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"You Can't Say 'No' to a Soldier": Sexual Violence in the United States during World War II

Michaele Katherine Smith
College of William & Mary - Arts & Sciences

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"You Can't Say 'No' to a Soldier": Sexual Violence in the United States during World War II

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A Dissertation presented to the Graduate Faculty of the College of William and Mary in Candidacy for the Degree of Doctor of Philosophy

American Studies

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Doctor of Philosophy

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Approved by the Committee, June 2013

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ABSTRACT

Between 1939 and 1946 the number of rapes in the United States increased approximately 45 percent. This project strives to explain the cultural factors that fueled this increase. Existing societal beliefs and the legal system of this period held rape victims responsible for their own victimization. Additionally, the wartime mobilization of the 1940s liberated millions of young men from community and family moral surveillance. Some men experienced this liberation as license to coerce sex from women. Popular culture accepted and even praised sexual aggressiveness in men, especially military men, and linked women's sexuality to their patriotism. The combination of all of these factors contributed to the sharp increase in sexual violence against women that we see for this period.
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This dissertation is dedicated to my grandparents who were there.
DeLoy and Stella Smith
George and Mary Jones
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Introduction

Americans often describe the men and women who experienced World War II as the "Greatest Generation" who fought the last "good war," but this myth conceals darker realities. Between 1939 and 1946 the number of reported rape offenses in the United States increased approximately forty-five percent.¹ Several factors contributed to this increase. First, persistent social beliefs and the American legal system held victims of rape responsible for their own assaults. Second, wartime mobilization of the early 1940s liberated millions of young men and women from family and community moral surveillance. Third, popular culture and government propagandists glorified aggressive masculinity while simultaneously putting pressure on women to "do their part" for the war effort, which often implicitly suggested sexual favors for servicemen, sailors, and male officers. And finally, popular culture linked women's sexuality to their patriotism. As the song, "You Can't Say 'No' to a Soldier" suggests, women had an obligation to provide entertainment and sexual release for soldiers. While rape was common before the war, wartime conditions, popular culture, and definitions of masculinity led to an elevated rate of sexual assault for this period.

¹ The number of rape offenses known to the police in 373 cities with over 25,000 inhabitants, and a total population 50,616,919, increased approximately 45% from 1939 to 1946 (with a fairly steady increase each year). These numbers are from the Uniform Crime Reports for the United States and its possessions- issued by the Federal Bureau of Investigation, Washington DC. Volume VII number 1 annual bulletin for 1936, Volume XVI number 2 annual bulletin for 1945, and Volume XVII number 2,annual bulletin for 1946.
My dissertation fills a gap in the current scholarship on the American home front during WWII and that addressing the general relationship between rape and war. There has long been a link between war and rape, but not much has been written about civilian populations outside of the warzone. Susan Brownmiller discusses this link, arguing that, “Rape is more than a symptom of war or evidence of its violent excess. Rape in war is a familiar act with a familiar excuse.”² While focusing on rape in the context of combat, she argues that war gives men an excuse to vent their hatred of women, which could help explain the increase in rape in the United States during the war.

She continues, Men who rape in war are ordinary Joes, made unordinary by entry into the most exclusive male-only club in the world...The very maleness of the military – the brute power of weaponry exclusive to their hands, the spiritual bonding of men at arms, the manly discipline of orders obeyed, the simple logic of hierarchical command – confirms for men what they long suspect, that women are peripheral, irrelevant to the world that counts, passive spectators to the action in center ring.³

Rape was a part of combat; something done to enemy women by conquering soldiers, access to the women of those defeated was reward for the victory.⁴ However, Brownmiller asserts that the female victim was chosen not because she is an enemy, “but precisely because she is a woman and therefore an enemy.”⁵ This is partially why I decided to focus on rape outside of the context of combat against a group’s own civilian population. Perhaps war gives men

³ Ibid.
⁴ Brownmiller, 35.
⁵ Brownmiller, 64.
impetus to rape because, as Brownmiller suggests, in such a masculine moment, men's contributions to war are viewed as far more important than women's because men did the actual fighting. Even men who did not do the fighting gained cache during a war because they were men and as men had the potential to fight and women did not. While celebrated through campaigns featuring Rosie the Riveters, women's contributions were never seen as being as important as men's.

The major historiography on the home front (and women) about WWII focuses on Rosie the Riveter, the mythological representation of civilian women working in "masculine" jobs in war industry in service to the war effort. There are several books about actual women who worked in the paid labor force during the war, and others have detailed the impact of the war on the home front, but nothing extensive delves deeply into the issue of sexual violence.

The labor shortage caused by the war gave women an opportunity to secure higher-paying jobs and put pressure on women who normally would not work, that is, married middle-class white women. Historian Karen Anderson argues that "no war in American history has had as profound an effect on American society and American women."\(^6\) Anderson notes that the availability of high paying war industry jobs offered women the opportunity to escape from lower paying jobs, like domestic work. Historically, single women had always worked in the public sector but married women had not worked in

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great numbers before WWII, especially middle-class white women. The trend of working married women continued after the war and they never fully retreated into the private sphere. This was the biggest, and most lasting, change to the numbers of women in the workforce.

Anderson acknowledges that working women were the minority and the majority of women continued to remain in the home. Anderson feels that historians' focus on Rosie the Riveter ignores other roles women played during the war. She believes that historians have diminished the role of homemakers, much like journalists did during WWII. Anderson finds a note of condescension in the almost obligatory praise for the homemaker during the war betrayed the fact that the real prestige was conferred only on women who assumed previously male responsibilities, not on those who performed traditionally female functions.\textsuperscript{7}

Anderson believes that this explains the "deteriorating status"\textsuperscript{8} of homemakers, but it also says something about the status of working women. Women received praise when they did "men's work" but they did not when they did "women's work" (or the traditional pink-collar jobs). While Anderson persuasively argues that status of homemakers diminished, she does not acknowledge that women workers had never received praise before for doing the jobs society defined as appropriate for them. Furthermore, it appears that most of the praise for "Rosie" came through propaganda that was aimed at recruiting more women into the workforce, and the praise quickly turned into

\textsuperscript{7} Anderson, 11.  
\textsuperscript{8} Anderson, 11.
criticism as the war neared an end and juvenile delinquency became a bigger problem.

Antonette Noble, who writes about "Rosies" in Utah, also discusses the propaganda used to recruit women workers. Propaganda encouraged women to do "men's work," but made it clear that women were expected to look and act like women. Furthermore, women were expected to want to maintain their femininity and to worry about the effects work would have on them. Ruth Milkman found that propaganda often focused on the femininity of workers. She writes, "depictions of women's new work roles were overlaid with allusions to their stylish dress and attractive appearance." Susan Hartmann discusses how images of women in popular culture encouraged women to undertake unconventional roles while still reinforcing "the centrality of women's domestic lives and their relationships with men." And Donna Knaff argues that propaganda, especially recruitment posters for female military auxiliaries, focused on femininity because of the wartime concern that women might become "mannish" (which was code for lesbian) through their more masculine endeavors.

Another major concern that the public expressed over the enlistment of women was the possibility of sexual exploitation. Many of the arguments against the formation of the Women's Auxiliary Army Corp (later the Women's

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Army Corp or WAC) revolved around this concern. Leisa Meyer writes, 
“[p]ublic concerns... were in part raised by [the] issues of male command
authority over enlisted women within a rigidly hierarchical structure” and the
potential for this authority to be exploited.\textsuperscript{13} Meyer also found that the female
leadership of the WAC enforced a sexual double standard. They felt pressure
to do this because of the controversy around admitting women. They needed
to legitimize women’s place in the military and, since the biggest arguments
used by opponents was the potential for the women’s sexual impropriety, they
felt the best way to accomplish legitimacy was to keep Wacs above suspicion.
Meyer persuasively argues that this sexual double standard actually left the
women more open to sexual harassment. During the same time period that
the WAC was established, the Army eased their regulation of men’s sexual
behavior. Meyer writes, “[t]he army expected and encouraged heterosexual
activity among male soldiers.”\textsuperscript{14} The Army also took a stance on rape that
placed the blame on women. They believed that women could protect
themselves if they wanted too, and assumed that, unless the woman was
badly injured, if she had sex with a man it was consensual.

John D’Emilio and Estelle B. Freedman also discuss the double
standard and argue that while the “boundaries of acceptable sexual behavior
moved in the direction of permissiveness,” the sexual double standard

\textsuperscript{13} Leisa D. Meyer, \textit{Creating G.I. Jane: Sexuality in the Women’s Army Corps During World

\textsuperscript{14} Meyer, 101.
continued to operate during the first half of the twentieth century. In other words, "Boys pushed, while girls set the limit." D'Emilio and Freedman found that high school and college students continued to believe in the double standard, which held women responsible for all pre-marital sex. This belief affected attitudes towards rape accusations as many people believed that women had a motive to "cry rape" after consensual sex as a way to protect or try to reestablish their reputation.

The other dominant image of women during WWII, beyond Rosie the Riveter, was the pinup girl. Art historian Maria Elena Buszek argues that the popularity of the wartime pinup expresses a greater acceptance of women's sexuality and women's control over their own sexuality. However, these images draw focus to the ways in which men saw women. In other words, these images were intended to be consumed by men. Therefore, even though the women featured in pinups may have been expressing their sexuality, they were doing so in a way meant to appeal to men and help define women by their relationships to men, reaffirming men's centrality during the war. Because women are on the periphery during war, their needs and desires were deemed unimportant, including whether or not they wanted to have sex with men. And, as Knaff points out, "Here was the conundrum: Women were encouraged to be available, but that availability was both demanded and

16 D'Emilio and Freedman, 262.
17 D'Emilio and Freedman, 262.
Women who were “available” or open to sex with men, were condemned as deviant and diseased and seen as a danger to the public health. Women who were not “available” could also be seen as deviant because, as Knaff notes, they could be suspected of being lesbians. Furthermore, men’s perception of women as being willing because of their sexualized image in popular culture affected the way men treated women in their private relationships.

This dissertation is divided into two parts. Part one focuses on civilian courts by looking at three cities: Salt Lake City, Utah; Norfolk, Virginia; and Seattle, Washington. Each of these chapters begins with a discussion of the war’s impact on the city. All three cities faced population booms, though Norfolk’s population increased the most. The overcrowding caused similar problems in these cities: housing shortages, lack of sufficient schooling and basic necessities, a dearth of entertainment options, and most notably an increase in crime. Part two explores the military justice system through courts-martial while discussing popular culture and its intersection with rape cases. As Knaff argues, the need for women to take on roles perceived as masculine caused concern over women’s sexuality during the war. Much of the debate over what wartime changes would do to women’s gender performance played out in graphic art, such as pinups, propaganda posters, and cartoons. The second part of my dissertation explores these forms of popular culture in conjunction with court-martial cases in order to see how

19 Knaff, 93.
20 Knaff, 2.
these public debates over men and women's sexuality played out in the military courtroom.

Chapter one, the Salt Lake City chapter, explores difficulties women faced when reporting rape in the mid-twentieth century, the issue of consent, and why crime rates of rape are so unreliable. While there was a definite increase in the number of reported rapes, it is extremely difficult, impossible really, to discern the number of actual rapes. Part of the problem is that the legal definition of rape has changed since the mid-twentieth century so what we might consider rape now was legally consensual sex then. Before the women's movement of the 1960s and 1970s fought for changes to the rape law, the legal definition of rape was much more narrow than it is today. The concept of 'yes' means 'yes' and 'no' means 'no' did not exist. Force and resistance were two important elements of the legal definition of rape and the most problematic. How does one decide how much resistance and force was enough? This question is critical because if a woman did not resist enough, then she legally consented to sex. Statistics are also misleading since rape has historically, and continues to be, so underreported. Furthermore, women could file a rape complaint, but police or prosecutors might decide to charge the suspect with a lesser offense, often an assault, or decide not to proceed at all.

In the Norfolk chapter I attempt to look at rape from the viewpoint of the African American community in the city using the newspaper The New Journal and Guide. This chapter looks at lynching, rape, race, and the death
penalty. While I only found evidence of one lynching in Virginia between 1935 and 1950, lynching was still a huge concern to The Guide especially in the late 1930s, and it is therefore an important part of a discussion of race and rape in Norfolk. The death penalty, or legal lynching, as some would call it, was another major concern for the Guide. In Virginia, rape was punishable by death until the 1970s, but this penalty was only ever used against black men and only when their alleged victims were white. As the Guide reported, Norfolk's African American community rallied around black men accused of raping white women. They also rallied around black women who accused white men of rape, because these cases were so rarely prosecuted and even more rarely successfully prosecuted.

The final chapter in this section looks at how the Seattle criminal justice system handled, and sometimes arguably mishandled, rape cases. During the war years there was a much-publicized controversy around the issue of bail in rape cases that played out in the Seattle Times. The police, Seattle's prosecuting attorneys, and criminal court judges all weighed in on the issue and their arguments reveal many of the most persistent myths surrounding rape, such as that the most common rapist was black and victims white, that strangers perpetrated most rapes, and that accusations were usually false. This chapter also explores some of the additional obstacles the criminal justice system faced during the war.

Chapter four uses pin-ups and the case of The United States v. 1st Lt. George Robert Clayboun to explore how women's wartime obligations to the
State often equaled private obligations to men in uniform. Robert Westbrook argues that pinups were an embodiment of men's private obligations to the liberal state, as symbols of what men were fighting for.\textsuperscript{21} Women had a reciprocal obligation to the State and by extension to men, since men in uniform symbolized the State. Since women could not contribute to the war effort as directly as men, there was added pressure for them to find ways to contribute, often through their relationships with servicemen. The case against Claybourn includes almost one hundred letters in support of him, which offer a glimpse into how people were thinking and talking about sexual violence during this period. Only one letter writer acknowledges that the pressure put on women to support servicemen and the glorification of men in uniform could led women to grant more liberties to them. Far more common were writers who felt that the women involved were gold diggers who preyed on men far from home. While women might have felt like they were doing their duty and dated servicemen as a show of patriotism, others, like the letter writers, were more inclined to believe that these women had much more selfish motives.

In chapter five, I look at images of male sexual aggression in popular culture, often represented by wolves. Sexual aggression was an important part of masculinity during WWII. As Knaff has argued, debates resulting from the upheaval of gender norms during WWII played out in graphic art. Popular culture helped police the boundaries of acceptable behavior, often celebrating

sexual aggression in men while encouraging women to do their part for the war effort. In this chapter I look at several courts-martial cases to find connections between popular culture and how sexual relationships between men and women played out. Cartoons often portrayed men as always pushing for sex, but in the end women were responsible for anything that happened. Women were supposed to set the limit on how far relationships went, which let men off the hook.

In the final chapter I look at government-produced popular culture in the form of propaganda posters regarding venereal disease. During WWII the federal government waged a war on venereal disease. Their portrayal of women as diseased gold diggers who took advantage of men's baser instincts helped excuse violence against women. In this chapter I discuss the case of The United States v. First Lieutenant Robert Valby. In this case the defense tried to paint both women involved as deviant in ways that reflect the wartime concern that women posed a threat to servicemen and by extension mobilization and the war effort.
Rape Law in the Mid-Twentieth Century:

Sexual Violence in Salt Lake City

The bombing of Pearl Harbor had the same effect on Utahns as it did on other Americans. It outraged, incited, and scared them. Young men rushed to enlist for war and those left behind focused their attention on the war effort. The build up of war industry had a great impact on Utah, more so than many other states. Historian Allan Kent Powell clarifies why that Utah played such a crucial role in the American war effort. It could easily be accessed from the West Coast and at the same time it was isolated enough from both coasts that it remained an unlikely and difficult target for foreign attack and there were large areas of unoccupied Federal land which could be used for military training without endangering civilians. Additionally, Utah had many natural resources useful for wartime production, such as copper, iron ore, and coal, and already had mining operations in place that could be converted for wartime production. Powell also notes that, “Utahns were considered well-educated, intelligent, dedicated, and hard-working.” Lastly, Utah seemed ready to accommodate an influx of military and civilians as Utah’s leaders actively campaigned to have the military and industry build or expand facilities in Utah.

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23 Powell, 110.
24 Ibid.
25 Ibid.
26 Ibid.
Utah became the home to thirteen new military installations. Utah was also home to the Topaz Relocation Center and industries like Geneva Steel, which was founded with federal money in 1941. These new installations brought an influx of war workers and service personnel to Utah, which led to a population boom and overcrowding, as in many states with war industries. Historian James L. Clayton contends that Utah's population growth has historically had a direct correlation to military spending. He draws a comparison to other western states that have been defense oriented which also experienced rapid growth and notes that the populations of non-defense-oriented western states remained steady. Clayton demonstrates that more non-Utahns than Utahns worked in war industries during WWII and that this explains why Utah’s population has fluctuated so dramatically. War workers moved to Utah for defense jobs and when those jobs left so did they.

The population boom during WWII affected living conditions in Utah and also had significant social ramifications. Historians Gerald Nash and Thomas G. Alexander both detail the lack of sufficient housing, the skyrocketing cost of necessities, the inadequacy of the local grocery stores, and transportation problems created by the massive influx of people in a short period of time. The overcrowding of cities led to higher crime rates. Alexander

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27 Powell, 112; Gerald D. Nash, The American West Transformed: The Impact of the Second World War (Lincoln: University of Nebraska Press, 1985), 24. Nash also notes that, "In addition to more than 60,000 military personnel stationed in Utah in wartime, the bases employed another 60,000 persons." Nash, 214.

28 Powell, 112.


found “that although auto theft and larceny rates tended to rise progressively higher both in Utah and the United States during the war, they were much higher in Utah.” Burglary rates also increased more dramatically in Utah.  

As in all areas of the U.S., the draining off of large numbers of young men for service and the increased need for wartime production led to a worker shortage. This shortage resulted in an increase in opportunities and calls for women to take conventionally male jobs. Women provided labor in agriculture as well, filling in for absent male family members. Women had worked in agriculture before, but now they had to take on additional tasks previously reserved for men. Similar to other local media, Utah’s local newspaper articles reacting to women’s wartime contributions tended to treat women workers favorably, but “carried a tone of surprise when reporting the success of the women.” In one article about women employed as drivers at a military installation, the journalist noted that a training class of women demonstrated a “degree of skill far beyond expectations, and even the men … are forced to admit that the girls do all right.”

African Americans also helped fill the gap left by white men who entered the armed forces. The African American population in Utah doubled during the war. Many were soldiers and their families, but others moved there for work and found employment in construction and defense industries. As in other areas of the country, Utah business owners denied service to black

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33 Noble, 128.
people in markets, restaurants, hotels, and other public accommodations and African Americans had even more difficulty than other newcomers in finding housing. Most historians concur that black women and other women of color faced the toughest discrimination.\textsuperscript{34} Utah historian Miriam Murphy finds that in Utah "black working women were clustered in the service occupations."\textsuperscript{35} She argues that the few black women who had clerical jobs or were managers were likely employed in black-owned businesses and notes that "only twenty-one held jobs in industry, including manufacturing."\textsuperscript{36} In Utah during WWII, black women had fewer opportunities than either white women or black men and continued to be relegated to the lowest paying jobs.

As previously mentioned, the overcrowding of cities also led to higher crime rates. Crime was a major concern to local Utah communities and newspapers focused most of their attention on outsiders and racial minorities as the reasons for the spike in the crime rate. An article in the \textit{San Juan Record}, a newspaper based in southern Utah, reported:

A special study based on reports from 318 of the nation's largest cities showed that murders and negligent manslaughters increased 3.8 per cent and 10.3 per cent respectively, during 1944 over 1943. Rapes rose 4.2 per cent and aggravated

\textsuperscript{34} Karen Anderson, \textit{Wartime Women: Sex Roles, Family Relations, and the Status of Women during World War II} (Westport: Greenwood Press, 1981), 11; Ruth Milkman, \textit{Gender at Work: The Dynamics of Job Segregation by Sex during World War II} (Urbana: University of Illinois Press, 1987), 55. William H. Chafe argues the opposite writing that black women "benefited more than any other group of female workers from the increased mobility.” He notes that "the number of black women who held positions as servants fell from 72 per cent to 48 per cent, and the number of farm workers declined from 20 per cent to 7 per cent. At the same time, the proportion of Negro women who were employed as operatives in factories grew from 7.3 per cent to 18.6 per cent.” William H. Chafe, \textit{The American Woman: Her Changing Social, Economic, and Political Role, 1920-1970} (London: Oxford University Press, 1972), 142-143.


\textsuperscript{36} Murphy, 211.
assaults 12 per cent. On the basis of these figures, approximately 27 per cent more rape violations occurred during 1944 than in the average prewar year. Aggravated assaults exceeded the prewar average by 19.9 per cent (emphasis mine).37

The Park Record, a newspaper published in Park City, Utah, also reported that crime rates rose and blamed the increase on "the upheaval resulting from war."38 Several pieces in Utah's newspapers quote J. Edgar Hoover, the director of the Federal Bureau of Investigations, who said, "the arrests of girls under 18 have increased 198 per cent since 1939, while arrests of boys under 18 have increased ... 70 per cent for rape."39 As these articles demonstrate, Utahns were aware of this national trend and worried about the same increase in Utah.40

Community newspapers focused much of the discussion of the increase in crime on racial minorities. Most journalists carefully mentioned the race of nonwhite criminals in their stories. The only time they designated someone as white occurred in cases where a nonwhite person attacked a white person; for example the Vernal Express reported that an "Indian boy" sexually assaulted a "white woman."41 The Tooele Transcript Bulletin listed the names of people arrested each week and included their races only when they were nonwhite. For example, they wrote about, "Indian week," when

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37 "Crimes Increase," San Juan Record, September 13, 1945, 5. The San Juan Record was first published in Monticello, Utah and changed owners several times and moved back and forth between Monticello and Moab, Utah.

38 "Crime Increases," The Park Record, December 6, 1945, 4.


40 This was not unique to Utah, The Seattle Times also ran articles quoting Hoover discussing crime rates.

41 "Ute Indian Will Go on Trial for Life in Statutory Charge," Vernal Express, June 12, 1941, 4. This is based on a sample of weekly newspapers in Utah for the war years.
police arrested four Native Americans on "drunk charges."42 Another article detailed an "attempted murder in gambling row," and announced that, "Herman K. Carter, 28, negro, was practically disemboweled... by Roy Hattley, 32, also negro." The article also focused on the fact that the two men were newcomers: "The inevitable has happened ... Tooele's first gambling attempted murder has taken place, since the influx of defense workers."43 In another case, when several women were brutally attacked in the streets of Tooele, the paper focused on the class and ethnicity of one of the men who was eventually arrested.44 It described the attacker as, "Raul Perez Brito, age 24, an American citizen of Spanish extraction, who has been employed at the International Smelter."45 Brito attacked a young woman on Christmas night, he knocked out two of her teeth, broke her nose, gave her two black eyes, and cut her across her forehead. After finding the woman, a group of Tooele residents searched for and found Brito in a nearby beer parlor and had him

44 It is unclear how many women were involved, the newspapers named two of them but alluded to others, the attacks were similar in their brutality, but there were two different attackers. It was also unclear but it appears that both men were charged with either assault with attempt to commit rape or attempted rape. While the Tooele Transcript Bulletin discusses Brito's ethnicity and citizenship it does not offer similar information on Louis C. Renburg, the other man convicted, and instead focused on his criminal record, which means he was likely white.
arrested. The newspaper offered these details and noted that he had only been in Tooele a few months.  

Beth Bailey argues that, during WWII, “the increasing power and presence of the national institutions and national culture upset ‘traditional’ ways -- be it Jim Crow or sexual mores -- and created openings for contestations and change.”  

In her study of Lawrence, Kansas, Bailey found that the influx of a large number of single men into established communities raised questions regarding how they would spend their free time and large paychecks. Local officials and newspapers centered much of the wartime concern with venereal disease and promiscuity on newcomers, especially war industry workers.  

Communities in Utah had similar responses. The editors of the Tooele Transcript Bulletin issued several warnings to “newcomers” as early as 1942. They wrote, “Tooele City is fundamentally conservative and decent in its conduct, and expects the same action of new citizens, who come here for employment and sometimes, before this lesson is learned some become at cross purposes with the law.” They blamed the increase in crime on the newcomers, noting that, “petty and major law offenders appear to have followed the influx of ordinance plant workers.”

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48 Ibid.
49 “County Called Upon to Handle Prisoner Overflow,” The Transcript Bulletin, August 11, 1942, 1.
50 “Sheriff Vows the Arrest of Owners Leaving Key in Car,” The Transcript Bulletin, August 18, 1942, 1.
Some Americans worried about the activities of women and girls as well as male defense workers. National and local newspaper articles placed most of the blame for widespread venereal disease during WWII on prostitutes and “victory girls.”51 According to Leisa Meyer, “The label of ‘victory girl’ referred in part to popular depictions of these young women’s actions [in having sex with servicemen and officers] as intended to boost male morale and aid the war effort.”52 Communities in Utah attributed the rise in “loose” women to newcomers, not local girls. For example, the Transcript Bulletin ran a short article about the recent arrests of drunken women who were “making themselves a nuisance,” and ended the article stating, “Some communities may delight in this type of actions on the part of women, but to the people of Tooele, it is extremely offensive.”53 The author does not identify the women as outsiders but it was implied in the tone of the article since the piece offered outsiders advice on how to fit into the community. Another article detailed how the police began a “Clean-up of Doubtful Women.” The police started a “campaign to arrest questionable women characters who are hanging around beer parlors... seeking too freely the company of men.”54 While these communities worried about the activities of defense workers and women, they rarely expressed concern about local men or soldiers.

51 Beth Bailey also found this to be true in her study of Lawrence, Kansas.
Alexander states that underneath the hostility to outsiders was concern about the kind of influence the newcomers, especially unmarried men, would have on young female Later Day Saints. Families often took in borders to help with the housing shortage, which disrupted family life and exacerbated this concern. Parents worried that daughters would date or marry outside their faith or race and that men might have a "love-them-and-leave-them" mentality. Native Utahns also worried about women’s safety around outsiders. One marine stationed in the South Pacific, wrote a letter to The Transcript Bulletin expressing his dismay over reports of women being brutalized in Tooele. He wrote of the “other boys on the island” from Tooele,

we are... very disappointed when we read about how girls are grabbed from the streets, badly beaten and then scared off... I'm not the only serviceman that thinks this as I have seen and talked with several Tooele boys over here and we all feel the town needs a good shakedown and a ridding of the bad ones. They, the 'bad ones', are in our estimation no different that [sic] the Japs or Germans, both are trying to destroy what we hope to win, that is, peace and security.  

This letter writer expressed alarm over the safety of women, which was a legitimate concern considering the increase in crime during the war. Between 1936 and 1945, Utah’s Third District Court tried 113 cases of sexual assault. This included twenty-six rape cases, eleven attempted rape, eight assaults with intent to commit rape, thirty-five unlawful carnal knowledge cases, one attempt to commit unlawful carnal knowledge, and thirty-two

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55 Alexander, 81. Alexander states that these generalizations are based on his experience growing up in Ogden, Utah during WWII.
56 "Recent Attacking Bring Comment From Servicemen," The Transcript Bulletin, January 28, 1944, 1.
57 The District Courts handle both civil and criminal cases, the Third District Court has jurisdiction over Tooele, Salt Lake, and Summit Counties. I looked at 1936 to 1945 in order to show how things changed from the prewar period to wartime.
cases of indecent assault.\textsuperscript{58} The number of rape and rape related cases peaked in 1943 with seven cases (this number, of course, only included cases that made it all the way to court). Unlawful carnal knowledge cases peaked in 1945 with six cases. The highest number of indecent assault cases was six per year in both 1937 and 1945. In every year, but 1944, more than 50\% of defendants pled or were found guilty. In 1944, juries found 86\% of defendants not guilty and only one defendant pled guilty.\textsuperscript{59} Since some of the crimes are now known by different names it is worth taking a moment to define these terms. Unlawful carnal knowledge is now referred to as statutory rape. More specifically, WWII era officials charged men with unlawful carnal knowledge who, “wilfully, unlawfully, feloniously and carnally know… a female over the age of thirteen years and under the age of eighteen years… being then and there an unmarried female and not the wife of the [defendant].”\textsuperscript{60} The state charged indecent assault when someone “wilfully, unlawfully and feloniously make an assault upon a female [or male] child under the age of fourteen years… without committing, or intending or attempting to commit the crime of rape.”\textsuperscript{61} The rape statute also specifically stated that the victim could not be the wife of the defendant. At this time there were no laws prohibiting marital rape; martial rape laws were not enacted in Utah until 1991.\textsuperscript{62}

\textsuperscript{58} The indecent assault total includes one case which fit this definition but where the defendant was charged with contributing to the delinquency of a minor.
\textsuperscript{59} This number may be inflated because it includes one case with five defendants all of whom were found not guilty, the percentage drops to 78 when this case is excluded.
\textsuperscript{60} State of Utah v. Burton Charles Virgo, Case No. 11659 (3d. Dis. 1941).
\textsuperscript{61} State of Utah v. Marieno Gonzalas, Case No. 11652 (3d. Dis. 1941).
One problem with studying sexual assaults is that they are so underreported. Although comparable statistics are not available for the 1930s and 1940s, in 2005 only an estimated 41% of sexual assaults were reported in the United States. It stands to reason that this percentage was even smaller in 1940 given the burden of blame victims bore at the time. Even if a woman reported an attack there was no guarantee that the police would take her claim seriously. Moreover, her attacker might be charged with a lesser offense based on whether or not the police believed her claims, further obscuring the number of rapes that actually took place. Furthermore, the criminal justice system took (and still takes) some rape cases far more seriously than others. Legal scholar Susan Estrich argues that judges and juries are much more likely to punish men guilty of “real rape,” but are much more reluctant to sympathize with the victims of “simple rape.” Estrich defines, or more accurately she argues that the criminal justice system has defined, “real rape” as rape with “aggravating circumstances,” such as the use of “extrinsic violence (guns, knives, or beatings) or multiple assailants or no prior relationships between the victim and defendant.” In contrast, a “simple rape” was “a case of a single defendant who knew this victim and neither beat her nor threatened her with a weapon.” She also found that juries were four times as likely to convict in a case of “real rape” over “simple

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64 The feminist movement of the 1960s and 1970s led to changes in the handling of rape cases and a decrease in “victim blaming.” As a result of these changes, which included the creation of Rape Crisis Centers, the number of women willing to report rape has increased.
66 Estrich, 5.
67 Ibid.
rape."\(^{68}\) Juries also showed less sympathy for victims, or were less likely to punish men, in cases where there was "contributing behavior," that is when the woman had been doing things like hitchhiking or partying when she was raped.\(^{69}\) Lawrence Friedman adds to the list of "contributing behaviors" things like the way the woman dressed and her prior behavior, such as if she hung out in bars or had previously had sex outside of marriage.\(^{70}\) Because of all of these factors, women who were victims of acquaintance rape or "simple rape" were usually reluctant to report it. Those who did were taken less seriously by police and prosecutors, which made it unlikely their case would even make it to court and even less likely that it would result in a guilty verdict.\(^{71}\) Friedman offers some chilling statistics regarding rape prosecutions: "In 1969 there were 2,415 complaints of rape in New York, 1,085 arrests — and eighteen convictions."\(^{72}\) Friedman found that the view of rape did not begin to change until the last few decades of the twentieth century when rape laws began to shift and notes that the women's movement played a vital role in making those changes happen.\(^{73}\)

One case from four years before the United States entered WWII helps provide legal context for the later wartime incidents and illuminates how difficult it was for rape victims to navigate the criminal justice system. In July 1937, Veda White reported to police that Jim Stockfish had sexually assaulted

\(^{68}\) Ibid.
\(^{69}\) Ibid.
\(^{71}\) Friedman, 248.
\(^{72}\) Ibid
\(^{73}\) Friedman, 249.
her. The county attorney did not believe that this was a case of rape because he felt that she was of "sub-normal intelligence." Instead, he chose to believe that White had consented. However, because she was married, the county attorney decided to charge Stockfish with adultery, a charge to which he eventually pled guilty. Adultery had long been considered a crime in many states and remains so in over twenty states, even into the twenty-first century.\textsuperscript{74} In many states the law addressed both parties, Utah was not such a state.\textsuperscript{75} In the late 1930s and early 1940s, the state prosecuted both men and women in the Third District Court for adultery charges, but in the majority of cases the person charged was married: in other words, if a married man slept with a single woman, he was the only one charged and vice versa. This case was the only one I saw where the person charged with adultery was single and the married party was not charged. The court sentenced Stockfish to imprisonment for a term not to exceed three years and then gave him a stay of execution. A stay such as this functioned like a suspended sentence and offered a defendant an opportunity to avoid serving time as long as they kept out of trouble. Stockfish did not stay out of trouble. During his stay another woman reported that Stockfish sexually assaulted her. Stockfish denied the claim but admitted that he had "unlawful sexual relations with the

\textsuperscript{74} Ethan Bronner, "Adultery, An Ancient Crime That Remains on Many Books," \textit{The New York Times}, November 15, 2012, 12. Bronner notes that these laws remain on the books because no politicians are willing to go on record as being in support of adultery.

girl in question.” The court then revoked the stay and sent Stockfish to prison.76

A few months later, the judge in the adultery case, Judge Roger McDonough, wrote a letter providing these details to the Board of Pardons. McDonough also noted that a third woman had previously accused Stockfish of sexual assault, but later wanted the charges dismissed. According to McDonough, Stockfish had no particular occupational skills and had been out of work most of his adult life, furthermore Stockfish’s “criminal record [was] confined to [these] sex crimes” and that he was intoxicated during all of the (alleged) attacks. The judge also offered information about Stockfish’s upbringing. His parents were residents of Salt Lake City, having immigrated to Utah from Holland. They were respected members of the community and had raised several daughters who were also well respected. Unfortunately, the same could not be said of their sons. Stockfish and his brother both had criminal records. Just a month before McDonough wrote this letter Stockfish’s brother had pleaded guilty to second-degree burglary. McDonough offers the following insight into Stockfish’s past:

in addition to the defendant being untrained in any particular line of work, and having been out of work considerably during the past several years, there seems to have been during the course of the raising of the family a conflict of authority in the home relative to the proper discipline of the children, the mother taking the attitude that the father has been not only to [sic] severe, but not in any way helpful in attempting to properly guide the children.77

77 Ibid.
It is unclear whether McDonough included this information as a criticism of Stockfish's parents. On one hand, he seems to be noting the father's lack of involvement, which, as gender scholar Michael Kimmel notes, had become more of a focus thanks to the popularization of Freudian psychology in the 1920s. Kimmel writes, "Freudian ideas had made parental participation in child rearing a requirement of healthy gender development and appropriate sexual development."\(^\text{78}\) Perhaps the judge felt that the lack of an involved father figure had lead to Stockfish's inability to hold down a job. Conversely, McDonough may have been implying that the mother was too involved and that she should have demurred to her husband's authority, which was consistent with the national trend of concern with mothers who raised weak sons. Another popular psychologist, J.B. Watson argued that "mothers must guard against their own impulses in shaping the lives of their offspring."\(^\text{79}\) It was only a few years after this case that Philip Wylie wrote his infamous book *Generation of Vipers*. In it Wylie coined the term "momism" to describe what he saw as an epidemic problem of frustrated women who smothered their children, most importantly (in Wylie's estimation) their sons, who became weak and passive as a result.\(^\text{80}\) Wylie writes, "Thus the women of America raped the men, not sexually, unfortunately, but morally, since neuters come hard by morals."\(^\text{81}\) Thus, any problems men, or even the country, faced were

\(^{79}\) Kimmel, 203.
laid at women’s feet. Considering Wylie’s choice of words its rather ironic, not to mention terrible, that, according to Peggy Sanday, by the 1950s, “male sexual aggression was considered a natural reaction to momism as men took out their hostility toward allegedly suffocating mothers on the women in their lives.”

After giving the Board of Pardons these details, McDonough asked that Stockfish not be released from prison until he had served at least two years of his three-year sentence. However, he then ended his letter requesting that Stockfish be released in six to eight months if his friends could secure a job for him. If we believe his accusers, this man was a serial rapist, yet the judge argued that he should only have to serve six months as long as he obtained a job.

The judge could have been concerned with the possible burden Stockfish would become to the State, either as a prisoner or as an indigent person, hence his focus on Stockfish obtaining employment. As Beth Bailey has argued, being out of work “undermined men’s confidence that they were able to fulfill the masculine role of provider” and Kimmel writes of the Great Depression that “never before had American men experienced such a massive and system-wide shock to their ability to prove their manhood by providing for their families.” Additionally, the judge may have believed that

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83 *Utah v. Stockfish*.
85 Kimmel, 192.
having a steady job would make Stockfish more secure in his manhood and that Stockfish would no longer need to prove his masculinity through sexual aggression.

The Stockfish case also demonstrates that the number of sexual assault cases (especially rape) heard by Utah's Third District Court likely made up only a small percentage of actual sexual assaults. As seen in this case, many victims chose not to report or to withdraw the charges, and the police and prosecutors did not always take accusations seriously. In the end, the judge in the Stockfish case showed more concern for the accused than he did for the (alleged) victims. He may have even held the women responsible for their own assaults. McDonough noted that the first woman to accuse Stockfish had not given "testimony sufficient to support the charge," but he offered no reason for her withdrawal of the charges and seems unsympathetic to the possible cause for her change of heart. He also does not mention that this case made it to a preliminary hearing. After reviewing the evidence a different judge, Judge Daniel Harrington, decided that Stockfish was not guilty and then assessed the cost of the court action to the complaining witness. Judges were inclined to believe that women's rape accusations were false. John Henry Wigmore, a noted legal scholar, wrote numerous treatises throughout the 1930s and 1940s urging judges to have complaining witnesses in rape cases psychologically examined before trial. He argued that women were likely to make false accusations in order to get attention and that these accusations stemmed from, as one psychiatrist

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86 "Defendant Freed of Attack Charge," *Salt Lake Telegram*, December 10, 1936, 8.
Wigmore cites wrote, "fantasies of being raped ... [which] are exceedingly common in women, indeed they are probably universal."87 Because of the limited information available, since the judge who wrote the letter about Stockfish focused almost exclusively on Stockfish and only mentioned the women peripherally, we do not know why Harrington, the judge in the first case, found the victim's story so unconvincing. It is possible that her chastity came into question. As Estrich has explained, "for courts and many others unchastity was relevant both to the issue of consent and to the woman's credibility as a witness (that is whether her testimony could be believed)."88 McDonough also glosses over the third case, but referred to the third woman to make an accusation as a girl, which may mean that she was underage. This could explain why sexual relations between her and Stockfish would be "unlawful." However, even though the girl reported the (alleged) assault and Stockfish admitted to "having unlawful sexual relations" with her, no case ever came before the court in regard to this charge. Perhaps the judge felt that the three-year sentence was sufficient punishment for Stockfish's interactions with Veda White and the unnamed girl. The court interviewed Veda White and decided that she had consented, again based on its belief that she was of "sub-normal intelligence." By today's standards, Stockfish would be guilty of rape because of her diminished capacity, but in 1937, the judge and county attorney ruled the opposite, that her below average intelligence implied consent instead of a lack of consent. Anthropologist Peggy Sanday found that

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88 Estrich, 47.
American courts had an ambiguous history with rape cases involving "mentally incompetent women" and that there was no legal consensus regarding consent in these cases. It is also likely that, because of the sexual double standard, the judge expected women to set the limit on sexual activity, and linked White's inability to do so to her "sub-normal intelligence." Eugenicist thinking still held sway in the late 1930s and almost certainly affected McDonough's thinking. As historian Johann Schoen has noted, "[eugenicists described] the feeble-minded's inability to control their primitive instincts ... [and] maintained that individuals who engaged in sex outside of marriage lack the self-discipline to control their sexual urges." Meanwhile, Stockfish could assault three women and only face six to eight months prison time and his behavior was explained with a discussion of his drinking, lack of employment, and upbringing.

