radical prison reformer communities). These subordinate laborer, carceral, and activist communities compete with dominant communities (for example, mainstream reformers, the press, police, and prison matrons) for social, cultural, political, and economic power. The majority poor, biracial, multi-ethnic communities of criminal workers and prisoners informally vied with white middle class journalists, white working class policemen and prison matrons to define themselves in broader culture. The elderly black female widow, Mrs. Sarah Lane, is a perfect example. In 1895, Sarah Lane committed a crime so that a judge would finally hear her story of a white male elite who had defrauded her out of an inheritance.\textsuperscript{10} Although Sarah Lane wanted justice, she got a prison cell instead. Even still, Lane succeeded in convincing a white journalist to publish her tale, which mobilized a counter-discourse to the hegemonic racist-sexist fictions of all accused and imprisoned black females perpetuated in the press. Criminal workers continued their struggle for institutional power behind bars. For instance, Auburn Prison’s women inmates established communities that helped them survive incarceration. These prison communities, comprised largely of poor African American, European white, and native-born white women, constituted discrete entities marked by particular cultural and (non-traditional) political practices largely invisible to the dominant culture. In 1913,

\textsuperscript{9} For a definition and discussion of “fringe activism”, see the paragraph that follows this one.
\textsuperscript{10} For an analysis of Mrs. Sarah Lane’s self-definition, her crime, its motivations, and the white judiciary’s and press’s response, see Chapter Two.
one of these communities acquired a degree of self-determination that empowered them to institutionalize prisoner-driven reforms.

The third concept, “fringe activism”, highlights the efforts of a small circle of reformers, who moved beyond campaigns to improve prison life or modify the criminal justice system. This faction of outliers in prison reform included the mostly poor, mostly black, but still biracial, multi-ethnic community of women imprisoned at Auburn. While these incarcerated women were at the heart of the fringe prison reform movement, fringe activists were largely white middle-class women who tried to forge bonds with incarcerated women as a means of both publicizing their plight and inspiring them to challenge the circumstances of their incarceration. The fringe activist who plays a central role in this dissertation is Madeleine Z. Doty, a white middle class progressive era reformer. In 1916, Doty published a compelling exposé of Auburn Women’s Prison after disguising herself as an inmate and spending three nights in confinement. Through her writings and her correspondence with female convicts, she hoped to inspire significant changes in prisons and prisoners. Fringe activism, community, and criminal work concepts serve as analytical frameworks that illuminate larger issues related to crime and the criminal justice system in the late nineteenth and early twentieth century. I use these concepts here to explore the lives of women incarcerated at Auburn Women’s Prison for the first quarter century of its existence.

**Institutional History**

Auburn Correctional Facility (named Auburn Prison until the 1970’s is the oldest surviving state penitentiary in the United States. The institution accepted its first prisoners in 1817 and established a plan for regulating their bodies, movements, and

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behaviors. What contemporary prison officials termed the “Auburn System” was characterized by the incarceration of prisoners in separate cells, “gang” style day labor, mandatory silence, lockstep marching\(^\text{12}\), “humiliating” striped regimentals and the punitive use of a lash on transgressive inmates. Auburn was the first penal institution to confine inmates to separate cells and bears the dubious distinction of having inaugurated death by electrocution.\(^\text{13}\) By the turn of the twentieth century, many of Auburn’s most severe practices were eliminated due to changing ideas about the best way to rehabilitate convicted felons. Purely punitive imprisonment was largely abandoned, at least in theory, for rehabilitative incarceration, a shift in paradigm and practice encouraged by prison reformers.\(^\text{14}\) Still, the “Auburn System” influenced penal procedures across the nation for nearly a century, and the practice of rehabilitation never entirely replaced more punitive measures, especially for criminals of color.

Before the Civil War, U.S. penitentiaries were built largely to segregate criminals, most of whom were native-born white men, from a supposedly law abiding population. After the Civil War, northern prisons swelled with African American “in-migrants” and European immigrants while southern penitentiaries provided convenient repositories for newly freed blacks – the South’s largest incarcerated population. Across the nation,

\(^{12}\) In lockstep marching, convicts were forced to link arms, look over their shoulders and walk back and forth from labor sites in sync with one another. Inmates were forbidden to look at one another or the keepers and remain in constant motion when not in their jail cells.

\(^{13}\) On August 6 of 1890, the first inmate was put to death by electrocution at Auburn Prison.

\(^{14}\) After a prisoner died due to flogging, punitive use of the lash was barred in 1839. Penal officials replaced the lash with the “shower bath”. “The shower bath consisted of a barrel about 4 1/2 feet high with a discharge tube at the bottom. The prisoner was stripped naked…[and] bound hand and foot, with a wooden collar around his neck to prevent” movement of the head. The inmate was placed inside the barrel “directly under an outlet pipe, where water, sometimes iced, would pour down.” In 1858, the shower bath was banned after an inmate’s death resulted from its use. “The yoke – a bar of iron weighing about 40…[pounds] and fastened to the back of the inmate's neck and both hands – was another form of discipline.” See “Auburn & Osborne.” Web. New York Correction History Society. 5 June 2006. See also Michel Foucault, Discipline and Punish: The Birth of the Prison 2nd ed. Translated by Alan Sheridan (New York, NY: Vintage Books, 1995).
prisoners were compelled to work, laboring for both public and private sector employers. State officials committed prisoners, including the growing number of African Americans and European immigrants, to laboring on behalf of a variety of northern industries, while in the South black inmates both supplemented and supplanted the region’s emancipated laboring class to provide critical manpower for the region’s industrial development. In addition, women convicts throughout the country performed much of the domestic labor within prisons, including cleaning, laundry, and cooking.

Auburn Women’s State Prison, built adjacent to the men’s penitentiary, opened in 1893. Previously an institution dedicated to housing “insane” male prisoners, it became New York’s first penitentiary established solely for women. The inaugural prisoners in the revamped institution were transferred from Sing Sing penitentiary in Westchester County, New York, and included that prison’s oldest inmates, all of whom were serving second prison terms. Comparable institutions were constructed in Hudson (1887), and later, Albion (1893) and Bedford (1901), New York. While segregating female from male prisoners was seen as crucial, Auburn women’s prison initially mixed together diverse racial and ethnic groups together. On September 30, 1894, the prison confined 116 women; 26 were identified as “colored” and 90 were identified as white. Class differences were less notable at this early date. Of the women for whom an occupation was noted, 82 percent were domestic workers. Their economic status certainly

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15 Curtin, Black Prisoners and Their World, 1865—1900 explores the development of southern prisons and prison labor systems in Alabama in the decades following the Civil War.
influenced their criminal behavior since almost two-thirds of the inmates were convicted of a “crime against property,” mostly theft.\textsuperscript{19} In fall of 1901, Auburn held 108 women prisoners – 28 colored, 80 white.\textsuperscript{20} Seventy-three of the women were listed as domestics and housekeepers; the same number had been incarcerated for “crimes against property,” again mostly theft.\textsuperscript{21}

In the context of the early 1900s Great Migration, as the “free” black female population increased in the North, the number of black females incarcerated at Auburn surged upward at a rate unchecked by Progressive Era reforms. In 1913, exactly half of the women imprisoned at Auburn were black. The superintendent of New York State Prisons’ annual report shows that of Auburn’s “116 [female] inmates, 58 were ‘colored’,” 29 were native-born whites, “28 were ‘foreign-born’ [whites], and one was ‘Indian’.\textsuperscript{22}

Black women’s over-representation at Auburn was slightly worse in 1911, when their numbers exceeded half of the women incarcerated there: “out of a total of 132 inmates, 74 were ‘colored’…32 were [white] ‘foreigners’” and 26 were native-born whites.”\textsuperscript{23} The staggering rate of black women’s incarceration is more notable when analyzed in the context of New York State’s overall population. The 1910 U.S. Census demonstrates “that black people comprised just 1.5 percent of [the state’s]…total population.” Yet, “that same year…40 percent of…Auburn prison[‘s]” female inmates were black.\textsuperscript{24}

\textsuperscript{19} Ibid, 156.
\textsuperscript{20} Annual Report of Women’s Prison, 213.
\textsuperscript{21} Ibid, 237—238.
\textsuperscript{23} Annual Report of the Superintendent of State Prisons for the Year Ending September 30, 1913, 249 as cited in Hicks, Talk with You Like a Woman.
\textsuperscript{24} Annual Report of the Superintendent of State Prisons for the Year Ending September 30, 1913, 334 and U.S. Bureau of the Census, Negro Population, 51 as cited in Hicks, Talk with You Like a Woman.
disparate racial (and ethnic) representation of women imprisoned in New York and nationwide from the post-slavery period through the Progressive era was largely attributable to institutional and structural forces, not individual moral deficits and criminal proclivities peculiar to women of color.

Auburn State Prison for Women was designed to be physically separate from the men’s facility (unlike earlier penitentiaries, which simultaneously confined women and men in the same institution) and presided over by a female “matron.” But both the men’s and women’s prisons were controlled by the same all white male administrative body. This administrative structure raises the question of how a shared regulatory body affected female prisoners. Were women’s distinctive biological and psycho-emotional needs met

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25 L. Mara Dodge, “Whores and Thieves of the Worst Kind”: A Study of Women, Crime, and Prisons, 1838-2000 (Dekalb, IL: Northern Illinois University Press, 2006), pp. 4, 42, 117, 123. Dodge shows, for example, that between 1870 and 1930 (the approximate time period framing my exploration of Auburn women prisoners’ lives), Joilet’s female prison population was consistently disproportionately black. Black women inmates’ numbers steadily increased from twelve percent in the 1870s to 48% in the early 1900s, dropping to 36% in the 1920s. This despite the fact that, in the 1870s, black women comprised seven percent of Illinois states’ total population and 21% of the state population between year 1900 and 1930. Dodge provides a graph illustration of these statistics on page 117. See also, pp. 6, 42, 122—123, 280n. 15, 291n. 19. On the historically discriminatory legal treatment and disproportionate incarceration of white immigrant women, see Dodge, pp. 6, 28, 73, 103—104, 115—116. 118—119, 289n. 35, 292n. 15; and of women indigenous to the Americas, see: 283n. 18, 292n. 15, 300n. 13.

by attention to their reproductive health, for example, and was there any effort to protect them from sexual violence by male guards? And did the white male administrators consider that women of different races might face different problems? For example, were black women sexually victimized more often by white male prison guards and did northern guards share views of sexually promiscuous African American women that were a legacy of master-slave relations in the South? The history of incarceration at Auburn Women’s Prison suggests that race and gender were deeply intertwined in New York’s criminal justice system, even in ways that were sometimes distinctive from the Jim Crow South.

**Historiography**

Recent work on female criminals, vice, prisons, and prison reform can help situate the issues raised by a study of Auburn Prison in a larger context. One of the most important new studies, *Colored Amazons* by Kali Gross, demands that we rethink the place of female criminals in African American and U.S. history. Tracing the lives of African American women criminals in twentieth-century Philadelphia, Gross, complicates a tradition of “celebratory scholarship” meant to counter racist discourse on blacks.27 She resists the urge to reconfigure the “master narrative” by highlighting only the experiences of “respectable” minorities, a tendency that marginalizes or erases the stories of those considered deviant (such as criminals, sexual minorities and gender nonconformists). She insists that peripheral groups, the very people that threaten to compromise the “positive” claims celebratory narratives advance, are a crucial part of African American and U.S. history. Gross notes that, in the new millennium, black

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27 Gross, *Colored Amazons*, 1—2, 155—156.
women comprise the fastest growing prison population. Moreover, their rate of incarceration is disproportionate to that of non-black racial/ethnic women. It is impossible, says Gross, to stem this crisis in black women’s lives without an adequate record of black women inmates’ historical experiences. The project of unearthing the history of Auburn’s black women prisoners extends Gross’ analysis not only by exploring another important site of black women’s imprisonment, but also by pushing her time frame back into the late nineteenth century and using a comparative lens that highlights similarities and differences with native-born and foreign-born white women prisoners..

At the same time, the history of black prisoners in the North cannot be separated from the experiences of those who migrated to the region in the decades following the Civil War. In *AlabamaNorth*, Kimberley Phillips argues that, for black southerners, provocations to migrate North included freedom from white terrorism and legal persecution, greater education and job opportunities, a thriving network of black voluntary associations, and political rights – especially the right to vote. Using a case study of Cleveland, Ohio, Phillips casts black “in-migrant” experiences in a generally positive light, claiming that, for the most part, dreams for advancement that blacks could not realize in the late nineteenth century South were attainable in the North. While Cleveland’s black “in-migrants” encountered racist white employers and labor unions, the shift in geography permitted black wage working women and men to engage in a type of militant resistance that would have resulted in lynchings, rapes, firings or other forms of persecution in the South.

Yet Phillips’ powerful portrayal of black “in-migrant” life is incomplete as demonstrated by Kevin Mumford’s engaging analysis of black participation in vice communities that were fundamentally structured by illegal commerce. Between the 1890s and the mid-1920s, vice neighborhoods thrived in New York City and Chicago in part because of African American women “in-migrants” who turned to sex work. Mumford demonstrates that northern white employers’ racism precluded many black women from obtaining “legitimate” employment, which led them into illicit occupations.29 The number of black prostitutes along with black women’s arrests, convictions and imprisonment for sex work soared, particularly in the wake of the Great Migration of the 1910s. In both New York and Chicago, black women’s criminal practices and incarceration correlated closely with rising “in-migration.” This dissertation expands Mumford’s analysis of sex work as a crucial part of the black immigrant experience to other forms of criminal work, especially theft and other crimes against property.

In her book on late nineteenth and early twentieth century women felons in New York City, Cheryl Hicks corroborates much of Mumford’s analysis. She also examines black women reformers’ ideological and activist relationships with black women felons. The working-class or impoverished status of most black women in-migrants made them vulnerable to the rigors of northern life: race and gender discrimination, financial hardship, spousal violence, single motherhood, all of which they experienced in isolation from extended families left behind in the South. Yet most black women reformers, who were primarily from the middle class, did not focus on the pressures that encouraged

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these women to commit crimes. Instead they believed that weak morals led poor black women to engage in criminal activity and construed the North as a morally corrosive force. Still, female reformers sought to “redeem” black women criminals from a life of vice by instilling “respectability” in their incarcerated “sisters.”

Unlike most black activists, most white women reformers automatically assumed that black women who committed crimes were beyond help. While many white reformers held all women prisoners—native-born white, European immigrant and black—in low regard, they viewed black women as irretrievably “fallen.” These reformers reserved their harshest moral judgments for black female criminals, who they perceived as genetically prone to criminality and as hardened and unapologetic felons. In fact, when most white women reformers fixed their gaze on black women prisoners, they often did not see women at all – they saw “mannish” individuals who lacked the femininity and thus respectability of their white counterparts. Activists who focused on prison reform drew from a long tradition of racialized and gendered tropes about black women. Deborah Gray White has interrogated antebellum whites’ racist, sexist imaginings of black women as “non-women,” and therefore, suitable for compulsory public toil as well as physical and sexual violence at the hands of white men, women and children.30 These antebellum views survived into the late nineteenth and early twentieth centuries, but took on a different salience as northern whites sought to subjugate the rising number of African Americans in the region using new mechanisms of racial and sexual control.

Yet despite the limited views of most middle-class reformers, some “fringe activists” challenged the racist perspectives of their peers and the gendered perspectives

of other prison reformers. This dissertation explores Madeleine Doty’s reform philosophies and practices, in particular, as an example of fringe activism.

Auburn’s African American women inmates, like Philadelphia’s black women criminals and New York’s and Chicago’s sex workers, illuminate new mechanisms of control and blacks’ resistance to them. And at least in this case, those black women’s challenges to penal repression were inspired in part by the efforts of white fringe activists. These black women stand firmly at the historical intersection of race, class, gender, sexuality and the legal system in the modern United States. Just as Philadelphia’s black women criminals negotiated their female identities inside the judicial system so, too, did black women sent to Auburn prison. Yet their identities were shaped beyond the judicial system as well. Images of the black female offender were constructed in the white and black press, in the “scientific” studies of criminologists and other social scientists, and in the popular views of the larger society. Moreover, accused and convicted black girls and women in the North were compared implicitly and explicitly with their native-born white and European immigrant neighbors.

In The Condemnation of Blackness, Khalil Gibran Muhammad charts the inaugural use of crime statistics in the 1890s to demarcate African Americans as genetically wired to commit crimes. White male criminologists’ crime data confirmed white reformers’ crime studies (and vice versa) locating the crimes of poor native-born and European immigrant whites as symptomatic of poverty not biology. Crime among native-born white and European immigrants, then, could be eradicated through social service programs that provided English literacy classes, childcare, moral instruction, wholesome leisure activities, and jobs. Because criminality was defined as endemic in
blacks, there was no “cure” for their genetic affliction. There was no need to offer resources and employment to a morally unsalvageable race. Intense police surveillance, harsh sentences, and incarceration would protect law-abiding whites from a criminal (black) race. In this way, Muhammad argues, crime statistics converged with reformers’ discourses on crime to “write crime into race” and construct blackness as a marker of criminality, which justified discriminatory law enforcement practices and reformers’ deliberate exclusion of blacks from social service programs.  

My dissertation demonstrates that black women prisoners viewed themselves as workers, lovers, mothers and sisters – both fictive and adoptive – as well as members of an imprisoned class. Auburn’s imprisoned women defined and defended their personal identities and (formally revoked) civil rights in a variety of ways that included criminal activity. While black women sought help from a variety of individuals and organizations, they often could not depend on white folks, black men or the so called “justice system” to protect their minds, bodies, spirits and personal rights. Instead, black women who engaged in illegal activities and those who served time in prison for such activities drew strength from internal resources and they relied on each other. They deployed a range of open and hidden practices in order to circumscribe white prison officials’ control of their time, work, sexuality and psycho-emotional worlds. African American women’s hidden resistance tactics outside the penitentiary have been intensively examined by scholars such as Stephanie Camp, Robin D.G. Kelley and Tera Hunter.  

This dissertation will explore these practices in the more confined spaces behind prison walls.

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32 Stephanie Camp, Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South (Chapel Hill, NC: The University of North Carolina Press, 2004); Robin D.G. Kelley, Race Rebels:
Yet the identities and relationships formed by black women prisoners would not have produced a utopian community. Instead, black women inmates’ personal identities generated prison communities delineated according to age, labor practices, skin color or complexion, criminal activity, sexual or sensual and platonic interpersonal relationships, and other factors that distinguished one group from another. Since prisoners were not segregated by race some women’s networks and interpersonal relationships transgressed the color line and included European immigrant, native-born white as well as black prisoners while others were race-specific. Additionally, conflict among women prisoners as well as with prison guards and officials defined the daily life of most inmates.


Chapter 1
“Steal or Starve”:
Women’s Criminal Work as Survival and Defiance, 1893 to 1914

“It was Steal or Starve,” a New York City newspaper headline declared just days after New Year’s 1893.34 The story offered a tacit acknowledgment that some of the women, men, and children who committed theft did so not as the result of an immutable moral defect, a desire to flout authority, or an addiction to the thrill of lawlessness. Instead, some people stole in order to meet their basic life needs; crime meant survival.

Another newspaper quoted a law enforcement official who openly sympathized with a woman accused of theft. The magistrate and the press believed that if she was guilty of stealing it was because she sought to help her family to endure the wretched poverty in which they lived. Journalists’ reported that Mr. Walter Verk, a native-born white man, and the driver of a bread delivery truck, insisted on bringing charges against Mrs. Emma Hodgens, a white woman, for allegedly stealing two loaves of bread “valued at ten cents.”35 The magistrate pled with him not to do so even though he did not necessarily believe Mrs. Hodgens when she explained that it was all a misunderstanding. Hodgens told him she was “in a hurry” to feed her “two children, who had had nothing to

35 “For Taking Bread. Two Little Ones at Home Crying, While Mrs. Hodgens is Haled to Court. In Line With Drunkards. Obdurate Employe (sic) of Baker Insists on Prosecution, Despite Her Protests,” Missing Paper Title (MPT) (New York, NY), 10 August 1900, Missing Page Number (MPN). District Attorney Scrapbook. Another article on the Hodgens incident entitled “Had Magistrates Sympathy. Woman Arraigned for Stealing Bread Pleads Extreme Poverty,” MPT (New York, NY), 10 August 1900, PNI (Page Number Illegible) identifies the bread delivery truck driver, the man who filed charges against Mrs. Hodgens, as “Zerk” (rather than “Verk”). It is unclear whether the driver’s actual last name is “Verk” or “Zerk,” so I refer to him only as “Verk” to avoid confusion in the stories re-telling. District Attorney Scrapbook.
eat for two days,” and her “ill husband...[who had been] out of work for some time...”

The reporter concluded that “she could not resist the temptation to take the bread,” but described Hodgens as emphatic in stating that she “fully intended to pay for it.” Mrs. Hodgens told the arresting officer that she took the bread from the wagon when its driver was making a delivery to the house that adjoined hers. She waited for him on the steps of the building, so that she could pay him. “I am not a thief,” she said. “I never stole anything in my life.”

Verk, however, claimed that he had been “been losing bread for weeks from this wagon,” so his employer told him that he must find the thief.

According to the newspaper, Verk left his truck to watch for the thief and “pounced” on Mrs. Hodgens “from a neighboring doorway before she had a chance to explain her intention.”

This implicit critique of the driver was echoed at Mrs. Hodgens’ arraignment where Verk also failed to win any sympathizers. The magistrate who heard Mrs. Hodgens’ case was described as “wrathful” by one reporter, who documented his indignant declaration that “[i]t will be a long time before I hold a woman for stealing bread.”

It is possible that the police had never arrested and the magistrate had never arraigned another white woman for stealing bread. That said, the frustration they voiced would likely have been absent, or at the very least less pronounced, had the thief been a woman of color. In Colored Amazons, a study of black women criminals between 1880

36 “For Taking Bread”; “Had Magistrates Sympathy. Woman Arraigned for Stealing Bread Pleads Extreme Poverty”.
37 “Had Magistrates Sympathy. Woman Arraigned for Stealing Bread Pleads Extreme Poverty”.
38 “For Taking Bread.”
39 Ibid.
40 Ibid.
41 “Had Magistrates Sympathy.”
person of color, was generally met with indifference or prompted outrage from the press, police and the magistrate rather than commiseration or pity. Because most white people believed that people of color, and blacks especially, were racially inferior and biologically defective, they expected them to engage in immoral and criminal behavior. Impoverished white women, at least those who were perceived as good mothers and dutiful wives, were largely immune from the stigmas attached to crime that haunted black women with similar motivations. In the Hodgens’ case the arresting officer reportedly apologized to the woman for taking her into custody. He addressed her as “madame,”

issued respectful requests rather than coarse demands, and chivalrously shielded her from public humiliation by instructing her to “[j]ust walk ahead of us [the officer and Verk] and no one will suspect that you are under arrest.”45

Significantly, New York County’s District Attorney Scrapbook from the years 1893 to 1901 did not feature a single article that showed white journalists, police, or judges offering sentimental responses to women of color accused of a similar crime.46 In the South, white policemen had no problem arresting black women, men, and children who stole small amounts of food to sustain themselves and their families through wrenching poverty, hunger, and sickness.47 Instead, the theft of food by jobless or working poor black people served as an impetus for the postbellum South’s Pig Laws, which permitted judges to strip black men of the vote and sentence them, along with black women and children who defied the law, to prison camps where black boys as young as six were compelled to perform hard manual labor in deadly conditions for private white male contractors.48 While Pig Laws did not exist in the North, state

45 “For Taking Bread,” Ibid. In Female Offender, Cesare Lombroso references white policemen in late twentieth century France who routinely practiced (racial) paternalism in their interactions with poor white mothers who abetted or committed small-scale theft crimes. One policeman chose not to arrest a mother who sent her child out to beg while the mother stayed home and nursed a sick child. The policeman was so moved by the mother’s severe impoverishment that in addition to not arresting her he gave one hundred francs. Lombroso writes, “[I]n the case of women, the police have constantly not the courage to commit women for begging.” Cesare Lombroso and William Ferraro, The Female Offender (New York, NY: D. Appleton and Company, 1895), 213.
46 District Attorney Scrapbook, 1893—1901.
48 Curtin, Black Prisoners and Their World, 43; Holloway, “‘A Chicken Stealer Shall Lose his Vote’,,” pp. 936—942, 954, 958; Oshinsky, Worse Than Slavery, 40—41. Each postbellum southern state implemented its own Pig Law penalizing the theft of animals. Pig Laws were specifically designed to target African Americans the overwhelming majority of whom were severely impoverished. Some blacks stole animals in order feed themselves and their dependents. The penalty for such thefts – for which African Americans were disproportionately arrested, convicted, and incarcerated – included disfranchisement, providing a way to strip the vote from newly enfranchised freedmen. Mississippi’s version of the Pig Law is instructive.
authorities, police, judges and juries used laws against theft and non-rehabilitative custodial prisons to penalize and persecute black people disproportionately. Moreover, most white journalists and the white public supported laws that punished the theft of food items worth less than a few dollars, which resembled those in the South.49

The criminalization of “survival” crimes rooted in poverty hit African Americans, including women, particularly hard. As Historian Cheryl Hicks states, in general, black “female offenders…were…desperate for stability in housing, employment, and wages.” In short, they were “women in crisis,” whose “problems…[were] common” among “black women and their communities…”50 Scholar Kali Gross adds,

Black female criminals cannot be regarded as complete anomalies within the black community at the turn of the twentieth century. Though arrest, conviction, and incarceration set them apart from their poor, working-class counterparts, the distinction does not negate a larger shared experience. On the contrary, the age, education, and economic status of black female criminals typified those of the larger group of African American women…though frequently women who committed crimes occupied the most disenfranchised strata of the community. Their crimes often illustrate circumstances and themes as well as motivating factors distinct from those of white female, white male, and black male offenders, Indeed, there was a method to their madness.51

And that method was the use of crime as a mechanism of survival, and even a kind of work. This was not necessarily “madness,” however, but a rational, and for many women, moral response to constrained or absent choices and limited or inaccessible resources.52

Pippa Holloway explains, “Between 1874 and 1876 four southern states significantly expanded the definition of felony to include property offenses previously defined by statute as misdemeanors. In three of these four states, conviction under these new laws also brought disfranchisement; the fourth added this penalty two years later. Mississippi’s 1876 ‘Pig Law’ is perhaps the best known of these. Before 1876, Mississippi law had defined grand larceny (a felony) as the theft of anything valued at more than twenty-five dollars. The Pig Law expanded the definition of grand larceny by reducing to ten dollars the value of stolen goods needed to trigger this felony-grade conviction,”which resulted in disfranchisement. Holloway, Ibid. ” See also, Laws of the State of Mississippi, Chap. 57 (1876), 51-52; Mississippi Senate Journal (Jackson, Miss., 1876), 495; John Bouvier, Bouvier’s Law Dictionary and Concise Encyclopedia (3rd revision, 8th ed., 3 vols (Kansas City, MO., 1914), II, 1553-54.

49 Gross, Colored Amazons, pp. 10, 4, 40, 50—54, 62—65, 71, 73; Hicks, Talk with You Like a Woman, pp. 4, 16, 149—154.
50 Hicks, Talk with You Like a Woman, 4.
51 Gross, Colored Amazons, 4.
52 For contemporary sources and scholarly interpretations, see note 10 above.
This chapter focuses on the criminal work performed by African American women in the late-nineteenth and early twentieth century North and sets it in the larger context of dominant society’s racist-sexist ideologies and white policemen’s, judges’, juries’, and journalists’ responses to crime. I use the term criminal work intentionally. Since the 1980s, feminist scholars have revised traditional definitions of prostitution as a crime or sin and have analyzed it, instead, as a form of sexual labor or sex work. A similar lens can be used to interpret and understand the use of illegal means to earn wages, acquire subsistence goods, and for the rare woman gain substantial wealth. With this in mind, I define particular illegal activities as a type of work although, not surprisingly, some kinds of criminal work are race, class, and gender specific. I am especially interested in jobless and working poor black women’s subsistence or “survival crimes” as a major form of criminal work, although other more lucrative crimes are also included in this analysis. Just as sex work includes streetwalkers, high-end escorts, and madams, criminal work embraces petty theft, forgery, and even grand larceny. Indeed, brothel owners who no longer provided sexual services to clients might better be thought of as criminal workers than sex workers. Still, simple theft was the most common form of criminal work and a critical site that white legal officials, journalists, and the white public perceived as key to black women’s illegal activity.

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Classifying as work some of the crimes women committed is not meant to imply that the offenders are not responsible for their crimes or that their crimes are just. As Kali Gross observes, “[D]iscrimination does not wholly account for black female criminality, and it does not absolve the perpetrators.” She continues, “Crime and criminal offenders germinate from both the perpetrators and the society in which they live. The criminal acts bespeak a range of motivating factors, as African American women’s decisions to break the law open a window on their desires, rage, and values (or lack thereof). The crimes, too, delineate the limits of the perpetrators’ autonomy as well as the scope of the obstacles they face.” Still, re-conceptualizing some of black women’s crimes as work allows scholars to analyze the degree to which these women, in the years following emancipation, were at once free and unfree and to explore the structural constraints on their lives, the institutional and individual forces motivating their legal transgressions, and their moral relationship to their crimes.

The survival crimes that defined poor women’s criminal work pulled many northern African Americans into a criminal “justice” system that was deeply prejudiced against them. A large proportion of them were recent migrants from the South, who moved to northern cities like New York in hopes of improving their economic and social conditions. And while it is true that some African American women and men found respite from southern violence and the chance to make a decent living, many others

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54 Gross, Colored Amazons, 155.
55 For nativity statistics of women imprisoned at Auburn, see The Superintendent of State Prisons of the State of New York’s Annual Report for the Prison for Women, 1893—1900. New York State Library, Albany, NY; Registers of female inmates received, 1893—1933, Auburn Correctional Facility, Records of the Department of Correctional Services. New York State Archives and Records Administration. State Education Department Albany, NY. See also Hicks, Talk with You Like a Woman, pp. 130—132, 305nn. 26, 32 and 36; Dodge, “Whores and Thieves of the Worst Kind”, 123; Kali Gross’s findings on Philadelphia’s black female criminals shows the same disproportionate incarceration rate of southern black women migrants. In Pennsylvania’s Eastern Penitentiary just over fifty-percent of black female inmates were non-natives; slightly more than forty-percent of them from the South. Gross, Colored Amazons, 160.
discovered that it was impossible to survive in their new home without resorting to activities considered criminal by the larger society.\textsuperscript{56} Given the extreme poverty and white racism enmeshed in the intersecting oppressions that contextualized and inspired the crimes black females committed, it is “[u]nsurprisin[g], says historian L. Mara Dodge, that “African American women were sentenced for stealing significantly smaller amounts than white women….”\textsuperscript{57} White newspapers across the country supply examples of these small-scale thefts for which most of New York State’s (and the nation’s) black women were arrested, convicted and imprisoned. On Sunday, January 1901, a white reporter for Virginia’s \textit{Richmond Dispatch} issued a two-sentence statement on a local woman’s theft of food. “Mary Bland, a colored woman, was charged with stealing a cabbage from a store on Hull Street.”\textsuperscript{58} The mayor (and magistrate) fined Bland five-dollars for her crime, which she “deeply regretted.” Other than noting that Bland’s crime and remorse made the court “very interesting” for the adjudicator, the journalist supplies no other information about the case. Did Mary Bland have anything in common with Emma Hodgens beyond the theft of food worth less than a dollar? Did Bland steal food because she could not afford to pay for it and needed to feed herself and/or her dependents? Or was Bland nothing more than

\begin{itemize}
\item \textsuperscript{56} For contemporary examples of black female migrants from the South and natives to the North employed in the illegal economy, i.e., women I classify as criminal workers, see Cesare Lombroso, \textit{The Female Offender}; pp. 209—210, 212. See also “Bachelors Rooms Invaded. Two Colored Women Walked Into Mr. Johnson’s Apartment Uninvited and Stole His Valuables,” \textit{The New York Times}, 1 January 1901. District Attorney Scrapbook; “Black Girl Robbers,” \textit{Telegram} (New York, NY), 2 June 1893. District Attorney Scrapbook; “Dealer in White Slaves Sent to Auburn Prison,” \textit{The Duluth News Tribune}, 27 May 1910. America’s Historical Newspapers. 25 February 2008. For scholarly examples that I analyze using the criminal work concept, see Mumford, \textit{Interzones}, 93—117; Wolcott, \textit{Remaking Respectability}, 93—132.
\item \textsuperscript{57} L. Mara Dodge adds that black women were convicted for stealing “goods valued at $46” while white women were convicted for stealing goods worth $142 between 1895 and 1911, “the only period when prison clerks dutifully recorded the value of stolen items in the convict registers.” Dodge, \textit{Whores and Thieves of the Worst Kind}, 92.
\end{itemize}
a petty criminal who stole because she was indifferent to or contemptuous of society’s laws? How would Bland respond to the reporter’s observation that she was apologetic? Why was “she sorry she stole” the cabbage? The fact that most black women in the South lived in grinding poverty and survived on low wages from exhausting domestic work and the help of family and friends suggests that it was less likely that Mary Bland stole cabbage due to hostility toward the law or a misdirected quest for adventure. It is more likely that an economic and moral imperative to sustain herself and/or her dependents through poverty motivated Bland’s crime.\textsuperscript{59} As Cheryl Hicks notes, and as the responses to Mary Bland’s and Emma Hodgens’ arrests indicate, “[m]aking unfortunate choices did not always result in incarceration, but when it did, black women were more vulnerable than white women to being seen as criminal.”\textsuperscript{60}  

A story in the \textit{New York Times} on a habitual – or hard working – Baltimore burglar is typical of press reports in that city on black women’s food thefts. On January 29\textsuperscript{th}, 1887, a “colored woman” was not just arrested for stealing food, she was shot. Wagner, Everson & Rountree, a “wholesale grocery” in Baltimore, Maryland, had been the target of a relentless criminal worker, Ms. Mary Jones, who repeatedly stole “sugar and other articles.”\textsuperscript{61} Determined to catch the thief, one of the store’s white owners waited for the sugar bandit. “Shortly after 6 o’ clock…[in the] morning…. [a] person was seen to enter by a rear window, but in the darkness it could not be discovered that it was a


\textsuperscript{60} Hicks, \textit{Talk with You Like a Woman}, 3.  

woman, and Mr. Rountree, of the firm, fired a shotgun at the figure, which fell inside the building.” The reporter’s comment on Ms. Jones’ sex suggests that the shooter might not have used his gun had he known the perpetrator was female or that the journalist thought potentially fatal gunshot wounds were a high price for a female offender to pay for repeated burglaries even if she was black. The article described Jones’ “wounds...[as] not serious” even though hospital staff removed “173 shots...from her side, arm, and shoulder.” Confusion over the perpetrator’s gender identity also implicitly invokes racist-sexist tropes that define black females as masculine “non-women,” their bodies and (perceived) immorality construed as so far outside the bounds of feminine respectability that they are not “true” women at all.62

The same short write-up of the incident appeared in several white newspapers across the country.63 It says that Jones’ criminal work augmented her legal job at a

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62 For an extended analysis of this trope as it applies to incarcerated black females, see Chapter Two. Also see note 34 in this chapter. In their historical analyses of female homosexuality in prison, L. Mara Dodge, Estelle Freedman, Sarah Potter, and Cheryl Hicks examine white prison officials’ heightened anxieties about interracial lesbianism. These authors show that Progressive era white administrators construed black women as “authentic” lesbians who seduced white women into “temporary” lesbianism, Freedman, “The Prison Lesbian: Race, Class and the Construction of the Aggressive Female Homosexual, 1915—1965,” Feminist Studies, Vol. 22, No.2 (Summer 1996), 397, 404, 409. In this way, black lesbians were constructed as masculine predators who targeted (quasi) virtuous feminine white women, thereby rupturing the ordered penal environment. White authorities did not evince the same concern about white women inmates in same-race homosexual relationships. Homosexuality was not encouraged, but when white and “colored” women became romantically and/or sexually involved, the offending parties were punished. Freedman, Potter, Hicks, and Dodge show that anxieties about heterosexual miscegenation, particularly among black men and white women, were reproduced behind prison walls. In women’s prisons, white administrators fashioned their own miscegenation saga out of racial and sexual fears in which masculine black female predators functioned as substitutes for rapacious black male brutes. Dodge, “Whores and Thieves of the Worst Kind”, pp. 147—148, 237—238, 309n.6, 297n. 15. For a discussion of prison lesbianism, in general, see, also, Dodge, 8, 142, 145—148, 191, 155, 221—222, 229—230, 234—240, 249, 309n. 5, 310n. 9; Freedman, “The Prison Lesbian,” pp. 397—423; Cheryl Hicks, “Bright and Good Looking Colored Girl”: Black Women’s Sexuality and ‘Harmful Intimacy in Early-Twentieth-Century New York.” Journal of the History of Sexuality Vol. 18, No. 3 (September 2009): 421—422, 428, 435, 439—441, 447—448, 450; Sarah Potter, “‘Undesirable Relations’: Same-Sex Relationships and the Meaning of Sexual Desire at a Women’s Reformatory during the Progressive Era.” Feminist Studies, Vol. 30, No. 2, The Prison Issue (Summer 2004): 394—415.

restaurant that was adjacent to the grocery, that “her stealing was always done in the early morning,” that she had “several hundred pounds of [the wholesaler’s] sugar” and other goods in her home, and that she would be tried for her crimes. Unlike Emma Hodgens and so many white women who committed property offenses, the article does not reveal the motives for Jones’ crimes – whether she used stolen goods to augment poverty-level wages or help care for dependents, for instance. And while the journalist does not explicitly condemn Jones for her crimes, he does not sympathize with her either.

Of additional import is the fact that New York City’s white newspapers failed to report the small-scale theft crimes for which most of the state’s and nation’s black women were arrested, convicted and imprisoned. The over-representation of black women’s more serious property crimes, such as Mary Jones’ chronic burglaries, and the invisibility of less severe offenses that typified black women’s crimes, such as Ms. Mary Bland’s cabbage theft, fueled flawed stereotypes of black female criminals. Contrary to the images that prevailed in mainstream media, public opinion and social scientific discourses, black women who committed theft were very much like the impoverished white women with whom white reporters and officials sympathized. In her statement to the parole board, for example, a black woman imprisoned at Auburn “revealed that her arrest for [theft]…occurred when her husband was ‘sick and out of work.’”

Like Emma Hodgens, this black woman committed theft in response to economic hardship. But

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64 Inmate #964, vol. 4 (1912—1917). Minutes of Meetings of Board of Parole, 1905—1952, Auburn Correctional Facility, Records of the Department of Correctional Services, Division of Parole, New York State Archives, State Education Department, Albany, New York as cited in Hicks, *Talk with You Like a Woman*, 149.
Hodgens received empathy from white officials and reporters, and ultimately gained her freedom. The black woman received a grand larceny conviction and a prison cell. A journalist for The Chicago Defender, one of the nation’s prominent black owned and operated newspapers, addressed the general problem of discriminatory sentencing when they declared that, for accused black and white women “the punishment seldom fits the crime.” The reporter attributes such sentencing to the misdirected chivalry of all-white male juries: “[W]here a woman is concerned, and no matter how strong the evidence is against her, the jurors in their effort to be gallant deal with her as gently as the law allows and in many instances free her where the evidence is seemingly all against her.” Yet this logic does not apply to black women as the journalist notes:

Perhaps the sentencing of three Afro-American women during the past year to terms varying from fourteen to thirty years, can be explained in some other way that does not savor of prejudice, but to a casual observer it bears all the earmarks of the demon, especially when it is noted the punishment meted out to white women who committed crimes as serious. This aforesaid gallantry apparently is tinged with colorphobia for the jurors had no scruples about giving the Afro-American women the full extent of the law. And they doubtless received what they deserved, but why not impose the same sentences upon the white women offenders? Here we rest our case.

Details about the minor property crimes committed by most black women, much less information on discriminatory sentencing, did not appear in New York City papers. Instead, they documented black women’s crimes only when the offenses were serious and/or violent and unlikely to elicit public sympathy and frequently when the victims were white. Furthermore, the most serious crimes tended to receive more extensive

66 Ibid.
67 In Chapter Two, I discuss in greater detail the white press’s tendency to stereotype black female criminals as irrationally and unjustifiably violent – their violent crimes symptomatic of their masculinity and promiscuity. In contrast, white reporters’ portrayals of white female criminals included “mannish” women who engaged in unjustifiable, savage violence, but also women whose violence emerged from their economic and sexual vulnerability, their violent crimes a response to violations of their feminine virtue. See p. 1—43. See also Dodge, “Whores and Thieves of the Worst Kind”, pp. 23, 58—59, 116, 291n. 11; Gross,
coverage in the white press, especially when they involved violence, whereas low-level thefts were the subject of terse reports or entirely ignored. White media, then, exaggerated the scale, severity, and frequency of black women’s crimes. In so doing, white journalists radically distorted the reality while shaping the public’s perception of black women and their offenses. The majority of black females who committed crimes in New York were employed women responding to poverty, mainly through small-scale theft, and their criminal activity was largely intra-racial and non-violent. Yet the white press both constructed and reinforced the dominant society’s myth of the black female offender whose preferred victim was white and whose brutality rivaled that of any male criminal.

The black female offender was thus clearly distinguished from her white counterpart as uniquely depraved. Historian Kali Gross describes white media depictions of black female criminals as “Colored Amazon…caricatures [that] broadcasted themes of white supremacy….” She continues, “Stigmatized as the ‘blackest’ of criminals, the Colored Amazon’s immorality and ruthlessness set her apart from white female and black male criminals and powerfully underscored white masculinity…. Reports of black women’s crimes presented a false, damning portrait of both black

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68 Historian Cheryl Hicks asserts that many black women committed property crimes after they “grew weary of working at physically exhausting domestic-service jobs that paid badly and of residing in wretched housing.” Hicks, Talk with You Like a Woman, 149.

69 I elaborate on the archetypal black female criminal in Chapter Two. For analysis of white media discourse exaggerating, distorting, and misrepresenting the criminal activity in which blacks engaged, see Bederman, Manliness and Civilization, 45—60; Curtin, Black Prisoners and Their World, 42—61. On the crimes of black females, specifically, see Dodge, “Whores and Thieves of the Worst Kind”, pp. 23, 58—59, 116, 29In. 11; Gross, Colored Amazons, pp. 23—25, 65—71, 74—81, 101—107, 111—119, 123—126, 128, 137—138; Hicks, Talk with You Like a Woman, pp. 3, 49, 61, 76—77, 114, 116, 17—129, 132, 134, 138, 142, 150, 151, 186, 196, 203, 210, 225, 254, 256, 272, 275, 304n. 16; Rafter, Partial Justice, 143.
female criminals and black womanhood. The images often cloaked the victimization of black women—within the justice system and in the eyes of the public.”  

In addition, one black woman’s criminal behavior was often projected onto the entire race while the crimes of white women were taken as indicators of individual moral failings, and not of deficits afflicting the white race en masse. White journalists’ portrayal of black female criminality thus reflected, appealed to, and exploited the dominant society’s racist-sexist ideologies.

President Theodore Roosevelt (and former New York City police commissioner from 1895 to 1901) acknowledged white society’s propensity to stereotype all blacks as criminal in a speech he gave black college students at Hampton Institute in 1906. He proclaimed, “The negro criminal, no matter at whose expense the particular crime may be committed, is a hundredfold more dangerous to the Negro race than to the white race, because he tends to arouse the bitter animosities, the bitter prejudices, for which, not he alone, but the whole race will suffer.” Roosevelt impressed upon his audience that “while the good man of your race may be a help to other races, just as much as to yours, the bad man of your race is infinitely worse for them than any other.” In spite of the President’s focus on men, his observations on the hegemonic racial scripting of crime were applicable across gender lines. Indeed, white newspapers profited from spotlighting the crimes of individual black women and they did so at the expense of black

70 Gross, Colored Amazons, 126.  
71 On Roosevelt’s tenure as New York City’s police commissioner at which time he waged a vigorous anti-vice campaign, see Richard Zack. Island of Vice: Theodore Roosevelt’s Doomed Quest to Clean Up Sin-Loving New York (New York, NY: Doubleday, 2012).  
73 Ibid.
communities nationwide. Thus black women accused of crimes were frequently tried and convicted multiple times; first by the white policemen that suspected and then later arrested them, then, in the press, third, in the courts, and finally in the social scientific studies that purported to explain their criminal behavior.

Justice John Marshall Harlan, a rare jurist who sympathized with black people, highlighted the ubiquity of white people’s racist assumptions about African Americans. Justice Harlan departed from late nineteenth century race and gender conventions by extending patriarchal protection to a black woman. Linda Przybyszewski’s biography on Harlan, most famous for his dissent in Plessy v. Ferguson in 1896, examines the...
jurist’s internalization of antebellum black-white relations. Przybyszewski, Ibid. Growing up on a slaveholding plantation, “Harlan learned a sense of white obligation to black dependents in his father’s house.” Notions of racial paternalism shaped southern patriarchs’ self-identities. In principle, at least, these white men were duty bound to protect their wives, children and their slaves. Marshall grafted his understanding of master-slave relations onto his perception of appropriate relations between whites and freedpeople in the post-Civil War South. His dissent in Plessy and “his demand for the legal equality of blacks rested on...[his] paternalism.” Harlan was not the only white male jurist of his time whose verdicts were informed by a racialized paternalistic consciousness. In 1876, another Washington, D.C. white male justice (sarcastically referred to as the “chivalrous judge” by one New York Times reporter) went as far as to refuse to implement a white jury’s decision to execute a black woman for killing her husband on the grounds that it was simply not gentlemanly to hang a woman.

On the whole, white judge’s paternalistic sympathy for black women accused of a crime was rare. White men’s paternalism and chivalry was not accessible to most black women because the majority of late nineteenth and early twentieth century whites did not consider them “ladies.” Ladyhood was a white woman’s status, and one that was largely the province of middle and upper class members of the race. In 1875, Mr. John R. Lynch, an African American Congressman, noted most white people’s refusal to acknowledge

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77 Przybyszewski, Ibid.
78 Ibid.
79 Ibid.
81 On the late nineteenth to early twentieth century definition of black women as the racial, gender, and sexual antithesis of the “ladyhood” ideal accessible to white affluent women alone, see Gross, Colored Amazons , pp. 35, 115, 186n. 111; Hicks, Talk with You Like a Woman, pp. 8, 57, 126—127, 128, 134; Rafter, Partial Justice, 143, 145; Wolcott, Remaking Respectability, 16. On racist-sexist-classist ladyhood mythologies in the antebellum South, see Gray White, Ar’n’t a Woman?, 27—61.
black women’s status as ladies:

Under our present system of race distinctions a white woman of a questionable social standing, yea, I may say, of an admitted immoral character, can go to any public place...and be the recipient of the same treatment...courtesy...and...respect that is usually accorded to the most refined and virtuous; but let an intelligent, modest, refined colored lady present herself and ask that the same privileges be accorded to her that have just been accorded to her social inferior of the white race, and in nine cases out of ten, except in certain portions of the country, she will not only be refused, but insulted for making the request.  

While perhaps overstated, the congressman’s observation that some respectable white people were willing to grant legitimacy to “immoral” white women’s claims to ladyhood is evidenced in the press’s treatment of some white women involved in the illegal economy. 

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83 “‘Millions Paid By Women to Police Yearly’—Mrs. Goode; Remarkable Underworld Character Names Scores More of Resort Keepers, Some Under Police Station Eaves, Who Yield Blackmail—Asks Inspector Dwyer Why He Hasn’t Closed Them—Her Life Threatened.” New York American, 13 December 1912, District Attorney Scrapbook. For a contemporary example of the “underworld network” of commercial vice and white female criminals’ respectability, or similar cases of sympathetic portrayals of white women involved in major crimes and police corruption, see “Woman Bettors Story of Pool-Room Raid and Night in Station House. Made to Stand Up All Night and Subjected to policemen’s Jeers,” New York World, 7 June 1900, MPN, District Attorney’s Scrapbook. This article, in a white New York paper, reported on the affluent white woman proprietor of an illegal “gambling resort” with an exclusively wealthy white female clientele. For black reformers’ counter-discourse on the irredeemability of black female offenders and the need for social and legal services that provide all black females, criminal and the law-abiding alike, with sexual protection, see Victoria Earle Matthews. “Protecting Colored Girls.” New York Tribune, March 30, 1905 as cited in Hicks, Talk with You Like a Woman; Matthews, “Some of the Dangers Confronting Southern Girls in the North.” Proceedings of the Hampton Negro Conference, 2 July 1899: 62—69; Matthews, “The Colored Race, North and South: Boys Compelled to Work in Chain Gangs at the South: Girls Sold to House of Ill-Fame at the North.” Witness (1899), Item #493, Hampton University New Clippings File, Hampton University, Hampton, Virginia; Hicks, Talk with You Like a Woman, pp. 92, 94, 107, 115, 126, 218, 240, 33. See analysis as well in Bederman, Manliness and Civilization, 3—4; Freedman, Their Sisters’ Keepers, pp. 10, 126—130, 146—148; Mumford, Interzones, pp. 10—12, 16—17, 20—22, 43, 109—111, 184—185n. 6, 187n. 37, 190n. 19. For black reformers’ views, see Hicks, Talk with You Like a Woman, pp. 107, 218; Mumford, Interzones, 194n. 29. On the “quasi-respectability” white male reformers and patrons ascribed to white female sex workers and madams, see Mumford, Interzones, pp. 56—58, 65, 70, 96—98, 100, 103—104, 107; and Timothy Gilfoyle. City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790—1920 (New York, NY: W.W. Norton & Company, 1994), pp. 70—75, 92, 95, 99, 103, 276, 278—283. Mumford also discusses white and non-white male patrons’ perception of white and black sex workers as respectable. pp. 56—58, 65, 70, 96—98, 100, 103—104, 107. On black male patrons’ perception of black female sex workers as respectable, see Wolcott, Remaking Respectability, 111. For an example of criminological discourse structuring social scientists’
Racist-sexist discrimination against accused and convicted women, while disturbing, is hardly surprising in a system of justice racked by scandal in the late nineteenth and early twentieth centuries. No tier of justice administration was free of corruption. New York City journalists published numerous accounts of police graft, and corruption on the part of district attorneys, governors, and prison officials. In this context, white brothel madams, like white women prisoners, manipulated the racialized and classed ideologies of gender, either intentionally or inadvertently, to win the support of the press and clemency from officials. In 1912, *The New York American* published an article on the "‘Millions Paid By Women to Police Yearly’." Here a white journalist, presumably male and heterosexual, constructs the white female proprietor of a brothel as respectable even as he describes a wellspring of illicit deals between “police[men] of the West Sixty-eight street station” and women who owned and operated brothels in lower and uptown Manhattan. A white woman using the alias “Mary Goode,” whom the *New York American* called a “Remarkable Underworld Character,” was described as “[a]lmost prudish in appearance.” At her own admission, Mrs. Goode owned a “disorderly resort,”


a house of prostitution, on New York’s Upper West Side and had been paying for police protection for two years. Despite these facts, “Mrs. Goode looked little like a woman of the underworld,” the reporter concluded. “Her face was framed in a brown plush hat, which would have looked particularly severe except for a small spray of white feathers…[s]he spoke in phrases as clear cut as her features.” Clearly in this journalist’s perception, Mary Goode did not fit the traditional criteria for women who made a career of defying the law. Her dress, speech, gait and facial structure, according to scientific racists, provided ample evidence that she was not inherently criminal or a threat to white civilization. Her career as a brothel madam aside, in the white press’ purview, Mary Goode was a respectable woman.85

The reporter stated that Goode had “drifted” into criminal work. His choice of words suggests that the woman was pulled into New York City’s criminal industry accidentally rather than self-consciously. Like so many “fallen women,” she did not choose to enter the business of commercialized vice. Rather, the commercial vice business chose her. Friends told the reporter that Goode had been “renting a furnished flat from a woman that seemed to enjoy a large income. The landlady became her friend, and one day told her, if she was only ‘wise to New York’ she, too, could become rich.” Unmarried, childless, living alone, and apart from her family, the journalists represents the sex industry as having kidnapped a virtuous, high classed white woman, and seduced her with the promise of profit.86

According to popular racial and gender ideals, native- and foreign-born white women, especially those who were middle and upper class, were not innately immoral or

85 Ibid.
86 Ibid.
prone to crime and vice. When white women like Goode engaged in illegal activity, then, they had “fallen” from a moral pedestal. This compromised their racial superiority, but it was still possible to restore them to their rightful place. Racially inferior, inherently immoral women of color, however, were regarded as vice prone. And black women specifically were perceived as irredeemable. In the retelling of Goode’s life story, the white press raised the specter of the fallen woman, but only because she was the proprietor of a commercial vice business. To mainstream journalists, Goode’s moral fall stopped far short of a total abdication of hegemonic values. Even as a white woman who facilitated and profited from the sex trade (probably hiring mostly or exclusively native- and foreign-born white females), white reporters were impressed with Goode’s financial success and perceived her as having maintained her (white) feminine virtue and respectability in the criminal underworld.

