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“Poor Forsaken Colored Girls:” Rebecca Latimer Felton, White Supremacy, and Prison Reform,

1865-1900

A Thesis

Presented in Partial Fulfillment of the Requirements for the Degree of Master of Arts

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By

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Introduction

Beginning in 1865, prison reformers throughout the United States, especially religious groups such as the Quakers, began to be concerned with the low quality of care in prisons and the prison administrators' inability to rehabilitate female prisoners.¹ The first national meeting of prison administrators and reformers was held in 1870 to determine how to find a better solution for women in prisons.² These prison reformers started to formulate a new approach to incarceration.³ They believed that prisons should treat rather than punish; and wanted to reform prisoners with remedial, educational, vocational, and recreational programs.⁴ The Women's Prison Reform Movement was born out of this general prison reform movement but specialized in fighting for sex segregation in prisons and the creation of all female reformatories.⁵ The movement, however, was not founded for the benefit of all women and was tied to very specific racial and gendered ideologies about which women deserved to be removed from prisons, those being white women, and which women did not, those being black women.⁶

The Women's Prison Reform Movement started largely as a movement to restore white women's position in the "Cult of Womanhood" after they had "fallen" from their "proper" place in society.⁷ Barbara Welter explains in "The Cult of True Womanhood: 1820-1860" that this "Cult" was defined by a set of gendered ideologies that defined women's "proper" behavior: those being purity, piety, submission, and domesticity.⁸ The Cult of Womanhood linked these virtues with white middle and upper class women and excluded black women from the definition of womanhood

¹ Nicole Rafter, "Gender, Prisons, and Prison History", (Social Science History Vol.9, 1985), 233.

² Ibid.

³ Ibid., 235.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Barbara Welter, "The Cult of True Womanhood: 1820-1860", (*American Quarterly*, 1966), 152.

⁸ Ibid.

itself.⁹ The “Cult” excluded black women because many white people believed that black women were “naturally” immoral and therefore could never participate in the values the Cult was founded upon.¹⁰ This belief followed directly from the ideologies rooted in slavery that saw black women as property and as “Jezebels” with no moral foundation, as well as the ideologies that masculinized black women and those that excluded them from being seen as good mothers.¹¹ Although there had begun to be opposition to the Cult of Womanhood on the part of some feminists, such as those present at the Seneca Falls Convention in 1848, many women’s prison reformers embraced the Cult, arguing that only by returning to their “feminine” virtues could women prisoners be reformed.¹² White women who had committed lesser offenses began to be moved out of prison settings into reformatories or women’s prisons.¹³ Prison administrators had no interest in classifying and moving black women prisoners based on conviction level or status.¹⁴ This was especially true in the post-Civil War South, when lessees who hired prisoners reimbursed states for the labor of both female and male prisoners.¹⁵ Black women were seen by white male prison administrators as masculine and able to work and therefore profitable.¹⁶ White women were supposed to be delicate, shrinking, and dependent, and therefore not profitable.¹⁷ Prison reformers did not see most white women as fit for incarceration or work, except for the ones who committed violent felonies.¹⁸

⁹ Ibid.

¹⁰ Ibid.

¹¹ Black women argued that this ideology was rooted in the white man’s justification of the frequent assault and rape of black women and said nothing about the moral character of the women themselves. Black women also argued that white women accepted this justification as a way of removing themselves from the violence and complicity that their behavior implied. LeeAnn Whites, “Gender Matters: Civil War, Reconstruction, And The Making of The New South”, (Palgrave Macmillan, 2005), 85.

¹² Welter, “The Cult of True Womanhood”, 152.

¹³ Ibid.

¹⁴ Rafter, “Prisons for Women”, 132.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