In Utah, as in the rest of the country, courts and public opinion held women responsible for putting themselves in potentially dangerous situations. Single women who spent time alone with men, or went to secluded places with them, were typically seen as wanting sex. On July 22nd 1944, Dr. U. R. Byner was driving near the University of Utah when two teenage girls from Tahoe City, California, flagged him down screaming that five young men had raped them both. The girls had been hitchhiking when the group of boys

89 Sanday, 102.
91 Utah v. Stockfish.
92 Bailey, Front Porch to Backseat. While Bailey's focus is on white women, I think this would apply to non-white women here as well, as non-white women were often portrayed as sexually promiscuous.
picked them up. According to the girls, after picking them up the boys drove up Mill Creek Canyon, near Salt Lake City, and threatened them with a knife. The doctor and a forest service man were able to find the boys and detained them until the police arrived. Deputy Sheriff German Dean filed a complaint in the Third District Court on July 27th, charging the boys with rape and unlawful carnal knowledge. The court held the two girls, Ramona Mae O'Brien, fifteen, and Gale Sloan White, eighteen, in the Salt Lake County Jail because they had tried to leave Utah before the trial (likely to return home to California). Even though the court admitted a “rusty hunting knife” as evidence of the violent nature of the alleged attacks and acknowledged the fact that the girls were outnumbered, the defense asked for a directed verdict of not guilty based on its argument that “no sufficient evidence [existed] ... that [the defendants] used force or violence or threats of immediate and great bodily harm.” They further argued that there was no evidence that the girls “did not consent” or that they “used the utmost resistance to any force or violence.” While the judge refused to give a directed verdict of not guilty, he did instruct the jury that White should have called for help when she realized that one of the defendants, Cardinal Fernandeezess intended to have sex with her. The judge told the jury, “in determining the guilt or innocence of the defendant...you should consider failure to make such outcry at the time of the said alleged assault.” As the defense and the judge saw it, the two teenage

94 It is unclear if they tried to leave to avoid testifying or if they were simply trying to return home.
girls willingly got into a car with five teenage boys, they did not cry out for help, (though it seems unlikely anyone would have heard them considering their location), and they did not do their utmost to resist. Therefore they consented to sex.95

During this time, rape laws in the United States supported the premise that "no women can be raped against her will," and presumed that the victim was making a false accusation.96 Military law was blunt: "It has been said of this offense [rape] that it is an accusation easy to be made, hard to be proved, but harder to be defended by the party accused, though innocent."97 Rape laws also required women to resist and men to overcome that resistance with force. If the police, and later, courts, found that a woman did not show the proper level of resistance they determined that she had consented. The military law reads:

Mere verbal protestations and a pretense of resistance are not sufficient to show want of consent, and where a woman fails to take such measures to frustrate the execution of a man's design as she is able to, and are called for by the circumstances, the inference may be drawn that she did in fact consent.98

Civilian law also called for resistance on the part of women. Utah's law was simpler, stating, "Rape is an act of sexual intercourse accomplished with a female, not the wife of the perpetrator, under the following circumstances;
where she resists, but her resistance is overcome by force of violence."99

None of this was unique to Utah or the military's rape laws. As sociologist
Jennifer McMahon notes,

> the crime of rape was limited to female, non-spousal victims of
> rape committed by a male, and the essential elements of the
> crime included penile-vaginal penetration, force, and the non-
> consent of the victim... to prove force and lack of consent, there
> had to be evidence that the victim physically resisted the
> offender.100

She further notes that the "resistance requirement ...[was] unique to rape
prosecutions."101 The problem is that resistance is very subjective and
inherently left in doubt how much force was necessary for an assault to be
considered rape. For example, in her study of rape in Canada at the turn of
the twentieth century, Karen Dubinsky found that the press only portrayed
victims sympathetically when they died during an attack. Arguably, the only
victims who showed enough resistance were those who died defending their
"virtue."102

Nationally syndicated cartoons like "The Wolf" and "Male Call"
reinforced the popular belief and legal premise that women were not only
capable of resisting, but that resistance was easy (a more in depth discussion
of both cartoon series appears in a later chapter). Several cartoons depicted
women fighting off men. "Male Call" cartoonist, Milton Caniff drew a WAC

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99 The State of Utah v. George Scott Miller and Dale Molyneux, Case No. 26901, (3d.
Dis. 1945).
100 Jennifer McMahon, "A Comprehensive Examination of the State-to-State Changes in
101 Ibid
102 Karen Dubinsky, Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-
1929 (Chicago: The University of Chicago Press, 1993.)
beating up two “zoot suits” with her handbag (see figure 1).103 “Wolf” cartoonist, Leonard Sansone depicted a woman easily flipping the Wolf on his head using only one arm (see figure 2).104 These images imply that if women were not willing partners they were more than capable of taking care of themselves. Cartoons like this reinforced men’s belief that women could resist if they really wanted to and helped shift the blame from rapist to victim. Women received this message as well and likely often felt responsible for their own victimization. Using this logic, the girls in the Cardinal Fernandeezess’ case should have overpowered the men even though they were outnumbered and the men were armed. These images contributed to a cultural discourse that situated the blame with the victims. The jury instructions gave the impression that the two girls willingly had sex with the boys even though the case included many of the “aggravating circumstances” Estrich attributes to “real rape,” or cases more likely to garner guilty verdicts.105 The victims’ “contributing behavior,” hitchhiking, outweighed the aggravating circumstances. Additionally, the girls appear to be reluctant witnesses, possibly because they blamed themselves – or knew that they would be blamed. The results of the trial are not surprising: the jury acquitted all four defendants.106

105 Estrich, 5.  
106 Utah v. Fernandeezess, ital. The fifth defendant, Ferrel D. Lawrence, was listed as a defendant on the early court documents but not on the later documents, including the verdicts. He was only sixteen years old and was likely charged in juvenile court.
A woman’s resistance also had to be maintained throughout the attack, if she resisted at first but then gave up – legally she consented. In another case also involving multiple defendants, the judge offered the jury the following instruction:
You are instructed that if you believe, from all of the circumstances as shown by the evidence, that although the prosecutrix, Juanita Hagberg, was first laid hold of by force and violence but that she did not afterward resist because, in some degree, she voluntarily consented to what was then done to her, defendant so having sexual relations with her cannot be guilty of rape.107

In this particular case, the “prosecutrix” and a friend were walking down the street when a man approached them and persuaded them to go for a ride with him and two other men. After driving around downtown for a while they eventually took the girls to a secluded area near Sandy, Utah. Both of the young women, Hagberg, seventeen, and her friend, twenty-one, were deaf and mute and communicated to the men through notes. After parking, Smith, the man who had approached them on the street, and Hagberg’s friend got out of the car, leaving Hagberg alone with George Scott Miller and Dale Ellis Molyneux in Miller’s car. Miller slept while Molyneux and Hagberg “made love” and Molyneux tried to persuade her to have sex with him. Eventually Miller woke up and placed Hagberg into the back seat. Molyneux then held her hands while Miller raped her and Miller returned the favor for Molyneux. After both men were through Smith returned to the car and had sex with her as well. The men drove the women back downtown and left them on the street where the women summoned help. The state charged Miller and Molyneux

107 Utah v. Miller and Molyneux, Instruction No. 10. Susan Brownmiller briefly discusses the use of the term prosecutrix. She writes, “The term ‘prosecutrix’ stems from this time in English history when a female had the burden of instituting a civil suit in order for a rape trial to take place. Today [the 1970s, though the term was also used in the 1930s and 1940s], of course, it is the state, not the woman, that prosecutes for rape, yet ‘prosecutrix’ continues to appear with regularity in appellate briefs that are written by rapists’ defense attorneys, where it is used interchangeably with ‘complainant’ and ‘alleged victim.’ Much of the legal language is archaic, but in this instance it is hard not to conclude that the word is favored for the harsh, vindictive quality of personal prosecution that is plainly connotes.” Brownmiller, 27.
with rape, but not Smith. During the trial, the defense argued that the level of Hagberg's resistance was not sufficient and equaled consent, even though two men overpowered her. The jury must not have agreed with the defense, though: they found both men guilty. They did, however, recommend leniency. The recommendation of leniency for both defendants is perhaps a bit surprising considering the victim's disability and the fact that both men admitted to having sex with her and holding her down for the other man, and the fact that Miller admitted he had previously been "mixed up with the same thing," meaning he had been involved in a sex case before and also had stolen a car.¹⁰⁸

The court sentenced both men to be "confined and imprisoned in the Utah State Prison for a term of not less than ten (10) years."¹⁰⁹ Ten years seems fairly lenient when compared to another case, that of the State of Utah v. Jack Dirks. Dicks received a twenty-year sentence for attempted rape in 1945. The difference in the severity of the two sentences lies in the race of the men, Miller and Molyneux were white and Dirks was black. As will be discussed at length in the next chapter, the harshest sentences for rape were reserved for black men who's victims were white (and usually middle class). Estrich, points out, "between 1930 and 1967 89 percent of the men executed for rape in the U.S. were black."¹¹⁰ The difference in the length of sentences

¹⁰⁸ Utah v. Miller and Molyneux.
¹⁰⁹ Ibid.
¹¹⁰ Estrich, 107 n2.
also demonstrates how lenient the ten-year sentence was for a rape conviction.\textsuperscript{111}

Timing could also work against the victim. In \textit{The State of Utah v. Wayne Phillip Bess}, the judge gave the jury this instruction: “The Jury are instructed that, if they believe from the evidence that the prosecuting witness failed to make prompt disclosure of the alleged crime this is a circumstance against her, and tends to disprove the truth of her charge.”\textsuperscript{112} The prosecution tried to counteract this instruction with their own asking the jury to remember the victim’s age and mental condition when considering the delay in reporting;\textsuperscript{113} she was fifteen and Bess was twenty.\textsuperscript{114} In the end, the timeliness of her disclosure outweighed her young age and the jury found Bess not guilty.\textsuperscript{115} This part of rape law was not unique to Utah. Estrich discusses the rationalizations for the “fresh complaint rule.” She writes, “The justification for the rule was stated explicitly as the distrust of women victims: ‘The requirement of prompt complaint springs in part from a fear that unwanted pregnancy or bitterness at a relationship gone sour might convert a willing participant in sexual relations into a vindictive complaint.”\textsuperscript{116} As Estrich argues, by “adopting and enforcing the most insulting stereotypes of women victims of simple rapes, they have enshrined distrust of women in law… and

\textsuperscript{111} Utah v. Miller and Molyneux; The State of Utah v. Jack Dirks, Case No. 12484, (3d. Dis. 1945).
\textsuperscript{112} The State of Utah v. Wayne Phillip Bess, Case No. 12014, Defendant’s Request No. 4, (3d. Dis. 1943).
\textsuperscript{113} Utah v. Bess, Instruction No. 6.
\textsuperscript{115} Utah v. Bess.
\textsuperscript{116} Estrich, 54.
ensured that rape trials would indeed be real nightmares for the women victims."\textsuperscript{117}

Even when the court found men guilty of rape, it did not always sentence them to prison time. For some the military became a way out of a prison term, even before the United States entered the war, but this likely increased during the war because the need for servicemen increased exponentially.\textsuperscript{118} According to an article in the \textit{Rich County News}, the Selective Service Regulations barred men from service who had been convicted of "certain heinous crimes." These crimes included "treason, murder, rape, kidnapping, arson, sodomy, pandering, any crime involving sex perversion, or any crime involving illegal dealing in narcotics or other habit-forming drugs."\textsuperscript{119} However, the Third District Court sometimes suspended sentences for the crime of rape so that the defendant could enlist.

On November 14, 1942, Mrs. Clara Harmon filed a rape complaint against George Rex Barney. In early January 1943, he was found guilty and sentenced to "be confined and imprisoned in the Utah State Prison for a term of not less than one (1) year nor more than ten (10) years." The court then ordered that the "execution of said sentence is suspended upon condition that the defendant enter the armed forces...and for such a time as the defendant

\textsuperscript{117} Estrich, 56.
\textsuperscript{118} I could not find statistics on how frequently men were given this option. It may not have always left physical records behind so it is impossible to know. There were a few cases of it in Utah, but it must have also happened in other states. The practice did not go unnoticed as an editorial about it appeared in the \textit{Salt Lake Telegram}. It also appeared in wartime fiction, for example, it ended Chester Hime's \textit{If He Hollers Let Him Go} (New York: Thunder's Mouth Press, 1945).
is in said armed forces." Even though the military said that they would not accept convicted rapists, courts sometimes gave them the option of enlisting. In fact, there has been a longtime link between fighting and heterosexual aggression. The judges in these cases may have actually thought these men's sexual aggressiveness would have made them better soldiers, an idea reinforced in popular culture. In the end, military service did not offer Barney a way out of prison. On February 20th, 1943, the court remanded him to the State Prison.

Cases like Barney's did not go unnoticed. The Salt Lake Telegram published an editorial about this case and drew comparisons to another rape that occurred in downtown Salt Lake City, involving a soldier, Francis Line. The court initially charged Line with the rape of a fourteen-year-old girl, but the charge was later changed to unlawful carnal knowledge. According to the Telegram, Elsie LaRue Perkins told her mom that Line had offered her some candy and then dragged her into a vacant lot and raped her. Her mother reported the crime to police and they tracked him down on the air base. Line had already confessed the crime to a chaplain and was being held in the guardhouse. According to the article, Line told police that he wanted to marry the girl. Line eventually plead guilty to unlawful carnal knowledge, which is where the court record ends. However, the Salt Lake Telegram offered the end of the story. The judge gave Line a one to five year sentence, but then

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122 The record does not mention why Barney did not join the military.
suspended the sentence on the condition that the Army take him back. The Army transferred Line to Tucson, Arizona, but, as the editorial put it, "the suspended sentence and the change of scenery didn't change Line's character."\textsuperscript{123} Less than three months later he was sentenced to death after raping a girl there. The editor expressed concern with the "present alarming increase in sex crimes," and stated that the judges of the Third District Court should have learned their lesson from the Line case, arguing that, "obviously... suspending a sentence isn't the answer; and certainly such a penalty will be no deterrent to other rapists in the city... we need far more drastic action against proven sex criminals than has been evidenced to date in the sentences handed down by our courts."\textsuperscript{124} Not everyone agreed with the \textit{Salt Lake Telegram}, clearly the judges in these two cases felt the need for soldiers outweighed other considerations.

While the upheaval of the war years contributed to the increase in the number of rape cases reported, the manner in which the criminal justice system handled the cases also factored into the increase. By allowing men to swap a prison sentence for military service the courts just relocated rapists to a new town where they could offend again. And by showing more compassion to rapists than their victims the courts compounded victims' trauma and privileged men over women.

\textsuperscript{123} "No Answer to Sex Crime," \textit{Salt Lake Telegram}, January 6, 1943, 6.
\textsuperscript{124} \textit{Ibid.}
Rape and Race in the Mid-Twentieth Century: Sexual Violence in Norfolk, Virginia

This chapter begins with a brief discussion of WWI and an overview of the impact WWII had on the city of Norfolk, Virginia and the surrounding. The biggest challenge to Norfolk during the Second World War was overcrowding, which led to numerous problems including an increase in crime. Much of the overcrowding was caused by the massive presence of the armed forces, which brought along with it the usual social problems, such as prostitution and venereal disease. After this overview I turn to a more specific discussion of rape in the area in the years leading up to and during the war. In contrast to the Salt Lake City chapter, I have chosen to look at rape through the point of view of the African American community in Virginia. Norfolk’s African American newspaper, the New Journal and Guide, offers the most accessible window into the African American community during the late 1930s and early 1940s. This decision led me to focus my attention on not only rape but on other issues bound up with rape in this period, namely lynching and the death penalty. While closely following local events, the Guide also reported on
national (and sometimes international) stories, which necessitated a wider view. So while I focus on Norfolk in this chapter, I followed the Guide’s lead to place the discussion of lynching and the death penalty into a larger context.

Unlike Salt Lake City, Norfolk did not enthusiastically persuade war industries to make a home in their city during WWI. Norfolk had experienced explosive growth during WWI and was not eager to repeat it. However, before the First World War, Norfolk boosters had sought out Naval installations, hoping this would be a stimulus for heavy industry in the Hampton Roads area. The Navy was disinterested until the war created a need and they established a new Norfolk Naval Operating Base. While the city had lobbied for the Navy, they did not really anticipate just how large an impact it would have. Along with establishing several new army and naval bases, the military refurbished and expanded existing bases. The city’s population nearly doubled, going from 67,000 in 1910 to 130,000 in 1917. This “human tidal wave” needed housing, food, transportation, and entertainment options. The war ended before the city had adequately dealt with these issues. After the war, more than half of the city’s streets remained unpaved and the city still needed “public docks, a new market, armory, convention center, schools and playgrounds.” Along with the housing shortage came an increase in vice and social disorder. As Pippa Holloway

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127 Linder, 46-53.
128 Holloway, 168.
129 Parramore, Norfolk: The First Four Centuries (Charlottesville: University Press of Virginia, 1994), 289.
130 Parramore, 293.
notes, by the end of WWI the city became known for its "immoral indulgences."\textsuperscript{131}

While city officials tried to reform the city during the war and deal with its vice issues, they quickly lost interest once the war was over. They decided the best course of action would be to establish segregated vice districts. The largest vice district was located at East Main Street. According to Holloway, "an estimated four hundred women worked as prostitutes under the stipulation that they have their health checked every week, carry a card certifying a clean bill of health, and not work outside that area at night."\textsuperscript{132} Brothels had to jointly lease buildings that could be used as quarantine for any of their employees who contracted a venereal disease.\textsuperscript{133}

World War II Norfolk was even more tumultuous than the city during WWI. Even before the United States entered the war, the Navy Department was allocating millions of dollars to the Norfolk Naval Base and Navy Yards, and spending millions more a year on a payroll of 15,000 men.\textsuperscript{134} According to Thomas J. Wertenbaker, "The hard times of the early thirties were forgotten in the glow of a new prosperity."\textsuperscript{135} But hard times were not completely forgotten. The enthusiasm of the city's residents was tempered with concerns over the possibility of a return to the conditions of the Great Depression or that the city's services would be overwhelmed by whirlwind growth as had happened during WWI. The anxiety over a population boom proved

\textsuperscript{131} Holloway, 168.
\textsuperscript{132} Holloway, 169.
\textsuperscript{133} Ibid.
\textsuperscript{134} Wertenbaker, 345.
\textsuperscript{135} Wertenbaker, 347.
warranted. By 1941 the population of Norfolk had again doubled. The majority of the migrants to Hampton Roads were white. Between 1940 and 1947 the increase in the white population was almost three times that of non-whites with the white population increasing sixty-nine percent, while the non-white population increased twenty-three percent. The percentage of non-whites in the total population actually dropped during the war, down to 28.3 percent in 1944 from 33.2 in 1940. The presence of military personnel added to the congestion. The number of military personnel stationed in the Hampton Roads area peaked in December 1943, with 117,323 in the Navy and 51,089 in the Army.

The most pressing problem brought by the population boom was a lack of sufficient housing. Wertenbaker notes, “Admiral Taussig reported that thousands of Navy men were forced to live in disgraceful conditions, as many as three or four often being crowded into a single room and at times several families sharing a single bath.” Rent increased tremendously, jumping 16.4 percent between 1939 and 1941, and it was not uncommon for one person to rent a room during the day and another to rent the same room at night. Even before the war the housing situation was bleak, especially for black Norfolksians. Many of the buildings that had been built during the turn of the

136 Ibid.
138 Kernodle, 80.
139 Kernodle, 78.
140 Wertenbaker, 348.
century had deteriorated and much of the population lived in slums. Little was done during the war to help relieve the housing situation for the African American population.

The city faced many problems beyond the lack of housing. There was a shortage of schools and hospital beds and the water supply could not meet needs. Between 1939 and 1941, the cost of living increased by 17.9 percent, which was the second highest increase in the U.S., significantly higher than the nationwide increase of 12.1 percent. Transportation was also a huge issue. Gasoline was heavily rationed so people were dependent on public transportation. It was not uncommon for one to wait at a bus stop while bus after bus passed, too full to take on even one more passenger. Sailors would even climb on top of streetcars or hang off the rear.

Norfolk also became the stomping ground of soldiers on leave from nearby Camp Pendleton and Fort Story. According to the Virginian-Pilot, "We have both the Army and the Navy with us and there are times when we have 10,000 to 15,000 soldiers and sailors on our streets." Wertenbaker argued that recreational options for sailors and soldiers were "vitally important" as most of them "were mere boys and if there were not enough playing fields, not enough parks, not enough social centers, no auditoriums, it was inevitable

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142 Lewis, 169.
144 Lewis, 169.
145 Wertenbaker, 348; Lewis, 172.
146 Wertenbaker, 350.
147 Virginian Norfolk Pilot. July 19, 1941.
that many would gravitate to the disreputable houses on East Main Street.\textsuperscript{148} Concerned citizens formed committees in order to provide entertainment for soldiers and began holding dances as early as December 1940. They had a hard time getting local girls to attend dances that were held for sailors, but found it easier to get them to come to dances for soldiers.\textsuperscript{149} This is suggestive of the tension that existed between service members and the civilian community. Marvin Schlegal notes that the same tension existed between sailors and civilians in the African American community as in the white community. He notes that “Negro sailors, like the whites, got drunk and brawled with civilians. Negro night clubs had so much trouble that they refused to admit a man in uniform unless he was vouched for by a civilian... Since Negro civilians had few entertainment spots to boast about, Negro sailors had even less.”\textsuperscript{150}

Along with the overcrowding came an increase in crime. Schlegal describes the troubles the city faced in the especially difficult summer of 1943. Schlegal suggests that the newcomers “stirred perhaps by the self-destruction the world seemed bent [on]... seemed to be swept into violence and sudden death.”\textsuperscript{151} He goes on to describe unhappy girls throwing themselves off ferries and “unbalanced servicemen dealing death to others.”\textsuperscript{152} A group of sailors even started a riot at a known trouble spot the

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\textsuperscript{148} Wertenbaker, 350.
\textsuperscript{149} Wertenbaker, 352.
\textsuperscript{150} Marvin Schlegal, \textit{Conscripted City: Norfolk in World War II} (Norfolk: Norfolk War History Commission, 1951), 317.
\textsuperscript{151} Schlegal, 272.
\textsuperscript{152} Ibid.
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Merry Gardens after being accused of “putting their hands on someone else’s girls.” The girl in question ended up in the hospital and lost most of her clothing in the riot.\textsuperscript{153}

Crime rates in most of the cities in the Hampton Roads area doubled during the war -- and in some even tripled. Arrests in Newport News went from 6,353 in 1939 to 38,377 in 1942, which was an increase of over 500 percent. According to James E. Pate, “the greatest increase in arrests were for ... the kinds of offenses that tend to be characteristic of a transient, unstable population.”\textsuperscript{154} R Wayne Kernodle compared the crime rates of cities around the United States and “found that Norfolk was one of the ‘most criminal’ of the major cities in the nation.”\textsuperscript{155} Arrests in Norfolk peaked in 1942 and reached their nadir of the war years in 1945. However, jail commitments increased in 1945 because any of the crimes committed were more serious in nature.\textsuperscript{156}

It did not help that the police force was horribly understaffed. For example, Norfolk County only had nineteen officers to deal with a population of 35,000. The police force stayed that size even after the “population doubled and the problems tripled.”\textsuperscript{157} Norfolk actually lost municipal employees like police, firefighters, and garbage collectors to the draft or to

\textsuperscript{153} Schlegal, 272-273.
\textsuperscript{154} He listed the following crimes as being characteristic of transient populations: “such offenses as drunkenness, disorderly conduct, reckless driving and speeding, vagrancy, housebreaking, robbery from person, grand larceny, assault, prostitution, and being a fugitive from justice.” James E. Pate, “Public Safety,” in Marsh, \textit{Hampton Roads Communities}, 252.
\textsuperscript{155} Kernodle, “The War and the Community,” 138.
\textsuperscript{156} Pate, 252.
\textsuperscript{157} Schlegal, 276.
higher paying jobs in war industries.\textsuperscript{158} Lack of adequate jail space was another barrier to local law enforcement. Officers were reluctant to make arrests because there was no place to put criminals, especially female offenders.\textsuperscript{159} According to James E. Pate, "even calloused policemen object to the incarceration of women in overcrowded, unsanitary jails."\textsuperscript{160}

Adding to the problem was the fact that the state closed the Norfolk County Jail because of poor operation and incredibly unhealthy conditions. Prison officials there sometimes held prisoners months without trial, stole money from them, and apparently, "Norfolk County police officers quite often held all night orgies with the prostitutes confined in the jail."\textsuperscript{161} The \textit{New Journal and Guide} quoted Dr. J. C. Sleet, Norfolk's Health Commissioner, who spoke of the overcrowding problem as early as 1941, "[he] said that the jails were 'full of these women' and the city farm is filled, but still they [prostitutes] operated on the streets, beaches and in the woods."\textsuperscript{162} The \textit{Guide} noted that dealing with the issue of prostitution was complicated by the fact that "for every prostitute arrested, we have to release one from jail to make room for the newcomer."\textsuperscript{163}

It is largely due to these difficulties that Pippa Holloway has argued that Norfolk is the perfect place to study governmental attempts to control sexuality during WWII. The national press began printing articles early in the

\textsuperscript{158} Wertenbaker, 359.
\textsuperscript{159} Pate, 255.
\textsuperscript{160} Pate, 256.
\textsuperscript{161} Pate, 259.
\textsuperscript{162} "Vice Increase In Defense Area Is Creating Problem," \textit{New Journal and Guide}, August 23, 1941, 10.
war pointing out Norfolk's inadequacies and dubbed the city "Our [America's] Worst War Town." Holloway argues that the attention paid Norfolk was more about selling magazines than about Norfolk, but as a result, "Norfolk became nationally known in the early years of the war as a city of rampant vice with few redeeming features." The bad press coupled with a sudden increase in the number of venereal disease contractions among sailors, brought the attention of federal public health officials to the area. Surgeon General Thomas Parran ignored the advice of many in the medical profession and insisted that Norfolk close its segregated vice district. City officials were reluctant to do so, but eventually bowed under pressure from Parran. However, closing the vice districts did little to discourage prostitution, which continued to flourish in Norfolk.

Of course, wherever servicemen went, prostitution flourished. Kenneth D. Rose has written about the prevalence of prostitution in warzones. He writes, "guilty consciences and fears [of] venereal disease did little to discourage servicemen from the pursuit of sex." He described soldiers as more the sex-starved occupiers and less the "clean-living crusader for democracy" as was their cultivated public image in the United States. For example, in Naples, Italy, whose citizens were dependant on the black market even for necessities, an estimated 42,000 women turned to prostitution for

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164 Holloway, 167.
165 Holloway, 170.
166 Ibid.
survival and American soldiers frequently took advantage of this situation.\textsuperscript{167} In Hawaii, service members willingly faced public ridicule and waited hours in line to spend three minutes with a prostitute.\textsuperscript{168}

In both of the above examples, the proximity to the warzone and combat experience likely played a role in the men’s drive for sex. For some of these men sex offered an emotional outlet and may have even been life-affirming. On the other hand, Thomas Parran, Public Health Service officer and Surgeon General of the United States, argued that the assumption that servicemen would be sexually promiscuous drove them to be promiscuous. They would feel pressure to be so in order to meet expectations. Especially when the wantonness was linked to their masculinity and their ability to be good soldiers.\textsuperscript{169} Henry Elkin argues that the prevalence of easy women put more pressure on men to have sex, basically because they could, and if they did not take advantage of the situation their masculinity and sexuality would come into question. Therefore, as Elkin put it, “‘Women-chasing’ thus became a distinguishing feature of the G.I.’s reputation wherever he went.”\textsuperscript{170} Elkin goes as far as to suggest that the sexual experiences of soldiers were less about the experiences themselves and more about proving himself – to himself and other men. He writes, “a connection with a woman, however


\textsuperscript{170} Henry Elkin, “Aggressive and Erotic Tendencies in Army Life,” \textit{American Journal of Sociology}, Vol. 51. No. 5, Human Behavior in Military Society (Mar., 1946): 412. Elkin notes that his article was based on his personal experience in the military during WWII.
shabby and perfunctory, was recounted in an adventurous spirit and in terms that never failed to do credit to the subject's virile capacities."\textsuperscript{171}

Elkin believed that the "prolonged stay in the Army, coming [after] a sharp break with civilian life, doubtless affected the personalities of several million American men."\textsuperscript{172} He argued that the anonymity of being in the military was both a comfort and dehumanizing at the same time. He believed that in earlier wars soldiers had a more positive view of themselves and their status as soldiers. Perhaps this has something to do with the incredible number of men in uniform during WWII and the fact that the military reduced men in uniform down to their serial number. Men were no longer individuals; they were "government issue" just like all other war materiel. Beyond being dehumanized by the military they also lost control over almost every aspect of their lives and had to blindly follow orders. Elkin believed that this led men to rebel during their free time, not only against military restrictions, but also a lifetime of restrictions they felt in polite society. Elkin argued that this helps explain the colorful vocabulary of the average servicemen.\textsuperscript{173} I would push this argument a bit further and say it also helps explain their treatment of women outside their home community -- not just prostitutes, but all women servicemen came across while off duty. Their newfound freedom from both parental/familial and community control contributed to their use of prostitutes and the increase in sexual violence.

\textsuperscript{171} Elkin, 412.
\textsuperscript{172} Elkin, 408.
\textsuperscript{173} Ibid.
As in all areas with an excess of servicemen, prostitution flourished in Norfolk. The *New Journal and Guide* reported, that in Norfolk, “1,000 arrests for prostitution were made in the first six months of 1942 with 990 court convictions. More than 200 girls, most of them with venereal diseases, are being arrested each month now. A large percentage of these are colored women.”\(^{174}\) Rose describes prostitution in Norfolk this way:

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\text{Every night, 12,000 sailors crowded into Norfolk looking for liquor and women, and the locals happily provided them. Venues for prostitution ranged from the 50-bedroom 'service man's stockade' outside of town to an alley with 'a quilt spread on the brick pavement between garbage cans' where a prostitute plied her trade for a dollar a trick.}\(^{175}\)
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The nicest hotels hired on “house detectives” who policed them in order to keep unmarried couples from occupying the same room, but bell boys would often smuggle girls into rooms, and cheaper establishments paid no attention when sailors brought girls in and rented a room for an “hour of love.”\(^{176}\) According to Holloway, there were places in Norfolk where African American streetwalkers only charged a quarter,\(^{177}\) which was cheap even by 1940s standards -- though this is not too surprising considering that African American prostitutes have historically been relegated to the bottom rung of the prostitution hierarchy, to the most dangerous and lowest paid work.

Higher up in the hierarchy were ‘taxi-girls,’ who rode around in the front seats of cabs. The drivers would pick up a sailor or a carload of sailors, park

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\(^{175}\) Rose, 91.


\(^{177}\) Holloway, 169.
somewhere that offered a little privacy, and then make themselves scarce. They would charge up to eight dollars per sailor, which would be split between the ‘girl’ and the cab driver 50/50.\textsuperscript{178} As a point of comparison, in Honolulu at the height of the prostitution market, brothels charged three dollars for three minutes, which was profitable for brothels because of the incredibly high volume of business.\textsuperscript{179} As Holloway has pointed out jobs in the safer brothels with better access to health care were mostly reserved for white prostitutes.\textsuperscript{180}

As in Salt Lake City, much of the concern over prostitutes and promiscuous women was focused on newcomers. R. Wayne Kernodle offers an explanation for why these “outsiders” may have been more likely to participate in behavior that ran contrary to social norms. Some women migrated to Norfolk to find work in war industries, or because husbands or other family members found jobs or were stationed there with the military. According to Kernodle, many women migrated there to be closer to men. That is, as the draft and the pull of war industries drained men from many towns, women in those towns decided to migrate to areas like the Hampton Roads in search of male companionship. These women were also motivated “by a desire for new experience.”\textsuperscript{181}

\textsuperscript{178} Schlegal, 328.
\textsuperscript{179} Bailey and Farber, 101.
\textsuperscript{180} Holloway, 169.
Single (and sometimes married) women who migrated alone were already breaking social norms by leaving their family and community and would more likely to continue defying expectations. As Kernodle writes,

In such an area [as Hampton Roads] it might be expected that individuals would make their adjustments in various ways and that these adjustments would sometimes cause a change in their usual behavior pattern. The fact that quite a few men and women did exhibit unconventional types of behavior indicated a desire or willingness on their part to break away from normative patterns of behavior. In the Hampton Roads-Peninsula area where both men and women were living in non-family institutions and where community controls were relaxed, the sexual life flowed in unconventional channels. The wholesale lot of hasty marriages ... and the increase in promiscuity and prostitution indicate such behavior.\textsuperscript{182}

Kernodle notes that there was a large increase in the number of women arrested on morals charges and that many of the women arrested for prostitution were not professional prostitutes, but instead supplemented their incomes through relationships with servicemen.\textsuperscript{183} While these women might benefit from these relationships, they were also risking running afoul of the authorities.

Marilyn Hegarty discusses the tendency of authorities in Norfolk to harshly judge promiscuous women and prostitutes while excusing the behavior of their male companions. Police officers and journalists often referred to the women as “sluts,” “wenches,” and “rotten apples,” while calling the service men “boys” and noting that they felt sorry for the boys who fell

\textsuperscript{182} Kernodle, “Premarital, Marital, and Family Relationships,” 110.
\textsuperscript{183} Kernodle, “Premarital, Marital, and Family Relationships,” 111.
victim to these women.\textsuperscript{184} Hegarty describes one such incident: “Both engaged in intercourse in a crude public place [on “a quilt spread on the brick pavement between two garbage pails... an old coca-cola sign providing the only privacy,”] but the ‘boy’ (another innocent victim?) got compassion and a ride home; the ‘wench’ went to jail.” The “wench” in this situation was described as being a “Negro woman.”\textsuperscript{185}

The African American press noted the difference in the way law enforcement treated black and white prostitutes. An article in 1942 claimed the government would provide "equal treatment" for white and African American women, though they would have separate facilities. The \textit{Guide} wrote, “There will be no differentiation in the treatment of whites and colored as there was in the past. The rule, it would seem, had been hospitalization for the whites and jail sentences for the Negroes.”\textsuperscript{186} This was sometimes not the case, for as Holloway notes, African American women were released from jail in order to make room for white women.\textsuperscript{187} Either way, the city devoted its limited resources for controlling and treating venereal disease in the white community.

Not surprisingly, African American Virginians also had a very different, and arguably more complex, view of rape and sexual assaults than their white counterparts. The African American community in Norfolk was well aware of

\textsuperscript{185} Ibid.
\textsuperscript{187} Holloway, 175.
the historic link between rape and lynching.\textsuperscript{188} Between 1882 and 1930, the years with the most reliable numbers, an estimated 4,761 people were lynched in the United States.\textsuperscript{189} Of those 3,386 were African Americans and 104 occurred in Virginia, which includes sixteen white and eighty-eight black victims.\textsuperscript{190} Virginia was far behind the two states that led in lynching, Mississippi with 545 (500 black and forty-five white) and Georgia with 508 (474 black and thirty-four white).\textsuperscript{191}

While black men made up the majority of lynch victims, mobs also lynched black women. Between 1880 and 1965, at least 150 women fell victim to mob violence, the majority of them, 130, before 1930.\textsuperscript{192} Lynching declined but continued throughout the 1930s. According to the \textit{Journal and Guide}, there were twenty-eight lynchings in 1933,\textsuperscript{193} sixteen in 1934,\textsuperscript{194}

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\bibitem{188} Jacquelyn Dowd Hall defines lynching as “an illegal and summary execution at the hands of a mob, or a number of persons, who have some degree the public opinion of the community behind them.” She further notes that “in 1937, the major anti-lynching reform organizations agreed upon a revised definition of lynchings as ‘death... at the hands of a group acting under the pretext of service to justice, race, or tradition.’” Jacquelyn Dowd Hall, \textit{Revolt Against Chivalry: Jesse Daniel Ames and the Women’s Campaign Against Lynching} (New York: Columbia University Press, 1979), 139. 302n23. Evelyn M. Simien defines lynching as a term “used to denote hanging and other types of executions carried out with inhumane cruelty by self-appointed mobs to assert the supremacy of white masculinity for a presumed offense. Such offenses included, but were not limited to arson and poisoning, as well as burglary and self-defense. Allegations of rape involving Black male offenders and white female victims resulted in cruel and unusual punishment – specifically, castration – and figure most prominently in narrow discussions of lynching that make the sole image of African American men as primary targets.” Evelyn M. Simien, ed., \textit{Gender and Lynching: The Politics of Memory} (New York: Palgrave MacMillan, 2011), 4.
\bibitem{189} Hall, 134-135.
\bibitem{190} Ibid. In the same period nine people were lynched in Utah, three blacks and six whites, and thirty white people were lynched in Washington State.
\bibitem{191} Ibid.
\bibitem{192} Simien, 2.
\bibitem{194} Ibid.
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twenty in 1935,195 eight each in 1936 and 1937,196 six in 1938,197 and three in 1939.198

While some anti-lynching advocates, including Jesse Daniel Ames, leader of the Association of Southern Women for the Prevention of Lynching declared 1940 a "lynchless year,"199 the Guide claimed that there were five lynchings that year.200 Either way, the occurrence of lynchings continued to decline during WWII. After the war, as Jacquelyn Dowd Hall notes, "public lynchings, announced in papers, openly accomplished, and tacitly condoned, no longer haunted the land."201

Virginia got its lynching under control earlier than many states in the South. The Governor and the legislature realized they needed to act decisively after two lynchings occurred in 1926 and 1927. In one of the cases, the lynch victim was known to be innocent of the crime he had been accused. As a result a strong anti-lynching bill was introduced and passed into law in 1928. Once the law was in place there were no further documented lynchings in Virginia.202 However, according to Lisa Lindquist Dorr, there were two more lynchings, one in 1932 and one in 1935, where black men's deaths were ruled

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196 Ibid.
suicides even though they had been on the run from mobs when their bodies were found hanged.\textsuperscript{203}

Rape accusations had long been used to justify lynching in the American South. Gail Bederman notes that the myth of the black rapist dates back to the late 1880s.\textsuperscript{204} She argues that,

Lynching, as whites understood it, was necessary because black men were uncivilized, unmanly rapists, unable to control their sexual desires... most white Americans believed that African American men lusted uncontrollably after white women, and that lynchings occurred when white men were goaded beyond endurance by black men's savage, unmanly assaults on pure white womanhood.\textsuperscript{205}

Ida B. Wells-Barnett made this connection the central focus of her anti-lynching campaign in the late nineteenth and early twentieth centuries. Wells, along with other black feminists, such as Anna J. Cooper, Mary Church Terrell, and Pauline Hopkins, argued that "lynching, while often rationalized by whites as punishment for the rape of white women, more often was perpetrated to maintain racial etiquette and the socioeconomic and political hegemony of the whites."\textsuperscript{206} While Wells-Barnett's campaign revealed the falsehood of the myth, it continued to operate as an excuse for lynching well into the twentieth century. The fact that women were also lynched further disproves the myth and again demonstrates that lynchings usually served as a punishment for

\textsuperscript{205} Bederman, 46.
undermining the social order.\textsuperscript{207} As Evelyn Simien eloquently puts it, "lynching... constituted a form of domestic terrorism that inflicted individual harm upon the African American male [and female] and collective injury upon an entire race of people simultaneously, with the purpose of instilling fear."\textsuperscript{208}

Lynching was not only a form of direct punishment for perceived transgressions against social code, but also functioned as a spectacle meant to reinforce the existing racial and gender hierarchies. So though lynchings declined in the early twentieth century their effect as spectacle grew because of the increase in mass media, in the form of graphic newspaper coverage and the use of photography. Images of lynchings spread not only because news of them was published in newspapers, but informally as well, through postcards and photos sent in the mail. Therefore, a small-town lynching could reach a national audience – both black and white. Fewer lynchings were necessary to reinforce the existing social order when the spectacle of it reaches a greater audience.\textsuperscript{209} As Hall writes, "A penis cut off and stuffed in a victim’s mouth. A crowd of thousands watching a black man scream in pain. Such incidents did not have to occur very often, or be witnessed directly, to be burned indelibly into the mind."\textsuperscript{210}

As Evelyn Brooks Higginbotham argued, "violence figured preeminently in racialized constructions of sexuality. From the days of slavery, the social construction and representation of black sexuality

\textsuperscript{207} Simien, 3.
\textsuperscript{208} Simien, 5.
\textsuperscript{209} My discussion of spectacle has been informed by Michel Foucault’s \textit{Discipline and Punish: The Birth of the Prison} (New York: Vintage Books, 1977, 1995).
\textsuperscript{210} Hall, "The Mind That Burns...,” 331.
reinforced violence, rhetorical and real, against black women and men.\textsuperscript{211} I would add that violence is also an important part of the construction of white sexuality, both male and female. Part of white middle class female sexuality is the presumption of vulnerability and part of white male sexuality is the presumption of aggressiveness, both sexual and otherwise. While white women often participated in lynch mob violence, it was their perceived frailty that served as a defense of lynch mobs. As Hall has persuasively argued, "white women were the forbidden fruit, the untouchable property, the ultimate symbol of white male power."\textsuperscript{212} Hall points to Claude Levi Strauss's insight "that men use women as verbs with which to communicate with one another," so that rape of a women can be seen as a message of domination of one man (the rapist) over another man (the victim's male family members, or in this case, all male members of her race).\textsuperscript{213} Therefore, when black men transgressed racial rules whether it be by trying to vote or failing to call a white man "Mr.," it "conjured up the image of black over white, of a world turned upside down" and could be seen as a threat to white male domination, which again finds its most powerful symbol in white womanhood – something white men saw themselves controlling and whose masculinity was bolstered through its protection.\textsuperscript{214}

Sondra Guttman refers to rape and lynching as "twin threats" because, through the myth of the black rapist, black men became vulnerable to

\textsuperscript{211} Higginbotham, 263-264.
\textsuperscript{212} Hall, "The Mind That Burns...," 334.
\textsuperscript{213} Ibid, 332.
\textsuperscript{214} Ibid, 334-335.
lynching and black women become more vulnerable to rape, because through the
focus on protecting white womanhood as "the desirable and inaccessible
symbol of white power and culture [white women]... concealed the sexual
victimization of black women."\textsuperscript{215} That is, the justification of lynching rested on
fabrications of "the rapes of white women while erasing the actual rapes of
black women."\textsuperscript{216}

By focusing on rape and lynching the \textit{New Journal and Guide},
Norfolk's black newspaper, demonstrates the knowledge that historically
racism has been sexualized. Even when no rape accusation presaged a
lynching, it was used as an excuse to ignore the prevalence and injustice of
lynching. In fact, as Wells argued, while the common belief was that the
majority of lynch victims had been guilty of raping white women, most cases
did not in fact stem from a rape accusation.\textsuperscript{217} Paisley Harris notes that Wells-
Barnett got little credit for her anti-lynching campaign and that "the public saw
male academics and the NAACP as the new experts on lynching," and the
(the "experts") co-opted her argument about rape, but rarely gave her any
credit for it.\textsuperscript{218}

\textsuperscript{215} Sondra Guttman, "What Bigger Killed For: Rereading Violence Against Women in \textit{Native
\textsuperscript{216} Guttman, 182.
\textsuperscript{217} Enoc P. Waters, Jr., "Some Plain Talk About Lynching for Washington," \textit{New Journal and
Guide}, Jan. 5, 1935, 18. Waters wrote that Homicide "has been the most popular cause; rape
comes next."
\textsuperscript{218} Paisley Harris, "Gatekeeping and Remaking: The Politics of Respectability in African
217. Walter White of the NAACP and Jessie Daniels Ames from the Association of Southern
Women for the Prevention of Lynching both focused much of their efforts to end lynching
using Wells strategy and trying to undermine the pro-lynching arguments involving the myth
of the black rapist, as discussed by Hall, in "The Mind That Burns...," 334.
Several articles in the *Guide* discussed trends in lynchings in the late 1930s and 1940s often citing these experts. One article notes that of the five men lynched in 1940 (four of whom were black and one white), only one had been accused of attempted rape.\(^{219}\) Another article reported that lynching had begun to decline in the mid-1930s, likely in response to the possibility of the passage of a federal anti-lynching law. That article also mentioned that “Only 2 victims were actually accused of being rapists.”\(^{220}\) While another article printed the same day contradicts this headline, the focus on the link between rape and lynching is revealing.

By highlighting rape in the way they did they were really calling attention to the fact that most lynchings have little to do with actual rape cases and far more to do with the white public trying to justify lynching or turning a blind eye to lynching. The article goes on to quote Walter White, NAACP secretary, who points out that the drastic decline – in fact a cessation of lynching – occurred when it looked like Congress was about to pass a federal anti-lynching law. As with Wells’ anti-lynching campaign the focus was less on the people actually perpetrating the lynchings and more on those who ignored the problem and tacitly let lynching continue. It was crucial to get

\(^{219}\) “Lynch Figures Take Upward Turn First Time in Years,” *New Journal and Guide*, Jan. 4, 1941, 1 and 10. The other men had been charged with the following crimes; wife beating and drunkenness, attempting to qualify to vote, an altercation with a white man, and failure to refer to a white man as Mr. The article also noted that, “A total number of 28 persons – four white men, two Negro women, and 22 Negro men – were thus saved from the hands of mobs.”

\(^{220}\) “Threat of Federal Law Seen As Causing Forty-Three Percent Decline In Lynching,” *New Journal and Guide*, Jan. 5, 1935, 1. Another article published the same day contradicts this one, it reported that there were fifteen lynchings (as opposed to the sixteen the NAACP lists in this article) four were the result of attempted rape accusations and two from rape accusations. “Tuskegee Institute Reports 15 Lynchings,” *New Journal and Guide*, Jan. 5, 1935, 9.
white people, especially those outside of the South, to see and to acknowledge that black men were lynched not because of their threat to white womanhood but because of their threat to white manhood. It is therefore not surprising that the Guide would focus on the fact that many of the men lynched were lynched for doing things like: “knocking down a white man,” “talking disrespectfully to a white man,” having “an altercation with a white man,” “failure to refer to a white man as ‘Mr.,’” or “attempting to qualify to vote.” The Federal Council of Churches in America’s department of race relations maintained that the “real causes of lynchings are ‘ignorance, fear, prejudice, and misunderstanding.’”

The Guide also quoted, at length, pro-lynching rationalizations of U.S. Senator Cole L. Blease of South Carolina, who stood stubbornly by the old justifications, “Whenever the Constitution comes between me and the virtue of the white women of South Carolina, I say to hell with the Constitution!” Blease get much closer to the true impetus behind lynching when he went on to say, “White supremacy and the protection of the virtue of the white women of the South comes first with me” (emphasis mine).

The Guide also reported on how Southern Congressmen did what they could to hide the truth about lynching in order to keep selling the fiction that

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223 Ibid.
224 Ibid.
lynching was needed to protect white women from black men.\textsuperscript{225} One editorial argued that after the Southern Commission on Interracial Cooperation published its study on the causes of all of the lynchings that had occurred after Congress killed the Costigan-Wagner anti-lynching bill\textsuperscript{226} and found that the majority of lynch victims had been accused of no crime, there had been a concerted effort on the part of white southerners to stage several fake rape accusations-cum-lynchings in order to bolster up their old lynching-protects-white-women fiction.\textsuperscript{227}

Another editorial put an even finer point on it. Gordon B. Hancock argued that "there is the fear of the dominant white man, who verily believes that the Negro is a menace to the white man's racial integrity and to white supremacy."\textsuperscript{228} Hancock exclaimed, "Lynching is not a problem of rape! Dr. Raper holds that one sixth of the total of Negroes lynched since 1882 has

\textsuperscript{225} "No Lynching Inquiry," \textit{New Journal and Guide}, Apr. 11, 1936, 8.
\textsuperscript{226} Senate Bill 1978, 73\textsuperscript{rd} Cong. 2d. Sess., January 4, 1934. The Costigan-Wagner anti-lynching bill, more commonly known as the Wagner-Costigan Bill, was introduced to Congress after two unrelated lynchings took place in Maryland and California. According to Jacob Waldman, "its important provisions are: 1. The failure of a state or governmental subdivision thereof to prevent a lynching or to punish the offenders, if one is committed, shall be deemed a denial of equal protections of the laws. 2. If the officers of the state make no reasonable effort to prevent it or to punish the offenders, they shall be guilty of a felony and upon conviction, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years or by both. 3. If it appears that a fair trial of the lynching suspects is not likely in a local court because of prejudice of jurors or for any other reason, the district court of the judicial district where the person is lynched shall have jurisdiction. 4. Any county where a person is lynched shall forfeit $10,000 to be sued for in the name of the United States for the use of the family of the lynched person otherwise for the use of the United States. 5. The United States Court shall have power to enforce the decree by levying execution of the property of the county." Jacob Waldman, "The Constitutionality of the Wagner-Costigan Anti-Lynching Bill," \textit{The George Washington Law Review}, Vol. 2, (1933-1934): 500.
been charged with rape." Hancock's passionate editorial pointed out the lynching was a symptom of a deeper problem. He proclaimed that,

Lynching is essentially an economic problem! As has been pointed out, there is a correlation between crime and economic status and so with lynching. It has been further found that lynchings occur in the poorest sections and the poorest element of whites upon the poorest Negroes...A rise in the economic level of the whites and Negroes would effect favorably the incidence of lynching.