Mary Goode agreed with the press’ positive assessment of her character, though she did not appear to see herself as vulnerable or too weak willed to resist the forces on which she “drifted” into a life of crime. In Goode’s retelling of the story, she made a

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For an analysis of the discourse on the redeemable white “fallen woman” and the irredeemable “colored” female criminal archetypes, and black reformers’ counter-discourse on the latter, see Chapter Two. For a contemporary example of white reformers’ views on the redeemability of most white women criminals, see Frances Kellor, “Psychological and Environmental Study of Women Criminals”, American Journal of Sociology 1, No. 4. (January 1900), 527—543; Susan B. Anthony, “Social Purity,” 14 March 1875, in Up From the Pedestal: Selected Writings in the History of American Feminism, ed. Aileen S. Kraditor (Chicago, IL: Quadrangle Books, 1968), 161. For black reformers’ counter-discourse on black female criminals’ irredeemability, see Matthews. “Protecting Colored Girls”; “Some of the Dangers Confronting Southern Girls in the North”; “The Colored Race, North and South: Boys Compelled to Work in Chain Gangs at the South: Girls Sold to House of Ill-Fame at the North.”. For historians’ analyses of black reformers’ counter-discourse on black women’s irredeemability, see Hicks, Talk with You Like a Woman, pp. 92, 94, 107, 115, 126, 218, 240, 33. On the “fallen woman” ideology, see Freedman, Their Sisters’ Keepers, pp. 40—45, 79—87, 89—125. For examples of white prison officials’, reformers’ and scientists’ perceptions of some law-breaking or incarcerated white females as quasi-respectable, see Dodge, “Whores and Thieves of the Worst Kind”, pp. 15, 55—59, 111—114, 121—124, 159—161, 178—181, 185—186, 198, 263, 282n. 2, 293n. 20; Mumford, Interzones, pp. 56—58, 65, 70, 96—98, 100, 103—104. On (mostly black) male patrons’ perceptions of black female sex workers as quasi-respectable, see Wolcott, Remaking Respectability, 106—113.
conscientious, economically pragmatic choice to become a criminal worker. And this choice did not require her to relinquish her status as a respectable lady. Indeed, Goode told *The New York American* that “before entering the life of the underworld…she mingled with women of the highest culture.” When she became a brothel madam, she was simply following the wise “advice” of a friend. And the madam “insist[ed] she was not ashamed of her calling.”

Other white women targeted in investigations of police graft also crafted an image of themselves as respectable ladies who had been victimized by predatory policemen and male criminals. This image held great currency in a mainstream press dominated by heterosexual white men. When these journalists represented women brothel owners and gamblers sympathetically in their reports, they demonstrated their own chivalry by carrying out the rhetorical rescue of white women victimized by corrupt policemen. When law enforcement agents pursued the perpetrators of police graft, they too engaged in a crucial performance of white racial manhood, that is, the chivalrous defense of white women’s honor.

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88 Ibid.
89 Lizzie Dean wrote an editorial for *The World* describing her arrest for gambling at a “women’s pool-room” patronized by an exclusive clientele: elite white women. The fact that *The World* gave Dean a platform to express her views, which implies the paper’s endorsement, distinguishes her from poor women and men who committed but were subsequently prosecuted and convicted of the same crime. The white press’ approval of Dean’s position (i.e., that she should not have been arrested or arraigned for breaking the law) decriminalized gambling at a de facto level (or in the realm of white public opinion) for elite white women. Dean decried the “terrible experience of being bundled into the patrol wagon” with thirty three other women gamblers, all of them white women, “and carried to the station.” Dean was certain that it was a night she would not “ever forget.” For a description of what Dean considered a harrowing experience and reporters’ positive descriptions of her sister gamblers, see “Woman Bettors Story of Pool-Room Raid and Night in Station House. Made to Stand Up All Night and Subjected to Policemen’s Jeers,” *The World, 7 June 1900, MPN. District Attorney Scrapbook*. In contrast, the District Attorney Scrapbook featured articles for the years 1893 to 1901 that frequently derided black women accused of a smaller range of crimes – most often theft, occasionally assault, and rarely murder or suicide – as dark, ugly, unremorseful, and/or violent. Women of color who received praise from white reporters and witnesses were always perceived to be mixed race – specifically, “mulattos” or “quadroons.”
The ideological origins of the ladyhood archetype evolved out of the Victorian ideal of “true womanhood,” which defined “ladies” as morally pure, pious and submissive wives and mothers, who confined their work to the domestic or private sphere. A life bereft of public toil (or wage work) and the heavy, dirty work performed by hired servants was only available to the economically elite. “The term… ‘ladyhood’,” says historian Jacquelyn Dowd Hall, “denoted… frailty, graciousness… chastity,” the core elements of feminine virtue.  

When an anonymous writer for the *Independent* asserted in 1904, “I cannot imagine such a creation as a virtuous black woman,” she succinctly articulated popular beliefs. Since the majority of black women performed physical labor and, regardless of class status, were perceived as sexually promiscuous “Jezebels” – a mythology that was contemporary with and oppositional to the true woman ideal – the latter was clearly intended to apply solely to white women and mainly those of the middle and upper classes.  

In her 1895 treatise, *Southern Horrors*, Ida B. Wells, a middle class black reformer, took stock of the devastating consequences of these racist-sexist archetypes:

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A leading journal in South Carolina openly said some months ago that ‘it is not the same
thing for a white man to assault a colored woman as for a colored man to assault a white
woman, because the colored woman had no finer feelings nor virtue to be outraged!’ Yet
colored women have always had far more reason to complain of white men in this respect
than ever white women have had of Negroes.\(^3\)

Despite the tradition of white men targeting black women, and all women of color, for
sexualized violence at a higher rate than women of their own race,\(^4\) whites constructed
females of their race as emblematic sexual victims whose purity was threatened mainly
by the “lust” of “black beast rapists.”\(^5\) At the same time, the image of black women as
promiscuous temptresses placed them well outside the bounds of (white) feminine
respectability and contributed to the elision of the disproportionate sexual violence they

\(^3\) Wells provides many examples of black women and girls’ exclusion from legal protection against white
male sexual and gender violence, including this one: “In Baltimore, Maryland, a gang of white ruffians
assaulted a respectable colored girl who was out walking with a young man of her own race. They held her
escort and outraged the girl. It was a deed dastardly enough to arouse Southern blood, which gives its
horror of rape as excuse for lawlessness, but she was a colored woman. The case went to the courts and
they were acquitted.” Ida B. Wells, *Southern Horrors: Lynch Law in All Its Phases* (New York, NY: New
York Age Print, 1892), 9.

\(^4\) Ida B. Wells insisted that Southern white men were the true rape addicts. Rape, in fact, was a cultural
tradition, a conventional entitlement wielded by southern white men in the slave South. Wells, *Southern
Horrors*, 11—12. See also Bederman, *Manliness and Civilization*, 58—59. For an especially powerful
examples of white men and boys’ sexualized gender violence against black women and girls in the
antebellum era, see Harriet Jacobs, *Incidents in the Life of a Slave Girl* (Boston, MA: Dover, 1861), 27—
30; and Victoria Earle Matthews, “The Awakening of the Afro-American Woman,” (New York, NY:
Victoria Earle Matthews, 1897), 8, James Weldon Johnson Memorial Collection of Negro Arts and Letters,
Yale University, Beinecke Rare Book and Manuscript Library, New Haven, CT. This issue has been widely
analyzed by scholars. See, for example, Sharon Block. “Lines of Color, Sex, and Service: Comparative
Sexual Coercion in Early America” in Martha Hodes, *Sex, Love, Race: Crossing Boundaries in North
Woman?,* 27—61; Dowd Hall. “The Mind That Burns in Each Body:”, 328—349; Darlene Clark Hine,
“Rape and the Inner Lives of Black Women” in *Hine Sight: Black Women and the Re-Construction of
of Love, Labor of Sorrow: Black Women, Work and the Family, From Slavery to the Present* (New York:
describes the Ku Klux Klan’s “organized [physical] and sexual assault raids” on black women and girls in
*Southern Black Women’s Lives and Labors After The Civil War* (Cambridge, MA: Harvard University

\(^5\) Bederman, *Manliness and Civilization*, pp. 47, 59, 75. Historian Leon Litwack states that, as late as 1907,
Ben Tillman delivered a speech to the U.S. Senate, one that he had given to hordes of white southerners
throughout his career, where he boldly stated that “[j]ust so long as negro men... outrage white women,
white men will slay without mercy, judge, or jury negro men.” See Leon Litwack, *Trouble in Mind* (New
York, NY: Vintage Books, 1999), 303. See also pp. 156, 162, 212—214, 221, 258, 267, 280—283, 293,
suffered at the hands of white male perpetrators. Despite the tragic reality of black women and girls’ sexual vulnerability, the stereotype of immoral and promiscuous black females preying upon white men (and women\textsuperscript{96}) endured and, in turn, justified discrimination against them in employment, education, social services, law enforcement, and the press.\textsuperscript{97}

The judges deliberating on cases in which black women and girls had been victimized sexually (or otherwise) embodied and “promoted white male authority… [They] possessed the power to regulate and admonish those challenging” white male power in the institutional, individual, public, and private sphere\textsuperscript{98} – including the private spaces over which white men wielded power indirectly, such as the homes of jobless and working poor women, especially women of color. Men and women of all races who perpetrated acts of sexual and gender violence against black women and girls, then, frequently escaped arrest, prosecution, conviction, or incarceration because the subjugation of black females whether sexual or otherwise ultimately protected white men’s power at every level.

\textsuperscript{96} Chapter Two examines white reformers’ construction of the sexually predacious masculine black female prisoner who targeted white females as sexual and romantic companions. See also Dodge, “\textit{Whores and Thieves of the Worst Kind}”, pp. 147—148, 237—238, 309n.6, 297n. 15. For a discussion of prison lesbianism, in general, see, also, Dodge, pp. 8, 142, 145—148, 191, 155, 221—222, 229—230, 234—240, 249, 309n. 5, 310n. 9; Freedman, “The Prison Lesbian”; Hicks, “‘Bright and Good Looking Colored Girl’”; Potter, “‘Undesirable Relations’”.


\textsuperscript{98} Gross, \textit{Colored Amazons}, 123.
Nonetheless, African American women, across class lines, defined themselves as ladies even as they debated the meaning of the term. Sometimes black women invoked these debates in a white male dominated legal context. For example, in the late nineteenth century South, Ida B. Wells and other courageous black women claimed their right to first class accommodations on railroads using entreaties to white patriarchal protection. These women challenged the validity of racially segregated “ladies” cars – accessible to white women paying a first class fare – on the grounds that they too were ladies.

Barbara Welke states that “[p]ersonal status” – the privilege of being considered a lady – “was one of women's most valued rights.” According to Welke, black women plaintiffs who won their cases did so because their arguments for inclusion were based on personal rights and gender equality. Access to the same accommodations as white women on common carriers would not totally subvert the South’s race and gender hierarchy, which

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100 Barbara Welke. “When All the Women Were White and All the Blacks Were Men: Gender, Class, Race, and the Road to Plessy, 1855-1914.” Law and History Review, 13 (Fall 1995): 261—316.

101 Ibid., 291.

102 Kali Gross argues that black women who were victimized by unjust laws or crime yet were denied justice in a white male dominated legal system were impacted, in part, by popular mythologies of black female criminality. Racist-sexist caricatures of black female offenders, she says, “impugned black victims’ morality and recycled and transplanted central themes of the Colored Amazon narrative, hindering black women’s abilities to obtain justice.” Gross, Colored Amazons, 132.
placed a premium on whites’ paternalistic relationships with black people. Still most of these victories were overturned in higher courts. At the same time, in (conscious and unconscious) defiance of affluent black and white people’s beliefs, poor black women who kept a clean house, raised their children to be polite, attended church regularly, and considered their dress, speech, and carriage as a mark of dignity, claimed ladyhood status in their community.\textsuperscript{103} But could black women who stole to support themselves or their family make such claims even among African Americans?

One rationale black women might have used to justify their behavior was the positive relation between their crimes and the mainstream economy. Poor people and scholars have recognized the importance of \textit{informal} economies – barter, exchange, and the door-to-door sale of homemade goods as well as theft – in sustaining \textit{formal} economies.\textsuperscript{104} For example, a woman steals bread to feed her husband and children, who then have the nourishment to perform legal wage labor in the formal economic sphere. Alternatively, a mother who does not feed herself may not survive to care for her children. Her children, then, become society’s “burden,” who must be cared for by state-financed institutions that are paid for with taxpayers’ money.\textsuperscript{105}

\textsuperscript{103} For a detailed discussion of poor and working class black women’s conceptions of their respectability and status as ladies despite their poverty and/or involvement in crime, see Gross, \textit{Colored Amazons}, 98—99; Hicks, \textit{Talk with You Like a Woman}, pp. 2, 3, 8, 14, 19, 55, 75—78, 83—84, 99, 126—127, 136, 138—141, 151, 156, 157, 272; Wolcott. \textit{Remaking Respectability}, pp. 26, 31—34, 102, 108, 110, 113, 116, 118, 123, 125—130, 136—139. For a discussion of legally employed poor and working class black women’s self-identification as “ladies,” see note 66 above.


\textsuperscript{105} Hicks, \textit{Talk with You Like a Woman}, pp. 196—200, 273.
Regardless of their justifications, in the late nineteenth century, poor black women tried in the North’s criminal courts did not benefit from the racial paternalism that shaped the rare victories of more affluent black claimants in the South’s civil courts. In both the North and South, the vast majority of black women accused of crimes were subject to penalties by judges and juries bent on protecting white women, men and children from a criminal class assumed to be beyond redemption.106

**The South’s Escapees Face Hard Times and Hard Time**

Black migrants from the South were fully aware of the dangers created by a society in which the law was regularly flouted. In the post-Civil War South, white mobs brutalized the bodies, and thereby, the psyches of African Americans. After ratification of the Thirteenth, Fourteenth and Fifteenth Amendments to the U.S. Constitution in the 1860s, a period of possibility and turmoil marked the nation. The period known as Reconstruction proved an ideological and physical battleground soaked in the blood of formerly enslaved African American women, men and children as well as their white

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allies.\textsuperscript{107} Termed the “the Nadir” of African American history, the period left behind a grief laden landscape and a growing and increasingly black penal population.\textsuperscript{108}

While most African Americans remained in the South despite the ever-present threat of physical violence, growing numbers traveled northward in the 1880s to places like New York City, hoping to escape racist mobs. The New York County papers made clear the difficulties facing such fugitives from Jim Crow. In August 1900, a seething mob of white men and women numbering anywhere from “several hundred” to three thousand, hunted a “colored” man in the streets of midtown Manhattan to exact retribution for his alleged crime: “ogling white women.”\textsuperscript{109} Indeed, August 1900 was a hotbed of racially motivated group violence. On the twentieth of that month, a mass of “enraged whit[e]” men attacked an African American man named Brennan Williams, who they had mistaken for someone else.\textsuperscript{110} The crowd had been pursuing another black man who responded to a gang of white boys “hurling epithets” at him by “fir[ing] three [gun] shots.”\textsuperscript{111} The man’s bullets missed the boys, and instead, hit a passerby, Brennan


\textsuperscript{109} \textit{The New York Press}’ initial report estimated that “several hundred men” chased an African American man later identified as William Jackson. The paper’s second article stated that “three thousand...men and women...pursued” Jackson. “Cried ‘Lynch Him!’ In Broadway. Crowd Tries to Attack Colored Man Accused of Ogling Women,” \textit{The New York Press}, 10 August 1900, MPN. District Attorney Scrapbook.


\textsuperscript{111} Ibid.
Williams, twice “in the back and on[ce] in the breast.”112 Thinking the wounded Williams, a black man, was the shooter, the horde of white men “seized...[him] and had nearly torn his clothing from his body when the police interfered.”113 Williams, the only clear victim in the situation, was the only person arrested.

The tide of racial violence had been waxing in New York long before the summer of 1900. In 1893, The Sunday Mercury analyzed the region’s lynching crimes. The paper reported that New York County had “fifty percent more lynchings than legal executions.”114 Significantly, The Mercury referred specifically to “lawless hangings,” and not all extra-legal summary executions.115 Mercury reporters concerned themselves with the “urgent” and “staggering” question of whether Lynch Law or Legal Executions governed New York County and the nation.116 The publication conceded that the U. S. murder rate swelled despite the fact that “murder is punishable by death in all the States except Rhode Island, Michigan and Wisconsin.”117 Conspicuously absent from the paper’s discussion of the intensification of lynch murders was the racial demography of those who carried out and were targeted for punishment. Whites’ racial terrorism against African Americans in the post-Civil War South has been well documented by historians and social scientists.118 But, when New York County newspapers reported a dramatic

112 Ibid.
113 Ibid.
114 “Law or Lynching, Which? This is What the Murder Question Has Come to,” The Sunday Mercury, 7 May 1893, Ibid.
115 Ibid.
116 Ibid.
117 Ibid.
increase in crime, they were not especially concerned with the criminal violence that stalked the area’s residents of color. Instead, the press bemoaned only the deteriorating quality of life caused by mounting attacks on white New Yorkers.

The press’s outrage was partially a reaction to what was seen as an assault on the racial privilege and personal security of white residents and was initially targeted on the inadequate law enforcement “regime.” By The New York Recorder’s calculation, a lazy police department made fewer arrests for major crimes in 1895 than the year before and a defunct D.A.’s office was complicit in their negligence. The white public was thus vulnerable to unrelenting criminal attacks. Between June 1st and Oct 1st of 1894, the police made a total of 1,840 felony arrests and 30,768 misdemeanor arrests. The following year, felony and misdemeanor arrests totaled 1,677 and 34,641 respectively. Journalists interpreted the decrease in felony arrests as the result of a decline in effective law enforcement and the increase in misdemeanor arrests as an escalation of the crime rate. “Crime Stalks in Our Streets,” The New York Recorder blared; “the People Are Not Protected.” New York City has been overtaken by “A Reign of Terror!” where “Brutal Murder and Robbery [was] Rampant.” The city had been besieged by “Hold-Ups, Thefts and Suicides...Crimes Awful Carnival,” another paper concurred, noting the

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120 Ibid.
121 Ibid.
122 Ibid.

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“Startling and Growing List of Unpunished Felonies.” The Recorder asked police Commissioner Theodore Roosevelt to comment on the county’s crime rate. He replied, “It is not true. It is a lie by a paper that seeks to discredit this department.”

But the Commissioner’s forceful assertions failed to sway the Recorder’s reporter, who concluded that there were just “[t]oo [m]any crimes.” The article captured New York County residents’ frustration over the crime wave that seemed to surge unchecked:

It is indisputable that the number of crimes committed in these days in and near New York City is unusually large. Burglars and sneak thieves are uncommonly bold and audacious...Robberies of all sorts have been committed in private houses, in apartment houses, and in places of business...to a greater extent than in previous years...The criminals who carry on their depredations in this quarter of the United States are amazingly reckless and daring...

The press was especially concerned with the ardency of thieves, who were perceived as preying on a population of undeserving innocents. “New Yorkers...must no longer shiver with apprehension lest their homes be invaded by burglars or their property be taken form them by criminals of any sort,” an 1895 editorial proclaimed. “This is a serious emergency and it should be met [ineligible] immediately.”

The numbers support the journalists’ claims that overall crime had increased while the suppression of more serious crimes – felony thefts (grand larceny) and murders – had declined. However, the blame for the surge in outlaw activity did not necessarily

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126 Ibid.
127 Ibid.
rest on the shoulders of law enforcement officials alone. The class hierarchy produced by capitalism and the economic inequality endemic to its proper function created a context in which crime could flourish. Mr. Hugh O. Pentacost, a white male attorney and former minister, made this point explicitly in an address at the Liberal League Hall in the early 1890s. He “declared that no police force could eradicate the ‘social evil.’ That could only be done...by removing the cause. Poverty was the cause.”

Pentacost, like so many whites who agreed with him, was probably addressing the root causes of crime among native- and foreign-born whites since dominant discourses identified racial inferiority and the immorality it yielded as the source of black criminality.

Black reformers, a minority of white reformers, and most importantly, some poor black residents advanced counter-discourses. They agreed with Pentacost that most of the crime in black communities was a response to poverty. But they argued that this poverty was exacerbated by discrimination.

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130 For an analysis of what historian Khalil Gibran Muhammad labels “racially liberal” (i.e., forward thinking among contemporaries but still racist or quasi-racist) and anti-racist discourses that identify poverty as the source of most crimes that black women, men, and children commit, see Chapter Two. For contemporary examples of the minority of progressive era white reformers (whom I call “fringe activists”) that believed poverty is the root cause of the crime that people of all races commit, see Madeleine Z. Doty, Society’s Misfits (New York, NY: The Twentieth Century Company, 1916); Thomas Mott Osborne, Within Prison Walls (New York, NY: D. Appleton and Company, 1915). For an example of a racially liberal white reformer’s discourse, see Frances Kellor, “The Problem of the Young Negro Girl from the South.” See also Gross, Colored Amazons, pp. 10, 4, 40, 50—54, 62—65, 71, 73; Hicks, Talk with You Like a Woman, 4, 16, 149—154; Muhammad, The Condemnation of Blackness, 35—145.
Theft, perhaps the major form of criminal work, was both a symptom of and a response to poverty. Some criminal workers operated independently while others were employed by illegal institutions involved in vice. A minority – like Ma Baker and Jesse James – acquired great wealth and prestige among both outlaws and law-abiding citizens. But most criminal workers moved temporarily or seasonally into illegal ventures when other means of survival failed. Although statistics for this kind of criminal work are nearly impossible to establish, it seems likely that the majority of these workers made enough to survive but little more. And even though many were aware that the punishment if caught could be severe, criminal workers often did what they did because their backs were slammed hard against an immovable wall of limited economic choices. “It was Steal or Starve,” criminal work or homelessness, illegal ventures or death. For women especially, criminal work in the late nineteenth and early twentieth centuries meant bare survival for those with few or no other options.

African American women could easily find themselves in situations that forced them to decide between crime and survival. Most late nineteenth century African American women who resided in the North were southern migrants. The majority journeyed North between the 1880s and the 1910s, attracted by the hope of escaping the abject poverty that ensnared virtually all black southerners. They also sought to leave behind the virulent racism that made black girls and women sexually vulnerable to any white man. Given the particularly vicious convergence of racism, sexism, and classism on the lives of black women, it is easy to understand why many decided to make the long

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journey to the North’s bustling urban centers. The mothers of these newcomers had toiled in the fields and homes of white southerners “with the hope that their sons and daughters would one day escape from the Cotton South.”133 Some of their children did escape, only to find themselves bound again, this time at Auburn State Prison.

It appears that most “escapees” to New York who ended up at Auburn State Prison for Women had made their way North alone, trying to survive without the help of family or friends. Newcomers to cities like New York who found themselves isolated from the emotional and financial support of traditional African American kinship networks were more vulnerable to the hardships, vices, and malevolent characters of a new region.134 As Jacqueline Jones notes in her foundational work on African American life in the post-Civil War South, black women were abjectly poor, but they did not carry the weight of poverty’s burdens alone. The 1880 and 1900 census reveals that most black women shared homes with husbands (approximately eighty-six and eighty-two percent respectively) in nuclear families of four or five members.135 In the North, while escaping some of the brutality of their former homes, the vast majority of black women were still confined to the “dirty, tedious, low-paying” long hours of domestic labor.136 Live-out black household workers toiled from sunrise to sunset, on average, for four to eight dollars monthly while employers accessed the emotional and physical labor of “live-in” domestics around the clock – just like slaveholding whites did in the pre-Civil War

133 Jones, Labor of Love, Labor of Sorrow, 79.
134 See Jones for a detailed discussion of the centrality and utility of kinship networks to African American southerners’ economic survival; For a cogent argument on New York black women’s economic vulnerability, and vulnerability to incarceration in the absence of supportive kin, see Cheryl Hicks, “Confined to Womanhood: Women, Prisons, and Race in the State of New York, 1890—1935” (Ph.D. diss., Princeton University, 1999).
135 Jones, Labor of Love, Labor of Sorrow, 84.
136 Ibid., 127.
Only a tiny minority of black women acquired industrial jobs and then only to perform the hardest and most dangerous labor.\textsuperscript{138} The meager wages and severely limited occupational choices did little to help black women survive the unceasing economic depression that the overwhelming majority of African Americans faced in the late nineteenth century.

Certainly other urban women also faced economic hardship and narrow occupational choices, but there was a qualitative difference in the options available to native-born white and European immigrant women compared to African Americans.\textsuperscript{139} In the late 1800s, factory jobs were dominated by white and European immigrant men, but tens of thousands of native-born and foreign-born white women were also employed in industry. Jones states, “[W]hite working-class women in the North clearly preferred the most grueling factory work over domestic service, and their entrance into the clerical and manufacturing sectors left an increasing proportion of black women to scrub floors, make beds, and cook meals for [white] employers.”\textsuperscript{140} While both European immigrant and African American parents faced financial strains that made it necessary for their children to work, African American children performed wage work at even earlier ages, sometimes as young as four years old. And their families often combated even more severe poverty than did immigrants from Europe.\textsuperscript{141} While most native-born white and many European immigrant women had moved out of domestic work into department

\textsuperscript{137} Ibid; See also Hunter, “To ‘Joy My Freedom’”, and Gray White, Ar’n’t I a Woman?, 49—55.
\textsuperscript{138} Jones, Labor of Love, Labor of Sorrow, pp. 152—166, 178.
\textsuperscript{141} Chicago School of Civics and Philanthropy, “Employment of Colored Women in Chicago”; Jones, Labor of Love, Labor of Sorrow, 178. See also Gross, Colored Amazons, 4; Hicks, Talk with You Like a Woman, pp. 16, 36—37.
stores, factories, and offices by the late nineteenth century,\textsuperscript{142} significant numbers of German and Irish immigrant females and African American females did household work in the North. It was the women at the bottom rungs of this racial and economic ladder, the poorest women, who were most likely to be drawn into criminal work.\textsuperscript{143}

In 1913, Louise De Koven, a white middle class reformer, iterated some of these complex factors as an explanation for black females’ criminal activity:

\begin{quote}
[Y]oung colored girls, like the boys, often become desperately discouraged in their efforts to find employment. High school girls of refined appearance, after looking for weeks, will find nothing open to them in department stores, office buildings, or manufacturing establishments, save a few positions as maids in the women's waiting rooms. Such girls find it continually assumed by the employment agencies to whom they apply for positions that they are willing to serve as domestics in low class hotels and disreputable houses. Of course, the agency does not explain the character of the place to which the girl is sent, but on going to one address after another she finds that they are all of this kind.\textsuperscript{144}
\end{quote}

De Koven was convinced that the discriminatory practices of employment agencies was one of many “causes which…account for a great amount of delinquency among the colored boys and the public opinion which would so carelessly place the virtue of a colored girl in jeopardy.” Moreover, African American women’s disproportionate and more acute poverty made access to kinship networks vital to their survival, whether or not they performed legal or illegal work. For migrant southerners attempting to eke out a living in the North without the support of biological or fictive kin, it is not surprising that some supplemented wage work with “criminal work” or relied entirely on illegal work to sustain them.

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\textsuperscript{142} See note 108.
\textsuperscript{144} Louise De Koven Bowen, \textit{The Colored People of Chicago: An Investigation Made For the Juvenile Protective Association}, (Chicago, IL: Juvenile Protective Association, 1913), 260 and 268.
\end{flushright}
Stealing could be thought of as Ms. Lulu Thompson’s second job. She was legally employed as a domestic for a white family in New York County and illegally self-employed as a thief. Ms. Thompson’s “legitimate” job as a household servant provided an important context for her criminal work. When the press described her as “a colored lady of the duskiest hue,” they appeared to be evaluating both the complexion of her skin and her soul. At least once, she stole from her employer to demonstrate her affections for a particular gentleman – a “black Adonis” – or so the white press believed. The reporter temporarily set aside his preference for glibness when he wrote that Thompson was “...alleged to be an old offender at this domestic game of effecting a foothold in a house and then taking the first opportunity to depart for unknown latitudes with whatever of value might be in sight.”

Ms. Thompson “was charged with having stolen one thousand dollars worth of jewelry” and a comparable amount in cash from the home of Jerome M. Sherry in Long Branch, New York between mid-May and July 19th, 1900, the term of her employment there. The reporter, far more amused at the situation than Ms. Thompson, said that “the dusky damsel left the ocean swept shores of Long Branch.... [with] an escort of policemen... [who had] been seeking the pleasure of her company.” Unlike the officers who arrested Mrs. Emma Hodgens, the white woman who stole bread, Ms. Lulu

146 “Miss Thompson was in Court. Pressing Invitation by Police Held her. Was Domestic at Sherry’s. Decamped in July, Having, They Say, Many Valuables Belonging to Employer’s Family,” 13 August 1900, MPT, MPN. District Attorney Scrapbook.
147 “Miss Thompson was in Court. Pressing Invitation by Police Held her. Was Domestic at Sherry’s. Decamped in July, Having, They Say, Many Valuables Belonging to Employer’s Family,” Ibid.
148 Ibid.
149 Ibid.
Thompson’s “escort of policemen” did not offer to shield her from public shame by inviting her to walk ahead of them.\textsuperscript{150}

In court, Thompson stated that “she had pawned a pair of $400 earrings...$50...of which she had sent...to her mother who needed the money, and the rest she had spent on herself.”\textsuperscript{151} She had given the jewelry she had not pawned “to ‘her man,’ John Johnson,” whose whereabouts were unknown.\textsuperscript{152} Thompson’s household and criminal work permitted her to support herself, her mother, and perhaps, her romantic partner, who may have been jobless or among the working poor. However, neither the papers, nor the police, nor the judge was interested in the motives for Thompson’s crimes. In fact, the press was so disinterested in her case that they entirely abandoned the telling of Thompson’s story after just one article. When Emma Hodgens was arrested for stealing, the press, the police and the judge were extremely concerned about the reasons for her crime and the fact that Hodgens, her two children, and her sick husband had not eaten for two days. They had a great deal of empathy for her as a poor mother and wife, who was only trying to feed her family. Perhaps, Lulu Thompson had a sick or unemployed elderly mother, who lived by herself in the South. At the very least Thompson’s mother lived far enough away from her daughter that she had to send money to her. Since most late nineteenth century African Americans lived in wrenching poverty, it is possible that her mother would not eat unless Thompson provided her with cash. But white journalists, policemen, and the judge did not care to know. Their sympathy was inaccessible to Lulu Thompson.

\textsuperscript{150} Ibid.
\textsuperscript{151} Ibid.
\textsuperscript{152} Ibid.
One could argue that their lack of sympathy was tied to the severity of her crime. She far outdid Emma Hodgens in the extent of her theft. But as noted earlier, in the early 1900s white officials and the press sometimes placed financially successful female criminals in a positive light if they were white. In 1912, Mary Goode, the wealthy madam of a Manhattan brothel, was depicted as a lady of fine taste who had “drifted” into crime and was then led further astray by corrupt policemen.

Neither Lulu Thompson nor the hundreds of other black women who appropriated goods from the homes in which they worked were granted the concern or respect given Emma Hodgens or Mary Goode. Of course, Ms. Thompson committed theft on grand scale and thus did more damage to whites’ economic power and privilege than most criminal workers. According to historian Robin Kelley, black domestics in the late nineteenth century continued the tradition of “infrapolitical” resistance in order to maintain and make new cracks in the bulwark of white economic supremacy.\footnote{Robin Kelley, \textit{Race Rebels: Culture, Politics, and the Black Working Class} (New York, NY: The Free Press, 1994), pp. 7—9.} Kelley defines infrapolitics as the mostly clandestine, unorganized, daily acts of resistance working class minorities enacted against their oppressors.\footnote{In \textit{Race Rebels}, Kelley “rejects the tendency to dichotomize people's lives, to assume that clear-cut 'political' motivations exist separates from issues of economic well-being, safety, pleasure, cultural expression, sexuality, freedom of mobility, and other facets of daily life (emphasis mine).... Politics,” he says, “comprises the many battles to roll back constraints and exercise some power over, or create some space within, the institutions and social relationships that dominate our lives.” Kelley, \textit{Race Rebels}, 9—10.} He asserts that, when African American women household workers “pan-toted” or pilfered food from the homes of white employers, they engaged in such hidden resistance. These black domestics viewed “tak[ing] home leftovers, excess food, and redundant or broken utensils for their home use” as moral, their right, or an illicit “perk” of their hard labor.\footnote{Ibid. For a contemporary primary source testimony from a black domestic worker who pan-toted or who discussed the custom of pan-toting as an indispensible supplement to surviving on meager wages, see “I}
Kelley defines these women’s actions as a form of resistance because they used whites’ economic resources to supplement their low wages without their employers’ knowledge. In this way, black women challenged and resisted the economic constraints placed on them by the dominant society. In a social and economic context that greatly privileged whites and exploited blacks, black women took advantage where they could. Pan-toting permitted black women to stretch their wages, which could now be used to meet other needs, like buying a pair of shoes for a fast growing child, or paying a doctor’s fee for an ailing parent. The simple, surreptitious act of pan-toting allowed black household workers to transform jobs that did not provide them with sufficient means to make a living into jobs that did just that.

In some cases, the gap between pan-toting and outright theft was a small one. If Lulu Thompson, for example, had taken only the remains of the food she had cooked for white families or the cast off clothes she washed for them, she could have done so as part of a longer tradition of African American domestics appropriating goods from the homes of their white employers. And indeed, the thefts committed by most African American women imprisoned at Auburn came much closer to pan-toting than did Thompson’s since the vast majority of them stole small amounts of food, clothing, or cash and did so to support themselves or their immediate family rather than geographically distant or lovers. Yet we know this only from prison registers that recorded the items stolen since New York papers almost never covered petty crimes among black women, preferring to emphasize more dramatic cases like that of Lulu Thompson.  

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156 Registers of female inmates received, 1893—1933, Auburn Correctional Facility.
While most black women incarcerated at Auburn Women’s Prison were domestics who had been convicted of theft, Ms. Fannie Morris was among the unlucky minority of white women who were jailed for the crime. On Monday, August 13, 1900, *The Morning Telegraph* reported that Morris, a nineteen-year old white woman from Harlem, “wanted 19 cents to pay for a shirtwaist that was in the laundry.”\(^{157}\) To acquire the means to do so “she found it necessary,” says the paper, “to relieve Patrick Trainor...of a roll of bills amounting to $28.”\(^{158}\) Ms. Morris had met Mr. Trainor on 127\(^{th}\) Street in Harlem two days earlier. She asked him to treat her to a beer at a local saloon. They were in a backroom at the saloon where two of Trainor’s women friends, both white, joined them. Perhaps Trainor’s agreement to buy Fannie a beer led her to believe he would also consent to giving her money to retrieve her shirtwaist from the laundry. After all, she could safely assume he had the money since he was employed as a clerk at the nearby Payne Milling Company. Indeed, Patrick Trainor was willing to help Fannie Morris, but when he handed Morris a single dollar, she “grabbed the roll of bills he displayed and made for the door.”\(^{159}\) Trainor’s effort to make chase was thwarted by the two women that had joined the pair. The women “caught” Trainor as Morris made a successful escape – for about an hour, that is – until Policeman McLaughlin arrested her based on Trainor’s description.\(^{160}\) When the policeman arrested Ms. Morris she was wearing the freshly laundered shirtwaist, but she did not have the money that she lifted

\(^{157}\) “She Stole His Roll. And Now this Harlem Lady Languishes in a Prison Cell,” *The Morning Telegraph*, 13 August 1900, MPN, Roll # 26.District Attorney Scrapbook.

\(^{158}\) Ibid.

\(^{159}\) Ibid.

\(^{160}\) Ibid.
from Mr. Trainor. When she could not make the one thousand dollars bail that the judge
had set for her, she “languish[ed] in a [p]rison [c]ell” awaiting trial.\footnote{Ibid.}

No further information was provided about Fannie Morris, so it is not possible to
know if she was legally employed. If she was, she either did not make enough to satisfy
her expenses or to save the nineteen cents to have her shirtwaist laundered; or she may
have mismanaged her money, and consequently, could not pay to retrieve the shirtwaist.
No matter what Morris’s reasons were for turning to theft the crime for which she was
arrested – petty theft – is representative of the type of illegal activity for which most
women were imprisoned at Auburn between 1893 and 1933.

Whether Fannie Morris or Lulu Thompson were criminal workers depended on
why they committed their crimes. Assuming for the moment that the majority of African
American and European immigrant women incarcerated at Auburn were guilty of the
crimes for which they were convicted, then Morris and Thompson were certainly thieves.
The crime of stealing became work when it was undertaken to make a living or support
oneself or one’s dependents. Morris and Thompson certainly committed crimes, but were
they also stealing as a way to earn a livelihood? The press cited allegations that
Thompson was “an old offender at this domestic game,” that is, obtaining employment in
a household and then absconding with an indeterminate amount of cash and goods.
Repeatedly stealing in order to make a better living, not only qualifies Thompson as a
habitual offender, professional thief, and career criminal, but as a criminal worker. Using
the same interpretive lens to read Fannie Morris’s crime, we can conclude based on the
evidence we have that she was not doing criminal work since she apparently stole money
from Trainor simply to regain her shirtwaist, and then hid or split with her friends the additional funds she took.

New York County newspapers and court records do not allow us to determine definitively whether Morris’s or Thompson’s thefts were work, a whim, or even, an adventure. But in other cases, we can more clearly judge the intentions behind such acts. Mrs. Amelia Dunbar did not steal capriciously, or for leisure. Like Thompson, Mrs. Dunbar was a black woman who “ma[de] a business of stealing” from the whites who employed her “under the pretence of being a servant” (sic). In 1892, Dunbar was twenty-two years old and had migrated from her native Virginia to New York City some four years earlier. A week after Mrs. Levy posted an advertisement for a domestic in a local paper, Mrs. Amelia Dunbar came “call[ing] and was hired...” The Sun reported that Mrs. Dunbar was “in the house an hour...[when she] said that she didn’t like the place and left. Afterwards Mrs. Levy missed a sealskin cape.” She notified the police, who encouraged her to ask a friend to place another ad for household help. Levy’s sister purchased the ad, and not long after, Dunbar came calling and repeated her plan. But this time she was caught. A month later, she was convicted of grand larceny in the second degree, and sentenced to Auburn Women’s Prison for two years and one month.

Amelia Dunbar, who was not unfamiliar with prison life, spent four and a half months at Blackwell’s Island, New York before she was transferred to Auburn. She had been jailed at Blackwell’s earlier for two and a half years for the same crime, grand larceny. Auburn’s convict register shows that Dunbar identified herself as employed at the time of her arrest. Her occupation, like most of Auburn’s black women, is listed as

162 “Minnie Fell Into the Trap Set for Her.”
163 Ibid.
164 Ibid.
domestic. The sources do not reveal the circumstances surrounding Dunbar’s first crime, although she is likely to have been employed as a domestic in the home of another white family from whom she also stole cash or goods. The records clearly suggest that Amelia Dunbar had been a criminal worker while doing domestic work for at least two years. Thus although the amount she stole was much higher than the far more numerous group of women convicted for petty theft, she clearly saw such criminal activities as producing an important part of her livelihood.

The fact that the overwhelming majority of black women incarcerated at Auburn were southern migrants and either employed or unemployed domestics convicted of small scale property crimes – i.e., stealing or receiving stolen goods – is suggestive. Certainly the fact that Dunbar and many other Auburn inmates were married did not alleviate the economic pressures that compelled them to supplement legal work with criminal work. Indeed, family needs may have made criminal work more necessary. Even for Dunbar, the “business of stealing” may have been a matter of necessity if she stole in order to feed, clothe and shelter herself and her family.

Yet if stealing helped Dunbar survive, imprisonment for the crime killed her. On June 16, 1894, after a year and a half of imprisonment at Auburn, she succumbed to phthisis pulmonalis, or tuberculosis of the lungs. When the prison physician pronounced her dead at 4:30 PM, she was just twenty-four years old. Given the ubiquity of medical problems, like tuberculosis, among inmates, criminal work could exact a high price for the perpetrator and anyone who relied on her for the necessities of life.

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165 Registers of female inmates received, 1893—1933, Auburn Correctional Facility.
166 Ibid.
168 Registers of female inmates received, 1893—1933, Auburn Correctional Facility.
Like Mrs. Amelia Dunbar and Ms. Lulu Thompson, Mrs. Bertha Laws also used her position as a domestic worker to steal from her employers. But in this case, the crime far outstripped even Dunbar’s stolen sealskin cape, which was worth no more than a thousand dollars. Laws, who was just three years older than Dunbar and also married, swindled her employer out of somewhere between thirty thousand and forty thousand dollars. Dunbar’s case was heard in January 1893 by Justice Martine, who sentenced her to two years and one month at Auburn Women’s Prison. Laws, who had stolen considerably more from her employer, stood trial the same month before the same judge. But in this case, Martine decided that Laws should be imprisoned for only two years – one month shorter than the sentence he gave Dunbar.\(^{*}\)

Why were these women’s sentences so similar even though there was a significant difference in the worth of the goods obtained from their respective crimes? They were both domestics; they were both in their early twenties; and they were both married. Dunbar had one prior conviction for grand larceny while Laws was charged with two additional offenses – forgery and grand larceny – when she appeared before Judge Martine. What had Laws done to deserve such leniency?

Perhaps, neither woman had done anything. Dunbar was an African American woman. Laws was a native of Sweden.\(^{*}\) It is likely that prevailing race and gender ideologies influenced Martine as he deliberated on their sentences. If Laws was viewed as deserving because of her whiteness, then Dunbar was deemed undeserving because of her

\(^{*}\) Ibid; and “Bertha Laws’s Trial Adjourned. She Will Answer to the Charge of Forgery Ta-Morrow” (sic), 4 January Wednesday 1893, The Evening Sun, 92, Roll #14, District Attorney’s Scrapbook; “Mrs. Bertha Laws Again Arrested,” 5 January 1893, The New York Daily Tribune, 92, Roll #14, District Attorney’s Scrapbook; “More Charges of Fraud Against Bertha Laws,” 5 January 1893, New York Herald, 94, Roll #14, District Attorney Scrapbook.

\(^{*}\) Registers of female inmates received, 1893-1933, Auburn Correctional Facility.
blackness. While race and racial beliefs may not be the only reason these women received different sentences, existing evidence indicates that racial identity was the most conspicuous difference between them. But there was also a distinction in the charges they faced. Although both Laws and Dunbar had stolen goods worth twelve dollars or more (which qualified them both for grand larceny charges), Justice Martine found them guilty of different crimes. Dunbar was convicted of grand larceny while Laws was convicted solely of forgery (rather than forgery and grand larceny). Moreover, while Laws lived to have her sentence commuted a month before she served a full two years, Dunbar died in prison.

While it is unclear if Amelia Dunbar needed the proceeds of her crimes to sustain herself and her family, we do know that Bertha Laws managed to create a lifestyle far beyond her legal means, which indicates that she turned to crime for more than mere survival. Laws’ criminal work would have made her a wealthy woman if she had avoided being caught. Consul General Ruiz, Bertha Laws’ employer in Boston, said that the Swedish native “had exercised a strange influence over him” when she was his housekeeper. According to *The Evening Sun*, Laws had “hypnotiz[ed]... the aged Consul-General of Ecuador, into financial ruin.” The housekeeper, aided by “her accomplices...had convinced [Ruiz] that she was his illegitimate daughter.”

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172 “Bertha Laws’s Trial Adjourned.”
173 “Bertha Laws’s Trial Adjourned.” The following day *The Evening Sun* also refers to General Ruiz as Portugal’s consul. I chose to identify him as Ecuador’s consul because both *The Evening Sun* and *The New York Herald* did so in their articles. “More Charges of Fraud Against Bertha Laws. Larceny of a Diamond Ring from an Old Friend and Passing a Bogus Check on a Tradesman. Her return for Hospitality. Mrs. Keefe Welcomed Her and Gave Her shelter and Was Left Shivering on a Street Corner,” *The New York Herald*, 94, Roll #14; and “Bertha Laws Again Arrested,” *The Sun*, 92, Roll #14, both in District Attorney’s Scrapbook...
174 “Bertha Laws’s Trial Adjourned.”
Consul’s fatherly instincts, which perhaps included deep regret for having been absent from his daughter’s life, convinced Ruiz to give Laws “everything he had, between $30,000 and $40,000 dollars.”\textsuperscript{175}

This may explain how Laws posted three thousand dollars bail in order to gain her release after being charged with forgery in January 1893. But the very next day, \textit{The New York Daily Tribune} reported that “Mrs. Bertha Laws...[was] again in the hands of the police.”\textsuperscript{176} This time she was arrested while using the alias “Miss Lola Williams for passing a worthless check of $27,” a crime she had committed almost two weeks before her first arrest for forging two one thousand dollar notes.\textsuperscript{177} As Williams, she had used the bad check to buy a “$9 salad set” from E.D. Goetz, a salesman for the Japanese Trading Company in Manhattan.\textsuperscript{178} Goetz accepted “Williams’” check and gave her eighteen dollars in cash (after subtracting the nine dollars she owed him).\textsuperscript{179} Salesman Goetz deposited the check in Fifth Avenue Bank in Manhattan; and when the bank “returned the check as ‘no good,’” he filed a complaint with the [bank’s] Central Office.\textsuperscript{180} When the Central Office was unable to identify “Lola Williams,” it supplied two detectives with her description.\textsuperscript{181} The detectives arrested “Williams” the same day she had bailed herself out of jail. When the woman was put before her second judge in twenty-four hours to answer this new set of charges, “she was held in $1000 bail” but was again released until her trial date.\textsuperscript{182} It was not long before detectives learned that “Lola Williams” was really Bertha Laws. They also “found that Mrs. Laws had stolen a

\textsuperscript{175} Ibid.  
\textsuperscript{176} “Mrs. Bertha Laws Again Arrested.”  
\textsuperscript{177} Ibid.  
\textsuperscript{178} Ibid.  
\textsuperscript{179} Ibid.  
\textsuperscript{180} Ibid.  
\textsuperscript{181} Ibid.  
\textsuperscript{182} Ibid.
diamond ring valued at sixty-five dollars from a Mrs. Keefe,” a woman Laws had been friends with for eleven years.\textsuperscript{183}

It is worth noting that not only did one judge allow Laws to buy her way out of jail until she stood trial, but a second judge also allowed her the opportunity for bail.\textsuperscript{184} Perhaps, Bertha Laws possessed an unflappable silver tongue. If she was able to seduce a foreign diplomat into thinking he was her father, it is possible that she was able to convince a U.S. judge that she was not a con artist or a thief. Or, maybe, it was the convergence of Bertha Laws’ whiteness, her femininity, and a judge’s race and gender beliefs that created the opportunity for her to twice obtain the bail order that would spare her days, weeks, and possibly months in jail. Unlike Irish immigrants, for instance, who were often considered not quite white, Swedish immigrants—many of whom settled farms in the Midwest—were defined as definitively white. The disparity in European immigrant, native-born white, and black women’s experiences of the criminal “justice” system in New York in the late nineteenth and early twentieth century suggests that Bertha Laws’ artful manipulation and white male judges’ racist-sexist conceptions led them to be more lenient with women they perceived as white and cultured than with women of color who they perceived as impoverished both economically and morally. It is also possible that Laws was highly skilled at wielding her femininity to manipulate powerful men whether they were judges or diplomats. The fact is that, in late nineteenth century New York, black women committed fewer crimes than European immigrant and native-born white women, and yet had a higher rate of arrest and conviction, received

\textsuperscript{183} Ibid; and “More Charges of Fraud Against Bertha Laws.”
\textsuperscript{184} “Mrs. Bertha Laws Against Arrested.”
longer sentences, were less likely to be paroled, and more likely to be re-arrested upon release.\textsuperscript{185}

Among female criminals forced to contend with the agents of law enforcement, the cards were dealt in favor of women like Bertha Laws long before a judge laid eyes on her or heard the circumstances of her case. Ultimately, Laws was convicted of forgery—not grand larceny. While she did not escape a prison term, her two-year sentence can be viewed as a good deal considering her history. Moreover, it would appear that only a mountain of evidence—two arrests in one day, four complainants, and stealing no less than thirty three thousand dollars—could diminish the combined force of her whiteness and femininity on the racist-sexist myths white male jurists had internalized.

Bertha Laws is just one of the many white European immigrant women incarcerated at Auburn for theft. Most of Auburn Prison’s native-born white women convicts had been convicted of the same crime. These white women prisoners, however, were significantly less reliant on theft as a form of criminal work than European

\textsuperscript{185} Registers of Female Inmates Received, 1893—1933, Auburn Correctional Facility; Annual Report of the Superintendent of State Prisons for the Year Ending September 30, 1913, pp. 116, 227, 249, Auburn State Prison for Women, New York State Library as cited in Hicks, \textit{Talk with You Like a Woman}, 131; U.S. Bureau of the Census, \textit{Negro Population}, 51 as cited in Hicks, \textit{Talk with You Like a Woman}. On the “racial double standard of justice,” see also Butterfield, \textit{All God’s Children}, 35—70; Curtin, \textit{Black Prisoners and Their World}, 3, 40—61, 113—129,168—169. On the discriminatory legal treatment and disproportionate incarceration of black women, see Ida B. Wells, \textit{Southern Horrors}, 9—10. And Dodge, “\textit{Whores and Thieves of the Worst Kind}”, pp. 4, 42, 117, 123. Dodge shows, for example, that between 1870 and 1930, Illinois State Prison for Women at Joilet’s female inmate population was consistently disproportionately black. Black women inmates’ numbers steadily increased from twelve percent in the 1870s to 48% in the early1900s, dropping to 36% in the1920s. This despite the fact that, in the 1870s, black women comprised seven percent of Illinois states’ total population and 21% between the years 1900 and 1930. Dodge provides a graph illustration of these statistics on page 117. See also pp. 6, 42, 122—123, 280n. 15, 291n. 19 in Ibid; Gross, \textit{Colored Amazons}, pp. 2—4, 40—43, 48—49, 123—124, 201n. 15; Hicks, \textit{Talk with You Like a Woman}, pp. 11, 16—17, 49—51, 56, 58, 59, 61, 64, 65, 66, 67, 84, 86, 88—89, 158, 160—161, 162, 166, 180, 188—193, 203, 252, 273; Holloway. “A Chicken Stealer Shall Lose his Vote”; Muhammad, \textit{The Condemnation of Blackness}, 232; Mumford, \textit{Interzones}, 94; Odem, \textit{Delinquent Daughters}, pp. 78—81, 185—186; Oshinsky. \textit{Worse than Slavery}, pp. 3—4, 14—15, 40—41, 96—99, 130—133, 168—177, 252; Rafter, \textit{Partial Justice}, pp. 11, 37, 87—89, 131—155. On the discriminatory legal treatment and disproportionate incarceration of white immigrant women, see Dodge, Ibid., pp. 6, 28, 73, 103—104, 115—116, 118—119, 289n. 35, 292n. 15; and of women indigenous to the Americas, see: 283n. 18, 292n. 15, 300n. 13.
immigrant and African American women. White women’s theft patterns align with those of black and white European women, however, in that they did the majority of their stealing outside their place of work. Catherine Paul’s case is instructive.

On January 1, 1901, Mrs. Catherine Paul, a native-born white woman, was brought before Judge Zeller after she was caught shoplifting at a dry goods store. “The store detective saw” Mrs. Paul’s seventeen year old daughter, Miss Mamie Paul, “take goods from the [shop] counter and hand them to her mother who placed the articles in a bag which she carried for the purpose [of stealing].”