White women who felt assured of their so-called “purity” because of their participation in the Cult of Womanhood at first did not want to associate with female prisoners, black or white.¹⁹ Estelle B. Freedman contends in *Their Sister's Keepers: A Historical Perspective on Female Correctional Institutions in The United States: 1870-1900* that there was a clear line between white women reformers and female prisoners, marked on one side by privilege and marked on the other with shame and degradation.²⁰ Middle to upper class white women reformers did not necessarily see themselves as intimately connected to the downfall of their poor white sisters and did not want to give up their class privilege to associate with women prisoners.²¹ However, this boundary remained only so long as elite white women agreed that their bond with white men was stronger than their bond with white women prisoners, however far they had fallen.²² This bond with white women prisoners was based on a shared experience of sex, but also on racial ideologies that linked “proper” womanhood to whiteness and excluded black women prisoners because of the belief that they could not be reformed. Within the Women’s Prison Reform Movement whiteness and womanhood became conflated but also expanded to include a “third race” of white women prisoners. These “fallen women” could no longer claim so-called “pure” whiteness or “pure” womanhood, but still might be able to be redeemed or reclaimed back into a degraded form of white womanhood.²³ White women had a vested interest in proving that these “fallen” white women could be reformed.²⁴ This was due to the fact that the existence of the “fallen woman” was a problem for white women reformers, who were attempting to expand white women’s moral guardianship from just the home to all of society using the ideals of the Cult of Womanhood.²⁵ The “fallen” women represented that whiteness could

¹⁹ Estelle B. Freedman, *Their Sisters' Keepers: A Historical Perspective on Female Correctional Institutions in The United States: 1870-1900*, (Ann Arbor, University of Michigan Press, 1981), 20.

²⁰ Ibid.

²¹ Ibid.

²² Ibid., 21.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid., 39.

be corrupted, which hurt the reformer's arguments that white women are "naturally" morally superior.²⁶ Therefore, if they could reform these "fallen women", it would allow the women to return to both whiteness and womanhood.²⁷ If these women could be reformed, then reformers could prove that white women prisoners were in fact still morally superior to black women prisoners, whom they argued could not be reformed.²⁸

In examining the life and politics of Rebecca Latimer Felton, the main subject of this thesis, scholars can understand how these racial and gendered ideologies influenced the Women's Prison Reform Movement. Felton was one of the leading women's prison reform activists in the Southern United States. Born in Georgia in 1835, the daughter of a prosperous slave owning family, Felton lived through the Civil War and held a strong allegiance to her native state and to the South throughout her life.²⁹ Felton was educated at Madison Female College and graduated in 1851.³⁰ She was involved in many reform movements but none more than Temperance, Women's Suffrage, and Women's Prison Reform.³¹ Felton was one of a growing number of white women in the United States who began to claim that they had the right to voice their opinions in public. Many of these women were involved in the Temperance and Suffrage movements, which worked in concert with The Women's Prison Reform Movement. A shared goal of all of these movements was to make space for women's opinions in political discourse.³² The reason that Felton was one of the most important reformers in the context of the Women's Prison Reform, especially in the South, was because she had a great deal of cultural capital due to her economic status and her marriage to

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Rebecca Latimer Felton Papers.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

William Felton, who was both a respected minister and politician in Georgia.³³ Felton considered herself first and foremost an advocate for white women's rights in the South.³⁴ She fought for white women to be treated respectfully as wives as well as citizens who she felt were entitled to suffrage rights.³⁵ Felton was especially interesting because she was historically situated in a time where women's rights movements were gaining popularity in the Southern United States, linked to a belief in Southern white men's failure during the Civil War, as well as at a point where pervasive racist ideologies, which had long and entrenched roots in slavery, were operating within society.³⁶

What made Felton different from other white women prison reformers of the time was that, initially, she argued that both black and white women should not be subject to this mistreatment in prisons.³⁷ At the same time, she was clearly invested in maintaining systematic white supremacy in the United States, utilizing many of the pervasive racial ideologies about black women even while attempting to include them in her activism.³⁸ Felton, like many other activists for prison reform, knew the deplorable conditions that both black and white women were facing in prisons. However, because of political pressure from white men in the South, as well as her own investments in white racial superiority, Felton ultimately decided to only take on the fight for white women's liberation from poor prison conditions.³⁹ When examining Felton's politics, many contradictions appear regarding her position on so-called "proper" roles for people of particular races and genders,

³³ Rebecca Latimer was married to a politician named William Harnell Felton on October 11th of 1852, only a year after graduating from Madison Female College. William Felton was extremely involved in Georgia politics and shared many political opinions with his wife, including the belief that the convict lease system should be abolished. Ibid.

³⁴ Ibid.

³⁵ Felton often compared the conditions of white women in the South to the condition of slaves. She is quoted as saying that "under the freest constitution, ignorant people are still slaves, and that to leave the hundreds of women working in the factories like mere machines of manual labor, while the men are given the advantages of superior training, is incongruous with laws of progress, relegating laboring women to a condition scarcely removed from slavery." She believed that under current laws, that white women were forced to live as slaves did, hoping for the best possible "master" to marry, hopefully "kinder masters than their mother's had done." Rebecca Latimer Felton, *Country Life In Georgia In The Days Of My Youth*, (Index Print Co., 1919), 250.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Rebecca Latimer Felton Papers.