In an anti-lynching speech given in April of 1935, Charles Houston the Dean of Howard University, argued that once an anti-lynching law had been passed African Americans could focus their attention on fighting for other civil rights issues.

The Guide reported on a case in Virginia where justice was served and a mob averted. While they often lamented the state of affairs in Mississippi, which led the country in lynchings, it also praised Virginia for proving that lynchings could be prevented when the government and local law enforcement tried to do so. In an editorial, the Guide used the case of Phillip Jones, a black man charged with the rape and murder of one young white girl and the murder of her sister, to make a point that though a mob

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229 Ibid.
230 Ibid.
233 Several articles decried the state of Mississippi, for example, in an article on lynching the Guide wrote, "it is not surprising that Mississippi maintained its age-old tradition and led the parade of dishonored states with three lynchings." "The 1938 Lynching Record," New Journal and Guide, Jan 7, 1939, 6. Another article reported that "Mississippians have now passed the Neanderthal stage and that there is now a chance for civilizing them during the next 10,000 years or so." "Mississippians In Neanderthal Age Says Editor," New Journal and Guide, May 8, 1937, A2
formed looking for revenge on Jones, “those charged with the responsibility of law administration in Virginia” averted a mob.\(^{235}\)

A couple years later the *Guide* followed the story of Louis Riddick a nineteen-year-old man charged in Princess Anne County Circuit Court with the attempted rape of a married white woman. Once again, the case “excited racial feelings” and a mob formed. In order to assure Riddick’s safety, officers rushed him to Norfolk City Jail. For his court appearance, a heavy guard of state and county police escorted him back to Princess Anne County Court and remained there throughout the daylong hearing.\(^{236}\) At another hearing in June, the judge made everyone stay in the courtroom for fifteen minutes after the hearing ended, in order to give Riddick and his guards a head start.\(^{237}\) Virginia was not the only state where authorities took a firm stance against lynching. The *Guide* reported that Maryland’s Governor Harry W. Nice ordered police to guard against possible mob action after they arrested two men who allegedly brutally murdered a fifty-five year old white woman. The *Guide* also praised Sheriff Grady Nichols in North Carolina who hid a seventeen-year-old man suspected of raping a thirteen-year-old white girl.\(^{238}\)

In an editorial reprinted in the *Guide* from the *Raleigh News and Observer*, an editor argues that even when the court tried to step in and avoid mob-justice, justice was not always served. Judge Felix Alley in North Carolina ordered a mistrial when a white man in the gallery attacked a black

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\(^{235}\) Ibid.
man, the defendant who had been charged with raping a (presumably white) woman, with an iron pipe. The judge declared, "I intend to have a fair trial if it takes all the troops in North Carolina." However, the editorialist argued that "Justice is not the child of violence. [And truth and justice] are not within the gift of soldiers." While they were using this editorial to argue that the only way to give this man a fair trial would be to move it another county where emotions were not quite as high, I think the greater argument is that as long as lynching was a possibility black men could not find justice in the United States.

How law enforcement responded was often the deciding factor in whether or not mobs were successful. The Tuskegee Institute's report on the lynchings carried out in 1937 noted that all of the lynching victims that year had been in the custody of law enforcement when they were taken by mobs. On the other hand, of the seventy-seven people saved from mobs, in fifty-six cases law enforcement had acted decisively in order to avoid a lynching.

While the majority of Guide articles about lynching focused on the ongoing debate over the federal anti-lynching legislation and debunking the myth that lynchings were perpetrated in response to rape, one article articulates the understanding that black men were not the only ones who suffered as a result of lynching. In this astonishing editorial, an anonymous

240 Ibid.
241 "No Decrease In Lynching During '37," New Journal and Guide, Jan 1, 1938, 10.
242 Ibid; of those saved five were in the North and the rest were in the South.
author asserts, "White men daily rape and assault and seduce Negro women. They do so with impunity in 99 per cent of the cases. Even when a Negro is accused of raping a woman of his own race, the charge usually winds up to simple assault or something equally ridiculous." This article is shocking not only because the author acknowledges the effect lynching had on black women, but because the author also threatens future lynchings of white men in retribution for their crimes against black women.

Contrary to the anonymous writer's prediction, the African American community in Virginia did not lynch white men who raped black women. They did, however, rally around black women who had been victimized by white men. In one such case a seventeen-year-old black woman accused a white insurance agent of rape by gunpoint in Chase City. The Mecklenburg branch of the NAACP almost immediately put pressure on local law enforcement to prosecute the case "to the full extent of the law."

In another, more sensationalized case a "winsome" black woman accused a white Navy Yard worker of rape. The Hustings Court eventually charged him with rape and assault and battery. According to testimony for the prosecution, on Saturday May 15, 1937, John B. Owney, a fifty-three year old Navy Yard worker, flagged down fourteen year old Joseph Smith, asking him to find a "colored woman to do some housework" for him. Smith went

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244 Ibid.
248 Ibid.
home and asked his mother, who was busy, but she suggested he ask his sister Mrs. Viola Jones. Mrs. Jones, thirty-one, and her husband had been separated for several years and she was living with her mother. Smith, "having no objection to earning an honest dollar," accepted the job. Smith accompanied his sister back to the house and waited on the porch for her. Owney, attired only in a bathrobe, then gave Jones a broom and led her to a room upstairs and instructed her to clean it while he took a bath and then he left her alone. Once she was alone she began to change into an old work dress, which is when Owney burst back into the room and attacked her. She began screaming for help. Her brother heard her cries and tried to go to her aid, but Owney scolded him and ordered him to leave.

Jones than ran to a nearby house whose white occupants helped him call the police. When the police did not immediately respond he and another black man he ran into on the street called police a second time. By the time the police finally appeared, Jones had already managed to escape the house. When the police tried to speak to Owney he ignored their repeated knocks. One officer finally climbed onto the roof of the porch and knocked on the window of the room Owney was in and he finally had to acknowledge the police. He denied the attack and they arrested him for rape. Owney told a very different story than Smith and Jones at his first trial. He claimed that "the

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woman" came to his house with a child, who was four or five, looking for work. He claimed to have turned her away and said that she then asked for money and he told her she would have to come back when his wife was home and she left. He further testified that he was asleep when the police knocked at his door. The veracity of his testimony was called into question, when during his first trial the prosecuting attorney dropped the "bombshell" question, "Do you have a scar on your right hip?" Owney had to admit that he did have a scar from a surgery. Even with this damning evidence that Jones knew of a scar on his hip, the jury could not agree on an outcome and the judge dismissed them.

The court re-tried him nearly four months later. Several committees rallied to Jones' support before the first trial. By July, a month later, the Guide reported that the number of people supporting her could soon be in the hundreds. Groups like the NAACP, the Baptist Ministers Conference of Norfolk, Portsmouth, and Virinity, as well as several committees formed by citizens of Norfolk, raised money and hired attorneys to represent Jones in both trials and to bolster the prosecution. Unlike his first trial, Owney did not testify at his second trial (probably wisely), otherwise the two trials were quite similar. In his second closing statement, the attorney for the Commonwealth, Robert F. McMurran said, "if he [Owney] were a colored man

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253 Ibid.
254 Ibid.
255 Ibid; another article said the scar was on his abdomen, "Local Citizens Organize to Act In Jones Attack Case," New Journal and Guide, Jul 3, 1937, 12.
258 Ibid.
and she a white woman you all know what would happen.” The jury must have found his argument less than compelling, as the headline said, “Accused White Man Gets Off With A Fine, Jury Holds J.B. Owney Did Not Violate Mrs. Viola Jones.” His punishment was a one hundred dollar fine and court costs. So while law enforcement had to step in to avert the lynching of black men accused of rape, the African American community came together to support black victims, not to lynch white men. And the courts did little to punish the white perpetrators.

An editorial in the Guide spoke directly to the way the state prosecuted crimes committed against black women. The Guide sent out a questionnaire to all of the black attorneys who had been in practice for more than twenty years in Virginia and North Carolina asking if they knew of any cases where a white man had been prosecuted for raping a black woman. Only one responded yes and he had been a lawyer for forty years and in the one case he could recall the white man was punished lightly. The Guide went on to discuss two cases that had just been adjudicated in Norfolk. Both cases involved young black girls, a thirteen-year-old and a fourteen-year-old, and the accused were both black men. The older girl was pregnant, presumably as a result of the (alleged) attack. The younger girl testified that her stepfather had been sexually abusing her for several years before her mother finally reported him. Both cases resulted in hung juries.

260 Ibid.
261 Ibid.
That same week the Governor pardoned a black man who was serving time for assaulting a black woman. According to the *Guide*, "all of this leads to one inescapable conclusion. In the minds of juries rape is regarded as an offense against white women only." The *Guide* felt that the lack of convictions in cases involving black victims was because the police and prosecuting attorneys did not take these cases as seriously as those involving white women. And to make this point, the editorial noted that in March of 1937, the grand jury complained to the court that in the rape cases before them where all of the people involved were black completely lacked material witnesses. Another article discusses a case in Roanoke where a black man was charged with the seduction of a black woman. The defense attorney asked the court "if there is such a crime as seduction among colored people." Fortunately, in this case the prosecuting attorney objected to the question and the judge made it very clear that that type of question was not admissible in his court and told the jury "that the same law applied to all [people] in his court." The *Guide* argued that "the administration of justice in respect of rape of colored women is approaching indecency," and that "rape is rape, whether the victim is white or colored." So while the second article showed that things were slowly improving in some courts, the legal justice system continued to 'disregard the sanctity of Negro womanhood.'

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263 Ibid.
264 Ibid.
266 Ibid.
Kimberle Crenshaw has argued that, “Rape statutes generally do not reflect male control over female sexuality, but white male regulation of white female sexuality” (emphasis in original). She points out that in some states, courts actually instructed juries that while they could assume that a white woman was chaste, no such presumption could be made of a black woman. She further argues, that if we focus on rape as a “manifestation of male power over female sexuality” we would fail to recognize rape as a tool of “racial terror.” White men rape(d) black women not solely because they were women but also because they are black. Black women’s gender made them vulnerable to rape and to “racist domination,” while their race “denied them any protection.” For the women in the above examples, courts offered little justice, instead they protected white male privilege. While black women were the direct victims of the crimes, both black women and men suffered because of the racial/racist hierarchy that the lack of any real justice helped bolster.

In another Guide editorial, William Pickens pointed out that throughout the long history of interracial rape, white men have overwhelmingly been the

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270 It is not quite so cut and dry as this, at least not in Virginia, as I will discuss later in this chapter.
271 Crenshaw, 234 n. 48. Crenshaw sites a case from 1918, where the jury was instructed that, “what has been said by some of our courts about an unchaste female being a comparatively rare exception is no doubt true where the population is composed largely of the Caucasian race, but we would blind ourselves to actual conditions if we adapted this rule where another race that is largely immoral constitutes an appreciable part of the population.” Dallas v. State, 7 6 Fla 358, 79 So 690 (1918).
272 Ibid.
273 Ibid.
perpetrators and black women the victims. He argued that African American men had not even committed a tenth of the interracial rapes in U.S. history. He wrote, "He [black men] is in fact so far behind in interracial rape that if he tried and worked with all his might, he could not catch up to his share in the next hundred years." 274 Pickens further argued that in America crimes mean different things depending on the race of the people committing the crime and that of the victim. He believed that, according to the way laws were enforced only white people could be kidnapped (just as only white women could be raped). He noted that, "In the last fifty years the kidnapers have taken hundreds and brought most of them back alive. In the same time the lynchers took thousands, and brought all of them back dead. But those lynched are Negroes, while all of those kidnapped are white persons." 275 Pickens was demonstrating how unevenly laws were enforced. The NAACP had, in several cases, tried to get the Attorney General to use the Lindberg Law, which made kidnapping a federal offense when kidnappers took their victims across state lines, in lynching cases. 276 One example is the case of Claude Neal. 277 Neal was the victim of one of the most gruesome lynchings in American history and the mob that lynched him took him from a jail in Alabama (where he had been

275 Ibid.
276 Christopher Waldrep, ed., Lynching in America: A History in Documents, (New York: New York University Press, 2006), 229. According to Waldrep, "Aware of kidnappings, including the murder of the famed aviator Charles A. Lindberg's baby son, frightened white America a lot more than lynching did. Although unable to pass a law against lynching, Congress responded to the kidnapping threat by making kidnapping a federal crime. Members of Congress assumed that the Lindberg Law attacked a crime that threatened wealthy Americans only — white people. In 1934, however, Florida lynchers violated the Lindberg Law when they crossed into Alabama, kidnapped Claude Neal, an African American, and brought him back to Florida for lynching." Waldrep, 229.
taken for safe-keeping) back to Florida and brutally tortured and killed him.\textsuperscript{278}

The NAACP tried to have the lynchers held accountable in federal court. Attorney General Homer Cummings refused to because no ransom had been demanded,\textsuperscript{279} even though the FBI had gotten involved in several kidnapping cases involving white people that did not actually fit the Lindberg Law.

\textsuperscript{278} On Oct 19, 1934, Deputy Sheriff J.P. Coullette arrested Claude Neal, twenty-three, for murdering Lola Cannidy, twenty. Sheriff W. F. Chambliss realized that there was a danger of a lynch mob coming after Neal, who allegedly had confessed to the murder shortly after his arrest, so the Sheriff tried to hide Neal and moved him to several locations before finally taking him to Brewton, Alabama. Early on October 26\textsuperscript{th} a mob of about 100 men stormed the jail in Alabama, seized Neal, and drove him over 200 miles back to Florida. They reportedly tortured him for ten to twelve hours in the woods several miles from the Cannidy family farm. According to a report by Howard Kester written for the NAACP, one person who witnessed the lynching described it this way, "After taking the nigger to the woods about four miles from Greenwood, they cut off his penis. He was made to eat it. Then they cut off his testicles and made to eat them and say he likes it." ([Kester wrote]. I gather that this barbarous act consumed considerable time and that other means of torture were used from time to time on Neal.) 'Then they sliced his sides and stomach with knives and every now and then somebody would cut off a finger or two. Red hot irons were used on the nigger to him from top to bottom,' from time to time during the torture a rope would be tied around Neal's neck and he was pulled up over a limb and held there until he almost choked to death when he would be let down and the torture begin all over again. After several hours of this unspeakable torture, 'They decided just to kill him.' ([Kester continued], Neal's body was tied to a rope on the rear of an automobile and dragged over the highway to the Cannidy home. Here a mob estimated to number somewhere between 3,000 and 7,000 from eleven southern states were excitedly waiting his arrival. When the car which was dragging Neal's body cane [sic] in from of the Cannidy home, a man who was riding the rear bumper cut the rope. 'A woman came out of the Cannidy house and drove a butcher knife through his heart. Then the crowd came by and kicked him and some drove their cars over him.' Men, women and children were numbered in the vast throng that came to witness the lynching. It is reported... that little children, some of them mere tots, who lived in the Greenwood neighborhood waited with sharpened sticks for the return of Neal's body that when it rolled in the dust on the road that awful night these little children drove their weapons deep into the flesh of the dead man. The body, which by this time, was horribly mutilated was taken by the mob to Marianna, a distance of ten or eleven miles, where it was hung to a tree on the north-east corner of the courthouse square. Pictures were taken of the mutilate form, and hundreds of photographs were sold for fifty cents each.... Fingers and toes from Neal's body have been exhibited as souvenirs in Marianna where one man offered to divide the finger which he had with a friend as 'a special favor.'" Mayor Burton, of Marianna, Florida, realized that "the city was at the mercy of the mob." he tried to find police officers willing to try and regain control, finding none, he then tried to deputize people, but again could not find anyone willing. He finally called the governor who called in the National Guard and they were able to disperse the mob Saturday morning (the 27\textsuperscript{th}). The mob quickly reformed after the Guard left, but the police force (augmented by around 20 men) was finally willing and able to do its job and arrested several white men who had attacked several black men. Mother Nature stepped in at this point and the rain "prevented another 'day of terror and madness.'" Waldrep, 229-233.

\textsuperscript{279} Ibid.
Meaning the Federal government got involved in the kidnapping of whites even when they lacked jurisdiction. Cumming’s rationalization aside, as Pickens argues, the taking of Neal and other cases like it did technically fit the definition of kidnapping, but because the men kidnapped were black the federal (and many local) government(s) turned a blind eye and allowed lynchers to hide behind the excuse/fallacy that lynching was about protecting white women because they placed so little value on black people’s lives.

The *New Journal and Guide* closely followed many rape cases, not only those committed in the Hampton Roads area but across the country, and often showed as much interest in cases involving white men as black. Articles on white men were usually of a slightly different tone than those on black. In cases where a black woman accused a white man of rape the *Guide* was often more sympathetic to the victim than the accused as discussed in the Jones case. When reporting on cases of white women accusing black men, the *Guide* seemed either more impartial when the evidence was strong or more sympathetic to the accused when the evidence against the black man seemed weak. The underlying message of this focus on rape and on lynching was an effort to debunk the myth of the black rapist.

There were people who worked hard to keep the myth of the black rapist alive. In September 1941, the National Association for the Advancement of Colored People (NAACP) asked Congressmen John E. Rankin of Mississippi to correct a statement he made on the floor of the House. He claimed that, "There have been 19 accomplished ravages of white

280 Waldrep, 232-234.
women by Negroes in this city [Washington D.C.] since January 1, 65 reported attempts, and probably 100 more that have been unreported.\textsuperscript{281} The NAACP requested the actual crime statistics from the Mayor of D.C., "who reported three white women attacked by colored men since January 1, two attacked and killed by unknown persons, and nineteen attacks of women of both races by men of both races."\textsuperscript{282} The true numbers certainly painted a different picture than Rankin's. Not only did he wildly exaggerate the number of white victims and black attackers, but also completely ignored black victims and white perpetrators.

Rankin was not the only one to try to reinforce the color line. One "overzealous" officer posted the following notice in the Regimental Headquarters in Wilmington, Pennsylvania, after citizens there gave too-warm a welcome to African American troops stationed there shortly after Pearl Harbor: "Any case of relations between white and colored males and females whether voluntary or not is considered rape and during the time of war the penalty is death."\textsuperscript{283} The commanding officer, Colonel Riley E. McGarragh explained the notice, saying that many of the African Americans stationed there had "never been north of the Mason-Dixon Line before [and] would misunderstand, I was afraid some of these Negroes might get ideas."\textsuperscript{284} He could not understand why people were upset about the notice and argued

\textsuperscript{281} "Rankin Asked to Correct Statement," \textit{New Journal and Guide}, Sep. 6, 1941, 5.  
\textsuperscript{282} Ibid.  
\textsuperscript{284} Ibid.
“some fifth columnist must have got it out to the public.” While this happened in nearby Pennsylvania and not in Virginia, it was an item of note in Norfolk’s black press because of their overriding concerns over race relations and racial justice.

Not all of the news was completely bad. The Journal and Guide reported with some astonishment that an all-white jury acquitted four African American soldiers of a rape charge in Wisconsin. However, even the good news of the acquittal had to be balanced with the fact that the soldiers were falsely accused in the first place and that their attorney had to smuggle them out of town after the verdict to ensure their safety. The Journal also reported on the first trial in Lynchburg with an African American man sitting on a jury judging a white defendant who allegedly raped a fifteen year old girl.

Even the Mayor of Richmond had to acknowledge the problem of false reports and vicious rumors. A Guide article recounts his oddly contradictory statement regarding an alleged crime wave of black-on-white rape. He began by discussing false rape reports involving “deliberate lying” causing a general hysteria. The article goes on to discuss two apparently legitimate cases under investigation, but followed that with a story of a false rape report. Then the article quotes the mayor saying that there were actual cases of rape and insisting that all was being done to apprehend criminals, going as far as pointing out that “the penalty in Virginia for rape is death,” and further stating

\(^{285}\) Ibid.
that "he promised the power of his office and of the department of public safety... to the protection of womanhood." The article vacillates again and shifts back to women who false report – either for "personal reasons" or because of their "honest fear, feel they are being pursued by men bent on attacking them."288

Another factor contributing to inflated numbers of cases of attempted rape of white women by black men was the fact that a black man could be charged with attempted rape for simply knocking down a white woman. In January 1935, a jury in Norfolk’s Corporation Court No. 2 found James Blair guilty of attempted rape even though the complaining witness, a sixteen-year-old white girl testified that Blair did not "attempt to ravish her."289 He did, however, grab her from behind and attempted to choke her and knock her down.290 The court initially sentenced him to twenty years for this offense, but then Judge U. Goode approved a motion for new trial which resulted first in a hung jury and then in a life sentence.291

A similar case had better results in 1942, when Judge Charles E. Burks of Norfolk’s Corporation Court found Daniel Jenersen III guilty of assault and battery instead of attempted rape after he grabbed a white woman he mistook as an acquaintance.292 The assault and battery charge still seems extreme considering he promptly let go of the woman when he

291 Ibid.
realized his error, but his sentence of "a year on the state roads" and a fifty dollar fine was still preferable to a life sentence.293

In contrast, in a reportedly precedent-setting case, Bartlett Young, a twenty-year-old white man received five years for raping a black woman, the minimum penalty for that offense. At his day and a half long trial he admitted to bragging to friends about raping an eighteen-year-old black girl, but claimed that he had been joking.294 This case came less than a month after Blair had been given his original twenty-year sentence and just three months before he got a life sentence, for grabbing a white woman and knocking her to the ground. This hardly seems like justice, yet this was seen as a step forward because the court held a white man accountable for raping a black teenager. While the Young case may not seem like particularly great news, it does seem like a step forward when compared to a case out of South Carolina. In this case there was incredibly compelling evidence that a white minister, Rev. Melvin Carnell, raped a twelve-year-old black girl, but an all-white jury still found him not guilty. The only evidence offered in his defense was his claim that a "yellow negro boy" had done it.295

The Guide reported on numerous "Negro-did-it" crimes. For example, on August 25, 1945, the Guide wrote, "another of these 'Negro-Did-It' rape stories popped up in Portsmouth this week." In this instance the case "flopped" after the white woman from Cleveland was unable to provide any evidence.

293 Ibid.
details. In another case in Washington D.C. a white woman admitted that she made up a story about being attacked by a black man, and even went as far as inflicting wounds on herself to add credence to her story. She confessed “she was hunting for sympathy from her hubby.” As the Guide pointed out, had this woman made the same accusation in Mississippi or Georgia, “some Negro would have been lynched or sent to an electric chair, because in those states, a white woman cannot lie on a Negro. The accuracy of the accusation, therefore, would not have been checked.”

The Guide further reported that a similar case had happened only a few months before this and police arrested several Negroes and held them for days before a doctor revealed that his examination of the woman discredited her claim and she admitted to lying. In a case out of Chicago, a “swarthy white man” confessed to a wave of “negro-did-it” crimes, but not until “hundreds of Negroes” had been picked up for questioning as suspects in a series of rapes in the city and the white press had been calling for an arrest of the “black morons’ responsible.” The Guide wrote at length about the role the media played in causing hysteria over negro-did-it cases. One editor wrote,

there are still daily newspapers which seem to feel that any report of a crime alleged to have been committed by a Negro is good copy for a sensational news story. They do have an avid market for this type of news story, because many of their

298 Ibid.
readers have an insatiable appetite for them. These belong to that majority which are afflicted with the prejudices, the hates, and the fears, which in the first instance give rise to these fictitious crime stories. The safer and more humane course for the press is to serve as a medium for educating the people away from their fears and hysterias, rather than to feed them the doubtful stories upon which these instincts thrive.300

The difference in the way the white and black press reported on sexual violence did not go unnoticed. In one editorial piece in the Journal and Guide, John Jordan skewered the white press for their excessive coverage of an attempted rape involving a black attacker and a white victim, while completely ignoring a similar story only a short time later involving a white attacker and a black victim. The white press also covered (and may have contributed to) the formation of a vigilante group that tried to hunt down the black assailant. Somewhat ironically, I cannot find a mention of the attempted rape of the white woman in the Journal and Guide.

The Guide also pointed out the same trend in newspapers with a national audience, like the New York Times. The Times carried two stories on April 2, 1943, on the same page. The first story was about a gang rape perpetrated by thirteen white “youths” and one about a mugging carried out by two black “youths,” which netted them $8.75.301 The Guide published two articles a week later, which compared the Times stories down to the inches of space given each. The “horrible mass rape... occupied only 3 ½ inches in the Times. Absolutely no details were given not even the names of the eight

youths who have been arrested for the crime." In contrast, the story of the mugging "had a bold-faced italic two-line headline over it. It gave the names of the convicted men, said they were negroes, told of the testimony of witnesses, described the argument of the prosecuting attorney, and quoted the defense attorney to a length of six inches." The editorial piece went beyond just pointing out how this kind of inequity of coverage might lead readers to associate crime with African Americans; it argued that "the Metropolitan white press is conducting a well-planned smear campaign against Harlem by overplaying crime stories originating in this area, and by exaggerating and over-emphasis on the part Negroes are playing in them." Another reason the Times may have downplayed this story is the class of the girl involved. The article actually says very little of her, other than that she was a seventeen year old war worker. But the article ends by calling the theater a "rendezvous for degenerates and thugs," which is a comment on both the accused and the victim.

While the Journal and Guide editor might have been right in complaining about the uneven coverage of cases involving white and black offenders, its criticism of this particular edition seems unfair when you look at the overall coverage of both cases. The Journal and Guide also did not mention the fact that the manager of the theater where the rape occurred was

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304 Ibid.
one of the assailants and the Times did list his name and address.\textsuperscript{305} The Journal's editorial also did not mention the fact that the Times had run a much lengthier piece on the gang rape the day before and the article on April 2 was a follow-up piece. The article that appeared on the first, went into much greater detail and released, not only the name of the theater manager, forty-eight year old Herman Bloom, but also that of one of the other assailants, Frank Califano, seventeen.\textsuperscript{306}

This was also the second mention of the mugging in the Times. It is first mentioned almost in passing in an article about another mugging printed

\textsuperscript{305} "8 Held in Rape Case," \textit{New York Times}, April 2, 1943, 23.
\textsuperscript{306} "12 Accused of rape in a Bronx Theatre," \textit{New York Times}, Apr. 1, 1943, 25; "8 Held in Rape Case," \textit{New York Times}, April 2, 1943, 23; "9 Men On Trial For Rape," \textit{New York Times}, May 1, 1943, 32; "Cleared in Rape Case," \textit{New York Times}, May 14, 1943, 21; "2 Brothers Guilty in Bronx Rape Case," \textit{New York Times}, May 20, 1943, 23; "Six Bronx Youths Convicted of Rape," \textit{New York Times}, May 22, 1943, 15; "8 Sentenced For Rape," \textit{New York Times}, Jun. 8, 1943, 23. According to the series of articles, seventeen-year-old war-worker, Theresa O'Brien, and four male friends went to the Bronx Opera House, a movie theater, on March 11, 1943. Somehow the girl's companions were "enticed" away from her so she was alone when she took her seat. Frank Califano and another girl sat on either side of her and tried to coax her into an empty theater box, she refused and Califano dragged her there by the silk scarf she had around her neck. Once there Califano and eleven of his companions raped her. The girl who had been with Califano, another seventeen year old, was held in the House of Detention as a material witness, as was an usher from the theater. Police charged the theater manager "with acting in concert in the forcible raping" and with keeping a disorderly house. And charged the twelve youths, Califano included, with rape and assault. On May 1\textsuperscript{st}, the theater manager and eight of the assailants went on trial, the jury of nine included seven housewives. While the Times did not list the assailants names on April 2\textsuperscript{nd}, the day that caught the Journal and Guide's editor's eye, they did list the names of the nine that went on trial May 1\textsuperscript{st}, those include, in addition to Bloom and Califano: Califano's brother Joseph, nineteen; John Fishera, twenty-two; Joseph Consalio, seventeen; Victor Margiasso, seventeen; Frank Donato, seventeen; and Victor Marconi, eighteen, and listed their addresses. On May 1\textsuperscript{4th}, Judge Harry Stackell dismissed the case against Bloom, the manager. The trial went on for four weeks, a day before the case went to the jury, two of the men, the Califano brothers, plead guilty after the prosecution proved that their alibi witnesses had perjured themselves. The next day the jury found the six guilty of rape in the second degree. At the end of the trial and judge told the jury, "I hope and believe that by your verdict an occurrence of this kind will never be repeated." The judge sentenced the eight young men a few months later to "indeterminate terms in the reformatory." The defense attorneys entered a plea that the defendants be given the opportunity to join the army. Unlike the judges in Utah that the Salt Lake Telegram editor complained about, this judge rejected the plea stating, "This plea comes too late. It is a distinction to be in the armed services, and I don't think these boys are worthy to serve."

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on March 24, 1943, when the prosecuting attorney asked for “speedy action,” apparently in response to an increase in muggings. The second article, the one mentioned in the Guide, details the court case, and, as the Guide notes, the article described some of the prosecutions actions as well as quoting the defense, and gave a very brief summary of the testimony of the victim. The inclusion of the defense’s comments are certainly relevant, but I am surprised that the Journal did not say more about them, as they were rather odd, which is likely why the Times mentioned them. The court charged the two young men, both twenty-two, with first-degree burglary, and found them both guilty of second-degree burglary. While charging them with burglary, the prosecution and judge referred to them as muggers, which apparently amused the defense attorney, Sidney Schwartz, who asked in his summation, “What is a mugger?” He then said “Webster defined a mugger as a small crocodile and added if his clients were convicted they should be sent to the zoo.”^307 Having their defense attorney say his clients should be put in a zoo probably did not help their case. In all there were eight articles, of varying lengths, in the New York Times that discussed the rape case and three on the mugging.

The Journal and Guide repeatedly noted that African Americans bore the brunt of “justice” and usually made up the majority of defendants in Norfolk City Courts and they received harsher penalties, especially when their alleged crimes had white victims. In July 1941, it reported with much surprise that, “[July] marks one of the few times when the grand jury presentments

involved more white than colored people."\textsuperscript{308} Of course Norfolk was not the only place where this was the case. Throughout America, as Marilyn E. Hegarty has noted, "black men were more liable to arrest than whites, because police officers shared in the general public opinion that they were more criminal than whites."\textsuperscript{309} Another \textit{Guide} editorial discussed the double standard in justice, arguing that though they believed the judicial system in Norfolk had improved, largely because of an awareness of the double standard, African Americans still bore the brunt of the harshest punishments. They wrote, "there is still the determination to mete out to Negroes the extreme limit of punishment allowed by law for certain crimes committed against white people, while exercising obvious leniency – and at times laxity – in punishing Negroes for the same category of crimes committed against members of their race."\textsuperscript{310} The article further argued that the death penalty in response to rape was only used as punishment when a black man allegedly raped a white woman. White men did not get the death penalty for raping white women and no one, neither white nor black men, received the death penalty for raping a black woman.\textsuperscript{311}

The \textit{Guide} was correct in its portrayal of a death sentence for rape being reserved for black men accused of raping white women. All-in-all, black men were the most likely group in Virginia to receive the death penalty, whether it be for rape or murder. Between 1908 and 1983, Virginia used the

\textsuperscript{308} "Grand Jury Returns True Bills Against More White Than Colored," \textit{Norfolk Journal and Guide}, July 19, 1941. Ten of the thirty-one true bills, sixteen were against white defendants.

\textsuperscript{309} Hegarty, 169.


\textsuperscript{311} Ibid.
electric chair to execute 237 people. Paul W. Keve writes, “In accord with the generally racist history of capital punishment throughout the country, Virginia’s electric chair dispatched 201 black men, one black woman [in 1912] ... as compared with 35 white men.” Dorr identified 288 cases of black-on-white rape in Virginia, between 1900 and 1960. Of those, mobs lynched six percent of the accused black men in these cases and another eighty-three percent were tried and convicted of some crime. Of those 226 convicted men twenty-two percent (or 50 men) were executed. Another 48 men (or twenty-one percent of the total convicted) were given the maximum prison sentence allowed. Using the Description of Convicts Books from Norfolk’s Corporation Court and Corporation Court No. 2, I was able to identify two cases where defendants received the death penalty for rape or attempted rape between 1935 and 1950, five more men received life sentences. All seven men were black. The longest sentence a white man received for the same crimes was thirty years and it was an exception, most sentences for white men were under twenty years.

According to Dorr, race alone was not the deciding factor in the meting of the death penalty – class played an important role as well. In the cases she looked at, the race of the victim was as important as the race of the

312 Keve, 791-792.
313 Dorr, 715.
314 Ibid.
315 John Henry McCan received a death sentence in 1939 for attempted rape and Willie Rogers Jones did for rape in 1944. Those receiving life sentences were: James Blair, attempted rape, 1935; Maurice Loyd Swift, attempted rape, 1939; John Johnson robbery and rape, 1939; Edward Carder, rape, 1943; and Kenneth Weathuryson, rape, 1949.
316 Cuthbert McInnis Midgett received the longest sentences for rape of a white man for this period, which was 30 years in 1949.
perpetrator, meaning, as already pointed out, only black men received the death penalty and they only received it when their alleged victim was white. However, not all cases of black-on-white rape ended in the death penalty, or for that matter with harsh sentences, and on some occasions black men were even acquitted — though only rather rarely: thirteen percent of the 271 men who stood trial in Dorr’s sample were acquitted or the charges dismissed. Therefore, Dorr argues that in cases of black-on-white rape class was the deciding factor in the severity of the sentence — the class of the victim and that of any white male character witnesses willing to testify on the defendant’s behalf. Harsher penalties were overwhelmingly reserved for cases involving middle-class white women. White men perpetuated the myth that black women inherently lacked chastity on the basis of their race so class mattered little in this analysis. Their presumptions regarding the chastity of white women were based on their race, but a white woman’s chastity was also linked to her class. So while white men assumed (or invented) chastity on the part of white middle-class women, they ignored the possibility of chastity on the part of white working-class and poor women. Furthermore, the white middle-class men who held the power in courtrooms were willing to extend male privilege to some black men appearing before them, especially if

317 I did find one case from 1913 where a black man received the death penalty for attempting to rape a black woman. Collins (no first name listed), twenty, was accused of the attempted rape of an eighteen-year-old black woman in March of 1913 and was executed in October of the same year. Another black man received the death penalty for allegedly raping a Japanese woman in 1964, but the Supreme Court of Appeals of Virginia revoked the sentence. Found in the appendix of Donald H. Partington’s article, “The Incidence of the Death Penalty For Rape In Virginia,” *Washington and Lee Law Review*, Vol. 22, (1965): 43-75.

318 Dorr, 715.
another white middle class man stood up on his behalf and testified to his being a "good negro" who understood his place in the racial hierarchy.\textsuperscript{319} The class of the alleged rape victim likely mattered less in lynchings. Middle-class whites were also involved in lynchings. Rape was merely an excuse for the violence so the class and chastity of the alleged rape victim likely did not come in to play (or save black men's lives).\textsuperscript{320}

While class was crucial in most rape cases with white victims, it does not seem to have played much of a role in the two death penalty cases out of Norfolk. On March 15, 1939, a jury in Judge James U. Goode's court found John Henry McCan\textsuperscript{321} guilty of the attempted rape of an eight-year old white girl.\textsuperscript{322} The age of his victims and the fact he was a repeat offender on parole for a similar offense in another state, played a larger role in the fact that he got the death penalty than did the class of his young victims. In December 1944, Willie Jones plead guilty to raping a twenty-four year old white taxi driver.\textsuperscript{323} In the Jones case, I can only assume that the victim was a working-class woman based on the fact that she was a taxi driver. So based on what

\textsuperscript{319} Dorr, 711-748.
\textsuperscript{320} Hall notes that while lynchings were often blamed on poor whites, land-owning men were often also involved, as were law enforcement officers. Furthermore, police officers found it harder to turn away mobs led by their town's leading citizens. Hall, \textit{Revolt Against Chivalry}, 139-140.
\textsuperscript{321} His name is sometimes spelled McCann in court documents and some newspaper articles, however, I have chosen to use this spelling because one of the Guide's articles specifically addressed the spelling of his name. There was another John Henry McCann (though with two n's) who lived in Norfolk and the press coverage of the case caused him a lot of grief as people assumed he was the man in question. "Man Charged With Molesting 5 Girls: Not J. H. McCann of 1207 Chicazola St.," \textit{New Journal and Guide}, Feb 25, 1939, 20.
\textsuperscript{323} "Willie Jones Pleads Guilty To Rape Charge," \textit{New Journal and Guide}, Dec 2, 1944, B5, I found the victim's age in Partington, 69.
little information I can find on the case, his confession to the crime (through he later said he confessed because "he was 'afraid' of what might happen to him if he did not confess"), the substantial evidence against him, and his guilty plea lead to the extreme punishment, in addition to their respective races. Jones did not take his case to the Supreme Court of Appeals of Virginia, and he was executed on February 2, 1945, four months to the day of the alleged offense. The Guide closely followed the case of McCan, publishing at least nine articles about him between February 1939 and February of 1940. On the other hand they did not have much to say regarding the Jones case, publishing only three short articles ending with news of his sentence, but not reporting on his execution. Though it is somewhat surprising they did not cover the Jones' execution, the extra coverage of the McCan case was likely because the case was appealed to the Supreme Court. The case was also more shocking due the number of victims and their young ages.


325 Partington, 69.


McCan, a youthful looking sixty-two year old, was accused of attempted rape of five girls, ages ranging from five to ten years, but only ever tried of one count. The other charges were all declared nolle prosequi (meaning the prosecution was unwilling to pursue the charges) in January 1941 by the prosecuting attorney after the court found McCan guilty. He was given the death penalty in the first case. McCan testified that he had not intended to commit the act of rape upon the young girl. He explained “he had served a seven year prison sentence in Boston for a similar offense and wanted to examine the girls to see only if it was possible for a grown man to accomplish criminal assault upon girls of that age.” The jury asked the court if they could sentence him to life imprisonment with the provision that he could never be pardoned. The judge ruled that they could not. And after only forty minutes of deliberation, the jury found him guilty and sentenced him to die in the electric chair.

McCan’s attorney appealed the case to the State Supreme Court arguing that Corporation Court No. 2 erred on seven points, including the judge’s direction to the jury that they could not give him a life sentence with a recommendation that no pardon be given. The Court affirmed his sentence

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329 Ibid.
330 “McCan Trial ‘Unfair’ State Supreme Court Told At Staunton,” New Journal and Guide, Sep 16, 1939, 10, they argued that the court erred on seven points “namely, in refusing to quash the indictment; in overruling a defense objection to testimony of the mother of the child involved, dealing with the child’s report to her mother identifying the defendant and saying how he had treated her; in refusing to direct a mistrial because of alleged improper argument on the part of Assistant Commonwealth’s Attorney J.H. Tyler, 3d; in refusing to arrest judgment because the indictment was ‘faulty’; in refusing to grant a new trial because white women and children had been allowed before the jury in prejudice to a ‘fair’ trial; in refusing to
and he went to the electric chair on January 26, 1940. The *Guide* wrote, "he [walked] the last mile alone," as his "spiritual aide" from Norfolk was stuck in a snowstorm and could not make it to Richmond.\(^{331}\) His spiritual aides also tried to arrange a governmental burial for him, as he was a veteran of WWI. The *Guide* does not say if they were successful. If they were not his body would have been given to the Medical College of the University of Virginia for experimental purposes.\(^{332}\)

The *Guide* also closely followed the case of fifteen-year-old Joseph Mickens, accused of raping Mrs. Clarice S. Pye, a white woman, on November 24, 1940. Mickens came from a family with eleven children and he had to quit school in the fifth grade. Police originally picked up Mickens as a suspect in the break-ins of two warehouses. While they had him in custody they began questioning him regarding the rape of Mrs. Pye. According to the *Guide* the police chief was not convinced that Mickens had anything to do with either the robberies or the rape and was going to release him, but the Waynesboro City Manager insisted that Mickens be held. While in custody, Mickens apparently confessed to the crimes, but he later said that he did not remember confessing and that the night he was in custody he was questioned by ten police officers "at length."\(^{333}\)

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\(^{332}\) Ibid.
\(^{333}\) "Youth, 15, to Face Rape Trial On December 19," *New Journal and Guide*, Dec 14, 1940, 3.
The *Guide* seemed unconvinced of his guilt, as evidenced by their use of quotation marks around the words confession and questioning. The *Guide* further noted how the local white paper took Micken’s guilt for granted and wrote that he had come up in a bad environment, implying that he had a bad reputation, though the *Guide* reported that he enjoyed a good one. A month after the assault, Mickens plead guilty to rape and was sentenced to death. Mickens was scheduled to go to the chair on February 21, 1941, but his family hired an attorney to appeal the case on the grounds that he should have been tried in juvenile court. The Virginia Supreme Court of Appeals affirmed the death penalty, but a few months later the Governor commuted his sentence, saying that he was “unwilling to see a boy, who was 15 years old at the time of the crime, electrocuted.”

Another case received more attention than the McCan and Micken’s cases combined, the sensational Henry Terry case. The *Guide* followed the Terry saga for more than two years and published at least sixty articles about him and the case against him. On January 30th, 1938, Mrs. Daisy Mae Brown Ward reported to police that she and her date, Cecil Sivills, a white Navy Yard worker, had been in a parked car, when a black man approached the car, pulled a “big gun” on them, and forced them out of the car. He demanded

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334 Ibid.
335 “Sentence Boy, 15, To Die In Chair,” *New Journal and Guide*, Dec 28, 1940, 1.
338 She preferred to be called Miss Daisy Mae Brown as she was going through a divorce at the time the case originated. By the second trial she had remarried and was Mrs. Daisy Mae Vincent. As discussed in, “Commonwealth Rest Second Terry Trial,” *New Journal and Guide*, Dec 3, 1938, 20.
money but they told him they had none. According to Ward he then "marched them to the lonely spot on the golf course where he informed Sivills that he was going to attack her."\textsuperscript{339} Sivills than tried to run, Ward said in hopes of getting the black man to chase him and giving Ward time to escape. Instead the black man shot him twice and then attacked and raped her.\textsuperscript{340}

The case garnered the attention of the \textit{Guide} days later after police had arrested Terry. Police followed a tip from three black witnesses who had reportedly seen him near the golf course on the night of the murder.\textsuperscript{341} Police showed up at Terry's house to question him, with neither search nor arrest warrant. Norfolk County Officer Walter Roundtree went around to the back door while Portsmouth City Officers, Sergeant T. A. Talbot and Captain L.C. Warren entered the front door.\textsuperscript{342} According to Officer Roundtree, Terry poked his head out the back door, saw him, and ran back through the house. He then ran past the other two officers and out the front door. The city officers gave chase and shot Terry in the back causing damage to one of his lungs and critically wounding him.\textsuperscript{343} He was then held in the county jail for five hours before being taken to the hospital where he remained for the next several weeks.\textsuperscript{344} Police also arrested Terry's wife, Lethia. Initially the \textit{Guide} reported that she was being held for aiding his escape. Later they said she was being held as a material witness. Either way she was not allowed to talk

\textsuperscript{339} Ibid.
\textsuperscript{340} Ibid.
\textsuperscript{342} Officers names found in "Two Officers Are Freed In Terry Shooting," \textit{New Journal and Guide}, Apr 16, 1938, 1.
\textsuperscript{344} "Terry Jury Hung Up Six to Six On Identity Issue As Trial Ends," Jun 4, 1938, 14.
to the press and stayed in jail for three months before police finally released her on bond. Terry himself spent far more time in jail.

After his hospital stay he returned to the Norfolk County Jail and remained there for the next two years, through two murder trials. The Guide became concerned for Terry's sanity after he had been held in the county jail for more than a year and a half. As the Guide reported, "on occasions when he was brought to the court room for trials last year it was plainly evident that long confinement in this jail, which was once condemned by the federal government as unfit for federal prisoners, was taking effect on the physical features of Terry. He seemed hoary and pale." This report was denied by "officials of the dim, grey building of steel bars and concrete."