Mamie told the court that “her mother had taught her to steal”; but Mrs. Paul sobbed before the judge “and begged...[him] for the sake of her children to let her go.” By making a case for her freedom based solely on her status as a mother, Catherine Paul invoked, and attempted to exploit, late nineteenth century tropes of motherhood. White women in the Victorian Era were obligated to protect their children, and white Victorian men, like Judge Zeller, were obligated to protect white women. Mrs. Paul’s plea for clemency expressed a privilege

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187 Ibid. For another contemporary example of white women using their status as mothers to appeal for clemency in court, see “Women Sent To Jail For Perjury,” The New York Times, 22 May 1885. Web. The New York Times. 3 August 2013. In this case, Mrs. Rebecca Merraot and Mrs. Margaret M. Cooley, sisters the press described as “women of good local repute,” appeared in a Madison, Wisconsin court for sentencing with crying infants in their arms. Merraot and Cooley had been convicted of perjury. They testified that their brother-in-law, “a [white] man named [James] Kirby had threatened their lives if they did not swear as they did, and that they had for years lived in mortal terror of him.” A journalist described the scene as “heartrending.” The sister “kneele[d] at the feet of the Judge [and] piteously plead for mercy ‘for their babies’ sakes’.” The reporter states that “Judge Braley, with tears in his eyes, said the law was inexorable, but he would fix the lowest penalty prescribed….two years in State prison” (emphasis mine). The mothers “then prayed and sobbed and uttered terrible shrieks as they were finally removed by the officers.” The law permitted the women to take their babies with them to the penitentiary. On nineteenth and twentieth century motherhood ideals and accused and incarcerated females, see Dodge, “Whores and Thieves of the Worst Kind”, pp. 11—23, 60—61.
188 For a discussion of the race-based archetypes of Victorian motherhood, see Bederman, Manliness and Civilization, 45—76; Hicks, Talk with You Like a Woman, pp. 57, 126, 288n. 17, 325n. 135. On Victorian motherhood ideals and accused and incarcerated females, see Dodge, “Whores and Thieves of the Worst Kind”, pp. 11—23, 60—61.
of white womanhood and white motherhood that neither black women nor black mothers could access. Perhaps, Mrs. Paul made a conscious appeal to the jurist’s racial paternalism. Or, maybe the humiliation of having made her child her “partne[r] in crime,” and thus failing to shield her from arrest and possible incarceration, led Mrs. Paul to weep in shame.  

Judge Zeller, however, was unmoved by her emotional display proclaiming, “Madame, your tears amount to nothing.” He rebuked her: “You are not content with being a thief yourself, but you teach this innocent little girl to steal. I am compelled to discharge you, as the [dry goods store]...does not wish to prosecute you. But I must say that I have never discharged a prisoner with so much reluctance.” Perhaps the storeowner was more moved by the mother’s plea than was the judge, but his decision to drop the charges was not explained in the press. Had Mrs. Paul and her daughter revealed more to the storeowner than the judge about their motives for shoplifting? What exactly were the mother and daughter stealing? Was it food? Or were they stealing goods that met a more artificial need? Were the mother and daughter partners in criminal work? The article does not supply the evidence necessary to determine whether Catherine Paul and her daughter Mamie committed theft for survival, work, and/or pleasure. And Judge Zeller did not concern himself with the particulars of the crime. “You may go,” he reluctantly told Mrs. Paul, “but if you are ever brought here again your tears and those of your little girl will be of no avail. You will get the full extent of the law.”

189 “Girl Said Her Mother Taught Her To Steal. Magistrate Zeller Lectured Mrs. Paul When Her Daughter Was Arraigned for Shoplifting.”
190 Ibid.
191 Ibid.
192 Ibid.
Zeller then turned to Mamie and declared, “I advise...[you] to leave...[your mother] at once, for if...[you] continue to live with [her]...[you] will soon be as bad as [she is]...” He then turned to Mrs. Paul again, and said, “You are a miserable woman. Go back to your home, and don’t let me see your face in this court again.” If Mrs. Paul harbored any maternal feelings, his words must have hit her with the force of an anvil. She had been publicly branded a “bad” mother. And “bad” mothers were “bad” women.

In Zeller’s mind, Paul was a failed mother, which meant she did not deserve the protection of a powerful white patriarch like himself. Black women, on the other hand, were not expected to be fit mothers by white judges or white society at large since they were morally defective. That is one reason why racial integration was illegal in the South and unofficially barred in the North. In the white imagination, blacks polluted white spaces by injecting them with impure and indecent behaviors – like stealing. When Paul trained her daughter to steal, she betrayed not only her daughter but also the white race as a whole. Still, the number of white women found guilty of theft was far lower than the number of European immigrant and African American women convicted of the same crime. The storeowner’s willingness to drop the charges against Mrs. Paul suggests one reason why.

**Criminal Workers in Auburn’s African American Women’s Prison Communities**

African Americans made up a substantial portion of those imprisoned at Auburn State Women’s Prison from its opening in 1893, and most of them along with most white

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193 Ibid.
inmates who listed occupations were domestic workers. By September 30, 1894, the
prison confined one hundred and sixteen women of which twenty-six (22 percent) were
identified as “colored” and ninety were identified as white. Of the women for whom an
occupation was noted, eighty-two percent were domestic workers. Almost two-thirds of
the inmates were convicted of a “crime against property,” mostly theft. Seven years later,
in fall of 1901, Auburn housed one hundred and eight prisoners – twenty-eight (or 26
percent) colored and eighty white. Seventy-three of the women were listed as domestics
and housekeepers; the same proportion had been incarcerated for “crimes against
property,” again mostly theft. Twelve years late in 1913, Auburn held “116 [female]
inmates, 58 were ‘colored’,” 29 were native-born whites, “28 were ‘foreign-born’
[whites], and one was ‘Indian’,”195 most of them domestic workers, many of them
convicted for “crimes against property”. Black women’s over-representation at Auburn
was slightly worse in 1911, when their numbers exceeded half of the women incarcerated
there: “out of a total of 132 inmates, 74 were ‘colored’…32 were [white] ‘foreigners’”
and 26 were native-born whites.”196 The staggering rate of black women’s incarceration
is more notable when analyzed in the context of New York State’s overall population.
The 1910 U.S. Census demonstrates “that black people comprised just 1.5 percent of [the
state’s]…total population.” Yet, “that same year…40 percent of…Auburn prison[‘s]”
female inmates were black.197 It appears as though Progressive era reforms did nothing to

and 227, Auburn State Prison for Women, New York State Library as cited in Cheryl Hicks, Talk with You
Like a Woman: African American Women, Justice, and Reform in New York, 1890—1935 (North Carolina:
The University of North Carolina Press, 2010), 131.
196 Annual Report of the Superintendent of State Prisons for the Year Ending September 30, 1913, 249 as
cited in Hicks, Talk with You Like a Woman.
197 Annual Report of the Superintendent of State Prisons for the Year Ending September 30, 1913, 334 and
U.S. Bureau of the Census, Negro Population, 51 as cited in Hicks, Talk with You Like a Woman.
stem the rate of black women’s incarceration at Auburn. The disparate racial (and ethnic) representation of women imprisoned in New York and nationwide from the post-slavery period through the Progressive era was largely attributable to institutional and structural forces, not individual moral deficits and criminal proclivities peculiar to women of color.

These statistics raise important questions about the relationships among race, gender, poverty, and crime. Fortunately, Auburn’s prison registers allow us to humanize the data, and analyze these relations. Exactly why did the “business of stealing” appeal to

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198 All the statistics cited in this paragraph were taken from the *Annual of the Superintendent of State Prisons of the State of New York’s Annual Report for the Prison for Women, 1893—1900*. New York State Library.

199 L. Mara Dodge, “Whores and Thieves of the Worst Kind”: *A Study of Women, Crime, and Prisons, 1838–2000* (Dekalb, IL: Northern Illinois University Press, 2006), pp. 4, 42, 117, 123. Dodge shows, for example, that between 1870 and 1930 (the approximate time period framing my exploration of Auburn women prisoners’ lives), Joilet’s female prison population was consistently disproportionately black. Black women inmates’ numbers steadily increased from twelve percent in the 1870s to 48% in the early 1900s, dropping to 36% in the 1920s. This despite the fact that, in the 1870s, black women comprised seven percent of Illinois states’ total population and 21% of the state population between year 1900 and 1930. Dodge provides a graph illustration of these statistics on page 117. See also, pp. 6, 42, 122—123, 280n. 15, 291n. 19. On the historically discriminatory legal treatment and disproportionate incarceration of white immigrant women, see Dodge, pp. 6, 28, 73, 103—104, 115—116. 118—119, 289n. 35, 292n. 15; and of women indigenous to the Americas, see: 283n. 18, 292n. 15, 300n. 13.

so many of Auburn’s women prisoners?201 The registers show that between 1893 and 1900 most women inmates were poor domestic workers who had been convicted of theft,202 which was a major form of criminal work and an important source of income for most imprisoned women. This was true for Auburn’s African American, European immigrant and native-born white prisoners. African American women, however, were over-represented in the prison population, among the poor, and among those jailed for theft. The vast majority of black women convicts, who had migrated to New York from the South, identified “domestic” work as their occupation. European immigrant women were also over-represented among prisoners. Indeed, most of the women confined at Auburn were immigrants – a disproportionate number from Ireland and Germany. Like Auburn’s black women, immigrant women were also over-represented among the poor, those who claimed to be domestics, and those jailed for theft. While a large number of the native-born white women had also been jailed for theft, were likely to be poor, and listed their occupation as domestics, they were not over-represented in these categories the way blacks and immigrants were. Significantly, approximately ninety percent of Auburn’s black women inmates had been convicted of theft compared to fifty percent of white European immigrant women and thirty percent of native-born white women.203 This fact combined with black women prisoners’ greater rate of impoverishment and confinement to low wage domestic work supports the assertion that, in the late nineteenth and early twentieth century, theft was a raced and gendered crime. It was an illegal activity in which poor women, who were disproportionately black, engaged. Moreover, since most women convicted of stealing were poor, it is likely that most of them stole out of

201 “Minnie Fell Into the Trap Set for Her.”
202 Registers of female inmates received, 1893—1933, Auburn Correctional Facility.
203 Ibid.
necessity – as a means of survival. This means that for many of Auburn’s women prisoners, perhaps most of them, theft was a type of work. Stealing, then, was the major form of criminal work in which poor women, and especially poor African American women, engaged. It was a way to earn a living in the absence of well paying legal jobs, a means of self-protection from the trappings of poverty – starvation and homelessness – and a way to support dependent family members.

Conversely, Auburn’s native-born white prisoners’ lower poverty rate and lower incarceration rate for theft suggests that – while gender discrimination made it difficult for them to access better paying traditionally male jobs – white women were afforded greater access to higher paying jobs than black and European immigrant women, and their families benefited from the higher earnings of their husbands and fathers. The statistics also suggest that among the native-born white women who did steal, their crimes were less likely to draw suspicion from their victims, more likely to go undetected, and thus, unpunished by law enforcement. White women who had the “proper” speech, comportment, and dress could navigate a wider social sphere than women of color of any class, who would be barred by de jure and de facto segregation. And they were better able to convince police, judges, juries and journalists to consider their crimes as acts inspired by maternal or feminine concerns.

Inside Auburn’s prison communities, then, working poor African Americans who engaged in criminal work to supplement their legal occupation were not the exception, but the rule. These prison communities were also peopled by white European immigrant women, and to a lesser extent, native-born white women, who performed both legal household labor and the criminal work of theft.
An examination of female criminals and criminal workers who committed non-violent crimes, such as theft, demonstrates that late nineteenth and early twentieth century dominant discourses on crime were deeply racialized, gendered, classed and sexualized. The next chapter investigates media coverage of female offenders who were deemed the most deviant, their crimes the most deplorable. These were “bad little black girls”\textsuperscript{204} and women accused, tried and often convicted of more severe violent offenses. Analyses of black and native-born and foreign-born white women who committed assault and murder not only reveal the ways in which race, gender, class and sexuality intersect in journalists’ interpretations of these crimes, but also the ways in which race specifically marked some female violence as justified, forgivable, or unworthy of punishment and others as unjustified, morally repugnant, and necessitating incarceration or execution.

Chapter 2
“Bad Little Black Girls” and Wicked White Women:
The Racialization of Crime and Evil

Annie Combs and Jennie Shepard eyed the white girl as she withdrew from her pocket a wallet full of cash to buy a ticket for the ferry. The girl, Annie Ennis, carried a basket of laundry that her mother told her to take to her sister, Ennis’ Aunt, who lived in Jersey City. Combs and Shepard followed Ennis onto the boat, “regard[ing] her intently…[and] whisper[ing] together mysteriously.”205 Having hatched a plan to strip Ennis of her wallet, Combs and Shepard tried to draw Ennis into a conversation, “jostl[ing] against her” as they spoke.206 Uninterested in becoming acquainted with the pair and wary of their attention, Ennis moved away from them “several times…to escape the keen regard of her black followers.”207 Undaunted, Combs and Shepard continued to follow Ennis, “covetously” watching her pocketbook and basket of clothing.208

Finally, the ferry pulled into the dock. Ennis “seized her bundle” even before the ferry’s ramp fully descended and dashed “toward her [aunt’s] home in Morton Street.”209

With a beating heart she ran up the murky street, stopping for an instant at each lamp-post to see if the dark skinned little girls were in pursuit. She breathed more freely when she failed to see them, but lurking along like quick moving shadows on the other side of the street, were the two black girls, never losing sight of the panting little figure ahead. Annie [Ennis] had reached the corner of Charleston street when her pursuers crossed the street and approached noiselessly behind her. The sound of footsteps made her heart jump into her throat, and, with a gasp of fear, she quickened her pace. One of the colored girls shot by her, then turning suddenly, struck her a stunning blow in the face.210

207 “Lights and Shadows”.
208 “Lights and Shadows”.
209 “Lights and Shadows”.
210 “Lights and Shadows”.
Ennis staggered into one of the “negresses,” who then grabbed her throat. The pursuers threw the girl against the window of a barbershop so forcefully that her head and part of her body smashed through the glass. Combs and Shepard then snatched Ennis’ pocketbook and clothesbasket and bolted from the scene. The white girl emerged from the window, her face bleeding as she “scream[ed] lustily.” A posse of white men, including the barber and a policeman, chased the two robbers but only caught Combs. Two police officers searched for the other “highwaym[an] all night” and found her early the next morning hiding under bedclothes in her room at a state home for girls.

Newspaper accounts reported that Annie Combs, age 15, and Jennie Shepard, age 16, terrified 16 year-old Annie Ennis that night. The two girls stalked her, assaulted her, robbed her, then ran away as their victim bled from her wounds. Journalists described Ennis as “pretty but slight…under espionage [by] black followers.” The press cast Ennis as the archetypal victim: an adolescent white girl awash in street lights, and besieged by darkness, as she fled through Manhattan, afraid of traveling the long distance alone at night. The reporters labeled Combs and Shepard “two bad little black girls…lurking along like quick moving shadows” and asserted that they “beat [Ennis]…in a brutal manner,” the agents of “highway robbery and [an] atrocious assault.” Subsequent to their arrest, journalists described Combs and Shepard as “defiant in court,” unrepentant and unremorseful.

211 Ibid.
212 Ibid.
213 “Two Girl Highwayman”.
214 “Lights and Shadows”.
215 Ibid.
217 Ibid.
For white New York City journalists there was no doubt: Annie Combs and Jennie Shepard were bad girls. But more specifically, they were “bad black girls.” The racial qualifier made the white press’ verdict on the matter complete. What, if anything, differentiated “bad girls” from “bad black girls”? How were these racial constructs enmeshed with dominant gender ideologies that distinguished “bad” girls from “good” ones?

In popular discourses on crime, a girl or woman’s “badness” – i.e., her moral condition – was analyzed through a gendered and racial lens that differentiated black female criminals not only from victims, typically imagined as white, but also from white female criminals – that is, bad black girls from bad white girls. This racialized and gendered framework separated “bad girls” from really “bad girls” based on an absent referent, the well-behaved girl, who was generally assumed to be white, middle class and Protestant. She was never the perpetrator—only a potential victim. Historian Hazel Carby claims that popular beliefs designating white females as victims and black females as victimizers were rooted in the conviction “that a woman’s ‘external physical appearance’ reflected her ‘internal qualities of character.’”

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In *Talk with You Like a Woman*, historian Cheryl Hicks elaborates on Carby’s observation when she links early twentieth century conceptions of black female masculinity and immorality to race and gender ideologies developed in the era of slavery:

The femininity of native-born white women was regarded as natural, their virtue inherent in their bodies, while black women were seen as the antithesis of femininity because of the sexual violation their enslaved foremothers had endured. The legacy of enslavement constructed a sharp distinction between black and white womanhood. Carby points out that ‘strength and ability to bear fatigue, argued to be so distasteful a presence in a white woman, were positive features to be emphasized in the promotion and selling of a black female hand at a slave auction.’ After emancipation, ideas about black women’s masculine strength persisted, but whites thought that physical strength was accompanied by moral weakness, rendering black women as the negative opposite of white women.  

Hicks adds that these “feminine ideals” retained currency in the early 1900s “despite the fact that many women—whether white, immigrant, or black—failed to conform to” them. In the post-slavery United States, the archetype of black female masculinity was easily mapped onto gendered notions of criminality. Hicks says, “Black female offenders were perceived through a racial lens as evidence of the ‘primitive’ qualities of the race.” The stereotypical “bad woman” was usually seen as “dark, large, hairy, aggressive—in one word, masculine.” According to “racialized notions of femininity,” black females were not only prone to bad behavior, but fundamentally wired to behave as badly as, or even worse than, “bad men.”

Many turn-of-the-century social scientists read black female masculinity as corporeal evidence of their greater psychic and anatomical similarity to “normal or criminal males than…normal” females. Historian Estelle Freedman corroborates

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220 Ibid.
221 Ibid; Freedman, *Their Sisters’ Keeper*, 112.
222 Ibid. For a late nineteenth-century social scientific definition of the “normal woman,” see Cesare Lombroso and Guglielmo Ferrero. *Criminal Woman, the Prostitute, and the Normal Woman*. Originally
Hicks’ observations noting: “The female criminal type…[likened] to the savage woman…had an excess of male characteristics—eroticism, dominance, and violence—and a paucity of female attributes, such as maternal feeling and morality…[While] the criminal type was rarer among women than among men…the small percentage of [females] who were ‘born criminal’ had propensities ‘more intense and more perverse than those of their male prototypes.” The congenitally criminal female was believed to be “more greedy, more vengeful, more cruel…more deficient in moral senses” than her male counterpart, and therefore, her violence more brutal and depraved. Masculinized in white racist consciousness, black women’s violence was unsurprising and perceived as particularly nefarious. In contrast, “normal” white females “were regarded as…constitutionally unable to commit serious crimes against property or persons, especially when associated with violence.”

Based on the research of noted criminologists like Cesare Lombroso, it was widely accepted in the 1890s and early 1900s that the “normal woman,” fashioned from the image of the Victorian True Woman—an affluent, maternal, submissive, pious, “passionless,” heterosexual native-born or northern white European female—was biologically incapable of committing serious crimes. This was due mainly to her

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mothering instinct and lack of physical strength (believed to be so essential to masculine virility\textsuperscript{225}), which made it impossible for her to commit violent acts.\textsuperscript{226} In the so-called “superior [Anglo-Saxon] races,” sex differences were assumed to be clearcut, while “[i]n inferior [darker] races[,] females…resemble the male.”\textsuperscript{227} To many whites, it was only natural then that without the supposedly civilizing influence of slavery, inherently immoral black females—unfit mothers who possessed an abnormal degree of “muscular force”—had an intrinsic capacity and propensity for committing violent crimes. In the white imagination, black females’ “skin color and physicality…connected them to masculinity and crime, rather than feminine respectability,” making them the quintessential bad girls.

Of course, a girl’s perceived moral character was materially related to her social and economic status.\textsuperscript{228} Those who had ready access to food, shelter, clothing, education, and health care had a far easier time gaining social approval. There was less need for financially secure young women to lie, cheat, or steal in order to meet their basic needs. Historian Kali Gross states that a variety of intersecting factors inspired crimes by black women and girls in northern cities, such as “poverty…[and the] social bias[es]” of white

\begin{itemize}
\item\textsuperscript{226} See Lombroso, note 21.
\item\textsuperscript{227} Lombroso, 56.
\end{itemize}
employers and law officials. But at “their most elemental level,” Gross argues, black women’s crimes “took root in the disjuncture between African-American women’s expectations and their social reality in the urban North.”

For some black southern migrants, the dearth of economic opportunity and absence of social respect that they confronted in the North did not simply result in thwarted hopes; it led them to make decisions that put them in conflict with the law. Moreover, despite the idealization of white females in the broader culture, white girls of all classes also strayed from the proper path, indulging in sexual improprieties or running with a “bad crowd.” They were certainly considered delinquent and in need of reform. But black girls and women, especially the large numbers who were working class or poor, were far more likely to be perceived as innately immoral and therefore impossible to rehabilitate.

Representations of white European immigrant women, especially those from the southern and eastern part of the continent, often fell in between stereotypes of native-born white and black women and girls. Historian Thomas Guglielmo demonstrates that, in
the United States, a belief in southern “Italians’ innate criminality enjoyed wide currency” between the 1890s and the 1920s.\textsuperscript{234} Newspapers, pulp magazines, popular books, and cinema frequently demonized Sicilians in particular.\textsuperscript{235} In 1875, as immigration from Europe to the U.S. surged, \textit{The New York Times} stated damningly that among Italians “[t]he evil” of criminality “lies very deep; in fact, in the social life of the population.” \textit{The Times} journalist believed criminality was so entrenched in Italian culture that “laws alone, although they may restrain, can hardly work a permanent cure.”\textsuperscript{236} In April 1907, \textit{The Times} referenced “wholesale arrests” of the “armed Italian population” across the country. The article rhapsodized about the virtuous, upstanding “Northern Italian” man and woman who “there is no doubt…is on par with the best immigrants from other countries” and “offsets” the “illiterate,” unskilled Southern Italian. But the writer continued that southern Italians “colonize[d] in” urban slums “maintain ‘Little Italies’ in which the criminally skillful wield a power never exercised on the Peninsula or in Sicily.”\textsuperscript{237} The reporter characterized working poor Italian “colonies…[as] fruitful fields of operation for those intelligent Italian criminals who…are more or less free from police surveillance.”

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\item \textsuperscript{234} Guglielmo, \textit{White On Arrival}, 77.
\item \textsuperscript{235} Ibid., 83.
\item \textsuperscript{237} The journalist compares an idealized, racially fit Northern Italian, whose “love of home and family, his loyalty to employer, his honesty in his business dealings, his natural genius of adaptability, his joy in work, and his splendid health, strength, and physical endurance,” who he calls “the raw material out of which the best citizen may be made” to “[t]he Italian of Southern Italy…[who] digs our tunnels and ditches, cleans our streets, and performs the menial tasks which forty years ago were done by the Irish.” The writer portrays southern Italian immigrants as ignorant and morally weak. Having been socialized into a state of dependence on a “paternal government of his native land,” the writer claims southern Italians surrendered quickly to the governance of the criminal “padrone” after immigrating to the U.S. “The Italian Immigrant,” \textit{The New York Times}, 22 April 1907. Web. \textit{The New York Times}. 10 July 2013.
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Four years later, *The New York Times*’ view on southern Italian immigrant communities had not changed. The paper quoted Signor G. Fara Forni, the Italian Consul General as claiming “that a large number of alien criminals had been admitted to...[the U.S.’s] shores.” And “[t]hough...Consul General...Forni...[subsequently] sent a letter to The Times denying that he had said that most of the Italian criminals in the [U.S.]...came from the southern section of Italy, others were quite as emphatic in assertions that such was the case.” The diplomat highlighted a lack of “education...moral training” and even the warm climate, which stimulated “pronounced...passions of anger and love of revenge,” as causes of criminality among southern Italians and Sicilians.²³⁸

*The New York Times* mirrored the attitudes of newspapers nationwide in its routine publication of sensationalized reports on Italian extortionists, petty thieves, and murderers with accused females typically falling into the latter two categories.²³⁹ *The Times* churned out stories on the peculiarly “Sicilian Vendetta” and the “Dark History” of

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New York City’s immigrant Sicilian slums. The paper bemoaned the “hopeless disadvantage” of the country’s police forces “[i]n dealing with the kind of crimes which have been imported into this country from Italy and the Mediterranean islands,” pointing to a code of silence that proliferated in “colonies” of Italian immigrants. According to The Times reporter, Italians’ customarily refused to confess to crimes committed, “nor will they incriminate others.” After the murder of a New Orleans police chief, The Times railed against “sneaking and cowardly Sicilians, the descendants of bandits and assassins, who had transported to this country the lawless passions, the cut-throat practices, the oath-bound societies of their native country, are to us a pest without mitigation.” The Baltimore News concurred stating that in Italians “the disposition to assassinate in revenge for a fancied wrong is a marked trait in the character of this impulsive and inexorable race.” The Chicago Tribune called “‘alien murders’ from Sicily…the scourge of the city.”

Guglielmo argues that while institutional authorities, the press, and the native-born white public perceived southern Italian immigrants as racial degenerates, they ultimately accepted these newcomers as white. Therefore, while all Italian immigrants

242 Ibid. Even as this discourse criminalizes Italians, it elevated them above black and brown offenders, both immigrant and native-born, who the white press and most reformers, criminologists, and the general public condemned as innate liars, thieves, moral degenerates, and sex deviants (e.g. rapists or prostitutes). Stereotypes of non-white criminals offset the liminal status of the European immigrant criminal type who maintains a kind of dignity even as s/he violates the law and threatens the public good. Italian immigrants who maintain a code of silence in the face of police interrogation, for example, indicates a capacity for loyalty (if not fidelity to the law) – evidence of moral strength albeit for a cause deemed unjust and defined as illegal. Non-white criminals, on the other hand, display no such loyalty or quasi-morality – only deviousness and violence, which institutional authorities interpreted as evidence of imperviousness to rehabilitative carceral programs. For a detailed argument for the biologically rooted immorality and racial inferiority of the American “negro,” see Hinton Rowan Helper, The Negroes in Negroland; The Negroes in America and Negros Generally (New York, NY: G.W. Carlton Publisher, 1868).
243 Guglielmo, White On Arrival, 83.
were subjected to discrimination in housing, jobs, and education, and while white U.S. newspapers, criminologists and eugenicists described southern Italians as a racial peril, they were a “white” racial peril – that is, a problematic ethnic subgroup within a mass of people who were of “superior racial stock.” They were thus distinguished from African Americans, Latino/as, Asian Americans, and members of the “savage darker races” more generally. In 1920, Lothrop Stoddard, an enthusiastic “Nordic supremacist,” wrote tellingly of the bio-racial gap between “colored” and white immigrants in *The Rising Tide of Color*:

> When we see the damage wrought in America, for example, by the coming of persons, who after all, belong mostly to branches of the white race and who nearly all possess the basic ideals of white civilization, we can grasp the incalculably greater damage which would be wrought by the coming of persons wholly alien of blood and possessed of idealistic and cultural backgrounds absolutely different from ours. If the white immigrants can gravely disorder the national life, it is not too much to say that the colored immigrant would doom it to certain death.

Eugenicists used anthropometric data, intelligence tests, analysis of cultural characteristics, and other hereditary traits to “plac[e] Italians (and other ‘new’ European immigrants) in an ambiguous social position.” Guglielmo says that for decades scientific racists generated studies locating “southern Italians (and sometimes northern ones as well)...[as] racially inferior to the Nordic, ‘the white man par excellence.’ Interestingly, this...[racist] assault on Italians and other ‘new’ immigrants stopped well short of questioning their color status as whites.” In other words, eugenicists believed “‘new’ European immigrants were inferior—but not *that* inferior. For all their dangerous

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244 Ibid., 63. For an analysis of early twentieth century eugenics discourse on non-white races, see Bederman, *Manliness and Civilization*, pp. 92—96, 99, 102, 104—106, 108—117, 119—120, 222—223, 223nn. 61 and 67, 265—266n. 120, 266n. 139, 286n. 82.
246 Ibid., 62.
inadequacies, [southern and eastern Europeans] still occupied a place within the ‘superior’ color division of mankind, even if they were relegated to an ‘inferior’ racial branch.”

The androcentrism of discourses criminalizing southern and eastern Europeans suggests the even more intense stigma attached to female offenders among that population, especially those convicted of violent crimes. Yet despite her presumed genetic inferiority, an immigrant female offender’s whiteness – no matter how degraded by her eastern or southern European ancestry – marked her as quasi-feminine, quasi-respectable, and therefore a more sympathetic figure than African American criminals. Often, she was depicted as a victim of circumstances beyond her control. The whiteness that marked an accused or convicted immigrant woman often located her as “fallen” and therefore morally salvageable, rather than innately criminal and depraved. Accused southern Italians, like Maria Barbella, (discussed below) benefitted from the white feminine respectability that the U.S.’s white legal authorities and journalists, and powerful Italian officials projected onto her.

The previous chapter analyzed women who committed non-violent crimes, such as theft, often engaging in this criminal work to survive. It also demonstrated that dominant discourses on crime in the late nineteenth and early twentieth century were implicitly or explicitly racialized, gendered, classed and sexualized. While this chapter investigates media coverage of women accused, tried for or convicted of more serious and violent offenses, it expands the discussion of the ways in which race, gender, class and sexuality intersected in interpretations of and responses to these crimes among social

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247 Ibid., 63.
248 See Chapter One for comparative analysis of newspaper discourse on accused white European immigrant females and accused black females.
scientists and criminologists as well as more popular discourses created by journalists which quoted the opinions of police, judges, district attorneys and witnesses.

*Journalists Debate Black and White Women’s Violent Crimes*

From the outset, there was a stark difference between the kind of crimes white male journalists covered when the accused was a black rather than a white woman. In the white press, black women who stole were cast as calculating malicious agents and thieves, while white women who committed similar crimes might be excused because they were motivated by some noble cause, like the need to feed their children.\(^{249}\)

Similarly, black women’s violence flared out of feral impulses, targeting the innocent and vulnerable—like Annie Ennis—while white women were more likely to be viewed as protecting their children or their sexual virtue. Many news reports focused on black women whose lack of self-control converged with jealousy, vengefulness or delusion, driving them to assault, murder, or an attempt to murder their lovers, their husbands, their partners’ mistresses, any woman who betrayed them, or even authority figures, like

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policemen. The white press regularly depicted accused black females, as “bad little black
girls,” “negresses run amuck,”\textsuperscript{250} or “colored girl[s] of immoral and vicious habits.”\textsuperscript{251}

While white reporters certainly condemned the misdeeds of some “bad” white
girls and women, they did not highlight their racial identities nor did they point to
whiteness as a factor that inspired, explained, or signaled the inevitability of a crime’s
commission.\textsuperscript{252} Instead, many white girls—native-born and immigrant—were seen as
motivated by uncontrolled sexual desires and sent to juvenile facilities to be
rehabilitated.\textsuperscript{253} Adult white women accused of crimes appeared in the white press in a
variety of guises, including petty thieves who stole to support their dependents; brothel
madams who maintained their feminine respectability; “white slaves” forced into
prostitution; accidental bigamists, who violated marriage laws because their spouse
deserted them, or an abusive husband that refused them a divorce; and midwives who
performed abortions to aid desperate women.\textsuperscript{254}

\begin{footnotes}
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\item[251] June Purcell Guild, “Study of One Hundred and Thirty One Delinquent Girls Held at the Juvenile
Detention Home in Chicago in 1917,” \textit{Journal of Criminal Law and Criminology} (February 1920), Vol. 10,
No. 3: 470—471.
\item[252] An excellent example of the range of explanations for the most serious crimes white females committed
that make no mention of race/whiteness, see “Women That Slay,” \textit{The Wichita Daily Eagle}, 9 August 1893:
blackness and the foregrounding of “negro”, black, and African American identity in newspaper discourse
Articles on the Negro Problem} (The Bronx, New York: The H. W. Wilson Company, 1921), pp. 63—67,
\textit{ProQuest Historical Newspapers}, 5 June 2013; “Unfair Presentation of the Negro’s Case,” \textit{The Christian
125; Hicks, \textit{Talk with You Like a Woman}, pp. 3, 57, 92, 97, 117, 126, 134, 205, 207, 325n. 140; Odem,
\textit{Delinquent Daughters}, pp. 3—4, 95, 99, 102, 114—115, 123, 129, 131, 134, 143—145, 150, 180—181,
187.
\item[254] For scholarly analysis, see Chapter One, pp. 1—19 and 28—29. For contemporary examples of white
journalists’, policemen, and judges’ sympathy for white women accused of theft, see Chapter One, note 1.
Also Chapter One for an analysis of white press’s empathetic discourse on white females accused of theft.
For examples of the feminine respectability imputed to white female brothel madams, see ““Millions Paid
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The most prominent representation of white female criminals was that of the good girl who does wrong or whose illegal violence was understandable. There were girls and women who committed crimes in order to defend themselves from violent men or to punish men who deceived and seduced them. These women brutalized or killed their lovers for persuading them to have sex with false promises of marriage, using them as they would a prostitute and making them unfit to wed a more respectable man. Still journalists did recognize that there were some truly wicked white woman who committed heinous crimes that violated not only the laws of man, but also of nature. They portrayed these women as evil mothers, deranged wives, or jealous mistresses. Yet even here, it was

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255 Kali Gross’s findings on this issue in Colored Amazons is corroborated by many of the newspaper articles I read in New York County’s District Attorney Scrapbook.
not their race that led wicked white women to commit horrific acts, but some emotional
or psychological aberration that unsexed them.\textsuperscript{256}

In addition, white women were represented as committing a broad range of
-crimes, whether compelled to do so by a man who did them wrong, economic forces,
psychological dysfunction or corporal “defect.” In many cases, unlike “bad little black
girls” or “negresses run amuck,” white female offenders were presented as deserving
empathy, mercy and white men’s chivalry.\textsuperscript{257} Thus, white women were rarely portrayed
as essentially or intrinsically “bad;” their criminality was never linked to genetic racial
inferiority. As a result, accused white women could often count on the sympathy of the
white press, jury, and court while black females deserved no such sympathy since they
were inherently “bad.” Few whites believed that black females were forced into crime by
poverty or violent husbands; nor was it possible to taint a black woman’s sexual virtue
because whites assumed she had none. Black women, especially those who challenged
the racial order, were perceived by most whites as lusty, lazy, degenerate, and threatening
to white society.\textsuperscript{258} Their racial degeneracy made them “bad girls,” and their badness was
as inborn as their blackness.

\textsuperscript{256} For contemporary examples of stereotypical newspaper portrayals of violent white female criminals, see
\textsuperscript{257} Cheryl Hicks corroborates my assertion on racialized constructions of female criminality and white law
officials’ responses to white female offenders. Hicks, \textit{Talk with You Like a Woman}, 126. On black females’
exclusion from white male protection, whether or not they were criminals, see Gross, \textit{Colored Amazons},
pp. 35, 186n. 11.
\textsuperscript{258} For contemporary examples of discourse on black female immorality, licentiousness, dangerousness, see
Frances Kellor, “The Criminal Negro: Southern Conditions that Influence Negro Criminality and Training”
(Parts I, II, and II), \textit{The Arena} 25 (January 1901): 65—68; (February 1901): 190—197, (March 1901):
308—316; Charles McCord, \textit{The American Negro as a Dependent, Defective and Delinquent}, (Nashville,
Decadence,” \textit{Outlook} 76 (January 30, 1904): 266—271. For secondary source analysis of discourses on
black female immorality, licentiousness, dangerousness, see Kali Gross, \textit{Colored Amazons}, pp. 35—38,
65—71, 74—77, 87—94, 109—119, 124—125, 142, 197n. 148, 217nn. 71, 72, 73, 225n. 80; Cheryl Hicks,
\textit{Talk With you Like a Woman}, pp. 3, 7—8, 14—18, 31—32, 35—36, 42, 49, 51, 82, 84, 88, 90, 99, 100,
To most late nineteenth and early twentieth century whites, blackness and criminality were interchangeable cultural constructs. In the white imaginary, blackness was the soul of criminality, criminality was the soul of blackness, and both threatened the soul of white civilization. Popular conceptions of criminality—specifically who committed crimes, who was victimized, and where crime flourished—were fundamentally defined by racial stereotypes fashioned out of the moral deficits, pathologies, addictions, and predispositions whites presumed were inherent in black people. William Burkholder, a white racial liberal, recognized white society’s tendency to criminalize blacks. In his 1913 essay, “A Practical Application of Christianity to the Race Problem,” he argues passionately against the trend: “Negroes are misjudged more, probably, than any other class of people, owing in large part to the powerful race prejudice. The Negro is charged with being vicious and dangerous, and Negro criminals and crime are cited to prove the charge.” Burkholder was certain that

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260 In The Condemnation of Blackness, Khalil Muhammad categorizes early twentieth century white racial liberals as social commentators and reformers who adopt a comparatively progressive approach to the so-called “Negro problem” (versus avowed white supremacists, for example). White racial liberalism, however, had serious limitations, and therefore, cannot accurately be classified as anti-racist. For example, white racial liberals did not necessarily regard African Americans as biologically, intellectually, morally, or culturally equal to whites. For a discussion of white racial liberal discourse, see my examination of white middle class women reformers Louise DeKoven’s and Francis Kellor’s views on black female criminality in Chapters One and Three. Muhammad, The Condemnation of Blackness, 88—145. See also Louise DeKoven Bowen, The Colored People of Chicago: An Investigation Made For the Juvenile Protective Association, (Chicago, IL: Juvenile Protective Association, 1913); Kellor, “The Criminal Negro” (Parts I, II, and III), The Arena 25 (January 1901): 65—68; (February 1901): 190—197, (March 1901): 308—316; Frances Kellor, “The Problem of the Young Negro Girl from the South,” The New York Times, 19 March 1905: X8. Web. The New York Times. 10 July 2013. See also Cheryl Hicks’ insightful investigation of Kellor’s complex views in Talk with You Like a Woman, 111—121.
“[t]his is all wrong… the proportion” of criminals among blacks and whites “is far too small to be characteristic.” Agreeing with black social commentators and reformers, he went on to argue:

Any race should be judged not alone by its best qualities or its worst traits; not only by its best or its worst members; but by a fair average. The exception should not be made the rule. The Negro race should be judged with consideration for its virtues and patience with its faults. The good Negro can in no way justly be held responsible for the misdeeds of the worst of his race. All Negroes are not alike; there are good, bad, and indifferent Negroes, just as there are different types of white men, and justice would demand that the Negro be considered not merely as a member of a different race, but as an individual. The average Negro is industrious and law-abiding, and he, not the exceptional cases, should be taken as a fair sample of the race.²⁶¹

Like many black journalists and activists, Burkholder claimed that whites created the conditions that led black individuals to be stigmatized as criminal and black communities as havens of criminality.²⁶² Disproportionate crime, incarceration and poverty rates among African Americans supposedly justified these assumptions even though some sociologists and reformers were beginning to argue that social, economic, and political oppression helped to explain crime, incarceration and poverty among certain

²⁶² Burkholder exhorts whites to “take steps to remedy the conditions under which the Negro population is living. The part played by the white race in the spread of Negro crime and pauperism should not pass unnoticed. The dive, the resort, the saloon, poverty, ignorance, and unsanitary conditions are the great breeders of crime among all races. And yet these influences exist in practically every community. Especially do they tend to develop Negro criminals. As a result of discrimination, competition, and of their own inefficiency, there is more idleness proportionately among the Negro laborers than among white. Idleness, in itself a dangerous condition, always breeds evil. Under existing conditions, the Negro is driven for social life and amusement to frequent resorts run by other Negroes, often by whites. Political interests and neglect on the part of the public allow such proprietors to operate with impunity. Negro crime is inevitable under these circumstances. Were the Golden Rule applied, such evils might largely be abolished and the condition of the Negro bettered. Every Negro would be given a free man s right to work for his living and be paid according to his talents and industry. Profitable and elevating amusements would be provided for his leisure hours; he would not be driven to frequent dives and re sorts. Or better still, there would be no such places to frequent. By enforcement of sanitary laws, intelligent charity, and justice in the matter of employment, much poverty, disease, and crime could be avoided.” Burkholder, Ibid.
communities of native-born and immigrant whites.\textsuperscript{263} Still, those immigrants who were closest to black—Hispanics, West Indians, and some eastern and southern Europeans—also suffered from racist and classist stereotypes.\textsuperscript{264}

To complicate matters further, some white men and women who engaged in criminal activity without an obvious rationale were perceived as “acting black.” At the same time, Cesare Lombroso, who was among the first to use scientific methods to analyze criminality, defined the female criminal as even more depraved and a greater social danger than the male criminal.\textsuperscript{265} As criminology scholar Nicole Hahn Rafter writes, “At bottom the conception was rooted in the archetype of the Dark Lady—dangerous, strong, erotic, evil—a direct contrast to the obedient, domestic, chaste, and somewhat childlike Fair Lady of popular imagery.”\textsuperscript{266} In late nineteenth and early twentieth century mainstream scientific and media discourses on female crime, the “Dark Lady” was molded out of racist-sexist mythologies of black womanhood while the “Fair Lady,” was interchangeable with the antebellum-era “True Woman.” White women who committed crimes, especially those who were affluent or mothers, defied racialized gender scripts and thereby sullied the Fair Lady image. The more severe the crime, the

\textsuperscript{263} For an example of contemporary middle-class black women reformers’ environmental explanations for black female criminality, see Victoria Earle Matthews, “Protecting Colored Girls,” \textit{New York Tribune}, 30 March 1905. For secondary source analysis of white and black reformers’ environmental and cultural explanations for black criminality, see Muhammad, \textit{The Condemnation of Blackness}, 88—145; Hicks, \textit{Talk with You Like a Woman}, pp. 15, 92, 113—117, 119—121, 134, 158, 175, 186, 275, 299n. 42.


\textsuperscript{265} Rafter, \textit{Partial Justice}, 13; Lombroso, \textit{The Female Offender}, 152. Cesare Lombroso, an Italian criminologist, developed biological determinist theories of crime that were widely influential throughout the nineteenth and early twentieth century West, including the United States. His book, \textit{The Female Offender}, was the first study of female criminals authored by a European (See, Rafter, \textit{Partial Justice}, 143). Lombroso established the standard criminological discourse on the “born criminal,” 147—191.

\textsuperscript{266} Rafter, \textit{Partial Justice}, 13.
more severe the breach of white feminine strictures. In the commission of serious crimes, particularly sexual offenses and murder, white women violently severed themselves from the feminine ideals of the Fair Lady and attached themselves instead to the racial masculinity of the Dark Lady. As a reporter for The Wichita Daily Eagle wrote in 1893, “Gentleness, loveliness, refinement, modesty and kindness are the qualities that endear women to men. To think of women as vicious, unlovely, course, brazen and rough is to rob them of all their sweet womanliness—to unsex them and make them abhorrent to masculine eyes.”

A white woman’s criminal actions subverted the feminine respectability presumptively attached to her whiteness. This was especially true for violent domestic crimes carried out by white mothers against their children and husbands. As the sacred space white patriarchs entrusted to the Fair Lady, a white woman’s criminal violation of the home and family rendered her ineligible for protection—just like black females—and made her eligible for the most extreme legal penalties, including capital punishment.

Certainly women of all races committed serious crimes. But the way in which those crimes were constructed, perceived, and evaluated depended on racial, class, and sexual beliefs and attitudes. The journalistic scrutiny of and legal responses to female crime relied heavily on the accused’s social identities—i.e., her race, class, and sexuality—and the way in which these identities privileged or disadvantaged her in the larger society. Thus most white women escaped the vitriol visited upon their African American counterparts, while black women accused of crimes were frequently tried and convicted multiple times: by the white policemen who suspected and then arrested them; by the

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press; and finally by the courts. While the white press, police and juries both generated and reflected dominant narratives on crime, black publications critiqued such racist narratives (even as they perpetuated classist and sexist ones) in order to challenge the claim that crime was a peculiarly “negro problem”.

In *The Christian Recorder*, an African American weekly, Reverend W.D. Chappelle states,

> When we commit crime, whether it be larceny, arson or the nameless crime, let the pure sunlight of investigation shine upon us before an unbiased jury, and we ask nothing more. I do not think the race is as bad as it is made to appear by the press of the country.

In an earlier issue of the same publication, another writer asserts,

> The disadvantages under which colored men live in this country appear in nearly ever phase of our civilization. If one commit a serious crime or be accused of so doing he is published as ‘a brutal negro’ by many of the papers most friendly to the cause of the colored man's success, giving the race a disgraceful advertisement as well as the crime and the criminal. Last week appeared in one of our great city dailies the statement of a single crime by a colored man, ‘A Brutal Negro,’ and eight crimes of equal meanness and magnitude, by other men, but saying nothing about what race they represented. Why did they not head these advertisements with, ‘A Brutal Caucasian,’ bringing the whole variety before the world's camera with murderers' clothes on? Why is this? Is it because these colored murderers represent their race variety any more truly and in larger ratio than do white murderers - the Caucasian variety? The statistics of crime as presented in that single paper would not show the negro to be any more likely to murder than the Caucasian.²⁶⁸

Some members of the black press were also attentive to the hyper-sexualized coverage of blacks in mainstream newspapers. In the 1890s, Ida B. Wells was the most outspoken critic of white claims of black male lust for white women, noting instead the

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ubiquity of white men’s sexual assaults on black women. At the 1919 National Conference for Social Work, Dr. R. Wright, Jr., a black male reformer, echoed Wells’ observations when he castigated whites for perpetuating the racist mythology of the congenital black male rapist and then using the stereotype of white females as black men’s sexual victims to justify lynching. Wright also highlighted the link between white men’s sexual exploitation and rape of black women, state laws, and black men and women’s disenfranchisement. He powerfully asserts,

…the most prevalent form of rape in this country is the rape of Negro women by white men but as yet the conscience of ‘Our Democracy’ is asleep to the rape of Negro women; one rarely ever hears of a white man being brought to trial for that crime. The Negro wants fornication and bastardy laws which will make white men support their bastard children and will give a colored woman who is betrayed by a white man some standing in court. Negroes object to anti-intermarriage laws, not because they want to marry white women, but because they know such laws are made purely for the degradation of Negro women and protect white men in their attacks upon our womanhood. . . . Because Negroes have no vote, the white voters permit whorehouses and low dives to thrive in Negro neighborhoods. In deed, the city council has designated such a district where a Negro school was. In many cities the brothels for white men are in Negro neighborhoods not by invitation, however, but because a voteless people cannot protect themselves, and a democracy which disfranchises any part of its citizens makes them the logical prey of the vicious ones of the enfranchised group.

Wright’s trenchant analysis of black women and men’s alienation from the franchise, the deliberate failure of white legislators to pass and enforce laws that protect black females from predatory white males, and the proliferation of commercialized sexual vice in black communities does more than an offer a deserving condemnation of white society. His

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critique also explicitly demonstrates that institutionalized inequalities provided white
men with opportunities to sexually exploit black females. In so doing, he implies that the
structural inequalities that white authorities deliberately manufactured created
opportunities (and perhaps even justifications) for black women to commit those crimes
that the white press sensationalized and construed as infamous.

The white media’s hyper-racialized crime reports were entangled with similarly
disproportionate and sensationalized coverage of black women’s illegal activity.\(^{271}\)
This meant that white journalists treated stories of black female criminality opportunistically
in hopes of appealing to readers’ basest racist-sexist beliefs. White editors justified their
asymmetrical attention to black people’s legal transgressions, both real and perceived, as
the result of their (largely white) readership’s hunger for sensationalism, which drove
sales in the intensely competitive media market of the late nineteenth and early twentieth
century.\(^{272}\) Exploiting white anxieties about black criminality and stigmatizing blacks as
criminal profited the white press. As long as anti-racism was good for business, the white
media would encourage and legitimate anti-black stereotypes.

*The New York Age* recognized this attitude when it asserted, “Here…is where the
maker of yellow journalism is in error…. He himself is creating a demand for his wares
by dealing in stories of crime and criminals, highly seasoned as to details and placed
where none can fail to see them.” The paper’s editor demanded that white journalists ask
more from their audience, an audience the editor believed was decent and more desirous

\(^{271}\) In an 1893 article entitled “Women That Slay,” a journalist comments on the white press’s
preoccupation with female crime: “[F]or some strange and inexplicable reason, we appear to be passing
through a period (let us hope that it is a short one) when women’s crimes occupy a prominent place in the
daily record of wrongdoing, the world stands aghast at the record.” “Women That Slay,” *The Wichita Daily

\(^{272}\) The *National Police Gazette* was the first sensational crime newspaper published in the U.S. On
sensational journalism of this period, see Daniel Schiller, *Objectivity and the News: The Public and the
of knowledge than news that titillated. If the white press wished to prioritize morality even in its pursuit of profits, it should document crimes without glorifying them: “publish killings and shootings and other failings of humanity…[but] reduce them to statements of fact and cut out the sensational details and big heads [headlines]. Give crime its subordinate place as a human failing, but do not exalt it to the plane of great accomplishment.” Only then would the white media “tend to elevate rather than pollute the minds of their readers.”

Black editors were not simply concerned with the (im)purity and intelligence of the white press’s audience. The black press also demanded journalism that was free of racist sensationalism, part of a broader project aimed at “uplifting the race.” Unlike the black press, the white media and the readers who paid for its sensationalist reports remained unaware of or indifferent to the consequences for those who bore the brunt of this coverage. The most vulnerable, marginalized and oppressed Americans paid the heaviest price as white journalists contributed to racist discourses that criminalized black women, men, children and their communities and demeaned their labor practices,

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survival tactics and self-defense strategies. Over time the accumulation of crime stories, racist discourses and police practices criminalized black racial identity itself.

The ideas examined above took on added significance as New York’s informal economy flourished in the late nineteenth and early twentieth century. As black migration from the South and immigration from eastern and southern Europe increased, this informal economy was fueled by a range of activities, including the criminal work of girls and women. Although these extra-legal and illegal activities spelled survival for some, others—black and white, young and old—committed crimes regardless of need. If they were black, however, they were far more likely to be perceived as inherently evil and unredeemable. To churches, courts, and scientists as well as journalists, female crime could easily signify moral depravity; for black female criminals, it almost always did. Earlier chapters highlighted women forced into criminality due to circumstances beyond their control, like poverty, an abusive spouse, or a predatory employer. Here, however, the criminal behavior of girls and women appears to be driven by, or rooted in, malice, rage, greed, recklessness, sociopathy, or mental illness. Many of these women consciously deceived, physically assaulted, maimed, and killed. Officials, reformers and the public condemned these women as the worst offenders because they defied not only the law but also dominant standards of femininity. If these criminals were black, however, white reporters and authorities never assumed that they embodied femininity or respectability in the first place so it was that much easier to portray them as evil, insane, or malicious. Their opinions about such behavior were rooted not only in their own assumptions and prejudices but also in the growing social scientific literature on crime that claimed to find inherent racial and gender differences in the criminal tendencies of
women and men and of distinct racial groups. Reformers, in turn, sifted through the wealth of information and misinformation, seeking to find solutions to the problem of crime but also to the burdens of discrimination, racism, and poverty.

*Can You Save the “Hard and Vicious Colored” Female?*

The potent racist-sexist mythologies that fueled and justified discrimination in the workforce, education, and law enforcement fueled black women’s and girls’ over-representation in carceral institutions. Considered by whites to be inclined to a type of violence that was rare among native-born white and European immigrant women (even those who committed crimes), black women prisoners were deemed to possess distinctively savage, masculine natures. In the age of the archetypal black male rapist, a mythological “hard and vicious colored” female convict emerged as his counterpart, rivaling the black man’s perceived predatory sexual craving for white women and girls. Even reformers found it hard to discard these ubiquitous conceptualizations of criminality.