³⁹ Ibid.

especially in prisons. These contradictions are symptoms of Felton's many conflicting political and personal affiliations and opinions. Ultimately Felton's positions may seem hard to reconcile; however, this difficulty does not damage scholars' ability to understand the gendered and racial ideologies that were at play within the movement. Instead, I believe, it actually increases our abilities to understand how complex ideologies exist at varying levels and how pervasive they were within the movement as a whole. When Felton or her political career are discussed in scholarly works, her white supremacist writings are either the complete focus of the essay, which tends to obscure her involvement in any specific movement, or their racism is marginalized, with the emphasis shifting to Felton's activism on behalf of women's rights.⁴⁰ An analysis of the challenges Felton experienced trying to uphold her white supremacist beliefs, while participating in movements that at times contradicted her belief system, can provide a more complete picture of how certain ideologies operated within the Women's Prison Reform Movement.

My overall thesis is that the Women's Prison Reform Movement was constructed around both gendered and racial ideologies that linked so-called "proper" womanhood to whiteness and marked black women as subhuman, impure, and unable to be reformed. I argue that this served to exclude black women from the designation of "woman" and therefore from the Women's Prison Reform Movement overall. This also excluded them from reformatories and left them to suffer violence and sexual assault on the grounds of men's prisons. Though some scholars dismiss the racial ideologies in the movement as simply a consequence of the time in which the reform efforts took place, I argue that overt acts of racism, as well as systemic white supremacy, were foundational

⁴⁰Brearley's thesis is the clearest case of this attempt to obscure Felton's white supremacist politics, as she argues that these politics were just part of the "contemporary discussion of race" at the time and says that they will only be considered in this way within her thesis. Margaret E. Brearley, "The Politics of Persuasion: The Language and Limits of Gender Reform in the Career of Rebecca Latimer Felton", (2010), 50.

in the movement from the beginning.⁴¹ Not only were the white women in the movement arguing for sex segregation in prisons, but in many cases, racial segregation as well.⁴² I will explore these racial and gendered ideologies specifically through the lens of Rebecca Latimer Felton's prison reform activism.⁴³ I define racial ideologies as fixed sets of beliefs about people of a specific race, whether positive or negative. In order to define gendered ideologies, I must first define gender and explain how it operates within society. Gender is a socially constructed category that determines so-called "appropriate" roles for people to play within society. Gender regulates dress, behavior, and activities for people once they are deemed masculine or feminine, which is based on their perceived biological sex at birth: male or female.⁴⁴ Judith Lorber further explains this in *Paradoxes of Gender*,

⁴¹ Brearley's thesis lacks an analysis of the ways that white supremacy functions in the movement as well as in Felton's individual activism. She argued that racism was foundational in the movement only so much as it was a product of the time that the movement was founded in. Brearley argues in her thesis that "Felton's efforts to improve the status of elite white women were the driving force in her career; thus her rhetoric about African Americans will be considered in so far as she utilized contemporary discussions of race to further that goal." Whites argues that Felton's main goal was to hold men accountable for women's issues, racial or otherwise, and paints her as a woman who was interested only in "militant gender reform." She argues that the reason Felton rooted her politics in white supremacy was to gain equality between white women and white men, knowing that equality would not be received from white men unless she made clear her support for white supremacy. In this way, Whites and Brearley both dismiss racism as a last resort political and economic tool for Felton and the movement as a whole, and say that racism was not something that was intentionally foundational in the movement they formed. On the other hand, in Felton's personal papers, it is obvious that her political stances are directly affected by her belief in white supremacy. An example of this is her rhetoric about women's suffrage, which is centered within a discussion of why "inferior" black men do not deserve the vote. In contrast to Brearley and Whites, both Curtin and Blackmon argue that Southern white people's ideologies about freedom were built around the subjugation of black people and that this directly affected the politics of the time, leading many white reformers to believe that black women did not deserve the same freedom from prison mistreatment as white women did. The movement was built on this ideology, which means that white supremacy was foundational in the movement from the beginning. Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, (Anchor, 2009)., Margaret E. Brearley, "The Politics of Persuasion: The Language and Limits of Gender Reform in the Career of Rebecca Latimer Felton", (2010), 50., Mary Ellen Curtin, *Black Prisoners and Their World, Alabama, 1865-1900* (University of Virginia Press, 2000)., Rebecca Latimer Felton Papers., LeeAnn Whites, "Gender Matters: Civil War, Reconstruction, and the Making of The New South" (Palgrave Macmillan, 2005), 356.