The police shooting of Terry was what initially brought so much attention to the case. There was an investigation into the shooting, but both officers refused to hand over their service weapons as requested by the commonwealth's attorney. Even without the cooperation of the police department, the Commonwealth brought charges against the two officers and tried them for felonious shooting in early April 1938 in Portsmouth Police Station.
Courts. Neither testified and after heated arguments from attorneys on both sides the court dismissed the charges.\textsuperscript{350}

Terry's path through the criminal justice system was not as smooth as the officers'. His first trial ended in a hung jury over the question of Mrs. Ward's identification of him. The lineup was held without Terry's defense attorneys, which in itself called the validity of it into question, and Ward was initially unable to identify Terry and eventually identified him by smelling his hat.\textsuperscript{351} She had originally described the assailant as a "large Negro," but after Terry's picture ran in the local papers she began describing her attacker as "very black and short and [he] had a mean voice."\textsuperscript{352} He fared worse at his second trial when the jury found him guilty and sentenced him to life in prison.\textsuperscript{353} The \textit{Guide} pointed out that even though the jury could have given him the death penalty the fact that they chose life in prison was the "customary manner in which Virginia juries express their doubt in cases where Negroes are the accused."\textsuperscript{354} The major difference between the two trials was the admittance of a gun into evidence. Police allegedly found the rusty gun buried in Terry's backyard months after his arrest.\textsuperscript{355} The defense asked for a retrial and were shocked when the Norfolk County Court Judge C. W. Coleman denied their motion even though he admitted that the case was

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\item \textsuperscript{350} "Two Officers Are Freed In Terry Shooting," Apr 16, 1938, 1.
\item \textsuperscript{351} "Terry Case Decision Will Be Appealed to State Supreme Court," \textit{New Journal and Guide}, Apr 22, 1939, 1.
\item \textsuperscript{352} "Police Methods Are Criticized," \textit{New Journal and Guide}, Feb 12, 1938, 12.
\item \textsuperscript{353} "Another Episode of Terry Case Scheduled to Unfold January 20," \textit{New Journal and Guide}, Jan 14, 1939, 20.
\item \textsuperscript{354} "Thank God For The Higher Courts," \textit{New Journal and Guide}, Jan 20, 1940, 8.
\end{enumerate}
\end{footnotesize}
still shrouded in mystery. At that point Terry’s defense team appealed the case to the Virginia Supreme Court of Appeals, which ruled in Terry’s favor, finding that the evidence presented did not support the verdict. In fact, many people felt that Mrs. Ward’s story defied logic. A month after the Supreme Court’s decision the Commonwealth dropped the case against Terry, declaring it nolle prosequi. The Guide’s Rambling Rover, John Jordan, followed up with Terry in 1942 and again in 1943. In 1942, he reported that Terry was staying out of trouble and had a war job and by 1943 he was working for the city.

John Jordan wrote about the importance of the case early on, saying,

The truth about the thing is that the case means much more now than the guilt or innocence of Terry. It seems to have resolved itself into a case of the rights and honor of citizens versus quick-trigger police and muddled investigations that always leave colored men strapped in the electric chair.

The outcome of the case seems to have very little to do with Terry himself. He did not appear to play a large role in his own defense. The Guide almost

always referred to him as the "diminutive defendant" and a state doctor said he was the mental age of about six or seven years old.362 The victory was owed to the committee formed for his defense by local concerned citizens. In much the same way that they had for Viola Jones, groups like the local branch of the NAACP and the Portsmouth Baptist Forum held mass meetings throughout the two year battle and raised almost $1,000 to cover the costs of hiring good defense attorneys, including former commonwealth prosecutor Robert F. McMurran, and taking the case through the expensive appeal process.363 After the State’s Supreme Court’s ruling, the leading force of the committee for Terry’s defense, Rev. Charles F. Stewart, stated that "the people of Portsmouth have given colored people generally a decision that will be referred to and used for the next hundred years. It is the biggest thing since the Civil War closed in this State... the greatest decision since reconstruction."364 While this seems like an overstatement the reason, the case was seen as such a monumental win was because very few black men had escaped conviction after being accused of murdering a white man and raping a white woman.365

The fact that courts gave black men the death penalty so disproportionally and, in the case of rape, reserved the death penalty for black men only, combined with the continued lynching of black men and the lack of

police concern over cases involving black victims, all leads to the conclusion that American society did not place much value on the lives of its African American citizens. An article in the Guide discusses the “Cheapness’ of Negro Life,” in America. Arthur P. Davis wrote that the “pattern of lawlessness which characterizes a whole region (and to a certain extend the entire nation)... [shows] a contempt for the dignity of human life [which] eats into the soul of both white and black alike.”

He goes on to say that, “as a result, the Negro becomes in his ghetto a Saturday night ‘Bigger Thomas,’ cutting and killing at will; and the white man faced with an emotional crisis reacts with the lawlessness he customarily reserves for his handling of the Negro. Generations of taking the law into one’s hand with respect to one situation builds up a dangerous habit which will inevitably assert itself in other situations.”

While Norfolk and the surrounding areas struggled to deal with the changes caused by the war it also continued to deal with the racial issues that plagued the whole country. The black community in Norfolk made it very clear through their attention to and involvement in the cases involving other black citizens that they would not sit by while the system showed contempt the dignity of black lives.

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367 Ibid.
Prosecuting Rape during World War II: Sexual Violence in Seattle, Washington

As with Norfolk and Salt Lake City, Seattle and the surrounding areas faced overcrowding and an increase in crime during WWII. The war complicated how the city dealt with crime. Not only did it bring an increase in population and crime, it added new obstacles for the criminal justice system. Witnesses, defendants, and lawyers joined, were drafted, or were already in the military making prosecution more difficult. A transient population further complicated things as victims and witnesses moved out of the area, forcing the State to either spend money bringing them back to testify or dismiss the charges all together. Furthermore, as we saw in the Salt Lake City chapter, the criminal justice system was disinclined to believe rape victims, especially in cases of acquaintance rape, showing once again that rape was not an accusation easy to be made and hard to be proved.

Seattle did not face quite the population explosion that Norfolk did, but the Puget Sound area was one of the country's biggest war boom areas. The population in this area grew twenty five percent from April 1940 to May 1944 and the labor force grew over eighty percent. The government awarded over three billion dollars in supply contracts and over three hundred

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369 Anderson, 13.
million dollars to help fund war plants in the area.\textsuperscript{370} By 1941, Seattle ranked first in the nation for per capita defense spending.\textsuperscript{371} According to Karen Anderson the only thing that slowed down the business growth was that there were more jobs than people.\textsuperscript{372} This is not to say that there was not an incredible increase in population, just that its growth was out-paced by war industry expansion as was the area's ability to house, feed, transport, and entertain the number of people needed to work. Anderson also notes that the Puget Sound area was one of the hardest hit in the country by the Depression and one of the slowest to recover. In fact, wartime defense spending dragged the area out of the Depression.\textsuperscript{373}

As in Norfolk and Salt Lake City, Seattle experienced a subsequent increase in crime during the war years. Juvenile crime was a major concern in the city. Since many young men were working or in the military there was actually a decline in complaints against male juveniles offenders, from 1,647 in 1941 to 1,185 in 1945. On the other hand complaints against female offenders increased from 614 in 1940 to 1,182 in 1945, but was at its highest in 1943 with 1,308.\textsuperscript{374} One way Seattle tried to deal with this problem was to establish a curfew and hold parents responsible for teens who broke it. J. Edgar Hoover, director of the Federal Bureau of Investigations (FBI), blamed the increase in juvenile crime on parents, saying the increase "indicated a
deplorable lack of parental guidance and discipline in many homes."\textsuperscript{375}

However, as Anderson points out, curfew laws were not always effective because police had a difficult time enforcing them consistently.\textsuperscript{376}

Much of the concern around juvenile delinquency focused on "victory girls" because they seemed to be flouting the prescribed gender and sexuality norms. Teenage girls received negative attention (and sometimes harsh criminal punishment) even when they did not have extra marital sex. Anderson writes, "[women who tested] the perimeters of social freedom in wartime America in ways that suggested sexual misconduct or a vulnerability to new temptations" could be labeled "victory girls" or seen as deviant and might be prosecuted under wartime moral codes.\textsuperscript{377} According to Hoover, by 1942, "arrests of girls under 21 for prostitution and commercialized vice increased 64.8 per cent... arrests for other sex offenses were up 104.7 per cent; drunkenness arrests increased 39.9 per cent and disorderly conduct arrests 69.6 per cent."\textsuperscript{378} Anderson argues that FBI statistics did not accurately reflect the huge number of women that local law enforcement agencies detained. Many departments did not report misdemeanors to the FBI and, in some cases, they held women in custody without ever officially charging them with a crime. Police arrested most of these women as part of the public health campaign against venereal disease. Anderson argues that Seattle was "particularly zealous" in their campaign and "as many as 300

\begin{footnotesize}
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  \item \textsuperscript{376} Anderson, 103.
  \item \textsuperscript{377} Anderson, 104.
  \item \textsuperscript{378} Ibid.
\end{itemize}
\end{footnotesize}
women a month were detained.\textsuperscript{379} However, she also notes, that “a study of 2,063 [women] held by the Seattle police in 1944 found that only 366 (17.3 percent) actually had venereal disease. Yet all of them had to spend four or five days in the county jail awaiting the results of the health examination.”\textsuperscript{380} While the criminal justice system in Seattle trampled on women’s rights in order to zealously reinforce gender norms (in the guise of public health), as we shall see, they often bent over backwards to ensure the rights of (white) defendants in rape cases.

Crime, especially violent crime, was a major problem in the city. An article in Seattle’s African American newspaper, \textit{The Northwest Enterprise}, advised its readers, “with the influx of workers for our industrial shortage, came 57 varieties of criminals, many with records that mark them as professionals... Our advice to all law-abiding citizens is to transact your business in the day time; go home and stay there for the night.”\textsuperscript{381} This editorial was printed in response to the outrage of a very brutal beating perpetrated by a black man on a white woman. The article also quoted Police Chief Herbert D. Kimsey, who said, “The Negro race cannot be blamed for the act of one man... We have had little trouble with the local Negro population. It has been those who have come here from out of the city.”\textsuperscript{382} As in Salt Lake City and Norfolk, much of the blame for increased crime rates fell on the newcomers. In a way this excuses the city from really having to deal with the

\textsuperscript{379} Anderson, 106.  
\textsuperscript{380} Ibid.  
\textsuperscript{382} Ibid.
crime problem. It was more about making do while the war lasted and expecting the problem to go away (or go back to normal) when it ended.

The attack that inspired this response from the press was perpetrated by a twenty-six-year-old African American car washer, James McLemore, against a forty-eight-year-old white widow of an Army Officer, Mrs. Genon Gladys Litky.  

McLemore attacked Litky on her way home from work as a stenographer and bookkeeper for the Army Ordnance Department. McLemore fractured Litky's skull in several places and she was in and out of consciousness when she was first hospitalized. According to The Seattle Times her doctors did not tell her what had happened to her because they were afraid the shock might be fatal. Litky seemed haunted by the attack even though she did not remember it. She suffered nightmares while in the hospital and often woke up screaming. She was still in the hospital eleven days later when the state formally charged McLemore with assault in the first degree and rape. In Washington assault in the first degree was defined in this manner, “every person who, with intent to commit a felony upon the person of the one assaulted, shall assault another with any deadly weapon or by any force or means likely to produce death, shall be guilty of Assault in the First Degree.” McLemore was arrested shortly after the attack, confessed.

386 “Attack Victim Critically Ill,” The Seattle Times, January 11, 1943, 12.
388 Washington v. McLemore, court instruction to the jury, number 2.
and plead guilty, but he later retracted his confession and plead not guilty to both charges.\textsuperscript{389}

McLemore was apparently drunk during the attack. In Washington excessive intoxication could be used as a defense in crimes where intent was a critical element of that crime.\textsuperscript{390} Intent was important in this case because McLemore was charged with first-degree assault and a part of what made it an assault in the first degree was that the assault was done with the intent to commit a felony (rape).\textsuperscript{391} The court instructed the jury that they should consider the defendant’s intoxication when determining his intent or motive.\textsuperscript{392} This particular jury instruction is critical because, in my own research I have seen a strong connection between alcohol use and the incidence of sexual violence.\textsuperscript{393} McLemore testified that he could not remember the attack. It is possible that this was due to the alcohol. His victim could not remember the attack either because of her injuries. McLemore also said that the police asked him leading questions and, as he testified, “finally I said I guessed I hit her if they said so. But I don’t remember seeing her or hitting her.”\textsuperscript{394}

McLemore’s defense filed a motion to suppress the evidence seized by police from his apartment and his person.\textsuperscript{395} They alleged that police

\textsuperscript{389} "Attack Victim Critically Ill," The Seattle Times, January 11, 1943, 12; Washington v. McLemore.
\textsuperscript{390} Washington v. McLemore, court instruction to the jury, number 10 ½.
\textsuperscript{391} Washington v. McLemore, court instruction to the jury, number 6.
\textsuperscript{392} Washington v. McLemore, court instruction to the jury, number 10 ½.
\textsuperscript{393} I discuss the role alcohol played (and plays) in sexual violence further in chapter 5.
\textsuperscript{394} "Man Convicted in Attack Case," The Seattle Times, March 18, 1943, 5
\textsuperscript{395} Washington v. McLemore, Defense Motion to Suppress and Affidavit of James McLemore, both dated March 12, 1943.
conducted the search before they arrested him.\textsuperscript{396} Detective Lieutenant H. J. Lawrence swore out an affidavit in response to McLemore’s accusations. Lawrence responded to a call to investigate a murder on January 8, 1943. When he got to the scene with Detective Lieutenant Richard Zeldenrust they realized that the woman, Litky, was not dead but in very serious condition. Lawrence said that she was covered in blood and her clothes were “practically torn from her.”\textsuperscript{397} They spoke to several witnesses who saw a man flee the scene, almost knocking one of them down, and saw him enter the nearby Olympus Hotel. Lawrence and Zeldenrust, along with a uniformed officer, went to the hotel and awaited backup. Several detectives spoke to the manager and found out a man matching the suspect’s description did indeed live there, and the manager knocked on McLemore’s door for the detectives. They questioned McLemore, who initially lied about where he had been that evening, but then admitted that he was at a club near the scene of the attack. Lawrence saw blood on McLemore and placed him under arrest. And according to Lawrence, McLemore voluntarily helped Lawrence search his person.\textsuperscript{398}

In many ways this case fits the stereotypes and conforms to some of the most tenacious myths about rape. McLemore did not literally leap from the bushes, but metaphorically he certainly fit the stereotypical stranger-in-the-bushes rapist. The attack was extremely brutal. There was no way Litky could have defended herself. She was attacked from behind and clubbed to

\textsuperscript{396} Ibid.
\textsuperscript{397} Washington v. McLemore, Affidavit of H. J. Lawrence, dated March 12, 1943.
\textsuperscript{398} Ibid.
unconsciousness. Furthermore, McLemore was black and he attacked a white woman. Tammy Garland discusses the most persistent rape myths. One of them is that "the majority of rapes are committed by a stranger."\(^{399}\) She writes, "women are inundated with stories and images from childhood (i.e. Little Red Riding Hood) that lead them to believe that out there in the bushes lurks a black man waiting to prey upon them... Contrary to the popular myth, the majority of rapes are perpetrated by someone the victim knows."\(^{400}\) Another of the most persistent myths is that "rape is a black-on-white crime."\(^{401}\) On the contrary, "the literature has consistently found that most rapists tend to be young, white males... [however] black men still remain overrepresented in rape cases... [because] black men are more likely to be prosecuted by the criminal justice system," and to get harsher punishments.\(^{402}\) John D'Emilio and Estelle B. Freedman found that "between 1930 and 1964, ninety percent of the men executed in the United States for rape were black [and] one study of sentencing found that black men convicted of raping white women received prison terms three to five times longer than those... in any other rape cases."\(^{403}\) Furthermore as Garland also notes, "If those who are caught don't fit the 'myth' of a rapist, they are often released."\(^{404}\) The fact that the McLemore case fit so many of the myths made

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\(^{400}\) Garland, 18-19.

\(^{401}\) Garland, 19.

\(^{402}\) Garland, 9.


\(^{404}\) Garland, 10.
him easy to prosecute and for the court to punish him harshly. Additionally, the judge and the press portrayed Litky as a sympathetic victim. She was respectable because she had been married and her husband was a soldier. It is unclear if he died in WWII, but it almost does not matter. She was a widow of a soldier in a time of war, which made her even more sympathetic. The judge in the case also praised her for her war work and pointed out that women needed to be able to travel through the city at all hours. Judge Chester A. Batchelor told the court that:

[McLemore's punishment] should serve as notice to the world that the women of Seattle shall be and will be protected from assault of all kinds... particularly when women are engaged in war industries, some of them working day and night. This woman was on her way to a war plant... she was doing her part in fighting for her country.405

Plus, while the paper never points this out specifically, McLemore was a young man and it had to look bad that he was not in the military and was not doing essential war related work. He was a car washer. McLemore got two life sentences, which were rarely given out in rape cases in King County Washington. However, there was little reaction to this verdict in the press, as there would have been with a white male, such as the case of Paul J. Sonnefield, which will be discussed later in this chapter.

Like Norfolk, Seattle had a tough time dealing with the increase in crime. The war complicated matters and gave the criminal justice system additional obstacles. In one case, the court worked around the defendant's

work schedule because he worked in war industry. In another case, a defendant went through two lawyers who each joined the military before finding a third who stuck around. Military service affected another case when one of the state's witnesses joined the WAVES and was unavailable to testify. More distressing is a case which the court dismissed partially because the defendant was in the Navy. The State initially charged Henry J. Rogowicz with raping sixteen-year-old Betty Potts in August of 1944. In September, the prosecuting attorney, Lloyd Shorett, filed a motion for dismissal of the rape charge. In the motion he explained that Potts' mother met with him and asked for the charges to be reduced or "disposed of in some manner" because she did not want her daughter to "suffer the humiliation of testifying against the defendant." Shorett went on to share that Rogowicz had served in the Navy for twenty-nine months and was in "many battles" in the Pacific. Furthermore, his record was exemplary and he was in line for a promotion. Rogowicz later plead guilty to a charge of carnal knowledge. Other cases had to be dismissed because of the general transience of the period, which sometimes lead to miscarriages of justice, such as The State of Washington v. Rudolph Chester Robinson.

407 The State of Washington v. Walter Woodward, Case No. 21758 (Sup. Ct. Was. 1947). He actually ended up with a fourth attorney, but the last change appears to be of his choosing and was after the war ended.
408 Washington v. McLemore.
410 Washington v. Rogowicz. There is no mention of what sentence he was given, but Shoret had requested that he be given a suspended sentence so that he could return to the Navy, which is likely what happened.
In the Robinson case, the defendant and the complaining witness (both were white), Dorothy Arlyne Denton, met at the Boeing airplane plant located south of Seattle in Renton.\textsuperscript{411} Robinson had moved to the area a few years prior to his run-in with the law, leaving his wife and thirteen-year-old son behind in Rugby, North Carolina.\textsuperscript{412} Thirty-seven-year-old Robinson kept an active social life, spending much of his free time bowling and attending dances, often (at least according to him) in the company of women he met at work.\textsuperscript{413} Nineteen-year-old Denton caught his eye and he asked her out several times, initially through a mutual female friend and then he directly approached her. She repeatedly declined, until July 14, 1944, when Robinson again approached her as they were leaving work and talked her into going to a dance with him that evening. Denton, the youngest of eighteen children, had moved to Seattle with her parents, but they were trying to secure new housing so Robinson picked her up at her friend's house.\textsuperscript{414} They spent a few hours at the dance and throughout the evening Robinson consumed a large quantity of alcohol, some wine at the dance and whiskey that he had in his car. He persuaded Denton to accompany him to the car several times when he went out for a drink and he kissed her and tried to touch her legs.\textsuperscript{415} According to her story the kisses were not consensual and she had to keep pushing his hands off of her. He testified that everything that happened

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\textsuperscript{411} The State of Washington v. Rudolph Chester Robinson, Case No. 22599 (Sup. Ct. Was. 1944).
\textsuperscript{412} His family lived with him in Washington for about six months but permanently resided in North Carolina.
\textsuperscript{413} Washington v. Robinson.
\textsuperscript{414} Ibid.
\textsuperscript{415} Ibid.
between them throughout the evening was mutual, but that she was not "overly responsive." After several hours at the dance she asked to be taken home, complaining of being tired. He responded by calling her a "wet rag," but agreed. On the long drive home he told her he was going to take a short cut, he instead pulled into a deserted area and told her, "I am going to take some of the conceit out of you and right now," and he made a "beastly dive" at her. There was a fierce struggle where Robinson repeatedly hit Denton while swearing at her. Robinson pinned Denton's arms beneath her and raped her. Afterwards she was crying and he told her, "Lay your head on my lap or I will really finish you." After a short drive he stopped the car and attacked her again. He eventually dropped her off at her sister's house. Her sister testified to her physical condition and that she was crying hysterically, and her friend testified that Denton told her about the attack the next day.

Robinson offered a different and somewhat convoluted story. He said that while they were parked on the way home their lovemaking was mutual but right at the moment of consummation she freaked out. He said he initially thought it was because he did not have a condom but when he questioned her, she said, "You are not going to... I have never been made... All of my life all I have ever held dear to me is I am going to be a virgin until I am married." He testified that they had a rather long back and forth where he

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416 Ibid.
417 Ibid.
418 Ibid.
419 Washington v. Robinson. The description of the evening is in the dissenting opinion from the Supreme Court of the State of Washington, dated April 8, 1946.
420 Ibid.
said he did not believe her and that he was worried that she would tell people at work that he had forced himself on her. He said that she became hysterical and refused to get out of the car when they reached her friend's home. He asked her if she felt different and she said she did and asked to be taken to her sister's house instead.\(^{421}\) What Robinson's story does not explain is what, if his story were true, motivated Denton to charge him with rape. In his version of events, Denton prised her virginity above all else, so why would she report a rape, which would only make her loss of virginity public?\(^{422}\) And if they did not have sex, why would he have asked if she felt "different?" His story also does not account for her physical state after their date, to which her sister testified.\(^{423}\)

The state charged Robinson with rape and second-degree assault. The jury found him not guilty of rape, but guilty of assault in the second degree and the court sentenced him to ten years in prison. Robinson appealed the verdict and after several years he was awarded a new trial.\(^{424}\) In the dissenting opinion, one of the justices described the crime making clear his opinion that Robinson was guilty in this case and that justice would not be served with a new trial. In the end the state prosecutor filed a motion to

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\(^{421}\) Ibid.
\(^{422}\) A few years after this case, The Seattle Times wrote of their policy regarding victims in rape cases in a piece on another case. In a rather forward seeming statement they wrote, "Names of women victims in rape cases are withheld by The Times to protect the women and to encourage victims of such attacks to report them to police without fear of publicity." The Times did not list Denton's name in their articles about Robinson, but they did list the names of other women and certainly people that worked with both of them would have known who she was, so while The Times later withheld victim's names, Denton had no guarantee of anonymity. The Quote is from "Staley Accused By 4\(^{th}\) Woman," The Seattle Times, April 1, 1947, 2.
\(^{423}\) Washington v. Robinson.
\(^{424}\) Ibid.
dismiss the charges, explaining that most of the state's witnesses were no longer in the area, having moved on after the war ended. Denton had herself returned to Wyoming with her parents and refused to return to Washington to go through another trial.\textsuperscript{425}

It is not surprising that Denton was not eager to testify again. The courtroom has never been very welcoming to rape victims. Courtrooms in general are hostile places in the United States' adversarial legal system. Law professor Lawrence M. Friedman argues, "Criminal justice has always been a man's world. Men ran the system; and it was men who did the crimes, especially violent crimes."\textsuperscript{426} Another law professor, Franklin Strier, describes this adversarial system as "quintessentially male." He writes about how this affects women's experience in the courtroom:

The adversary system of trial justice mirrors the male model of dispute resolution. Whether innately or by socialization or both, women typically avoid conflict as means of dispute resolution. At the risk of over-simplification, women are more likely to be compassionate, nurturing, and sensitive to the feelings of others. These qualities lend themselves to dispute resolution by conciliatory methods. On the other hand, men are prone to aggression, confrontation, and verbal if not physical hostility – traits congruent with courtroom battle.\textsuperscript{427}

While Strier was referring to more recent history (his book was published in 1996) his comment is only more apt in the World War II context, when the pressure on women to behave like "ladies" was even greater. That is, women had to behave in line with gender norms that insisted women were nurturers

\textsuperscript{425} Ibid.
\textsuperscript{426} Lawrence M. Friedman, \textit{American Law in the Twentieth Century} (Harrisonburg: R.R. Donnelley & Sons, 2002), 246.
\textsuperscript{427} Quoted in Andrew E. Taslitz, \textit{Rape and The Culture of the Courtroom} (New York: New York University Press, 1999), 81.
and self-sacrificing caregivers, whose beauty and femininity rested on their vulnerability. Rape law and courtroom tactics compelled women to be the opposite during and after the attack. Gender norms, and the pressures on women to conform to them, told women they needed to be vulnerable and that they should rely on men to protect them – should they be deemed worthy of that protection. But at just the moment when male protection failed them, women were expected to flip some switch and suddenly have the power to defend themselves against one of their supposed protectors, a man. The protector/protected dichotomy relied on women being weak and dependant on men and on men being strong and protective of women. But rape law and the American judicial system then expected the weak/protected to overpower the strong/protector when attacked. After their protectors have failed them and one such “protector” turned on them, women were further expected to be able to stand up to an adversarial criminal court hearing, something white men had been conditioned throughout their lives to be able to handle. Women had been conditioned throughout life to be demure and pleasing, the opposite of what was needed to succeed in court, and yet they suddenly had to be able to act like men in this system, in order to stand up under cross examination. At the same time they needed to continue to appear vulnerable and chaste in

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428 Donna Knaff lists some of the behaviors in line with the expected gender performances of women. She writes, “femininity as expressed by ‘homey’ occupations and women’s accepted, expected behaviors and emotional characteristics, such as tenderness, gentleness, love of family and tradition, and, of course, heterosexuality.” Donna B. Knaff, *Beyond Rosie the Riveter: Women of World War II in American Popular Graphic Art* (Lawrence: University Press of Kansas, 2012), 3.
court in order to convince the judge and jury that they were truly victims worthy of the courts' protection.429

Unlike the Robinson case, there were cases in which the state went to great expense to bring witnesses back to Washington after the war ended and people dispersed, such as *The State of Washington v. Walter Woodward*. This case and cases discussed in connection to it, received a great deal of attention in the press and highlights a few of the ways some Seattle judges arguably mishandled rape cases. The police first picked up Woodward during a sting designed to catch the man responsible for attacks on thirty-five women over a four-year period.430 The police believed that Woodard was the man who had been targeting women looking for work through the want ads. While being held by police Woodward confessed to attacks on seven women.431 He wrote and signed a confession, which offered enough detail that the police were further convinced of his guilt. Meanwhile, Snohomish County Sheriff Ray Ryan filed an additional rape charge against Woodward, believing Woodward guilty of raping a fourteen-year-old girl there. Sheriff Ryan placed a hold on Woodward, so that if Seattle police did not charge him they would hand him over to Snohomish county officials.432 Woodward was a white, twenty-nine-year-old pinball machine operator and was married with a five-year-old daughter.433

429 My argument here is greatly influenced by Judith Hicks Stiehm's discussion of the protector/protected dichotomy and by Andrew E. Taslitz's discussion of gender in the courtroom.


431 Ibid.

432 Ibid.

Police charged Woodward in October 1942. By May 1943 he had skipped bail. The County Treasurer, Carroll Carter, apparently referenced Woodward as a bail jumper in a radio broadcast and Woodward filed a $50,000 slander suit against him — while he was a fugitive!\textsuperscript{434} His disappearance and the lawsuit caused the Seattle police and prosecuting attorney, Lloyd Shorett, much embarrassment, especially when Snohomish County Sheriff Ray Ryan initiated a man-hunt telling The Seattle Times, "If they (Callahan's men [King County Sheriff]) aren't going to hunt him down and prosecute him we are."\textsuperscript{435} Both Callahan and Shorett took office after Woodward's initial arrest, so both could blame their predecessors.\textsuperscript{436} Shorett's predecessor, B. Gray Warner, only charged Woodward with one count of rape, Shorett amended the charge to include six additional attempted rape charges and Woodward failed to appear in court to be arraigned on those additional charges.\textsuperscript{437} During the two months following the first article reporting Woodward jumping bail, The Seattle Times repeatedly mentioned Woodward, most of the articles focused on the issue of bail. The court initially set bail at $10,000. $5,000 appears to be the most common amount in rape cases, perhaps the court set it at ten because of the number of victims or because of Woodward's confession, even though he retracted it. Either way the court quickly reduced his bail to $5,000 at his first attorney's request. And

\textsuperscript{434} "Officials Can't Find Suspect, But Suspect Sues Radio Critic!" The Seattle Times, May 6, 1943, 1.
\textsuperscript{435} "Snohomish Officials Want King County's 'Lost' Suspect." The Seattle Times, May 7, 1943, 1 and 2.
\textsuperscript{436} "Sheriff Hits Woodward's $3,000 Bail As Too Low," The Seattle Times, May 13, 1943, 1 and 4.
\textsuperscript{437} "Snohomish Officials Want King County's 'Lost' Suspect," The Seattle Times, May 7, 1943, 1 and 2.
though he was already out on the $5,000 bond, his second attorney (Woodward was the defendant I mentioned earlier who went through two lawyers who joined the military) requested and received another decrease to $3,000 saying the money was needed so Woodward could support his family. The prosecution did not set bail. They usually offered their opinion to the judge, who took it under consideration. In both instances here the prosecution did not object to the changes.

The judges who set and reduced the bail also received the press’s attention. Neither judge involved could actually remember any details of the case, though one of them did talk to the Times. Judge James T. Lawler commented on the bail, saying, “Ten thousand dollars is too much for a case like that. It wasn’t a murder, you know. I don’t remember the circumstances exactly but $5,000 wasn’t too little.” King County Sheriff Harlan S. Callahan disagreed, he told The Times that the bail should have been set at $100,000. Contrary to Judge Lawler’s assertion, Callahan stated,

...if I had been setting the bail, it would have been a damned sight more than $3,000. Men convicted of rape are subject to life sentences in the penitentiary. When a man is tried for murder, his bail is set much higher, and to me this case is worse than a cold-blooded murder – this attacking of girls and women going along the street... they have set the bail as high as $100,000. Usually it’s $50,000 on a murder charge and I don’t think $50,000 would have been too high in this case.

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438 “Sheriff hits Woodward’s $3,000 Bail As Too Low,” The Seattle Times, May 13, 1943, 1 and 4.
439 Ibid.
440 Ibid.
441 Ibid.
The Seattle Times also offered the public's perspective on the case, writing, "Public opinion may not be the best guide in criminal cases; but there can be no doubt of public conviction that when the evidence of such a crime is at all tangible, and most certainly when a confession has been made [such as Woodward's], no bail in any amount should be deemed sufficient." The Times also pointed out the apparent incongruity that a woman received almost the same bail amount for setting out poison that killed rats and at least one cat. Chief criminal deputy prosecuting attorney Floyd M. Reischling responded to Callahan, telling The Times that bail of $50,000 or $100,000 was too high for a case that was not a capital offense. Unlike Virginia, in Washington rape could result in a life sentence but not a death sentence.

By the end of May, Woodward had officially been declared a fugitive and his bail was revoked. Shorett delayed having the bail forfeited because he believed Woodward's mother had paid it. His embarrassment was increased once he realized he was mistaken and the bail had been paid by another pin-ball operator. The Times only mentioned Woodward a few more times in 1943. A couple articles reported that a change in his selective service rating made him eligible for the draft and, since he had not given a new address to his draft board, he was in violation of the Selective Service.

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444 Ibid.
445 "Woodward Still Free While Callahan and Shorett Pass the Buck," The Seattle Times, May 9, 1943, 1.
Act, which put the F.B.I. on his trail. The other articles referenced Woodward while discussing the bail amounts set in other cases.

The Times mentioned the Woodward bail controversy in connection to both the Luther Krickbaum and Sonnefield cases. All three white men enjoyed their momentary freedom after being granted rather lenient bail. Police initially arrested Sonnefield for taking a motor vehicle without the owner's permission in May 1943. On this charge he was released on $1,000 property bond. One unnamed police officer who was in the courtroom complained, "that bond isn't worth the paper it's written on! ... He's got a lot of property out here in Seattle and we'll never see him again. This man has a record as long as your arm." Sonnefield had been convicted of crimes all over the country and had served time in Leavenworth. As The Times reported, while out on bond on this charge Sonnefield went on a bit of a spree, attacking numerous women in the streets at knife point, "attacking some and robbing others." A trolley operator spotted Sonnefield and he was re-arrested. While in custody he confessed to attacking ten women and at least five women identified him as their attacker. The court eventually charged Sonnefield with three counts of rape and two counts of robbery. He plead not guilty to the robbery charges.

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448 Ibid.
449 Ibid.
and they were dismissed, but he plead guilty to the three rape charges. Judge Calvin Hall gave Sonnefield three consecutive life sentences, much to the shock of those in the courtroom. According to the newspaper, “Judge Hall’s sentence caused gasps among attorneys in the courtroom because it was one of the stiffest sentences for rape ever to be imposed in King County.” It is unclear why the state only charged him with three counts of rape when the newspaper reported that he admitted to ten attacks and at least five women identified him. Perhaps the additional uncharged offenses contributed to the judge’s decision to impose such strong sentences. It is also quite possible that the judge felt some pressure to punish Sonnefield harshly in response to the newspaper debates over bail and the coverage of all of the attacks on women in Seattle of late.

The Krickbaum case was less extraordinary than Sonnefield or Woodward but the issue of bail came up yet again. This rape case started out in the Lake City Justice Court, before Judge Dell Lampman. Lake City Justice Court was in a more rural area near Seattle. Justices in courts such as this one could choose to transfer cases to Seattle (but not to another rural court). The original justice in this case told reporters that he choose to transfer the case to Seattle and to have a second judge sit with him because of the seriousness of the charge. While he seemed to take the charge seriously, when setting bail he seems to have lost sight of this fact. He stated that he wanted to set bail at $250. Judge Hoar, the Seattle Judge, thought they

453 Ibid.
454 “Attacker Gets 3 Life Terms,” The Seattle Times, June 19, 1943, 3.
should set it at $2,000. They took the defendant's attorney's plea into consideration and set the bail at $500. And once again, as reported by The Seattle Times, an accused rapist was free on an incredibly light bail. The rural justice, Lampman, explained why he wanted to set bail so low, saying, "I wanted to give the man a break because I was not certain of his guilt and wanted to make it as easy for him as possible."455 The jury was more certain of his guilt. They found him guilty, the judge sentenced him to twenty years, and the board of prison terms and paroles set his minimum sentence at four years.456 According to The Times, Luther Krickbaum, a forty-two-year-old white laborer, and his white victim, twenty-three-year-old Dorothy O'Leary were acquaintances, and he had lured her to an empty house with an offer of help to find her a place to live.457 Based on the jury instructions it appears that O'Leary swore out a complaint against Krickbaum right away, which, at least legally, tended to lend credence to her story. The jury instructions, which appeared in the majority of rape cases during the war years reads:

The jury is instructed that, upon the trial of a defendant accused of the crime of rape, the fact that the prosecutrix made proper and early complaint of the wrong and injury committed upon her person and to her character is independent and original evidence and may be considered by the jury in cooperation with her other testimony given in the case.458

458 Washington v. Krickbaum, jury instruction number 7. The Court's instruction, which would have gone before the jury, has a handwritten qualifier absent from the prosecution's requested instruction which is quoted above. In the court's version they wrote in, "if you find it to be a fact."
This is another way the American legal system went out of its way to find reasons to disbelieve women who had the audacity to accuse a man of rape. But even when women jumped through the hoops placed before them judges and juries still doubted them, in a way that they rarely doubted victims of other crimes. In this case we have a justice who wanted to let an accused rapist go on a paltry $250 because he did not want to inconvenience him. Meanwhile O’Leary would have to face not only the possibility of bumping into her acquaintance-attacker, but also would have to face her community thinking she lied about the attack since a judge said as much in a newspaper. Of course, as one of the judges involved in the bail controversy surrounding these three cases pointed out, bail was not intended to be a form of punishment. It was only intended to insure the accused showed up to trial. However, I think the small bail amounts for a crime punishable with up to life in prison says a great deal about how judges thought about rape. It all goes back to the old adage (which was a part of the law in some states and military law, but not Washington’s rape law) that “It has been said of this offense [rape] that it is an accusation easy to be made, hard to be proved, but harder to be defended by the party accused, though innocent.”459 This legal clause dates back to 17th century England, when Matthew Hale first wrote it. As Susan Brownmiller writes, “Hale’s quaint homily has poorly stood the test of time despite its popularity. Since four out of five rapes go unreported, it is fair to say categorically that women do not find rape ‘an accusation easily to be

made.' Those who do report their rape soon find, however, that it is indeed, 'hard to be proved.' In the United States a defendant is innocent until proven guilty — something that was highlighted in the jury instructions in every case — but rape victims were considered liars until proven otherwise.

The court showed this bias against women in other cases as well. In *The State of Washington v. John Whitley* the court gave the following instruction,

You are instructed that in cases of the kind now on trial [Whitley was charged with Assault in the Second Degree (or Assault with Intent to Commit Rape)] before you, ample opportunity is oftentimes afforded for the freeplay of malice and private vengeance. Due to the secrecy which oftentimes surrounds the accusing witness and the party charged with the offense, in many cases of the kind it becomes difficult, if not impossible, to rebut or disprove accusations made. Under such circumstances the accused becomes almost defenseless.

Here again, the court called the victim's veracity into question based on the crime. That is, they were not just saying that this particular women was a liar but that all women can easily lie about rape, which ignores any repercussions that women face when making a rape complaint. In another instruction that court talked about the effect the victim's previous sexual activity has on a rape case. Friedman points out that trying the victim is neither rare nor necessarily a bad thing (he writes here about the more recent battered women's defense), but he argues that, "in rape cases, trying the victim had a particularly vicious edge; it rested on some ancient stereotypes — that an

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461 *The State of Washington v. John Whitley*, Case No. 22209 (Sup. Ct. Was. 1943). This quote is from the court's instruction number eight.
'unchaste women' has no virtue and is probably a liar as well; and that a woman who had sex with men before will surely do it again; and in any event, she is not much better than a whore, and a criminal court should not bother to protect or vindicate her bodily integrity. As Leisa Meyer has so succinctly put it, "it was impossible for women both to want sexual activity and at the same time not want to be raped." The court often made the instruction that an unchaste woman, or even a "common prostitute," could be raped. In this case it gave rather conflicting instructions, first stating, "You are instructed that a woman of previous unchaste character is protected by the law of the state against forceful physical violation, as would a woman of previous chaste character." However, later in the same instruction the court backtracks and says,

it should be observed by the court that it has been determined as a sound rule of law that a woman cannot ruthlessly destroy that quality upon which most of the good qualities are dependant, and for which, above all others, a woman is revered and respected, and retain her reputation for truthfulness unsmirched. If you should conclude that the complaining witness was a woman of dissolute or unchaste character, you will consider that circumstance together with all other evidence in the case determining the weight to be attached to her testimony as a witness in the case.

In other words, a woman who has sex (presumably outside of marriage) has destroyed her truthfulness at the same time, women could not both be

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462 Friedman, 249.
464 Washington v. Whitley, court’s instruction number seven.
465 Washington v. Whitley, court’s instruction number seven.
sexually active and honest and respectable -- as a "rule of the law." Of course, there is no similar instruction telling the jury that men who throw away their virginity cannot be trusted, or that a man who gets himself involved with a woman of poor character might suffer a similar character defect. It is not too surprising then that the jury came back with a verdict of not guilty. What is surprising is the note they wrote in beneath the verdict: "We of the jury do not believe that the prosecuting witness was of such low character as pictured, and we wish to express our confidence in her future." There is not enough information available to form an opinion on the case, so it is unclear why they found the defendant not guilty, beyond what is already discussed here.

Judges were not completely unsympathetic to women. In early 1944, the state charged Harold W. Varker with one count of rape and two counts of assault in the second degree (assault with intent to commit rape). Varker plead guilty on all three charges and was given one twenty year sentence and two ten year sentences. He would serve the first twenty year sentence and then would serve the other two ten year sentences concurrently. Varker was caught in the act of assaulting his third victim on her way home from her job as a theater usher. Her cries for help garnered the attention of people who lived nearby and they captured Varker. The three victims were all teenagers; he raped a sixteen-year-old in October 1943, assaulted a fourteen-year-old in December 1943, and assaulted a seventeen-year-old in

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466 Ibid.
467 Washington v. Whitley, verdict.
February 1944. He apparently made a plea for leniency because he had two kids and his wife was pregnant with a third. Judges sometimes gave men with families a break, as with Woodward who requested his bail decreases so he could support his wife and five-year-old daughter. It did not work out this way for Varker. The Seattle Times quoted Judge James B. Kinney as saying: “I can’t understand the process of this man’s mind… There is nothing here to warrant showing you any consideration whatever. Your wife has been to see me several times what’s to become of her is something you should have thought of before. If the women of Seattle are to be protected, men like you must be placed in the penitentiary” (emphasis mine).470 The judge expresses sympathy for Varker’s wife, but still threw the book at Varker saying it was to protect other women.

The law finally caught up with Woodward, alias Frank Staley,471 in California in November 1946, in the form of the FBI. By January 1947, Woodward was back in Seattle. Rather ironically his latest lawyer almost immediately requested a bail decrease. In Woodward’s absence the Seattle court had set his bail at $50,000 and the Snohomish bail of $10,000 still stood. Additionally, the United States District Court required another $5,000 for the violation of the Selective Service Act. The District Court judge did not set the usual bail amount of $2,500, but doubled it saying, “Staley [a.k.a

470 “Attacker of 3 Gets 30 Years,” The Seattle Times, April 11, 1944, 2.
471 Woodward’s mother explained the alias. She was married to S.W. Staley and had a son, Frank Staley, but she divorced Staley and soon married Dick Woodward who raised Frank Staley as a son and they renamed him Walter Woodward. His mother testified that he had only recently discovered his birth certificate and realized his name was Frank Staley and decided to use his birth name. It was also the name listed with his draft board. “Witnesses Give Staley Alibis,” The Seattle Times, April 15, 1947, 3.
Woodward] was inconsiderate of his obligations once when on bond."\textsuperscript{472} According to \textit{The Seattle Times} Woodward was rumored to have been involved in a "lucrative real estate business" while in California. Woodward denied this stating, "I was just taking a vacation, more or less, and I'm broke today."\textsuperscript{473} He requested a reduction of bail saying he needed the money to support his family and, rather audaciously, because he would need extra time to prepare his defense since so much time had elapsed since the crimes were committed.\textsuperscript{474} Of course, their motion ignored the fact that Woodward caused the long delay. The Seattle court denied his first request to lower his bail to $17,500 or less, however, they did lower his bail upon his second request, to $40,000, so that his bail between Seattle and Snohomish County combined to $50,000.\textsuperscript{475} According to the second request for bail reduction, Woodward’s family -- his wife, mother, and mother-in-law -- put up all of their property and pooled all of their money in order to come up with the 50,000, but come up with it they did and soon he was at liberty again.\textsuperscript{476} This time he did not jump bail.