Racialized conceptions of inmates thus appeared even among those devoted to transforming the prison system. Most, for instance, had more faith in their ability to reform native-born and immigrant white than African American criminals. In 1914

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277 See Chapter One, note 29 for analyses of female homosexuality in prison, which presented black inmates as especially “hard and vicious.”
278 Khalil Gibran Muhammad offers a detailed discussion of northern white reformers in the Progressive era who almost exclusively provided services for native- and foreign-born whites whom activists deemed “deserving” of their efforts. Virtually all institutions serving native-born and immigrant whites were
Charles McCord, a white male “progressive” reformer, observed, “The average man knows nothing and cares less about reforming criminals, and many men will tell you that it is useless to try to reform Negro criminals.” Black reformers knew too well that most whites had no confidence in black criminals’ capacity for rehabilitation as they struggled to finance crime prevention (or anti-vice) programs like those readily available to native- and foreign-born whites in the urban North. Ida B. Wells spoke for fellow black

racially segregated, and therefore, inaccessible to those construed as the “undeserving” poor – i.e., people of color, particularly blacks. See Muhammad, The Condemnation of Blackness: Race, Crime and The Making of Urban Modern America, (Cambridge, MA: Harvard University Press, 2011), pp. 124, 126—134, 141—191, 259—161, 270n. 11. At the same time, several scholars including Mumford, Hine, Hicks, White and Wolcott demonstrate that affluent black reformers serving black females generally fell into two categories: those who struggled to meet the needs of blacks alienated from mainstream sources of support and those who deliberately refused help to the most marginalized and vulnerable blacks, such as sex workers, because engaging these groups, they feared, legitimated dominant society’s worst racist, sexist, and classist stereotypes about blacks. See Hicks, pp. 8—10, 89, 98—99, 105—107, 120—121, 206, 214, 220, 273, 301, 322n. 89; Hine, ‘‘We Specialize in the Wholly Impossible’: The Philanthropic Work of Black Women and ‘Rape and the Inner Lives of Black Women’; Mumford, pp. 45—48; Odem, Delinquent Daughters, pp. 26, 27, 28, 47; White, Too Heavy a Load, 13—109; Wolcott, Remaking Respectability, pp. 4—7, 12—22, 36, 38—39, 43, 49—92, 94, 109, 119—121, 133—165. For a discussion of black middle class New Yorkers’ disparagement of poor and working-class black migrants from the South, see Hicks, 27—29. For a discussion of white reformers efforts to assist imprisoned native- and foreign-born white women, see Freedman, Their Sisters’ Keepers and Odem, Delinquent Daughters. On white reformers racist-sexist conceptions of black women, their work with native- and foreign-born white female inmates, and exclusion of black female inmates, see Dodge, “Whores and Thieves of the Worst Kind”, pp. 18—21, 38, 48, 51, 136, 149—153, 202, 205—207, 261, 264, 280n. 14, 295n. 26, 289n. 24, 306n. 8; Mumford, Interzones, pp. 14—18, 23—24, 26—27, 43—49, 93—120, 176—177; Odem, Delinquent Daughters, pp. 4, 9, 10, 25, 26, 29, 30, 33, 47, 186. For an analysis of upper and middle class black reformers’ campaign to protect working poor black women in the city, as well as working poor black women’s and men’s efforts to protect themselves, see Hicks, Talk with You Like a Woman, 53—124.

Charles McCord, The American Negro as a Dependent, Defective and Delinquent, (Tennessee: Benton Printing Company, 1914), 298. McCord continues, “Some men think a man who expresses sympathy and a desire to reform Negro criminals is effeminate.” Here, McCord discusses white male legislative officials’ views on the need for prison farms or the convict-lease system, rather than reformatories, to address the problem of “Negro” criminality. Lawmakers derisively labeled the opponents of convict-lease “effeminate,” perceiving their objections to the exploitative, abusive, and deadly system as misguided sympathy for black criminals rooted in intellectual and emotional weakness. Rhetorical attacks on the white masculinity of convict-lease critics might be understood as a political tactic. McCord states that most white lawmakers believed criminal black men, women, and children, with rare exceptions, were beyond redemption due to the race’s inherent biological and/or cultural defects. That said, defining black criminals as irredeemable justified arguments against rehabilitation in favor of for-profit carceral institutions. For an examination of the racist anti-black discourse and legal practices used to sustain the convict-lease system and justify the exclusion of blacks from rehabilitative programs, see “The Convict Lease System” in Ida B. Wells et. al., Why The Colored American in the World’s Columbian Exposition, (Chicago, IL: Ida B. Wells, 1893); Mary Ellen Curtin, Black Prisoners and Their World: Alabama, 1865 to 1900 (Charlottesville, VA: University of Virginia Press, 2000).
reformers when she linked the inaccessibility of white social service institutions to the very existence of the black criminal class that whites feared and condemned:

The religious, moral and philanthropic forces of the country — all the agencies which tend to uplift and reclaim the degraded and ignorant, are in the hands of the Anglo-Saxon. Not only has very little effort been made by these forces to reclaim the Negro from the ignorance, immorality and shiftlessness with which he is charged, but he has always been and is now rigidly excluded from the enjoyment of those elevating influences toward which he felt voluntarily drawn. In communities where [the] Negro population is largest and these counteracting influences most needed, the doors of churches, schools, concert halls, lecture rooms, Young Men's Christian Associations, and Women's Christian Temperance Unions, have always been and are now closed to the Negro who enters on his own responsibility. Only as a servant or inferior being placed in one corner is he admitted. The white Christian and moral influences have not only done little to prevent the Negro becoming a criminal, but they have deliberately shut him out of everything which tends to make for good citizenship.

For Wells, this racial exclusion meant that a man or woman with “Negro blood in the veins” is considered “a social outcast, a leper, even in the church.” And since the “Negro is shut out and ignored, left to grow up in ignorance and vice…[o]nly in the gambling dens and saloons does he meet any sort of welcome. What wonder that he falls into crime?”

Although white reformers, like most penal authorities, scientists, journalists, and much of the public, believed all imprisoned women were degraded and profane, they imagined that some maintained a shred of respectability and femininity and therefore could be rehabilitated. For white reformers’ views on the redeemability of most white women criminals, see Frances Kellor, “Psychological and Environmental Study of Women Criminals”, American Journal of Sociology 1, No. 4. (January 1900), 527—543. See also, for example, Freedman, Their Sisters’ Keepers, pp. 40—45, 79—87, 89—125; and Dodge, “Whores and Thieves of the Worst Kind”, pp. 15, 55—59, 111—114, 121—124, 159—161, 178—181, 185—186, 198, 263, 282n. 2, 293n. 20.
inmates belonged to the latter group, while black convicts did not.²⁸² It was easier to accept that many native-born white and immigrant women were seduced into the criminality that black women naturally embodied.²⁸³ Historian Kevin Mumford states that the “early Progressive reform was a deeply racial movement—for white women only.” Since the racialized concepts of sexual morality and chastity were viewed as key determinants of female virtue and/or susceptibility to criminality, reform movements targeting delinquent girls and women focused heavily on the protection of female sexuality. The racial exclusivity of early twentieth century white reform was evident in social purity campaigns that aimed to rescue the victims of “white slavery.” Most white females, these reformers believed, were “trapped into prostitution…not willful sinners or permanently degraded deviants.” Successful reform efforts leading to the emancipation of the sexually enslaved, and ultimately, the abolition of sexual slavery would “restore white women to respectability.”²⁸⁴ To white reformers who subscribed to contemporary

²⁸² White reformers’ belief in the reformability of most white U.S. American and European immigrant female offenders’ (and black female offenders’ lack thereof) was evident in their advocacy for the establishment of women’s reformatories. Unlike custodial prisons’ punishment-based regime, reformatories were intended to provide guided instruction in Christian morality and domesticity that would transform “fallen women” into “true women”. The women housed in reformatories were overwhelmingly native-born and white. See, Freedman, Their Sisters’ Keepers, pp. 40, 42—43, 79—82. For an insightful discussion of the exclusionary racial policies of all but one reformatory in New York State, and the small number of black females in that quasi-integrated institution, see Hicks, Talk with You Like a Woman, pp. 182—203.

²⁸³ In the early twentieth century, some white reformers subscribed to eugenics beliefs that demarcated certain races as intrinsically criminal. Most white reformers, however, believed the degree to which a particular racial or ethnic group was predisposed to criminality was largely a function of hereditary cultural practices produced by environmental conditions. See Muhammad, The Condemnation of Blackness, 88—145. For an examination of black and white reformers’ discourse on the crimes black females committed, as well as black females’ oppositional interpretations of their actions as criminalized, not criminal, see Hicks, pp. 53—125 and 136—138. In an essay for The Crisis, Jane Addams, a white woman reformer, offered a cultural explanation for black females’ greater susceptibility to vice and participation in criminality by comparing them to female Italian immigrants, thus embracing the notion of vice and crime as a cultural problem produced by hereditary defects. Yet according to Addams, European immigrants’ immorality and illegal activity is not necessarily a cultural characteristic of the various Euro-ethnic groups but a socio-economic problem yielded by poverty. See Jane Addams, “Social Control,” Crisis 1, No. 3 (January 1911): 22—23. Web. In the Vicinity of the Maxwell Street Market: Chicago 1890—1930. A Virtual Museum of History. 26 July 2013.

²⁸⁴ Mumford, Interzones, 43.
scientific studies of eugenics, however, neither predators nor poverty forced black females into sexual vice and prostitution. In *The American Negro as Dependent, Delinquent, and Defective*, Charles McCord simultaneously decried and embraced such racist assumptions. As he wrote in 1914:

> But the saddest thing about all this sexual immorality is that nobody cares. True, a helpless minority of noble spirits are making a struggle against the tide, but the vast majority of the race, the Negro church, and even the Negro preachers, do not care; and the white people are not interested. Absolutely no protection from approach, except a direct appeal to the police, is afforded Negro girls. And I never heard of a Negro female appealing to the police or to any man's chivalry to protect her from insult. The libertine and the seducer can approach at will and the procurer can ply his trade unmolested. Nobody cares; the Negro woman herself does not seem to care. In fact, I have been told by those who live in the Black Belt that it is even more common for unmarried [negro] women to ‘run after’ — i.e., solicit — men than for the men to accost [the negro] women (emphasis mine).

Although McCord recognized that “[i]f a negro girl does desire to maintain her honor, she has a hard, lonely fight,” he also claimed that “she is born with a compelling sexual appetite, and no effective restraint is ever imposed by her environment.” Still, he did then critique “[e]mployers [who] do not so much as think of, much less take measures for, her protection.” And he bemoaned the fact that “White women as well as white men assume, a priori, that she is unchaste.” After noting that “Negro men, and even many white men, seem concerned only as to her desirability for sexual purposes. And even her parents take no trouble to keep her pure,” McCord concluded, “If she makes the fight, she must fight alone, for nobody cares.”

For many white reformers, black females’ disproportionate participation in and incarceration for prostitution confirmed the influence of hereditary racial characteristics, including an innate immorality and lasciviousness, overly-permissive mixing between the sexes, and parental neglect (particularly bad mothering).287 These factors supposedly prompted black females to freely choose sex work while their white counterparts were viewed as involuntarily ensnared in the trade.288 It was through this lens that reformers interpreted conflicts among inmates. Many thus considered the most transgressive of the transgressors to be black inmates who preyed on white inmates, such as black women who supposedly seduced white inmates. These white women were then considered doubly victimized, first by society and then by the vicious black criminals at Auburn and similar institutions.

Yet not all white reformers agreed. Louise De Koven, a privileged progressive centered at Chicago’s Hull House, argued against views like McCord’s, that is, the notion that black females were irredeemable and innately immoral. She explains McCord’s reference to unconcerned employers by writing that her reform group, “The Juvenile Protective Association of Chicago…had previously been impressed with the fact that most of the maids employed in houses of prostitution were colored girls and that many employment agencies quite openly sent them there, although they would not take the risk of sending a white girl to a place where, if she was forced into a life of prostitution, the agency would be liable to a charge of pandering.” Since labor laws barred agents from


288 McCord also cites high rates of illegitimate births and venereal disease as evidence of black women’s and men’s immorality, 98—107. For analysis of De Koven’s findings, see Mumford, pp. 41, 95—96.
employing white children in brothels, or the like, and anti-prostitution or white slavery laws were generally not enforced against those who preyed on black women and girls.\textsuperscript{289}

Madeleine Doty agreed with many of DeKoven’s views. She typified the fringe activists among prison reformers. A distinct minority of late nineteenth to early twentieth century penal reformers, these activists believed that social and economic conditions, rather than personal moral failings, produced crime. Most fringe activists were white, middle-class, college-educated women, like Doty and DeKoven, whose professions as social workers, criminologists, educators, lawyers, and journalists incorporated or reinforced their efforts to reform women’s prisons.\textsuperscript{290} Their socio-economic theories challenged the prevailing discourse generated predominantly by white upper and middle class men, like Cesare Lombroso who used eugenic theories to explain criminality.\textsuperscript{291}

Traditional criminologists believed that genetic defects spawned criminal impulses, defects that were more prevalent in men than women, and in people of color and eastern and southern Europeans than Anglo Saxons.\textsuperscript{292} By 1920, a growing number of

\textsuperscript{289} Not only did DeKoven counter McCord’s assertion that black females were indifferent to white people’s assumptions that they were promiscuous, she said that black females objected to the stereotype that often compelled them to choose between joblessness and poverty or the sexual danger and vulnerability to arrest attendant to work in venues supplying commercial sex. Louise De Koven Bowen, The Colored People of Chicago: An Investigation Made For the Juvenile Protective Association, (Juvenile Protective Association, 1913), 260 and 268.

\textsuperscript{290} Freedman, Their Sisters’ Keepers, 109—111.

\textsuperscript{291} Lombroso, The Female Offender. For analysis of Lombroso’s discourse on female crime, see Dodge, “Whores and Thieves of the Worst Kind”, pp. 16—18, 47, 275n. 16, and 295n. 26; Freedman, Their Sisters’ Keepers, 111—121; and Hicks, Talk with You Like a Woman, pp. 113, 128, 134, 151, 225, and 304n. 16.

criminologists embraced fringe activists’ socio-economic explanations for crime. But in the early 1900s, their position was a rarity.

The Prison Reform Commission on which Doty served included at least one more fringe activist: Thomas Mott Osborne. Osborne, an affluent white man, was the Commission’s chair and the first in the group to enter prison undercover. Osborne’s secret investigation of Auburn State’s Prison for Men exposed the institution as “a hopeless sink of human failure,” a colossal concrete host to a “stupid and brutal system…[a] lamentable failure.” It was Osborne who appealed to the warden at Auburn Prison to permit Doty and Watson to conduct their investigation of the women’s prison. Before the two women entered the institution, Doty and Watson stayed overnight in Osborne’s home, ensuring that their “every physical comfort was perfectly cared for.” Afterward, on hearing what Doty had to say about her experience, the chief Commissioner indicted the women’s prison as “quite as bad, if not worse” than the men’s. For Osborne and Doty, Auburn prison, like prisons more generally in the United States, did nothing to rehabilitate the “convict,” and therefore did not come close to rescuing society from criminals or rescuing criminals from themselves. This was the central problem at the core of the existing prison system. As Doty writes:


295 Ibid., viii and 10.
The old system of punishment which crushed and broke has failed. Man by these methods has been made worse rather than better. The released convict has proved a greater menace to society than he was before he fell into the clutches of the law…. if punishment has failed then the new system of education must be tried…. the penal system is not sacred; that law, where it does not meet the needs of society, like all else, must give way to change.\textsuperscript{296}

How would Doty and her fellow fringe activists accomplish the changes they sought? It was not enough to reform carceral institutions. Instead, these activists pursued change beyond institutional walls. They sought a transformation in the law. As a lawyer, Doty asserted, “[T]he practice of law afforded no opportunity for rendering justice.”\textsuperscript{297} She declared “that…the keynote of change…[was] the putting of humanity in the law. Intelligence of the mind is nothing without that of the heart. Factories may be run by rule of thumb, but individuals are remade through the soul.”\textsuperscript{298} In her memoir, she considered the case of Johnny Jones, a white boy who “stole a bucket of coal because his mother and baby sister were freezing” in their tenement apartment. The law branded Johnny a thief. Doty insisted that “he wasn’t”; the law was wrong. To Doty, whether or not Johnny committed an act of theft was not the important question. She believed the boy’s guilt or innocence was not only irrelevant, but “absurd…when the real question was \textit{why} did he steal” (\textit{sic}). In her view, the court’s failure to ask and answer that question gridlocked the justice system and stalled society’s progress. Because after “the reform school made Johnny a menace, the baby died and Johnny’s mother went to the poorhouse…[a]ltogether society paid pretty dearly for that bucket of coal.” She continues, “It was evident dead judges and musty precedents were not good guides. The criminal law needed to be taken

\textsuperscript{296} Ibid., 8. 
\textsuperscript{297} Ibid., 5. 
\textsuperscript{298} Ibid., 4.
out of the hands of legal-minded machines and remade in the image of Christ.”

A feminist as well as a Christian ethic permeated Doty’s philosophy. The white men who dominated the legal system had made the system devoid of humanity by design. She called for “[w]omen lawyers…[to] bring love, intelligence of the heart, into the business…. [so] that courts, and prisons, might be dedicated to the regeneration instead of the persecution, punishment, and destruction of man.”

New York’s all white prison commission was no different than other white prison reform and anti-vice groups in their focus on white convicts. All of these reformers concerned themselves primarily with incarcerated white and European immigrant inmates, especially women, because they considered them “redeemable.” For many early twentieth century white activists, working to cure these female criminals of the moral sickness that produced their lawlessness was part and parcel of a larger project to “preserve the race.”

These reformers, like much of the white public, embraced eugenicists’ belief that “whites,” the fair-skinned descendants of Anglo-Saxons and other northern Europeans, were the genetic superiors of the “darker races.”

\[\text{\tiny 299} \text{Ibid., 5.}
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\[\text{\tiny 300} \text{Ibid., 5 and 6.}
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\[\text{\tiny 301} \text{See note 71. Also see Tayleur, “The Negro Woman: Social and Moral Decadence,” }\text{Outlook 76 (January 30, 1904): 266—267 and 270—271. Cheryl Hicks observes that, in the Progressive era, middle and upper class black and white reformers “embark[ed] on a ‘civilizing mission’” frequently with different demographic targets in mind. Affluent black reformers engaged in a “racial uplift” movement, regarding themselves as living “proof that black people were capable of civility and respectability.” They sought to achieve racial progress through the moral reformation of the mass of impoverished blacks, the end of economic racism, and the attainment of civil rights equality. As previously discussed, in addition to expressing no concern with changing black people’s social, political, and economic condition, most affluent white reformers viewed blacks, whether or not they were in conflict with the law, as incapable of reform. Hicks explains: “Comparing black migrants from the rural South with new immigrants from Europe, most mainstream [white] reformers were inclined to favor the recent arrivals over African Americans. Although some held nativist sentiments, they believed that European immigrants possessed the innate capacity to adapt to modern society and attain citizenship,” }\text{Talk with You Like a Woman, 8—9.}
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\[\text{\tiny 302} \text{For an analysis of Progressive era discourses on racial superiority/inferiority, see Bederman, }\text{Manliness and Civilization, pp. 22, 23, 25—29, 30, 31, 34—38, 40, 49—50, 57—59, 75—76, 110, 123—124, 136—140, 144—149, 153, 154—157, 166, 167—168, 184—185, 188—190, 191—192, 193—196, 217, 239, 250nn. For an analysis of white European immigrants’ location in racial superiority/inferiority discourses, see}
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“darker races,” including Italians and other southern and eastern European immigrants, criminality was not necessarily perceived as endemic (Sicilians being the only exception). And women in these groups were less likely than men to be thought of as naturally vice-ridden. White reformers could claim that native-born white and immigrant women who committed crimes had “fallen” from a moral pedestal, thereby, compromising their racial superiority; but it was still possible to restore them to their rightful place. In their efforts to “uplift” these female prisoners, reformers set out to re-establish their mental, emotional, and spiritual connection to virtue, piety, and submissiveness, to white patriarchs and to a Judeo-Christian God.

African American women convicts, on the other hand, had not “fallen” from any pedestal. As members of a race considered unfit and inferior, their perceived default was baseness, immorality, criminality, immodesty, and heathenism. White middle class sociologist and reformer, Frances Kellor, summarizes these accepted notions among whites in her 1901 study entitled the “The Criminal Negro,” in which she declares, “The negro woman and negro girl, judged by civilized standards, are to a large extent immoral.”

Conceding that “racial tendencies alone cannot explain” black females’

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303 See note 30.


305 Frances Kellor, “The Criminal Negro II,” 191. In various statistical studies, including “The Criminal Negro,” Kellor theorizes the “negro woman problem” from a largely environmental determinist
moral bankruptcy, and particularly, their sexual vice, Kellor explains, “[t]here are few occupations aside from domestic service open to them” and “prostitutes…[were] recruited” from that class of workers. That said, the absence of economic constraints wrought by institutional racism, sexism, and classism, Kellor believes, would not sanitize the moral values of this intrinsically vulgar race. The spirit of this conviction permeates her indictment of black parents for supposedly neglecting their children, generations of neglect that (re)produced the depravity of their daughters: “There is no race outside of barbarism where there is so low a grade of domestic life, and where the child receives so little training, as among the negroes.” Equally faulting black mothers and fathers for the sexual delinquency of their daughters, Kellor asserts that “[t]he removal at an early age of parental influence places the [black] girl at the mercy of both negroes and whites of the male sex.”

Neglectful parents socialized black girls to devalue chastity, and instead, view their sexuality as currency they could exchange for white men’s attention: “The negro woman of the lower type still recognizes her subservience to the white man, and yields herself quite as readily now as” she did during slavery. Kellor argues that slavery’s moral corruption of black women, in addition to, “the fact that so few women are virtuous when they enter matrimony,” helps explain their greater susceptibility to engaging in prostitution.

perspective. She was the first to disprove Cesare Lombroso’s physiognomic theory of criminality (or theory of the “born criminal”), which structured popular discourse on crime in the Western hemisphere from the late 1870s to late 1910s. See Kellor, “Criminal Anthropology in Its Relation to Criminal Jurisprudence,” American Journal of Sociology 4 (January 1899): 515—527. Kellor rejected biological determinist arguments for black criminality, and assertions that black females, in particular, were incapable of moral redemption because of genetic defects that afflict the race. However, like biological determinists, Kellor believed that all blacks were intrinsically inferior, which was demonstrable in black females’ promiscuity and bad mothering. For an example of biological determinist discourse on blacks in general, and black women in particular, see Tayleur, “The Negro Woman: Social and Moral Decadence,” Outlook 76 (January 30, 1904): 266—271.

Still Kellor disagreed with whites who placed the blame for black women’s (perceived) sexual immorality and delinquency on the shoulders of black women themselves, deeming them undeserving of social services or not amenable to reform. She asserts, instead, that “squalor and want,” the absence of schools and cultural programs, and white people’s failure to recognize black children’s lives as valuable has deprived black women of the resources necessary to improve themselves and their race. She writes,

I ask the Northern mother, with her smaller family and with trained assistants in the home, school, and church, what the possibilities are for individual training… Think of the cost and attention often required to save one child in the North! During slavery the whites were interested in the life of the negro child. It had a cash value, and all efforts were made to save it. It was often taken into the mansion itself and carefully nursed. Now all the knowledge and means required for such care devolve upon parents that have had but little preparation. The child has no labor value now… [white southerners evince] no interest in the condition of the [black] masses.”

The South’s black female children, says Kellor, “whose training is largely in the street or in depraved homes,” migrate North with ineffectual parents and there the vast majority of them end up in the streets or reformatories. As adults, says Kellor, black women who were delinquent as children land in prisons constructed to punish, not reform, them.

Kellor’s plea to whites to develop and support reforms for black women, while well-intentioned, was tacitly based on her failure to acknowledge black people’s agency and their ability to initiate change in their own lives. Only with white people’s help could black women be saved, she averred. But, access to institutional mechanisms of change was not enough; blacks needed members of the superior white race to shine their light on

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309 Kellor, “The Criminal Negro II,” 192; Gross, Colored Amazons, pp. 2—3, 12, 127—149, 155—156, 225nn. 30 and 80; Hicks, Talk with You Like a Woman, pp. 88, 130—131, 276. See also Chapter Three and Doty, Society’s Misfits, 3—66. For additional scholarly analysis of custodial prisons as non-rehabilitative spaces see Dodge, “Whores and Thieves of the Worst Kind”, pp. 23—51, 127—139.
problematic beliefs and behaviors that Kellor perceived as cultural fixtures in black communities. She ignored the work that black people were already doing to protect black women and “uplift” the race.\(^{310}\) She also failed to unacknowledge the fact that blacks established their own moral codes independent – and sometimes in defiance – of white directives, in the most brutally oppressive contexts.\(^{311}\) For example, some black people expressed their oppositional values and survived or avoided poverty by participating in an illegal economy, including vice districts.\(^{312}\) But Kellor did not consider the possibility that criminal activity was a survival strategy for many African Americans, and a conscious moral decision for some, when the alternative was obedience to an unjust law or allowing children and elderly dependents to go hungry or homeless.\(^{313}\)

Based on the hegemonic belief that black people’s criminal behavior was symptomatic of an innate impulse to sin coupled with racial inferiority, Kellor observes that “little assistance comes from whites…[as] [t]hey have come to expect, justly, undoubtedly, thieving and immorality in the negro.”\(^{314}\) But this predisposition to “petty” theft, she reiterates, was a cultural habit, a racial characteristic acquired while blacks were enslaved, a custom that emancipation did not eradicate. Had white masters permitted blacks to own property, blacks would have learned to “respect” it. Kellor claims that “this respect is not a born trait” in any racial group. If whites wanted to address the problem of black criminality, they must do more than incarcerate blacks in

\(^{310}\) Cheryl Hicks notes that Kellor overlooked the activism of black reformers, such as Victoria Earle Matthews, who built organizations, campaigned for legislative changes, and worked tirelessly in direct service for the protection of black women and girls. See Hicks, *Talk with You Like a Woman*, 114. For examples of affluent black reformers’ multi-faceted campaign to “uplift” the race, see note 71.

\(^{311}\) Hicks, *Talk with You Like a Woman*, 114.

\(^{312}\) See Chapter One’s discussion of black women’s criminal work. See also Mumford, *Interzones*, 93—120; Kelley, *Race Rebels*, 18—20; Wolcott, 93—131.

\(^{313}\) See Chapter One’s analysis of the economic imperatives linked to many black women’s illegal activity, including those performing criminal work.

non-rehabilitative prisons. She exhorted middle and upper class native-born whites to think of impoverished blacks in the North and South as they did “the laboring class” of European immigrants “crowded in tenement districts,” who white reformers generally regarded as “assimilable.”315 Kellor insisted that blacks deserved white reformers’ help; with the patient guidance of respectable whites, the race would eventually progress and black women, though morally dissolute, could be rescued, just like their “fallen” foreign- and native-born white “sisters.”316

Another white reformer, Eleanor Tayleur, agreed with Kellor, but she issued a more thorough condemnation of black women in *The Outlook*, one of the most popular news magazines in New York during the Progressive era. In “The Negro Woman: Social and Moral Decadence,” Tayleur proclaims that black women possessed the “brain of a child and the passions of a woman steeped in centuries of ignorance and savagery, and wrapped about with immemorial vices.” She blasts black women as utterly “unchaste, diseased physically and morally.”317 Unrestrained by the civilizing influences of slavery, Tayleur contends that, without the “uplift of close personal association…and intimate contact with the refined and educated women of the dominant race…and whose manners and morals…and black women] copied…imitative as negroes are,” a life of “decency is

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316 Kellor, The Criminal Negro II, 191. See also “The Problem of the Young Negro Girl from the South.” *The New York Times* 19 March 1905: X8. Web. 10 July 2013. For an analysis of Kellor’s discourse on black women’s inherent immorality and redeemability, discourse that conflated racist-sexist and anti-racist/anti-sexist views in Kellor’s campaign to gain legal and social protections for black women that would shield them from sexual exploitation, see Hicks’ insightful investigation of Kellor’s complex views in *Talk with You Like a Woman*, 111—121.

impossible” for this group. Without the psychological, emotional, and moral fetters of enslavement, Tayleur says damningly, “the negro woman is the Frankenstein product of civilization.” In the post-slavery era, and especially in the urban North, “when the black woman imitates the white, she only imitates what is worst in her. She copies her extravagance in tawdry finery that is a grotesque exaggeration of fashion, she copies her independence in utter abandon of all restraints, she copies her vices and adds to them frills of her own, and it is as if one saw a vulgar picture ineffably coarsened by being reproduced in hideous and glaring colors that emphasized every unlovely detail.” Tayleur said that whites should not have been surprised that black women found crime alluring. Whites, she says, should have “expected that a childish race, suddenly freed from slavery, would mistake liberty for license.”

Tayleur ascribed to black women a “potent…influence” embedded in their moral weakness. The black woman “stands a sinister figure behind the black man, forever dragging him downward.” Because mothers “mold the character of a people,” the nature of black women’s depravity rendered the entire black “race…doomed, for death and decadence have set their seal upon it.” She acknowledges that there “are exceptions,” such as women among the “better class” of blacks, “but the great dark, helpless, hopeless mass of the women of their race…are found leading their lawless and purposeless lives in the cane and cotton field, or herded together in the streets of the cities.” Tayleur’s raw disdain for black women was linked to an anxiety about their near supernatural ability to

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319 Ibid., 267.
320 Ibid., 268.
321 Ibid.
322 Ibid., 267 and 270.
single-handedly annihilate entire black communities, and ultimately, white civilization as well.

But these fears did not immobilize Tayleur. She opines, “The most momentous problem of our day is how to rouse this lethargic giantess to a sense of her responsibilities.” Therefore, all virtuous white women like herself had a divine obligation to embrace the herculean task of lifting black women out of decadence as they held in their “hand[s] the fate of a race.” In this way, white women, too, controlled the nation’s racial destiny:

The mission of the white woman of this country is to the black woman. If ever there was a God given and appointed task set to the womanhood of any people, it is to the women of America to take these lowly sisters by the hand and lift them out of the pit into which they have fallen. Humanity pleads for it, Christianity prays for it, the very salvation of the country demands it, for be assured unless we succor these Hagars who have been thrust out into the desert of their own ignorance and superstition and sin, they will raise up Ishmaels whose hands shall be against our sons forever.\(^{323}\)

By contrasting constitutionally selfish, neglectful, infantile, inept, immoral black mothers with naturally morally pure, respectable, educated, white Christian mothers, Tayleur not only legitimated racist-sexist mythologies, she also marshaled affluent white women’s rights activist discourses.\(^{324}\) White women, Tayleur argues, were uniquely positioned to rescue black women from themselves and in so doing, rescue black society and white civilization from black women. Tayleur perceived white women as imbued with special,

\(^{323}\) Ibid., 270—271.

\(^{324}\) Women’s rights activists, like Frances Willard, argued that morally superior white woman were endowed with gifts that uniquely qualified them to purify society as they did the home. Women’s enfranchisement and political activism, then, did not breach traditional Victorian gender ideologies as white women did not encroach on white men’s domain, i.e., the public sphere, or surrender their femininity, since they were duty-bound to “clean up” society, not just the domestic sphere. Alison Parker, *Purifying America: Women, Cultural Reform, and Pro-Censorship Activism, 18730—1933* (Illinois: University of Illinois Press, 1997). Progressive era racist feminist writer Charlotte Perkins Gillman argues that white women are white men’s moral superiors, and therefore, should be granted full social, political, and economic equality. See Bederman, *Manliness and Civilization*, 121—169.
intrinsic abilities that empowered them to reach the “unthinking, unknowing…negro woman of to-day…the victim of heredity…with no desire save of the senses, no ambitions, no aspirations” in order to “inspire [her] with ideals of virtue.” She was certain that “[u]ntil that is done…until the [black] mother teaches the child at her knee the precepts of right and honest living, there can be no real uplift for the negro race, and no solving of the race problem.”

New York’s white prison commissioners may not have subscribed to the full range of Tayleur’s views, but their belief that black women convicts posed the greatest danger to Doty was informed by the same depiction of them as “ignorant,” “savage”, “lawless,” and “morally diseased” and exhibiting an “utter abandon of all restrain[t].”

The fears that Doty and her fellow prison commissioners articulated reflect some white reformers’ perception that racially integrated carceral spaces imperiled white women. In such prisons, whites assumed, masculine black women endangered and preyed upon feminine white women. Prison walls, they feared, did not stave off the dangers that black emancipation and race-mixing posed to white females in the larger society. Just as many whites believed slavery’s abolition transformed masculine black women into the “Frankensteins” of white civilization, their presence in racially-mixed carceral spaces turned these depraved inmates into the “Frankensteins” of women’s prisons. In other words, freedom vested masculine black women with the power to topple white civilization and incarceration vested these same women with the power to disrupt orderly

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325 Tayleur, 270.
penal communities by physically (and sexually) harming white women inmates. In the interracial dens of women’s prisons even “deviant” white women were rendered unsafe, as supposedly even more deviant black women targeted them as their preferred victims. The perception of imprisoned black women as masculine and intrinsically depraved manifested in prison commissioners’ mythology of the violent “vicious colored” women from whom white women, such as Doty and Watson, needed protection. But, of course, that perception was not limited to women already in prison. The image of “hard and vicious colored” women emerged as soon as they were suspected of a crime and expanded and intensified as they were arrested, tried, convicted and incarcerated.


In August 1893, Mamie Brown, a dressmaker, stabbed Lucy Dersey, a servant in her home. But the white journalist who documented Brown’s crime did not care about that. The reporter quickly noted the stabbing, the women’s race (both “colored”) and ages (twenty-one and twenty-nine, respectively), and Dersey’s medical status (“in a dangerous condition”). Of greater import, however, to the reporter was “[t]he peculiar appearance” of Mamie Brown’s face at her arraignment.

“What’s the matter with your face?”

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“Jes, bleachin’ it, Jedge,” answered Brown.

“What are you doing it for?”

“Jes to make it white.”

Dubbing Brown a “bleached negress,” the reporter described her skin as “originally black, but in places the skin peeled off from the face leaving a yellowish-white appearance.” He delighted in Brown’s efforts to lighten her skin, an endeavor that the black press’s “race” men and women would have characterized as an act of self-loathing. To the reporter, however, Brown’s “face strangely mottled with patches of yellow and spots of ebon black” was not a pernicious effect of white supremacist ideology on a black woman’s psyche, but an occasion for humor. With the entertainment of a largely white readership in mind, the journalist cruelly bantered, “…the dusky maidens who prefer the skin of Japhet over the darker hue of Ham are just now using a preparation which is guaranteed to soften the shade of midnight into the less somber light of early dawn.”

The bulk of the short article focused on the aesthetic manifestation of Brown’s internalized racism (albeit not recognized as such), not the motivation for her violence against another black woman nor her response to having stabbed someone or her subsequent jailing. Here was another journalistic deployment of the clichéd metaphor of light and dark, intended to contrast whites’ assumed virtues and blacks’ assumed moral deficits. Neither Mamie Brown, her violence, nor the mindset that prompted her futile grab at racial transformation mattered to the white reporter. He simply gawked hungrily at her encounter and her color in order to sell a story. Mamie Brown was news because she was perceived as freakish and thus not someone to be helped or even pitied, but someone at whom whites could laugh along with the reporter.
Most disturbing, perhaps, was the white reporter’s total disinterest in the victim. What was her medical prognosis? Did she survive the attack? What did Lucy Dersey have to say about her victimization? This much is clear: in the white imaginary, black women were constructed and perceived as many things, but rarely as victims or at least as victims that aroused any deep concern.

Brown’s story exemplifies the white press’s approach to and attitude towards African American women accused of serious crimes. Allegations were treated as facts. There was no need to ask questions because the accused’s blackness signaled her racial inferiority and therefore her moral poverty. Whites could safely assume her guilt. For the white press, the value of these stories resided in the extent to which they could be sensationalized, the women themselves ridiculed and held up as curiosities or maligned as moral reprobates. Their crimes, then, supplied proof of white people’s civility and superiority and the insolubility of the persistent “Negro problem” outside of greater efforts to control and regulate the race.

Thus even though the white press fixated on violent crimes by black women, its interest in these acts rarely extended beyond the superficial. Unlike the majority of news reports on white women who committed assault, which will be discussed below, most black women who perpetrated such crimes did not have their actions and motivations detailed in the white press. In December of 1895, for instance, an article announced that an unnamed “colored woman becomes violent.” She had worked as a cook in the home of a white family, a Presbyterian minister and his wife, in Highland Falls, New York, for just six weeks before coming into conflict with the law. One evening, when her

employers were away, the woman used a razor to attack three white men, all of them “soldiers, who were out for a walk.” The article did not state whether the woman actually carried out her attack and whether any of her targets sustained any injuries or were simply chased away. The reporter said that the black female assailant “went suddenly insane,” and it was this eruption of madness that made the “warriors” run.  

Short reports like this one leave many questions unasked and unanswered. In this case, for instance, what did the accused have to say about the incident? Why would she, a lone black female, attack three white men, particularly soldiers who may have been armed? Was it rage, dread or both? Was it insanity? Had the men threatened her in any way? Was she avenging an insult or injury against her or her kin? Had those white men harmed her or her loved ones? Or did they remind her of white male soldiers that terrorized her or her family? White U.S. military men may have been heroic “warriors” in the mainstream media, but they were also perceived as enemies by many women of color, who were sexually harassed, raped, or murdered; whose husbands and brothers were beaten or lynched; and whose homes were ransacked and communities pillaged. White troops were also used in the late nineteenth and early twentieth century to quash workers’ protests, including those by African American men. Yet this larger context for a black woman’s knife-wielding attack on white soldiers was ignored.

That same month—December 1895—several white newspapers reported that Mrs. Pompey (Sarah) Lane, a black woman attempted to shoot a white man, Mr. Calvin Corle, a banker, farmer and former senator, in Sommerville, New Jersey. A local paper noted

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332 Ibid.
that Mrs. Lane had “snowy white” hair, wore glasses with gold frames, and was “a tall and handsome woman,” granting her an unusually positive image for a black woman accused of assault.\textsuperscript{334, 335} Perhaps her light skin—she was described elsewhere as mixed race with “the tinge of negro blood in her veins”\textsuperscript{336}—encouraged the reporter to offer a more positive assessment of the accused. The New York Times held no such brief for her, however. It reported that just before dusk, a “very angry”\textsuperscript{337} Mrs. Lane approached Corle and pulled “a revolver from the folds of her dress and pointed it at [him]” as he exited the Second National Bank.\textsuperscript{338} An “[e]x-Sherriff ran up and struck the woman on the arm. The revolver did not explode.”\textsuperscript{339} Lane did not pull the trigger nor proclaim that she intended to kill Corle, yet she was charged with “assault with intent to kill” and attempted homicide.\textsuperscript{340} With bail set at $2000, Lane spent at least one day in the county jail.\textsuperscript{341} But The Times reporter apparently made no attempt to interview Lane for her side of the story. He simply assumed she was guilty and branded Lane a killer.

The same New York Times article, however, provided shards of information that suggested possible motives for Lane’s crime. Mrs. Lane was a widow, and her late husband, a longtime resident of Sommerville, “left quite a sum of money [and property]
to his wife by will.” According to several reports, including *The Times*, the deceased appointed Corle administrator of Sarah Lane’s estate. When Mrs. Lane “accosted” Corle on a public street, she “accused [him]…of mismanaging her husband’s estate” and demanded the remainder of her inheritance. An unsympathetic local journalist claimed that “Mrs. Lane has had a strange hallucination that Mr. Corle was withholding money from her. She made frequent calls upon him for it.” After many attempts over the course of two years to recover that which Lane believed was rightfully hers, Corle continued to claim that “there was no money due her just now.” At that point, Sarah Lane decided a gun might be more persuasive. After a trial in which the jury rendered a guilty verdict, the Court assembled a special commission to evaluate Mrs. Lane’s sanity in order to determine her sentence. The commission concluded that she was sane. Thus, even though “there ha[d] never been a blemish on her character before,” the judge sentenced Mrs. Lane to three years in prison.

But why did Sarah Lane, a person with an otherwise pristine reputation, suddenly break the law at age 65? And why did she violate the law in the way that she did? Why would a black woman, making no attempt to disguise herself, aim a firearm at an elite white man in a well-travelled part of town? Clearly, Sarah Lane confronted Corle because he was the executor of her husband’s will. Had Corle carried out the deceased’s intentions? Was Mrs. Lane entitled to all the money her husband willed her in a single payment? Or did her husband ask Corle to issue her payments in portions on a schedule?

342 “Tried To Kill An Ex-Senator.”
343 Ibid.
344 “The Morning’s News.”
345 “Attempted Shooting.”
346 “Tried To Kill An Ex-Senator.”
Finally, had Corle mismanaged Mr. Lane’s estate or behaved unethically or illegally as the will’s executor? And why did Mrs. Lane ask for more money? Was she enduring financial hardship, facing hunger or eviction? Or did she simply want to control money that was rightfully hers? Did grief influence her actions?

Again, white journalists expressed no curiosity in retelling the tale of Mrs. Lane’s criminality but readily accepted Corle’s story about a “murderous attack” at face value. The white press cast yet another black woman as irrational and criminal in attacking an upright white (male) citizen. Neither Corle’s actions nor his role in Sarah Lane’s life was interrogated. White reporters drew a hard and fast line between perpetrator and victim. For them, the issue was black and white; he was right and she was wrong despite her respectable life and advanced age.

From Sarah Lane’s point of view, the boundary between victim and victimizer was clear, too. About three months later, Lane finally told her side of the story to a white reporter who afforded her more respect than the white press at large, or who at least was convinced he could sell more papers by exposing a corrupt banker and politician than excoriating an elderly widow. On February 29, 1896, The Sun reported that “Mrs. Pompey Lane, a 65-year-old mulatto, of stately carriage…[and] acknowledged leader of her race and social circles,” had been denied an inheritance for “several years.” Her dead husband, “one of the most prosperous colored men in the county,” left her a “snug fortune” and “considerable property” that included a pair of farms adjacent to the Neshanic Mountains. The couple lived on one of the farms until the husband’s

349 “Attempted Shooting.”
350 “Her Story Of Wrongs.”
351 “Tried To Shoot Him.”
death. In his effort to ensure that his wife would remain financially secure, Mr. Lane appeared to err in only one thing: appointing Calvin Corle as executor of his estate.

The widow Lane and Corle clashed repeatedly “over the disposal of the property, which culminated in suits and countersuits.” Unfortunately for Lane, the court consistently ruled against her, and the expense of filing suit significantly diminished the estate’s worth. Corle then sold Lane’s homestead against her wishes, and “most of the estate converted into cash” that Corle controlled. Following the sale, Sarah Lane “refused to leave until she was carried out by the sheriff.” Since then, Mrs. Lane “ha[d] been keeping a boarding house in town.”

Before a judge heard the case, several white newspapers asserted that Mrs. Lane tried to murder Corle and that she would have succeeded had he not been “saved by the prompt action of [the] ex-sheriff.” At trial, “Corle testified that…he was talking with the ex-Sheriff in front of the…[b]ank, when the woman came up behind him and pointed a cocked revolver at his back.” Whether or not the gun was cocked was not verified nor was Lane’s response to this assertion. But Mrs. Lane did say that she had no desire to kill Corle. She tried to tell the court that Corle had wronged her, that he had mismanaged her estate, but the judge silenced the aggrieved widow. And the white press expressed no concern for the rights of the accused. A reporter for The World writes:

“Mrs. Lane took the stand in her behalf, and it was with difficulty that the Judge

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352 “Tried to Shoot Corle.”
353 “Her Story Of Wrongs.”
354 “Mrs. Lane Taken To Prison.”
355 “Attempted Shooting.”
357 “The Morning’s News.”
358 “She Tried To Kill Corle.”
359 “Mrs. Lane Taken To Prison.”
prevented her rehearsal of a story of her supposed wrongs at the hands of Corle. . . This was ruled out as irrelevant and as not justifying an attempt to kill."

In February, however, Lane told the Sun reporter: “I never meant to shoot Mr. Corle. I acted as I did to get myself arrested and before the court in order to tell my story. Now this has been refused me and in my old age I am sent to prison.”

Before threatening Corle, Lane spent a year appealing to white journalists to print her story. “…[S]he…frequently visited the offices of the newspapers [in New York city]…with a written story of her alleged wrongs.” None of the city’s papers would publish Lane’s claims. She believed this “was due to Corle’s influence” – a plausible assertion given Corle’s race and gender and his status as a former Senator and bank president. He was well-connected and well-regarded enough for a Supreme Court justice to appoint him to a commission charged with investigating a claim against the Middle Brook Railroad company.

Still, the sixty-five year old widow wanted to be heard. After exhausting the legal mechanisms available to her, she resorted to extremes. Pointing a gun at an elite white man on a public street in front of witnesses was a brazen act, both desperate and foolish. In arraignment, “when Corle was telling how he escaped being shot, she remarked: ‘You did nothing wonderful. I could have shot you dead had I wanted to.’” Sarah Lane paid a heavy price for her refusal to accept defeat. The jury deliberated only

360 “She Tried To Kill Corle.”
361 “Her Story Of Wrongs.”
362 Ibid.
363 Ibid.
365 “Her Story of Wrongs.”
an hour, issued a guilty verdict and “recommended mercy.” The judge responded with a “sentence [of]…three years hard labor in State prison.”

Seventeen years later, at age 84, Calvin Corle committed suicide in his home. At ten o’clock in the morning, Corle’s cousin discovered the body of the eighty-four year old man “in his room with a handkerchief about his neck, hanging to…an old-fashioned…bedpost.” Two months after his suicide Corle’s friends learned that Corle, a person they believed “was worth $200,000” owed over $90,000 to his creditors, who would only collect ten percent on the debt. Moreover, the money that Corle had been appointed to administrate had “disappear[ed].” Clearly, Sarah Lane was not delusional when she accused Corle of denying her access to her inheritance and mishandling her estate.

Still, the white media treated accusations against black women as indisputable facts, especially if the accuser was a prominent white man. The shards of newspaper evidence on Sarah Lane, when pieced together, indicate that an elite white man had victimized a respectable black woman. But the crimes of white businessmen and politicians were likely to go undetected and unpunished because of their influence with powerful people, like judges, and their ability to manipulate powerful institutions, such as the news media. The judicial double-standard, moreover, was gendered and classed as well as raced. Many white men were not just above the law; they were the law. As legislators, police officers, and judges they designed, enforced, and interpreted legal

366 “She Tried To Kill Corle.”
367 “Her Story Of Wrongs.”
codes. And as jailers the law empowered them to corral criminals, or the criminalized, inside concrete cages. When Sarah Lane confronted Calvin Corle with gun in hand, she took aim at the racist-sexist institutions that gave Corle the power to abuse women like her. She thus figuratively rattled the cages of white male supremacy even though for doing so she would spend three years trapped inside one of them. Ultimately, though, Sarah Lane did not win this battle given the institutional inequalities she confronted. She could not burn down the entangled cages of sexism, racism, and classism, or even recover the money and property she believed a white man stole from her.

Mrs. Lane proved to be a far more sympathetic figure than most white reporters, jury members or the judge were willing to recognize, a fact we know largely due to her treatment by a couple of more sympathetic journalists who were moved by her age and respectability or by the desire to sell what they considered a more compelling story. Most black women who appeared in the press as violent criminals found no such support among the white media or white authorities. Indeed, reporters favored tales of black women who used brute force and reveled in lovers’ conflicts fueled by jealousy. In Atlantic City, New Jersey, Maud Jones assailed Henrietta Hewson in her sleep, “slash[ing] her in the stomach and face…almost sever[ing] her right arm.”\(^\text{370}\) Hewson died within a day of the attack. \textit{The New York Times} said jealousy inspired Jones to carry out the deadly deed. According to the white press, the killing rampages of jealous black jezebels were a national epidemic. One night in Columbus, Georgia, Violet Jackson fatally shot Louis Bell when he tried to leave her at home.\(^\text{371}\) Jackson said she did not mean to kill Bell; she thought the gun chamber was empty. \textit{The Times’} brief report of the

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tragedy implied that the couple fought but did not state why. Nor did it reveal whether
Jackson was in shock, mourning, or indifferent to the death of her romantic partner.

In another *New York Times*’ story, Carrie Johnson embraced George Walters as he
lay dying on their bed. Johnson had shot her lover three times just before one o’clock in
the morning; twice near the heart and once in his hip. She shot Walters “because she
loved him and she couldn’t let any one else have him.” Not even Walter’s wife and
child. Johnson “continued to kiss and fondle him through his dying moments and was
only torn away when she was arrested by the police.” She and Walters had shared a
bed and a home “for several months” in Pittsburgh, Pennsylvania. During that time,
Johnson used Walters’ last name as her own. What made her shoot him that night? It is
not clear why Carrie shot George that night, and reporters evinced no interest in her
reasoning or her feelings. Indeed, the frequent coverage of such murders or attempted
murders and the general lack of concern about motives or emotions suggest that white
journalists and editors were more interested in reinforcing the trope of “black jezebels”
and “negresses run amuck” than in investigating the context or consequences of such
crimes for black families and communities.

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373 “Why His Mistress Killed Him.”
374 For articles exemplifying the white press’s interest in black female violent offenders as well as the
report on Emma Adams’ murder suggests that not only did accused black women’s feelings and motives
did not matter, neither did their lives. A short statement on Adam’s murder appears in a column entitled
impetuses for these women’s violent crimes. Journalists frequently constructed black women who were
One final example allows us to explore the fascination of the white press with black women who committed violent acts, especially in the heat of passion. On March 23, 1900, The Argus, an Albany newspaper, opened with a headline that blared “Drunken Negress Attempts Murder. Rhoda Porter, without apparent reason, shoots Willis Devine.”375 In this case, Ms. Porter, age 22, was not available to supply a motive because she had successfully eluded the grasp of the seven white policemen searching for her. Porter’s victim, Willis Devine, a 39-year-old black man, fed the press his story from an Albany hospital bed where he lay in “critical condition.”376 Although it was the reporter who likely heightened the racially charged and gendered rhetoric.

The newspapers were careful to note that Rhoda Porter, “stout, light colored and rather pretty,” had many “colored gentlemen admirers” – a sarcastic reference to white Victorian courtship rituals. Conjuring the specter of the mythical jezabel, the reporter elaborates: “The black men of Fulton, Van Zandt and Lansing streets made bids for Rhoda’s favor and Devine became her favorite.” The Albany Times-Union claimed that neither Porters romantic partnership nor her cohabitation with Devine discouraged other suitors. “Rhoda’s gentlemen admirers were many and their frequent calls caused many

376 “Drunken Negress Attempts Murder.”
tilts between the couple.\textsuperscript{377} White readers understood that lusty black stallions were not known to resist comely black jezebels. Liquor infused social interactions between the two groups were bound to generate sexual friction and even violence.

On the March night that Porter shot Devine, the couple supposedly hosted “a card party” in their home “where the earthern pitcher and the pail were sent many times to a saloon.” When the final guest departed at four-o-clock in the morning, the couple engaged in a bitter row over “the attention a tall mulatto young man…bestowed” on Porter.\textsuperscript{378} The two fought loudly. Devine’s angry words “taunted the woman so she rushed to the bureau drawer” and grabbed a gun. Porter’s first shot hit Devine in his neck, knocking him off his feet. She shot him once more before fleeing.\textsuperscript{379}

Within a half-hour of the party’s end, Devine was near death and Porter was a “would-be murderess” and fugitive. Having heard the gunshots, the upstairs neighbors ran to the apartment below and found Devine laying in a pool of blood. He said, “Rhoda shot me.” At the hospital, the bullets were extracted during surgery, but one of them had “passed through the bone and spinal cord” leaving Devine paralyzed in both legs. The doctors did not expect him to live a full day.\textsuperscript{380}

This version of the shooting was repeated frequently in local newspapers, but an unidentified person told police another tale. Porter, they said, returned home intoxicated at 4 o’clock in the morning after a night out. “Devine was in bed and when Rhoda stumbled into the room he called her a black thing and told her to get out of the room.”\textsuperscript{381} That’s when Porter took the revolver from the bureau and shot Devine twice as he lay in

\textsuperscript{377} “Devine Will Die,” \textit{The Times-Union}, 22 March 1900. Albany Police Department Scrapbook.
\textsuperscript{378} “Devine Will Die”
\textsuperscript{379} Ibid.
\textsuperscript{380} Ibid.
\textsuperscript{381} Ibid.
bed. In this alternate version of Porter’s crime, she was a drunken, verbally abused jezebel, representing the more typical image of black women criminals in the white press. Yet despite her supposedly inebriated state, Porter eluded the police for three days before turning herself in. Her case was quickly brought before a grand jury, which indicted Porter for assault in the first degree. She remained in jail awaiting trial and word of Devine’s fate.382

Although the surgeons who operated on Devine estimated that he had only a one in one hundred chance of survival, he lived for more than five months.383 Once doctors determined that he would not recover from his paralysis, however, Devine was moved to the almshouse, where he died in early September. When Porter heard the news, she emitted a “heartrending shriek” according to the The Argus.384 She became hysterical, moreover, when the local press speculated that the grand jury would reindict Porter on an upgraded charge, probably manslaughter.385 When she learned that she would not be charged with first-degree murder, thereby avoiding the death penalty, Porter calmed down and began to prepare her defense.