⁴² Felton's papers are the best place to look in support of the claim that women were actively arguing for racial segregation in prisons. In several correspondences between Felton and other women within the movement, the women outline their desire for racial segregation in prisons. In Felton's own writings she pushes back against those arguments, saying that both black and white women should be moved away from prisons into reformatories. She does, however, support the notion that no women should be held with black men. Rebecca Latimer Felton Papers.

⁴³ Due to the fact that an increase in the incarceration of black people was happening at the same time as the formation of the Women's Prison Reform Movement, 1865 is a fascinating historical moment in which the intersections of race and gender in the prison system become clear. For this reason, the timeline for the thesis will range between 1865, which marks the passage of the Thirteenth Amendment and an end to slavery, and 1900, when prison reform shifts away from the white woman led movement that this thesis will explore.

⁴⁴ Gender and gender presentation are fluid concepts and do not always operate within the binary system of masculine or feminine tied to a biological sex of male or female. However, for the purposes of this thesis, I will operate on a binary

saying that “a sex category becomes a gender status through naming, dress, and the use of other gender markers. Once a child's gender is evident, others treat those in one gender differently from those in the other, and the children respond to the different treatment by feeling different and behaving differently.”⁴⁵ The acceptable roles and behavior for people of a specific sex shift based on time period and location. In this thesis I will explore the social constructions of gender that were specific to the time period of 1865 through 1900 and to the United States. Lorber articulates that “gender is constantly created and re-created out of human interaction, out of social life, and is the texture and order of that social life. Yet gender, like culture, is a human production that depends on everyone constantly “doing gender.”⁴⁶ I define gendered ideologies as fixed beliefs about how people, after they are assigned to certain masculine or feminine roles by society, should exist and behave within that society. These ideologies shift depending on other social categories, such as race or economic status. I hope to make it clear that gender and sex should not be conflated. However, at times, in the interest of preserving arguments of certain scholars, the two may appear to function synonymously.

Literature Review

To introduce my discussion about the ideologies that were present in shaping the Women's Prison Reform Movement, I will first outline what I believe is absent in the scholarly work that has already been done on this topic. Throughout this thesis, I will explore the intersections of racial and gendered ideologies in the Women's Prison Reform Movement in a way that has not been done previously. A great number of scholars have written about race, sex, or gender separately in regards to the prison and convict lease system.⁴⁷ For example, both Christopher Adamson in “Punishment

definition of gender because of the significance that binary gender roles had in determining the gendered ideologies of the particular historical moment I am interested in.

⁴⁵ Judith Lorber, *Paradoxes of Gender*, (Yale University Press, 1994), 55.

⁴⁶ *Ibid.*, 54.

⁴⁷ Many of these scholars fail to see the intersections of race, sex, and gender in the prison or convict lease system. Other

After Slavery: Southern State Penal Systems, 1865-1890” and Alex Lichtenstein in *Twice the Work of Free Labor: The Political Economy of Convict Labor in The New South*, briefly mention gender throughout their texts, which center on race and the convict lease system, but do not have a clear analysis of how race and gender intersect. A good number of scholars, however, have written about how race, sex, and gender intersect within this system. Perhaps the best example of this is Mary Ellen Curtin’s book *Black Prisoners and Their World: Alabama, 1865-1900*, which contains an analysis of how black women experienced prison and convict lease differently from black men and white women on account of having the double burden of race and sex discrimination. However, a majority of these scholars have failed to discuss how the Women’s Prison Reform Movement enters the conversation. Even when the intersection of race and gender in the reform movement is briefly referenced in texts about the movement, such as Freedman’s *Their Sister’s Keepers*, it is rarely prioritized, ignoring how whiteness and womanhood operated together in the movement to exclude black women.⁴⁸ Nicole Rafter, in her article “Gender, Prisons, and Prison History”, claims that since the publication of Blake McKelvey’s *American Prisons* in 1972, there has been a large body of work that has developed