Woodward’s trial began in the end of March and went to the jury, which was made up of eleven men and one woman, on April 7, 1947.\textsuperscript{477} The state brought witnesses to Washington from Oregon, Iowa, and Indiana\textsuperscript{478} and the

\textsuperscript{472} Ibid.
\textsuperscript{474} \textit{The State of Washington v. Walter Woodward alias Frank Staley}, Case No. 21758 (Sup. Ct. Was. 1942).
\textsuperscript{475} Ibid.
\textsuperscript{476} Ibid.
\textsuperscript{477} Ibid.
\textsuperscript{478} Ibid.
defense had at least seventeen of their own witnesses.\(^\text{479}\) Throughout the well-publicized and well-attended trial his wife stood by him and told reporters, “I’ve never doubted his innocence.”\(^\text{480}\) His mother also attended the trial, though the two women did not sit together.\(^\text{481}\) They both testified on his behalf.\(^\text{482}\) All seven women police charged him with attacking back in 1942 testified against him. Two of the women were black and the rest were white. Their ages ranged from fifty-one down to eighteen. The youngest women was fourteen at the time of the attack.\(^\text{483}\) The defense tried to discredit the youngest victim to build a case of mistaken identity. She testified that she had placed an ad in the paper looking for a baby-sitting job. Woodward answered the ad and arranged to meet her at a bus stop. He picked her up and drove to a secluded spot. He tied her wrists together and gagged her. She kicked him and ran away, testifying that, “I ran and he yelled, ‘Stop or I’ll kill you!’ but I kept running and hid in a ditch until he drove away.”\(^\text{484}\) She also testified that she had not seen Woodward since 1942 until the day she testified in court in 1947.\(^\text{485}\) This was where the defense attempted to discredit her. Woodward, his lawyer’s wife, and a private detective went to this young lady’s place of work and asked her for directions, to see if she recognized him.\(^\text{486}\) They tried this with at least one other victim (a 23-year-old housewife), who did not

\(^{479}\) “Witnesses Give Staley Alibis,” The Seattle Times, April 5, 1947, 3.
\(^{480}\) “Jury Completed to Try Staley; Mistaken Identity Defense,” The Seattle Times, March 31, 1947, 2.
\(^{481}\) Ibid.
\(^{482}\) “Witnesses Give Staley Alibis,” The Seattle Times, April 5, 1947, 3.
\(^{483}\) “Staley Accused By 4th Woman,” The Seattle Times, April 1, 1947, 3; “Seventh Woman Accuses Staley,” The Seattle Times, April 2, 1947, 8.
\(^{484}\) “Seventh Woman Accuses Staley,” The Seattle Times, April 2, 1947, 8.
\(^{485}\) Ibid.
\(^{486}\) Ibid.
recognize Woodward right away, but knew him by his voice. According to the
detective the defense hired, she said, “You’re the man, I know your voice.”\footnote{Staley Speaks In Own Defense, The Seattle Times, April 7, 1947, 5.} They must have added to these women’s trauma by ambushing them this way. Woodward disguised himself during the attacks, by placing tape over his nose, so he must have known it would be hard for the women to identify him.

Prior to the trial the defense attorney complained to the court that the prosecution was uncooperative and had instructed witnesses not to talk to the defense.\footnote{Washington v. Woodward aka Staley.} The prosecution denied doing any such thing and said it was up to the witnesses if they wanted to meet with the defense.\footnote{Ibid.} One of the two black victims admitted that she refused to speak to the defense team. The newspaper describe her testimony, “‘I’m here to tell the truth,’ she declared, eyes flashing. ‘I was called as a state witness, and outside of court I didn’t have to answer your questions. You’re harboring him,’ she said pointing to Staley [a.k.a Woodward]. ‘I want to help make it safe for my daughter to walk the street – to try to make sure these things don’t happen to her.’”\footnote{Seventh Woman Accuses Staley, The Seattle Times, April 2, 1947, 8.} This woman appears to have been the most defiant of the seven women. The woman he was accused of raping was less defiant; she broke down on the stand and cried for several minutes before she could go on. The newspaper described her as “an attractive 23-year-old housewife from Davenport, Iowa.”\footnote{Staley Accused By 4\textsuperscript{th} Woman, The Seattle Times, April 1, 1947, 3} Woodward did not find this victim through the want ads. She was waiting for a bus and Woodward stopped in his car to ask for directions.
When she leaned in to talk to him, he grabbed her and dragged her into the car. He threatened her with a gun before tying her up and blindfolding her.\textsuperscript{492} This was all part of his modus operandi. He picked up his victims, either under the ruse of asking for directions or offering them rides or by answering ads in the paper of women looking for work and arranging to meet them at a bus stop. He would then drive them somewhere secluded, usually under the ruse of having an emergency. Once there he would threaten them with a gun, tie them up, gag them, and then either rape or attempt to rape them.

Detective Captain Richard F. Mahoney also testified, recounting the investigation and eventual capture of Woodward. During his testimony he read Woodward's confession, over the defense's strenuous objection. Woodward's confession must have been very damning. It offered details of each of the attacks, which someone not involved in the crime would not have known. Detective Mahoney also pointed out that once the police arrested Woodward and he then left town there were no more reports of similar attacks.

Mahoney was the one who planned out the sting that caught Woodward. Detectives contacted every woman who had an ad in the newspaper and found a woman, Mrs. Marie Thomas, who had been contacted by a man. She agreed to work with detectives and, at their direction, she set up a meeting with the man who turned out to be Woodward. She took a bus to meet Woodward with Mahoney trailing behind in an unmarked vehicle. When Thomas got off of the bus Woodward approached

\textsuperscript{492} Ibid.
and Mahoney arrested him. On Woodward’s person and in his car they found rope similar to that used in the other attacks.\textsuperscript{493} The defense brought a parade of witnesses, including Woodward’s wife, his mother, mother-in-law, and his father (Staley not Woodward),\textsuperscript{494} who testified that Woodward was out of town at the time of several of the attacks.\textsuperscript{495} As mentioned earlier, the wife of Woodward’s attorney, John F. Walthew, testified about her trip to one of the victim’s work, and said that the victim did not recognize Woodward.\textsuperscript{496} The defense brought Corine, Woodward’s wife, back to the stand, likely because they wanted her to help explain the bail jumping.\textsuperscript{497} She wept on the stand and reiterated that she believed in her husband’s innocence. She spoke about the time they were in California after fleeing the state, saying, “We could have been so happy if we hadn’t had this cloud hanging over us.”\textsuperscript{498} She said that they decided to run because one of his attorneys who joined the military refused to refund the $2,500 retainer they had paid him. She ended by saying that she was confused by his confession.\textsuperscript{499}

Woodward also testified on his own behalf. His attorney tried to build his defense on a claim of a frame-up. Woodward talked about how difficult it was for him to break into the pinball industry in the Seattle area.\textsuperscript{500} He tried to circumvent the existing industry by paying businesses thousands of dollars to

\begin{itemize}
\item \textsuperscript{493} "Mahoney Reads Staley Report," \textit{The Seattle Times}, April 3, 1947, 2.
\item \textsuperscript{494} Ibid.
\item \textsuperscript{495} "Staley Friends Back Defense," \textit{The Seattle Times}, April 4, 1947, 2.
\item \textsuperscript{496} Ibid.
\item \textsuperscript{497} Ibid.
\item \textsuperscript{498} "Staley’s Wife Weeps On Stand," \textit{The Seattle Times}, April 19, 1947, 4.
\item \textsuperscript{499} Ibid.
\item \textsuperscript{500} "Staley Speaks In Own Defense," \textit{The Seattle Times}, April 7, 1947, 5.
\end{itemize}
let him place his machines in their businesses and to remove other machines. His cutthroat tactics apparently made him some enemies, and his defense team tried to claim that the police and pinball industry got together to frame him because he did not join the pinball association. Not everyone in the industry disliked Woodward. A fellow pinball operator paid his original bail and lost 3,000 dollars because of Woodward. Woodward also alleged that he confessed because of police brutality. He testified that “I’d have signed anything to get out of jail.” He referred to the time he spent in jail after his initial arrest in 1942 as “really rough” and “a nightmare.” And asserted that the detectives, who hit him in the head and stomach, said they would not let him post bail until he confessed. He even claimed that he still had a bump on his head in 1947 from the abuse suffered in 1942.

The trial ended dramatically. Woodward held the hand of his “attractive young wife,” while both sides made their closing arguments. Prosecuting Attorney Lloyd Shorett nearly fainted during his summation and had to take a recess. The bailiffs opened several windows to cool off the courtroom and Shorett continued. He reiterated that whoever had been attacking women for more than a year “had ceased operations on the day that Woodward (Staley) was arrested.” He also called Woodward’s defense “fantastic,” especially his claims of police brutality and the “frame-up” claim. Shorettr

503 Ibid.
504 Ibid.
505 "Staley Case In Hands of Jury," The Seattle Times, April 10, 1947, 10.
506 Ibid.
507 Ibid.
told the jury to ignore Woodward's testimony and to focus on the fact that all of the victims positively identified him as their attacker. He ended with a summation of the case this way: "here is eyewitness testimony like you'd never see again if you sit on a jury the rest of your life... Also a signed confession by Staley who had a piece of rope in his pocket and a piece of tape on his nose (several women previously had testified that Staley tied their hands before attacking them and wore a patch of adhesive tape on his nose to prevent later identification) when arrested."

The jury only deliberated for two hours before finding Woodward guilty on all seven counts, one count of rape and six of attempted rape. Woodward's wife remained calm throughout the reading of the verdict. His face initially reddened but then he got paler and paler as each verdict was read. His fifty-five-year-old mother Mae Woodward collapsed halfway through. About an hour after the verdict came in, Woodward’s attorneys handed him over to the jail. Woodward was sentenced to twenty to forty years on each count, two to run consecutively and the rest to run concurrently.

With all of Woodward's defense team's maneuvering in court, it is rather telling that they did not attack the victims' characters, at least in a way that received attention in the press. This is likely because of the nature of these rapes. Like McLemore, this was a case of stranger-rape, which was easier to prosecute because it conformed to the rape myths discussed earlier.

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508 Ibid.
509 "Staley Guilty On All 7 Counts," The Seattle Times, April 11, 1947, 2.
510 Washington v. Woodward a.k.a Staley.
Cases of acquaintance rape were less clear-cut, defendants could make claims about previous behavior and call their victim's veracity into question.

All of the press coverage of the city's difficulty in prosecuting rape cases may have made women even less likely to report rape to the police. While *The Seattle Times* sometimes quoted law enforcement officers and judges who showed concern for Seattle women, they also demonstrated that the criminal justice system was disinclined to believe women who charged men with rape and were willing to let accused rapists out on minimal bail even though they faced the possibility of a life sentence. The war further complicated things because of the transient nature of the war years. Woman had increased freedom and employment opportunities, which lead them to move about the city alone and at night. However, because of this new freedom and job opportunities, they were also exposed to potential arrest, since police were looking for reasons to arrest women on moral's charges with the excuse that it was to protect public health. They also faced danger in the form of men who took advantage of the wartime upheaval to attack women on the street.
Chapter 4- “I’m Doin’ It For Defense”:
Obligation and Sexual Violence During World War II

You Can’t Say “No” To A Soldier
You can’t say no to a soldier, a sailor, or a handsome marine;
No, you can’t say no if he wants to dance
If he’s gonna fight, he’s got the right to romance,
So, get out your lipstick and powder,
Be beautiful and dutiful too;
If he’s not your type, then it’s still okay
You can always kiss him in a sisterly way.
Oh, you can’t say no – no, you gotta give in
If you want him to win for you.511

Two songs in particular demonstrate the messages that popular culture sent women, telling them to do their part for the war effort. The first song, “You Can’t Say ‘No’ To A Soldier,” focused on what women could, and should, do for men in uniform. The line, “If he’s gonna fight, he’s got the right to romance,” reinforced the idea that a soldier who was willing to risk his life for his country deserved, or more precisely had the right, to sex. The song went on to tell women, “be beautiful and dutiful too,” this line clarified that it was a woman’s duty to be physically attractive and to provide a good time for soldiers. The song ends, “you can’t say no... if you want him to win for you.”512

512 Ibid.
this song, the outcome of the war depended on the willingness of allied women to properly entertain or, more cynically, sexually satisfy, the troops.

The song, “I’m Doin’ It For Defense,” was even more frank in the correlation between sexuality and duty:

Mister Bones, get this right, I’m your date tonight
But when I hold you tight, I’m doin’ it for defense.
Month and months you’ve been drilled, now it’s time you were thrilled;
Start from here, then we build, I’m doin’ it for defense.
If you kiss my lips and you feel me respond,
It’s because I just can’t afford a bond.
If you think you’re Cary Grant, brother, relax
You’re just a rebate on my income tax.
Don’t be hurt, don’t get sore, I’m a pal, nothing more;
This ain’t love, this is war, I’m doin’ it for defense.513

The woman singing the song bluntly tells her date, a sailor, that she would go out with him but only because she was trying to win the war. The most telling line is, “if you kiss my lips and you feel me respond, it’s because I just can’t afford a bond.” Civilians could support the war through the purchase of war bonds. For women who could not afford them the next best thing was entertaining, or possibly having sex with, service men. Furthermore, this song equated women’s companionship with bonds. Women’s bodies were commodified and used in place of money to express patriotism. The presumption was that women’s ability to directly contribute to the war effort was limited, but one way to demonstrate love of country was through sexual

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relationships with men who could more directly serve the war through military service.

Newspapers encouraged women to do their part for the war effort and continued the theme of sexualized patriotism. Their work in war industry or on military bases was not enough, however; women were also expected to provide entertainment and the comforts of home to lonely homesick soldiers. According to the base newspaper of Hill Field in Ogden Utah, *The Hillfielder* "scads of gorgeous damsels [were] running around this place [the base], lifting morale and boosting production."\(^{514}\) To prove its point, the paper featured a pin-up of a local girl each week, usually women who worked on the base. Pinups were certainly not unique to Utah and in publishing local pin-ups *The Hillfielder* and other base papers responded to national trends and copied other military publications like *Yank: The Army Weekly*, which published pin-ups of famous Hollywood actresses each week.

Pin-ups were not a new art form in the 1940s, but enjoyed a long history of development dating back at least into the nineteenth century. American service men had sought out pictures of naked women at least as far back as the Civil War.\(^{515}\) According to Joanne Meyerowitz, the "demimonde trickled into the mainstream," after the Civil War, mostly in the form of advertisements. Companies found that semi-clad women appealed to women

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\(^{515}\) Joanne Meyerowitz, "Women, Cheesecake, and Borderline Material: Responses to Girlie Pictures in the Mid-Twentieth Century U.S." *Journal of Women's History*, Vol. 8 No. 3 (Fall 1996): 11.
consumers as well as men. Maria Elena Buszek, an art historian, argued that while the pin-up genre began in the 1910s, pin-ups became defined by their development during WWII. During the war, the pin-up offered pleasure and escape to servicemen far from the comforts of home. Pin-ups, especially those of Alberto Vargas Y Chavez, which appeared regularly in *Esquire*, established “new ideals for ordinary women on the American Homefront.” Meyerowitz also noted that during WWII pin-ups crossed race and class lines, appearing in middle-class and working-class publications as well as African American publications like *Ebony*.

Buszek believed that the 1940s pin-ups expressed a greater acceptance of women’s sexuality and women’s ownership of their sexuality. This may be true, but it also appears that, while women enjoyed their sexuality, some men still felt like they owned or had a right to control the sexuality of women. One man complained to *Esquire* about the Varga Girl pin-ups saying that women who exhibited such overt sexuality were not the type of women men would be seen with in public. He wrote, “women’s beauty is – and should be – judged from the standpoint of that which would make her most desirable to men. We want a female who is a lady in the daytime and a woman at night,” meaning he wanted a woman who hid her sexuality from the larger public, but would be sexually adventurous with her (male) partner.

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516 Ibid, 11-12.
518 Meyerowitz, 12.
519 Buszek, 185.
Henry Elkin argues that service men used pinups less for their own personal enjoyment and more as a way to put their own virility on display and to fit in with other men.521 I think the same could be said of the women who posed for pinups, or who made their own – those, too, may have been less for their own enjoyment or that of the men they sent them to and more about visibly, and often publically, expressing support for the war effort. Meyerwitz has argued that the American public accepted the massive distribution of pinups to soldiers, by magazines like *Esquire* and local and national military publications, and “hailed the ‘pin-up girls’ not as prostitutes but as patriots who boosted the morale of soldiers.”522 Despina Kakoudaki goes further and argues that, “the wartime pinup constitutes a state-initiated, propagandist, mainstream image, while the pre-1940s and post war pinups are seen as ‘secular’ or ‘civilian’ texts: not state sanctioned, not specifically patriotic and not specifically American.”523 Kakoudaki goes on to argue that pinups also functioned to reinforce heterosexuality among male service members. Pinups helped create “a normative representation of the soldier as an innocent, starstruck heterosexual, nonviolent, small-town boy whose sexual imagination is limited to imagined relationships with illustrated ‘all-American girls.’”524 While pinups may have reinforced the image of middle-class single white men as sexual innocents, I think the distribution of them also acknowledged the

522 Meyerowitz, 12.
524 Kakoudaki, 361.
sexual appetites that many Americans believed healthy white service men
would (and should) have.

Pin-ups may have allowed women to redefine and embrace their
sexuality as Buszek argues, but they also produced a higher and narrower, if
not impossible, standard of physical beauty and reinforced the idea that a
woman's sexuality existed for the pleasure of men. Furthermore, men and
broader society still expected women to limit the extent of sexual activity.
Dominant American sexual norms assumed that men would be sexually
aggressive and that (middle-class white) women should/would remain virgins
until marriage. As a result of this sexual double standard, Americans held
women responsible for both premarital sex and even sexual assault.525

As discussed in chapter one, cartoons like “The Wolf” and “Male Call,”
which appeared in service newspapers across the country, also reiterated the
popular belief (and legal necessity) that women were capable of resisting (see
Figures 1 and 2 in chapter one).526 Again, the images implied that women
were more than capable of fending off unwanted advances. This belief shifted
the blame in rape cases from rapist to victim, which allowed perpetrators to
excuse their own behavior while women often blamed themselves for the
sexual violence perpetrated against them. Leisa Meyer also found this to be
true in her study of the Women's Army Corps. She argues, “the definitions of

525 John D’Emilio and Estelle B. Freedman, Intimate Matters: A History of Sexuality in
America (Chicago: The University of Chicago Press, 1997), 262.
rape utilized in some Army lectures tended to either trivialize rape or blame the female victim for the assault.  

Women's newfound sexual freedom, their increased presence in the public sphere, and the prevalence of pin-ups reinforced the perception that women were willing partners and were able to take care of themselves. Unlike the national newspapers and magazines, camp newspapers, like *The Hillfielder*, often included the location of the woman's workstation with the pin-ups, and sometimes the paper listed their addresses so that the men could find them, implying that the woman would be open to male advances. The pin-ups also got racier as the war progressed. Early on, the women wore bathing suits or dresses, but by the end of the war, women posed presumably nude holding something in front of them such as a towel or hat (see Figures 1 and 2). While the later photographs revealed the same amount of the women's bodies, they were more suggestive because of the implied nudity. It is possible that the fact that the pin-ups reveal more towards the end of the war could be tied to the climbing American casualties and the increased sacrifices made by fighting men. Women may have felt that the stakes should be higher for themselves as well. However, it is unclear whether or not the women chose the attire they wore in the pictures or if their clothing was chosen by the publishers. Whether the women themselves or the paper's

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529 There are other possibilities, women could have felt freer to put their sexuality on display and realized that posing for pinups would only be acceptable for the duration of the war and grabbed the opportunity while it lasted.
editors made this calculation, less clothing reinforced the link between women's patriotism and their sexuality and the notion that white servicemen earned sexual access to women through military service. The women appeared willing and men would assume that they were, especially after they made themselves available for sexual adoration by appearing as pin-ups. The pin-ups in national publications were fantasies; these women were local girls who worked on the base and were therefore accessible.

Figure 1, "A Lovely Ray of Sunshine," *The Hillfielder*, June 28, 1944, 5
The paper did feature one male pin-up and revealed his workstation as well as giving a listing of his measurements,

height, 5 feet 9; weight, 150; chest, 41 inches, expanded, 43 inches; waist, 31 inches; hips, 36 inches; thighs, 19 inches; neck, 15 ½ inches; wrists, 6 ¾ inches; ankles, 9 inches; biceps, 12 ¾ inches; shoulders across, 19 inches. Sheer modesty prevents other details. 530

The caption under the pin-up contended that the paper was “bowing to inexorable demand,” from the women on the base (see Figure 3). The fact that a man posed as a pin-up, a position usually reserved for women, might be construed as emasculating because he was objectified for women’s viewing pleasure in the same way men objectified female pin-ups. This was even more significant considering that the man they chose was not a soldier,

but a civilian worker. The women may have requested this man as a pin-up but it is more likely that they requested a male pin-up and the paper chose a civilian over a soldier. They did not pose the male worker in the same manner as the women but the photographer tried to appeal to the women and focused on his strength by having him flex his muscles.

Figure 3, “What Makes Feminine Hearts Throb?”

*The Hillfielder*, November 17, 1943, 7.

The fact that a man posed for a pin-up and that the paper published his picture due to women’s popular demand seems to support Buszek’s argument that women had new sexual freedom during World War II. However, there were limits to this freedom. As Susan M. Hartmann has argued:

the female imagery in the popular culture surely spoke to women’s own ambivalence produced not just by the novelty of their experiences, but by the failure of social and economic
institutions to change in ways that would ease women's accommodation to different roles.\textsuperscript{531}

The editors of \textit{The Hillfielder} said they were responding to the demands of women, but they only ran one male pin-up in the three years of the paper's existence and they ran pictures of female pin-ups on a weekly basis. Hartmann further argues that out of all of the new roles women filled during the war, the one role that continued after the war was that of sex symbol. My research would certainly support the claim that women became sex symbols during the war. Miss Lace, the star of the "Male Call" cartoons, and the pin-ups were all sex symbols who expressed not only the newfound freedom of women to enjoy their sexuality but also that women were expected to provide escape for soldiers. Women posed for these pictures but their intended audience was men, who were ultimately the judges of the women's beauty and sexuality. Pinups also helped reinforce the need for women to appear feminine. Donna B. Knaff writes, "Women were expected to maintain whatever made them quintessentially 'feminine,' both physically and socially, despite the need for masculinity in their new wartime roles."\textsuperscript{532} Pinups helped ease the public's fear that wartime need was detracting from the femininity of American women.

It is also significant that the pin-ups in \textit{The Hillfielder} were local girls. This contradicts the stories in papers like the \textit{Tooele Transcript Bulletin}

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\textsuperscript{531} Susan M. Hartmann, \textit{American Women in the 1940s: The Homefront and Beyond} (Boston: Twayne Publishers, 1992), 205.
discussed in chapter one, which held outsiders or newcomers responsible for the changes in women's sexuality.

Robert Westbrook argues, "Amidst a call to women to do their part by taking up (for the duration) the jobs that men had left behind, they were also obliged to be women their men would be proud to protect." According to Westbrook, pin-ups functioned as a symbol of male obligation for men in the military, meaning they were symbolic of what the men were fighting for. He quotes a soldier who said, "we are not only fighting for the Four Freedoms, we are fighting also for the priceless privilege of making love to American women." Westbrook concludes his argument with a discussion of the famous photograph featured in Life Magazine of a sailor kissing a woman in Times Square during a celebration of the end of the war. He suggests that the photograph "is fitting to mark the end of the 'Good War' with a representative kiss, manifesting in its mix of joy and violence the ambiguities of the moral contract binding protective men and protected women in a liberal state." Some men may have felt that by fulfilling their wartime obligations through military service, they earned the right to have sex with American women believing that women should be willing partners. Women were obligated to the state and acting as sexual objects, whether by posing for pin-ups or by actually being sexual partners, was a way for women to hold up their end of the protector/protected bargain. And just as the sailor in the picture grabbed a

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534 Westbrook, 90-91.
535 Westbrook, 90-91.
nearby woman to exact his reward,\textsuperscript{536} other men used women as tangible compensation for their military service. Not \textit{all} men who served in the military felt this way and became rapists. Rather, I suggest that some of the men who did sexually assault women may have felt justified to do so because of the protector/protected dichotomy and the way obligations functioned in the liberal American state during WWII.

Judith Hicks Stiehm believes that women were (and are) "absolutely essential to the military," but that their essentialness "lies in their absence."\textsuperscript{537} She argues that there are three ideas which are fundamental to the U.S. military:\textsuperscript{538} "1. War is manly. 2. Warriors protect. 3. Soldiers are substitutable."\textsuperscript{539} The first two myths are important to my discussion. Stiehm notes that enlistment campaigns usually tried to appeal to manhood and sold the military as a way for young men to prove that they were not "'boys' or 'girls' or 'women.'" She explains, "\textit{all} militaries have additionally and regularly been rooted in the psychological coercion of young men through appeals to their (uncertain) manliness."\textsuperscript{540} Stiehm found that military service gave young men a way to prove their masculinity (somewhat oddly through obedience and submission to authority) and eventually reap the benefits of becoming the

\textsuperscript{536} Westbrook 90-91.
\textsuperscript{537} Judith Hicks Stiehm, \textit{Arms and the Enlisted Woman} (Philadelphia: Temple University Press, 1989), 224.
\textsuperscript{538} Stiehm refers to militaries more generally, she focuses her discussion on the U.S. but also looks at other countries' militaries as well. I interjected "U.S." here because that is my focus.
\textsuperscript{539} Stiehm, 224.
\textsuperscript{540} Stiehm, 226.
wielders of power in the patriarchy.\textsuperscript{541} This process depended on the military remaining a masculine institution.

The second institutional myth Stiehm posits is that warriors protect.\textsuperscript{542} Stiehm argues that the best time to be a protector is when no protection is needed. But once protection is needed and therefore becomes costly, “the protector is likely to begin to make certain claims on [the protected].”\textsuperscript{543} Because women have been excluded from wielding legitimate violence on their own behalf they have become the group most in need of protection and remain that way throughout their lives (children were also part of the “protected” group, but male children eventually grow up and would presumably protect themselves). Women were burdens to men. As Stiehm writes, they were “often perceived as albatrosses by men.”\textsuperscript{544} Stiehm persuasively argues “the protectee is essential to legitimate violence. The protection is the justification. She also implicitly or explicitly endorses, supports, encourages.”\textsuperscript{545} As the symbol of what men were fighting for, women, especially pinups in the WWII context, encouraged men to fight and possibly die and could be seen either as worthy of that protection or as burdens.

\textsuperscript{541} Stiehm, 227. Stiehm also notes that this process functions because the majority of men enlist as very young men and it becomes more difficult to get older men to submit to the same treatment because they have already proved their manhood, or feel more comfortable in their gender identity, especially once they had become husbands and fathers, which complicates the WWII context as the average age of soldiers was older for this war. I think this bolsters Westbrook’s argument about private obligations, in that these married men had actual families to fight for.
\textsuperscript{542} Stiehm, 224.
\textsuperscript{543} Stiehm, 229.
\textsuperscript{544} Stiehm, 230. While women did serve in women’s auxiliaries and as nurses during WWII, they were still excluded from combat and therefore were not wielders of violence, even though they were exposed to it.
\textsuperscript{545} Ibid.
This is one of the perils for those in the "protected" position in the asymmetrical relationship between "protector" and "protected." When the state invests one group with sole access to legitimate violence by virtue of their gender alone, you leave the rest of the population in the vulnerable position of having to trust that their protectors will take care of them and not turn on them as burdens should the going get tough. Westbrook argues that the use of pinups was one way a liberal state could compel its male citizens to fight. Instead of fighting for their country, men were fighting for their private obligations to their family.546 And, as Christina Jarvis has argued, men, especially those in uniform, became a symbol of the state. Women could fulfill their obligations to the state by fulfilling private obligations to men. In sum, while men who served in the military earned the right to sexual access to American women, American women were obligated to grant men sexual access to themselves as part of the contract inherent in a democratic state.547

One case that demonstrates the cultural and social pressure on women to do their part for the war effort is the United States v. 1st Lieutenant George Robert Claybourn.548 This case includes letters sent in support of the defendant, which reveal the ways ordinary people talked about sexual

546 Westbrook, 80-84. Westbrook taps into Judith Hicks Stiehm’s discussion of the protector/protected dichotomy in her article, “The Protected, the Protector, the Defender,” Women’s Studies International Forum 5 (1982): 367-76.


548 A Manual for Courts-Martial U.S. Army 1928 governed courts-martial cases. For cases where the defendant received a sentence exceeding ten years a three-fourths majority of the law members was required for conviction, the death penalty required a unanimous decision. In rape cases there were two possible sentences, a life sentence or death. During WWII the military held two million courts-martial and executed 142 soldiers. One third of criminal court hearings during the war were adjudicated in military courts. Elizabeth Lutes Hillman, Defending America: Military Culture and the Cold War Court-Martial (Princeton: Princeton University Press, 2005), 14.
violence. While courts-martial were in many ways similar to civilian courts, there were some important differences. One such difference was the goal of military courts. As Elizabeth Hillman writes:

Courts-martial are a part of a disciplinary scheme relied upon to maintain good order among troops, to preserve the obedience and conformity deemed necessary to successful military action, and to eliminate from the military those individuals who pose a risk to other service members or to national security itself.\(^{549}\)

I would add to this that they were also concerned with the military's image, especially during WWII, since the military had to enlist men it might have otherwise turned down. Courts-martial also lacked a jury. They were judged by a group of commissioned officers, which could leave enlisted men and women (who were largely working-class) and non-white defendants at a disadvantage.\(^{550}\) The role Claybourn's class played in this case is a little unclear. He was an officer, which would put him in a slightly more equal footing with the officers sitting in judgment of him. However, the record seems a little contradictory on the issue of his class. Some of his records refer to him as having come from an urban, working-class neighborhood, but his mother was described as middle-class.\(^{551}\) And, as we will see, his family tended to judge working-class women rather harshly, which also suggests he was middle class.


\(^{550}\) Alice Kaplan notes that there were only 700 black officers in the Quartermaster Corps, which had 31,000 officers. Alice Kaplan, *The Interpreter* (New York: Free Press, 2005), 69.

\(^{551}\) His background was discussed in a Special Progress Report from McNeil Island Penitentiary, dated August 16, 1944, found in his personnel records, part 4 of 5, p. 524.
On April 18, 1943, the United States Army found Lt. George Robert Claybourn guilty of four counts of rape and not guilty of two counts of attempted rape and sentenced him to life in prison. There were three accusers who each came from a different states; California, Arizona, and Texas. Claybourn had been stationed in each of these states during his service with the U.S. Army Air Corps. The first woman to file a complaint was actually the third one he assaulted. The other two women came forward during the investigation, along with at least two additional women who had experienced trouble with the Lieutenant but who did not want to press charges.

The first incident occurred on or about May 15, 1942, in Sacramento, California. As a result of this incident, the court charged the Lieutenant with rape and assault with intent to commit rape against Ruth Geiger. While Geiger and Lt. Claybourn's stories conflict, they do agree on some aspects of the evening in question. Claybourn, then a Cadet, and Miss Geiger met at a party. Claybourn and Geiger left the party alone together twice, first to go to her house to get more ice and then to get mix for the drinks. After they returned to the party the second time, they stayed in the car for a while. Both agreed that they shared a consensual kiss, at least the second kiss that evening. Then their stories diverge; she claimed she tried to get out of the car

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552 Paperwork in Claybourn's service records state that the President approved three of the rape convictions, but reduced the fourth count to assault with intent to commit rape. War Department Memo to the Judge Advocate General From the Convictions Division, dated Jan 20, 1945. Found in Claybourn's personnel records part 4 of 5, p 539.

553 The United States v. 1st Lieutenant George Robert Claybourn, Court Martial No. 235497 (G.C.M. 1943).
and he restrained her and forced himself on her. They struggled and then he threw her over the seat into the back of the car, joined her there, and raped her. Afterwards, they got out of the car but he tried to force her back in; she feared another attack so she leaned in the window and honked the horn, gaining the attention of the couple sitting in another car not far from theirs.\textsuperscript{554}

Claybourn’s story differed. He claimed that after the kiss, they participated in a mutual “petting party” and got carried away in the heat of the moment. They came close to having sex but a flashing light from a car behind them “broke the spell.”\textsuperscript{555} He testified that Miss Geiger became very upset when she realized how far their lovemaking had gone and panicked. She tried to jump out of the car, fearful that someone would see them and figure out what they had been doing. Claybourn followed her out of the car and grabbed her while trying to button up his pants. He insulted her, swore at her, calling her a “damned fool” and a “dizzy bitch” (all of this according to his testimony).\textsuperscript{556} He said he became upset with her because her actions would call attention to them and they would have been caught. He said that he accidentally honked the horn with his elbow as he jumped from the car. Their stories converge here. The sound of the horn caught the attention of Cadet Commander and Rose Oleson who were sitting in Commander’s automobile parked a few car lengths behind Claybourn’s. Commander came up behind Claybourn and pulled him away from Geiger and they had a short scuffle while Geiger ran towards Oleson. Both Oleson and Commander testified to

\textsuperscript{554} Ibid.
\textsuperscript{555} Ibid., part one, page 10 of the summary.
\textsuperscript{556} Ibid., page 500 and 502 of the transcription.
the hysterical and disheveled state of Miss Geiger. Commander and Oleson then took her home.\textsuperscript{557}

Geiger did not tell anyone what happened until more than seven months later when the Judge Advocate General's office began investigating another case involving Claybourn. Geiger also burned the undergarments she wore the night of the attack, destroying any physical evidence. Friends did notice a change in her behavior. Rose Oleson told investigators that for a period of several weeks whenever Miss Geiger would see a man in uniform, she would visibly shudder and attempt to walk as far away from the soldier as possible, sometimes even going across the street to avoid coming in close contact with a soldier.\textsuperscript{558}

Of the three complaining witnesses Geiger became the most visibly upset on the stand while testifying.\textsuperscript{559} Claybourn believed that her testimony was the most damning to his case. He wrote to his mother, "she was a very convincing witness showing true maidenly modesty."\textsuperscript{560}

The second incident occurred in Pecos, Texas, on or about November 20\textsuperscript{th} 1942, when Claybourn allegedly assaulted Helen Richards with intent to commit rape. Again, Richards' and Claybourn's stories did not match. Both agreed that Claybourn came to Richards' house with a bottle of whiskey and asked her to have a drink with him; she refused the drink, but did allow him into the house and gave him a glass. Richards told a different story during the trial than she told the investigators. In court, she admitted that the assault

\textsuperscript{557} U. S. v. Claybourn.
\textsuperscript{558} Ibid., part 3, page 3.
\textsuperscript{559} U. S. v. Claybourn.
\textsuperscript{560} This letter appears several times in Claybourn's personnel records. It is dated April 14, 1943, one appearance is in part 4 of 5, p. 638-639.
took place in her bedroom and not in the living room as she had originally contended. She felt that they would blame her for the assault if they knew she allowed Claybourn into her bedroom. According to her testimony, she decided to tell the truth in court because she swore an oath. Claybourn testified that they engaged in mutual lovemaking while she claimed that he forced himself on her and she tried to fight him off. They agreed that he was unable to accomplish penetration because he had too much to drink and could not become aroused. They also agreed that afterwards Richards locked herself in the bathroom and that he knocked a panel out of the door trying to get to her. However, he gave a different explanation. He claimed that she asked him to leave because she was worried about what her neighbors might think when they saw his car outside of her house in the middle of the night. He refused to leave because he was tired, they argued, and she locked herself in the bathroom telling him she would not come out until he left. She, on the other hand, said that in an attempt to escape his assault, she convinced him to let her use the bathroom, exited the house from the bathroom, and hid in her car until he left. She testified that after he finally drove away she was worried that he might come back so she drove to her estranged husband’s apartment to borrow his gun. Her estranged husband’s testimony confirmed this fact.\textsuperscript{561}

In response to this charge, the defense focused their attention on Richards’ reputation for sexual promiscuity. A few weeks before the night of the incident, Claybourn and a woman he was dating set Mrs. Richards up on a date with Lieutenant Story, a man she later married. The defense

\textsuperscript{561} Ibid.
repeatedly brought up the fact that on the night of their first date Richards and Story had sex in the backseat of the car while Claybourn and his date sat just feet away from them. Mrs. Richards was at that time still married to Kenneth Richards, the father of her child, but their divorce was pending. Other damaging testimony included that of Mr. Richards, who testified that towards the end of their marriage Mrs. Richards occasionally lied about her whereabouts and often stayed out most of the night. In addition, the defense alluded to her inadequacy as a mother because she had given up custody of her son when she divorced her husband. Claybourn testified that during their argument he told her, "I didn't blame her husband for wanting him; certainly she had given me evidence of not being a proper mother for a child."562

All of this appears to have had an effect on the court. The evidence in this case was at least as good as the evidence in the first case, yet the same panel found Claybourn not guilty of this charge of assault with intent to commit rape. Of the three women, Mrs. Richards' reputation was the most questionable and her case was the only one that resulted in a not guilty verdict.563 In the other two cases the defense had less success in demonstrating that the women had questionable morals. Class likely also played a role in the assumptions the law members (the military equivalent to a jury, made up of commissioned officers) made about the morals of women in this case, as working-class women did not enjoy the same presumption of chastity as middle-class white women. As discussed in chapter two, judges

562 Ibid., page 518 of the transcript.
563 Claybourn was found not guilty of assault with intent to commit rape against Geiger but was found guilty of rape.
and juries were more likely to convict in rape cases involving middle-class victims, and based on the limited evidence available Richards was the most working-class of the three victims.564

The third case occurred on or about January 20, 1943, near Kingman, Arizona. Unlike the other two women, the victim in this case reported the assault immediately and cooperated with the investigation from the beginning. As a result, this was the most substantial case and included a plethora of physical evidence. Sarah Gallison started out the evening of January 19 on a date with her boyfriend, Lieutenant Ansel Brown. They stopped at the Gaddis Café (a diner, bar, and dance hall) for a drink. Once at the Café, they had an argument because she wore a ring that another man had given her. He wanted her to take the ring off and she refused. She admitted during her testimony that she had purchased the ring and wore it to make Brown jealous, possibly to get him to propose. Instead, he left her at the Café. Claybourn and Gallison had met a few months earlier and were casual acquaintances. On the night in question, he came into the Café and saw her alone and asked to join her. They ended up sharing one dance alone in the darkened dance hall. Claybourn offered to give her a ride home since her boyfriend had left and she agreed.565

Instead of taking her home, he took her out on an old, rarely used highway. According to her testimony, she protested and asked him to take her

565 *U.S. v. Claybourn.*
home, but he refused. He eventually stopped the car on the side of the road. Gallison said he raped her three times in the car over the course of the night. In between the attacks they got out of the car and Gallison tried to run away from Claybourn twice. Both times he dragged her back to the car, hitting her repeatedly and knocking her down to her knees once. Investigators found physical evidence, which seemed to substantiate her story. They found the place where Claybourn parked the car, the ground had been disturbed and it was obvious some kind of struggle had occurred. They found buttons off both Gallison's and Claybourn clothes, some of Gallison's jewelry, and two condoms.566

Claybourn testified that they had consensual sex twice and afterwards Gallison panicked at the thought that she might become pregnant and, in her hysterical state, ran down the road away from him. He admitted that he slapped her but said it was to startle her out of her hysteria. While testifying he explained Gallison’s black eye by saying she hit her head on the steering wheel during one of their lovemaking sessions. In later letters he said her black eye was the result of their fight after they returned to town. Claybourn and his attorney also tried to explain away her other injuries and torn clothing. His attorney argued that the handfuls of hair that she combed out the morning after the attack resulted not from him dragging her by her hair, but suggested that it was the normal amount of hair loss for her. Claybourn claimed that the other marks and bruises she suffered and her torn clothing resulted from normal lovemaking and from the difficulty of having sex in an automobile. He

566 Ibid.
stated that Gallison must have fallen at some time while she was away from him because he did not notice her scraped knees and torn hose, even though they had sex again after she fell. Claybourn testified "she...said that she...was going to get married if she got pregnant and I then said that if she thought she was going to marry me she was mistaken because I wasn't going to have anything to do with a bitch like that."\(^5\)\(^6\)\(^7\) He then "slapped the hell out of her."\(^5\)\(^6\)\(^8\) In return she scratched him, which explained some of his injuries. He further testified that after this altercation (after he slapped her and swore at her), he asked her for a kiss goodnight. Even though Claybourn only suffered minor injuries that might have gone unnoticed, Gallison was very clearly hurt and her clothes damaged. The woman who came to Gallison's rescue described Gallison's appearance right after the attack. She wrote,

> I would hardly have recognized her because she was so wrecked. Her clothes were torn from her, her hair was filthy as if she had been drug through sticks and gravel. Her eye had begun to close and had also swollen ... I noticed her blouse was torn, in fact, you could see clear to her underclothes. Her knees and socks were bleeding [sic] ... She was crying and was more or less in hysterics.\(^5\)\(^6\)\(^9\)

While the evidence supported Gallison's version, the defense brought up some challenging questions, especially concerning the relative lack of injuries to Claybourn in the face of her fierce resistance.\(^5\)\(^7\)\(^0\)

Whether or not Claybourn told the truth in his testimony, his reasoning demonstrates some of the pressures on, and expectations of, women. He

\(^5\)\(^6\)\(^7\) Ibid., part one, page 565 of the transcript.
\(^5\)\(^6\)\(^8\) Ibid., part one, page 568 of the transcript.
\(^5\)\(^6\)\(^9\) Ibid., page 1 of her affidavit, in part 3.
\(^5\)\(^7\)\(^0\) Ibid.
claimed that both Geiger and Richards became hysterical at the thought of damaging their reputations and Gallison panicked when she thought she might get pregnant. Clearly, even if we assume Claybourn made up the stories, they nonetheless were shaped to fit prevailing ideas about sex, gender, and violence. While pin-ups displayed their sexuality, giving women new role models and opening new possibilities, the American legal justice system still held women responsible for sexual activity and for protecting their virtue.\textsuperscript{571} Women who received these conflicting messages may have decided to experiment with their sexuality but would constantly be reminded of their precarious position.

The court found Claybourn guilty of four counts of rape, one stemming from the Geiger case and three from the Gallison case, and sentenced him to life in prison. After the verdict, the Trial Judge Advocate approved the court’s findings and sent the case on to the Judge Advocate General (JAG).\textsuperscript{572} Because of the serious nature of the crime and the severity of the punishment, the case needed the approval of either the President or the Secretary of War. The President confirmed the first three rape convictions (those stemming from Gallison’s accusations), but only approved the lesser included offense of assault with intent to commit rape against Geiger.\textsuperscript{573} According to his uncle, Claybourn did not want to worry his parents with news

\textsuperscript{571} Buszek, 186.
\textsuperscript{572} U.S. v. Claybourn
\textsuperscript{573} Paperwork in Claybourn’s service records state that the President approved three of the rape convictions, but reduced the fourth count to assault with intent to commit rape. War Department Memo to the Judge Advocate General From the Convictions Division, dated Jan 20, 1945. Found in Claybourn’s personnel records part 4 of 5, p 539.
of the court martial, so he did not tell them about it until after the court found him guilty. Claybourn claimed he was so unconcerned about the charges that, even though he could have received the death penalty, he did not bother obtaining character witnesses. His uncle knew a Congressman, Mr. C. W. "Runt" Bishop, and asked for his assistance in getting letters of reference attached to the court martial records that would be presented to the President, thinking this might convince the President of Claybourn's innocence or persuade him to show leniency. The Congressman agreed to help and Claybourn's parents began gathering letters. They sent ninety-two letters, not counting the numerous letters from Claybourn and his family. A close reading of the letters reveal some very informative patterns about what kind of things the writers thought would make Claybourn look good and would convince the reader, either the JAG, the Secretary of War, or the President, of his innocence. Most of the letters focused solely on Claybourn, but several made comments about the victims as well.574

The letters came from people from Claybourn's hometown of Benton, Illinois. Many of the authors had known Claybourn all of his life. However, there were also several writers who had never met Claybourn, but were acquaintances of his parents. Not surprisingly, many of the letters focused on his honesty, several of which went further to stress that he would tell the truth regardless of the consequences.575 Almost a quarter of the letters mentioned

574 *U. S. v. Claybourn.*

575 Claybourn does seem rather bluntly honest. In one of his letters to the President he wrote, "I have no claims on you as one of your zealous supporters, because I did not vote for you."
his parents' involvement in the local church and some noted that Claybourn regularly attended church and Sunday school when he was in town. The majority of the letters did not express the reason for writing, which was to argue that because he was such an outstanding person he could not have committed the crime of rape. Some alluded to the reason but only six letter writers used the word “rape.” Most used phrases such as this “terrible crime” or “serious offense.”

More surprisingly, three writers referred to his quick temper. It is unclear why they would mention his temper in a character reference. One possibility was that they thought a temper was not too big a fault in a man. This says something interesting about masculinity. As both a man and especially as a soldier, people would have expected Claybourn to be aggressive and even praised his aggressiveness. Conceivably, a temper and the expected aggressiveness were linked in their minds, and therefore his temper might not really seem like a fault but something that would make him a better soldier.

Since most of the writers knew Claybourn personally, they understandably felt qualified to write about his character. More compelling, for my analysis, were the letters of the people who wrote about the women in the case. They did not know the women or even the specific details of the case and yet they still felt that they could judge them. It was clear that the writers

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Letter from George Claybourn to President Franklin Roosevelt, dated Sep. 21, 1943, found in his personnel records part 5 of 5, p. 661.

576 Ibid.

577 The letter writers who mention his temper are Ida Kell Rhodes, Bruce Weirick, and Haynes E. Reese.

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did not know the details of the case and had only heard that Claybourn had been convicted of rape because those who mentioned a victim spoke as though there was only one complaining witness, not three.