Rhoda Porter said she never meant to kill Willis Devine. Rather, she said, she shot him in self-defense to prevent him from beating her. Whether or not Porter told the truth, her motivation for using violence matched the reasons most women of all races gave for killing husbands or boyfriends. But white women who made such claims were more likely to avoid prosecution and when tried to win the jury’s sympathy.386

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383 “Willis Devine Died From His Wounds”
384 Ibid.
385 Ibid.
confirmed that she spent the night visiting friends and that Devine awoke when she returned home at half past four in the morning and scolded her for staying out all night. “She threw a chair at him” then went upstairs to her niece’s apartment. There, Porter said, she obtained her niece’s gun from a bureau and went back downstairs where she continued to quarrel with Devine. She insisted that “Devine got out of bed, and would have beaten her had she not fired the revolver at him.” When the wounded Devine fell to the floor, Porter fled. Porter’s niece then entered the couple’s apartment and discovered Devine on the floor in a pool of blood, and she called the police.

Meanwhile, Porter fled to a friend’s home in Troy, across the river from Albany, where she hid. Several days later Porter entered the Albany Police Headquarters, lifted “a heavy veil from her face, told [the] Captain…who she was, and said she wished to surrender herself.” Approximately two months later, Rhoda Porter was convicted of second-degree assault and sentenced to one year and eight months at Auburn State Prison for Women.

Even though local papers, like The Argus and The New Brunswick Daily, seemed more interested in highlighting the distinctive features of criminals like Sarah Lane and Rhoda Porter, the white press’s coverage of black women accused of assault, attempted murder, or murder was highly generalized. Newspaper articles that left far too much to

125; Hicks, Talk with You Like a Woman, pp. 11, 16—17, 49—51, 56, 58, 59, 61, 64, 65, 66, 67, 84, 86, 88—89, 158, 160—161, 162, 166, 180, 188—193, 203, 252, 273; Muhammad, The Condemnation of Blackness, 232; Rafter, Partial Justice, pp. 11, 37, 87—89, 131—155.
387 “Willis Devine Died From His Wounds.”
388 Ibid.
389 Ibid.
390 Since early twentieth century black women experienced discrimination at every level of the legal system, the lightness of Porter’s sentence was less likely a result of the judge’s white racial paternalism, or extension of chivalry to Porter. Porter’s short sentence indicates white law enforcement’s devaluation of Willis Devine’s life, and the lives of black people more generally, as well as the routine failure to perceive black women, men, and children as victims. See note 56.
the imagination tacitly fueled readers’ racist-sexist stereotypes of black female offenders. A belief in violent black female criminals’ greater depravity and dangerousness festered in the gaps of white journalists’ crime reports. These conceptions heightened racialized anxieties about female crime, legitimated the criminalization of black communities, justified discriminatory policing, and translated into harsher sentences for convicted black women. Moreover, racist-sexist constructions of black female criminality shaped popular perceptions of white women’s violent offenses. In the popular imagination, then, white women’s violence sometimes made them less white, unfeminine, and unworthy of white men’s protection.

**Virgin Vendettists and “Women That Slay”**

Some of the crimes white women committed were so inordinately violent that criminologists, legal officials, and the public perceived the perpetrator’s brutality as “unsexing” them. The use of excessive violence sullied the whiteness of female perpetrators and this racially transmogrified them and marked them as unfeminine. A white woman’s violence against children was construed as particularly masculinizing. Once unsexed, these women were subjected to the stigmatization and vilification commonly reserved for (non-violent and violent) black female criminals. In their reports on white women accused of assault and murder, white journalists drew on racialized gender stereotypes of The Dark Lady, Colored Amazon, or bad little black girl. When the white female perpetrators’ violent crime was construed as especially savage and depraved, the press exhibited a salivating interest in her actions even as they expressed intense revulsion for and vigorously condemned them. In these cases, the white press

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paid little or no attention to the accused’s motives or feelings and harbored no sense that they could be innocent or justified in their actions. Thus thus treated them just like accused black women.

Still, in the white press, only a few white women received such treatment. In most cases, even where violence was used, expressions of surprise and bemusement were more frequent than impassioned condemnations. For example, committing assault did not always de-feminize white females. The press’s interpretation of Clara Gooding’s violent act of revenge is instructive. All eyes must have been on Clara Gooding, a white woman, and Thomas Mcredie, a white beer brewer, the afternoon they argued in the street.

Mcredie tried to leave, but Gooding gripped “his hands and then without warning drew a rawhide from beneath the folds of her dress and slashed him several times across the face with the whip.” More surprisingly, the enraged Gooding mercilessly horsewhipped Mcredie “in front of [Albany’s] police headquarters.” The police arrested Gooding, but Mcredie, despite being savagely assaulted and publicly humiliated, declined to bring charges against her. The police had no choice but to release her.

Not content with the beating, however, Gooding pursued another confrontation with him in his home that same day. Mcredie’s romantic partner, Mrs. Estella Reynolds (a widow), ordered the woman to leave. Instead, Gooding again “plied the whip…and struck Mrs. Reynolds in the face but without seriously injuring her.” Reynolds reported Gooding to the police. They arrested the whip wielding white woman and charged her with assault. At a brief trial from which Mcredie was absent, Gooding “promis[ed]…not to again annoy Mrs. Reynolds.” The judge fined Gooding $15.00 but no jail term. After

paying the fine, Gooding told reporters “that was cheap for whipping [him
and]…threatened dire vengeance on Mr. Mcredie.”

The journalist called the incident “sensational” and relished in relating the “racy
story” leading up to Gooding’s assault on Mcredie. A glib Albany reporter branded
Gooding a hypersexual abnormal woman. Clara Gooding, he points out, migrated from
Rochester where she resided in a “ladies’ boarding house,” a euphemism for a house of
prostitution. The reporter said, “Miss Gooding was tall, slender and a decided brunette.
Today she has accumulated that breadth of corporosity (sic) and increase in avoirdupois
common to women following such a life and has exchanged her dark locks for the blonde
tresses of the demi-monde.” The journalist constructs Gooding as a woman given to
excess, a woman possessed of an unrestrained appetite for food, sex, and assault. And
while he comes close to calling Gooding a “whore”, he did not call her (or even imply
that she was) “crazy” for whipping a man in broad daylight. Not once did the reporter use
the words “violent,” “dangerous,” or “criminal” to describe Gooding or her offense. From
the journalist’s perspective, it seemed that Gooding’s real offense was being unchaste,
not assaulting a man. Mcredie’s status as a “sporting-man” certainly played a role in the
reporter’s interpretation of the incident. Unlike Sarah Lane, who held an upstanding
white banker at gunpoint, Gooding targeted a financially irresponsible prodigal son; a
former beer brewer turned unemployed gambler and drinker who kept company with
promiscuous women.

The reporter did not perceive Gooding, a white woman, as irrational, even though
the white press often labeled black women “crazy” for engaging in similar acts of
violence. Similarly, while black women’s mental illness did not excuse their violence, white women whose acts of violence were linked to insanity were not deemed responsible for their crimes as the next case will show.

For “about a year and a half “the older Italian man courted the nineteen-year-old Italian “girl.” Maria Barbella met Dominico Cataldo, a bootblack, on a New York City street. Barbella’s father “told her to keep away from Cataldo.” When Cataldo proposed marriage, Barbella accepted in spite of her father’s disapproval of their relationship. Barbella moved in with Cataldo based on his promise to marry her. Not long after the couple set up their home, “they quarreled and…[Cataldo] told [Barbella]…that he would not marry her.” On April 26th, 1895, Barbella pleaded with Cataldo to recommit to marrying her. “He refused to do so and went out of the house angry…” Barbella followed Cataldo to a pub near their home. She approached a table where he sat playing cards. “Maria passed her left arm around his forehead and drew the razor across his throat, cutting a deep gash in it.” Cataldo “jumped up “ from his seat and “ran into the street.” A policeman found him “lying [dead] on the sidewalk covered with blood…” With that act, Maria Barbella, “the Italian girl in New York, under sentence of death for murdering her seducer.”

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395 “Maria’s Crime Told in Court.”
396 Ibid.
397 Ibid.
399 “Maria’s Crime Told in Court.”
400 Ibid.
Barbella was arrested and confessed to murdering Cataldo. The press portrayed Barbella sympathetically, referring to her as “Little Maria,” which infantilized her for readers. Journalists reported that Barbella “sobbed incessantly throughout the earlier hours of the trial,” they suggested that she was remorseful, and therefore not a “born criminal.” Reporters pointed out that though she knew little English, “the red-eyed and hysterical defendant took the stand.” She testified that “the murdered man had forced his attention upon her everyday as she went back and forth to her work in a tailor shop. He had promised marriage and she believed him. Finally he began to evade her and the memory of freely given kisses became as wormwood to her soul, and passionate love was turned to passionate hate, and in a frenzy of passion she cut his throat with a razor.”

The press constructed Barbella as a chaste white girl, a sexual victim, who was seduced by Cataldo, an older Italian immigrant man they portrayed as a sexual predator.

Deceived into surrendering her chastity to him, the distraught good girl killed her seducer.

Most white journalists perceive Maria Barbella as a naïve immigrant girl so overcome with shame, grief, and anger in the wake of her sexual portrayal that she slashes her betrayer’s throat. Her story is widely published in the white press, garnering a great deal of sympathy from the general public and white celebrities in the

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404 “To Die By Electricity.” See also “Maria’s Crime Told in Court.”
405 “To Die By Electricity.”
U.S., and Italian elites, including a duchess. The jury votes to convict Barbella of first-degree murder, but recommended a merciful sentence. Judge Goff voiced opposition to the gendered double-standard of justice that influenced the jury before sentencing Barbella to death. Goff is subsequently eviscerated in the press for a perceived failure to act chivalrously and spare Barbella from execution. Barbella’s supporters argued that, because she was a (white) sexual victim, Goff should have assigned the aggrieved girl a light sentence or exonerated her entirely. Ultimately, the media’s, public’s, and law enforcement’s advocacy wins Barbella an appeal and an acquittal. The jury determined that Barbella was insane at the time she murdered her seducer.

The first judge presiding over Barbella’s case used her unchaste status to justify her first degree murder conviction and death sentence. The jurist states, Maria Barbella “lived with him [Cataldo] at the time in meretricious intercourse. It was a mode of life condemned by sound public morals…” Some articles portray Barbella as physically “unattractive.” OneSacramento reporter bluntly states, “She is not pretty.” Basing their assessment of Barbella’s aesthetic on eugenicists’ theories that map criminality onto the body, the journalist continues, “Her figure is squatty, and with the exception of a white, well-shaped forehead and small ears there is nothing redeeming in her face.”

According to eugenicists, Barbella’s whiteness and facial features indicated that she was

409 “Maria Barbella To Die”; “Recorder Goff’s Errors.”
410 “Maria Barbella To Die”; “Recorder Goff’s Errors.”
411 “Kansan’s More Than Curious Offer”; “In Behalf of Maria Barbella”; “Maria Barberi Breaks Down”; “Maria Barbella To Die”; “Recorder Goff’s Errors”; “Women That Slay.”
412 “Phases of the Barberi Case.”
413 “Recorder Goff’s Errors.”
414 “To Die By Electricity”; “Women That Slay.”
415 “To Die By Electricity.”
not genetically predisposed to criminality, which distinguished her from her corporally flawed, and therefore, intrinsically criminal black counterparts.\textsuperscript{416} Most articles, however, do not mention Barbella’s appearance but rather cast her as a vulnerable, confused, grief-stricken, overwhelmed young white immigrant “girl”. These early reports also emphasize the indisputable, non-circumstantial nature of the evidence supporting Barbella’s conviction and execution.\textsuperscript{417}

The story of the virgin vendettist and her impending execution enthralls reporters and readers across the nation. A white man in Fort Scott, Kansas, for example, wrote an anonymous letter to the Governor of New York offering his life in exchange for Barbella’s. He did so because he believed the death penalty “to be blunderous, if not worse, but that he considers the decree of death passed upon Maria [Barbella]…to be infamous, and he offers to die in her place, as a signal protest of its iniquity.”\textsuperscript{418} A journalist for the \textit{Witchita Eagle} uses this man’s chivalrous offer as a platform to launch a feminist defense of Barbella’s actions. “Their must be something curious in a case that has called forth such an offer,” the reporter avers.\textsuperscript{419} Maria Barbella “is sentenced to death for having killed a man that deliberately betrayed her.” From the reporters’ perspective, it is the sexual nature of the betrayal explains and justifies Barbella’s revenge killing. Had one of Barbella’s white immigrant male family members murdered Cataldo for using false promises of marriage to seduce the “girl” and steal her virtue, the reporter argues, no court in the country would find them guilty of murder. The reporter insists that…

\textsuperscript{416} Cesare Lombroso, \textit{Criminal Woman, the Prostitute, and the Normal Woman}, 107—158.
\textsuperscript{417} “To Die By Electricity.”
\textsuperscript{419} “Kansan’s More Than Curious Offer.”
If Maria had been the daughter or the sister or the wife of a man in whose mind the betrayal rankled venomously, and he had slain her seducer, would the homicide have been adjudged murderous? The question is all but superfluous. It has come to be a rule among American juries that upon clear, and sometimes, unfortunately, upon cloudy evidences of the seduction of a woman, previously of chaste life, the avenging husband, father, or brother shall go acquitted of the charge of murder in the first degree.

The seducer’s death might draw a manslaughter conviction, perhaps, and a short prison sentence. But most likely, the men who avenged their female family member’s sexual violation would be set free, their actions interpreted as the result of “the anguish of the injured father, brother, or husband.” A mental anguish deemed so acute “as to cloud his reason, and, therefore, render him temporarily insane.”

The sexual nature of the betrayal set Barbella’s violence apart from that of other female murderers. Barbella’s perceived sexual virtue conjures up powerful fictions structuring concepts of white feminine respectability thereby marking Barbella as worthy of white male protection, and ultimately, exoneration for her crime.

The judge who reversed Barbella’s conviction emphasized her virginity prior to the older Cataldo’s seduction and betrayal. He viewed Barbella as an innocent sexual victim on whom “that [the] Blackguard Cataldo” preyed. The press and reading public agreed. Washington D.C.’s Morning Times reported sympathetically that “Maria winced at the mentioning of Cataldo’s name, and her tears fell afresh. She was plainly fighting with her heart.” The new judgment was premised in the belief that Barbella suffered an epileptic attack that rendered her temporarily insane. The mental illness drove her to kill Cataldo, who was cast as a thoroughly unsympathetic figure because he used Barbella, a virgin, for sex. His ungentlemanly behavior (deemed natural and normal in

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420 Ibid.
422 “Maria Barberi Not Guilty.”
men) would have been overlooked and forgivable had he targeted an unchaste, immoral
deviant, such as a prostitute or even a woman of color, instead. A man that did not
value and protect a white woman or girl’s virginity was a “bad” man who therefore
deserved a horrible, painful death. It made sense that a normal woman, a ruined white
“girl”, would go insane over the “loss” of her virginity. Barbella was widely supported in
the press and general public. To many people, it made sense that she would be driven to
kill. U.S. American celebrities and Italian elites petitioned the governor for her pardon.
Those who supported Barbella’s exoneration viewed her offense as one committed to
avenge the theft of her chastity. One reporter argued that Barbella’s prosecution
jettisoned taxpayer dollars.

Approximately one month after her acquittal, Maria Barbella saved the life of a
woman who was trapped in a burning apartment. A Kentucky press triumphantly
declared that Barbella “is now a heroine.” This courageous, selfless act eclipsed
Barbella’s criminal history and secured her restoration to a status of feminine
respectability.

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Progressive era white reformers’, criminologists, and the white publics’ constructions of black and white
female sex workers as sexual deviants, see Mumford, *Interzones*, 93—120. Cesare Lombroso, *Criminal
Woman, the Prostitute, and the Normal Woman*, pp. 3—12, 17—146, 152—160, 174, 190—194, 210, 224,
Huzzies: Women and the Dangerous Class in Antebellum St. Louis, *Journal of Social History* 25 (Summer
424 For example, $10,000 in taxpayer money procured the testimony of a medical expert in the Barbella
Newspapers*. 17 June 2013.
426 “Is Now A Heroine.”
On March 29, 1909, New York state executed Mary O’Brien Farmer at Auburn Prison for committing “one of the most fiendish murders ever.” Farmer was the second woman the state put to death in the electric chair. Mary Farmer, a twenty-seven year old Irish immigrant with “partial facial paralysis,” was the “neighbor, friend,” and tenant of fifty-five year old Sarah Brennan. Farmer and her husband, James, lived in a dilapidated house she rented from Brennan in Watertown, an immigrant Irish community in Jefferson County, New York. Farmer coveted the home that Brennan and her husband owned, hoping that her infant son, “Peter Farmer, when he grew up might be a landowner, a man of wealth as his father had not been.”

While many mothers harbored hopes for a better life for their children, Mary Farmer chose to commit an extraordinary crime to ensure her son’s economic advancement. In spring 1908, Sarah Brennan was reported missing. Eventually police searched Farmer’s residence and turned up a large trunk. When Mary failed to supply a key, the sheriff used a hammer to break the lock.

The sickening odor of decaying flesh pervaded the room. A black cloth covered the contents of the trunk, which was little more than two-thirds filled. But when the cloth was pulled back a trifle, the stockinged outlines of a human foot and leg protruded. The cloth was the black skirt of a woman. The body was resting upon the face, the legs bent at the knees and the feet sticking upwards nearly to the top of the trunk. One end of the trunk was smeared with blood and here the horrified.

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officers disclosed the head, blood-clotted, the back crushed in as with a blunt instrument. There was considerable blood in the bottom of the trunk and some of it had oozed through upon the floor in the corner.\textsuperscript{433} The corpse was that of Sarah Brennan, whose privileged status as a landowner had inspired her renter’s deadly violence. Had Brennan been less fortunate or Farmer more so, Brennan likely would have avoided the cutting edge of Farmer’s hatchet.\textsuperscript{434}

While the local \textit{Watertown Daily} voiced shock and outrage,\textsuperscript{435} the more widely circulated \textit{New York Times} maintained a cool distance in its discussion of Farmer’s crime. One of \textit{The Times}’ earliest headlines state “Woman’s Body in Trunk,” a far cry from the sensationalistic headers given to the newspaper’s reports on black women arrested for murder or even assault. White journalists’ articles on black female suspects bellow “Colored Woman Becomes Violent,” “Drunken Negress Attempts Murder,” “Killed By A Colored Woman.” As these headlines demonstrate, when the accused was a black woman, the white press foregrounded race, linking the accused’s “blackness” to the homicide as if to suggest the murder was a racial event – a peculiarly “negro” act. In other words, wicked white women committed murder. Bad black girls committed “negro” murders. And as the last headline shows, white reporters also tended to assume the accused “negress” was guilty long before a judge rendered a verdict. In their pre-trial coverage of Mary Farmer, \textit{The New York Times}’ refers to an “allege[d]…motive” and a woman who was “taken into [police] custody.” Whiteness entitled even working class women like Mary Farmer to the presumption of innocence. White criminologists,

\textsuperscript{433} Title unknown, \textit{Watertown Daily Times}, 28 April 1908 as cited in Kathie Barnes, “Mary Farmer Took an Ax…”, \textit{Watertown Daily Times}, Date unknown.
\textsuperscript{434} Title unknown, \textit{Watertown Daily Times}, 27 April 1908.
\textsuperscript{435} The \textit{Watertown} reporter’s reference to Brennen’s stinking, rotting corpse, and especially, the excruciatingly detailed description of the victim’s dismembered body conveys the writer’s disgust at Farmer’s crime. The writer evinces no sympathy for the killer or her motives, however spurred by maternal concerns.
reformers, and legal officials had established white females as intrinsically feminine, moral, chaste, pious “normal women” – the psychological, emotional, spiritual, and corporeal obverses of “abnormal” black females whose non-whiteness signaled their masculinity, innate depravity, licentiousness, and predisposition to crime and violence.\footnote{Lombroso, The Female Offender, pp. 107—158, 171—240. See also Estelle Freedman, Their Sisters’ Keepers: Women’s Prison Reform in America, 1830-1930 (Ann Arbor, MI: University of Michigan Press, 1984), 112; Kali Gross, Colored Amazons, 116—118; Nicole Hahn Rafter, “Hard Times: Custodial Prisons for Women and the Example of the New York State for Women at Auburn, 1893—1933” in Judge, Lawyer, Victim, Thief, 237—260.}

Mary Farmer extracted concrete benefits from racist-sexist discourses on female crime. For instance, the press relied more on facts than hyperbole and prejudice in their reports on Farmer’s case.\footnote{“Mrs. Farmer Must Pay Death Penalty,” The New York Times, 23 March 1909, for example, extensively quotes the Governor’s response to a petition to spare Farmer from execution rather than relay the reporter’s interpretation of the Governor’s statement. See also “Try to Save Mrs. Farmer,” The New York Times, 2 March 1909. Web. The New York Times. 17 February 2013.} And when a jury found Farmer guilty of first-degree murder, the press emphasized Farmer’s conformity to gender ideals and therefore the vestiges of white feminine respectability to which she clung in spite of her horrific crimes. Farmer’s race and status as a mother, wife, and Christian led reporters to portray the murderess sympathetically even as she awaited execution. The New York Times referred to the convicted murder as “Mrs. Farmer,” a sign of respect, and told readers that she “devotes her entire attention to the care of her eight-month old baby, which the officials have allowed her to keep with her in her cell.”\footnote{“Mrs. Farmer Calm, Facing Death Today,” The New York Times, 29 April 1908. Web. The New York Times. 17 February 2013.} The Times also repeatedly referenced Farmer’s private sessions with a priest who she gave two letters for her son “with the injunction that…[they] be read to him…when he shall become old enough to fully understand its meaning.”\footnote{“Confesses Brennan Murder,” The New York Times, 29 April 1908. Web. The New York Times. 17 February 2013. “Test Death Chair for Mrs. Farmer,” The New York Times, 28 March 1909. Web. Ibid.} In the letters, Farmer assured her son that she loved him
deeply, admitted to killing Sarah Brennan, and explained why she committed “the terrible crime.” Additionally, The Times highlighted Farmer’s wifehood status, implying her devotion to her husband when it announced that Farmer would “Spend [Her] Last Sunday On Earth in Husband’s Company.” On that same night, The Times depicted Mary Farmer expressing a more intense devotion to another patriarch: the Biblical God. The reporters states, “She had brought with her a prayer book, a book on the lives of the saints, and some other religious reading with which Father Hickey had at various times provided her, and soon after being locked in the cell was deep in reading.” According to The Times, Farmer’s faith comforted her as she sat in Auburn Prison’s “death house.” Prison officials, The Times reported, “Believe She Will Die Bravely… there is a feeling of confidence that Mrs. Farmer will walk firmly to the chair and will utter no word save in response to Father Hicks, who has provided her with a crucifix, which she will carry to the end.”

Another Times journalist offers a more nuanced gender construction of the faithful and courageous murderess on the eve of her execution: “It is believed that the woman will go to the chair as bravely as any man who ever paid the penalty of his crime” at Auburn Prison. The reporter advances an image of a dignified but masculinized or quasi-feminine Mary Farmer, a representation that accounted for Farmer’s unjustifiable use of lethal violence against a white woman – an act that soiled her whiteness and corroded her feminine respectability.

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441 Ibid.
443 “Mrs. Farmer Calm, Facing Death Today.” See also “Mrs. Farmer to Say Good-Bye to Husband.”
444 “Test Death Chair for Mrs. Farmer.” See also “Mrs. Farmer Calm, Facing Death Today.”
That said, the press clearly constructed Mary Farmer, a convicted murder, as guilty but not evil. Farmer planned and executed the murder of a white woman who had done her no wrong in order to steal her home. She dismembered the woman’s body to conceal her awful crime. Despite the extreme brutality of her crimes, the press portrayed Mary Farmer as a white woman who had done something wicked, rather than a wicked white woman. Analysis of the press’s coverage of another white female killer’s crimes (discussed below) suggests that Farmer’s vicious pre-meditated murder would have provoked *The New York Times*’s passionate disapproval but for her motivation: a desire to insulate her son from poverty. While, reporters, the public, and law officials’ perceived Farmer’s murderous actions as unequivocally evil, they believed her intentions were good. Farmer’s love for her child and Christian devotion, integral characteristics of any respectable white mother, spared her the white press’s aggressive condemnation. Had Farmer slaughtered her child or had the impetus for the homicide been rooted purely in greed rather than maternalism, the press would not have coolly reported her crime, trial, and death sentence. Quite the contrary, journalists would have blackened Farmer’s name and character in their reports, excoriated her for savagely murdering an innocent white woman, and celebrated her execution.

In reports of similarly bloody crimes perpetrated by white women against family members, writers for *New York Times* abandoned all objectivity in their campaign to try and convict the accused in the court of public opinion. An examination of the *Time’s* extensive coverage of murderer Martha Place makes the differences immediately clear. Although Place and Farmer both wielded an ax to murder their victim, Place—who
murdered her seventeen-year old stepdaughter—was routinely demonized in the press while Farmer’s story was told dispassionately.

Just one day into the police investigation of Martha Place – on February 8, 1898 – the press branded her a murderer. If, as one reporter stated in the 1890s, “[h]istory and fiction alike have presented women criminals as creatures frightfully repulsive,” the press’s, public’s, and legal officials’ response to Martha Place’s violent crimes perfectly illustrate that revulsion.445 This white affluent mother’s extreme violence – described below – was deemed not only entirely unjustifiable but wholly incomprehensible. Indeed her act earned her a place among those females whose crimes were construed as so utterly horrifying that only truly “wicked women” committed them.446 Indeed, Martha Place’s wickedness was rooted in her whiteness, affluence, and motherhood. White journalists, criminologists, and legal authorities expected innately abnormal, immoral, deviant, and atavistic black females to commit depraved criminal acts. The vast majority of black women and girls, after all, were impoverished and defined as morally irredeemable. Conversely, middle and upper class white women like Martha Place were supposed to be models of femininity, flawless wives and mothers, and therefore, immune to committing unjustifiable acts of violence. Any white woman whose behavior mimicked that of stereotyped black women did violence to the archetype of white feminine respectability. Depending on the type of crime, she either distanced or entirely severed herself from that image. A white woman’s indefensible use of violence soiled her whiteness and stripped her of femininity and respectability, making her as valueless and dangerous to white society as any black female criminal.

446 Ibid.
The New York Times reported, “The fatherly love which William H. Place...bore for his seventeen-year-old daughter, Ida M. Place, culminated...in the girl being murdered by her stepmother, Martha Place.” At 6:20 in the evening, Mrs. Place heard her husband call for her. “Here I am!” she replied. She made her way to him, her dress rustling as she descended the stairs. William Place, just home from work and “surprised to find the lower floor in darkness” on a winter night, hung his hat and coat on a rack and then pulled “a match from his pocket to light the hall gas.” His wife stood at the bottom of the staircase as he struck the match, and when Mr. Place turned to face her, he froze. A “large axe” hovered above him which Mrs. Place brought “down on the top of his head, opening the scalp.” William Place “fell and began to cry for help. The woman brought the axe down upon him a second time, the blow landing on the left side of his head just over the ear.” With that, Martha Place stepped over her husband’s body and disappeared into the parlor. A “next-door neighbor” rushed to his front door and “forced open the...door” out of which “crawled...Place...covered in blood.” The neighbor, yelling “Murder! Police!,” carried Place to his home. Shortly afterward, a policeman found Martha Place unconscious and “lying on the floor.” She had broken two gas burners, covered her head with a sheet and waited for the fumes to kill her. Ultimately, the gas did not kill her; the state would do that. Martha Place was the first woman New York State put to death in the electric chair.

448 “Triple Crime.”
449 Ibid.
450 Ibid.
452 Ibid.
Martha’s savage attack on her husband did not earn her a death sentence. The young life she snuffed out earlier that day did. According to *The New York Times*, “The murder for which Mrs. Martha Place will pay the death penalty was the crime of a woman goaded by fierce jealousy.” Martha entered William Place’s life as his employee. Four years before she tried to kill him, Mr. Place had hired her as a domestic in the home he shared with his fourteen-year-old daughter from a previous marriage. A year later, the pair married despite the objections of William’s family.

When Martha Place became a stepmother, the trouble began. Martha stated that her husband’s friends did not regard her as a “social equal, and this embittered her.” Martha’s working-class rage festered as she witnessed “Mr. Place[’s]…great affection for his daughter…[who he] kept her well supplied with money.” Journalists concluded that “[h]er husband’s loving disposition toward his daughter filled Mrs. Place with anger and made her deeply jealous of the girl.” Martha Place’s “resent[ment] [of] the affection which her husband lavished on his daughter” reached a boiling point “when the girl became a young woman, pretty and attractive.” The white press consistently fed

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455 “Crime Committed By Mrs. Place.”
456 “Mrs. Place’s Appeal in Vain.” The white press routinely commented disparagingly on Martha Place’s appearance, her general failure to reflect conventional standards of white feminine beauty. Martha Place’s status as a foreign-born (Irish), non-biological mother, who was a formerly working-class, middle-age domestic was conflated with her perceived lack of attractiveness and feminine softness – i.e., her sharp and broad facial features and wrinkled skin. Martha was frequently portrayed as wearing a hard facial expression that reporters said broadcasted indifference and remorselessness for her horrific crimes. In short, reporters constructed Martha Place as an unsympathetic figure. She was the aged, ugly, and masculine (which degraded her whiteness) antithesis to her solidly middle class, “young, pretty…attractive,” and therefore quintessentially white, feminine victim. On a female’s age, ethnicity (a white female’s immigrant status), class, reputation, appearance and perceived unattractiveness, childlessness, and violation of traditional gender roles as factors driving discriminatory journalism and law enforcement, see Dodge, “Whores and Thieves of the Worst Kind”, pp. 4, 6, 24—25, 28, 58, 62—63, 73, 103—104, 114—116, 118—120, 122—124, 186—189, 289n. 35, 292nn. 15 and 16.
readers the message that a toxic mix of working class hostility and “insane jealousy”
drove Martha to kill.\(^{457}\)

Mrs. Place’s envy was likely exacerbated by the fact that Mrs. Place also had a
child, a fourteen-year old adopted son, from a previous marriage.\(^{458}\) She told police that
her husband “while very attentive to his own daughter, would never permit my adopted
boy to live in the house with us.”\(^{459}\) The boy resided in Orange, New Jersey “where [Mrs.
Place] had him apprenticed to a harnessmaker.”\(^{460}\) Place may have been a jealous wife
turned cold-blooded killer, a mother enraged by the treatment of her son, or someone who
was mentally ill, or all three. The conflicts over her son suggest that her anger was not a
purely irrational response to a father’s love for his daughter, but was also driven by her
forced separation from her child. But no journalist explored the issue of her son’s
abandonment by William Place, focusing instead on the more sensational story of a
wicked stepmother whose jealousy drove her to murder a fourteen-year old girl.

When Ida Place’s body was discovered, “Mrs. Place…shut her eyes and resisted
[the policemen’s] every effort to compel her to view the remains. Then the woman
became hysterical and was led from the room.”\(^{461}\) After years scarred by “frequent
quarrels between the woman and the girl,” Martha Place’s anger exploded into a killing
rage.\(^{462}\) An examination of Ida’s bedroom “showed that a terrific struggle must have
taken place…. two chairs were broken…. Blood was everywhere…. “\(^{463}\) Ida had been

September 2012.
September 2012.
\(^{459}\) “The Place Murder Case.”
\(^{460}\) Ibid.
\(^{461}\) Ibid.
\(^{462}\) “Woman Dies in the Electric Chair.”
\(^{463}\) “A Woman’s Triple Crime.”
fighting for her life. The housekeeper heard Ida’s screams, but when Martha descended the stairs, she simply said that she and Ida “had a little quarrel.” An autopsy showed that Ida Place “had a deep gash over the top of her head which reached down to the neck. She was in her working dress which had been nearly torn from her body… her mouth was horribly burned as if acid had been forced into it.” After brutally beating her “pretty stepdaughter” and throwing acid in her face, Martha smothered Ida with a pillow until she was dead. According to popular standards, a white woman callous enough to assault her own step-daughter with acid, strong enough to ransack a room, and batter then murder a teenager with her bare hands was barely a woman at all. Only “abnormal,” masculine, inherently criminal females, traits ascribed to black women offenders, engaged in acts of violence that were so depraved. A white mother who slaughtered her own child did what whites knew all bad black girls were capable of doing. White mothers who killed their children committed an act so evil they virtually severed themselves from whiteness. When the police arrested Martha Place for her stepdaughter’s murder, the press portrayed the accused in a manner typically reserved for bad black girls – they presumed Place was guilty, cast her as bereft of femininity, and regarded her as undeserving of compassion.

Despite the horrific crimes of which she was accused, Martha Place was reported to have “acted with the utmost unconcern” at the police station.
Mrs. Place answered questions put to her in a low voice, and seemed to constantly mutter to herself… Captain Ennis questioned her about the tragedy. At first she bit her lip, and for a moment looked squarely at [him]…

‘I struck my husband,’ she said slowly, dropping her head, ‘because I was afraid he was going to attack me. In the morning we had a violent quarrel, and I thought he would probably renew it. His daughter sided with him as she usually did, and slammed in my face the door of her room when I went to speak to her. That made me feel mad, so I got some acid from my husband’s desk and threw it in her face. After that I didn’t see her in the afternoon. I was fixing the furnace in the cellar when I saw the axe lying close by. It occurred to me that it would be very useful in case of trouble, so I took it upstairs with me. My husband came in afterward and I struck him with it. That is all there is to it.’

The Captain asked her if she had been drinking alcohol that day. Place said she “had a few glasses of whiskey and wine…but nothing more.” She added, “My husband always found fault with me anyhow.” After the Captain charged Place with murdering her stepdaughter, “she simply said in a low voice: I did not do anything of the kind.” She said nothing in response to the two additional charges – felonious assault and attempted suicide. During this questioning, William Place, who had undergone surgery, remained hospitalized. Though “still in critical condition,” he was expected to recover but according to doctors, “He does not yet know that his daughter is dead.”

In spite of being a white woman in an affluent household, Martha Place was the object of reporters’ unrestrained condemnations even before the police investigation was complete. White reporters and editors—from mainstream papers or scandal sheets—agreed on the motive for Martha Place’s heinous acts: “The crime for which Mrs. Martha Place will pay the death penalty was the crime of a woman goaded by fierce jealousy.”

The media crafted a portrait of the “Brooklyn Murderess” that was meant to inspire revulsion, and to clearly differentiate this masculine, working-class, alcohol drinking,

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469 “The Place Murder Case.”
470 Ibid.
471 “Crime Committed By Mrs. Place”
enraged harridan from the respectable white wives and daughters of William Place’s friends and colleagues.472

As Mary Farmer’s case indicates, not every white female killer elicited the severe indictment that Mrs. Place did. By committing her crimes in the domestic sphere and victimizing family members, Martha Place became the object of a particular brand of disdain that the white press reserved for black female offenders and white wives and mothers who targeted the people they were expected to protect.473 White mothers and wives who violated the bounds of domesticity through criminal acts, especially by killing their husbands and children, found themselves placed in the same category as other irredeemable women. They lost the protections generally accorded white women of privilege and were treated as their antithesis. Like many black women and girls, killer white mothers were unsexed by their crimes and therefore deemed beyond redemption and inherently evil.

The murder which Mrs. Place committed was as brutal as any which could have been planned by a man; it was premeditated and a second murder was attempted by her on the same day that the first was committed. Throughout the trial and since, she maintained a stolid indifference regarding her act and at no time showed regret or remorse. If the law inflicting the death penalty is just, why, then, should she be spared?474

Martha place was executed in the electric chair at Sing Sing State Prison on March 20th, 1899.475 Constructed in the white patriarchal imagination as a wicked white woman, Place would not be granted the mercy of a lifetime behind bars. Many whites would have

construed a life sentence for a vicious murderess like Martha Place as an inappropriate display of chivalry on the part of the presiding judge’s.\textsuperscript{476} White women like Martha Place, who committed serious, “masculine” crimes, particularly violent crimes, were sanctioned more harshly than white men and women charged with more traditional offenses. In the popular imagination, then, death by execution was the only appropriate judicial response for a woman like Martha who egregiously violated “‘appropriate’ gender role behaviors” when she brutally murdered her young, pretty step-daughter and attempted to murder her husband.\textsuperscript{477}

An analysis of newspaper and legal discourse on women’s crimes raises the question of whether white society regarded black women’s violent crimes as more dangerous to the public good than white women’s. Since whites expected immorality, deviance, aggression, and criminality from black females, these traits and behaviors were immutably racialized and fundamentally marked as “black.” When white women engaged in violent behaviors that white journalists, legal officials, and criminologists deemed unjustifiable and depraved, that violence placed them outside the purview of white male protection. Thus female offenders like Martha Place were denied the chivalry usually accorded white women in the form of empathetic newspaper reports, probation, light prison sentences, or exoneration. Unjustifiable violence blighted both white femininity and maternity, which white patriarchs considered essential to the progress and preservation of white civilization. If emancipated black women were the “Frankensteins”


\textsuperscript{477} Dodge, \textit{“Whores and Thieves of the Worst Kind”}, 113.
of white civilization, then the most violent white female offenders deserved the same condemnation. Affluent white mothers who murdered or attempted to murder their children and spouses did not just transgress the strictures of feminine respectability; they obliterated them. Even worse, perhaps, such women exposed white feminine ideals as myths, as purely ideological, social, and political constructions with little basis in reality.

Historian Jacqueline Dowd Hall demonstrates that white men used these gender ideals to control white women and shore up patriarchal power. Yet the defiance of feminine ideals by violent white women revealed the limitations of white men’s power to control their wives, daughters and mothers.

Women like Martha Place inspired vitriolic condemnation and anxiety among white men precisely because, they had been deluded by their own myths into thinking that respectable white women were incapable of violence. Thus at the moment of her crime, they were powerless to stop her—and others like her—from victimizing their families.

Because the crimes of these “murderesses” were completely unexpected, their chances of successfully carrying them out were high. The assumption of white female innocence, submissiveness, and piety empowered the murderess and made it easier for her to carry out her crime. Ironically, the presumption of white women’s vulnerability and subordination gave those with evil intentions the power to destroy the men who dominated them and the children for whom they were obligated to care.

White women who annihilated their families took aim at white male supremacy and white civilization. If affluent white families were imperiled then so was the larger

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479 The only basis was that more white women could afford to be maternal and feminine and respectable because of their economic privilege.
society. Since any danger to white civilization had to be extinguished, white mothers who killed had to be destroyed – a symbolic gesture to insulate the nation from further threats.

The next chapter explores the racialized conceptions of female offenders—violent and non-violent, and the ways in which these ideas influenced the efforts of prison reformers as well as the practices of penitentiaries by examining the experiences of confinement at Auburn State Women’s Prison. Female convicts, demarcated as threats to the social order, the public good, and to the very existence of civilization, had to be contained, their threatening beliefs and behaviors neutralized. To accomplish this, female prisoners were subjected to inhumane treatment and conditions constructed by the penal system not to cure them of defiance, but to break them, to force them into total submission. In fact, prison officials in the late nineteenth century made every effort to destroy prisoners’ sense of themselves as mothers, wives, daughters, workers, human beings – as anything other than criminals and convicts.

To fully understand women’s lives inside prison, reformer Madeleine Doty entered Auburn State Prison for Women posing as a convict. In the belly of the penitentiary, she struggled to endure just a few days of convict life. Ultimately, she concluded that the only redeeming aspect of prison life were the convicts, the very women she was encouraged to fear. Her expose did have some practical effects on the life of female inmates, and it provides a treasure trove of information about life deep inside the cage.
Chapter 3
“Society’s Misfits”: Prison Reformers, Prison Matrons, and Prison Women

From her cell in Auburn, an imprisoned woman penned a letter to Madeleine Doty in late 1913 or early 1914 identifying significant changes in the institution’s practices.480 “We are talking now,” she wrote, “and the paint is off the windows, but we pay dearly for this. The head matron thinks it ridiculous. We are accused of using language of the lowest. We are promised the talking will soon stop.”481 Incarcerated women had long been subjected to a disciplinary regime that included painted windows to deprive them of even a glimpse of the world outside prison walls and enforced silence that starved them of human connection. Now, however, daylight poured through windows and casual banter helped pass time in the workroom. But, the writer noted prison officials’ contempt for these newly acquired “luxuries.” Thus, any joy Doty might have felt about the women’s small victories was certainly tempered by her understanding that these gains were constantly under threat of revocation.

Months earlier, Madeleine Zabriskie Doty, a white middle class reformer and prison commissioner, had entered Auburn State Prison for Women posing as a convict. Doty’s memoir on her undercover experience at Auburn, entitled Society’s Misfits, validated the demands of the prisoner’s rights group to which the letter writer belonged.482 The woman knew Doty cared about what she had to say and counted on the reformer to put her experiences of hardship and struggle behind bars to good use. The

480 The letter was written between December 1913 and the middle of 1914. Doty re-published a portion of the letter in her book, Society’s Misfits, but did not identify the letter writer and a specific date on which it was authored, mailed, or received.
482 Ibid., 67 and 82.
creators of the Auburn system assumed that prisoners lusted for vice and idleness and aimed to choke off those desires. Doty supplied a counter-narrative, arguing that the Auburn system not only failed to rehabilitate convicts, it actually succeeded in making some of them more prone to criminality. A punishment system designed to eradicate the criminal spirit, instead, gradually suffocated inmates’ humanity and crushed the humaneness of those who supervised them. The Auburn system’s impact, if not its intended purpose, was to stifle whatever hope flavored the daydreams of most imprisoned women. Prison policies and practices shattered bonds to loved ones, crushed individual will, and attempted to deny inmates any sense of self.

In early twentieth century prisons, curing the convict generally meant flushing the spirit out of the woman. At least Doty considered that the goal:

Only one thing mattered, those gray walls. For this prison…makes the convict center on self, on his physical discomfort, on a barred door. It suppresses human love, and robs life of its value…. Prisoners seemed creatures but half alive, inclosed (sic) in a living tomb…. I had been spotted as one to be subdued. I held my head too high, and my smiles, even laughter, showed a freedom of spirit not to be tolerated. 483

Certainly, years trapped inside the austere concrete walls of the prison broke the spirit of some, but not all, women. The Auburn system, a calculus of disciplinary and punitive mechanisms comprised of seemingly endless stretches of idle time, aimed to transform convicts into conformists. Instead, the system made “misfits” of its wards and administrators. The system masculinized prison matrons, or prison matrons masculinized themselves in order to perform the physical and emotional demands of the job effectively. Auburn’s punishment regime also brutalized female inmates, often forcing them to resist or perish emotionally, psychologically and spiritually. These harsh realities inspired an activist minority among both prisoners and reformers – a constituency I call fringe

483 Ibid., 23 and 25.
activists – who challenged the regime that supplied the blueprint for penal systems nationwide.

“[C]olored women of hard and vicious character.”

Desperate after just three days of confinement, Madeleine Doty sought escape from her voluntary imprisonment at Auburn. She and her assistant, Elizabeth Watson, had planned to stay a week. But, the first three days of incarceration changed their minds as it wore on their spirits. The cold concrete walls of Doty’s cell closed in on her. The “torture of the bars,” the solitary confinement, the deafening roar of compulsory silence, the wretched food, the stalking matrons, the “utte[r] helplessness,” and the fattening fear – all these feelings intensified day by day. Doty quickly had enough of convict life.

Of course, Madeleine Doty got barely a taste of an imprisoned woman’s true experience. She was an affluent, university educated white woman living in New York City. Like most women who shared her socio-economic status, Doty’s freedoms were circumscribed by her sex. But, compared to female prisoners, Doty was free. So free, in fact, she could choose to incarcerate herself. She hoped that doing so would loosen the fetters of prison life for women incarcerated at Auburn. And she soon learned how tight those fetters could be.

When she awoke on Monday, November 3, 1913, Doty planned her “figh[t] to get behind prison-bars with as much determination as the man caught in a misdeed struggles to escape.” She laughed at the irony of the situation and “[a] little shiver of excitement attacked” her. She saw that Watson, too, was excited. Dread would flood the hearts of some people, maybe most people, who were about to take on the challenge that Watson

484 Ibid., 7.
485 Ibid., 28 and 57.
486 Ibid., 9.
and Doty so eagerly anticipated. For Doty, however, voluntary confinement and even its potential dangers made her impatient for the adventure.  

As she gazed at her reflection in the mirror, Doty “wished…[she] looked stronger.” She knew the other prison commissioners were not confident in her ability to endure a week of prison life. “They said…[she] might suffer harm from the convicts” and emphasized that “some were colored women of hard and vicious character, occasionally violent.” Accepting this popular view of the depraved black inmate, the commissioners warned her to “look out for the blows.”

“By definition,” Dodge adds, “some women …occupied a suspect status” whether or not they had committed a crime or were incarcerated. Lombroso’s criminological theories were no doubt on the minds of many commissioners, especially his view that female offenders were characterized by “masculine qualities,” such as “virility”—and sundry other “pathological anomalies”—“which prevent…female criminal[s] from being more than half a woman.” Dodge would have agreed with Nicole Hahn Rafter recent assessment that “[p]olice, prosecutors, and judges viewed…African American women as inherently more hardened, violent, aggressive… promiscuous, dominating…. and immoral than…white women…. Under the influence of such racist ideology, African American women were easily made to fit the popular image of female criminals as more masculine than ‘normal’ females.”

But the cautionary advice the commissioners offered Doty did more than indicate the nature of the stereotypes they harbored about black women prisoners. Their

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487 Ibid.
488 Ibid.
490 Rafter, Partial Justice, 23 and 116.
admonitions also implicitly addressed the racial constitution of Auburn’s female population. In 1913, the year Doty secretly investigated the facility, exactly half of the women imprisoned there were black. The superintendent of New York State Prisons’ annual report shows that of Auburn’s “116 [female] inmates, 58 were ‘colored’,” 29 were native-born whites, “28 were ‘foreign-born’ [whites], and one was ‘Indian’.”491 Black women’s over-representation at Auburn was slightly worse in 1911, when their numbers exceeded half of the women incarcerated there: “out of a total of 132 inmates, 74 were ‘colored’…32 were [white] ‘foreigners’” and 26 were native-born whites.”492 The staggering rate of black women’s incarceration is more notable when analyzed in the context of New York State’s overall population. The 1910 U.S. Census demonstrates “that black people comprised just 1.5 percent of [the state’s]…total population.” Yet, “that same year…40 percent of…Auburn prison[‘s]” female inmates were black.493 The disparate racial (and ethnic) representation of women imprisoned in New York and nationwide494 from the post-slavery period through the Progressive era was largely

492 Annual Report of the Superintendent of State Prisons for the Year Ending September 30, 1913, 249 as cited in Hicks, Talk with You Like a Woman.
494 L. Mara Dodge, “Whores and Thieves of the Worst Kind”: A Study of Women, Crime, and Prisons, 1838-2000 (Dekalb, IL: Northern Illinois University Press, 2006), pp. 4, 42, 117, 123. Dodge shows, for example, that between 1870 and 1930 (the approximate time period framing my exploration of Auburn women prisoners’ lives), Joilet’s female prison population was consistently disproportionately black. Black women inmates’ numbers steadily increased from twelve percent in the 1870s to 48% in the early1900s, dropping to 36% in the1920s. This despite the fact that, in the 1870s, black women comprised seven percent of Illinois states’ total population and 21% of the state population between year 1900 and 1930. Dodge provides a graph illustration of these statistics on page 117. See also, pp. 6, 42, 122—123, 280n. 15, 291n. 19. On the historically discriminatory legal treatment and disproportionate incarceration of white immigrant women, see Dodge, pp. 6, 28, 73, 103—104, 115—116, 118—119, 289n. 35, 292n. 15; and of women indigenous to the Americas, see: 283n. 18, 292n. 15, 300n. 13.
attributable to institutional and structural forces, not individual moral deficits and
criminal proclivities peculiar to women of color.\textsuperscript{495}

\textbf{Day One:}
\textquotedblleft A convict means dirt…\textquotedblright\textsuperscript{496}

If the commissioners’ admonition about black women convicts frightened Doty, that fear did not dull her excitement about entering prison undercover, a weeklong departure from the normal provisions of her life as a white, middle-class woman.\textsuperscript{497} In the hours leading up to the iron gate closing behind her, had Doty forgotten, just for a moment, the institutional horrors that drove her to undertake a secret investigation in the first place? Even for a devoted fringe activist like Doty, the constancy of her race and class privilege made it easy to forget, momentarily, the burdens that disenfranchisement, economic inequality, and incarceration heaped on others. Or, at least, she relegated that knowledge to the back of her mind as she relished a sense of adventure at entering the unseemly world of disreputable women. As double-edged as the protections accessible to


\textsuperscript{496} Davis, 14.

\textsuperscript{497} Doty, \textit{Society’s Misfits}, 9.
women like her were, those protections spared Doty the strain of poverty, strenuous manual labor, joblessness, and disdain and ostracism from her social “betters.” If Doty was ever confronted by police, she encountered these authority figures as a member of the same race and of a supposedly superior class. Also unlike black women, Doty would most likely engage police officers as a victim, not a perpetrator, of crime (which, as a middle class white woman, entitled her to their chivalrous protection). Or, she would interact with them in her capacity as a penal official and reformer. Indeed, on Monday, November 3rd, 1913, Doty and Watson met a policeman at a train station in New York City. The officer was charged with escorting them to Auburn Prison in order to conceal their identities from prison officials.

The women’s sense of excitement dissipated in the company of their police escort. In sober recognition of the formidable challenge she was about to undertake, “the bright cheery comfort” of the home in which Doty awoke that morning “flashed upon [her]…and the desire for adventure ceased.” In fact, Doty began to wish she had not volunteered for the task. In her escort’s company, Doty became acutely aware of the shame accused or convicted women must experience, being forced to walk publicly beside a policemen. She and Watson were glad that they did so in the dark when only a few passersby were there to witness their “disgrace.”

The prison gate slamming shut behind them extinguished the excitement with which Doty and Watson began their day. Once entombed in Auburn Prison, the two women became convicts—at least to the prison matrons who received them. “In…[the] instant the big outer world had vanished [behind]…the sinister gray mass with barred

498 In this period, police officers were working class, almost always male, and native- or foreign-born whites.
gate...shut [them] in,” Doty later reported. She and Watson’s excitement quickly dissipated into fear and helplessness. Doty recalled “the sickening sense of impotence (sic) that filled [her]” as she contemplated the misery that awaited them behind the prison’s “gray stones and barred windows.” She continued, “Pride said I must go on, but I was afraid. I had reduced myself to a will-less thing that could be moved about at the whim of unseen authority… Why had I been such a fool? Surely my knowledge of prisons did not need this experiment to convince me of their vileness.”

The prison matrons did not know that Doty and Watson were undercover investigators so they treated them like they did any other inmate – with slight apprehension, some curiosity, and ultimately, arctic indifference. The matrons “gave no greeting,” she writes. “We might have been four-legged animals or express packages for aught their expression.”

To the matrons, Madeleine Doty and Elizabeth Watson were not respectable professional women; they were “Maggie Martin” and “Lizzie Watson,” partners in crime, convicted of forgery, and serving sentences of one-and-a-half to two-and-a-half years.

The matrons – white women wearing “blue uniforms and white aprons” – ushered the two “prisoners” through a snarl of corridors and doorways in complete silence. They took them through one long passageway with twenty prison cells. The hallway was lit, but the inside of the cells and their inmates were swallowed by darkness. Doty thought about the women hidden in what appeared to be nothing more than black holes flanking the corridor. How many women inmates watched as they walked past? When they stopped walking, Doty and Watson found themselves in a tiny room with a bathtub. At

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501 Ibid., 12.
502 Ibid., 10.
this point, the matrons removed a young black woman from her cell to help prepare Auburn’s newest arrivals for their first night on the ward.

The assisting inmate spread a white sheet on the floor. The matrons instructed Doty and Watson to stand on the sheet and remove their clothing. The “solemnity” and “ceremony” of the situation made Doty want to laugh, but “the curious and hard eyes of the matron” crushed that “insane desire.” The commissioner now worried that the cleanliness and expensive quality of her garments might arouse suspicion. But the matrons did not notice her “fresh white underwear.” Doty later quipped, “Evidently many convicts on entering prison must be clean and well-dressed.” Her sardonic comment was not just an expression of class rage. Here, she exposes her own preconceptions about imprisoned women as unclean and poorly dressed, an assumption most prison reformers and authorities shared. Doty also offers an implicit critique of the prison system’s failure to recognize the individuality of the people it incarcerates. The cold contempt prison administrators had for the individuals in their care generated and maintained the systemic dehumanization of imprisoned people, whom they regarded as nothing more than “convicts.” As Doty stood naked in the presence of the matrons and a female prisoner, she got her first taste of the systematic dehumanization fundamental to penitentiary practices. In this moment, she learned what meant to be viewed as an animal who needed to be broken in preparation for life in a cage.

Doty describes in great detail the humiliation that came next. She learned that the black woman had been released from her cell to bathe the prison’s newest white inmates under the unremitting gaze of the white matrons. “Under direction…the little colored

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503 Doty, Society’s Misfits, 13.
504 Ibid., 14.
convict...scrub and scrubbed, we being told to keep hands off.” Authorities subjected all newly received inmates to the same bitter regimen. The matrons regularly charged a black woman prisoner with the duty of giving scrub baths to incoming convicts. This was not simply because penal officials believed prisoners were physically unclean. To the authorities, women prisoners’ dirtiness was buried far beneath the skin. Doty bristled as she watched “the little colored trusty” douse Watson’s head in the same water used to bathe her body. Doty was so disgusted that she told the matrons she had a headache and pleaded not to have her hair washed until the next day. She was shocked when the matrons accepted her lie. Thinking she had escaped a repulsive experience, Doty was aghast when the assisting inmate poured kerosene over her head, and rubbed it into her hair. She noted wryly:

The penetrating and biting odor of kerosene pervaded everything. A hot wave of indignation flooded me. Two days before my hair had been washed and waved and was soft and sweet-smelling. Surely my head might be clean even supposing I had forged a check. But no, I was a convict, and red tape must triumph here as elsewhere.\footnote{Ibid.}

Doty would soon learn that penitentiary bureaucracy was in no way defined by imprisoned women’s subjectivities. Prison administrators were entirely unconcerned with women inmates’ authentic characters and experiences; rather, the system was fundamentally organized around racialized gender mythologies of the female offender. Incarcerated women were real people. But in their dealings with them, penal officials engaged, responded to, and acted upon fictions of their own racist-sexist-classist imaginations.

Yet Doty’s undercover investigation would produce a radical shift in her perception of imprisoned women, and her anger at her presumed corporeal and spiritual

\footnote{\textit{Ibid.}, 14—15.}
contamination would diminish accordingly. Ultimately, misconceptions about female prisoners’ impurity and the way in which these notions impacted the penitentiary system catalyzed the investigator’s rage and evolution in consciousness:

Some one (sic) originated the theory that all convicts are dirty, and truly it is on that theory that the whole prison system is built. A convict means dirt, physical, mental, and moral, and is treated accordingly. That this many not be the case makes no impression. I was a convict; therefore I was full of vermin.\(^{507}\)

Doty knew that it was impossible for a system built on the belief that “[a] convict means dirt” to function humanely. While the white male Christian reformers and policymakers who conceived and constructed the nation’s first penitentiaries believed that God created the first human beings from dirt, the dirt that convicts figuratively embodied was not the “good” kind. And, though prison officials wielded god-like power over thousands of incarcerated people, they were not God. Doty and Watson’s investigation would make the human failings of prison administrators undeniably clear. If prison authorities believed convicts were dirt, what would the system they designed and administered turn those incarcerated people into? The undercover investigators would soon find out.

In the days ahead, Doty’s undercover experience would reveal the extent to which her socio-economic status fed her indignant response to being treated like a convict, which illustrates the ambivalent stance of middle-class fringe activists. The commissioner was accustomed to people assuming that she was above reproach – that she was physically and morally clean. The perception that she was a lawbreaker assailed her racial and class expectations. Doty may have been middle class before incarceration, but the moment the judicial system sentenced her to prison her class status became “criminal.” As a criminal, most of her middle class peers would deem her morally and physically

\(^{507}\) Ibid.
contaminated. Socially conscious and respectable whites, like Doty, might expect poor women to be physically unclean, but only because they were unable to access clean water. Most other middle class white people expected poor women, especially poor black women, to be physically unclean for no other reason than their race and their poverty. Certainly black people could expect whites to assume they were physically and morally unclean by nature. Black elites and white racial liberals, a small but important group of fringe activists, agreed that poverty and the cultural degeneracy it yielded, not racial “biology,” forced many blacks to live in unclean circumstances. Indeed, this was one reason why black reformers and clubwomen, from W.E.B. DuBois to Fannie Barrier Williams, insisted that black people take great care to appear clean and dress respectably at all times.\(^{508}\) As Doty would soon learn, imprisoned black women subscribed to the same ethic as their European immigrant and naïve-born white counterparts – perhaps, in part, because of the tendency to stereotype criminals as dirty.

In exploring the formal and informal economies of poor and working class African American women in Detroit, Michigan, historian Victoria Wolcott demonstrates that, despite reformers’ efforts to impose their standards on them, these women developed their own notions of respectable femininity.\(^{509}\) Official state photographs of women imprisoned nationwide, including at Auburn, suggest that black women inmates


did what they could to maintain tidy appearances and good hygiene despite the
challenges of doing so in institutions with insufficient facilities.  

If female inmates sought to retain the version of respectability they embraced in
the larger society – however they defined it – were prison matrons and administrators
transformed by the carceral system? The officials charged with breaking female inmates
were primarily matrons, white women who were often masculinized by the penal system
so that they could effectively control a convict population that included “depraved” black
women. In any other sphere controlled by affluent white males, these working class white
women were expected to be obsequious and maternal. In the penal system, female
administrators’ titular classification as “matrons” conveyed these racialized patriarchal
expectations. While their white male counterparts were called “prison guards;” women in
the same profession, performing virtually the same duties, were branded “matrons.”

510 Rogue’s Gallery, New York Municipal Archives; Bertillion photographs in Division of Parole Auburn
Prison Inmate Case Files, 1920—1930, Auburn Correctional Facility, Records of the Department of
Correctional Services, New York State Archives and Records Administration, State Education Department.
511 Hicks, in Talk with You Like a Woman, reads imprisoned women’s criminal and criminalized actions as
reflections of their moral values. She provides many examples that support her argument, including a few
homicide cases involving black women. See, for example, p. 137. For a discussion of the World War I era
respectability politics of poor and working class black women who participate in an illegal economy (as
workers and consumers), see Wolcott, Remaking Respectability, 93—130. For a groundbreaking reading of
twentieth century working class black women and men’s counter-hegemonic values, in general, see Robin
1994).
512 Except for the head matron, who was middle or upper class and often college educated, matrons
occupied a working class position. Auburn Prison’s matrons were housed on the prison grounds. In addition
to an annual salary of three-hundred and sixty dollars, they were compensated with room, board, and meals.
Doty, Society’s Misfits, 94.
513 By the Progressive era, female and male prisoners were housed in separate, jails, reformatories, and
prisons which had not been the case through the mid-nineteenth century. Women were then hired as guards,
though called matrons, to diminish the chances for physical and sexual abuse of female inmates by male
guards. Although certainly in many local jails, male guards continued to control female prisoners.
Moreover while official policy stipulated that matrons were responsible for conducting bodily searches of
female inmates and monitoring them during baths, it was common for male guards to perform these duties,
as well (which explains, in part, the tradition of sexual violence in the penal system). Female offenders
susceptibility to sexual violence increased once they were incarcerated. Research shows that when female
prisoners were targeted for sexual violence, the majority of their perpetrators were male guards. Matrons
sexually assaulted and raped imprisoned females, as well, but at a far lower rate than their male
counterparts) For historical studies of these practices in jails, reformatories, and prisons, see, Dodge,
Despite their feminized title, a capable matron was more than “matronly.” Often, she was aggressive, severe, emotionally glacial, exacting, asexual, and paternalistic – attributes diametrically opposed to white feminine ideals in the early twentieth century. In the aftermath of her investigation, Doty tells the press, “I wish to make plain that the treatment the matrons give to the prisoners is due to the system… some matrons have become completely hard and impossible…” If matrons subscribed to traditional gender beliefs, they performed them only outside the confines of the prison. With the exception of head matrons, stereotypically feminine women rarely administered the prison system; gender nonconforming women often did. Thus, prison was a domain in which women who might otherwise be considered social “misfits” took charge and acted as agents of change. Their assumptions about what kinds of treatment would change female criminals back into “fit” women are demonstrated by the experiences of Doty and Watson.

Reporting on her first night in prison, Doty noted that once she and Watson were scrubbed to the matrons’ satisfaction they were given “only one small towel, the size of a table napkin” to dry themselves. Each woman was then supplied “[a] coarse, white cotton night-gown, clean, but old, bearing the name of the last wearer. Wearing only the night-gown and nothing on their feet, the matron’s escorted Doty and Watson to separate, but

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adjoining cells, which Doty found “reassur[ing].” Doty’s cell was ten by six feet, had yellow walls and one painted glass window. There was a “wooden stand in the corner, with its basin and cup of water…” The only other furniture in the cell was “a three-legged stool” and a small iron bed. Doty carefully eyed her bed before lying down. A heavily stained mattress with coarse but clean sheets awaited her. The “iron slats” on which the mattress rested made the bed “steely har[d],” and the straw pillow was even less comfortable.

After the matron turned off the light, the bars sliced into strips the light drifting in from the corridor. More than anything else in her cell, the iron bars reminded Doty that she was “an animal shut in a cage.” Doty “tossed and turned on…[her] pillow…all night.” The kerosene made her hair “sticky and vile”; she choked on its powerfully mordant smell. She tried rubbing the kerosene out with a towel, but the odor persisted. Repeatedly throughout the night, Doty gently tapped the wall dividing her and Watson. When she heard Watson’s quiet return knock, she knew her co-conspirator could not sleep either. At one point, Doty got out of bed, walked to the cell bars, and pressed her face against them, holding her breath to amplify the sounds buried in the silence around her. Doty heard breathing and, sometimes, sighing from the women in neighboring cells. “What were they dreaming or feeling?” she wondered. The night matron’s footsteps and rattling keys sent Doty scrambling back to bed. Every hour the matron checked each woman’s cell, stopping at doors to shake them and “jangl[e]” her keys, that the

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516 Ibid., 16 and 20.
517 Ibid., *Society’s Misfits*, 16.
518 Ibid.
investigator believed reinforced every prisoner’s consciousness of her “degradation and helplessness.”

Day Two: “in spirit a convict.”

Doty was greatly relieved to see “the dirty, yellow light struggl[ing] through the window…” It meant “morning had come at last.” She heard women moving about in nearby cells. An older white matron, whom Doty dubbed “the dragon,” stared coldly at her through the cell bars. The “dragon” had salt and pepper hair and a face that was “lined and sour.” Doty writes, “[S]he uttered no greeting…[She] merely gazed at me from head to foot, as though I were an animal in the zoo,” and said to herself, as though Doty was not there, “‘A new one, eh? Came last night,’ and then moved on.” Doty recalled, “I had a terrible sense of injury; surely [the matron] ought to see I wasn’t a criminal.” Stung by her words, she thought was it not obvious that she was no criminal? She then contemplated the possibility that there was no “distinguishing mark” between the lawless and the law-abiding after all.

The young black woman who bathed Doty and Watson the night before distributed the morning meal to the inmates “in absolute silence,” as the Auburn system mandated. When she approached Doty’s cell, Doty rose to her feet and “face[d] the wall,” as she and all inmates were “obliged” to do whenever another inmate stood or passed by their cell. First, she tucked bread slices between cell bars. Later, the matron opened the cells so the assisting prisoner could distribute “mug[s] of coffee and… bowl[s] of

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519 Ibid.
520 Ibid., 28.
521 Ibid., 16.
522 Ibid., 17.
523 Ibid.
524 Ibid.
525 “Women ‘Convicts’ Test Auburn Prison.”
Doty opted not to consume the “dishwater” passed off as coffee or “the stew [which was] chiefly a thick flour paste.” She ate only the bread.

Doty then watched the assisting inmate gather the dishes, take them to the sink at the end of the hallway, and wash them. At that moment, she “envied her her task, as I am sure every inmate did, just to be out beyond the barred door doing something, anything. The minutes dragged on.” For Doty, bad food, uncomfortable bedding, and cell bars were not the things that made prison life unbearable. The oppressive forced silence and endless stretches of time locked in a cell with “nothing to see or do…not even a Bible to read,” was more punishing than anything else. She “paced…[her] floor and sat on…[her] bed and paced…[her] floor again… Minute after minute, hour after hour, dragged by.”

After what felt like hours, the matron paid Doty another visit. She was accompanied by “the little colored trusty” and a white convict carrying a stack of clothes. The matron again ordered Doty to undress in the presence of these women. If inmates were presumed to lack the virtue and modesty of “respectable” women, the policy of denying imprisoned women their privacy when bathing and dressing seemed to further discourage these qualities. Doty did as she was told, putting on the uniform all women prisoners at Auburn were required to wear:

Underwear many sizes too large was given to me, and a heavy, course petticoat of bedtickling, also much too large, and finally the thick, white canvas dress, frayed and gray from washing. It was all in one piece, buttoning tightly down the front. The sleeves were much too short, the collar too low. Anything more unbecoming and degrading would be hard to imagine. It reminded me of pictures of the clothes worn by slaves. A pair of speckled knit stockings and heavy, round-toed shoes completed my toilet. These shoes

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527 Ibid.
528 Ibid.
529 Ibid., 23.
530 Ibid., 20.
seemed to give the matron much pleasure, for she said, ‘See what fine shoes you’ve been given’.

For this investigator, ugly, over-sized and under-sized prison regimentals cloaked prisoners in the aesthetic of antebellum era enslaved women and made them objects of ridicule for the prison matron. Were black women offenders any more “degraded” by the “unbecoming” convict uniform? More than likely, prison officials regarded the ugly garment that Doty detested as perfectly fitting for the “colored” inmates branded racially inferior, unsexed, licentious, peculiarly depraved, and dangerous or inborn criminals.

Doty wanted to refuse to wear the uniform, but she knew defiance would result in punishment – days in “the cooler, as the punishment cell…[was] called.” She choked back expletives thinking, “Prison has a curious way of dragging to the surface all the profanity one has ever heard. Nothing else seemed adequately to express one’s hate and indignation.” She heard the prison matron rush Watson to get dressed in the cell next door. The sight of her friend “[w]ith hair slicked back and greasy from kerosene, prison shoes sticking out from a dress much too short” rattled Doty’s comportment and made her laugh out loud. The matron yelled, “Be still! Don’t you know where you are? If ye hadn’t ever been in prison before, you’re in one now.” Doty covered her mouth with her hand, “but…[her] whole being shook. The gloom and horror of the night vanished in the light of the enormous comedy…[they] were enacting,” which is why “[I]nughter in prison is a sin.”

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532 See Chapter Two.
534 Ibid., 19.
535 Ibid.
536 Ibid.
537 Ibid., 19—20.
Enforced silence was intended to coerce convicts into an all-consuming obsession with their solitude, the harshness of the prison environment, and especially the shame and guilt of having committed a crime.\textsuperscript{538} Laughter, like friendly chatter among imprisoned people, made prison less punitive, less harsh, and promised to transport the prisoner to an emotional and psychological place that freed them from Auburn’s impenetrable, stone walls. Since the early nineteenth century prisons were intended to function as “total institutions” that celled an inmate’s mind, heart, and spirit, exacting punishment by robbing a person of mobility, conversation, human contact and emotion. So, laughter was banned.

In spite of the matron hurrying Doty and Watson to get dressed so they would arrive at their official registration appointment on time, the two waited “for a long time in a hallway.” Doty recalls that she and Watson “sat patiently side by side…[she] longed to lean over and touch Elizabeth and whisper, but…[their] matron stood guard like a dragon.”\textsuperscript{539} Physical contact between prisoners was strictly forbidden. Even a “greeting between inmates…[was] considered immoral, evidence of what is termed ‘lady love,’ and promptly punished.”\textsuperscript{540} The two women sat, faces forward, glaring at the wall as directed. Watson let her eyes drop to the floor for a second, maybe seconds, to look at a cat. The dragon blared, “Stop looking at that cat! Look at the wall!” Doty thought, “Did the system of nagging ever end?”\textsuperscript{541} The constant verbal battering, however, was more than irritating. Inside Auburn, matrons dominated and subdued their charges by infantilizing them. If the prison system’s goal was to reform inmates, Doty believed it was a tragic

\textsuperscript{539} Doty, \textit{Society’s Misfits}, 20.
\textsuperscript{540} See Chapter One, note 29.
\textsuperscript{541} Doty, \textit{Society’s Misfits}, 20.
failure. Rather, the main achievement appeared to be infusing “the heart with rage and hate,” an outcome that was not good for the communities to which prisoners returned – full of venom, bereft of education, and with no newly acquired skills.

After Doty’s and Watson’s background information was finally recorded, they were deposited in their cells. Eleven o’clock had barely passed, yet Doty’s dinner – “[a] great mass of course cabbage…a piece of corned beef…[a] soggy and cold boiled potato…[and] sour apple-butter” – awaited her on a stool. “Revolt[ed],” she again made do with bread – three slices. Prisoners received their dinners early, because that day, November 14, 1913, was an election day, and therefore, a holiday for prison officials. Doty later remarked that holidays, while joyous for administrators, were “days of torture for prisoners” who were barred in their cells in complete solitude “for interminable hours.”

Trapped in isolation and silence with “nothing to see or do” Doty paced the floor, and repeatedly pressed her face on the cell bars so that she could concentrate on any and every sound. “Two or three times…[she] heard the cooing of a baby… Such a good little baby…” Doty had never heard the baby cry despite being born in prison. She lamented, “What a fate for a struggling soul that had no desire to come into the world!” Unlike New York’s penitentiaries, pregnant women and new mothers who had been convicted of a crime in Illinois escaped incarceration. This was not because penal authorities fancied themselves benevolent patriarchs, and therefore, maintained a paternalistic or chivalrous opposition to the imprisonment of pregnant woman and new

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542 Ibid.
543 Ibid., 23.
544 Ibid., 20—23.
545 Ibid, 24.
mothers. Rather, Illinois’ white male prison officials had a de facto policy of paroling or procuring pardons for expectant and new mothers because they experienced it as a hassle to care for women and their children. Rather than finance the construction of a nursery or provide them with pre- and post-natal healthcare, administrators chose to allow convicted women to avoid punishment, no matter how serious their crimes. Even though Auburn’s administrators were no exception to the tradition of penal officials neglecting female inmates, the facility’s administrators did not appear to exercise the Illinois system’s unofficial policy of paroling or pardoning expectant and new mothers. Instead, babies born at Auburn Prison remained with their mothers until the state removed them at age two, and placed them in an orphanage. Still, the absence of reproductive health services in Illinois State women’s prisons exemplified the institutionalized neglect of women in custodial prisons throughout the country.

The systematic deprivation of critical resources to which female prisoners were subjected also reflects the structural neglect of poor and working class women, especially women of color, in wider society. Poor black women who were unable to afford or access nutritious foods, safe and vermin-free housing, and adequate medical care, if convicted of a crime, were likely to enter prison in poor health unlike the convicted white middle class women that Doty and Watson pretended to be. The small number of affluent female offenders were almost always white, and were likely to begin serving their sentences in good health, which better equipped them to resist becoming sick, recover quickly from

547 For an example of a pregnant woman and new mother imprisoned at Auburn, Hicks, *Talk with You Like a Woman*, 147.
illness, or survive a deadly infection. In unhygienic penal environments, poor women, who comprised the vast majority of New York State’s and the nation’s inmates, and were disproportionately black and white European immigrants, were more susceptible to contracting serious, and potentially deadly, illnesses. At Auburn Prison, black women died at a far greater rate than foreign- and native-born white women. Most inmates, however, would not die from the diseases they contracted at Auburn. Instead, as Doty reported, women lived with chronic illnesses or the threat of contracting them because state administrators chose to let them languish rather than develop an infrastructure that provided them with sufficient preventative, lifesaving health care. It was cheaper for the state to let prisoners get sick or die than it was to treat them. And either the derision or apathy of criminologists, reformers, and the public maintained and justified state neglect.

Auburn inmates responded to their condition in a variety of ways: with as much optimism as they could muster, offering emotional support to struggling inmates, and venting their frustration. On Doty’s second day at Auburn, while locked in her cell with nothing to do, an inmate’s anguished groans ruptured the obtrusive silence on the ward.

549 Registers of female inmates received, 1893—1933, Auburn Correctional Facility, Records of the Department of Correctional Services. New York State Archives and Records Administration. State Education Department, Albany, NY.
550 Registers of female inmates received, 1893—1933. For the names, race, nativity, and sometimes health condition or illness of women that died during their incarceration at Auburn, see pp. 15, 35, 54, 134, 135, 138, 144, 147, 158 in the prison register. The deaths to which I refer do not include suicides.
“I’ve got the devil in me,” she moaned. “I can’t stand this; if they don’t let me out soon, I’ll smash things.”553 Another inmate offered comfort, entreating her neighbor to stay strong. She whispered that she was confident “that to-morrow…[the matrons] would have to let us get the air and walk the yard,” a tantalizing prospect for inmates, some of whom had been confined to their cells twenty-four hours a day for up to a month.554 A third voice inquired, also in a whisper, “Did you see the new girls?” One of the women answered, “Yes, I saw them when they came; they had good clothes.”555 Thus, even though the matrons failed to discern the high quality of Doty and Watson’s clothing, some of the prisoners proved more perceptive. A voice added, “But what did their faces look like?” Doty prepared to offer a reply when the “old dragon” (the head matron) crept in surreptitiously, and put an abrupt end to the women’s stolen conversation.556 The “dragon” exacted a harsh punishment for a few whispered sentences: a three day, twenty-four hour confinement to the women’s cells, a bread slice “and one gill of water” for breakfast, lunch, and dinner, a $1.50 fine, and days tacked on to their prison terms.557 When the matron left, the inmates were, again, entombed in silence.

“The minutes dragged on.” Was it two in the afternoon, or six in the evening? Doty “had lost all sense of time; all was dull silence.” She remembered the commissioners’ cautioning her about female convicts that “used obscene language” and violent “colored women.”558 But, Auburn’s imprisoned women appeared half-dead, their worlds confined to ten-by-six cells that felt like coffins. Here, Doty contradicts state

553 Doty, Society’s Misfits, 24.
555 Doty, Society’s Misfits, 24.
556 Ibid.
557 Ibid., 25.
558 Ibid., 9 and 25.
commissioners’, mainstream reformers’, and most New Yorkers’ preconceptions about women confined at Auburn. They were not a mass of violent, profane, and uncontrollable degenerates. They were a community of “kind…considerate…respect[ful],” yet “half-alive” women doing what they could to sustain themselves and each other through the depressing, and sometimes, maddening claustrophobia of prison life.  

Doty knocked on the wall that separated her cell from Watson and received a weak knock in return. She could hear that a woman on the ward who was “violently” ill. “It was horrible to be unable to give assistance… No one could.” None of the women risked consoling the sick prisoner; the price was too dear. The “dragon” made her rounds, but ignored the inmate’s suffering. Later, Doty learned that Watson was the one who was sick and “went uncared for.” She had vomited repeatedly into a jar that the matrons chose not to have removed or cleaned until the next morning. For Watson, and any woman locked in a cramped cell for nearly twenty-four hours with a container of her own vomit, the smell must have been awful.

For evening supper, an inmate went to each cell once again, this time pouring water into the women’s cups and basins. Other than their morning coffee, and sometimes tea with dinner, the women were provided with a single cup of water per day. Regarding her serving of water as “precious” and “life giving,” Doty “clutched [it]…greedily.” She decided to drink half the cup of water with supper, and the other half at night, which meant that she could not brush her teeth. Doty washed her hands in her basin just twice,

561 Ibid.
562 Each inmate was given jars “for all purposes” – jars that were “emptied only once” daily, and a “hand basin [also] filled with fresh water only” once a day, a surefire way to ensure that prisons incubated disease. Doty, *Society’s Misfits*, 25.
563 Ibid.
which transformed the water into a gummy, kerosene infused mess.\textsuperscript{564} Her attempts to maintain even a moderately healthy hygiene regimen were so futile, however, that she quickly became indifferent to whether she was filthy or clean.

As daylight dissolved into night, Doty felt a moment of relief. Like other prisoners, she changed out of her daytime clothing and lay in bed. Even though her bedclothes were “heavy…[they] gave little warmth, for the blankets were made of shoddy [material]…” The cell was cold at night, and she trembled under the covers. When she heard the matron in the hall, Doty quietly asked for another blanket. Annoyed, the night matron, who was snow-haired and frail, told her, “You should have asked the day matron in the daytime for a blanket.”\textsuperscript{565} Doty later noted:

She may have been a pleasing and venerable figure on Sunday, clad in her best, but as a matron she was a failure…. She must n’t (\textit{sic}) be bothered. It wasn’t her business to do anything but walk through the buildings…. Through this incident I learned the lesson all convicts soon learn: it is wisest to suffer in silence, for only suicide or severe illness compels attention.\textsuperscript{566}

Still, in spite of her frustration, the unusualness of Doty’s request bothered the night matron. She woke Doty twice; the first time to tell her, “‘You’ve a wash rug on the floor; use that if you’re cold,’” and the next time to restate, “‘You should n’t (\textit{sic}) ask me for a blanket; you ought to ask the day matron.’”\textsuperscript{567} Matrons’ lack of kindness and compassion were a defining feature of a repressive and inhumane “Auburn system.” And, so, like other cold inmates, whose stays were considerably longer, Doty stayed in bed tremoring through the night.

“The [second] day had been a horror, but the night was worse.” She was “horribly…dirty, hungry, and thirsty, and…[her] bed” felt like hardening concrete with

\textsuperscript{564} Doty, \textit{Society’s Misfits}, 26.
\textsuperscript{565} Ibid.
\textsuperscript{566} Ibid., 26—27.
\textsuperscript{567} Ibid., 27.
every slow, wretched hour that passed. The second night in prison unraveled Doty emotionally and psychologically. She felt as though it peeled away layers of her skin until everything that was inherently “ugly” inside her was exposed, naked, raw and palpitating wildly. She says:

I, too, had the devil in me…. I would gladly join my convict friend in a smashing orgy if they did n’t (sic) let me out soon…. Rebellious thoughts surged in my brain. What right had man so to abuse his fellow-man? What right to degrade him, to step on him, to ignore him? What right to nag and browbeat until he can no longer keep silent, and self-respect flares up?

Doty now understood why caged women – black and white – were sometimes violent. She asserted that it was nothing short of a miracle if incarcerated people did not acquire a seething hate for all human beings and emerge from “bondage bent on revenge.” Her “heart ached with pity” for her cellmates. More significantly, she states, her undercover experience at Auburn yielded “one thing at least… I had become in spirit a convict. I was one of them.” Although many inmates would have found this difficult to imagine, given her brief stay and the knowledge she could escape, as well as her race, class, and nativity privilege, Doty was certainly transformed by her brief experience.

**Day Three:**

“[T]he one ray of comfort.”

“The third day I awoke with dread,” she writes. “The end of the week seemed years off. I could never stick it out.” The morning was suspended somewhere between the black of night and the light of day, when Doty resolved to emerge from bed. Before she could sit up the matron barked, “Why ain’t ye up? You should be dressed…And what business had you to ask for a blanket? I’ll teach you yet.” The matron demanded that

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568 Ibid.
569 Ibid., 27—28.
570 Ibid., 28.
571 Ibid., 44.
Doty tidy her bed, clean the floor, and prepare to empty her bucket “when…she git[s] back” (sic).\(^{572}\) Without hesitation, Doty rushed to complete her chores. She had been “cowed” into submission; psychologically degraded into an “obedient object” – at least for the duration of her investigation. She believed that passivity was a characteristic almost all convicts acquired very quickly after entering prison. Doty did not equivocate on this point:

> Active rebellion is rare among convicts. There is one consuming desire, to make good and get out. The huger for freedom, the torture of the bars, and the dread of punishment are so great that only the bravest souls refrain from lying, hypocrisy, the betrayal of others, and the surrender of self-respect in order to win favor and shorter the term of imprisonment.\(^{573}\)

Sheepishly, Doty waited at her cell door for the matron’s return. When the matron appeared, she ordered Doty to follow her. Doty held her bucket and walked behind the matron. The matron stared at Doty as she cleaned her bucket. Doty was acutely aware that she eyed her hungrily, anticipating a mistake, so that she could hammer her with reprimands. Doty proceeded to wash her bucket, but when she headed for a nearby sink, the matron descended on her “like a hawk.”\(^{574}\) Doty “had committed an unpardonable sin” that sated her predatory steward. “What do you mean?”…[the matron] yelled. ‘That’s where we wash our dishes. Hain’t you ever emptied a jar? Haint you ever used a toilet. Haint you used to any of the decencies of life” (sic).\(^{575}\) The rebuke startled Doty.

> “Then…[her] sense of humor…rescue[d]” her from fear. This time, however, she did not deign to demonstrate it; already she “had become subdued.” In that moment, Doty says, a “dungeon rose before me. My perspective was gone. I seemed a real prisoner. Fear had

\(^{572}\) Ibid.

\(^{573}\) Ibid., 28—29.

\(^{574}\) Ibid.

\(^{575}\) Ibid., 29.
entered my soul. Patiently I listened to a flood of abuse, finished my task, and returned to my cell.”

At mid-morning, a matron took Doty, Watson, and three other women to Auburn’s highest floor “[t]o be bertillioned.” In the Bertillion-room, inmates are photographed; their “hands, arms, and feet measured;” their bodies scrutinized for distinguishing marks; and generalized notes are taken on their overall appearance. The bertillion record became part of a “rogues gallery,” a portfolio of convicts that made incarcerated women, girls, men, and boys “known criminal[s], easily identified by the police.”

Doty, Watson, and the women who accompanied them waited outside Auburn’s Bertillion-room, which was skylit and in the attic. They “sat, one in front of the other, like children playing choo-choo cars, back to face” to prevent them from seeing or speaking to each other. Sitting at the end of the row, Doty surveyed her surroundings each time the matron took one of the women to the Bertillion-room, mentally documenting what she saw. One of the women near Watson, she says, was “a dark-haired girl whom I shall never forget. Her mouth and eyes were passionate, her chin quivered, great tears rolled down her cheeks. Her manner was gentle, but her whole being alive. I wondered if she was French. Why, I don’t know, unless it was the grace of her bearing.”

Doty’s sympathetic characterization of this woman provides some insight into reformers’ racialized interpretations of all imprisoned women. Her reactions to the
African American women she met at Auburn were markedly different than her response to their native-born white and European immigrant counterparts. On the woman inmate that she perceived as French, Doty projected a brand of femininity defined by softness and boldness, elegance and mystery. As her narration of ensuing interactions with female inmates would show, Doty projected a ferocity of spirit, outright aggression, or subservience onto the African American convicts. There was one characteristic, however, that Doty attributed to all imprisoned women: pain. The wretchedness of imprisonment and the excruciating longing for children, partners, and friends, centrally defined the experiences of imprisoned women across lines of race and ethnicity.

Doty asked the dark-haired woman her name, and the crime for which she was convicted – the latter being the first question posed among prisoners. The woman said that she was imprisoned for forgery. Doty recalled, “I felt sure that she was interesting, but I had no opportunity for conversation.” The matron ordered the women to let loose their hair, and remove their shoes and stockings. Doty noticed that each woman sat with her “bare feet curled about the rungs of our chairs like naughty little girls,” marking inmates’ unconscious adaptation to an infantilizing penitentiary regime. When the dark-haired woman arose from her chair and walked “to the Bertillion-room for her ordeal,” the daintiness of her feet shocked Doty. She had long believed that both female wage workers and women of the leisure class possessed “beauty of figure and fineness of manner… But…[she] did not expec[t] refinement among convicts.” Once again, navigating Auburn’s prison community as a “convict,” not a privileged reformer

580 Ibid., 30—31.
581 Ibid.
observing from a distance, disabused Doty the stereotypes distorting her perception of incarcerated women.

In that moment, Doty realized that generalizing all female inmates as coarse and vulgar instilled in her a needless worry that the matrons would immediately discern she was a fraud, that she “wasn’t a criminal.” This moment was a profound one for Doty, because suddenly, “[w]ith startling clearness it became apparent that there [was]…no criminal type, no criminal appearance, no criminal manner” – whether the women were black, native- or foreign-born whites. Doty’s revelation – a radical departure from popular assumptions about female prisoners – secured her place on the fringes of prison activism. Unsurprisingly, her observations of the “French” woman’s appearance and demeanor did not inspire the same revelation in the white man who created her Bertillion record. Upon completing Doty’s Bertillion card, he “remarked in a low voice to his companion, ‘All the stigmata of criminality.’”

Doty found the Bertillion official’s statement interesting. She wrote:

I wondered grimly whether the joke was on me or on the official. After all, the only difference between the criminal and the average man, if there is one, is an exaggeration of type. When the convict is not defective, he is often unusual, original, a variation, and therefore more prone to be at odds with conventional society. He has greater force than the average, and has often gone wrong through misdirected power.

In Doty’s view, then, imprisoned women were frequently genteel, but it was their somewhat abnormally powerful, rebellious natures had brought them into conflict with the law. Evidently, Doty’s undercover experience did not entirely strip her of the impulse to stereotype incarcerated women. She still clung to some of the preconceptions she had

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582 Ibid., 31.
583 Ibid.
584 Ibid.
585 Ibid., 32.
internalized as a white middle class lawyer and reformer, but she did trade in a simplistic and flat stereotype of “criminals” for a more nuanced and complicated portrait.

Doty and Watson’s next visit was to the doctor, this time traveling only as a pair. Before leaving, the two returned to their cells and changed into “Sunday…dress… a khaki-colored cotton drilling shirt-waist and skirt,” which Doty deemed “satisfactory.” The prison uniform she wore previously was an undignified “dirty white sail-cloth” that she associated with the clothing of enslaved women and girls’ clothing. From Doty’s perspective, a garment like that one obliterated her white femininity. Her new uniform did not necessarily restore Doty to her usual (unconscious and conscious) sense of racial womanhood—but it made her feel “importan[t]; [her] head went up.”586 There was not a single aspect of the prison system that was not, to some measure, degrading for convicts: the uniforms, food, brusquely issued orders, icy official stares; neglect and the disease ridden environment; the segregation, isolation, intense and unbearable loneliness; the absence of meaningful work and deprivation of daily exercise; endless stretches of silence; tortured groans of women casketed in darkness. Therefore, any moment when a confined woman did not experience total degradation was cherished.

Another “interminable” wordless wait followed the uniform change. As Doty recalls, “Decorously we sat, eyes to the front, the embodiment of meekness, the eagle eye of the matron upon us.”587 She comforted herself with the knowledge that “if [their] time was wasted, so was the dragon’s, for no prisoner may go about unaccompanied, even though escape from a locked and barred building, surrounded by a guarded stone wall, is

586 Ibid.
587 Ibid.
impossible.” A young, slender, pleasant, and alert matron appeared. The head matron and her subordinate traded their grievances. The “dragon” told her about Doty’s “audacious demand” for an additional blanket. Doty watched the young matron’s face harden as the “dragon” proceeded with her story: “All the pleasing qualities of the matron [had] vanished.” She seemed to shape shift into a pitiless, “cold, glittering-eyed, vindictive bully.” Enraged, the young matron “threatened” and disparaged Doty, hurling “warnings” like fists, reminding her she “was a prisoner and entitled to no luxuries.” The matron issued her condemnations as Doty stared “at the wall…vacant[ly], meaningless[ly]…the proper prison attitude.” In the two-and-a-half days that Doty had been undercover she learned that the only women of “hard and vicious character” that she needed to “look out for” were Auburn’s white administrators. Doty did not fear “those [supposedly] vicious colored criminals whom…[she] had been warned against” as their “companionship” had been her sole “comfort.” In stark contrast, throughout her narrative, Doty repeatedly emphasized how terrified she was of the law-abiding white women appointed to supervise the “criminals.” Doty was poignantly aware that, in spite of their context, and the severe constraints under which they interacted, the convicts were the only people who had shown Doty any hospitableness.

Not long after her scolding, Doty heard footsteps; she was eager to see other prisoners. A troop of women followed a matron to school. They stopped, removed their unwieldy leather shoes and pulled on felt ones intended “to deaden the sound… At this crucial moment the dragon’s voice broke the stillness: ‘Rise, and face the wall’.” Doty

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588 Ibid.
589 Ibid.
590 Ibid., 33.
591 Ibid., 44.
and Watson did not move. The “dragon” sharply reissued the command, this time with a threat; only then did Doty and Watson realize that she directed the order to them “and obey.” Prison policy dictated that there be no communication between prisoners. To ensure adherence to the policy prisoners must never face each other. As Doty and Watson gazed at the wall, they pondered the experience. It was infantilizing and utterly ridiculous:

Memories of childhood and the old standing-in-the-corner punishment came to me. I had an overwhelming desire to peek round my shoulder, but dared not. The company slowly filed past. Out of the corner of my eye I could see Elizabeth, and suddenly the absurdity of our position shook me with silent and nervous laughter.\(^\text{592}\)

The head matron led the prisoners away. Just when Doty and Watson sat down again, the doctor called for Doty. Doty entered the doctor’s office hoping he had been told her true identity or that he would detect that she did not belong so that she could avoid the humiliation attendant to being branded and treated like a criminal. Straightaway, Doty saw the doctor was unaware that she was undercover; to him “I was merely a regular convict.”\(^\text{593}\)

Satisfied that her heart and lungs were in good health, the doctor documented Doty’s medical history then proceeded to question her about her past. Doty noted his “kind[ness], the only official who had treated the make-believe Maggie Martin [Doty’s undercover identity] as a human being.”\(^\text{594}\) She struggled to invent a criminal history on the spot. Doty decided to reply truthfully where possible. She told the doctor that she did not drink alcohol, but confessed to smoking tobacco. With this admission, the doctor’s face radiated. He pinpointed “Maggie’s” smoking habit as an avenue to uncovering the

\(^{592}\) Ibid.
\(^{593}\) Ibid.
\(^{594}\) Ibid., 34.
root of her “downfall.” The doctor asked Doty to search her memory for the first sinful cigarette “drag.” Noting Doty’s embarrassment, he softened. Doty writes: “Finally, he urged me to make a full confession. I was fairly cornered. I couldn’t lie any longer; he had been too nice. In a burst of inspiration I gazed shyly in my lap and stammered, ‘I don’t know you well enough yet; perhaps I might later.’” Doty’s exchange with the doctor suggested that he dealt with female inmates professionally and genuinely respected their boundaries, at least if they were white and gender conforming. Doty, too, had a role in the nature and outcome of their exchange. Like so many white women caught breaking the law, Doty exploited the racial paternalism of a white male official to her favor. Feigning timidity perfectly aligned with racialized gender scripts of white femininity. This last convincing note of a masterful performance, then, concluded Doty’s visit with the good doctor.

It was Watson’s turn to be examined and interviewed, and Doty feared that Watson might fail to deceive the doctor. At the end of her session, Watson returned sobbing. In silence, Doty agonized over what Watson’s tears meant; “Had the doctor discovered her identity or had he told her she had some fatal disease?” Doty’s fears simmered as the matron’s presence barred conversation between them.

The doctor’s visits ushered Doty and Watson into mid-afternoon. Rather than take them to their cells, the matron steered Doty and Watson to the prison’s chapel where “[o]nce a week, as a great privilege singing is permitted for an hour.” Doty’s hopes

595 Ibid.
596 Ibid., 35.
597 See Chapter One’s analysis of white policemen’s and jurists’ racial paternalism, as well as white women criminal workers’ appeals to white male law enforcement officials’ chivalry. See especially the discussion of Emma Hodgens, Bertha Laws, and Catherine Paul, pp. 13, 47—54.
598 Doty, Society’s Misfits, 35.
599 Ibid.
surged; she was going to see other convicts. But, when the matron seated Doty and Watson in the end row, her hopes dimmed. Seated behind one hundred and twenty prisoners, Doty saw only their backs. Watson had not yet stopped crying. Unable to curb her anxiety any longer, Doty “managed to whisper...undercover of singing: ‘What’s the matter?’ ‘Nothing,’ came the reply. ‘I’m alright; will tell you later.’” Doty did not learn the source of Watson’s distress until they left Auburn prison. “It was her own make-believe story of anguish that caused her to weep so violently.” Watson, gifted with a genius ability to fantasize, had wholly embraced her fictitious identity. Unlike Doty, Watson had no trouble concocting a criminal history. In the doctor’s office, she weaved a tale in which she, “Lizzie Watson,” was cast as “the youngest of a large family of brothers and sisters.” Because her siblings did wage work outside the home, little “Lizzie” was burdened with all the housework. As a result, “Lizzie” was penniless, and thus, deprived of leisure opportunities. “She had forged the check to secure the coveted good time.” The good doctor readily offered “Lizzie” compassion, to which she then “cried copiously” in response. Doty found Watson’s story intriguing, because Watson was “the most truthful of persons; yet the power of suggestion was so great that when a past was demanded, involuntarily she furnished one.” Doty asserted, “This fact may well be a warning to investigators in their eager search for the histories of delinquents.” Ultimately, Doty believed it benefitted the investigation for the doctor to remain unaware of their real identities, “because the fact that the doctor, a man of intelligence, failed to detect us is strong proof of how completely we had become merged in the prison

600 Ibid, 35—36.
602 Ibid.
603 Ibid. The warden planned to inform the doctor about Doty and Watson’s undercover investigation.
population."\textsuperscript{604} For Doty, this meant that their findings would be well-founded and deserving of an official response and redress.

Despite the distraction of Watson’s weeping, Doty sought to generate a mental record of the singing inmates. Perched on tall chairs along the chapel’s perimeter were the matrons; the elevated seating allowed them to see every prisoner. Doty did not risk turning her head, or even her eyes, since a matron had already shot her a cautionary stare. The women prisoners Doty could see astonished her. “Many of [them]…were good-looking, intelligent women.”\textsuperscript{605} A white music instructor played piano for the interracial, multi-ethnic group of women, who “sang well, some with a will, as though even this form of expression was a relief.” Doty’s eyes wandered to the lyrics in her book. She watched Watson trace the words with her finger: “Columbia, the gem of the ocean, The home of the brave and the free.” Stunned by the verse’s irony, Doty thought, “has no official a sense of humor?”\textsuperscript{606}

After singing in the chapel, the matrons moved Doty and Watson to another section of the prison. Like all newly received inmates, they had been confined in the reception ward. Women were then relocated to various wards and compelled to labor (some of them, for example, as laundresses and seamstresses for Auburn’s male prisoners). In Doty’s estimation,

\begin{quote}
the sole object of the reception ward in this prison was to break and subdue the prisoners by isolation. Certainly it was not used for the purpose of observation, for no scientific study of women was made. The newcomer was merely isolated, given no work or occupation of any kind, all her meals were thrust into her cell, and her only resource was one library book a week. I had experienced forty hours of much confinement, and I shuddered to think of the days, weeks, and sometimes months endured by the average
\end{quote}

\textsuperscript{604} Doty, \textit{Society’s Misfits}, 37.
\textsuperscript{605} Ibid.
\textsuperscript{606} Ibid.
prisoner. Such treatment in the case of a nervous, hysterical woman, eating her heart out with anxiety, over some family problem, easily causes temporary insanity.\(^6^0^7\)

Doty’s claims were not ungrounded. Many present-day scholars, prison abolitionists, and reformers argue that mental illness, which afflicts a disproportionate number of imprisoned people, is exacerbated by incarceration – most especially, solitary confinement, which they consider a form of mental and physical torture.\(^6^0^8\) Over six decades after the reformer published her memoir, the prison system’s critics took Doty’s assertions a step further, pointing to research proving that imprisonment, especially solitary confinement, produces mental illness in prisoners or causes permanent damage in those with otherwise treatable mental illnesses.

Nineteenth and early twentieth century prison psychiatrists routinely diagnosed incarcerated women as “feeble-minded” and “morons,” not because they recognized the fact that imprisonment corrodes the psyche, but because medical science dictated that criminality and convict status demarcated women as intellectual, emotional, and psychological damaged.\(^6^0^9\) White and European immigrant women who ran afoul of the law flouted white supremacist gender and sexual norms, which, for prison doctors, signified pathology.\(^6^1^0\) Prison doctors—all white and male—tended to label black women inmates “feeble-minded,” “imbecile,” and “moron,” assessments based on evaluations of their crimes, personal histories, and education level – rather than cognitive mental states.

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\(^{6^0^7}\) Doty, *Society’s Misfits*, 38.


\(^{6^0^9}\) See case files in Division of Parole Auburn Prison Inmate Case Files, 1920—1930. For a contemporary example of the foundational theories pathologizing female inmates, see Lombroso, *The Female Offender*. See also Chapter Two.

\(^{6^1^0}\) Ibid.
disabilities – more often than they did white women inmates. African American women’s lawbreaking activity and alienation from institutional resources, such as education, merely confirmed white supremacist ideologies classifying them as congenital deviants – intellectually and psychologically broken and bereft of femininity. Not only did black women criminals and prisoners pervert and defy gender and sexual ideals, they embodied gender and sexual perversion and defiance. Indeed, black women were criminality, itself. A prison doctor confronting the living racial manifestation of deviance and evil, a “‘Frankenstein’” in white “civilization” could only conclude that she was a “feeble-minded moron.”

In Doty’s narrative, however, imprisoned women, whether black or white, were not “feeble-minded morons,” but smart, strong-minded survivors misunderstood by foolish white male scientists and suspicious white matrons whose weak minds had absorbed and projected vicious, destructive stereotypes onto their wards. Besides, prison could make any previously sane person thoroughly crazy, particularly when subjected to protracted isolation.

Doty was convinced that the matrons would have kept her in segregation had her early relocation not been pre-arranged so that she might inspect other wards and the workroom. They perceived Doty’s laughter and request for an extra blanket as an

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611 Division of Parole Auburn Prison Inmate Case Files, 1920—1930. See also, Dodge, “Whores and Thieves of The Worst Kind”, pp. 128, 131, 133, 136, 151, 159—170; Hicks, Talk with You Like a Woman, 154.
613 The case files for inmates at Auburn State Prison for Women, include psychiatric evaluations in which black females are typically described as “feeble-minded morons.” Division of Parole Auburn Prison Inmate Case Files, 1920—1930. For the “Frankenstein” and “civilization” references, see Eleanor Tayleaur, “Social and Moral Decadence of the Negro,” 267.
indication of arrogance and “freedom of spirit.” Isolation, matrons believed, would cure her defiance. In contrast, Watson “with her tears and her sadness, was being less rudely handled,” because the matrons perceived her vulnerability and passivity as an indication that she had assimilated to prison culture.

In the new ward, Doty experienced her “cell [as even] more depressing” than the first. The second cell, one of five in that ward, was exactly like the previous one only it had a chair instead of a stool, and a “gray plaster wall” that obstructed her view. At least, from her last cell she could see the expansive ward. Worse still, at the corridor’s entrance, a “large wooden door many inches thick, looking like the entrance to some great castle…when closed, shut off this wing from the main corridor.” Doty writes, “I fervently prayed” that the hallway door was never closed. “I had been brought here without Elizabeth [Watson] and I hoped against hope she would follow soon and be placed near.” Segregation proved more violent, more crazy-making than the matrons’ relentless cruelty.

Doty was standing at her door when she heard noise from a cell near her own. She “[p]ressed close against the bars, [and]…whispered, ‘Hello!’” Immediately, she received a response: “I don’t dast talk; I’m just up from punishment.” She says, “But my curiosity was great and my loneliness greater, I persisted:

‘What were you punished for’

There was a little chuckle, a negro’s chuckle, then came a reply:

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615 Doty, Society’s Misfits, 38.
616 Ibid., 38—39.
617 Ibid., 39.
618 Ibid., 40.
619 Ibid.
620 Ibid.
'Well, child, I sassed the matron. I was all right until I was bad; I don’t know why I done it. I just couldn’t help it, and I up and called the matron a ----.” (sic) 621 Long after her conversation with this woman, Doty wondered insightfully, “Is one only a lady when treated like one?” Certainly, some of the women’s experiences before prison suggested that the answer was “yes.” The same black woman who was ignored or ill-treated by her white employer was respected and cherished by her husband and children. The Irish prostitute whom white prison matrons degraded and verbally abused was flattered and treated by her most faithful john. In Doty’s view, the woman who stood up to the matron and insulted her was more of a lady for having done so – because the impulse arose out of a sense of self-respect. Admiringly, Doty writes: “...[M]y colored friend’s statement filled me with joy. I wanted to pat her on the back for her courage. My one regret was that this graphic language had not been addressed to our old dragon....” The conversation continued:

“‘How were you punished?’”

The prisoner answered gently, “‘Put in the cooler.’

‘But what is the cooler?’

‘A dark cell in the basement where you only gits bread and water. I was there five days.’ (sic)

Evidently expressive language is an expensive luxury.”

Later that night, footsteps echoed in the hall as an inmate delivered each woman her “supper...or, rather, [a cup of] tea.” 622 Earlier that day, the customary bread slice had been placed in each woman’s cell. Doty was thrilled to receive “a small can of milk by

621 Ibid.
622 Ibid., 41.
the doctor’s order.” She informed him that she was unable to eat. “It was good he had come to my rescue,” she thought, “for I was finding a diet of bread and water wholly inadequate. A very tall colored woman…at least six feet” then distributed each woman’s cup of water for the night. When she was through with her work, the tall woman returned to a cell on “the main ward…the servant’s quarters;” she was Doty’s only neighbor. Though Doty tried to adjust to Watson’s absence, it continued to rattle her. Doty recalled that the ward’s only...

redeeming feature was the new matron. She was a good-looking, middle-aged woman, vastly more human than our old dragon. She treated us like a bunch of children, and laid down the law with a mighty hand. But her voice, though dictatorial, was not harsh. Freed from a system which demanded that all prisoners be treated indiscriminately as the vile drainage of society, she might have blossomed into an effective person.

The new matron approached Doty’s cell to give her instructions, telling her that if she conducted herself appropriately and did not speak, “there would be no trouble.” She then left the ward, closing the colossal hallway door behind her. Aggrieved by this, Doty says, “My colored friend and I were alone in our fortress.”

Doty guessed that it was no later than five o’clock in the evening, which meant that the sun had not yet set. “Time in prison was an uncertain quantity. It had to be guessed by the occurrence of daily events.” An hour ago, the arrival of supper promised the coming of dusk…but not for another two hours. Doty remembers thinking: “What should I do until morning?...The fourteen long hours to breakfast seemed monumental. Should I go to bed? But I could not sleep all the time. However, I was cold, my cell had

623 Ibid.
624 Ibid.
625 Ibid.
626 Ibid., 42.
627 Ibid.
no heat, and there was nothing to do.” For Auburn’s actual prisoners there was frequently nothing to do through what must have felt like deathless stretches of time.

Doty heard water splashing in the cell next to hers as her ward mate prepared for bed. Doty had just crawled under the flimsy bedcover, “when…whispers” pulled her out of bed. Doty rushed to her cell door.

“‘Say, what’s your name?’ came the voice.

‘Maggie Martin. What’s yours?’

‘Minerva [Lorde] I don’t dast to talk now, but when the night-watch is on I’ll come to you.’

‘Come to me? How can you come to me?’

‘I mean I’ll come to the door and talk.’

‘Before you go, [she]…pleaded, ‘tell me one thing. Do you know where my friend Lizzie is?’

‘The other new girl? She was in a transom like this on the other side of the ward’.

Slightly comforted by this information, Doty returned to bed. Darkness had come. She switched on the light, as the matron had directed her to, since lights outside the prison cells were extinguished at nine o’clock. She notes, “It was a poor little light, wholly inadequate for reading; but, then, I had nothing to read.” She added, “However, I had

628 Ibid., 42—43.
629 “Lorde” is a pseudonym used to protect the identity of the imprisoned women to which Doty refers. In general, I refer to all subjects by their last names. Inventing last names permits me to do that.
630 Doty, Society’s Misfits, 43.
631 Ibid., 44.
no desire for darkness, for the isolation of the place was gruesome.”

Preoccupied with questions, Doty laid in bed, gazing at the light:

Suppose there was a fire, or Minerva was taken sick or attempted suicide. What could I do? No sound would penetrate that wooden door. I imagined the scurrying for keys and the time need to unlock the ward door, then the wooden portal, and last the barred door of the cell. It would be much too complicated in a sudden fire. No one would bother with us. It was very depressing… I tossed on my bed. Would nine o’clock never come! Thank goodness for Minerva! Far from fearing her as one of those vicious colored criminals whom I had been warned against, her companionship was a ray of comfort.