Some letter writers only alluded to the women while commenting on Claybourn. For example, Mary Harris wrote, "I know from experience that [Claybourn] has great respect for a decent girl... I know [the charges] could not possibly be true of a man with so high ideals toward a real lady..."\(^{578}\) Clearly she felt that the women in this case were not "ladies"- that is reputable and therefore deserving of respect and protection. Writers like Harris implied that if Claybourn had behaved abusively toward women, the women must have deserved it because of their low morals or lack of decency. Others went further in their condemnation of these women. Claybourn's sister argued that women were supposed to control the pace of the relationship. She wrote:

> a man will respect a girl who demands respect... the woman charts the course in her relationship with any man -- but she must chart it straight and true from the very beginning.\(^{579}\)

John D'Emilio and Estelle B. Freedman argue that while the "boundaries of acceptable sexual behavior moved in the direction of permissiveness" the sexual double standard continued to operate during the first half of the twentieth century. "Boys pushed, while girls set the limit."\(^{580}\) American society expected men to be sexually aggressive and women to remain virgins until marriage. As a result of the sexual double standard, society held women responsible for premarital sex as expressed by Claybourn's sister.

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\(^{578}\) Mary Doty Harris, found in *U.S. v Claybourn*, part two, pages unnumbered.

\(^{579}\) Ruth Claybourn Johnson, found in *U.S. v Claybourn*, part three, pages unnumbered.

\(^{580}\) D'Emilio and Freedman, 262.
Another letter writer, Elsworth Johnson, agreed with Claybourn's sister and took her argument a step further, making the women in this case responsible for the entire relationship -- not just the pace, but the creation as well. Johnson bluntly opined that the women pursued Claybourn and he only took what they freely offered. As a result, Johnson felt that the women should be punished. He felt qualified to make these arguments based on the fact that he ran a bar in the Lieutenant's hometown and had seen him interact with women. He wrote,

[Claybourn] drank moderately, and held his liquor well, and I never saw him make advances to any woman without first getting a "come-on" from her. I have rarely known him to pursue those advances, and never without the encouragement of the women concerned. Lt. Claybourn preferred the company of decent, respectable girls.581

All three of these authors felt that the women controlled romantic or sexual relationships. They expected women to set the sexual limits and if things went too far, they blamed the women. Some letter writers expressed the belief that Claybourn acted on his natural male instincts and should be forgiven for doing so, thereby reinforcing society's expectations of male sexual aggression. J.C. Williams wrote, "he is human and if the opportunity would arise he might do just what any other normal man would do."582 Like Johnson, Williams may have felt that women preyed on men's natural instincts.583

Not only did the letter writers question the veracity of the complaining witnesses they questioned whether or not rape was even possible.

581 Elsworth Johnson, found in U.S. v Claybourn, part two, n.p.
582 J.C. Williams, found in U.S. v Claybourn, part three, pages unnumbered.
583 U. S. v. Claybourn.
Claybourn's sister acknowledged that rape could happen but contended that a pilot could not perpetrate such a crime. She wrote,

> We do not deny the existence of a rare case of criminal attack in which instance the man can always be proved of ...[having a] criminal and unbalanced mind. Is it reasonable to suppose that a young man who has passed the rigid training to become a pilot in the air corps is of such unstable character?\(^{584}\)

Writing about Gallison, Claybourn’s mother argued “that type of girl does not have to be raped.”\(^{585}\) And she repeatedly pointed out that Gallison had not been a virgin before her night with Claybourn, implying that once a single woman had given up her virginity she would be open to having sex with any man. A civilian attorney, Marion Hart, who helped Claybourn in his appeal process, went further. He wrote, “legally, of course, a loose woman can be raped. Practically, it isn’t necessary.”\(^{586}\) In his long letter he argued that the complaining witnesses were of loose moral character and had made themselves available to men.

Hart reviewed the case and wrote a lengthy letter to the Judge Advocate General arguing that Claybourn’s conviction should be over-turned. He wrote about the good woman/bad woman dichotomy as well. He had access to the court martial records and discussed the case step by step. He wrote that Elaine Richards, “was a women of bad repute.”\(^{587}\) He discussed Richards only briefly as the court found Claybourn not guilty on this charge. He spent most of his letter talking about Gallison, the third victim. He wrote

\(^{584}\) Ruth Claybourn Johnson, found in *U.S. v Claybourn*, part three, pages unnumbered.


\(^{586}\) Marion M. Hart, p.22 of his letter, found in *U. S. v. Claybourn*, part 1.

\(^{587}\) Marion M. Hart, p.12 of his letter, found in *U. S. v. Claybourn*, part 1 of the records.
that Gallison fought with Claybourn, "because she wanted to be begged."⁵⁸⁸ He further wrote that, "Sally was working night and day -- mostly night -- to find and hook an Army officer husband."⁵⁸⁹ Hart clearly placed Gallison and Richards into the category of bad women. He had a different reaction to Geiger. He wrote of her,

Miss Geiger was a decent girl. She had consented to taste of the forbidden fruit and was caught. She then tries to hide behind the leaf of accusation. We would not object to this maidenly gesture except that Defendant is sent to the penitentiary for life, and forever disgraced because of this accusation made to protect a reputation for virtue.⁵⁹⁰

Hart felt that Geiger's testimony was the most damaging because, "she was a decent girl."⁵⁹¹ He believed that Geiger lied because she was worried about her reputation. It is certainly possible that all of these women exaggerated their testimony in order to persuade the court that they had resisted strongly enough. They must have understood the implications. Hart wrote, "part consent and part force does not suffice; even a little consent and a great amount of force does not constitute rape."⁵⁹² If they did not fight hard enough and therefore consented, their reputations would suffer a great deal of damage. Hart may have had a valid point about the effect the reputations of the complaining witnesses had on the verdicts. As mentioned earlier, the defense tried to impugn the reputations of all three women but were only

⁵⁸⁸ Hart, 15.
⁵⁸⁹ Hart, 24.
⁵⁹⁰ Hart, 11-12.
⁵⁹¹ Hart, 11.
⁵⁹² Hart, 23.
successful with Richards, and that was the case where the court found Claybourn not guilty.

Hart, Claybourn, and his mother brought up other issues with the case. The most compelling argument they made was that the prosecution used the Gallison and Geiger cases to prop each other up -- that they would not have stood on their own. They may have had a valid point here. The Geiger case, because of the length of time that had passed before it came to the attention of the authorities and because Geiger destroyed her undergarments, lacked physical evidence. However, she was an incredibly sympathetic witness and even Claybourn said he felt sorry for her, even though he argued that she was lying. On the other hand, there was an abundance of physical evidence in the Gallison case, but she was a more controversial witness. She admitted that she had not been a virgin before the night of the attack. Gallison also frequented the Gaddis Café, which was often referred to as Gonorrhea Gulch or GG (reportedly Gallison and her friends used this nickname for the place). Claybourn and his defenders also made much of the fact that he used a condom on the night in question. According to Hart, "FROM THE BEGINNING OF TIME NO HUMAN EVER HEARD OF A FORCIBLE RAPE IN WHICH A RUBBER CONTRACEPTIVE WAS USED..." (emphasis in original).

Both Claybourn and his mother brought this up in almost every

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593 Document entitled "A Statement of Facts Regarding George Robert Claybourn, Formerly 2nd Lieutenant in the Army Air Forces; now General Prisoner No. 16685-M, at McNeil Island Penitentiary, Steilacoom, Washington." Document is undated and unsigned, but appears to have been prepared by Olive Claybourn, page 4 and 6 of this document. Found in his personnel record, part 3 of 5, p. 426 and 438.

594 Document entitled "Main Points Made By Attorney Marion M. Hart of Benton Illinois, In His Argument in Behalf of Lieutenant George Robert Claybourn, Before the Reviewing Board in
letter written on his behalf. Claybourn’s argument that it would be physically impossible to restrain a woman who was fighting to her utmost ability while putting on a condom is compelling; this likely was difficult, though possible. Their larger argument concerning the condom was that no rapist would be so considerate as to use a condom is less compelling. It is quite possible that Claybourn might use a condom in this case, especially if he truly believed Gallison to be a “floozie,” since, according to his prison record, he had contracted gonorrhea a couple years before his arrest. He would have likely been worried about contracting another venereal disease. On the other hand, according to her testimony, he only used a condom during the first attack, presumably because he only had two with him (one was ruined in the struggle; the other used in the first attack).

Claybourn also argued that the mandatory life or death sentence was too severe a punishment for rape. Alice Kaplan writes about the use of the life sentence and the death penalty in WWII rape cases in the European Theater.

Olive Claybourn’s letter, signed Mrs. N. C. Claybourn, to Lt. Hans Riemer, who was stationed in the Corrections Division of the Adjutant General’s Office, dated Jan 10, 1946, page 6 of the letter. Found in Claybourn’s personnel records, part 2 of 5, p. 245.
Document entitled “A Statement of Facts Regarding George Robert Claybourn, Formerly 2nd Lieutenant in the Army Air Forces; now General Prisoner No. 16685-M, at McNeil Island Penitentiary, Steilacoom, Washington.” Document is undated and unsigned, but appears to have been prepared by Olive Claybourn, page 4 and 6 of this document. Found in his personnel record, part 3 of 5, p. 426 and 438.
U.S. v. Claybourn.
of Operations. She found that the U.S. Army systematically handed out these two sentences in rape cases and notes that this practice was criticized and questioned after the war. The Vanderbilt Commission was formed to investigate military justice and found that the severe sentences made officer's reluctant to prosecute these cases (especially in cases where the victim suffered no or minor injuries). As in Virginia, the military also handed out the death penalty for rape far more often to black defendants than white. In her study of rape cases in the European Theater of Operations, Kaplan found that the overwhelming majority of the 70 American soldiers executed for rape during the war were black. It is quite possible that if Claybourn had been black he would have received the death penalty. Of course, in the segregated military had Claybourn been black it is unlikely that he would have been socializing with the white women in this case. And had everyone in this case been black the outcome may very well have been the same, as black men rarely received the death penalty for raping black women. For example, Donald Douglas was one of three black men convicted of gang raping a black woman in Missouri. At courts-martial Douglas initially received a life sentence, but like Claybourn, his sentence was quickly mitigated and he was paroled after only three years. While the victims' class likely played a role in Claybourn's case, and certainly played a role in how his mother argued on his

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598 Kaplan, 76. The Vanderbilt Commission made several recommendations for changes including stopping the use of legally inexperienced officers to defend the accused as well as changing the policy which required in either a life or death sentence in rape cases, Kaplan, 190n51. The death penalty continued to be an option in rape cases until the Supreme Court ruled it unjust in 1977, Kaplan, 155. The Army executed its last rapist in 1961, Kaplan, 76.

599 Kaplan, cover.

600 Donald Douglas's records from Leavenworth, found at the National Archives in Kansas City.
behalf, the race of the woman involved in Douglas's case played a larger role in light sentences served by the three men who raped her. Geiger was arguably the most middle-class, or at least fit the image of white middle-class respectability, of the three women in the Claybourn case and the Claybourns showed the most sympathy for her. The race of both Douglas and his victim played a role in how the court and prison officials viewed the case. The caseworker who filled out Douglas's Leavenworth's admission summary wrote, "The truth probably is, that in the cultural status to which these three St. Louis boys belong, such sexual assaults are not considered particularly blameworthy, and they have probably been familiar with girls who would not consider such an assault a rape." No such presumption was made in the Claybourn case.

One other issue with the case was that according to Claybourn's parents, Geiger was still a virgin months after the court convicted Claybourn of raping her. According to the affidavits the elder Claybourns swore out and letters from Claybourn and his mother, Noel and Olive Claybourn went to California (from their home in Illinois) and contacted Ruth Geiger. They convinced her to go to a doctor, of her choosing, to find out if she was still a virgin. They reported that Geiger told them her doctor said she was still a virgin, but both she and her doctor refused to put that in writing. Geiger did swear out an affidavit that she bore Claybourn no ill will and wished his

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601 Ibid.
602 Noel and Olive Claybourn swore out their affidavit on May 27, 1943, found in Claybourn's personnel record part 4 of 5, p. 637.
conviction overturned.\textsuperscript{603} President Roosevelt did not overturn the conviction, but he did change the rape conviction to assault with intent to commit rape, possibly because of Olive Claybourn's letters. The Claybourns also tried to contact Gallison, but had less success. Gallison had joined the Women's Army Corp and was stationed in Selfridge Field, Michigan. The Claybourns talked to her commanding officers, but Gallison refused to meet with them.\textsuperscript{604} Olive Claybourn remained convinced that Gallison was trying to find an officer husband for his allotment money and that was why she charged Claybourn with rape.\textsuperscript{605}

Several people wrote about women who used soldiers for money and stated that they believed that these women had tried to trap Claybourn and only accused him of rape when he refused to marry them.\textsuperscript{606} A few of the writers agreed that the women were parasitic and were only interested in Claybourn's money and insurance. The defense in the Claybourn case also tried to make this point by focusing much of its attention on the fact that Gallison (the third victim) had been in a fight with her boyfriend, also an officer, over an engagement ring that she wore. They argued that she had tried to ensnare one officer and failed so she turned her attention to the next.

\textsuperscript{603} Geiger swore out the affidavit on May 20, 1943, it can be found in Claybourn's personnel records, part 4 of 5, page 636. The affidavit reads, "After due deliberation since the trial of Lt. G.R. Claybourn vs the United States I wish to state that I bear no malice toward said Lt. Claybourn and would be gratified if the reviewing board on the trial in Washington would reverse the verdict of the court Martial and restore him to service in the army of the United States."

\textsuperscript{604} Letter from Olive Claybourn to Major General J. A. Ulio, dated Dec 6, 1944, p 8 of the letter. Found in Claybourn's personnel records, part 4 of 5, p. 555

\textsuperscript{605} Ibid

\textsuperscript{606} Writers ignored the fact that men might also use marriage during the war because it might help them avoid military service, because married men were less likely to be drafted (though this was certainly not the case with Claybourn who was already in the service).
soldier, who came along only moments later. They implied, and Claybourn and his supporters bluntly argued, that she slept with Claybourn with the intent of trapping him and forcing him to marry her.607

Several letter writers such as Elsworth Johnson believed that the women should be punished and equated these women with the country’s enemy. Johnson wrote,

Personally, I should like to see the proper forces... spend the time and money necessary to put such women where they could no longer menace the morals of the young serviceman. These women, who seek money and attention from our boys while they are away from home, and are particularly susceptible, are a real “fifth column.”608

Second Lieutenant James L. Moreland went further stating that in punishing men like Claybourn, the JAG hurt the military and the country. He wrote, “It seems that a well trained capable officer is much more important to his Country, especially in time of war, than the protection of a woman of such questionable moral character as the one involved in this case.”609 Others focused on the expense the government incurred to train Claybourn and the potential waste if he had to serve a life sentence. Steve Choisser wrote, “Many thousands of dollars of the wealth of our country have been expended upon his [Claybourn’s] training and this would be entirely wasted if he is denied an opportunity to serve in the capacity for which he has been trained.”610 These men believed that the experience and training of soldiers, especially a pilot, outweighed any harm that may have come to his victims.

607 U. S. v. Claybourn.
608 Elsworth Johnson, found in U.S. v Claybourn, part two, pages unnumbered.
609 James L. Moreland, 2nd Lieut., found in U.S. v Claybourn, part three, pages unnumbered.
610 Steve Choisser, found in U.S. v Claybourn, part three, pages unnumbered.
and privileged "protectors" over the "protected." Leisa Meyer argues that, contrary to what Lt. Moreland wrote, during the war the Army tried to protect male soldiers from the consequences of their own sexual behavior.611

Claybourn's mother touched on the protector/protected dichotomy in one of her letters. She wrote numerous letters throughout the trial and even after Claybourn's imprisonment. She firmly believed in her son's innocence, though she acknowledged that he had behaved badly by having sex with Gallison. In one letter to Congressmen Bishop she wrote:

that [this] sort of conviction surely cannot stand in this United States against a boy who has sworn and is prepared to protect his country with his life if necessary. These persons who made those false testimonies against him and thus deprived their country of a soldier ready to fly a plane and fight for his country and their country, are as truly saboteurs at this time when we need every pilot and every fighting man we can get, as if they had gone out and sabotaged one of our country's fighting planes, or killed one of our pilots.612

While she does not specifically refer to women as the protected-class, she implies that they were and that they should be grateful to Claybourn who was a member of the protector-class. From Olive Claybourn's point of view the women in the case were not holding up their end of the protector/protected bargain and therefore were unworthy of protection (and by extension, respect).

In another letter, Olive Claybourn quotes, at length, an article that appeared in a daily newspaper (that she does not identify). The author felt

611 Meyer, 119-120.
612 Letter from Olive Potter Claybourn, written shortly after she found out about her son's conviction, to Congressman C. W. Bishop, dated April 20, 1943. Found in Claybourn's Personnel Record part 5 of 5, p. 737.
that the court martial system needed to be revamped. The article argued that the Manual for Courts-Martial\(^\text{613}\) was written at a time when professional soldiers came from the "dregs of society" and strict discipline was needed in order to "insure that he [the professional soldier] did not turn [on] those whom he was enlisted to protect." The journalist further argued that "such a code is neither necessary nor desirable to govern civilians in uniform defending a free country of which they are free citizens."\(^\text{614}\) What this author fails to address was what motivated soldiers to fight in a democratic country. Stiehm and Westbrook would argue that the protector/protected dichotomy was needed to get men to fight and, as discussed above, Stiehm points out the untenable position the protected are in- which contradicts this author's argument that the people soldiers were supposed to protect faced no danger from them.

Not all of the letter writers judged the women so harshly. Claybourn's uncle, Luther Potter, wrote the most insightful letter. His letter may not have been intended for inclusion in this collection as it was addressed to his friend the Congressman and the tone was less formal than the other letters. Potter sympathized with both Claybourn and the women. He hypothesized that wearing a uniform went to a man's head, he wrote,

> You take a young Man, put Him in uniform, dress Him up in A Lieutenant's swell rig, tell Him that the world is His cookie, all He has to do is eat it, the first thing You know He believes it, and

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\(^{613}\) Referred to as "Martial law."

\(^{614}\) Document entitled, "Army Justice," prepared by Olive Claybourn, likely as an enclosure to a letter to Judge Sherman Minton, dated Oct 25, 1945. Found in Claybourn's personnel record part 3 of 5, the letter is on p. 425-431, the document quoted here is on p. 468.
He is proud of His looks, and struts His stuff at ever [sic] opportunity. 615

He believed that uniforms affected not only the wearer's confidence but women's response to them as well: "This kind of stuff appeals [sic] to all Girls, and they will allow more liberties to him than they would to a civilian." 616

The idea that women should give preference to soldiers was a common theme in Caniff's cartoons and both soldiers and civilian workers received these messages. With men in uniform embodying the new ideal of masculinity, men not in the military felt increased pressure to prove their masculinity. 617 Women were allowed, and even encouraged, to do jobs that had traditionally been men's work, which added to the pressure on civilian men because they now had to compete with women. This change in the workplace emasculated civilian men on two levels, first by defining service men as the more masculine and second by putting male war workers in direct competition with women. Cartoons depicted civilian men as a danger to women. Caniff offered women advice by comparing dating civilian men with jungle warfare (see Figure 4). The civilian men were notably older and slicker looking than the soldiers and Caniff referred to them as "snakes" and as the "enemy." He warned women not to drink too much around civilian men and to look to soldiers for help if civilians got out of line. Caniff also urged women to stay faithful to their absent soldier boyfriends (whom he referred to as a

615 Luther Potter, found in U.S. v Claybourn, part three, pages unnumbered, punctuation and capitalization appears as it did in original. I did change the spacing for ease of reading.
616 Potter, punctuation and capitalization appears as it did in original.
woman's Commanding Officer) which in turn would keep them safe from treacherous civilian men.\textsuperscript{618}

![Image of comic strip]

Figure 4, Milton Caniff, "Heart Chart," The Hillfielder, November 24, 1943, 4.

Potter blamed the government or the country for putting women in a predicament when it came to men in uniform,

The build up that all Our armed forces get, the Civilian entertainment... Government plans in furnishing Women Companions... has most of the Girls thinking that it is their duty to entertain any of Our Armed force at any time. I do not know what kind of Girl this was, where [sic] She was a good Girl or not, but that is really beside the point, if thinking that She was doing Her Patriotic Duty in being His companion.\textsuperscript{619}

His uncle noticed the pressure put on women to demonstrate their patriotism through their relationships with soldiers. He even noted that women might give more liberty to a man in uniform than they would a civilian man. Meaghan Winchell discusses how junior hostesses of the USO put up with soldiers' wandering hands and "safeguarded the feelings and masculinity of

\textsuperscript{618} Milton Caniff, "Heart Chart," The Hillfielder, November 24, 1943, 4.  
\textsuperscript{619} Potter, punctuation and capitalization appear as in the original.  

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service men who might have been 'crushed' if someone questioned their rude
conduct. She further argues that, "in doing so, junior hostesses sacrificed
their own comfort because it would have been unpatriotic and selfish to
shame a serviceman." Potter was the only letter writer to really humanize
the victims in the case while still remaining sympathetic to his nephew. He
realized that it was possible that both parties could be partially to blame and
that the idolizing of soldiers put pressures on women to "allow more liberties,"
as also suggested by the two songs discussed earlier and "Male Call"
cartoons. For example, in the cartoon, "Charge without Reconnaissance," two
soldiers are angered after seeing Miss Lace, the star of the comic strip, with a
civilian. At the end of the cartoon, Caniff reveals that the man was a soldier
who lost his sight in battle (See Figure 5). Caniff's cartoons appeared in
camp newspapers and while they were not directly produced by the military
they were printed in their papers and were intended for soldiers and the men
and women who worked on the base. This supports Potter's argument that
the government encouraged women to show preference to soldiers and that
soldiers likely expected it.

620 Meghan Winchell, Good Girls, Good Food, Good Times: The Story of the US Hostess
During World War II (Chapel Hill: The University of North Carolina Press, 2008), 95.
621 Ibid.
Popular culture reflected and reinforced societal beliefs and sent conflicting messages that women should be available to soldiers but at the same time women should remain chaste. Women who took advantage of the wartime changes to explore their sexuality would still be held responsible for anything that happened whether they consented to it or not. Potter commented on the pressure placed on women to do their part for the war effort by allowing soldiers more liberties than civilian men. The song "You Can't Say 'No' to a Soldier" expressed the same expectation that women should give preference to military men. Furthermore, the song, "I'm Doin' It For Defense," told women that they could support the war effort most directly by dating servicemen. The cartoons and pin-ups portray women as sex symbols who had the duty to provide escape for their intended audience, military men.

Furthermore, the courts expected men to be sexually aggressive and women to put the limit on sexual activity, which was apparent in both the law...
itself and the way people talked about rape. Popular culture reflected beliefs that were codified in both military and civilian law and were used by attorney's to defend against rape charges. The law put women in the position of having to defend their virtue to the extent that a man had to use violence in order for rape to be considered a crime. Cartoons repeatedly expressed the belief that women could resist and were therefore responsible for sexual violence. The letter writers who supported Claybourn also talked about men's "natural instincts" and accused women of preying upon these instincts in hopes of benefiting financially. The court did hold Claybourn responsible for his actions in regards to two of the women. They found him guilty and sentenced him to life in a penitentiary. However, the Secretary of War must have found the letters compelling as he did decide to mitigate Claybourn's sentence to twenty years, his sentence was further mitigated to twelve years and he was paroled after serving less than five.\textsuperscript{623}

\textsuperscript{623} He was paroled in March 1948, married in December of that year, had two kids and a job as a salesmen with Aluminum Cooking Utensil Company by 1953. All of this was according to a letter from his probation officer Marshall K. McKinney to Wm. E. Bergin, Major General USA Office of the Adjutant General dated October 9, 1953. Found in Claybourn's personnel record, part 1 of 5, p. 117-118.

Claybourn mostly stayed out of trouble after his conviction (at least for as long as the military kept tabs on him), with two very notable exceptions. The first transgression was during his time in custody at the Santa Ana Army Air Base where he was convicted and held until he was transferred to McNeil Island. According to the Provost Marshal there, Carl Meyers, Claybourn made repeated threats against all those involved in his conviction, both the women involved and the officers who served as the prosecution. He reportedly said that he would "cut Lt. Kockritz's throat if he ever got out." Carl E. Myers, Major, Air Corps, Provost Marshal, "Certificate," dated November 16, 1943. Found in Claybourn's personal records, part 5 of 5, p 660.

The second was in August 1948, about five month after his release from prison and four months before he got married, he was again accused of rape but was found not guilty in civilian court, supposedly because the woman had a questionable reputation. Found in Claybourn's personal records, part 1 of 5, p123.
Chapter 5- The Big Bad Wolf:
Male Sexual Aggression in Popular Culture during WWII

During WWII, popular culture and government propagandists glorified aggressive masculinity in white service members while simultaneously putting pressure on women to “do their part” for the war effort, which often implicitly suggested providing sexual favors for servicemen, sailors, and male officers. This chapter examines images of male sexual aggression during WWII. As one U.S. naval captain said, “Armies and Navies use men... of the very essence of masculinity... [they] are sexually aggressive... they must be if they are going to be good soldiers and sailors.” Popular culture reinforced this belief and sexualized the image of soldiers while sexually objectifying women, meaning men were portrayed as sexually aggressive while women were depicted as the objects of men’s desire; men were actors, women objects. I argue that, popular culture helped police the boundaries of acceptable sexual behavior. Donna B. Knaff has made a similar argument recently, positing, “popular graphic art did significant cultural work during [WWII] ... providing a platform both to voice and ease societal fears [over gender role upheaval].”

The standards of behavior varied depending on race, gender, and class, what

625 Henry Elkin discusses the effect that the eroticism prevalent in American culture had on men. He writes, “…the prevailing eroticism in American culture successfully directs male erotic impulse toward female objects but fails to cultivate this impulse to an appreciation of a mature feminine ideal, either directly, by reflecting a synthesis of physical and spiritual values, or indirectly, by reflecting a limited pornographic interest. On the contrary, this eroticism by seeking to portray a feminine ideal in terms of pure materiality – an image of ideal femininity as portrayed in a bathing suit as a unique cultural phenomenon – directs the appreciation of femininity itself into the form of primitive erotic experience.” Henry Elkin, “Aggressive and Erotic Tendencies in Army Life,” American Journal of Sociology, Vol. 51, No. 5, Human Behavior in Military Society, (Mar. 1946): 408-413.
was acceptable behavior for white men was not necessarily acceptable for non-white men and all women.627

During WWII the ideal version of American masculinity revolved around the uniform. Arguably, masculinity and aggressiveness, including sexual aggression, became associated with men in military uniform. According to literary scholar Kristina Jarvis, “the service man replaced the worker as a key symbol of masculinity.”628 Meghan Winchell argues, “to the young single woman the men in uniform were exciting and glamorous, like something from the movies.’... Many women found men wearing these uniforms sexually appealing.”629 The uniform had been idealized before WWII. There are definite hints of it during the Spanish American War. Caroline Shunk described military men in her 1914 memoir, An Army Woman in the Philippines, noting, “Even an ordinary man is stunning in the white uniform, with white cap and shoes and side arms, and I must say our well set-up military men look [sic] imposing as they marched up the walk together.”630 Obsession with men in uniform was also present during WWI and not limited to the United States. In England, authorities were concerned over “khaki mad girls,” and the “extreme excitement which reportedly gripped young women at

627 Knaff makes a similar point. She writes, “[a magazine] audience’s class or ethic status affects portrayals of women. In wartime, media images of female experience are greatly influenced by the socioeconomic levels of the groups at which they are aimed.” Knaff, 12.
630 Caroline Shunk, An Army Woman in the Philippines: Excerpts from Letters of an Army Officer’s Wife Describing Her Personal Experiences in the Philippine Islands (Kansas City: Franklin Hudson Publishing Co., 1914), 77.
the sight of troops in towns, cities, and near army camps."631 There were references to the appeal of the uniform in the inter-war years as well. In the movie, *I'm a Fugitive from a Chain-Gang* (1932), a young woman greets James Allen when he returns from WWI and she expresses disappointment, commenting that he looked taller in his uniform. While the uniform had been glorified previously it was on a fairly small scale. The massive mobilization of WWII caused the idealization of the uniform, and the men in them, to expand exponentially.

Additionally, WWII posters featuring white military men did more than romanticize their uniform: they also romanticized their bodies. This focus on body image can be vividly seen when you compare a WWI poster to a WWII poster (see figure 1 and 2). The WWI poster features a heroic young man. The WWII poster shows a much more muscular version of an American serviceman.632 As Jarvis has argued, during WWII, propaganda equated the health of the nation with the health of white male service members. Thus, the change in images of servicemen from WWI to WWII might be seen as an attempt to recover American masculinity after the Great Depression.633 Inherent in this romanticization of the uniform and the white male military body was an aura of danger and of brutal, aggressive masculinity. One article in *Yank* joked that the U.S. military could use the sexuality of American

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632 Jarvis compares WWI and Depression Era images to WWII images at length in chapter one.

633 Jarvis, 35.
women and the virility of American men to defeat its enemies. A pin-up of a white American woman (Jane Russell) could be used to lure a German soldier into a booby trap and a picture of a white American man could be used to lead a Japanese soldier to commit suicide (See Figure 3).\footnote{Pvt. John L. Dougherty (words) and PFC. Howard P. Wyrauch (sketches), "The Booby Trap," \textit{Yank The Army Weekly}, Oct. 28, 1942, Vol. 1, No. 20.} The War Department theorized that masculinity was rooted in the male sex organs, linking bravery and strength to both healthy sex organs and an active sex life.\footnote{Jarvis, 81.} The federal government even censored images of servicemen with genital wounds.\footnote{George Roeder, \textit{The Censored War: American Visual Experience During World War Two} (New Haven: Yale University Press, 1993), 115. Roeder writes, "all photographs that depicted what appeared to be genital wounds ended up in the files of censored material and remained there even after release of other images of painful wounds." Roeder, 115.} Men also linked their masculinity to their sex organs. As Jarvis has pointed out, "men frequently privileged the safety of the penis over the rest of the body in order to maintain a sense of phallic masculinity."\footnote{Jarvis 87.} In other words, most men's masculinity was so intrinsically linked to their penis that a genital wound marked the end of their lives as men. While the War Department often encouraged soldiers to abstain from sex in order to protect their vitality. It was also clear that many high ranking officers believed that "any man who won't fuck, wont fight."\footnote{Jarvis, 82 and Beth Bailey and David Farber, \textit{First Strange Place: Race and Sex in World War II Hawaii} (Maryland: John Hopkins University Press, 1992), 121.} I also argue, along with other historians, that this newly widespread ideal of masculinity created a crisis of masculinity among men who did not serve in the military.\footnote{Such as Matthew Basso in his upcoming book.} Non-military men felt an increased pressure to prove their masculinity. Sexual violence may
have been one of the ways they proved themselves. The government, the military, and popular culture weighed in on this competition for female attention.

Figure 1, "You Kept Fit and Defeated the Hun," poster issued by the Surgeon General of the Army. From Lt. Col. Seal Harris, Medical Corps, "G.H.Q. Bulletin No. 54 on the Venereal Problem," Social Hygiene 5 (1919): 310.

Figure 2, "Man the Guns," 1942 recruitment poster.
As discussed in the previous chapter, the government encouraged women to date soldiers. A close reading of military newspapers, such as *Yank: The Army Weekly*\(^{640}\) and base papers such as *The Hillfielder*,\(^{641}\) help demonstrate the way men and women thought about dating and how men viewed women. Both of these papers published a poem, written by a soldier, Private Edwin Brooks,

\(^{640}\) *Yank* claimed to be a reflection of G.I.s. In the first volume, the editors published the following mission statement: "Here's the YANK, brother. This is our newspaper, solely and exclusively for us in the ranks and nobody else. It's not G.I. except in the sense that we are G.I. It's ours alone. Because we fight, it is a fighting newspaper. Because it is ours and because we are fighting men, it is here to reflect pride when we are proud, anger when we are sore. It is OUR record of what we're doing- in black and white. It IS us. When there is poetry, it will reflect our poetry. War always produces poetry. When there is griping, it is here for that. War always produces griping. The YANK is each one of us. As a reflection of ourselves, YANK is freedom, too; something our enemies are afraid to duplicate, and couldn't if they dared. They don't think like us. Our enemies will see YANK as us, because it is US. They will tear it apart. Their psychologists will analyze the words in YANK, our words. What a hell of a laugh! They can't figure it out. Because YANK is ours. Here's the YANK, brother." *Yank The Army Weekly*, Vol. 1 No. 1, July 17, 1942, 1. Because *Yank* was the self-described paper for enlisted men, it was arguably a working-class publication.

\(^{641}\) *The Hillfielder* was the base paper of Hill Air Force Base, which is in Ogden, Utah.
A G.I. Wolf
If he parks his flivver\textsuperscript{642} 
Down beside a moonlit river 
And you feel he’s all aquiver— 
Then baby, he’s a wolf.

If he says you’re gorgeous looking 
And your dark eyes set him cooking 
But your eyes ain’t where he’s looking— 
Then baby, he’s a wolf.

If he says that you’re an eyeful 
But his hands begin to trifle 
And his heart pumps like a rifle— 
Then baby, he’s a wolf.

If by chance when you are kissin’ 
You can feel his heart a missin’ 
And you talk but he won’t listen— 
Then baby, he’s a wolf.

If his arms are strong as sinew 
And he stirs the gipsy in you 
And you want him close agin’ you— 
Then baby, you’re the wolf.\textsuperscript{643}

The poem outlined expected patterns of dating. Men pushed for sex and women set the limits. In the poem, the G.I. takes a woman to a secluded area, as signified in the line, “down beside a moonlit river.” He focuses solely on her body: “but your eyes ain’t where he’s looking.” He refuses to listen to her: “and you talk but he won’t listen” (perhaps ignoring verbal resistance). He may have used force, which was implied in the line, “his arms are strong as sinew.” Until the last stanza the woman shows no agency; the G.I. makes all the moves. However, the poem ends with the woman being responsible for

\textsuperscript{642} A flivver is a small cheap and usually old automobile, according to the 11th edition of the Merriam-Webster Dictionary, Merriam Webster, Incorporated, Springfield, Massachusetts. 
anything that happened. By overcoming her objections (or by ignoring them), he has stirred the gypsy in her, meaning, "she was asking for it." Through this poem, Private Brooks encouraged men to push the limits and to overcome women's protestations and then excused this behavior by blaming the woman and claiming that she enjoyed herself. As Susan Brownmiller argues, "because rape is an act that men do in the name of their masculinity, it is in their interest to believe that women also want rape done, in the name of their femininity."\textsuperscript{644} The belief being that women desire sex, but put up a "sham struggle," as one defendant put it, in order to preserve their reputations.\textsuperscript{645} The law, both military and civilian supported this analysis. A man had to use force to overcome the active resistance of a woman, otherwise, legally, the women consented. As previously discussed, the issue of resistance becomes problematic as one must then decide how much resistance is enough. In The United States v. Warrant Officer Venus L. Duke the victim had bruises and gouge marks on her neck indicating that the defendant had strangled her. In fact the pressure put on her neck had been so great that it burst blood vessels in one of her eyes. After being strangled, almost to the point of unconsciousness, the victim agreed to cooperate with the defendant as long as he did not kill her. Given her visible injuries it may come as a bit of a surprise that the Assistant Staff Judge Advocate wrote that because of her

\textsuperscript{644} Susan Brownmiller, \textit{Against Our Will: Men, Women, and Rape} (New York: Simon and Schuster, 1975), 312.

\textsuperscript{645} \textit{The United States v. Captain Cedric E. Ringer}, Court Martial No. 232318, (G.C.M. 1943).
eventual cooperation, “Obviously the accused was not guilty of rape.” The court found Duke guilty of the lesser-included charge of assault and battery.

Consequently, while the victim testified that she feared for her life, legally she had consented.

The scenario of *A G.I. Wolf* plays out again and again in a number of court martial cases. The poem spoke to cultural trends that were also found in several cases: the Wolf tried to romance his date in his “flivver” (his car); like the Wolf, many of the accused men testified that they were testing the limits with their dates, or as one defendant put it, “I was gong to make love to her and find out how far I could go”; and in the end, as discussed above, if the women did not show enough resistance she was the wolf.

Historian Beth Bailey has written about the shift in courtship practices from “front porches” to automobiles. The car as a site of romance makes particular sense in the WWII context. In over-crowded war-towns most women lived either with families, with roommates, or in boarding houses -- all of which offered little in the way of privacy. Most service members lived on military bases and had even less privacy. Automobiles offered couples a much sought after private and intimate location. One defense attorney went as far as to argue that the car had become so associated with lovemaking that a woman consented to sex simply by getting into a car with a man. He stated, “In this day and age I think we have to consider an automobile as the

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647 The court found Duke guilty of the lesser-included charge of assault and battery.


standard place for love-making. They [women] don't go out in an automobile unless they intend to do that [have sex] or at least they are prone to consent to it.650

One cartoon effectively portrayed both the aggressive masculinity encouraged in men and the role expected of women. In September 1945, popular cartoonist, Milton Caniff, drew a “Welcome Home” for soldiers (see Figure 4). Caniff had established himself as a cartoonist with his well-known cartoon, “Terry and the Pirates” (1934-1946). During the war, he drew a new cartoon series, “Male Call,” for publication in camp newspapers across the country.651 While he intended “Terry and the Pirates” for a national audience, he devoted “Male Call” strictly to servicemen and did so without remuneration.652 He felt compelled to contribute to the war effort in some way after he was classified 4 F and “felt guilty as hell about it.”653 In this particular cartoon, he depicted a uniformed man marching determinedly away from the still-smoking war zone towards a waiting woman. The soldier emerges directly from battle, unshaven, dirty, still in fatigues, and with a shotgun in his hand. The woman waits, arms outstretched, wearing a revealing dress. The soldier asks, “Now -- where were we?” The underlying message is clear: he did his part fighting in the war, she could now do her part in giving him the homecoming he deserved. This cartoon also implies that gaining sexual

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650 The United States v. 1st Lt. George Robert Claybourn, Court Martial No. 235407 page 650 of transcript, part seven (G.C.M. 1943).
651 Robert C. Harvey, Meanwhile... A Biography of Milton Caniff (Seattle: Fantagraphics Books, 2007).
652 Harvey, 12.
653 Knaff, 108.
access to women was one reason men went to war and that war was merely an interruption of the real action, that between a man and a woman.654 As discussed in the previous chapter, according to Robert Westbrook, getting sexual access to American women was one part of the contract between soldiers and the liberal American state. Westbrook argues that propagandists used women (and the prospect of having sex with them) as icons of male obligations for soldiers and "women themselves participated in their mobilization as a private interest for which men would fight."655

Figure 4, Milton Caniff, "Welcome Home," Male Call, The Hillfielder, September 5, 1945, 8.

It is worth pausing a moment here to discuss comic strips as a source of cultural expression. Knaff found that cartoons did essential work during the war. She writes, "[cartoons] broached subjects that were unfamiliar, painful, or

awkward; they made these subjects accessible or agreeable by their friendly, informal style of image and text.”^656^ WWII was the high-water mark for cartoons during their “Golden Age.”^657^ Knaff notes that, “seventy million Americans read the daily comics in newspapers, and sales of comic books grew from 12 million copies each month in 1942 to more than 60 million in 1946. And these productions provided unparalleled means to alter public opinion concerning women’s wartime activities and roles.”^658^ While the cartoons discussed here, mainly “Male Call,” “The Wolf,” and those appearing in *Yank*, reached a smaller audience than those described by Knaff, most service men and women along with people who worked on bases would have seen them as they were serialized in camp newspapers around the world. And while I do not mean to suggest that there was a direct cause and effect relationship between the content of the cartoons and specific cases of sexual violence, I do think they did important cultural work. Cartoons both reflected and reinforced societal beliefs and existing ideas about gender norms, they also expressed anxiety over the evolving wartime changes to normative gender and sexuality and helped police what would and would not be deemed acceptable. Knaff further writes “cartoons meant so much, even to adults, because they provided a way for readers to assimilate all of the frightening and unfamiliar situations in which war had placed them.”^659^ Part of the frightening and unfamiliar situations were changes to women’s roles. And, I

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^656^ Knaff, 15.  
^657^ Knaff, 13.  
^658^ Ibid.  
^659^ Knaff, 15.
suggest, the increase in sexual violence against women was at least partially in response to these same anxieties.

In much the same manner as the G.I. in the poem, cartoon after cartoon portrayed men testing how individual women expressed their sense of sexual limits in relation to more generally held/sensed norms. Or as John D'Emilio and Estelle B. Freedman put it “boys pushed, while girls set the limit.”660 We can see this dynamic in one of Milton Caniff's cartoons, “Quite a Battle Sight.” Caniff depicts three different men who were sexually aggressive and pushed while the woman, Miss Lace, put the limit on their sexual activity (See Figure 5). The punch line is Miss Lace asking, “Say -- is there some sort of campaign ribbon for a gal who has fought against the U.S. Army?”661 The cartoon not only demonstrates the aggressiveness of soldiers, and normalizes it and women’s resistance to it, but also conveyed that by dating men, women contributed to the war effort. This scenario also played out in several court martial cases, for example, one defendant testified about how he had to repeatedly overcome his date's resistance, saying, “I knew in my own mind she was a free love type of girl and didn’t want to impress me as being so easy to get, so I forced her to kiss me the third time.”662 The fact that she went for a drive in his car with him may have led him to believe she was “a free love type of girl.”663 In his mind, at least according to his testimony, he

661 Milton Caniff, “Quite a Battle Sight,” The Hillfielder, June 23, 1943, 4
663 Ibid.

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felt his actions in overcoming her objections were a natural part of sex even though she was injured in the process.

Figure 5, Milton Caniff, "Quite a Battle Sight," The Hillfielder, June 23, 1943, 4

One contributing factor that came up frequently in courts-martial cases, but not in the poem, was the use of alcohol, both by the perpetrator and the victim. According to Alice Kaplan, "The Army acknowledged that alcohol was to blame in most cases of violent crime." Elizabeth Lutes Hillman also discusses the use of alcohol by men in the military, arguing that "excessive drinking was a hallmark of military culture, an expected means for servicemen to cope with stress and loss and to entertain themselves." Henry Elkin also discusses the use of alcohol in the military, along with the use of profanity, fist fighting, and of "taking women in contemptuous stride," as all being seen as "pursuits ... becoming to the virile American male." Not that servicemen were the only ones abusing alcohol during the war. In the Hampton Roads cities offenses involving alcohol, such as drunkenness and being drunk in public, accounted for over a third of the jail sentences handed out in 1944 and

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666 Elkin, 411.
almost half of them in 1946.\textsuperscript{667} Alcohol played a role in most of the cases I looked at, often affecting the behavior of both the men and the women. In at least two cases the heavy use of alcohol affected the service record of the men involved. George Robert Claybourn was grounded for a short period of time because heavy drinking had affected his vision, and he was initially classified as a chronic alcoholic when he was admitted to prison.\textsuperscript{668} And Robert M. Valby, whose case will be discussed at length in the next chapter, went into a downward spiral once he returned from combat duty in the Pacific, a spiral fueled by his excessive drinking.\textsuperscript{669} Beyond lowering inhibitions, leading women to put themselves in vulnerable positions and perhaps dulling both parties’ reactions to the other’s behavior, the perpetrator’s alcohol consumption may have had an additional affect of increasing the violence of the attack.\textsuperscript{670} Elkin wrote that that was one reason men linked alcohol to masculinity was because it often brought out their aggression.\textsuperscript{671}

Just as the car became the standard locale for lovemaking so too did the image of the wolf become a ubiquitous part of the cultural landscape. The wolf has long been used as the embodiment of male sexual aggression. Catherine Orenstein suggests, “Probably it was the wolf’s ravenous appetite


\textsuperscript{668} Personnel record of George Robert Claybourn.

\textsuperscript{669} U. S. v. Valby.

\textsuperscript{670} A recent study found that alcohol and drug use affected how violent sexual assaults were -- that is, that men who had been drinking were more likely to physically assault their victims with or without a weapon. Noel Bridget Busch-Amendariz, Diana M. DiNitto, Holly Bell, and Thomas Bohman, “Sexual Assault Perpetrators’ Alcohol and Drug Use: The Likelihood of Concurrent Violence and Post Sexual Assault for Women Victims,” Journal of Psychoactive Drugs, “Volume 42 (3), (September 2010): 393-399.