Finally, the corridor door opened. The matron from the night before appeared – the one with salt and pepper-hair, and “jangling keys,” the sound of which, previously, signified the “brutal officialdom” of the prison system, now soothed Doty anxieties, her sense of being closed in, psychically opening doors where there were not even windows. Never before had she been so thoroughly satisfied by sound. The matron, “having assured herself that…[‘Maggie’ and Minerva] were alive,” quickly departed. Doty remembered, “To my joy, she left our castle entrance open. I learned from Minerva that she did this to save trips down our way, and that it was safer to talk with the door open, for the footsteps gave warning of danger. When the door was closed, and she opened it noiselessly, transgressors were inevitably caught.

Minerva, true to her word, now undertook to comfort me.” The women introduced themselves, identified their crimes and talked, for some time, about “the horrors of the prison.” Lorde, not wanting to proceed with their conversation without knowing more about her ward companion, initiated a friendly, but deliberate, and savvy interrogation of “Maggie Martin:”

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632 Ibid.
633 Ibid.
634 Ibid.
635 Ibid., 44—45.
636 Ibid., 45.
“‘I’m a sportin’ lady; are you?’

‘No,’ said I, meekly.

‘Are you married or single?’

‘Single.’

‘Do you write to your mother?’

‘Yes.’

‘All right, kid; don’t you worry.’

So concluded the catechism.”

Doty attempted to re-engage Lorde, but the experienced inmate, having extracted the information she sought from the new girl, had resolved to leave things as they were. She would reveal nothing more of herself to Doty. Disappointed, “My fate was sealed. Having skillfully placed me, and finding I was not of the streets, but an innocent thing from home, I was not to be polluted by bad stories; rather, I was to be protected. Conversation languished…[Lorde] ordered me back to my bed.”

Lorde’s and Doty’s exchange suggest that, in women’s prisons, some older inmates acted as the maternal surrogates of younger ones. This belied theorists’ and administrators’ traditional belief that integrating prisoners of various ages (and races) led older inmates to corrupt younger ones. Doty’s interpretation of Lorde’s queries, consolation, silence, and “negro chuckle,” however favorable, imply that she may have relinquished one race and gender myth – black women convicts’ greater propensity for violence than white women – while, subconsciously, holding steadfast to others. For example, pro-slavery white southerners’ discourses “mammifying” black women as unflagging, always accessible, nurturers, informed the race and gender perception of

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637 Ibid., 45.
638 Ibid.
639 Ibid.
whites in the Progressive era. In her memoir, Doty invoked similar images of maternal African American women, but she did so to discredit a system of bondage, and the racist-sexist ideologies that legitimated and produced its racially disparate bonded class, rather than to justify it. Her representation of a black woman convict as the emotional caretaker of a white woman, contravened racist-sexist beliefs. And, though it may not have been her intention, the average early twentieth century reader’s knowledge of Doty’s true status as “free,” middle class, white, and female demarcates Lorde as a non-threatening, even servile, imprisoned black woman. She might have made a wonderful Mammy, but for the trappings of poverty and the impulse to survive.

Doty was not the only white prison reformer to mobilize the image of submissive blacks in a literary text. Grace Fuller, appointed head matron of Joliet Women’s Prison in 1914 (almost a year after Doty entered Auburn undercover) authored a book entitled Too-Loo Byrd: The Story of a Little Negro Waif. Historian L. Mara Dodge writes, “Fuller created [an] appallingly condescending tale about an orphaned African American boy. The story’s underlying theme is the problem of finding servants who were ‘good,’ i.e., docile, subservient, and efficient.” Every black character in Fuller’s book was “portrayed…as fawning, ignorant, and self-deprecating, totally devoted to white

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640 For seminal scholarly analysis of the antebellum era Mammy myth, see Gray White, “Ar’n’t I A Woman?”, 46—61.
641 Grace Fuller was selected to serve as head matron on August 18, 1914. Dodge, “Whores and Thieves of the Worst Kind”, 134. Joliet Women’s Prison is in as an Illinois State institution. Between 1870 and 1930 (the approximate time period framing my exploration of Auburn women prisoners’ lives), Joliet’s female prison population was consistently disproportionately black. Black women inmates’ numbers steadily increased from twelve percent in the 1870s to 48% in the early1900s, dropping to 36% in the1920s. This despite the fact that, in the 1870s, black women comprised seven percent of Illinois states’ total population, 21% of the state population between year 1900 and 1930. Dodge provides a graph illustration of these statistics on page 117. See also pp. 6, 42, 122—123, 280n. 15, 291n. 19.
642 Dodge, Whores and Thieves of the Worst Kind”, 135.
people.” Fuller wrote for readers who “romanticized” African American women “as the devoted ‘Black Mammy’,” when they were not derogating them as “colored women of hard and vicious character.” In this way, these racialized gender scripts were substantively defined and legitimated through opposition to one another.

Doty inadvertently tapped into these (mutually constitutive) racist-sexist mythologies in her portrayal of a black woman prisoner as a non-threatening, maternal “negro” who exhibits a seemingly instinctual concern for the younger white feminine “first-timer.” Careful to shield this white woman and fellow inmate from any negative influence transmittable through intimate interracial contact, the black woman intentionally withholds information about her own vices. This act suggests the black woman prisoner’s dedication to protecting the white woman inmate’s (relative) innocence. While Doty’s interpretation of Lorde’s actions as a protective move tacitly subverts the stereotype of masculine “hard and vicious colored women” convicts who target white women for violence, Cheryl Hicks argues that the reformer accomplishes this, not by rejecting the trope of black female masculinity, but by redefining it. Cloaked in maternalism, Doty’s masculine black woman convict becomes beneficial to white women rather than dangerous. In Doty’s depiction of her interaction with Minerva Lorde, she recast black women convicts as potential masculine protectors for white women in a sphere where white males were virtually absent and evinced no interest in defending their female counterparts from abusive prison conditions. The investigator complicates her depiction of imprisoned black women as the surrogate purveyors of white men’s chivalry

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643 Throughout Fuller’s tenure, black women constituted a disproportionate number of Joliet’s female inmates. See Dodge, “Whores and Thieves of the Worst Kind”, pp. 122—123, 135—136.
644 Doty, Society’s Misfits, 7.
645 Hicks, Talk with You Like a Woman, 134—135.
and the maternal, emotional caregivers by recognizing their vulnerability. After providing
Doty with companionship and support, Lorde spent the rest of the night groaning as she
underwent a painful detoxification from narcotics. Doty portrays Lorde, then, as an
imperfect “superwoman.” In so doing, the investigator humanizes her through a
representation of her vices. By representing Lorde and, by extrapolation, all black women
inmates as suffering and vulnerable, docile and dutiful Mammies, and masculine
protectors yet maternal superwomen (who, though emotionally run-down and
energetically “half-alive,” managed to summon the emotional resources to support white
women psychologically and emotionally), Doty constructed an alternative, albeit
paradoxical, oppositional and subversive definition of black women prisoners as
essentially moral, and therefore, reformable.

Although Lorde retreated into silence, and Doty her thoughts, the night was
hardly a quiet one. The entire night Doty heard Lorde “sighing and groaning. She had
confessed to the morphine habit.” Sleep was impossible, so Doty ruminated endlessly
on her experience of prison. She wondered how severe Lorde’s pain was. What was it
like to suffer confinement and an unslaked drug addiction? For Doty, prison alone was
torturous enough. She later wrote:

Prison had begun to grow in on me. I could no longer take things lightly. The
hopelessness, the dreariness, the ugliness of the life preyed upon me. But if I could not
sleep, neither could many of the others. Faintly from the ward came coughs and groans
all night long. Only when the jangling of the keys and the hourly rounds began did the
sounds cease. If mankind had been able to uncover that building and see into the minds
and hearts of those convicts, what a sink of despair of aching and bleeding hearts, curing
their God and their fellow-men, would lain exposed!648

646 On the myth of the black superwoman, see Gray White, *Ar’n’t I A Woman*?; Michelle Mitchell, *Black
648 Ibid.
Clinical studies, criminological theories, newspaper reports, and the baseless assumptions of government authorities, penal officials, reformers, and the affluent public did not reveal the core truths of prison life and or imprisoned women’s characters. If those generating dominant discourses on women prisoners and controlling carceral institutions could witness for themselves the brutalizing effect the system had on their subjects and wards; if they understood the extreme pain it caused perceptive, moral, and maternal women – women who ultimately had not abandoned the racialized gender conventions so cherished in dominant society; if they witnessed the inhumanity the system bred in its female administrators – a system that unsexed them (not the convicts) by peeling away the maternalism, gentility, moralism, and therefore femininity so prized in white women – if people could see that, Doty thought, surely things would change. Her activism and her memoir were an attempt to take women inmates’ critics inside prison walls, into the women’s hearts and minds, into their pain – into their cages. Maybe then, she hoped, the “Auburn system” would be torn down and a more effective and merciful program built anew.

Day Four:
“[A] caged animal in torture.”\(^{649}\)

With Thursday’s first slither of sunlight, Doty shifted in bed.

I ached with fatigue from a night of unrest on the hard, uneven bed. It was chilly, a cold November day, and there was no heat in the big stone building. Yet I longed for fresh air, and climbing to the window-ledge and pulling myself to the small, open space at the top, I drank in the morning freshness. I yearned for sight of the blue sky and tried to scratch the paint from the window; it was useless.\(^{650}\)

\(^{649}\) Ibid., 59.
\(^{650}\) Ibid., 46—47.
Reflecting officials’ intention to steal any opportunity for the imprisoned to cast a brushing glance on freedom – a slice of the world outside their cells – they had the prison’s glass windows painted on both sides. Doty continues:

I searched for a peep-hole, and finding a paintless spot the size of a glove-button, I placed my eye at this. My reward was a glimpse of the yard and high stone wall. Discouraged, I jumped down, and struggled through a sponge bath in my scant quart wash-basin. In the hot, perspiring summer days this daily dash of water must have been tantalizing.  

As Doty finished her sponge bath, a matron said, “Maggie, stick your arm out.” Doty rushed to the front of her cell uncertain about the duty the matron wanted her to perform. The matron specified, “Stick your arm through the bars so I see it. You must do this every morning when you hear me.” Doty realized this ritual was the day matron’s shortcut to determining whether the inmates managed to live through the night. The matron ordered the women to enter the hallway and stand in line. Doty’s “eye caught…[Watson’s], but gave no sign of recognition.” This time Doty and Watson’s lack of communication signaled their understanding of a core motivation for the policy of enforced silence. They “had already learned one of the many unwritten prison rules, which is that any form of greeting between inmates is considered immoral, evidence of what is termed ‘lady love,’ and promptly punished.”

“In grim silence” the women walked to the “table in the alcove,” took their seats and waited for their morning meal. Doty found it remarkable that “two powerful colored women” flanked Watson, a native southerner with “race prejudices.” Doty thought, “Will these [Watson’s racism] survive, or will she lose all race consciousness, as

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651 Ibid., 47.
652 Ibid.
653 Ibid., 47—48.
654 Ibid., 48.
I have with Minerva, and feel only a sense of companionship, the kinship of a common cause?655

Breakfast, like every other meal, was consumed “[i]n tense silence. Breakfast is literally shoveled down,” as meals are constrained “to the shortest possible” time – fifteen minutes or less.656 Doty could not eat. The stew and coffee revolted her, as did “the onslaught of the hungry women.” Her reaction should not be construed as validation of the conviction that women prisoners were vile. Doty complicates her observations by adding: “[A]s I stole glances at my companions, I noticed the neat hair and the clean hands even when those hands were worn with toil, and I was aware that the lack of table manners [was] chiefly due to want of time and pressing hunger.” Lorde confirmed Doty’s “hunger theory” when they returned to their cells, she “whispered: ‘Say, Maggie, if you don’t eat, give it to me’.”657 Doty assured her she would do so.

Almost an hour passed, when the matron once again commanded the women out of their cells and directed them to form a line. The tallest woman, Lorde, fronted the brigade. Behind her was Watson; Doty stood in the middle. The women descended the stairs slowly and entered the workroom, “where, with hands folded, we sat at long tables” that were divided by task.658 In addition to worktables, the shop contained “hand sewing-machines and three old foot looms.”659 A triumvirate of matrons seated at tall desks guarded fifty women, “glaring and silent, ready to scold or to punish if hand flagged or eye wandered…. Always there was the same grim silence… Five or ten minutes” elapsed

655 Ibid.
656 Ibid.
657 Ibid.
658 Ibid., 49.
659 Ibid., 51.
before a clanging bell ended the women’s “abject and patient” wait. The matron bid the women to put on capes and elastic shoes. Doty remarks, “Somehow the luxury of rubber [shoes] seemed incongruous, in view of the many hardships imprisoned women endured. Conscious of the classed perception driving her interpretation she adds: “[Y]et perhaps because they were a luxury the women took pride in their possession.”

Some women stitched the boarders of hefty, red bedcovers. Women at other tables built mattresses and pulled cotton from their hulls. It was not long before the cotton picking generated dust that permeated the room and made the women cough.

Work was followed by a rare, brief, and highly coveted reward: outdoor exercise. The authorities permitted imprisoned men daily visits to the yard, but allowed women outdoors only several times a year. Since the Auburn system informed the nation’s penal policies, nearly all imprisoned women were trapped inside the walls for the entirety of their sentences. Auburn’s women prisoners savored the half hour in the yard. The women walked outside single file wearing “little black capes, which came scarcely below the waists of our clumsy white wrappers. [A] knitted woolen head-piece,” notes Doty, “called by some strange freak of absurdity a ‘fascinator’” completed the prison yard uniform. “We resembled a group of dejected little orphans suddenly grown old as round and round the yard we marched.”

Walking under the azure sky with the clean morning air on her face, Doty felt a rush of joy: “I quickened my step, and I noticed that Minerva, with head erect, striding

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660 Ibid., 49 and 50.
661 Ibid., 49.
662 Ibid.
664 “Wrappers” is another term for the coarse, wool prison issue uniforms. Doty, Society’s Misfits, pp. 34—35.
665 Ibid.
forward with the power and freedom of some Greek goddess.” Comparing Lorde to a “Greek goddess” was a significant move. In ascribing to Lorde the characteristics of a supernatural white feminine ideal Doty issued a powerful challenge to the most disparaging gender and racial scripts in mainstream criminological discourses. Here, the reformer also suggestively identifies her rejection of derogatory popular assumptions about black women prisoners. Sadly, for Doty, the uplifting spirit of the moment dissipated: “I saw Elizabeth’s arms begin to swing in rhythm with her body, but only for a moment; for an ever-watchful matron’s eye was upon her, and she was directed to fold arms, walk in the middle of the path, and stop jerking. Under this dreary regime the joy of exercise vanished as round and round we went in ridged order and forlorn silence.”

Soon the three ruddy brick walls enclosing the yard seemed to shut out the blue sky and stale the morning air. “The fourth…wall,” a sheet of stone, “shu[t] out the world.” The path on which the women marched encircled “a struggling grass-plot over which hung the clothes-lines.” To Doty, “[i]t was all sordid and ugly… [Her] spirit grew weary.” A hawkish matron, imposing prison walls, and the incessant routinization of women convicts lives drained her, body and spirit, of the initial thrill that came with being outdoors. “By the time the fourteenth round was reached,” she states, “one would give a kingdom to turn about face and walk in the opposite direction.”

Finally, the thirty-minute yard march ended, and the women returned to the workroom. Doty tried to sit beside Watson, but the matron forbade her from doing so. Since discipline necessitated isolating prisoners from their friends, the matron seated

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666 Ibid., 49—50.
667 Ibid., 50.
Doty as far from Watson as possible. Seeing Lorde sit directly across from Watson, however, made Doty happy.

The women once again took up their repetitive tasks. Doty, Lorde, and Watson hemmed bedcovers. The workroom had a large clock on which the minutes slugged along. But, the women stopped working at ten o’clock, much earlier than Doty anticipated. The matrons ordered Ward VII inmates to return to their cells. Doty rose from the worktable and trailed the other women. “What was to happen?” Doty sneered, “No less momentous event than the weekly bath. All worked stopped; a morning was sacrificed to this task when, morning and night, prison life abounded in idle hours.” A matron caged each woman in a cell, then released them singly, and took them to a room where “the colored convict trusty…scrubbed” them forcefully as the matron watched. It took just a few minutes to bathe each woman, “and then the dreary hours to dinnertime must be spent in lonely idleness.” The matron granted Doty’s request to skip the bath, since she had been forced to take one the previous day, before the matrons moved her to the new ward. The assembly line bath disgusted her. “The rapid immersion of one person after another, in the same tub, with no proper facility for cleansing, did not seem hygienic or sanitary… [A]long with the [weekly] bath orgy” the women were issued fresh underwear, from which they must tear off the name of the woman who last wore it, substituting it for her own. Commissioner Doty needed no further evidence to corroborate her view that “[t]he whole prison life is a hotbed of…gross mismanagement.”

668 Ibid., 51.
669 Ibid., 52.
670 Ibid., 51—52.
The system is based on stupidity and ignorance. If half the common sense devoted to business were expended on prisons, the physical, if not the spiritual, aspect of these institutions would be transformed in a day. As it is, hundreds of working people are given into the State’s care, and are taught nothing, produce nothing, are ill housed and ill fed, and their time and that of the guards or keepers is wasted. The result is an organization which manufactures criminals, and is maintained at great cost to the State.\(^{671}\)

Doty experienced a penal system that did not function to rehabilitate the convicted. In fact, as early twentieth century recidivism rates demonstrate, incarceration increased the likelihood that ex-prisoners would return, that is, if serving out their sentences in an incubator of disease did not kill them first. Former prisoners returned to the same abject economic conditions that drove most of them to criminal work. Most acquired no academic or vocational skills while imprisoned, because inmates’ time was so effectively wasted. State governments thus wasted money on a failed penal institution, making the Auburn system appear tragically pointless.

Doty may have been thinking of this as she completed the project of branding “Maggie 933” on her clothes. Then she overheard the matron tell Watson to stitch tags on the soiled wash mats in each cell, so that they could be delivered to the laundry. But Watson was still occupied with labeling her clothes. Doty “darted forward to claim the privilege. For, it was a privilege to sit in the open ward with something to do, even though the dirty rugs were nasty to handle.”\(^{672}\) In fact, Auburn’s prison culture was defined, in part, by a “keen rivalry…for the privilege of scrubbing the floor… Even so small a diversion as this is precious, and I found that others, like myself, were eager for such duties.”\(^{673}\) Women’s prisons were deserts of inactivity, barren of meaningful work, and despite the presence of a workroom, largely devoid of labor of any kind for most

\(^{671}\) Ibid., 52.
\(^{672}\) Ibid.
\(^{673}\) Ibid., 52—53.
women. At Auburn, incarcerated women of all races, classes and ethnicities would rather spend a short period of time doing the meanest manual labor than remain in their cells doing nothing, stalled in the dissipating hours so plentiful in the Auburn system.

It was still only 11:45 AM when the women once again entered the cafeteria consuming “the same pasty stew” in a rush. After lunch, the women returned to their cells for an hour, and then at one o’clock “another dismal half-hour’s march in the yard.” At one-thirty, says Doty, “we sat silently over our tasks.” Doty used numerous tests to gage the matrons’ expectations of the inmates’ work. She says, “First I sewed fast and then slow; sometimes I hemmed well and then ill. But all brought no comment, as long as one’s fingers were busy and eyes to the front.” Clearly, the matrons were more concerned with prisoners maintaining the perfect mind numbing silence and hunched posture than with the quality of their work. Officials did not implement a work program to educate or train women in a skill; rather, it served as just another disciplinary apparatus. Doty argues,

To work faithfully for a State that ill-treats and ignores one is no satisfaction. Nor is the cent and a half a day that one rarely receives an incentive. The total of this large wage for a year is five dollars, but as a fine of fifty cents a day for each day of punishment is imposed, it is seldom a prisoner has any funds on release, even after a long term. Car-fare and the ten dollars furnished by the State are usually the capital with which the ex-convict must face the world, with small chances of securing employment. So we stitch, stitch, stitch, and sigh, sigh, sigh, and do as little as we can, and move our feet silently, but restlessly.

Visitors appear in the workshop “and [the women]…steal glances from under half-closed lids…[They] dare not look up, though…[they] fain would see these well-dressed and happy human beings.” But the convicts’ resistance to making eye-contact with visitors

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674 Ibid., 53.
675 Ibid.
676 Ibid., 53—54.
677 Ibid., 53.
was not an indication of lack of desire. Indeed, the visitors’ presence was a happy
temptation. “The bent head and the downcast eye encountered by the prison visitor,”
Doty explains, “are due not to shame, but to fear – fear that a smile or a glance will be
punished.”

The centrality of compulsory silence to the operation of the Auburn system
suggests that any resistance – whether internal or external – to the rule threatened to
collapse the system entirely. The omnipresence of silence required “[t]he average convict
[to be]…completely cut off from communication with mankind as though he were buried
six feet underground.” Officials permitted imprisoned men and women to send “one
letter a month to the outer world… [The letter] is [first] inspected and he dare make no
complaint.” Prisoners were allowed monthly visits, but never without “a guard or keeper,
and he dares tell of none of the prison miseries. The few brave souls who have spoken
have frequently suffered torture from keeper or guard. It is a cruel thing to give one man
unlimited power over another whom we have rendered helpless. It is like giving a cat a
mouse to play with.” Unhesitatingly, she concludes, “Human beings cannot wield
supreme control without degenerating into tyrants.”

Finally, it was four-thirty; Doty had been looking forward to “the one event of the
day…[now] at hand… For ten minutes the barrier of silence was broken, and intercourse
[among the inmates] was permitted. But even these precious minutes were robbed of their
joy,” she lamented, “for a matron, with ear alert, listened to every word.” And the
matron’s intentionally separated Doty from the person with whom she most desperately

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678 Ibid., 54.
679 Ibid.
680 Ibid.
681 Ibid., 55.
wished to speak: Watson. Doty states, “I longed to know how Elizabeth [Watson] felt. Her face was white and drawn. Did she want to leave?” Undeterred by the matrons’ efforts to kill any communication between them, Doty “bested the authorities by sending a secret message through” her new friend, “Minerva, who sat next” to Watson. “In a stolen conversation with [Minerva]…I begged her to ask Lizzie how she was, and whether she thought we should be called out as witnesses on Friday or Saturday?” Prior to entering Auburn, Doty, Watson and the warden agreed that their investigation would end under the guise of a mandate to return to New York City in order to provide testimony in a case. They believed this story was the most effective way to obviate suspicion in the wake of their abrupt exit from the prison. Doty spied Lorde and Watson intensely engaged in conversation. She “knew [she]…should have…[her] answer that night.”682

The project of contacting Watson complete, Doty “turned to…[her] companions.”683 But after being kenneled in silence for twenty-three hours and fifty minutes, conversation with anyone but herself was a formidable task. Doty proffered insightfully, “[The women] were as sleepers suddenly awakened, and utterance came slowly. To be commanded to talk, and to know that in a few short moments you would be stopped, makes speech halting and awkward. There is so much to say, and so little time.”684 Doty took interest in “a round-faced, good looking, good-natured young Irish girl,” sitting across from her. She attempted to learn more about her. Doty was not surprised to hear that “this was her first experience of prison life…her young, carefree face” revealed as much. The Irish woman’s sentence would be fully served in just a few

682 Ibid.
683 Ibid.
684 Ibid., 55—56.
weeks; “she counted the days to her release.” The Irish woman shared “some scraps of history” on the other convict women, “but the matron was straining every nerve to hear,” which eventually silenced them. Doty and the Irish woman had barely initiated a discussion when a bell clanged, and the workshop was once again subsumed in silence. The women’s reprieve had come and gone in a flash.

Back in her cell, Doty did not have the wherewithal to force herself to eat supper, the redundant slice of bread; “it seemed to have acquired a prison odor.” The bread would not go to waste, however, because all “uneaten bread” was collected and served with the following meal, “a splendid method of transmitting disease.” Doty would not receive Watson’s reply from Lorde until the night matron was on duty when “whispering was safe.” Yet in many ways Watson’s response had become irrelevant, as Doty’s resolve to carry out a week-long investigation had dissipated just inside of three days. She recalls, “To-day more than ever the horror of prison life had laid hold of me. My endurance was at end. I decided not to wait for my message, but to seek relief at once.” Before the day matron’s shift ended, Doty asked if she could send a message to the warden. To Doty’s amazement the matron denied her request, explaining that inmates wrote notes from the workroom, but only in the morning. The inability to contact the warden in order to procure her release made Doty feel even more trapped. She writes, “Then indeed I was a true prisoner; no power I could exert would release me before morning.” Telling the night matron she was “a prison commissioner would be foolish. She would merely think

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685 Ibid., 56.
686 Ibid.
687 Ibid., 57.
me crazy, and clap me forthwith into the cooler as in need of restraint.” The night ahead would be Doty’s worst.

Feeling “so utterly helpless was keenly disturbing” for Doty. The thought of spending another night crated away in a prison cell flooded her with anxiety:

It required all the will I possessed not to make some desperate move for liberty. But visions of the punishment cells rose to confront me. My fear was great, and I did nothing. Vainly I tried to calm myself. I trudged up and down my room, and every second my need of freedom increased. Now that I knew there was no escape, imprisonment was not to be borne; my nerve was giving away. This would never do.

Doty could not wait until the day matron’s nine o’clock departure to speak with Lorde. Through whispers, Lorde relayed Watson’s feeling that Friday was a good time to give their testimony. With that, Doty “realized that…[Watson], like [herself]…, had had all she could stand.” Despite knowing the dismal consequences for violating the policy of enforced silence, Doty “invented excuses to keep [Lorde]…talking.” She remembers, “[S]o much I dreaded solitude; but she was fearful and begged for caution.” Lorde had experienced the interminable misery of the punishment cell. Doty dreaded isolation on the ward because she had not been yet been tossed in the cooler, the very belly of dread.

On her fourth sleepless night at Auburn, Doty repeatedly climbed in and out of bed, tread her cell, and gripped the bars. Gradually, anxiety gave way to paranoia:

I began to have the horrible sensation that I had been trapped, that my prison adventure was a scheme to lock me up for life. I imagined my friends so busy with their affairs that they had forgotten and forsaken me. I foresaw that the prison authorities would accept no explanations. I should merely be considered another criminal gone ‘dippy’ or ‘bughouse,’ as prisoners call it when they lose mental control.

Doty yanked herself out of her spiraling thoughts. She “realized that [she]…was on the verge of a breakdown. If ordinary prison life could have this effect,” she thought,

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688 Ibid., 56—57.
689 Ibid.
690 Ibid.
691 Ibid., 58.
it was lucky I had not sought punishment in the cooler. The tales of its horrors rushed to my mind. I saw and felt the dark, windowless cell in the basement, which contained naught but a bag of straw. Into this damp, isolated dungeon the quivering, despairing human being is thrust, and when the victim grows hysterical, there is a canvas straight-jacket, in which she is strapped and left to lie on the floor, and then in the dark watches of the night, horror of horror, mice and rats issue from their hiding to play about the prostrate body. Little shudders ran up and down my spine.  

Fixing her mind on the few things that inspired a sense of relief, Doty thought about the light in her cell, happy that it stayed lit. When Lorde periodically coughed the sound comforted her. At nine o’clock, the matron extinguished the lights, and buried the ward in darkness. Anxious again, Doty writes, “Would the night ever end?” She hallucinated moans from the women on the ward. The specter of the cooler rose, once again.

Reminding herself that the cooler was worse, Doty knew she must not unleash her panic; she must not yell. “The girls in the ward over the punishment cells said they frequently heard cries. I must not give way, and with sternness I set my mind to the task of controlling my body.”

Perhaps, an hour passed, when “groans that were not imaginary” ripped Doty “from a nap.” She knew the groans were Lorde’s. Her pain intensified until she wept. Doty listened helplessly at her cell door. “What could I do?’ [she]…whispered, but [Lorde]…did not hear…[She] thought of shouting, but to what purpose, when no one could hear save helpless creatures like…[themselves]? Would the night matron never come?”

The minutes sloughed along, and Lorde continued to groan like “a caged animal in torture… Sick at heart and faint,” Doty “clung to…[her] bars,” waiting for a matron to appear. Relieved to finally hear the night matron’s “ponderous, solid steps,” Doty fretted,
“Would the matron hear? Surely she could not help doing so, the cries were so loud.”\textsuperscript{695}

The matron stopped at Doty and Lorde’s hallway “to listen. Then out into the darkness, in hard, cold tones, came the question:

‘What’s the matter?’

Between long-drawn sobs came the answer:

‘Such pain, such cramps!’

Breathlessly,” Doty waited for the sound of unfastening locks, and the matron moving swiftly to care for Lorde, “but again in short, curt words this church-going, benighted female flung back an order:

‘Rub it, and keep still’.”\textsuperscript{696}

In spite of the cruelty Doty had witnessed and experienced over the last two days, the matron’s “brutality” astonished her. Lorde was embroiled in such agony that she could not obey the matron’s order to soothe herself and her “gasping moans” persisted. At last, the matron switched on a light, and examined Lorde. Next Doty heard her leaden steps depart, and then reenter. Apparently, the matron provided Lorde with treatment for her cramps because, “[a]fter a while [Lorde’s] sounds of distress grew fainter and ceased.”\textsuperscript{697} And, so, the night crawled forward, no longer punctured by the prisoner’s suffering moans.

\textbf{Day Five:}

\textit{“Take a fool’s advice, and never get in again.”}\textsuperscript{698}

In the morning, Doty uncaringly completed her chores; she was fixated on getting to the workshop. Her “whole being centered on the note to the warden.” In that moment,

\begin{itemize}
\item \textsuperscript{695} Ibid.
\item \textsuperscript{696} Ibid., 60.
\item \textsuperscript{697} Ibid.
\item \textsuperscript{698} Ibid., 62.
\end{itemize}
“I no longer cared whether I made a success of my prison investigation or not. I had one consuming desire, to get out.” Doty had barely arrived at the workshop before she asked for her note to be delivered to the warden. Her request was granted, “and with a prayer of thankfulness” she watched “the sealed note sent on its way.” Doty felt the heaviness in her heart ease. She was now able to focus on the women around her. Unknown visitors approached the workroom door. Doty exploited the occasion of their presence to take a second blanket, and move her head around to look at them. Seconds after “a smiling young matron” led the visitors away, the industrial supervisor “turned upon” Doty. Fearful and humiliated, she listened as the matron, “pitilessly, in the presence of fifty other women…derided and upbraided…[her] for boldness and indecency… Her strident, masculine tones fell like blows. I shrank from her fierceness.” Doty registered the reaction of her fellow inmates: “I saw in the demeanor of my companions indignant protest and a longing to rush to my rescue…” The Auburn system had failed to break the prisoners’ moral compasses or murder their spirits. Although most readily surrendered to the injustices the matrons heaped upon them, it was much harder to remain passive bystanders when others were persecuted. Yet, Doty continued, the women’s desire to rescue “[me] all passed over me like water over a duck’s back.” Because, from the window, Doty could see the warden’s secretary making her way across the prison yard. Overcome with joy, she writes, “My heart leaped in wild exultation. At last my deliverance was at hand.”

Minutes after the secretary consulted with the matrons on duty, Doty and Watson were ordered out of the workroom. The women and the matrons stared at the pair as they

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699 Ibid., 60—61.
700 Ibid., 61.
701 Ibid.
hurried away to meet the noontime train that would take them to their fictitious court appearances. First, however, Doty and Watson were taken “to the clothesroom” to retrieve the items with which they entered the prison. “Some of their things [were] badly damaged as a result of the cleaning and fumigating that they had undergone. Several articles were missing, including Watson’s stockings. But the two no doubt agreed that “such trifles were insignificant” because “somewhere outside was the blue sky and great open spaces and fresh air… [Their] clothes were flung on anyhow, and pieced out, where lacking, with the prison supply.” Two matrons supervised Doty and Watson as they dressed to ensure that they did not leave the facility with any hidden notes. Throughout the process, Doty noted that the matrons “had become almost human.” She explains, “Under the spell of our approaching freedom they talked in friendly manner, and gave copious advice, chief of which is, ‘Take a fool’s advice, and never get in again’.” To which Doty and Watson “vehement[ly] and forceful[ly]…assert[ed]…we ‘never will’”

(sic).

With a matron escort, the two investigators marched along the corridor that steered them to the prison’s entryway. Excited, Doty says, “[I] slipped my arm through Watson’s and I gave it an ecstatic squeeze; but though release was only a yard away, this unseemly behavior was not to be tolerated.” The matron bellowed a “warning… ‘Girls, girls, that won’t do!... ‘Let go of each other!’” The women obeyed. Later, Doty wondered, “Must all the beauty and sweetness of love and friendship be crushed in prison for fear that beneath it may lurk something evil?” Still, having received their final rebuke as “Lizzie” and “Maggie, 933,” Doty and Watson brushed off the reproach, and

702 Ibid., 62.
703 Ibid.
704 Ibid., 63.
the “momen[ary]…dampened…ardor, for just beyond the iron gate was the great green, fresh world.” The women’s “hearts…thump[ed]” as they exited the prison gate and stepped onto the road. The matron still attending to them, Doty and Watson did not deign to speak. “Silently and timidly” they walked to the train station. Confused, they searched their minds for a plan to escape the matron. “Would this woman insist on seeing [them]…on the train?” Doty panicked; If the matron did not allow them to travel alone, their investigation would end “disastrous[ly],” as they “had planned to seek refuge in” Thomas Osborne’s home, the man who hosted them the day before they entered Auburn.

As luck would have it, the noon train was behind schedule. The matron deposited Doty and Watson on a station bench and made her way back to the prison. Their anticipation building, maintaining their secret identities until the bitter end, Doty states:

> With furtive glances, like true ex-convicts, we watched the matron’s movements, and as she left by one door, with stealthy caution we made for another, and hailed a taxi. Safely within, the flood-gates burst open, and the pent-up speech of days poured forth. We were two pallid and wobbly-looking objects who climbed up our host’s door-steps.⁷⁰⁵

Prior to bringing their stories to the press, Doty and Watson planned to revisit Auburn in order to speak with the women who remained imprisoned there. How would the women receive them? How would the matrons? Would the Auburn system prove impervious to change? Would mainstream reformers, who were less sanguine about the rehabilitation of “criminals,” intercede to limit the system’s transformation? Or, would the prisoners, reformers, and matrons watch the great cage – fashioned from wood, brick, stone, fear, contempt, and cruelty – burn.

Madeleine Doty wanted to tear the whole system down and start over again. Her investigative report, *Society’s Misfits*, offered a counter-discourse to the racist-sexist

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⁷⁰⁵ Ibid.
mythology of depraved, masculine, black, women prisoners and a just prison regime. In it, Doty critiques a white-male controlled penitentiary system in which matrons’ effectiveness hinged on the extent to which they masculinized or defeminized themselves. Competent matrons were aggressive, gruff, and unsympathetic to female inmates’ suffering. The same white patriarchy that valorized white femininity facilitated the suppression of white femininity in its female workers. Doty’s counter-narrative of the female “criminal-type” and custodial prison life humanized and feminized women commonly viewed as gender mutations. Society’s Misfits recasts incarcerated women as abused, neglected, moral, feminine, and redeemable. Even more significantly, she redefined black women prisoners as feminine, maternal caregivers, who were protective of young white female "first-timers”’ virtue. Her work emphasizes that black women served as emotional caregivers, though they, too, were struggling psycho-emotionally inside a brutalizing prison world. In so doing, Doty complicated her image of imprisoned black women by constructing them as a conflation of the surrogate black mother and the black “superwoman.” That said, Doty’s portrait of the black female prisoner did more than advance a stereotype of a quasi-“mammified” superwoman. This powerful maternal figure, while always emotionally accessible, was not invincible. She was vulnerable and suffering with the burdens of prison life. And though construed as racially distinct, unlike the mythical black Mammy, Doty did not designate her racially inferior. Finally, she was possessed with the capacity to function as a masculine protector for white women without relinquishing her femininity.

Doty's undercover investigation occasioned a profound shift in her consciousness. She developed an understanding of female inmates as possessing a moral code and a
sense of right and wrong much aligned with dominant society’s values despite their outlaw status. Additionally, Doty admired women inmates’ kind, supportive, shockingly sane, and humane interpersonal relations, despite the crazy-making, dehumanizing prison conditions in which they lived. These revelations, emerging from her undercover investigation at Auburn Women’s Prison and infused in her activism, secured Doty's place on the fringe of white Progressive reform.
Ms. Minerva Lorde listened carefully to the white woman, who held hands with another as she spoke. The matrons forbade inmates to hold hands, touch, or even look at each other; “lady love” was “evil,” and its seeds must not be sown among the prisoners. All one hundred and fourteen of the prisoners had been summoned to Ward VII to hear what they had to say. Who were these women? None of the prisoners seemed to know. But, the matrons did. One of the matrons, “the dragon,” left the ward. Like all the matrons, Madeleine Doty and Elizabeth Watson’s revelation rattled her. She could not face the undercover investigators. Doty looked at Lorde, “smiled, waved…and said: ‘Its Maggie and Lizzie come back to you. Don’t you know us?’” The announcement surprised some of the women. Some smiled and gasped in recognition of the speaker and her friend. Lorde waited and watched; her face “grave and serious.” She heard “Maggie” tell the crowd that her real name was “Madeleine,” and that “Lizzie’s” name was really “Elizabeth.” Doty said that she and Watson posed as convicts in order to help the women, and “that…[their] hearts were with them…and always would be, and that…[they] could rest assured that anything said in confidence would be guarded as sacred.” By the time Doty finished speaking, Lorde was smiling. Doty, Watson, and the women exchanged handshakes and chatted. “But the women hardly knew how to be friendly; it was too sudden a breakdown of the relentless prison barriers.”

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706 Doty, Society’s Misfits, 64.
707 Ibid.
708 Ibid., 65.
one prisoner seized the opportunity to take their hands and say, “You are brave women.” Indeed, they were all brave women.

But the imprisoned women’s bravery did not interest or invoke sympathy in government officials. Outside of some reformers, women prisoners’ bravery went unnoticed. For their unique needs, concerns and struggles to draw the attention of authorities and the public, inmates had to be presented as helpless childlike dependents in need of rescuing, a feat that could only be accomplished by the morally pure who had never been incarcerated. Madeleine Doty and Elizabeth Watson perfectly suited the part. Imprisoned women’s experiences, when filtered through Doty’s and Watson’s voices, would be deemed valid and worthy of respect and therefore might gain a positive response by policymakers.

In their first statement to the press following their incarceration, Doty and Watson made plain how detestable their undercover experience at Auburn State Prison for Women had been, and how degraded they were by the “Auburn system” and its managers. Their findings led the State Superintendent of Prisons, John B. Riley, to release a detailed statement in which he condemned the “mental torture” to which imprisoned women were subjected. In the final analysis, Doty and Watson concluded that there was gender disparity in the treatment of convicts, and they proposed specific changes for improving the “Auburn system.” While the two reformers identified mistreatment rooted in gender, race-based persecution remained invisible, or perhaps acceptable to them. In their statements to reporters and Doty’s memoir, racism within

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709 Ibid., 64.
Auburn Women’s Prison is sometimes made explicit, but for the most part, the systematic racism enmeshed in the gender hierarchy of the prison remains in shadow. Yet racial disparities structured the gendered inequities that were more readily identifiable to white reformers. And, even though racism was as fundamental to the operation of Auburn prison, and the brutality that inspired, animated, and constituted the Auburn system, the success of Doty and Watson’s undercover investigation hinged on the salience of their social identities to white male government officials and journalists.

Doty and Watson were not simply any women. The confluence of their whiteness, femininity, and class status commanded the sympathy and demanded the attention that was key to compelling action from white government officials. As middle class white women, they were entitled to powerful white men’s respect, white male journalists’ interest, and the attention of their largely white reading audience. It is unclear whether Doty and Watson self-consciously used their middle class white femininity to exploit powerful men’s paternalism and force meaningful change at Auburn Women’s Prison. It is clear, however, that most imprisoned women did not feel entitled to or capable of demanding institutional change while serving their sentences, or even after their release. As a “criminal class,” female prisoners and former prisoners, especially white and European immigrant women, were among the worst transgressors of social norms. In general, early nineteenth century prison officials, criminologists, the “better classes,” and even some reformers viewed female prisoners as society’s rubbish – unworthy of freedom, and therefore, unworthy of humane treatment and living conditions. Membership in the “criminal class” marked these women as unrespectable, unfeminine,
untrustworthy, obscene, dirty, even grotesque.\textsuperscript{711} As noted earlier, African American women did not have to join the ranks of criminals and prisoners to be condemned in these terms. Without women like Doty and Watson advocating for them, and perhaps, more importantly, \textit{representing} their interests, women prisoners generally remained vilified and unheard. After all, white women reformers had been fighting for changes in women’s penal conditions since the early 1800s. It took thirty years to gain gender segregated prisons, and another fifty to gain reformatory prisons for women (though these largely excluded blacks).\textsuperscript{712}

While the activism of middle and upper class white reformers held greater legitimacy among authorities and despite the obstacles to their success, imprisoned women had a long history of advocating for themselves and their communities. Women incarcerated at Auburn State Prison, for example, used a variety of tactics to survive the challenges created by institutionalized racism, sexism, and classism in the larger society and the structural oppressions replicated in prison. Because administrators did not tolerate open contestations to authority, inmates most successful and enduring forms of resistance were not recognized by officials. On the continuum of resistance strategies, sustaining kinship networks and community were among the most vital. Formal and informal family ties were essential to the arsenal of overt and covert strategies black communities developed under slavery and then deployed to survive extreme poverty and economic discrimination once free. The mostly African American but still multi-racial, multi-ethnic


\textsuperscript{712} Dodge, \textit{“Whores and Thieves of the Worst Kind”}, pp. 18—21, 79, 149—153, 202, 205—207, 264. Also see Chapter Two, pp. 25—43 for a discussion of black females’ exclusion from reformatory programs and jurists’ practice of sentencing them to custodial prisons.
community imprisoned at Auburn\textsuperscript{713} allowed (indeed encouraged) some black women to develop fictive kin relationships to survive prison, defy its administrators, and create liberatory spaces—material, psychological, emotional, and spiritual—behind prison walls.

As articulated by Madeleine Doty, the core philosophy of reform rested on the principle that “[i]f an effective program was to be wrought, it must be made in conjunction with those women whose lives it vitally concerned.”\textsuperscript{714} Thus imprisoned women must partake in their own governance. Taking my cues from the ghosts animating this narrative, that is, the women incarcerated at Auburn, this analysis of resistance is crafted from the experiences of female prisoners, though often filtered through the writings of “fringe activists” like Doty.

In some places, Doty offers undiluted insights into the experiences of women at Auburn. In \textit{Society’s Misfits}, she includes sections of letters authored by female inmates in which they discuss their lives before incarceration, the circumstances that led to their arrest, and the challenges they faced as state prisoners. In addition, Doty provides her own descriptions of what she and the women she met experienced inside the prison walls. By analyzing Doty’s accounts of incarceration from the perspective of the convicts, we can resurrect the world of Auburn Women’s Prison. To that end, I apply Martha Hodes’ method for analyzing nineteenth century lawsuits involving illicit sexual relations across the color line to recover the experiences of early twentieth century imprisoned women.

\textsuperscript{713} In 1913, the year Doty secretly investigated the facility, exactly half of the women imprisoned there were black, 58 of 116. \textit{Annual Report of the Superintendent of State Prisons for the Year Ending September 30, 1913}, pp. 116 and 227, Auburn State Prison for Women, New York State Library as cited in Hicks, \textit{Talk with You Like a Woman}, 131.

\textsuperscript{714} Doty, \textit{Society’s Misfits}, 89.
Hodes “invert[ed] the narratives of the powerful to find the stories of the voiceless.”

Thus in the following pages, Doty’s voice is softened and those of incarcerated women are amplified. Rather than use Doty’s memoir to speak for these women, the women speak for themselves; that is, Doty’s voice is filtered through imprisoned women’s, and not the reverse. Quoting Doty’s text without identifying her in the body of this chapter amplifies the voices of the imprisoned women she met and whose lives she presented in her work.

There are drawbacks to “inverting the narratives of the powerful.” The desire to validate “unheard voices” can lead scholars and reformers to celebrate everything about an oppressed class. And this was true of Doty herself. For example, Doty perceives a utopic “sisterhood” of imprisoned women, romanticizing the lives and characters of incarcerated women and the relationships among them in an effort to undermine prevailing derogatory discourses on “convicts”. Despite this limitation, the methodology allows us to centralize incarcerated women’s subjectivities in histories of women, crime, punishment, and social change.

Incarcerated people rarely engaged in collective organized resistance, not because they lacked the will, but because the prison system so successfully isolated the imprisoned, crushed any and all opportunities for them to organize, and provided no formal chance of doing so. Until the early twentieth century, no carceral facility appears to have institutionalized imprisoned women’s efforts to forge an activist community, and none adopted prisoner-initiated reforms or recognized a self-governing prisoners’

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715 Martha Hodes, White Women, Black Men; Illicit Sex in the 19th century South (New Haven, CT: Yale University Press, 1997), 13.
716 While re-considering Doty’s claims in the text, Society’s Misfits is of course properly cited in the notes.
In the face of such obstacles, imprisoned women and men embraced various challenges to authority individually, collectively, and infrapolitically. Individual non-violent actions included the submission of letters requesting commutations, paroles, and pardons or decrying abusive conditions. When a person or group used violence to resist their situation, they deployed it against officials, state property, other prisoners, or themselves (through self-harm, suicide, or rioting, for instance). Infrapolitical resistance can be violent or non-violent. James C. Scott developed the concept of infrapolitics to understand the everyday forms of resistance employed by peasants to defend their interests in the long periods between open revolts. He analyzed the “ordinary weapons of relatively powerless groups: foot dragging, false compliance, pilfering, feigned ignorance, slander, arson, sabotage, and so forth.” Scott concluded that the advantage of these forms of subtle subversion over open defiance is that they “require little or no coordination or planning” and the resisters are able to avoid brutal retaliations because the actions are “rarely accord[ed] any social significance.” However, “[m]ultiplied many thousandfold, such petty acts of [subaltern] resistance . . . may in the

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end make utter shambles of the policies dreamed up by their would-be superiors.”

Robin D. G. Kelley later used the concept of infrapolitical resistance to analyze the subversive actions of black workers. Here infrapolitics theory can help us understand the impact of inmates’ efforts to resist their subjugation, such as open violations of penal regulations, including verbal or physical assault of an official, or undetected violations of prison policy, like the procurement of extra food, or establishment of same-sex companionate, romantic, or purely sexual relations. Penalties unintentionally encouraged the transgression of prison policies. Abusive officials, solitary confinement, compulsory silence, malnourishment, the wholesale absence or paucity of quality health care (particularly, mental and reproductive health care), and the denial of communication and visitation with family and friends encouraged such infrapolitical defiance of penal rules.

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721 Ibid., 35—36.
723 See Chapter Three for a detailed examination of officials’ abuse of women imprisoned at Auburn. Up to and beyond the early 1900s, penal officials’ abuse included, but was not limited to, neglect, verbal assault, corporal punishment, torture, rape, forced prostitution, denial of health care, forced sterilization, denial of...
The suppression of ordinary human interactions among inmates also encouraged clandestine violations of prison regulations. For example, enforced silence drove imprisoned women’s communication networks underground, which facilitated the transmission of information through rumor.\textsuperscript{724} The establishment of imprisoned communities, then, occurred, in part, through rule breaching “gossip.” Furtive conversations permitted women to provide emotional comfort to those struggling with the burdens of incarceration. The grief born of separation from loved ones, frustration and boredom percolating in the void of meaningful work, physical and mental health problems, the trauma of prolonged confinement in “the cooler,”\textsuperscript{725} food and light deprivation, and abusive matrons, these inescapable realities were made more manageable, and for some, made survivable with the support of a prison network. For many inmates, kinship and friendship networks were central to prison life. They were crucial to surviving imprisonment and crucial to resisting the tyranny of prison officials. The platonic, maternal and companionate as well as the sensual, romantic, and sexual relationships that constituted imprisoned women’s intimacy also constructed prisoner communities. By forcing imprisoned women into the surreptitious pursuit of homosocial intimacy, the “Auburn system” facilitated and fueled the development of a broad

\textsuperscript{724} Steven Hahn, \textit{A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration}. (Cambridge, MA: Belknap Press, 2003), pp. 15, 57—60.

\textsuperscript{725} The “cooler” refers to punishment cells, or cells reserved for solitary confinement. In the cooler, imprisoned people are deprived of meals, water, light, and exercise. Some activists and scholars believe solitary isolation is a kind of mental torture.
spectrum of relationships that subverted the regulations and isolation prison officials sought to impose.

In spite of authorities’ diligent work to suppress prisoners’ sense of community, campaigns of suppression were futile because these communities were conceived alongside the penitentiary itself; they were its ever-present corollary. Indeed, Auburn’s incarcerated communities sustained themselves despite routine fluctuations in the population due to the discharge of individuals who were paroled, granted commutations or the rare pardon, or transferred to the “insane” asylum at Mattawan for weeks or months at a time. When Doty’s secret investigation forced a change in the policies regulating convict life, it also fostered the expansion of communities within Auburn Prison. And in the short period during which inmates gained limited rights of self-government, a prison-wide community thrived.

These carceral communities congealed along and more rarely across lines of race, class, sexuality, religious identification, ethnicity, and immigration status. It is tempting to assume that incarceration demolished the power inequalities extant in the homosocial relations that organized free women’s lives. Hierarchical relations persisted inside prisons—between prisoners and administrators and among the prisoners, themselves. Inside prison communities, the minor privileges officials bestowed on “trusties” and the added stigma of being an “old-timer” (or repeat offender) created tensions among the women. Extant sources from Auburn Women’s Prison offer little direct evidence about the ways in which white officials’ perception and treatment of imprisoned women varied according to the inmates’ race, class, sexual identity, and national origin. However, as

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726 Registers of female inmates received, 1893—1933. Auburn Correctional Facility, Records of the Department of Correctional Services. New York State Archives and Records Administration. State Education Department.
noted earlier, secondary studies of women’s prisons from the late nineteenth century to the early 1930s prove that although incarcerated women of all races were summarily condemned as women of “the lowest sort,” black women were subjected to more severe discrimination at every stage of the legal and judicial process. In Chapter Two, I discuss in greater detail the white press’s tendency to stereotype black female criminals as irrationally and unjustifiably violent, their violent crimes symptomatic of their masculinity and promiscuity. In contrast, white reporters’ portrayals of white female criminals included “mannish” women who engaged in unjustifiable, savage violence, but also women whose violence emerged from their economic and sexual vulnerability, their violent crimes a response to violations of their feminine virtue. For a discussion of discriminatory treatment of imprisoned black women, see Chapter Three. See also Anne Butler, Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865—90 (Urbana, IL: University of Illinois Press, 1985), pp. 4—5, 7, 13, 16, 39, 48n. 46, 52, 68, 100, 109—112, 117n. 17, 119n. 45, 134, 142 Gendered Justice in the American West: Women Prisoners in Men’s Penitentiaries (Urbana, IL: University of Illinois Press, 1997) and “Still in Chains: Black Women in Western Prisons, 1865—1910” in Darlene Clark Hine (editor), et. al., “We Specialize in the Wholly Impossible”: A Reader in Black Women’s History (New York, NY: New York University Press, 1995; Curtin, Black Prisoners and Their World, 113—129; Dodge, “Whores and Thieves of the Worst Kind”, pp. 6, 23, 42, 58—59, 62—63, 67—88, 90—91, 92—94, 98—99, 102—109, 116—118, 123, 154—155, 174—175, 226, 236, 252, 257, 259—260, 280n. 15, 284n. 6, 288n. 18, 289nn. 34—36, 291n. 11, 316nn. 5 and 15; Gross, Colored Amazons, pp. 2—4, 40—43, 48—49, 123—126, 201n. 15; Rafter, Partial Justice, pp. 87—89, 133, 143, 149—155. On the historical discriminatory legal treatment and disproportionate incarceration of black women, see, in addition to secondary sources noted throughout, contemporary commentary from the black press. See, for example, “Punishing Women Criminals.” The Chicago Defender (Big Weekend Edition); 21 March 1914: 8. Web. ProQuest Historical Newspapers. 5 June 2011.

727 For historical analyses of the racialized dimensions of female homosexuality in prison, see Chapter One, note 29.
misery,”⁷²⁹ Auburn’s prison community – including inmates, matrons, and male administrators – reproduced social inequalities since the prison system, the context for inmate communities, was itself inherently oppressive.

My use of the term “community” to describe the multi-racial, multi-ethnic, cross-class composition of Auburn’s female prison population is therefore not meant to imply the absence of status-based conflicts, privileges, and disadvantages. Auburn’s imprisoned women established, maintained, and re-established their community (and sub-communities) in spite of these differences. Although Doty suggests incarceration diminished race, ethnic, and class disparities, women’s communities at Auburn generally employed differences in identity and inequalities in status as organizing principles.

Nonetheless, despite all the differences and cleavages among inmates, incarcerated women engaged in forms of activism and created, in Melissa Horne’s view, an “architecture of resistance.”⁷³⁰ In other words, activist movements inside Auburn developed a particular philosophical, social, and tactical architecture or constitution. Moreover, following Doty’s report and the liberalization of rules and regulations (discussed below), imprisoned women momentarily transformed Auburn State Prison into

⁷²⁹ Doty, Society’s Misfits, 83. For example, in Doty’s narrative, her co-investigator, Elizabeth Watson, became violently ill yet was left untreated by the matrons. When Minerva Lorde, a black woman, becomes ill, the matrons ignore her initially. They medicate her only because of her protracted, vociferous moans (versus Watson who vomited repeatedly throughout the night). While Doty states the prison commissioners, who were middle and upper-class whites, believed violent “colored” female convicts endangered white ones, in Doty’s narrative, women prisoners’ experience of oppression is universalized and race-neutral.

⁷³⁰ Here, I apply Melissa Horne’s “architectures of resistance” theory, the idea that resistive movements have triple-tiered architecture or constitution. First, movements are composed of ideological architectures, social architectures (people), and tactical architectures (activist strategies); Second, material architectures or buildings serve as the locus for conceiving and implementing a social change movement; And third, material architectures, or buildings, in and of themselves, might constitute a resistive act or function as the resistive act. Melissa Horne, Maureen Mahoney, and Leigh-Anne Francis. “Architectures of Resitance: Race, Sex, Class and the Politics of Building(s).” Proposal for Urban History Association, Biennial Conference, March 6, 2012, New York, New York.
an “architecture of resistance,” that is, a resistive site where women challenged repressive authorities and confinement itself as they struggled to create moments of freedom inside prison walls. But the bitter struggle for institutional power was racialized, gendered, and classed. For example, white matrons—who constituted their own community within the prison system – fought intensely against incarcerated women’s desire for self-determination. They did so in part because their job choices were deeply constrained by sexism. A matron’s compensation included three meals a day, room and board, and a paycheck. Losing that job could mean homelessness, hunger, and social isolation. For many prisoners, success in gaining more freedom and responsibility inside Auburn meant emotional, psychological, corporal survival.

The “power to open and close that barred door at will.” 731

Weeks after learning that Doty and Watson entered Auburn undercover, the imprisoned women met with Doty once again, this time to discuss “prison problems.” Because of Doty’s investigation, Superintendent of Prisons Riley replaced Auburn’s head matron. The new matron “greet[ed] [Doty]… jolly-faced…[and] smiling… Her amiability hid for days the fact that nowhere beneath the soft surface was there a backbone.” For the time being, however, the future seemed promising. The women were happy to see Doty again. “Instead of sullen, expressionless faces, there were smiles, waving hands, and turning heads as the convicts flashed out their welcome.” Already, some of the women’s burdens had been eased; no more enforced silence; no more standing in line,

face forward. “The despotic and relentless discipline had been broken; humanness had crept it.” 732

Appearing to support the goal of prisoner self-determination, and therefore the notion that “an effective program…must be made in conjunction with those women whose lives it vitally concerned,”733 the new head matron permitted the women to meet without the supervision of prison officials. The women spoke “freely” about the failures of the Auburn system. “And always the suggestions for reform came to the same end – the need for self-expression instead of utter annihilation.” The ability to interact with other women, to speak and laugh with them, to support and plan with them was critical to transforming the women’s experience of incarceration. “This human need for self-expression, love and companionship is willfully ignored in all prisons. Hysterical, defective or insane is the verdict as the barred door of the punishment cell slams to on some sobbing woman. Yet can any one be normal whose aching hungry heart and passionate longings are condemned to weeks, months and years of suppression?” The elimination of the compulsory silence mandate made imprisonment less suffocating spiritually, emotionally, and psychologically. The freedom to communicate and build relationships with each other, and therefore, participate more actively in shaping the prison’s communities made incarceration less likely to be an experience women had to survive, but rather, an experience they had to tolerate. “Like a purifying fire was the return to normal relations, the give and take of friendship, the opportunity to serve others.” This was as normal as human relationships could be in a context of confinement.

732 Ibid., 81.
733 Ibid., 89.
The establishment and deepening of intimate interpersonal relationships generated and reinforced the inmates’ activism and sense of community. The meetings with Doty produced a formally recognized organization of imprisoned women called The Daily Endeavor League, “the…mouthpiece” for Auburn’s one hundred and fourteen inmates.\textsuperscript{734} The women elected a president, a representative for each ward, and selected a “blue bow, proudly worn on the dress front,”\textsuperscript{735} as the groups’ emblem. The League welcomed all women as members; no one was excluded based on race, ethnicity, or the crime for which they were convicted. The sole grounds for suspension from the League was “abuse…but even then a period of good behavior made reinstatement possible.” The head matron agreed to grant the prisoners’ League a hearing equal to the one afforded matrons.

The League was a “serious and earnest group” that convened “in the chapel to take the oath of allegiance. Gravely…[they] signed the document” regarded as “a charter of enfranchisement.” As the women left the chapel, they shook hands with Doty, the inmate community’s full multiplicity revealed in their exchanges. “There was the toil-worn misshapen hand of the scrubwoman and…[another woman’s] delicate, shapely one. The vigorous warm grip of some sturdy colored girl and Christine’s shy pressure. Russian, Irish, colored and Italian scrubwomen and prostitute bound together by a common misery, now joyfully working together for a common cause.”\textsuperscript{736} Almost all penal reformers decried the system’s failure to segregate old and youthful, “involuntary” and “voluntary” offenders according to race and crime.\textsuperscript{737} Although when speaking to the

\textsuperscript{734} Ibid., 82.
\textsuperscript{735} Ibid., 83.
\textsuperscript{736} Ibid.
press, Doty referenced racial integration as one aspect of the “gross cruelty” and “shocking” conditions for women incarcerated at Auburn. In her memoir, she represented the prison’s mixed community positively. She claimed that when this diverse group of women returned to their cells, “a deep hush of peace fell upon the prison… Through the league the prisoners hoped to show they were to be trusted, and little by little win some degree of self-government…. For the first time in history prison reform was to come from within.”

When Doty called the League of women’s prisoners the first of its kind, she referred specifically to an officially recognized self-governing group comprised only of female inmates. Long before the League’s inception, however, a tradition of organized prisoner resistance structured carceral history as fundamentally as the administrative mechanisms constructed to forestall it. Imprisoned people had organized to express and protect their own interests in various parts of the United States since the early 1800s, when the first penitentiaries were established.

738 Doty’s disparaging remarks about racial integration may have been a rhetorical strategy to draw white support for prison reform. As Chapter 2 demonstrates, white scholars, journalists, law enforcement, and the white public construed white prisoners as redeemable and black prisoners as incurably criminal. The successful reform of white female prisoners, then, necessitated their isolation from the morally corrosive influence of black female prisoners.


740 Doty, Society’s Misfits, 82.

741 Until then, European colonists had imported traditional common law sanctions rooted in Judeo-Christian precepts and implemented in England. Most people in conflict with the law were not jailed, but rather, fined, or subjected to public corporeal punishments, such as the lash, pillory, branding, dismemberment, or execution. Colonists used jails for pre-trial incarceration and to hold individuals until they repaid a debt; they were not meant for long-term incarceration. Colonists’ preference for public punishment over incarceration better suited their small, struggling settlements where everyone knew each other, therefore the anonymous commission of a crime was impossible, and each person’s labor was vital to the community’s survival. After the American Revolution, states grew geographically and demographically. Labor shortages were no longer an issue, and some states teemed with newcomers, many of them temporary migrants. It was easy to confine “outsiders” to large penitentiaries that were far better administered and functioned in a more standardized manner than its predecessor, the local jail. Dodge, “Whores and Thieves of the Worst
was influenced by its predecessor at Sing-Sing, which formed under the leadership of warden Thomas Mott Osborne. Osborne, who was a mentor to Doty, was among the Progressive era’s most distinguished prison reformers and administrators. Preceding Doty and Watson’s undercover investigation of Auburn, Osborne disguised himself as inmate “Tom Brown” to expose conditions at the men’s prison in that city. Born in Auburn just before the Civil War, that community’s reform spirit was part of his birthright as the grandson of antebellum activist Martha Coffin Wright and the grandnephew of her even more prominent sister Lucretia Coffin Mott. Active in political reform movements in New York State, Osborne became the first head of the State Commission on Prison Reform in 1912, under the auspices of which he, Doty, and Watson launched their investigations. Appointed warden of Sing Sing men’s prison in 1914, he established a Mutual Welfare League that was supported by many guards as well as most prisoners. His disgust at the horrid conditions in state prisons and his faith in the good character of most inmates underlay his reform efforts. But the objections of prisoners who benefited from the old system and of the wardens and superintendents who drew his ire ensured a constant stream of opposition, challenges, and political maneuvers that undercut his reformist efforts. In 1916, he resigned his post at Sing Sing, but went on to investigate and then become commander of the Portsmouth Naval Prison in Kittery, Maine, where he also eliminated the rule of silence, floggings, and other abusive practices.742

Doty followed in Osborne’s footsteps; indeed, her decision to go undercover was initiated by Osborne while he was State Commissioner of Prison Reform. However, she

never sought a position as the head matron at Auburn or any other women’s prison. Instead, she sought to influence policies through her writings and her contact with women inmates. Doty recognized that her expose would be enriched by gaining the trust and the insights of female prisoners. She thus used the letters inmates wrote her to document the lives and experiences of the members of the Daily Endeavor League.

“[P]rogress is won by suffering.”

In the workroom, women wrote letters to Madeleine Doty that described the hardships they endured under incarceration and the experiences of abuse under the supervision of the matrons. Mary Harris’ “first letter was pitiful.” Harris was the young African American woman charged with inducting other women, including Doty, into prison with a “vigorous…scrub” bath. Having migrated to New York from Virginia, the young woman was married and employed as a domestic prior to her incarceration.

[A] jolly, lighthearted, irresponsible young woman. In her bubbled the spirit of youth, ever eager for a good time. A child of nature, with no power of control, she was always in trouble. But to suppress Mary was as futile as suppressing the sunshine. She was every one’s friend, the defender of the downtrodden, for whose sins she was punished.

Harris had been in prison for seven years when she penned her letter to Doty; one year and four months of which she spent in solitary confinement. She was serving a sentence of up to nine years on a grand larceny conviction for the theft of only two dollars even though grand larceny constituted theft of cash or goods valued at one thousand dollars or

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744 Doty, *Society’s Misfits*, 68.

745 See entry for inmate #637 in Registers of female inmates received, 1893—1933. Auburn Correctional Facility. Missing Page Number.

746 Ibid.
more.\textsuperscript{747} Her conviction was not so much the result of the amount as it was the circumstances under which the theft occurred. Harris and two female friends were leaving a saloon when they stopped to talk to two men they did not know. As they spoke, “one of the men missed two dollars.”\textsuperscript{748} The man yelled, Harris’ friends fled the scene, but Harris was captured. “No money was found on her but she was convicted…seven to nine years for two dollars; for if a woman takes money from a man in the nighttime, when he has sought her for illegal purposes, it is grand larceny. The law gives to strong men special protection.”\textsuperscript{749} The racial identity of the women and the men with whom Harris spoke is unknown. Still, it is useful to analyze the possible race and gender dynamics that complicate the record of events. If law enforcement believed Harris robbed a white man, it is likely that New York City courts afforded these men “special protection” from women of all races, but especially women of color. If Harris’ proposed victims were men of color, it seems far less likely that the courts would have recognized, much less moved to protect, the prerogatives of their manhood.\textsuperscript{750}

It is unclear whether Harris established or confirmed her reputation as a troublemaker in prison. In her letter to Doty, she describes her transgressions and her suffering while in isolation. Close to completing her sentence, she was “sewing on a bed in the shop” with two other women. “One was kidding me,” she recalled. “I don’t know what was said, but some one (sic) laughed. The officer reported us. We were put on bread and water and locked in our rooms.” During this punishment, she “asked five matrons if


\textsuperscript{748} Doty, \textit{Society’s Misfits}, 70.

\textsuperscript{749} Ibid.

\textsuperscript{750} For early discussions of racial disparities in jurists’ interpretations and application of the law in cases where the complainants are men, see Ida Wells-Barnett, \textit{Southern Horrors and Other Writings: The Anti-lynching Campaign of Ida B. Wells, 1892—1900}. Edited with an introduction by Jacqueline Jones Royster (Boston, MA: Bedford Books, 1997), 9—10.
they knew what I was punished for. No one seemed to know. The Head Matron would not come to see me or send me any word.” Harris then admits, “My temper got the best of me and I destroyed my table, chair, and window. I guess I was crazy for the time. You see, I had just talked to the Warden, and my time was nearly up, and he had promised to try to get me out if I was good.”

Harris continued her tale of woe:

I have been locked in this room nearly five months. There is no light at night, and there is a wire screen over the window, so I cannot open it to get the air, and I am not allowed with the other women…. I…only leave [my room]…to empty my bucket and a few minutes’ walk in the morning.

It seems as though being put in a strait-jacket and kept on bread and water for seven days was punishment enough. The first time I was locked in seven months, the second four months, and this time is over five months.751

After sixteen months in segregation, “small wonder if occasionally…[Harris’] temper got the best of her. Her boundless energy needed outlet in work. Her uncontrolled nature could only gain balance through service. The way to reach Mary was through her gay and generous heart.”752 Doty was convinced that “active rebellion is rare in convicts” and was equally persuaded that the opportunities for conversation and community would ensure their best behavior.753 The prisoners’ League provided Harris with just such an outlet, one that redirected her vitality into positive channels. In fact, participation in the League accomplished what sixteen months in solitary confinement had failed to achieve. The women elected Harris ward representative, and she proved to be the best of the ward leaders. Until then, she had been a “trusty,” one of the favored inmates appointed to a variety of tasks—bathing the women, distributing meals, washing kitchen items. The matron’s decision to make Harris a trusty is notable given her history of bad behavior.

752 Ibid., 69.
753 Ibid., 38.
Perhaps, the position was viewed as a form of punishment since it often created suspicion among other inmates. Or, perhaps the matrons recognized Harris’ skill at effectively carrying out instructions and her rapport with other unruly inmates.

“In contrast to Mary’s wild gaiety was the patient meekness of little Christine.”

Christine Kollwitz, now twenty-three years old, had been imprisoned since she was nineteen. Her frame was so slight that it made the prison cell seem large; as though it might swallow her whole. “She had small, shy features, and small, shy ways.” Kollwitz, an immigrant from Poland, had golden hair and blue eyes that lit up when she spoke about the son to whom she gave birth at Auburn. Talking about her boy made her forget, momentarily, that she was a prisoner. Kollwitz had not seen her son for six months. Now three years old, he had lived with her at Auburn until he was one, at which time he was placed in a home for orphaned and abandoned children.

Kollwitz was serving a ten to fifteen year sentence for murdering a man she believed she would one day marry. At her trial, the weight of her shame rendered Kollwitz speechless. She said nothing in her defense, nor did she admit guilt to the charges against her. In her letter to Doty, she discussed for the first time the circumstances that drove her to kill. She noted first, that “[a]t the time of the arrest I was too young, and permitted myself to be misled, and I am very terribly sorry; but it is too late.” Kollwitz “met the man for whom I am now suffering and paying the penalty” at work. “He promised to marry me. . . . he told me that his promise he’d keep; but I was not to tell any one.” She then detailed the deception that led to her violent outburst:

754 Ibid., 70.
755 Doty states that Kollwitz’s English was so broken that she could not speak with her in the prison. At Doty’s request, Kollwitz wrote her a letter in Polish that was later translated and published in Society’s Misfits.
I believed all the time that he was telling the truth. I had nearly $100, for which I worked so hard. He knew that I had the money, and said I must give it to him and all that was owed to me for work. He said there was one pocket. I did not think that he was deceiving me to my shame, and I gave him all the money. Then I got suspicious, and after two years asked him, ‘Why don’t you marry me?’ I told him I couldn’t stand this kind of thing any more (*sic*). When I reproached him he said he knew nothing about it. He denied all he said before. He could do as he pleased. Nobody could force him. He would marry anybody he chose. He said, ‘America is a free country, and I can do as I please.’ By those words I was so overwhelmed from grief, regret, and shame that I took his life.

At the conclusion, Kollwitz wrote, “I beg you, dear madam [Doty], very much to translate this letter and explain what the reason was, when on trial I did not speak, said nothing, because I was ashamed. Therefore I was condemned with my child to be imprisoned for ten to fifteen years.”

Kollwitz’s status as a convicted murderer was unusual among imprisoned women. Her motive for killing her romantic partner, however, was not. The white press tended to sensationalize stories of women killing men who they believed had promised to marry them. For most women accused of murdering their husbands, fiancées, or paramours, poison was their weapon of choice. Historian L. Mara Dodge believes women used poison rather than knives, guns, or the like, because it was a relatively passive, bloodless method of murder. And while most women accused of this crime escaped prosecution, black women were more likely to face not only prosecution but conviction. Still, white women comprised a majority of females accused and convicted of murder, and those who were sentenced to prison generally committed the most brutal murders. The harshness of white murderess’s sentences were, in part, the result of white male juries’ revulsion at

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756 Doty, Society’s Misfits, 71—72.
what they considered white women’s unnatural and unjustifiable violence.\textsuperscript{758} Moreover, while white men might be forgiven a “crime of passion,” white women did not necessarily receive the same treatment.\textsuperscript{759} According to Kollwitz’s letter, she committed a crime of passion, but it did not save her from conviction or a long sentence. If her testimony is true, Doty was certainly not the only white reformer who found it “difficult to believe that society would wish to treat Christine as a criminal.”\textsuperscript{760}

Rose Williamson who had been convicted for receiving stolen goods, wrote so many letters that Doty stacked them “high on [her]…desk.”\textsuperscript{761} Each letter recounted the pain of separation from her two young sons, who had been borne to her and her “soul mate,” Ed Roden. Williamson met Roden when she was just seventeen, and “[f]or ten years, through sickness and poverty and the birth of two children, they had struggled on together, with an ever-increasing love.” However, Williamson’s relationship made her an “outcast,” because Roden could not marry here. He was already married, she confided to Doty.\textsuperscript{762} Still, the legal status of the couple’s relationship seemed to matter more to people outside the relationship than to Williamson, herself. To Williamson, Ed Roden was her husband:

I met him and loved him dearly, but three years before, one night while drinking, he married. He never saw the girl but that once. I made my mistake when I went with him, but I thought we could save together for a divorce. But when we had $70 saved I fainted at my work, and was told I would be a mother in three months. I didn’t know before [that I was pregnant]; I was only seventeen.\textsuperscript{763}

\textsuperscript{758} See Chapter Two for a discussion of black and white female offenders’ violence and legal responses to their crimes.
\textsuperscript{760} Doty, \textit{Society’s Misfits}, 72.
\textsuperscript{761} Ibid., 74.
\textsuperscript{762} Ibid., 77.
\textsuperscript{763} Ibid.
Financial obligations wrought by family illnesses, including Roden’s battle with typhoid which required hospitalization, consumed the couple’s savings.

Roden had been out of the hospital only two days, when Williamson gave birth to their first child. She recalls:

We started to save again, but every time we had $25 or $30 it was sickness and no work. Ed only earned $12 a week. I worked in a Y.W.C.A., then I worked in a bakery taking crackers off hot pans until my fingers were burnt to the bone, but it was $5 a week. It may seem funny that in 9 years we couldn’t save enough for a divorce but there were two children, my own operation, and Ed’s sickness.

Williamson then recounts that it was after giving birth to a second by, she “got in trouble. I did sewing home for a few I knew, and when I was offered things in pay for my work I took them, even though I suspected how they was got. For I wanted to sell them and get money. We had a chance to go as caretakers of a big country place, and I wanted to go there married.” But before this occurred, “I was arrested for receiving stolen goods. Someone wrote to the court that I wasn’t married, and they showed me no mercy. I was bad for living with a man. Yet I know girls who are married and have children, yet they drink and go out with men. I love my darling so much I would give my life for him. Do you think I am bad for saying this?”

Williamson’s letter inspired Doty to locate Roden, who the reformer described as “a fine, upstanding young man, well-dressed, well-mannered, and attractive.” Roden brought his sons with him to meet Doty. The boys were “small…shy and clean and wearing kid gloves, a testimonial of the father’s supreme effort to educate them as gentlemen.” Roden remained “deeply in-love” with Williamson. “It was true his faith had been shaken. He had thought Rose a divinity, and he found her only human.” And in the

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764 Ibid., 78.
five months of Williamson’s incarceration, Roden had not received a single letter from her since officials prohibited correspondence between imprisoned women and men to whom they were not legally married or related to biologically. Moreover, as an extra punishment, Williamson was barred from communicating with her sons, and her sons were barred from writing their mother. Doty explained Williamson’s silence to Roden, and “all the man’s passionate love returned.” She assured him that Williamson’s lawyer believed Williamson “was all right,” that she only accepted stolen property as payment for her work as a seamstress “to keep the house attractive and to hold the man upon whom she had no legal claim… Rose’s people and the family clergyman… [were] confident of Rose’s innate goodness.”

Before Doty and Watson returned to Auburn to reveal their true identities, Williamson had been “sobbing her heart out in the prison hospital.” The grief of separation from her children intensified as a result of not communicating with any of them for nearly half a year. “Such suffering was unendurable.” It made her “go insane.” Doty’s and Watson’s appearance and the changes that emerged as a result of their revelations was a welcome distraction for the grief-stricken Williamson. Knowledge of the reformers’ secret investigation generated a great deal of excitement among all the women, and in her enthusiasm, Williamson “unwisely passed a note” to another prisoner. Punishment was severe as Williamson wrote to Doty:

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765 Auburn’s Prison Register shows that Rose Williamson entered the facility on June 12, 1913 and was paroled June 11, 1915. Since Williamson’s re-printed letters are not dated in Society’s Misfits, nor does the text identify the date Doty met with Roden, I am estimating the amount of time Williamson and Roden had not communicated with each other. Registers of female inmates received, 1893—1933. Auburn Correctional Facility, p. 185.
766 Doty, Society’s Misfits, 79.
767 Ibid., 80.
768 Ibid.
I have been kept in punishment for 20 days. I came out of the hospital the day you came
to prison and you can picture a sick woman in the cold cell you [Doty] had for 20 days.
The bucket had no cover and was emptied only once in 24 hours. I nearly died. My body
is starving. I can’t keep anything on (sic) my stomach, and my very soul is starved for my
darlings and a kind word. I am all alone in that wing off the main ward. I fear my mind
will leave me. I am in shop now, but I walk my floor all night.

Prisoners and reformers alike asked what was the logic that motivated authorities to
prohibit imprisoned mothers from communicating with their children? “It was all very
puzzling. The world in its unthinking, heedless fashion was spreading disaster. It was
ruthlessly tearing a man and woman apart, leaving two children homeless, nameless, and
illegitimate, while the man was sent back to a woman of the streets. It could not go
on.” And it did not, at least in Williamson’s case. Her letters prompted Doty to speak
to an official on her behalf. Soon after Williamson sent a brief message to the official.
“Dear sir: I want to thank you for the first night’s sleep and the happiest day I have had
since I came to prison. When I received my husband’s two letters I forgot I was behind
prison bars. Accept my thanks and my sincerest wishes for a Happy New Year.”

The privilege of receiving two letters from her partner altered Williamson’s
experience of confinement so profoundly that she “forgot [she]…was behind prison
bars.” Clearly, incarcerated women and reformers like Doty sought changes that eased
the burdens of confinement, in this instance, by minimizing its corrosive effect on a
woman’s mental health. Contrarily, officials viewed the practice of prohibiting some
women from communicating with people outside beneficial to the convict, as key to
her/his punishment and rehabilitation through a total severance--moral, cultural and
physical--from bad influences. Reading her husband’s letters made Williamson feel free
again, which to some officials undermined the aims of the penitentiary system. Prisons

769 Ibid.
were constructed to deprive their wards of physical and mental freedom since most
administrators believed inmates would continue to abuse that freedom unless they felt the
searing pain of its removal. What some might construe as an insignificant concession (the
privilege of sending and receiving letters), prison employees deemed subversive. And if
one imprisoned woman’s entreaty to a devoted reformer could yield meaningful change,
then an organization of one hundred and fourteen imprisoned women had the capacity to
revolutionize the system.

A “time for deeds…not…fears”

Before the Daily Endeavor League changed the Auburn system, however, the
League had to change the women caged by that system. Over time, the women’s “[l]etters
[to Doty] were no longer confined to tales of personal woe; life had grown bigger than
that. Not personal needs, but how to improve [prison] conditions, was the chief topic.”

For Mary Harris, participation in the prisoners’ League was crucial in giving her
something to live for and on which to focus her energies. “Her uncontrolled nature could
only gain balance through service… [Her] boundless energy needed outlet in work…”

Mary, released from months of punishment, was the best [ward] representative of all.”

Matrons interned the most recalcitrant women on her ward, but Harris’ “unfailing”
diplomacy mollified the discontented and reconciled those in dispute. Her leadership
created a more cohesive community and eliminated her urge to rebel against the matrons.
Rose Williamson’s leadership duties changed her, as well. The opportunity to serve the

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770 Ibid., 92.
771 Ibid., 83.
772 Ibid., 69 and 84.
773 Ibid., 84.
ward’s women allowed her to re-channel the energies that previously fueled her grief. Acting as ward representative ended her depression.

For Auburn’s imprisoned women, a measure of self-governance was a creative force in which internal transformations enmeshed with external ones. The inability to extricate personal changes from institutional ones revealed itself in the reconfiguration of power relations inside the prison community. Inmates’ emotional, mental and spiritual transformations and Auburn’s systemic transitions ignited and fueled each other. The fact of women’s imprisonment was not the only thing that made them convicts. A woman’s psycho-emotional state presented the possibility, however momentary, of transcending the material fact of her imprisonment. In other words, the extent to which women felt caged inside Auburn’s thick stone walls reflected the extent of the system’s power to trap them. When “a reign of good behavior descended upon the prison… the punishment cells stood empty. Hysterics ceased, and grudges were forgotten.”774 Empty punishment chambers and at least relatively harmonious relations flowed out of self-determination. In that moment, the Auburn system and its administrators ceased to be the architects of the prisoners’ experiential worlds. The women created their own experiences of incarceration; they were the architects of their own community. Their imaginations loosened officials’ grip on the Auburn system, and the League provided the prisoners with the possibility of re-envisioning community within prison walls.

The League’s first order of business was a revision of Auburn’s recreation policy. Since 1893, when the women’s prison received its first inmates, women suffered through “interminable solitary hours from Saturday night to Monday morning” locked in their cells. The League’s efforts led to a one-hour release from their cells on Sunday.

774 Ibid., 84—85.
afternoons during which they could socialize with one another. In her letter to Doty, the head of the League celebrated the change:

I want you to learn what a good time we had. While we have enjoyed numerous little privileges, to-day is the first we had our Sunday afternoon recreation hour. I know it will give you much pleasure to hear that the women behaved exceptionally fine and drew forth very favorable comments from the officers in charge. It was a grand success, and I am very happy to-night, for the girls are falling in line as we hoped.\(^{775}\)

Yet despite this optimistic account, many women employed at Auburn Women’s Prison resented the new regime. Doty’s allegiance to imprisoned communities and the aims of prison reform led her to conclude that “ignorant hostility” propelled the matrons’ antagonism towards prisoner self-governance. From Doty’s perspective, the matrons were merely a heartless, vindictive, power-hungry lot. Certainly, many of the matrons had carried out their duties with cold disdain for their wards, exacted revenge against any woman who dared defy them, and wielded authority lustfully and with great satisfaction. But, for the matrons (as with any authority figure), power not only felt good, it secured them a place in the penal system. Inherent to their institutional power was the capacity to earn an income. Stripping them of that power, then, rendered them incapable of earning living – at least as penitentiary employees. Some of the inmates’ could no doubt understand the way in which desperation effects an individual’s behavior, the kind of desperation attendant on fears of sudden job loss, and in the matrons’ case, the loss of her home as well since many lived on the prison grounds.

Moreover, the struggle in which Auburn’s matrons and inmates engaged was deeply rooted in racialized class concerns. The matrons were white working class women who fought the rising institutional power of a mostly poor, mostly white, but still multi-ethnic and multi-racial body of imprisoned women whose subordination kept them

\(^{775}\) Ibid., 85.
employed. And while the women’s convict status rendered them inferior to the matrons socially, legalistically, and economically, their social and legal status as convicts was not enough, in and of itself, to ensure the matrons’ employment and authority. It thus behooved the matrons to engage in open and surreptitious campaigns to defend their jobs. Because the system’s democratization required the attenuation of the power and authority attendant to the matrons’ work, it did more than simply alter the nature of their jobs. A self-determining body of prisoners made the matrons’ work less necessary. Both the matrons and the inmates were engaged in a struggle for survival. However, one group’s project of survival required the failure of the other’s.

The matron’s antagonism was not the sole barrier to change. “The whole system was wrong.” The head matron had made no improvements to “the wretched prison diet” and the women’s work regimens “remained a farce.” Everyday women hemmed bedcovers and “boiled food in large vats, while” the penitentiary newsletter declared “the inmates were learning to sew and to cook.” For the women, windows that let in sunshine and unused punishment chambers were welcome changes. But more had to be done, or Auburn would remain a site where the women were forced to perform “futile and wasteful” chores. One of the women had been assigned to scour the same floor for five years. At the end of her sentence, what was she more likely to do? “[S]crub [floors] or fill the monotony of her empty life with wild gaiety?” And for the “expert stenographer” who hand-washed clothes in the prison laundry, her coarsening hands and inflamed joints made resuming her trade less likely. “Surely society for its own sake didn’t wish to

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776 Ibid., 87.
777 Ibid., 87—88.
cripple the people it locked behind bars and make them unfit for any life but that of the street and crime.”

Once again the women convened in the chapel to hear from and appeal to Doty. “[S]unshine flickered through the barred windows. The ugly room, with its dirty, pinkish walls, its yellow, wooden benches and cheap carpet, jarred the senses. Then the sun sank, and a warm, red glow” blurred this intrusive background and softened the women’s faces. In the absence of the matrons’ scrutiny, all one-hundred and fourteen of the women waited quietly for Doty to address them. After just a few weeks, the repeal of the policy of silence had engendered important changes in the community. The freedom to speak to and touch one another as friends revolutionized the women, their relationships with each other and the officials, and therefore, the wider penal community. “All the rigidity of bearing that comes from iron discipline had vanished. Here a hand was carelessly resting on a bench back or a shoulder drooped or a body was bent forward in eager intentness. Simplicity, humanness, and intelligence shone in the eager faces. The mask of impenetrable sullenness had been torn aside.” Doty told the women that she “came not as a director, but to put upon them the burden of evolving a prison program.” As she spoke, gladness and pride set alight the women’s faces. Doty understood that the program’s efficacy hinged on the women’s full participation in its conceptualization and implementation. If concrete, measurable changes were to be wrought, the penal program must incorporate the concerns of the inmates. She believed “they must be given not only work but the development that comes from work.”

778 Ibid., 88.
779 Ibid.
780 Ibid., 89.
781 Ibid., 90.
system that delegated mandatory tasks did not prepare the women for legitimate work after incarceration. Work must be both meaningful and useful to the women that performed it, not merely useful to Auburn’s administrators and the men it incarcerated.

The women’s response was “tremendous.” A throng of conversations vibrated the room. Inside the “buzz and hum of discussion… [b]odies straightened, shoulders were squared, as the women faced this new and wonderful thing demanded.

With…intelligence…they went straight for the vital issues, leaving for later the minor details. With infinite wisdom the first matter discussed was: ‘Shall all be treated alike?’

Among the women considering the question were the “old-timers.” Most of these repeat offenders were serving second and third prison sentences, a few of them serving four or more terms or life sentences. Women with prior offenses were distinguished by the “red or blue disk and white stripes show[ing] previous imprisonments” sutured on the sleeve of their uniform, “the mark of shame” for past sins.

The system herded them together as incorrigible. All that was hardest in prison life fell to their lot. They lived in the cold, damp cells in the basement, where sunshine never came. They were the victims of rheumatism. By day they worked in the moist, steaming laundry, and at night slept in damp, cold cells.

The old-timers, a “patient, dejected little group was now all alive,” awaiting “the verdict of their companions.” They watched, especially, the faces of another cluster of women seated on the opposite side of the sanctuary – the “‘trusties’, the official favorites.”

Trusties performed the least taxing labor and were assigned to the cells on “a sunlit ward. All day their cells were flooded with sunshine. There were plants in the unpainted

782 Ibid.
783 Ibid.
784 Ibid.
785 Ibid., 91.
windows…pillow-shams on their beds and tablecloths on the tables, for theirs was the show ward.”

“One ain’t better than another,” was the consensus. One woman articulated the prevailing logic: “Because you’re…a [old]timer don’t mean you’re bad. Most likely, it means that, being a jail-bird, the world didn’t give you a show, and you had to go back to crime or the streets to live.” Each one of them voted that every woman would be afforded “the same chance” irrespective of “creed, color,” or criminal status. It is remarkable that, in a community of the disenfranchised, a comparatively favored minority would choose to relinquish the modicum of privilege they achieved, privileges that certainly helped alleviate the worst hardships of incarceration. Sunshine, plants, and pillowcases provided a feeble, but cherished shield from “the crushing hopelessness of…[the] strips of cold iron”\(^{786}\) that caged them in. To officials, all convicts were dirt; but only some of them were smut. A lighter task marked those convicts who were a cut above the smut. “But the crushing shame of iron bars”\(^{787}\) bridged the gaps between the “best” and the “worst” convicts, “bind[ing]…[them] together in a real sisterhood” – black, white, poor, professional, married, widowed, young, old, religious, irreligious, formally educated and illiterate. Or, so it seemed, so the story must be written to win the sympathy of those outside the prison walls.

Prior to their incarceration many of the most difficult prisoners had suffered domestic abuse and/or police brutality that damaged them psychologically.\(^{788}\) This was especially true for women convicted for violent offenses. Convicted women who had been traumatized by violence imported that trauma into the prison community.

\(^{786}\) Ibid., 89.  
\(^{787}\) Ibid., 91.  
\(^{788}\) Gross, Colored Amazons, pp. 6, 155, 176n. 26, 228n. 26.
Consequently, these female victims-turned-victimizers became ensnared in a cycle of violence where they targeted fellow inmates for emotional, psychological, physical, and sometimes sexual abuse.\footnote{Gross, \textit{Colored Amazons}, pp. 6, 76—77, 82, 141—146, 155, 176n. 26, 202n. 23, 203n. 27, 205n. 58, 228n. 26.} Whether or not the community was untroubled by internal conflict (and it is a romantic fantasy to think it was not), the fact remains that the women unanimously supported equal treatment for all.

Doty raised her hand and said, “If you’re earnest, why not change places? For months the old-timers have had the worst of prison and the trusties the best?”\footnote{Doty, \textit{Society’s Misfits}, 92.} The idea was a bold one; it defied convention, and might lead to officials reversing the move. A flicker of silence touched the crowd and then a gust of applause “shook the building.” For a moment, it seemed, the prison walls were coming down. This was infrapolitics at its purest as the everyday act of changing cells offered the purest promise of challenging one of the most abusive aspects of the Auburn system. “With one accord every woman arose to the occasion, swept on and up by the ideal demanded.” Forty or fifty women filed out of the chapel to gather their property and change cells unsupervised by the matrons. “Neither the trusties nor old-timers had much to pack; “prison possessions are few,” so they returned to the chapel quickly.

…The first to appear was a former ‘trusty,’ now destined to be a martyr. A great straw hat given to her when working in the prison yard, decorated with a gaudy ribbon, was perched on the side of her head. In her arms was a soap box, with her few possessions, post-cards, a stray book or two. Her pallid face, with its soft, quivering, childish mouth, was wreathed in smiles. Like a veteran returning from the war, she was greeted with wild enthusiasm…. [One woman was] almost sorrowful that she was to gain by the transfer, and [another was] serenely content with her opportunity for service. All were quiet and orderly, but every face was radiant; heads were carried proudly. It was good to be trusted and to prove worthy of trust.\footnote{Ibid., 93.}
A half-hour later, almost fifty women had re-assigned themselves to different cells. The matron’s “glum, scowling faces” indicated their reactions to the cell transfer that the prisoners had carried out autonomously. Angry because the cell changes extended their workday by thirty-minutes and uninterested in the details of the League’s meeting, they dismissed the whole affair as utter “nonsense.” The matrons “were not paid to reform convicts”; their job was to make sure none of the women escaped. Doty volunteered to lock each woman’s cell so that the matrons would not be held up any longer. Permitting her to do so, however, would have violated prison rules. It is not known whether the women agreed with Doty’s assessment that “wis[e] and nobl[e]” matrons who sympathized with the prisoners’ cause would not be drawn to such a low-paying occupation. Reform required “[m]ore than new buildings and elaborate equipment...” Incarcerated women, men, and children “need[ed] fine people, possessed of common sense and human understanding.” But that would require a major transformation in prison economies and leadership, which even reformers doubted could be achieved any time soon.

The women did not exclude the matrons from the cell transfer to inconvenience them. Involving the matrons would have consumed a full day, proving that “State money [was] wasted on unnecessary guards... [charged with] depriv[ing]...the convict...of the freedom of action and responsibility that alone builds and strengthens character.” This fact may not have been lost on the matrons. Prisoner self-determination, rather than prisoner subjugation, promised to meet bureaucrats’ goals of cost-efficiency and rehabilitation. The Auburn system may have achieved the former, but only by forgoing

792 Ibid., 94.
793 Ibid., 94—95.
794 Ibid., 93—94.
the latter, and at the expense of the incarcerated. The imprisoned community was malnourished and inadequately clothed; many contracted illnesses like tuberculosis; disease killed some; others became mentally ill. While incarceration was a miserable experience for everyone, it was worse for women and girls, and worse still for women and girls of color. At Auburn, for example, women died at especially high rates between 1894 and 1912. Of twenty-five deceased women, there was one Canadian immigrant, three European immigrants, seven native whites, and fifteen African Americans. African American women’s disproportionately high mortality rate suggests that black women may have entered prison in especially poor health (a likely symptom of their greater rate of impoverishment), and were, therefore, more susceptible to illness while incarcerated. Or it may indicate that they received poorer healthcare at the facility. Women of all races, but particularly African American women, paid dearly, indeed, for penal officials’ economic conservatism.

The mandate to operate prisons inexpensively prompted wardens to cut corners wherever possible. A standard means of reducing costs was by staffing penitentiary kitchens with inmates who mass-produced poor quality food. On any given day, women watching from the kitchen entryway saw cooks toiling, wearing “gloomy, sour looks [on their faces]…[sending] pans of unappetizing food…to hungry convicts. [In] [g]rim silence…vast chunks of food were tossed into vats and steamed into unpalatable masses; for punishment food, not wholesome food, was the objective.” Intermittently, a matron spat orders, “and mechanically the prisoners obeyed. Life here, as elsewhere in the prison, was mere existence.”

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795 For analyses of the racially disparate treatment of incarcerated females, see note 22 and Chapter Three.
796 Registers of female inmates received, 1893—1933, 12—131.
797 Doty, Society’s Misfits, 95.
Prisoner-initiated reform metamorphosed the kitchen into a site “bustl[ing] [with] activity.” Doty arranged for the League to develop a plan for improving the penitentiary’s food service, which they aimed to do at no additional cost. Fourteen “convict cooks,” half of them performing instructional roles and half of them students, accepted responsibility for supplying all the women with healthy, delicious meals. Their lengthy, serious discussions, “untiring [in] the[ir] efforts,” elevated meal planning and cooking to an “art.” The project of furnishing nutritious meals for over one hundred women using a kitchen that had only one stove confronted the cooks with a huge challenge. “To boil things in vats was easy; anything else meant hours of labor.” But, for these chefs and trainees, theirs was a “labor of love.”

The women emitted “little sigh[s] of contentment” as they looked at the dish before them. In lieu “of the boiled and tasteless mass of codfish and potatoes, there were slices of fried fish and a baked potato....” Through “a labor of love,” fourteen women had transformed Auburn’s traditional Friday “punishment food” into a meal that resembled one that many of the women would have enjoyed before they became prisoners. The cooks returned to their cells “tired but happy.” Sharing a meal thoughtfully planned, carefully and artfully prepared by their peers, was a community-building event. In bringing the women together, the ritual of meal planning and preparation helped define and construct Auburn’s imprisoned community as did the joys of consuming a tasty meal together. A sense of self-respect flowed out of the shared experience of cooking food that would delight and nourish an entire community.

It is curious what a small thing it takes to awaken a felling of good-fellowship. Eye met eye with a new light. This deed of the convict cooks had stirred the desire in all to

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798 Ibid., 95.
799 Ibid., 96.
contribute like service…. A new dignity had come with responsibility and new interest in work.

By transforming prison meal-times into pleasurable, healthful communal events, the women created, routinized and ritualized a liberatory moment. They institutionalized an occasion for imprisoned women to access a privilege that they were conventionally denied, providing inmates with the access to a sliver of the physical, psychological, emotional, and spiritual freedom some of them experienced before their incarceration. If so much good came out of reallocating to prisoners the power to plan their own meals, what could the community accomplish with additional opportunities to reshape the penal system?

“[G]uardians of the old order…rebelling at the new”800

“But this wonderful promise of big things was crushed.” The prisoners’ program required strenuous labor. The woman did not object to the protracted work hours and annoyances attendant to the changes taking place, “but the matrons rebelled” – forcefully.801 Prisoner self-determination destabilized the matrons’ power. The community’s self-governance truncated the institutional power that legitimized the authority that made the matrons necessary to the system. “They could no longer idly watch the prisoners, move them about from spot to spot, and lock and unlock them at given hours.” In order to restore the severe power imbalance to which they were accustomed, the matrons exploited crises in the prison community. “[A] colored convict…[who] was gradually going insane…became violent.” She removed a narrow iron plank from the frame of her bed “and threatened to kill whomever approached.”802

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800 Ibid., 67.
801 Ibid., 96.
802 Ibid, 96—97.
The matrons panicked. Responding “[a]s if the whole prison had gone mad,” they locked everyone in their cells. “Yet the world had not changed. Little Christine was as meek as before. The league members as industrious as ever.” Despite the prevalence of harmonious relations inside the incarcerated community, the matrons punished the entire body of inmates for the actions of a woman in the throes of mental illness. Three or four days later, the afflicted woman was transferred to the asylum at Mattawan, and the matrons’ hysterics ceased. But, prisoner-matron relations continued to decline.

The matrons took aim at the egalitarian ethic on which the inmates’ program was designed. “Readjustments were made to suit the matrons, and favors conferred on certain girls. The program of equality and hard work (sic) was undermined. Even the league was receiving its death-blow.” In a League debate, the prisoners agreed to “suspend” one of their own” for unworthy conduct.” Seizing the opportunity to sow dissent inside the community, the matrons immediately “befriended” the woman on probation and joined her in deriding the League. In so doing, the matrons tacitly conveyed the message that women who engaged in behavior that harmed the prison community were women who the matrons valued. Shortly thereafter, the head matron made the most damning move: she appointed herself president of the prisoners’ League. The head matron instructed ward representatives to report any misconduct to her and the other matrons. “Self-government with the officials in command was” not only impossible, it was “a farce.”

Having learned of the matrons’ usurpation of imprisoned women’s power, Doty returned to Auburn “sick at heart…. this time to disband the League.” When Doty appeared at the prison to do so, the chief matron instantly relinquished the presidency. But the ward representatives agreed that “it was futile to proceed” without the empathy

803 Ibid, 97.
and support of the authorities. They would bring the prisoners’ community together to announce their decision to the dissolve the League. As a prison commissioner, it fell upon Doty to deliver the message that prisoner self-governance had come to an end. “[A] grief-stricken multitude…met in [the] chapel. I feared a riot. The league had grown dear to every heart, but the vote to disband was unanimous. An organization whose representatives must report to officers and become stool-pigeons and tattlers could not be tolerated.” As she delivered a short, heart-rending message, Doty “saw the joy go out of 114 faces. The women sat in huddled, discouraged groups, muttering together.” Doty seemed a messenger of death “ killing the thing that…[she] loved. But the fight was not over.”

Enraged that they were being blamed for the League’s demise, a pair of matrons “rose to do battle.” In piercing tones, the matrons “denounced the women as traitors” and demanded that the women confirm for Doty the matrons’ allegiance and charity. “It was a queer scene, those in official positions seeking vindication from others whom they held to be the scum of the earth.” The inmates’ “faces, flushed with struggling emotion.” Would any one of them summon the “courage [to] publicly…face that official world and state the truth. One word against an officer, and that prisoner may be harried and worried like an animal in a cage.” To speak up in the matrons’ presence required the kind of “courage which defies the world.”

From the middle of the chapel, Harriet Morgan stood “slowly…white to the lips, but steady. Respectfully the words came: ‘You really haven’t been good to us. You didn’t like the league and made fun of it. She got no further, for her mates, thrilled by such

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804 Ibid., 98.
805 Ibid., 98—99.
806 Ibid., 99.
dauntless courage, rose to her call. Like shots from a cannon, burst out the mighty applause.” The applause commended Harriet for her bravery and signified to the matrons that she spoke for the entire imprisoned community.

In another part of the chapel, a second woman stood, but Doty, fearing that the matrons would retaliate against the speakers and the community as a whole for vocalizing their criticism, ended the meeting. She realized that her administrative post “placed [her]…falsely on the side of the” matrons. The commissioner’s actions, though well-intended, and motivated by a realistic understanding of the matrons’ tendency to abuse their power, were also paternalistic and silenced the very women she had helped to find a voice. Clearly, fully aware of their vulnerability and knowing better than Doty the probable consequences of speaking their truth, there were women who wanted to air their grievances and the community supported them in doing so.

Nonetheless, Doty concluded, “we failed. . . The big dreams we had dreamed did not come true. Perhaps I had expected too much. Perhaps I ought to have been content that Rose could write Ed and her boys, and Christine see her small son twice a month.” For her, “except for these flashes of individual happiness the mass struggle blindly on as before, beating time until their day of release.” And, perhaps, Doty’s final judgment that their efforts to build a community had failed was a belief that imprisoned community members shared. It is at least equally likely, however, that the prisoners, in whole or part – however angry or heartbroken over the dissolution of the League and with it the destruction of their formal power to mold a truly visionary, rehabilitative penal system – did not view their efforts as a failure. The reforms the community won, the reforms that remained intact (which unfortunately did not include the prisoner-led meal program), and
the weeks of access to a degree of liberation that virtually no “convict” experienced behind prison walls provided concrete evidence of the League’s persisting victories.807 Only the testimonies contained in letters the women continued to send to Doty would reveal the imprisoned community’s true response to the League’s disbandment.

Described by Doty as “pitiful” and overcome by “helplessness,” most of the women sought her out when they were released from prison.808 The Auburn system’s utter failure to prepare discharged women for life after incarceration became frightfully apparent to her, even as this failure reinforced her demands for further reform. “One woman begged [Doty]…to meet her at the Grand Central Depot [in New York City]. The noise and glare of the city after the long years of seclusion terrified her. She clung to [Doty]… like a frightened child. When [they]…passed a policeman her whole being quivered and shrank and marked her a convict.” The woman approached the door of the room Doty had procured for her. She would live in a boardinghouse until she acquired a job. “When [Doty]…handed her the latch she was paralyzed. The strain of locking and unlocking a door for her who had been locked in for many years was nerve-racking.” The woman remained locked inside her room, so she would not have to trouble the latch.

It was days before her awkward fingers readjusted themselves to pots and pans, and kitchen utensils, her former implements of trade. It is cruel to move prisoners about like pawns on a chess-board and send them back to society robbed of initiative. It is as heartless as carrying a little child and then thrusting it into the crowded street to walk alone.

This is what the prison system was designed to accomplish: turn adults, who had conditioned themselves to survive the most harrowing of life’s trials, into children forced

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808 Doty, Society’s Misfits, 100.
into performances of dependency on indifferent or callous officials. Some of the women, internalized the dependency, never recovering from their institutionalization. These women could only function while incarcerated. Most women, however, took days or weeks to readjust to life outside of a cage, eventually recovering something of their pre-imprisonment selves. No matter how long any woman spent inside, the system left its indelible mark on her – joints stiffened from seemingly deathless nights in a cold, damp cell and the hallucinatory moans of sick, hungry, and lonely women in neighboring cells.

The women entered the system as “criminals,” endured incarceration as “convicts,” and then left Auburn. But even as they escaped the prison’s walls, they could not escape the prison system. In their lives beyond Auburn, the system stalked them, threatening to permanently cage them in their convict selves. Freed women carried not just memories of incarceration, but the lived experience of it, which for many circumscribed their freedom by constraining them mentally and spiritually if no longer physically.

One can only hope that some of the women who gained an unprecedented measure of freedom at Auburn Prison in 1913, however short-lived, comforted themselves with the memories of that time; a time when prison was synonymous with community, when the cage door had been pried open, and they were a bit more free. This is why the demand that prisoners be “given not only work but the development that comes from work” held such tremendous import; the absence of meaningful work had grave consequences for freed women and the communities into which they were released.809 A disproportionate number of women would be re-incarcerated after they

809 Ibid., 89.
were discharged from prison, especially those who were poor, immigrant, and black.\textsuperscript{810} Those former inmates who were not supplied the opportunity to become literate, achieve at least a secondary education, and learn a trade viable in the formal economy were the most likely to return to criminal work, and recidivate.\textsuperscript{811} To be sure, even some of the formerly imprisoned who acquired these opportunities would come into conflict with the law. Nonetheless, the lower recidivism rate of women’s reformatories, where the focus was on rehabilitation, versus that of custodial prisons, bent on punishment, suggest that literacy, a post-elementary education, and vocational skills factored heavily into women’s ability to leave prison and never return. Thus the developments at Auburn Women’s Prison in 1913, even if they failed for the moment, set a precedent that would eventually reshape other institutions in the years to come.

Thus, even as Auburn’s matrons succeeded in killing prisoner self-determination for the moment, the hope of its recovery and the pursuit of prisoner-initiated reform did not end. As Doty concluded in \textit{Society’s Misfits:}

Some day (sic) the thing…[we] have dreamed must come true. Prison will be transformed, changed from a prison to a home. At its head will be a wise intelligent mother, able to distinguish between the daughter who would be [irredeemable]…and the one who would be [rehabilitated]…treating each according to her needs. In place of the mattress making, the women will manufacture the wrappers and female garments now made by men at Sing Sing. The smell of real food will issue from the kitchen. All will be bustle, cheer, and activity. And best of all, the women will be moving about their tasks without keepers or guards, learning self-control through self-government, living a life such as she will be asked to live when she returns to the world outside. Only when such a day dawns…[will society have] equip[ped] convicts to face a doubting and hostile world and prove their integrity.\textsuperscript{812}

\textsuperscript{812} Doty, \textit{Society’s Misfits}, 100—101.
That day did not dawn all at once, and Auburn did not necessarily lead the charge, but changes in women’s incarceration did force their way onto New York State’s and the nation’s agenda in the 1910s and 1920s.\(^{813}\)

Auburn’s parole board hearings highlight the reforms that were implemented in women’s prisons more generally during the 1910s and 20s. Fringe activists like Madeleine Doty allow us to see the possibility of collaboration between the most progressive reformers and the most activist-minded inmates. Yet Doty also exemplifies the limits of such efforts even among fringe activists, because of her inability to recognize the distinct impact of racialized oppression and her desire to simultaneously heighten the victimization of prisoners and the idealization of their relations with each other. She nonetheless recognized, at least implicitly, the notion of criminal work, believing that most female criminals could be rehabilitated because their crimes were not a sign of their moral degeneracy but of the need to provide for and protect themselves and their families. Still, in framing women’s criminal work only in terms of survival and protection, she failed to recognize women’s agency in engaging in illegal activities—whatever the reason—or the possibility that some women engaged in crime out of greed, immorality, lust, or other less justifiable reasons. Thus it is only by exploring the range of crimes committed by women, the representation of those crimes in the media and the legal system, the experiences of female inmates, and the efforts of activists that we can begin to create a more complete picture of the dynamic interactions among gender, race, crime, punishment and reform.

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