\textsuperscript{671} Elkin, 411.
that originally led to its association with sexual hunger. Wolves will eat an entire kill at once and sometimes stay at a large carcass for hours on end.\footnote{\textit{\textsuperscript{672}}} 

A G.I. \textit{Wolf} was not the only place a wolf appeared in wartime popular culture. Wolves were everywhere. In fact, the idea of a “G.I. Wolf” was so popular that a series of cartoons simply titled “The Wolf” began appearing in over 1,600 service newspapers all over the world and ran regularly for the duration of the war.\footnote{\textit{\textsuperscript{673}}} Another soldier, Corporal Leonard Sansone, a member of the Camp Newspaper Service, drew this cartoon featuring a wolf in uniform. In cartoon after cartoon the wolf pursued women, including this one (see Figure 6) that references the timeless tale of Little Red Riding Hood.\footnote{\textit{\textsuperscript{674}}}


Cartoons portrayed soldiers always aggressively pursuing women, some even while unconscious, which reinforced the idea that men were only following their natural instincts. Sansone drew the Wolf grabbing a nurse from his hospital bed (see Figure 7). While struggling to get free, the nurse says, "He may be unconscious -- but his reflexes are OK!" Another cartoon shows a man in traction and a body cast. A nurse warns another, "Watch out for his free toe." The cartoons depict both the injured man's and the nurse's reactions as instinctive (see Figure 8). Another cartoon had a man (a pursuit pilot) "pursuing" sex/a woman even after death (see figure 9). The soldiers in these cartoons had proven their masculinity on the battlefield, resulting in their injuries. Now they could be expected to continue proving their masculinity by pursuing women even while unconscious or in traction and could use the nearby woman as an opportunity to claim their masculine reward for military service. On the other hand, the nurses instinctively pulled away, again, doing what a woman should: putting a limit on how far the men could take things. All of these cartoons demonstrate the sexual aggressiveness expected of men, especially military men. As Jarvis has argued, "the war-wounded male body and efforts to rehabilitate it highlight the

676 The Hillfielder, November 7, 1945, 4.
678 There was some concern during the war that male sexual aggression might be dangerous. For example, "An editorial in Hawaii, a magazine supported by the haole elite stated it [a reason the Honolulu Police Commission wanted to keep regulated prostitution] clearly: 'If the sexual desires of men in this predominately masculine community are going to be satisfied, certainly not one of us would rather see them satisfied in regulated brothels than by our young girls and women -- whether by rape, seduction, or encouragement of natural tendencies.'" Quoted in Beth Bailey and David Farber, The First Strange Place: The Alchemy of Race and Sex in World War II Hawaii (New York: The Free Press, 1992), 99.
centrality of servicemen's bodies in constructing national self definitions as well as the performative nature of masculinity. When an individual soldier's wounds were visible, the nation's vulnerability was also on display. Therefore, while these cartoons were intended to be humorous they also did important cultural work, they showed that American men's masculinity could survive their injuries and the country could survive the war. The male service member's body and their masculinity, as expressed through their sexual aggressiveness, was the embodiment of the nation.

Figure 7, Leonard Sansone, "The Wolf," The Hillfielder, March 28, 1945, 5

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679 Jarvis, 88.
Figure 8, "Watch Out For His Free Toe," *The Hillfielder*, November 7, 1945, 4

Figure 9, "He Used to Be a Pursuit Pilot," *Yank The Army Weekly*, Vol. 1, No. 2, January 20, 1943.
In one of the most telling cartoons, the Wolf walked past an airplane covered with pictures of bombs to denote how many bombing missions it had flown, while the Wolf’s sleeve was similarly covered with pictures of women (see Figure 10). As Elizabeth Clement has argued,

Sexual conquest and excessive sexual appetites were clearly linked in many young men’s vision of their identity as fighting men and of the appropriate behavior of soldiers... This conception reflected an old association between fighting and sexuality common in both American and military culture.

The cartoon with the bomber made this association most clear. Here the Wolf’s sexual conquest of women was directly correlated with military conquests.

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Some men may have felt pressure to behave in certain ways in order to prove their masculinity. They could do this by joining the military, by serving overseas, by standing up under the pressure of boot camp or battle, and by how they behaved away from the largely male enclave of the military often through their sexual exploits. For example, Tom Reddy, whose story appears in Allan Berube’s *Coming Out Under Fire*, said that part of the reason he joined the Marines was because “everybody told me the Marine Corps was going to make a man out of me.” Another men interviewed for Berube’s book explained “everyone in my age group went into the service that year [1943] – and you would have been ashamed if you didn’t go in.” Claybourn, whose case is discussed at length in the previous chapter, expressed grave remorse over the fact that the Army Air Corps had not sent him overseas. For him performing the dangerous job of pilot was not enough, he longed to be

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682 Michel Kimmel discusses this in *Manhood in America: A Cultural History* (New York: The Free Press, 1996). He writes, “All wars, of course, are meditations on masculinity,” 34 and that soldiers were the “paragon of manly virtue,” 263. He further notes that during WWI, “shell shock was defined as...[an] inability to meet the demands of one’s gender,” 133. Meaning, men who failed to stand up to combat were considered unmanly. Kimmel also discusses how the Great Depression created a crisis of masculinity and how WWII provided men an opportunity for men to recover their manhood, writing, “Men had been able to prove on the battlefield what they had found difficult to prove at the workplace and in their homes - that they were dedicated providers and protectors. Reports of battlefield heroism provided some sorely needed templates. When the war took on the tone of a moral crusade, saving the world from Nazi genocide and terror, the virtuous tenor of military manhood was enhanced,” Kimmel, 223. Kimmel argues WWII only provided a temporary respite. And Judith Hicks Stiehm points out the dangers in the protector/protected dichotomy, that the protected soon become burdens that the proctors turn on once they are too heavy to bear. Judith Hicks Stiehm, *Arms and the Enlisted Woman* (Philadelphia: Temple University Press, 1989). William Manchester discusses the sexual aspects of my argument, as will be discussed later in this chapter.


684 Bill DeVeau as quoted in Berube, 4.
tested in combat.\textsuperscript{685} In numerous letters written after his conviction, Claybourn expresses his desire to repay the country through military service for the expense of his training as a pilot. In a letter to his father, Claybourn wrote that he wished he had had the opportunity to fight, in part to please his father and at the same time to prove himself as a man. He wrote, “I am sure you would hate to admit that you had fathered a son, who had no more guts than that. I mean a guy who would sit back and say, ‘well let the suckers fight... perhaps there is a matter of personal desire to excel... Certainly you didn’t raise a coward or a shrinking violet.’\textsuperscript{686}

Meanwhile, those who did serve overseas felt pressure to have sex as an important milestone before shipping out.\textsuperscript{687} Men who served in the Pacific theater likely felt even greater pressure because of the perceived (and in many places actual) lack of women, especially white women. There were many references in papers like \textit{Yank} to the lack of women overseas. In one letter to the editors of \textit{Yank}, a soldier complained about men who whined to \textit{Yank} about the lack of women, even as he made such a complaint himself. He wrote, “[A] \textit{Yank} correspondent wrote a touching article... which really irks me. Says he, ‘some of the G.I.s stationed there have been away from ... the States a whole long 4 months!’ ... the nearest thing to a ‘filly’ I’ve seen in over 10 months is a picture of Jane Russell in a straw pile.”\textsuperscript{688}

\textsuperscript{685} \textit{U. S. v. Claybourn.}
\textsuperscript{686} Letter from George Robert Claybourn to his father Noel Claybourn dated June 7, 1943, found in his personnel records, part 4 of 5, p. 646-647.
\textsuperscript{687} Manchester discusses this in his memoir.
\textsuperscript{688} Letter to the editor from PFC. Paul J. Skelton, \textit{Yank The Army Weekly}, Jan. 27, 1943, Vol.1 No. 33. There were some cartoons that depicted beautiful, scantily clad, native women.
WWII Pacific War Veteran William Manchester describes the need he felt to lose his virginity before going to war. In his memoir *Goodbye Darkness*, he wrote the following about a woman he dated briefly before his deployment:

And although I was trying to keep my romantic feelings on a lofty plane, on another level they were quite primitive, even exploitive. Part of me wanted to tumble a girl out of sheer lewdness and male vanity... I wanted to take out bragging ads, rent billboards, buy air time to announce that I had hit the mother lode... subconsciously, I suppose, I wanted to have my seed in her before sailing.689

Later in his memoir Manchester describes a brush with death during which the image of his ideal woman visited him. She invites him to have sex with her, but in order to take her up on her offer Manchester would have to charge the enemy line alone. Here Manchester equates sexual release to death, further linking combat and sex, and aggressiveness on the battlefield to aggressiveness in the bedroom.

While the portrayal of the Wolf as sexually aggressive remained fairly consistent, the depiction of women in these cartoons varied. Not all of them ran away. Several Wolf cartoons depict women as being motivated by money. For example, in one cartoon the Wolf sits at a table piled high with money and a woman at a nearby table says to her friend, "There's something about that soldier I like!"690 Another features the Wolf dropping money behind him on a trail while several women follow behind eagerly grabbing it up (see Figures 11

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In essence, cartoonist Sansone portrays women using their bodies to seduce men for money, not just out of patriotism, a stark contrast to the war songs, which encouraged women to date soldiers as a symbol of their patriotism. The portrayal of women as out to get men’s money was more hostile to women and, in a way, excused rape. The underlying message was that women who dated men for money were essentially prostitutes, while the men who spent money on these greedy women in essence paid for sexual access to them.

Figure 11, Leonard Sansone, “The Wolf,” The Hillfielder March 1, 1945, 5

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691 Ibid., November 1, 1944, 5.
By depicting women as sexually available and as being motivated by money, these cartoons show contempt for women. This portrayal made rape appear more excusable or even improbable. The logic was that if women acted in a sexually aggressive manner or pursued men who had money, they would be willing to have sex with men, with any man, and should not complain later if the man then treated her roughly. In this way, women became commodities, with money as the mediator between themselves, their sexuality, and men. As Beth Bailey has argued, men were commodified as well, but in a different manner. Society determined a woman’s value based on her appearance and a man’s based on his wealth.\textsuperscript{692} I believe the cartoons featuring gold diggers may have also expressed soldiers’ anxiety about their

\textsuperscript{692} Bailey, From Front Porch to Backseat. 58.
status. Many soldiers likely wondered if women would remain faithful to them while they were gone or would be attracted to them when they returned. These cartoons could have been intended to ease these fears by portraying soldiers as desirable to women by showing soldiers with money.

The belief that women were after soldiers for their money comes up in some of the courts martial cases as well. Several of the people who wrote letters for Lt. Claybourn wrote about women who used soldiers for money. They believed that these women had tried to trap Claybourn into marriage and only accused him of rape when he refused to marry them. 2\textsuperscript{nd} Lieutenant James L. Moreland wrote,

\begin{quote}
You undoubtedly know that there are always women of loose moral standards near each Military Post who make a practice of preying upon the natural instincts of both junior officers and enlisted men. You also know, I am sure, that the prime purpose of their being near a Military Post is to participate in a so-called shakedown of the personnel. I have seen numerous cases that never came to the attention of the authorities in which the officers were forced to marry these women or to pay exorbitant sums of money in order to keep their Military careers from being ruined.\footnote{James L. Moreland, 2\textsuperscript{nd} Lieut., Inf., found in \textit{U.S. v. Claybourn}, part three, pages unnumbered.}
\end{quote}

One of Claybourn's old girlfriends, Rosemary O'Brien Klein, also talked about the parasitic nature of women. She wrote, "there are plenty of girls in this world who are low and cheap and common and who are trying to force the men in our armed forces to marry them, in order to collect the insurances. I
know the type that ‘got’ Bob.”\textsuperscript{694} Several writers agreed that the women were only interested in Claybourn’s money and insurance.\textsuperscript{695}

The excuse that women pursued men for money appeared in other cases and was often mentioned in \textit{Yank}. One \textit{Yank} poet offered advice to other G.I.s, writing, “There’s dames out here who’ll marry me, or any other dumb G.I.// They know that this is a P. of E. [Port of Embarkation], and soon they’ll say good-by// The lottery begins the day the dope leaves U.S. land// For fifty bucks a month ain’t hay with a chance for ten more grand.”\textsuperscript{696} He references both the monthly allotment and insurance money that he believed women were after. There were of course women who did pursue men for money. Some women made a career out of marrying soldiers and became bigamists, marrying one soldier and then another once the first had shipped out. But the wartime focus on female bigamists ignored the fact that men sometimes became bigamists too and married women while they were physically separated from their original family.\textsuperscript{697}

This portrayal of women as gold-diggers also functioned to keep women “in their place.” During the war many women made enough money that they were freed from their monetary dependence on men, at least temporarily. Several historians, such as Ruth Milkman, have demonstrated that a great deal of anxiety existed during the war around women’s “proper

\textsuperscript{694} Rosemary O’Brien Klein, found in \textit{U.S. v Claybourn}, part three, pages unnumbered.
\textsuperscript{695} Other writers, in addition to Rosemary O’Brien Klein, who expressed the belief that the women were after money include; Elsworth Johnson, Bruce Weirick, and James L. Moreland.
\textsuperscript{697} Marvin Schlegel, \textit{Conscripted City: Norfolk in World War II} (Norfolk: Norfolk War History Commission, 1951), 332.
place" and whether or not women would return to the home when the war time need ended. The Wolf cartoons rarely featured women war workers or women in the military and therefore they did not acknowledge the contributions women were making or the changing status of women. The women in the cartoons were men’s companions, and the gold digger cartoons depicted women’s desire for men with money. This reinforced the gender norms of the period. That men should be bread-winners and that women should seek out men who could provide for them, and ignored women in the military and war workers who were in effect taking care of themselves.

Society and the legal system deemed women who violated dominant gender or sexual norms as fair game. Several cartoons depict the cultural belief in a dichotomy between good moral women and bad immoral women. In one such cartoon, a soldier asks the Wolf, “How do you know she’s not your type?” The woman they spoke of has a halo over her head (see figure 13). The Wolf showed no interest in this woman because she fell into the first category of “good woman.” In comparison, the Wolf would pursue a woman who appeared “loose.” One such cartoon featured a shapely woman sitting on a couch with the Wolf. She leans suggestively towards him, offering him some chocolate while the caption read, “Go ahead -- don’t be bashful!” Sansone left the reader to decide if she was offering him more than just chocolate (see figure 14). Another shows the Wolf arriving at a military base

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700 Ibid., September 1, 1943, 10.
where a senior officer tells him, “Do whatever you want for the next hour, orderly.” A woman stands provocatively on the sidewalk in front of him, apparently waiting for a soldier to pick her up (see figure 15).\textsuperscript{701} Both cartoons depict women as sexually aggressive. Elaine Tyler May argues, “an increase in ‘promiscuity’ was one of the greatest fears surrounding women’s wartime independence.”\textsuperscript{702} These “promiscuous” women could no longer be easily identified by their class so men had to beware all women who threatened to weaken the war effort.\textsuperscript{703} These women, or women who seemed to transgress gender norms, were also exposed to danger. As Leisa Meyer writes,

> Despite the new acknowledgements of women’s desire, engaging in extramarital heterosexual relationships put middle- and upper-class young Euro-American women beyond the pale of protection previously offered by strict Victorian standards. The penalties that all women faced for having extramarital sex – including pregnancy, stigma, and even rape – remained in force. The ‘double standard’ was as visible as ever; men took no more responsibility for extramarital sex than they ever had, while sexual availability for women continued to carry with it the label of ‘bad girl’.\textsuperscript{704}

So while women might be able to explore new possibilities they did so at the expense of the “protection” good reputations had offered them in the past.

\textsuperscript{701} Ibid., September 13, 1944, 5.
\textsuperscript{703} Ibid.
Figure 13, Sansone, "The Wolf," *The Hillfielder*, November 22, 1944, 5.

Figure 14, Sansone, "The Wolf," *The Hillfielder*, September 1, 1943, 10
Another person testifying to Claybourn's character demonstrated an understanding of the sexual double standard even as he embraced it. Bruce Weirick, an English Professor from Claybourn’s college, wrote about the tendency some men had to judge women by this standard. Weirick was one of the people who mentioned Claybourn's temper and stated that Claybourn should have known better “than to get himself involved with a woman of low character.” He explained the double standard in this manner:

Like most men of today, his [Claybourn’s] women were of two classes, the nice ones whom he respected and regard[ed] as ladies like his mother; and the others. Such a double standard I do not depend, though I suspect if we kicked all the boys who hold it out of the army we would have difficulty winning the war. He is not the first young man of otherwise sound character who got himself involved with a wench.

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705 Bruce Weirick, found in *U.S. v. Claybourn*, part three, pages unnumbered.
While he argues that men should not depend on the double standard, he
does just that. He clearly did not know the details of the case as he only
referred to one woman. However unqualified he might have been to make
judgments about a woman (women) he never met, he bluntly condemned her
(them). He called her a “wench” and said she was “of low character.” His
argument suggested that if Claybourn raped a woman, it was the woman’s
fault. Weirick apparently believed that these women, by appearing available
or by spending time in bars, made themselves sexually accessible to men
and men should not be held accountable for taking what women offered.

The caseworker who spent time with Claybourn during his
imprisonment at McNeil Island Federal Prison also discussed the role this
dichotomy played in this case. The caseworker reported that Claybourn
“recalls earnest ‘heart-to-heart’ talks initiated by the father, in which there was
considerable morbid dwelling on ‘two-kinds of women.’” However, the
caseworker also noted that Claybourn had extensive sexual experience
before his courts-martial and wrote “these experiences have been with both
promiscuous women of lower cultural status than the subject and with those
toward whom he had a normal romantic interest. In connection with the first
type of women, he has resisted suggestions of marriage with vigorous
candor.”707 In other words, while Claybourn pursued sex with both “good”

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June 6, 1946, found in Claybourn’s personnel record at the National Archives in St. Louis,
part 2 of 5, p. 232. In another special progress report from earlier in 1946 the caseworker
mentions the “dualism not atypical of the young male in our cultural [sic].” And writes of
Claybourn, “He does admit a rather long history of the excessive use of alcoholic liquors and
of promiscuous heterosexual activities.” Special Progress Report, February 6, 1946, part 2 of
5, p. 238.
(middle-class) and "bad" (working-class) women, his relationships with "good" women had the potential for future marriage and he used the "bad" women solely for sexual gratification. Weirick, the caseworker, and the Claybourns likely based their categorization on women's class and race. As Meyer has pointed out, "Working-class women were assumed to be more sexually active than middle-class and upper-class women and African American women were stereotyped as sexually promiscuous by nature." The "good" women Claybourn dated were likely deemed "good" because they were white and middle-class and the "bad" women judged thusly because they were working-class. The results of this belief are discussed in more detail in chapter two, but it is worth reiterating here. Historically rape cases involving white middle-class or upper-class victims were more likely to result in guilty verdicts, and the American public was more likely to show sympathy for these victims than working-class whites and all non-white women.709

The good/bad woman dichotomy also visited Milton Caniff's Male Call. In, "A.S.T.P. (Apply Science to Propositioning)," Caniff diagrams the different types of women (See Figure 16). He writes, "Some types are ready subjects and may be picked up and fondled others are wary until certain of the student's actual intentions." The picture above the second type shows a

708 Meyer, 36.
709 This bias worked both ways, the race and class of the perpetrator also matters and affects juries' perceptions. Race and class also affected whether or not a case would even be prosecuted and likely played a role in reporting. Peggy Reeves Sanday, A Woman Scorned: Acquaintance Rape on Trial (Berkeley: University of California Press, 1996), 36; Pamela Haag, Consent: Sexual Rights and the Transformation of American Liberalism (Ithaca: Cornell University Press, 1999). Haag does not include an explicit discussion of class but her discussion on respectability and race is enlightening and speaks to this issue as well.
woman saying "No ring-no wrassle!" Both Sansone and Caniff demonstrated the same belief as Weirick in the existence of bad and good women. Weirick used this conviction to argue that the women in the case were of the "bad" variety, and while Claybourn did not deserve what he got, these women did.

Figure 16, Milton Caniff, “A.S.T.P. (Apply Science to Propositioning),” The Hillfielder, October 4, 1944, 4.

While the good woman/bad woman dichotomy continued to function during the war it was far more often used to condemn bad women than to protect good women. A woman’s prior history could be used against her whether she had been chaste or promiscuous. In one courts martial, the defense used the victims' virginity and her good standing in the community to explain her behavior after she was allegedly raped. The victim in this case was a forty-four-year-old virgin, who accused Glen Anderson of rape. She was an active member of the USO, an organization that prided itself on

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711 U. S. v. Claybourn.
finding "wholesome" women to provide "wholesome" entertainment for servicemen,\textsuperscript{712} she was also a girl scout leader and a respected member of the community. The investigating officer wrote in his report:

the character and moral qualities of [the victim] are attested to by [her employers]. In addition, she is held in esteem and highly regarded by all classes and races of people on Molokai [Hawaii]. On the other hand, there can be a reasonable belief that a maiden lady, who is getting along in years might have a feeling of frustration. When a personable young man [almost fourteen years her junior], who had the added distinction of being an officer in the Army comes along and flatters her and makes advances, there is a distinct possibility that she might respond.\textsuperscript{713}

He further argued that because of her inexperience she might have panicked when she bled after they had sex causing her to seek medical attention. Her reputation worked against her here as well since the investigating officer expressed belief that she lied to the attending doctor and nurse because she was well known in the community and wanted to protect her reputation. The fact that Anderson was married and an admitted adulterer, did not lead the investigator to question his honesty but the victim’s good reputation and virginity led him to question hers.

While women were divided into “good” and “bad,” and judged moral or immoral based on their sexual experience, men’s masculinity (but not morality) often rested on their sexuality. Men were either “wolves” or “lambs.”

\textsuperscript{712} While not all USO members were middle class, the working-class members had to prove that they were “respectable” by middle-class standards, which included having an “appropriate social connection” to vouch for them, Winchell, 48. The victim in this case was likely middle-class so she met their standards without having to prove her respectability. While the age range for junior hostesses varied by local organization, this woman most likely served as a senior hostess because of her age, even though most senior hostesses were married, Winchell, 12.

\textsuperscript{713} The United States v. Glen Anderson, Court Martial No. 227793, exhibit “D,” (G.C.M. 1943).
A few weeks after running “The G.I. Wolf,” Yank published a poem by Staff Sergeant William T. Gorman, “G.I. Lamb.” This poem follows the same pattern as “The G.I. Wolf.” It describes a soldier’s girlfriend who proves herself to be a lamb by showing her devotion and her worthiness by limiting their sexual activity to holding hands and by avoiding rough parties. Each stanza ends with “Soldier She’s a Lamb!” Like “The G.I. Wolf” the last stanza reverses the pattern when the G.I. discovers that his girlfriend is seeing another man and Gorman proclaims, “Soldier, YOU’RE a lamb!”714 Another poem “Mary’s Lamb” tells a similar story where Mary’s lamb, a G.I., could not get a weekend pass so Mary married “a Wolf who’d been deferred.”715 A man who took no for an answer and fell for a woman who claimed to be devoted to him was a lamb and had been emasculated because he respected a woman instead of pushing her limits, while she proved to be unfaithful. In other words, she duped him, and to add insult to injury she was unfaithful with a man who avoided military service. The poems also reinforced the belief, expressed frequently in Yank, that no woman could be trusted, regardless of appearances. This brought all women’s purity and trustworthiness into question, as will be discussed at length in the next chapter.

At the same time the cartoons reinforced the belief that sexual aggressiveness came naturally to men and that more masculine men would be proportionately more sexually aggressive. As Jarvis writes, “among the servicemen themselves, there was a sense that sexual activity was part of

being a 'real' man and a soldier.”716 Elkin explains why some soldiers showed "certain negative and aggressive tendencies," writing, "in the purely masculine surroundings of the Army, the values associated with the ideal of virility play a determining role in molding the soldier's image of himself and in creating his inner tensions and the channels for their release."717 He further notes, "'women-chasing' thus became a distinguishing feature of the G.I.'s reputation wherever he went."718 This aggressiveness was seen in many cartoons. In July of 1944, a cartoon featured a woman who had been set up on a date with the Wolf and who ends up running away while he gives chase (see Figure 17).719 Another showed a soldier holding the Wolf back as he tried to grab a woman (see Figure 18).720 In yet another cartoon, Sansone depicted the Wolf hidden under a bench, grabbing a woman's ankle as she walked past (see Figure 19).721

716 Jarvis, 82.
717 Elkin, 410.
718 Elkin, 412.
720 Ibid., January 25, 1945, 5.
721 Ibid., August 8, 1945.
Figure 17, Leonard Sansone, “The Wolf,” The Hillfielder, July 19, 1944, 5

Figure 18, Leonard Sansone, “The Wolf,” The Hillfielder, January 25, 1945, 5
Other articles in *The Hillfielder* also used the wolf analogy. In June 1943, one headline read, “Scare Wolves Away,” with a photo of two women walking home after seeing a boxing match in Ogden. Apparently the photographer found this newsworthy because the women “went home... alone!” The article went on to tell us that the women walked through the Ogden cemetery “In order to scare the wolves away.”722 It was clear that the author was not talking about the animal, but rather wolfish men who “habitually seduce women.”723 This article, as well as several of the cartoons, acknowledged that women did face danger from men. The most ominous of the Wolf cartoons depicted a woman running to get out of the rain; she

reached an enclave and the caption read, "Ah! Safe at last!" Meanwhile, the Wolf leaned, hidden in the corner of the enclave (see Figure 20). The caption implied that she was not safe after all. A woman reading this cartoon would understand the implicit threat or danger inherent in this situation. A man would read it differently; the Wolf was being presented with an opportunity to seduce an attractive woman and being a wolf he would not miss such an opportunity.

Figure 20, Leonard Sansone, “The Wolf, The Hillfielder, September 20, 1944.

Wolves also made many appearances in Yank. There were at least two retellings of Little Red Riding Hood during the war. In the first briefer story printed in 1942, Red runs out to get Granny hooch and ends up jumping into

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a cab with a wolf.\textsuperscript{725} One year later, \textit{Yank} published the second version which did not differ too much from the usual story. The cartoon that accompanied the story is of interest though as the wolf in question is wearing a zoot suit.\textsuperscript{726} The Zoot Suit Riots had occurred a couple months earlier and only two weeks before a letter appeared in \textit{Yank} condemning the riots as race riots “directed mainly against the Mexican, and to some degree, the Negro citizens of Los Angeles.”\textsuperscript{727} The writer went on to denounce the servicemen involved, asking them: “What the hell uniform do you think you’re wearing, American or Nazi?”\textsuperscript{728} Only six days later, a response to “Crew Chief” appeared. In this letter, Cpl. Jay Lewis wrote, “Sarge, you’re off the beam about the zoot suit riots. Racial hate never once entered the question, but defending our wives, sweethearts and ourselves did. For many months we were subject to beatings and killings, and any punishment we saw meted out was justified.”\textsuperscript{729} Sandwiched between these two letters, the portrayal of the wolf as a zoot suiter chasing women in Los Angeles takes on added significance. Luis Alvarez has argued that rumors of rape fueled race riots across the country throughout 1943 and in most cases any actual rape allegations proved to be false.\textsuperscript{730} According to Alvarez, “white womanhood [was] a flashpoint.”\textsuperscript{731} In

\textsuperscript{727} Letters to the Editor, from “Crew Chief,” \textit{Yank The Army Weekly}, Vol. 2, No. 4, July 16, 1943.
\textsuperscript{728} Ibid.
\textsuperscript{730} Luis Alvarez, \textit{The Power of the Zoot: Youth Culture and Resistance during World War II} (Berkeley: University of California Press, 2008), 204-212.
\textsuperscript{731} Alvarez, 212.
this climate the story about Little Red Riding Hood written by a soldier becomes more about expressing the anxieties and prejudices of white American soldiers. The wolf in question represents all the men who have somehow avoided the draft and are still at home taking advantage of the shortage of men to steal other (more patriotic) men's sweethearts. Red herself becomes a potential cheating girlfriend and stand-in for disloyal women. This role was shared by her mother, who went out looking for her own wolf and Red's grandmother who was easily neutralized with alcohol. Race plays an important role as well. WWII destabilized the American racial hierarchy and military service became a rallying point for Civil Rights activists who used the long-standing argument that by fulfilling an obligation of citizenship, minority servicemen should also enjoy the full rights of citizens.732 Zoot suits symbolize male minorities who sought equality through relationships with white women and therefore represented a culmination of white soldiers' anxieties over the faithfulness of their women and over their post-war status and the possibility that they would lose their place at the top of the racial hierarchy.733

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732 Adrian R. Lewis explains that the link between military service and citizenship has existed “throughout the more than three thousand years of Western civilization.” Adrian R. Lewis, The American Culture of War: The History of U.S. Military Force From World War II to Operation Iraqi Freedom (New York: Routledge, 2007), 452. In American History it dates back to the Revolutionary War and was a big motivation for African American men who fought for the Union during the Civil War. James M. McPherson, For Cause and Comrades: Why Men Fought In the Civil War (New York: Oxford University Press, 1997), 128-129. Luis Alvarez discusses this connection for racial minorities during WWII in The Power of the Zoot: Youth Culture and Resistance During World War II.

733 Ruiz describes the way minority males, specifically African American and Mexican American young men, used zoot suits to create a unique way for them to perform manhood in a country and in a time that privileged white masculinity. He writes, “when perceived hypersexuality of male zoot suiters targeted white women in particular, it underscored their
Little Red Riding Hood and her wolf also made numerous appearances in Tex Avery's animated cartoons for MGM Studios. His first re-telling of this tale was in 1937 with *Little Red Walking Hood*. In this version a young girl, Little Red, ignores the pool hall wolf's come-ons as she walks to Grandma's house. She pauses at one point to commiserate with the women in audience, in a rather adult voice, saying, "two-thirds of you girls out there have gone through what I am going through right now, you know how it is, don't you girls." The wolf eventually arrives at grandma's house and grandma flees as he gives chase. Once Little Red shows up she flees as well. Neither Red nor Grandma show any romantic interest in the wolf and when the 'hero' saves Red she leans back passively while the hero places kisses all over her face. In his second version, *Red Hot Riding Hood* (1943), the story starts in the traditional manner only to be interrupted by the characters who request a new story. In this version, a very grown up Red, modeled after pin-ups girls, takes off her hood, revealing a very skimpy outfit and sings "Hey Daddy," asking to be spoiled by her suitor. After fending off advances from the wolf, Red heads off to Grandma's penthouse. True to the traditional story the wolf races ahead and reaches Grandma's first. The change was in Grandma's reaction to the wolf. She responds to him in much the same way he had Red. She lays on a chaise lounge in a slinky evening gown and then chases the wolf around the penthouse trying to kiss him. Not interested in the elderly woman, the wolf flees, but is far less successful than Red at eluding his masculinity and sexuality as threats to the moral and social stability of the homefront," Ruiz, 111.

734 *Little Red Walking Hood*, 1937.
pursuer.735 Another Avery cartoon, Swing Shift Cinderella (1945), follows a
similar pattern with the Fairy Godmother chasing the wolf.736 The change from
the pre-WWII storyline to the wartime Little Red is significant. In the 1937
version Red and Grandma behave in the expected manner by fleeing
unwanted sexual advances. In the later renditions both women behave in a
much more sexual manner.

While the pre-war Red and Grandma showed no interest in exploring
their sexuality, the wartime women reveled in it. Red struts her stuff on stage
and Grandma chases the Wolf. Wartime Red was also selectively able to
defend herself. In Red Hot Riding Hood she hits the Wolf over the head with a
lamp before fleeing. However, in most of the cartoons Red was quite passive,
showing little resistance other than screaming and flailing uselessly when the
Wolf grabs her.737 It is difficult to ascertain what Red hopes to gain from
flaunting her sexuality on stage. She seems to enjoy performing and a couple
of cartoons allude to the fact that she performs out of patriotism, but she also
seems weary of the response she gets. In Swing Shift Cinderella, she
expresses relief in getting away from the Wolf only to realize she has escaped
onto a bus full of wolves.738 And in Red Hot Riding Hood, she also makes her
escape only to return to the stage later.739 Therefore while the cartoons
acknowledge that women were freer to express themselves sexually during
WWII, they seem uncomfortable with the result. Meanwhile, older women like

735 Red Hot Riding Hood, 1943.
736 Swing Shift Cinderella, 1945.
737 Red Hot Riding Hood, 1945
738 Swing Shift Cinderella, 1945.
739 Red Hot Riding Hood, 1943

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the grandmother and the godmother are portrayed as deviants who are repulsive and unworthy of male attention.

What happened in six years to transform Little Red from an innocent, if world-weary, young blond to a gyrating, strip teasing, red headed pin-up? The simple answer is the war. Avery himself stated that the creators had the soldiers in mind when they were making *Red Hot Riding Hood* and he expressed much pleasure in the fact that the uncensored version was extremely popular with servicemen overseas.\(^740\) The connection to the war appeared in other Avery cartoons as well. The most obvious example is *Swing Shift Cinderella* where Cinderella rushed off to catch a bus full of wolves to her swing shift at Lockheed Aircraft. The military theme even appears in *The Shooting of Dan McGoo* (1945), which plays out like a western. In this cartoon, as the curtain rises for Lou’s performance (Lou is a western version of Little Red), the MC announces, “And now introducing that little army charmer, that navy baby, that marine queen, the lady that’s known as Lou!” The Wolf responds by levitating and flashing into the uniforms of each branch of the military.\(^741\)

Even more recurrent than the military mentions are the allusions to erections present throughout this series of cartoons. There was the occasional double entendre, such as the sign outside the bar in *Wild and Woolfy* (1945), reading, “Rigor Mortis Saloon – Come In & Get Stiff,” which was actually a triple entendre, referring to getting drunk, corpses, and

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\(^741\) *The Shooting of Dan McGoo*, 1945.
erections. More often there were visual allusions to erections. For example, in several cartoons, the Wolf's eyes pop out of his head, his whole body goes stiff, and he levitates several feet of the ground. The most obvious example, features Simon LeGree instead of the Wolf, reacting to seeing "Little Eva," Little Red as a southern belle, for the first time. LeGree had just smuggled a cash register under his coat, at the sound of Eva's voice the villain spins around and the cash register drawer pops out. While absurd, there is a message behind these reactions that it was natural for men to become sexually excited at the sight of an attractive woman. This is reinforced by the fact that the Wolf was not the only one to react to Red in this manner. There were the men on the bus with Cinderella, the men at the bar in The Shooting of Dan McGoo and more often than not the hero. In Wild and Woolfy the hero, Droopy, gives an abbreviated version of the Wolf's display of sexual excitement after Lou (the western version of Little Red) kisses his cheek in gratitude. A similar response ends The Shooting of Dan McGoo. Even the good guys cannot control themselves around a sexy woman. Whether with the Wolf or with Droopy, Lou ends up being carried away in much the same manner as a football, and Droopy likely had the same intentions as the Wolf when he declared, "Alright gal, I'm a takin' that kiss!"

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742 Wild and Woolfy, 1945.
743 Red Hot Riding Hood, 1943; Swing Shift Cinderella, 1945; The Shooting of Dan McGoo, 1945;
744 Uncle Tom's Cabana, 1947.
745 Swing Shift Cinderella, 1945; The Shooting of Dan McGoo, 1945; and Wild and Woolfy, 1945.
746 Wild and Woolfy, 1945.
I think there is also some victim blaming going on here, Red was “asking for it” (the Wolf’s response to her) because of her dress and behavior.

The only person not trying to kiss Red was Uncle Tom in *Uncle Tom’s Cabana* (1947). This was Avery’s second adaption of Uncle Tom’s Cabin, the first being *Uncle Tom’s Bungalow* in 1937, the renditions of Uncle Tom went through a similar transformation as Little Red Riding Hood. In the 1937 version, Eva was a young blond, very similar to the girl in *Little Red Walking Hood* and in the 1947 version it was Red Hot Riding Hood as a vamped up southern belle.\(^7\)\(^4\)\(^7\) The fact that Uncle Tom did not get a kiss from Red could be, at least partially, in response to the Motion Picture Production Code, which forbade depictions of interracial relationships. While Avery’s cartoons often walked a fine line in regards to bestiality they did not even hint at miscegenation.\(^7\)\(^4\)\(^8\) The Wolf and Droopy, a dog, could express sexual excitement over Red (in all her different incarnations) but, Uncle Tom, a black man, could not.\(^7\)\(^4\)\(^9\) *Uncle Tom’s Cabana* begins a little differently than *Wild and Woolfy* and *The Shooting of Dan McGoo*, but soon falls into the same pattern. The Wolf/Simon LeGree enters the saloon/cabana, wreaks havoc, then is interrupted by Red’s performance, and boisterously shows his attraction to her, then he runs onstage grab Red tuck her under his arm and runs off with her only to be interrupted by the hero after a chase of varying

\(^{747}\) *Uncle Tom’s Bungalow*, 1937; *Little Red Walking Hood*, 1937; *Red Hot Riding Hood*, 1943; *Uncle Tom’s Cabana*, 1947.

\(^{748}\) Adamson, 182.

\(^{749}\) There was a case where a cartoon went too far and was censored because of the portrayal of bestiality. In the uncensored version of *Red Hot Riding Hood*, which was screened for American servicemen overseas, the cartoon ended with the wolf and grandma attending Red’s show with their wolf pups.
Once the hero saves Red she kisses him and he reenacts an abbreviated version of the villain's display of sexual excitement. Because of concerns over miscegenation, the story in *Uncle Tom's Cabana* has to be interrupted when he shows up to save Eva. As discussed in chapter two, sexual aggression was expected and even praised in white men, but in black men it was dangerous, especially when directed toward white women.

The messages popular culture sent to men were pretty clear. Women were not to be trusted; they were wanton gold diggers and would break your heart as soon as you shipped out. Men back home could not be trusted either, especially racial minorities, because they might take advantage of the absence of white servicemen to have sex with white women, who, like all women, were commodified and because of their whiteness were a higher value commodity and men who "possessed" them found their value as men also increased. One of the other overriding messages was that sexual aggression was natural to white men and part of their masculinity. Their bravery in battle, their superiority over the enemy, and their racial pride were all linked to their ability to have sex with all women but especially white women. Wolves in popular culture functioned as a border between acceptable and deviant sexuality. While it was fun to laugh at the over the top antics of the wolves in Avery's animation and Sansone's cartoons, they were doing cultural work. WWII was a time of shifting norms and negotiations between what had been acceptable behavior and what might become acceptable. As

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751 Ibid.
John D'Emilio and Estelle B. Freedman write, “the war released millions of youth from the social environments that inhibited erotic expression, and threw them into circumstances that opened up new sexual possibilities.” Popular culture was one of the places where the negotiation over new possibilities took place. Images of women, like Red in the Avery cartoons, danced on the border of acceptable behavior, showing how women could have fun celebrating their sexuality, while illuminating some of the dangers women faced when they crossed those borders. At the same time the wolf images poked fun at sex starved and obsessed men while reveling in the wolves' sexuality.

The Whore Next Door: WWII Propaganda and Its Effect on Sexual Violence in the United States

During WWII, the federal government, along with state and local governments, waged a war on venereal disease (VD) in order to avoid having it adversely affect mobilization efforts as it had during WWI. Their campaign quickly concentrated on women. Initially, their attention zeroed in on prostitutes who had previously been portrayed as disease carriers. However, as officials managed to curtail prostitution early in the war and did not see a corresponding drop in the number of VD infections, they began shifting their

\[752\] D'Emilio and Freedman, 260.
focus to "non-professional" women or "pick-ups" and their portrayal of VD shifted as well. No longer did VD posters feature solely prostitutes as the embodiment of VD. They increasingly displayed the "girl next door" as the new source of danger. Along with all women, African American men were often seen as inherently diseased. As a result, the federal government focused its efforts to control VD on protecting white men, especially white servicemen.

The federal government's portrayal of all women as sexually deviant and potentially diseased gave rapists a new way to justify their treatment of women and gave their attorneys ammunition against women in court. In order to discuss these trends, I will examine the federal government's VD campaign and will draw connections to a court-martial case tried near the end of the war. I argue that the federal government's portrayal of women in propaganda and its campaign against VD affected the way courts treated women and likely contributed to the increase in violence against them in America during the war.

The United States v. First Lieutenant Robert Valby

First Lieutenant Robert Valby, of the Army Air Corps, returned to the United States in September 1944 after serving fifteen months in the Pacific Theater. He was a combat veteran who had been the pilot or co-pilot on 67 combat missions and flew 268 combat hours. He also received the Air Medal
with ten Oak Leaf Clusters. His squadron commander “testified that the accused’s reputation for truth and veracity was very good, that he was an outstanding flyer always ready to undertake any mission and could be depended upon to get to a target, hit it and get back.” Valby first got into trouble four months later, in February 1945, in Colorado, when he was reprimanded and ordered to forfeit seventy-five dollars pay for disorderly conduct after getting into an altercation in a bar during which he hit a waitress. He got married in April that year and by July he and his wife were living in Phoenix, Arizona where he served with Squadron B, 3010th Army Air Forces Base Unit.

On July 2nd Valby reported to the medical officer because he was suffering from loss of appetite, weight loss, and insomnia. The medical officer found that Valby was suffering from “increased nervous tension” and considered temporarily grounding him, believing that his symptoms were a result of “residual combat fatigue.” The doctor also noted that excessive use of alcohol contributed to his condition. The next day, July 3rd, he and his wife separated and she left the state, likely to return to her family. Valby later stated that he believed that his marriage was over and he did not anticipate reconciliation. On July 6th he was in a bar fight and on July 9th Phoenix police brought him in for questioning after a waitress, Mrs. Karber,

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753 The United States v. Robert M. Valby, p. 5 of the Opinion of the Board of Review Partlow, Bierer, and Hickman, Judge Advocates, in part one, folder 1, Court Martial No. 292529 (G.C.M. 1945).
754 Ibid.
755 Ibid.
756 Ibid.
accused him of rape. They released him a few hours later. On July 13\textsuperscript{th} he went out with Mrs. Johnson. During their date she mentioned a friend who did not get out much and Valby expressed an interest in meeting her. Mrs. Johnson did not really cooperate with authorities during the investigation and only reluctantly admitted that he handled her roughly at the end of their date but stated that, "he only did what several hundred other men would have done under the circumstance."\textsuperscript{757} The next day Valby called Mrs. Johnson's reportedly inexperienced friend Miss Virgil at her work and asked her out. She was a rather odd choice of companion for Valby considering the fact that she was the secretary of the Chief of Police and he had recently been in trouble with local law enforcement (Miss Virgil was unaware of that fact). Nevertheless, they decided to meet that evening. During that meeting Valby reportedly tried to rape Miss Virgil. Valby went AWOL on July 21\textsuperscript{st} and was found hours after he was supposed to report to duty. He explained his absence by saying he was hung-over. On July 28\textsuperscript{th} he tried to resign his commission.

The Army decided to court martial Valby after receiving a letter from the Phoenix police chief, Virgil's boss. Neither Karber nor Virgil wanted to pursue charges and Virgil only reluctantly admitted to the chief what happened when he pressured her to do so after noting her injuries and her nervous state the day after the attack. The case did not make it to court-martial until September when the Army tried Valby for raping Karber and for

\textsuperscript{757} U. S. v. Valby, Synopsis by Investigating Officer, Robert B. Powell, in part one of the record.
assault with intent to commit rape against Virgil. The court found him not guilty of rape and not guilty of assault with intent to commit rape but found him guilty of the lesser-included offense of assault in regards to Virgil. They sentenced him to dismissal from the service, to forfeit all remaining pay due him, and to six months hard labor. The reviewing authority, the Board of Review in the Judge Advocate General’s Office, only approved the dismissal portion of the sentence and then forwarded the record to the Under Secretary of War, who was the final reviewing authority.\textsuperscript{758} He commuted the sentence “to a reprimand and a forfeiture of one hundred ($100.00) dollars pay per month for a period of three (3) months.”\textsuperscript{759} Valby went on to serve in the military until 1953 and was promoted to Captain in 1946, less than a year after his troubles in Arizona.\textsuperscript{760}

The Social Protection Division’s War on “Free Stuff”

Even before the United States entered WWII the federal government, specifically the Army, the Navy, and the Office of Community War Services, expected that VD would pose a threat to mobilization. To counteract this anticipated problem they waged a preemptive war on VD, which could arguably also be called a war on prostitution. As Marilyn E. Hegarty has argued, “Prostitutes have historically been depicted as carriers of venereal diseases, and the World War II campaign to preserve national (male) health enmeshed numerous women, some who were prostitutes, as well as many

\textsuperscript{758} Kenneth C. Royall was the Under Secretary of War.
\textsuperscript{759} \textit{U. S. v. Valby}.
\textsuperscript{760} As per his personnel record found at the St. Louis branch of the National Archives.
who were not, in a web of criminality, deviance, and disease.\textsuperscript{761} The war on VD began before Pearl Harbor, when Congress passed the Venereal Disease Control Act in 1938, which provided federal funding to public health authorities in order to expand VD control programs. In May 1939, a group composed of members from the War Department, the Navy Department, the United States Public Health Service (USPHS), and state agencies developed the “Eight-Point Agreement,” in which they committed themselves to combat the spread of VD among servicemen and industrial workers. Point six is of the most interest here. It reads that they would:

Decrease as far as possible the opportunity for contacts with infected persons. The local police department is responsible for the repression of commercialized and clandestine prostitution. The local health departments, the State Health Department, the Public Health Service, the Army, and the Navy will cooperate with the local police authorities in repressing prostitution.\textsuperscript{762}

In response to this wartime threat local law enforcement agencies began to crack down on prostitution and women bore the brunt of enforcement. Police rarely arrested men for soliciting or pandering but women suspected of prostitution could be arrested and held for an indeterminate time because they posed a threat to public health. Then, in July 1941, Congress passed the May Act,\textsuperscript{763} which made prostitution a federal offense in areas where it was invoked. More precisely, it could be invoked in areas surrounding military bases where prostitution, authorities argued, posed a direct threat to the


\textsuperscript{763} Ibid.
health of servicemen. The May Act was only used twice during the war, once at Fort Bragg, North Carolina and once Camp Forrest, Tennessee, but its very creation showed the extent to which the federal government was willing to sacrifice the civil liberties of American women in order to protect men in the military.\textsuperscript{764} Typical VD propaganda portrayed prostitutes as the source of VD, image one is an example of this trend. It is a newspaper article which reads, “For everyman the enemy puts out of action -- she puts out three. Seven out of ten prostitutes and promiscuous women are diseased.”\textsuperscript{765} As these examples demonstrate most of the government’s attention was on women and the threat they purportedly posed to service men and national health.

\textsuperscript{764} “The National Program for Social Protection,” from the Record of the Office of Community War Services, Social Protection Division General Records 1941-1946, National Archives, Record Group 215, Entry 37, Box 1, page 2.
\textsuperscript{765} “She Looked Clean...But,' Tells Tavern Men Why Venereal Disease Control is Important,” Ohio Tavern News, July 10, 1945, 2. Article was prepared by the Social Protection Division and was published in newspapers and trade papers around the country. From the Record of the Office of Community War Services, Social Protection Division General Records 1941-1946, National Archives, Record Group 215, Entry 37, Box 1.
Regardless of the great effort put forth by these various agencies, VD continued to undermine full mobilization. According to the Social Protection Division (SPD) of the Federal Security Agency, “Syphilis and gonorrhea blaze anew, like incendiary bombs, threatening to burn out the strength of countless thousands among our soldiers and war workers.”

It was a common practice of the SPD to conflate the war against the Axis powers and the “war” on VD. An article prepared by them, which appeared in many publications including the Arizona Beverage Journal entitled, “She May Look Clean But...” also noted the prevalence and the problem of VD. Stating that,

During the 26 months from Pearl Harbor to February 7, 1943, the Germans and the Japanese killed 36,000 Americans—syphilis killed 33,000 Americans at home during the same time. In those 26 months, 45,545 Americans were wounded by enemy action -- but somewhere between 20 and 40 times as many Americans, from 1,000,000 to 2,000,000 were attacked-wounded-by venereal diseases.767

This article equated prostitutes and “good time girls” with the enemy going as far as to call these women saboteurs.768 The SPD also explicitly linked VD, and by extension prostitution, with the enemy, both in articles and in VD posters (see image 2). In another poster a woman lies in wait for a healthy young sailor. She has been labeled “venereal carrier” and the caption below reads, “Sabotuese,” directly linking her activities to the war. Other posters made this link even more explicit. In the next poster (image 3) Hitler and Hirohito watch a women pick-up a serviceman and commend her actions saying that they should give her a medal for her assistance to the Axis. Image 4 is a poster with a woman who is a stand-in for pick-ups, streetwalkers, and prostitutes, and is labeled an “Axis Agent.” In yet another poster, Hitler and Hirohito sing “‘You are My Sunshine’ to Miss GI Pickup of ’44.” All of these posters demonstrate the state’s tactic of directly linking sexually active women with the enemy. The SPD argued that a “defensive strategy” that focused on treatment instead of prevention was dangerous because it allowed, “the enemy, the bacterial Axis of spirochete and gonococci, [to]

768 Ibid, 8.
choose their own time and terrain." The SPD, therefore, encouraged local law enforcement agencies to go on the offensive and attack prostitution.

Image 2, "Saboteuse," wall poster produced by the War Department, Office of the Surgeon General, Preventative Medicine Service, Venereal Disease Division.


Figure 4, “Axis Agents,” wall poster produced by the War Department, Office of the Surgeon General, Preventative Medicine Service, Venereal Disease Division.
And go on the offensive they did. According to the SPD, during the war law enforcement agencies closed more than 660 red light districts across the country.\textsuperscript{770} Not every city enthusiastically held up their part of the Eight Point Agreement and closed their vice districts. Both Norfolk and Seattle city officials resisted closing their districts because they believed they had the situation under control. They feared that once the districts closed prostitution would be much harder to police.\textsuperscript{771} In Norfolk, city officials also felt that they should not have to bear the brunt of and pay for dealing with prostitutes, because, as they argued, most of the prostitutes were not native to the city. They pointed out that "Norfolk had become a camping ground for women of ill fame from every State in the Union."\textsuperscript{772} Local governments were right to be worried. Closing the vice districts did not end prostitution. It just became less organized and hard to combat. Furthermore, both Seattle and Norfolk had issues with police corruption and faced shortages in officers.\textsuperscript{773} The end result was that prostitution continued to be a problem throughout the war.

Even in cities where law enforcement worked hard to contain prostitution, the rate of VD did not decline as access to prostitutes did. This confirmed many people's belief that prostitution was not the cause of raising VD rates. The SPD began to increasingly shift its focus to promiscuous "non-professional" women, "good-time girls," "pick-ups," or as Elliott Ness, director of the SPD, referred to them to "free stuff," these women could be either

\begin{flushright}
\textsuperscript{770} Ibid., 3.
\textsuperscript{772} Ibid., 175.
\textsuperscript{773} Ibid., 171.
\end{flushright}
working or middle class. Image 7 is from a SPD pamphlet, which identifies where men contracted VD. As this pamphlet notes only two of the ten men got VD from a prostitute, seven of them got VD from their "girlfriends or pick-ups," and one from his "pick-up war-bride." Posters also featured the wholesome girl next-door type and focused on this new threat posed by "non-professional" women. The use of the girl next door image implicitly includes middle-class white women who had in the past been presumed respectable – that presumption was now being called into question. The poster "She May Look Clean-But" (image 8) sends a clear message to men that any women, no matter how wholesome or "clean" she may seem, could be diseased. The next image (image 9) encourages men to question their girlfriend's loyalty stating, "You may think she's just your 'gal' but she may be everyone's pal." And image 10 shows the shift away from solely focusing on prostitutes (as seen in image 1) by only mentioning pick-ups. During the war, the American Social Hygiene Association (ASHA) even broadened their definition of prostitution so that it included promiscuous women. They defined prostitution as the "'indiscriminate receiving [their emphasis] as well as the giving of the body for sexual intercourse.' This definition included all women and men who engaged in sex outside marriage." Women who had sex with men to whom they were not married became prostitutes and became more vulnerable to

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774 Elliott Ness, "What About Girls?: Public Affairs Committee," Booklet published by the Public Affairs Committee, Fourth edition, August 1944, 23. Found at the National Archives, College Park, MD, Record Group 215, Records of the Office of Community War, Entry 38, Social Protection Division Subject Classified, Box 2, NND 923096.

prostitution laws. Technically, sexually active unmarried men could also be defined prostitutes under this definition, but law enforcement and federal agencies did not treat them as such. On the other hand, women could be arrested, forced to undergo mandatory pelvic examines, and be held for an indeterminate amount of time. Men, if they believed they might have contracted VD, could voluntarily seek testing. They then received treatment for VD and were required to reveal their sexual contacts, who could then be tracked down and detained on the men’s word alone. John D’Emilio and Estelle B. Freedman discuss the effect the shifting focus had on arrest rates. Noting that arrests for prostitution decreased but arrests of female offenders for offenses like disorderly conduct or morals offenses, “such as promiscuous behavior or patronizing bars too frequently” increased.  


Image 8, "She May Look Clean... But..." Poster ca. 1941-1945.
Even Elliott Ness acknowledged the injustice of these policies in a pamphlet addressed to military men. Ness told men that he had visited a jail full of “free stuff” and sympathetically described them: “They were all 17 years
old or younger. All had syphilis or gonorrhea. All were service men's pickups. All had infected at least one man. That's why they were in jail. The men they had infected were in hospitals (see image 11). While Ness showed some sympathy for these teenage girls he did not really acknowledge how the women got infected -- only that they infected servicemen, reinforcing the notion that women were inherently dirty and diseased. As Allan Brandt argues, "the word 'promiscuous' was firmly anchored to 'girl' -- a promiscuous man was, by definition, an oxymoron." Brandt goes on, "'they' [women] infected the soldiers; in this view venereal disease could only be transmitted in one direction." While Ness seemed to see the unfairness of the women being punished while men were treated, he never suggested that this policy should be changed.

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777 Elliott Ness, "What About Girls?: Public Affairs Committee," Booklet published by the Public Affairs Committee, Fourth edition, August 1944, 23. Found at the National Archives, College Park, MD, Record Group 215, Records of the Office of Community War, Entry 38, Social Protection Division Subject Classified, Box 2, NND 923096.


779 Ibid.
Ness was not the only person who portrayed women as inherently diseased. As Hegarty has argued, “Women, both black and white, and black men became the primary signifiers of venereal disease, allowing a perception of white men, especially servicemen, as innocent victims of these diseases and by extension the most moral members of society.” Hegarty further notes, “The wartime state’s interpretation of sexuality and gender produced a monolithic discourse around a category ‘woman’: she was a dangerous individual capable of destroying male health and this the nation’s strength.” In a way this perception of women excused rape. All of these images of women as promiscuous and dirty made them seem both expendable (or unworthy of men’s good treatment and protection) and inherently open to having sex with all (white) men but especially (white) servicemen. It also feeds into one of the most prevalent rape myths that “rape only happens to ‘bad’ women,” that “women and girls who fail to adhere to ‘society’s unwritten rules’ are blamed when they are raped.” Because the federal government defined all women as potentially diseased and therefore promiscuous -- it, by extension, redefined all women regardless of class or race as “bad” women and therefore unrapeable because their consent was presumed by their inherent “badness.” Middle-class white women did still enjoy at least the

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780 Hegarty, 62.
781 Hegarty, 40-41.
possibility of being deemed respectable, but they were not presumed as such and their respectability could be more easily called into question.\textsuperscript{783}

While government agencies like the SPD expressed some concern that women might be swept up in their desire to show their patriotism and compromise their morals (probably because they encouraged women to do exactly that), they usually portrayed women as dangerous and not patriotic. For example, in another article provided by the SPD, "War Brings New Problem to Hotels: 'Good Time' Girls Menace Reputations That Have Been Built Up Over Long Period – Government Seeks to Protect Service Men," the cartoons portrayed women as predators. The article states, "the prostitute or 'good-time' girl is a menace to your reputation, and any contact with these saboteurs is bad business -- bad for you, bad for your customers, bad for the nation."\textsuperscript{784} Another version of this article appeared in a journal for catering employees. The editor of this journal commented on the article’s apparent bias against women, writing:

\begin{quote}
It may appear that the article is somewhat lopsided in that it seemingly places all the blame on women, and this was also recognized by the representative of the Social Protection Division... but he assured us that there has been no such intention in the mind of the author. We, therefore, request the lady members of our International not to take offense at this.\textsuperscript{785}
\end{quote}

\textsuperscript{783} For example, in the Claybourn case, Geiger’s respectability arguably helped the prosecution’s case, but that did not mean the defense did not try to bring her respectability into question.


Statements such as this were few and far between. More often than not the articles the SPD produced placed the blame for the spread of venereal disease squarely on women's shoulders without editorial comment.

The SPD made it their driving purpose to protect servicemen and industrial workers from VD to keep them fighting and working. While women entered the workforce in unprecedented numbers and worked in war industries (and were celebrated for doing so through wartime government propaganda), the SPD continued to equate the "war worker" with men. Therefore, they pitted men against women. Men, be they soldiers or war workers, needed protection from women who were presumably promiscuous and diseased. For example, another SPD article, "Men Against VD," reads, "If sick men can't fight, neither can they work." Only rarely do articles refer to female war workers and I never found one that referred to female service members. While they equated men with soldier and worker they equated VD with women and never men.

Numerous VD posters portray VD as a woman or women. A fairly typical VD poster shows two "enemies" (both female) who are labeled "gonorrhea" and "syphilis" who "lurk" near military establishments. In another, a woman labeled "prostitution" offers to introduce a serviceman to two sexy skeletons again labeled gonorrhea and syphilis (see image 12). The next portrays VD as a woman and as the enemy, indeed as a worse enemy than Nazis or the Japanese (see image 13). And in the last example (image 14), a

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786 "Men Against VD," Draft of article, April 25, 1944, 2. from the Record of the Office of Community War Services, Social Protection Division General Records 1941-1946, National Archives, Record Group 215, Entry 37, Box 1.
woman has been labeled "venereal disease" and men are urged not to be her "pin-up boy."

Image 12, "Two Girls I Know Want to Meet You," wall poster.
The United States was not the only country that equated VD with promiscuous women. Here are two posters from Canada, in the first a woman's arms spell VD (image 16). The second features the “VD sisters, Gonnie and Syph” (image 17). Not only are they named for the diseases, their dresses actually resemble bacteria and they chase servicemen who flee. Ruth Roach Pierson points out that no similar depiction of men as predatory and infected existed. Both the US and Canadian governments sent the clear message that “easy” women were evil and men, especially white servicemen, were their innocent victims. Elizabeth Clement points out that many of these posters portray men as involuntarily responding to women and

notes the disconnect between their heads, which respond to women's allure of their own volition, and bodies, which turn away from temptation. Which again, portrays women as predators who took advantage of men's natural instincts.

Image 16, "A Menace" and Image 17, "Three Queens"

The messages sent to men were often contradictory. Law enforcement agencies did not hold men legally responsible for their interactions with prostitutes or "good-time girls," which implicitly encouraged or sanctioned their activities. The military handed out condoms by the millions (50 million per month during the height of the war), presuming that healthy young men would be sexually promiscuous. Furthermore, as discussed in an earlier chapter, there were clear messages in wartime popular culture that women

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789 Clement, 248.
owed servicemen sex in return for their military service. Meanwhile, agencies like the SPD implored men to stay away from "loose" women and portrayed sex as something dirty and women as diseased. For example, an article asks men "to visualize 20 to 40 men bathing in one tub of water in the same evening. (The risk of disease would be less in this loathsome comparison than the risk of venereal disease to 20 to 40 men employing the same prostitute in one evening)." They also warned men away from "juke joints," taverns, and bars where waitresses might double as prostitutes. The federal government encouraged men to stick with more wholesome entertainment spots like the USO. So while the federal and local governments told men they should abstain from sex they acknowledged that most men would ignore these messages and have extramarital sex anyway, and tried to prepare men for that eventuality.

Among the dangerous women men should avoid were waitresses. During WWII there was a common assumption that linked waitressing and prostitution. Hegarty discussed this assumption, noting that local authorities required food handlers, especially waitresses to undergo routine medical examinations to show they were not infected with venereal disease and, if clean, they were issued a health card. Authorities did not punish restaurants that hired employees lacking health cards but if a waitress could not produce

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790 "She Looked Clean. But, ' Tells Tavern Men Why Venereal Disease Control in Important," Ohio Tavern News, July 25, 1945, 8. Article was prepare by the Social Protection Division and was published in newspapers and trade papers around the country. From the Record of the Office of Community War Services, Social Protection Division General Records 1941-1946, National Archives, Record Group 215, Entry 37, Box 1.
one on demand she could be arrested and given a forced examination.\textsuperscript{791} The Children's Aid Society of Buffalo, New York reiterated this presumption of waitresses' sexual promiscuity when it expressed concern that "young girls who worked as waitresses or 'hostesses in taverns' were likely to become prostitutes."\textsuperscript{792} Since these women were working-class their respectability or chastity was already presumed to be in question. Thomas Devine, director of the Social Protection Division at the end of the war, even wrote a short fictional story about the dangers of waitressing as a gateway job to prostitution. It is easy to see why a working-class woman might be lured into prostitution, which in many cases would have paid better than waitressing. He offered a cautionary tale about "Flo Black" and "Susie Brown" for parents and teachers. In his story fourteen-year-old Susie Brown watches the interplay between waitress, Flo Black, and one of her customers as they make plans to meet after Black gets off work. Devine goes on to tell parents and teachers that Flo Black's descent into prostitution happened because she longed to be glamorous and wanted to "love and be loved." He warned parents that this could happen to their daughters, who, like young Susie Brown, also desired to be glamorous and attract male attention out of a need for love. While Devine seemed sympathetic in his portrayal of Flo Black and Susie Brown, he shares that Black has a venereal disease and that she and Brown posed a serious threat to the community and to servicemen. Interestingly, the man Black

\textsuperscript{791} Hegarty, 210. Hegarty only mentions testing for VD, not for other diseases such as typhoid or tuberculosis.
\textsuperscript{792} Winchell, 122-123.
agrees to meet is not a serviceman but is a “heavy, middle-aged man.”

This turn of event in Devine’s story was surprising since so much of the concern around VD was the threat it posed to servicemen and, more largely, Americans’ ability to fight the war. Perhaps Devine did not want to call attention to servicemen’s role in these “dangerous” relationships and therefore did not want to portray a serviceman actively pursuing a waitress/prostitute.

Two of the women Valby allegedly assaulted were waitresses, the unnamed woman in Colorado and Karber, his first victim in Phoenix. The assumption that waitresses were sexually promiscuous may have put Karber at a disadvantage with police and in the hearing itself. The Law Members, the officers who sat as judge and jury in courts-martial cases, likely made assumptions about her character even before she testified based solely on her profession at the time of the alleged attack. The fact that she had been married twice also contributed to her perceived promiscuity. In her discussion of USO senior hostesses, Meghan K. Winchell notes that older women, especially married or widowed women, were often perceived as being at least potentially deviant and sexually dangerous. Medical literature printed during the first half of the twentieth century conveyed the belief that post-menopausal women would be more sexually aggressive because they would no longer need to fear pregnancy. Furthermore, as married women, regardless of their age, they would have “engaged in a regular sex life and

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might not have been sufficiently proper in [their] desires or behavior as a result."\textsuperscript{794} Winchell argues that in order to reinforce their wholesome image the USO purposefully and carefully constructed the image of its senior hostesses as asexual mothers by restricting their duties to include things like baking and counseling and excluded them from dancing with soldiers. Winchell found that there was a perception that older women (or married women of any age) "who wanted to dance with soldiers were at best socially disreputable and at worst sexually experienced, or even abnormal."\textsuperscript{795} In many ways, all of these constructions of women as promiscuous, whether they be married, older, or because of their profession, specifically waitressing, excuse sexual violence against women. Put another way, "she was asking for it," because she (Kerber in this case, but the argument could be applied to other women as well), was somehow deviant and therefore wanted sex.

1\textsuperscript{st} Lt. Valby demonstrated that he shared this view of married women when he was speaking to Phoenix Police Officers the night of his original arrest. Of Karber he said, "How could I rape her; she has been married twice. That's a laugh."\textsuperscript{796} Valby may have been implying that she was a willing participant because of her previous experience or he could have been implying that she would have been capable of resisting because of her experience. The former seems a more likely explanation, especially in light of what Karber told police he said to her when he got her to his apartment, "You

\textsuperscript{794} Winchell, 32.
\textsuperscript{795} Winchell, 32.
\textsuperscript{796} U. S. v. Valby, appears in part one, in a affidavit sworn by officer Andrew Laubmeier of the Phoenix Police.
know what the score is and why I brought you here.” Either way the statement is of interest especially when considering who his final victim was and the way in which he seems to have targeted her.

Valby expressed an interest in meeting Miss Virgil when Mrs. Johnson casually mentioned her and described her as a single woman who did not go out much. Johnson must have mentioned where Virgil worked to Valby because he called her at her place of employment and asked her out. Virgil was older than Karber but unlike the twice-married mother of two, Virgil was reportedly a virgin. The defense made much of this in court. Virgil testified that while she was alone with Valby in his apartment late that evening, he asked if she was a virgin and she said yes but stated that she quickly tried to change the subject. The defense maintained that she brought up her virginity that night. It is unclear why the defense made so much of this point, but perhaps they wanted to call Virgil’s virginity into question. Valby did not testify on his own behalf, but he told investigators, “She said she was 33 years old and still a virgin. I knew the gal had lied to me and I wanted to find out.”

Since Valby did not explain himself it is hard to pin-point why he choose such different women. It is possible that Valby targeted Virgil who had a reputation for basically not having a reputation and because of his experience with Kerber, which landed him in jail for a night. Another possibility was that he sought her out because she was “clean.” Hegarty has argued that

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797 U. S. v. Valby, appears in part one, in a affidavit sworn by officer Andrew Laubmeier of the Phoenix Police.

798 U. S. v Valby, page 4 of the Opinion of the Board of Review Partlow, Bierer, and Hickman, Judge Advocates, in part one, folder 1.
it "seems likely that after seeing sexual education films [shown regularly to servicemen] showing venereally diseased genitals, and perhaps after a visit to a pro station, servicemen might just decide that finding a 'non-professional' sex partner was a good idea."\textsuperscript{799} A criminal court judge, Joseph N. Ulman, also addressed this motive for victim selection in an editorial published in the \textit{Journal of Criminal Law and Criminology}. He argued that sex offenders should be allowed to serve in the military, on a case-by-case basis. The judge discussed a case he presided over in which he sentenced "Amato," a teenager who he described as "handsome" and as having an "attractive personality," to a six month suspended sentence and three years probation for a charge of attempted rape.\textsuperscript{800} The judge said he was lenient because he felt the young man could be rehabilitated and explained that the attempted rape was the result of "an unusual degree of inquisitiveness about sex," but that Amato "had feared to indulge his normal desire lest he contract a venereal disease or cause pregnancy."\textsuperscript{801} The judge further stated that fortunately Amato's family moved so he was "removed from any possible temptation to repeat his exploits with his" four-year-old victim.\textsuperscript{802} The judge argued that the reason Amato chose a four-year-old as a sexual partner was because he knew she could not get pregnant or be a carrier of VD. The judge felt that this young man should be allowed to serve in the military, as he was an "able-bodied, clean minded, patriotic youngster eager to do his bit for his

\textsuperscript{799} Hegarty, 103.
\textsuperscript{801} Ibid.
\textsuperscript{802} Ibid.
country," and the fact that he was a sex offender (a pedophile) did not mean he should be denied a chance to serve his country.\textsuperscript{803} Ulman is basically excusing Amato because he was “tempted” by his four-year-old neighbor and was concerned about VD.

While Ulman argued that a sex offender should not be barred from service, the government was sending a clear message that no woman could really be trusted. It did not matter if you were a “good” girl or a “bad” girl or a four-year-old or post-menopausal, during WWII all women were suspect and presumed to be promiscuous. Susan Gubar demonstrated that “Allied literature and propaganda portrayed women as deceitful wives, contaminated prostitutes, and little else.”\textsuperscript{804} The government and military blamed all women for VD -- not just “bad” women. As Winchell has shown through her discussion of the USO, “good” girls had to provide men with wholesome entertainment. If men resorted to having sex with “bad” women, it was because “good” women had failed them -- had failed to provide enough of a deterrent, or distraction through “wholesome” entertainment to keep men from straying. In much the same way, some held both “frigid” women and promiscuous women responsible for the increase in the VD rate. One speaker at a Social Protection Convention contended that, “The frigidity of women is bound to...drive the men and boys to find satisfaction elsewhere.”\textsuperscript{805} In other words, women involved with men in normative relationships, marriages, etc.,

\textsuperscript{803} Ibid, 599.
\textsuperscript{804} Quoted in Winchell, 114.
\textsuperscript{805} Lucia J. Bing, “Community Organization for Venereal Control,” Read before the Venereal Disease Institute, October 30, 1944, p.3. Record found at the National Archives RG 251 series 38, box 2, Folder 849/04 1944.
were also at fault. All of this is to say that at the end of the day, society and the government held women responsible for all sexual activity.

In the Valby case, Virgil did not fare much better than Karber even though she was a virgin and had a good reputation. Defense attorney, Henderson Stockton, questioned both women's reputations and treated them much the same under cross-examination. He linked both women's reputations to that of the City of Phoenix, which suffered a bad reputation during the war when parts of the city had been declared off-limits to soldiers. Stockton questioned both women about VD clinics and if they knew they were vulnerable to arrest for being out late at night with a soldier. He also asked both women about the clubs they frequented and whether the clubs catered to African American clientele. Hegarty, among others, has argued that federal agencies and the media equated African American men and all women with vice and venereal disease. Therefore, as women the accusers were presumed to be promiscuous and were vulnerable to arrest, and because they might have patronized an establishment that also served African Americans, they were further demonstrating their deviance (the fact that Valby also went to these establishments was never questioned).

The defense's questions regarding the VD clinics were more direct with Karber because police actually did stop her shortly after leaving Valby's apartment. Valby's civilian defense attorney, Mr. Henderson Stockton, argued that Karber only claimed that she was raped after the she heard the police officer say he was going to take her to the hospital. Stockton tried to paint a
picture of a woman who had prostituted herself by getting in a car with a stranger after midnight, who police picked up afterwards and threatened to take to a VD clinic, which caused her to become hysterical and cry rape. Karber and the police officer offer a different story. Karber admitted that she did willingly get into a car with Valby around midnight as she was walking home from work, but only after he pleaded with her to eat with him, saying he was lonesome and wanted someone to talk to. Notably he was wearing his uniform when he picked her up. He could have been playing on her sympathy for a soldier who was far from home. The officer testified that he stopped Karber because she was distraught, and he offered to take her to the hospital because he thought she might be hurt. She initially refused to respond to his questions but eventually told him she had been raped. The defense also asked Karber about her employment history claiming that both restaurants she worked at were "rather rough" and at least one of them had been out of bounds to soldiers. He was trying to impugn Karber's reputation by claiming that she had worked at places that were out of bounds and therefore suspect of being vice districts -- of being places where soldiers might be exposed to VD, again linking waitressing and prostitution. While there was also concern over war workers' absenteeism because of VD, most of the focus was on military men, the nation's fighting force. Because, as has been previously discussed, soldiers represented the Nation, protecting them from disease was that much more important.806

Stockton specifically asked both Karber and Virgil about clinics where police took pickup girls they arrested in Phoenix and claimed that the officer who picked Karber up was part of the vice patrol. He asked Karber if she knew that,

there are vice patrol cars...[that] patrol the streets of Phoenix late at night... And you girls avoid them... All girls, both good girls and bad girls avoid them... [because they] know that girls who are picked up by those cars are taken either to the clinic or hospital... [and that] has been the subject of conversation of the women of Phoenix, Phoenix being out of bounds, and the moral code; it has been general conversation, hasn't it?807

He later asked her if she knew that if she had not told the police officer she had been raped that she could have been arrested and held for four or five days. The defense also questioned Virgil on the reputation of the club where she and Valby first met. He asked if it was “a place where ladies unattended frequent.” Virgil challenged his assumption with her response that pointed out, “Ladies unattended frequent all bars these days.”808

The defense further damaged Karber’s reputation by proving that she was a bigamist. The fact that both of her husbands were in the service likely made this even worse. Karber was still married and was pregnant with her first husband’s baby when she moved in with the man who would become her second husband. However, it is quite possible that she did not realize that she was still married to her first husband when she married her second. She had filed for divorce and may have thought the divorce was final because the divorce decree had been completed and only needed to be filed with the

807 U. S. v. Valby, in part one of the record, page 96 of the transcript.
808 United States v. Valby, in Part One of the record, page 210 of the transcript.
court. However, her attorney testified that he did not file the paperwork because she had not settled her bill with him. He also said that he had sent correspondence to her to that effect and that she should have known that her divorce was not final. The prosecution strenuously objected to the introduction of this evidence to the court because they realized the dire consequences Karber could face and argued that this was irrelevant. The defense also made much of the fact that both her husbands were in the service and were serving overseas. They portrayed Karber as a woman out to entrap servicemen for financial gain and used the specter of the "Allotment Annie," who married multiple servicemen in order to get their allotment money and possibly their death benefits should they die overseas.809

The defense was less successful in their attempts to impugn Virgil, perhaps because of not only her virginity but also because of her class. It is unclear, but based on the limited information, Virgil appears to be middle-class and Karber working-class. Stockton argued that because of her age and position with the police department she could not be a complete innocent, that, though she may be a virgin, she would still know the score. The defense highlighted this in his closing argument: "Now surely Miss Virgil couldn’t have had the experience she told us of, couldn’t be thirty-three... couldn’t have been the Chief of Police’s secretary in Phoenix ever since January [1943]... without knowing a lot about life."810 He also unfavorably compared her to Valby, while bringing attention to his military service, saying:

809 United States v. Valby
810 U. S. v. Valby, in Part One of the record, page 397 of the transcript.
Gentlemen, a character that will do that for his country [voluntarily join the service] surely should be believed over a woman while this war goes on who thinks so little of herself and who has been misguided by her instructions and associations that she will go voluntarily to a man's apartment late at night. Surely on the word of one like that the life and liberty of one who has given as he has given ought not to be taken.\textsuperscript{811}

He argued that the word of a decorated officer should be taken over that of a woman who would go into a man's apartment. He further tried to challenge her veracity by implying that she was having an affair with her boss (the police chief) and that was the reason the chief had pressured the military into taking action against Valby. He asked the members not to judge Valby because he was trying to have sex with these women while he was still married because that was "not involved in these charges."\textsuperscript{812} Even if Valby did not rape Karber or try to rape Virgil, the defense had to admit that he did try to have sex with both of them and did so while he was still married. While the defense attorney felt this was irrelevant, he had no problem relying on completely unfounded innuendo to damage Virgil's reputation.

Stockton also repeatedly said that both women should have known better than to have gone to a man's apartment at night. In his closing, Stockton argued:

\begin{quote}
I have lived quite a long time; I don't think I ever heard any man or any woman, regardless of what his or her activities or position may be, whether they are Sunday School teachers, men of the cloth, professional men, or those who may work in the less general conceptions of responsible positions, but what all agree upon one thing; that when any woman, and especially a woman of sexual experience, a woman with wordly [sic] experience, who answers an invitation to get into an automobile with a man
\end{quote}

\textsuperscript{811} U. S. v. Valby, in Part One of the record, page 404 of the transcript.
\textsuperscript{812} U. S. v. Valby, in Part One of the record, page 381 of the transcript.
late at night whom she does not know, who goes voluntarily with him to his home or apartment, and by advice and inspection learns that they are alone, who goes there and drinks with him, but what is implied, if not a direct invitation to this man to at least pursue a desire he may have for sexual intercourse... Now an intent to go that far... to wrestle or caress a girl to determine whether any objection she has is real or pretending that she really don't want to do those things, to that extent he has even a direct absolute license and permission because it has always been, even before the period of Christ, that women did not go to men's apartments except for those purposes late at night when they didn't know them.\textsuperscript{813}

The defense did not consider Virgil's response to questions about why she went to his apartment alone to be compelling; Virgil answered that she thought he could be trusted to act as a gentleman -- as one might expect a decorated officer to act -- but the defense continually maintained that it was Valby's prerogative to see how far he could go with the women, and the women had ceded their right to say no to such behavior because they went to his apartment, even though both testified that he made excuses to get them there.

The federal government's war on VD gave perpetrators new ways to excuse their behavior. As Tammy Garland has pointed out, "The assumption that the majority of rape claims are false is one of the most widely accepted rape myths held within our society."\textsuperscript{814} So while there has been a long history of accusing women of making false accusations, the wartime focus on women offered defendants and defense attorney's a new way to question victims' veracity. The emphasis on female promiscuity as a threat to servicemen

\textsuperscript{813} U. S. v. Valby, in part one of the record, page 381-382 of the transcript.
\textsuperscript{814} Garland, 17.
vilified women to a new level that excused men's treatment of them and made all women suspect at the same time it placed white servicemen above suspicion. Hegarty has argued that the military's intense focus on sex, including its promotion of safe sex through its distribution of condoms and the availability of "pro stations," also functioned as "an incitement to sex, as a way to prove one's manliness."^{815} While men were inundated with information about sex, they were also surrounded by sexualized images of women, through pin-ups, cartoons, movies, and even VD posters, and likely felt an increased pressure to prove their manhood through sexual conquests in addition to or in substitution for military conquests. At the same time the federal government, through the military and agencies like the SPD, recast the role of promiscuous woman. They enlarged the scope of promiscuous or "bad" women far beyond prostitutes to include the formerly wholesome "girl next door." Meanwhile men also received the message that civilians, especially women, should be grateful for the protection they were providing the country through their military service. It is not hard to imagine then how men like Valby looked at the women he allegedly assaulted. Regardless of whether these women held dubious jobs or were upstanding citizens and regardless of their class -- they were presumed to be promiscuous and grateful to men in the uniform. Valby felt compelled to "see how far he could go" with these women and felt they should not be offended by his rough handling of them as he may have believed this to be a right he had earned as an officer. He had proven his masculinity though his military service. Part of

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^{815} Clement, 248; Hegarty, 10.
that militarized masculinity was sexual aggressiveness. Men were supposed to push for sex and women were supposed to set the limit, so in an odd way through their experiences with Valby, both Virgil and Karber reinforced their reputations. Virgil was able to fight off Valby. Karber was not. This could be why the court found Valby not guilty of raping Karber but guilty of assaulting Virgil. However, Virgil's reputation was not untarnished, which could be why the court found Valby guilty of the lesser charge of assault as opposed to assault with intent to commit rape and why the Secretary of War further mitigated his sentence. This is not meant to suggest that the good girl/bad girl dichotomy ceased to exist or that it no longer privileged some women over others. Rather, the ability to distinguish between supposed good and bad women became increasingly difficult and allowed for all women to be portrayed, either in government propaganda or by defense attorneys, as "bad" women who could not be trusted.

Afterward

The war in Europe ended in May 1945 and the war in the Pacific ended August of 1945, but the rate of reported rapes continued to climb and never returned to the pre-war levels. Part of the increase in late 1945 may have been a result of the end of war celebrations. Robert Westbrook discusses the
famous kiss in Times Square, featured on the cover of *Life* magazine. He argues that the kiss was the perfect image to mark the end of the war. He posits that the liberal American State deployed the image of the pin-up as a symbol of men's private obligations to motivate them to fight. As Westbrook articulates it, “pin-ups were more than masturbatory aides. They also represented the private obligations for which soldiers were fighting.”

Westbrook argues that the Times Square kiss can be read as “a protector exacting his reward from a woman he grabbed on the street.” I think it was also an example of sexual violence.

This moment caught by *Life* photographer Alfred Eisenstaedt was repeated at the end of the war celebrations across the country. Marvin Schlegal described the celebrations in Norfolk, writing:

Excited girls kissed Navy men in gratitude for the victory. Discovering that they were heroes for the occasion, sailors took advantage of the opportunity to kiss every girl they met, with or without protest. Joining hands, they snake-danced in and out among the stalled cars on Granby Street. They put their heads inside car windows to ask, ‘May I kiss your wife, mister?’ and did not wait for an answer. A clanging motorman, tried futility to pilot his trolley through the din, a washtub tied to its rear. An inquiring reporter yelled at a sailor, ‘What are your postwar plans?’ Back came the grinning reply: ‘I’m going to report in in about three more days – after I sober up!’

The combination of alcohol and a feeling of entitlement likely lead to sexual assaults, beyond forcing kisses on unwilling women.

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817 Westbrook, 90.
Susan Hartmann writes about the plethora of advice literature that compelled women to walk on eggshells around returning veterans.\(^{819}\) Journalists, psychologists, and the returning vets themselves told women that it was their obligation to smooth men's way back into civilian life and that they were largely responsible to men's failure or success in their reintegration. While the writers acknowledged that women's roles had changed during the war, they focused on how women should slide happily back into traditional gender roles in order to reassure vets and allow them to readjust to civilians lives (not to mention freeing up jobs). According to Hartmann, women were told that they needed "to be sensitive and responsive, to adjust their interests, needs, and desires to those of their men."\(^{820}\) Advice literature counseled women to bend to their husband's will and to let them take control, while also telling women to continue to manage the household because their husband might not be ready to take on the responsibility. While prescriptive literature sent women conflicting advice, it also showed a great deal of ambivalence about veterans. As Hartmann found, vets were portrayed "on one hand as heroic, and, on the other childlike and dependent."\(^{821}\) Of course, this was not exactly a new portrayal. Much of the literature around venereal disease depicted men both as a heroic representation of the State and as weaklings who could not resist the temptations of lecherous women. Some of the authors acknowledged the sacrifices and hardships suffered by civilians on

\(^{820}\) Hartmann, 227.
\(^{821}\) Hartmann, 235.
the home front, but they repeated that men in the military had suffered and sacrificed far more and aegued civilians owed them a debt that could never be repaid. Statements like these ignore the variety of experiences of men in the military. As Hartmann points out, “of the 16 million who served between 1940 and 1946, a little less than one-half were in battle-zones, and only one in eight actually saw combat.”\textsuperscript{822} Furthermore, many veterans expressed distaste over all of the press concerned with their possible maladjustment and worried that it would turn mothers and wives into “kitchen psychologists.”\textsuperscript{823}

There was some reason to be concerned. Many combat veterans did experience psychological trauma. While combat stress, or what we now refer to as Post Traumatic Stress Disorder (PTSD), was seen as shameful in combat veterans before WWII, it was completely disregarded as a possible consequence of sexual violence. According to Marco Bacciagaluppi, “In WWII, stigma no longer applied to combat neurosis.”\textsuperscript{824} Psychiatrists had begun to realize that even brave men could break under the strain of combat, especially if they had been serving in combat conditions for an extended period. Therefore, the presumption that men who suffered psychological trauma were cowards or had weak constitutions began to lose credibility.\textsuperscript{825}

While the military, the medical profession, and the American public showed great concern over the mental health of American soldiers during WWII, they

\textsuperscript{822} Hartmann, 226.
\textsuperscript{823} Hartmann, 225.
\textsuperscript{825} Ibid.
did not even acknowledge the sometimes long-term trauma experienced by survivors of sexual assault.

Psychiatrists began looking at sexual trauma as a possible root cause for hysteria in female patients and children in the late nineteenth century. Sigmund Freud and his colleague, Josef Breuer, published a book *Studies in Hysteria* in 1896 and Freud presented a paper “The Aetiology of Hysteria,” in which he theorized that “the origin of neurosis lay in early sexual traumas.” According to Bacciagaluppi, “This paper received an icy reception...[which] presumably led Freud to change his mind.” Freud wrote that he questioned the reality of his patients’ claims of sexual abuse and argued that they were instead “infantile sexual fantasies.” After the reaction to Freud’s work on trauma and his subsequent back-pedaling, the majority of psychologists ignored the possibility that women could suffer long-term trauma after being assaulted. It was not until the Women’s Movement in the 1970s that the field was forced to address the issue and psychiatrists began studying sexual abuse. Bacciagaluppi argues that “Freudian orthodoxy” continues to affect the way psychologists treat patients dealing with PTSD caused by sexual assault, often delaying prognosis. Therefore, while concern over and study of men’s trauma was confined to wartime with periods of disinterest during the
interwar years, women's trauma was not even acknowledged -- even when the rate of rape increased tremendously.

In an odd way, men's trauma could even lead to women's. For example, in the case of The United States v. 1st Lt. Robert Valby, discussed at length in chapter six, Valby had only recently been diagnosed with combat stress when he (allegedly) attacked Kemper and Virgil. His combat stress likely contributed to the attacks and the fact that he was self-medicating with heavy alcohol use directly contributed to them.

As the war ended, America celebrated its victory, praised and even coddled returning veterans, treating their traumas, if only temporarily, and cheering them on as their exacted their rewards from women. At the same time women's contributions were downplayed, their traumas ignored, the violations of their civil rights forgotten,833 and their wants and needs pushed aside for those of men. And the country returned to "normalcy."

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833 I am referring to the thousands of women who were arrested for the possible threat they allegedly posed to public health.


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——. "Soldier Held In Attack Case." June 1, 1943.

——. "Soldier Is Executed For 2 Desertions." July 8, 1945.

——. "Soldier Taken, Confesses Rape." May 10, 1944.

——. "Special Deputy Accused of Rape of Renton Girl." August 30, 1944.

——. "Staley Accused By 4th Woman." April 1, 1947.


——. "Staley Guilty On All 7 Counts." April 11, 1947.
——. “Staley Speaks In Own Defense.” April 7, 1947.
——. “Staley’s Wife Weeps On Stand.” April 9, 1947.
——. “Suspect in Hatchet Slaying Arraigned.” February 3, 1944.
——. “Terms Set By Parole Board.” December 23, 1942.
——. “Three Soldiers Sentenced To Jail in Tacoma.” February 17, 1943.
——. “Walla Walla Youth Confesses.” November 19, 1943.
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——. “Woodward Still Free While Callahan and Shorett Pass The Buck.” May 9, 1943.


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_____ . "District Court Here Next Week." October 26, 1939.

_____ . "District Court Now in Session." April 6, 1939.


_____ . "J. Bracken Lee, Candidate for Governor, Has Outstanding Record as Businessmen, Mayor." June 29, 1944.


_____ . "Very Brief Session of Court is Held." November 3, 1938.


_____ . "Burglar is a Maniac is Belief of City Officers." December 1, 1942.
"Charges Range from Murder to Vagrancy." January 18, 1944.

"City Police Start Clean-up of the Doubtful Women." December 3, 1943.

"City Prisoner Gets Drunk on Duty." September 15, 1942.

"County Called Upon to Handle Prisoner Overflow." August 11, 1942.

"Deputies From Colorado Come for Prisoner." December 17, 1943.

"Epidemic of House Prowlers in Tooele City." November 27, 1942.

"Fiend Attacks Local Woman Tuesday Night." November 12, 1943.

"Former Convict Charged With Woman Attack." November 23, 1943.

"Four Divorces, One Annulment Are Granted by Court." September 15, 1942.

"Hearing Set in Assault Case of Mrs. Mary Parsons." December 17, 1943.


"Man Arrested for Rape of Local 14 Year Old Girl." August 31, 1943.

"Murray Dismissed, Welshans Gets One to 20 Years." February 16, 1943.

"Murray Trial Set for Thursday; Elliot for Monday." February 9, 1943.

"Officers Appear Near Solution on Mrs. Parsons Attack." November 16, 1943.

"Officers Get Confession From Fiendish Criminal." December 28, 1943.

"One Conviction; Criminal Cases Set for Next Week." September 17, 1943.

"One Hundred and Ten Cases Tried by City." October 27, 1942.

______. “Recent Attacking Bring Comment from Servicemen.” January 28, 1944.

______. “Renburg Is Convicted of Brutal Assault.” February 15, 1944.

______. “Sheriff and Police Spend Busy Week Many Are Fined.” August 7, 1942.

______. “Sheriff Vows the Arrest of Owners Leaving Key in Car.” August 18, 1942.

______. “Tooele Has First Attempted Murder in Gambling Row.” September 25, 1942.

______. “Two Prisoners Escape From City Work Gang.” September 25, 1942.

______. “Wendover Deputy Kills Wife.” October 27, 1942.

______. “Wife Beating Brings Stiff City Court Sentence.” January 8, 1943.

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_____. “Quarter Million Dollars to be Spent on Projects in County.” December 14, 1939.

_____. “Second Rape Case in Month Charged Here.” July 25, 1946.

_____. “Two Murder Suspects Here for Re-trial.” May 27, 1943.

_____. “Ute Indian Will Go on Trial for Life in Statutory Charge.” June 12, 1941.

_____. “Vernal Man Held to Face Rape Charges.” July 4, 1946.


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