scholars attempt to downplay the realities of one of these categories in favor of focusing on another. For example, while Blackmon’s book is extremely helpful regarding the history of the convict labor system, there is not a clear analysis of how this system affected women differently than men, except in regards to things like marriage. Lichtenstein’s book on convict lease is also extremely informative, but if one were to search the index, neither gender nor women appear as a key word. This is not to say that women are never mentioned within the text, but that there is not a focus. Blackmon shines some light on why the focus of these texts is primarily on race. He explains that convict lease is often viewed as “an aside in the larger sweep of events in the racial evolution of the South” and that scholars are attempting to make convict lease known. He adds that “some reform-minded activists protested the physical abuses of prison labor, but the explicitly racial aspect of the new forced labor system was often largely unacknowledged.” These texts on race and the convict lease system are attempts to acknowledge these injustices. Blackmon also explains that in the aftermath so many contracts had been destroyed that historians could not successfully piece together what happened so information on specific prisoners, especially women, is limited. Curtin questions Blackmon’s claim about the lack of resources but does agree that “the conflicts created by the convict lease system, however, remain an unexplored dimension of the African-American transition out of slavery.” Christopher R. Adamson, “Punishment After Slavery: Southern State Penal Systems, 1865-1890”, (*Social Problems* 30.5, 1983). Blackmon, *Slavery by Another Name*, 7., Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*, (Verso Books, 1996).

⁴⁸ Freedman’s book is a recent scholarly attempt to chronicle the Women’s Prison Reform Movement. Race is only mentioned two or three times within the entire book, and when mentioned, is mentioned as a side note in a larger conversation having only to do with white women’s motivations for reform. This book leaves readers believing that white supremacy was not a key motivation for women in the Women’s Prison Reform Movement, which is something that this thesis strongly disputes. Freedman, *Their Sisters Keepers*, 13.

around the evolution of the penal institution.⁴⁹ All of these studies are limited, she argues, by their blindness to the gender differences in prisons that are not sex segregated, as well as the racial differences that occurred within prisons for women only.⁵⁰ The lack of information or analysis of race in previous scholarship threatens to leave the reader believing that there is not any information to be had about race within the Women's Prison Reform Movement. This is simply not true. Careful analysis of the existing scholarship on the Women's Prison Reform Movement and Rebecca Felton demonstrates what other scholars have failed to provide, which is an analysis of the racial and gendered ideologies that functioned to exclude black women prisoners from the prison reform movement.

The United States Prison and Convict Lease Systems (1865-1900)

In order to understand the ideologies that inform the Women's Prison Reform Movement, one must have a brief understanding the prison system in the United States as it was constructed prior to 1865, as well as how women prisoners were treated within this system. Traditional prisons in the United States, which were established directly after the Revolutionary War, had male and female felons incarcerated together.⁵¹ The most striking difference between Northern and Southern prisons was the magnitude of the prison system itself.⁵² Prisons in the South were much smaller than Northern prisons prior to abolition, as Southern prisons were only housing a small number of white people.⁵³ This was largely due to the fact that slaves were considered the property of their masters and were not sentenced to prisons for punishment.⁵⁴ As a result, Northern prisons were much larger because the South never had enough prisoners to carry on prison production on the same scale as

⁴⁹ Rafter, "Gender, Prisons, and Prison History", 233.

⁵⁰ It is important to note that Rafter's article was published in 1985, and that there have been studies since the publication of the article that have dealt, at least in part, with gender differences in prisons. Ibid.

⁵¹ Rafter, "Gender, Prisons, and Prison History", 234.

⁵² Lichtenstein, *Twice the Work*, 23.

⁵³ Ibid.

⁵⁴ Ibid.

the Northern penitentiaries until after the Civil War.⁵⁵ The women in these prisons, both Northern and Southern, were less regimented than the male prisoners, but much more neglected.⁵⁶ In general, prison doctrines for men included separation, obedience, and labor.⁵⁷ Rafter explains that this was not the case for women, who were all kept together, with no supervision, and few opportunities to work.⁵⁸ This trend was largely due to the fact that the discipline of male prisoners was shaped by notions of “masculinist conceptions of manhood” and beliefs about kind of labor what men, but not women, could accomplish.⁵⁹ The first custodial prison for women, Mount Pleasant Female Prison in New York, was founded in 1835, and mainly, but not exclusively, housed white women.⁶⁰ In general, aside from this women’s prison, traditional co-ed prison structures for men and women remained stable until 1865.⁶¹ My intent is not to explore fully the origins of the prison system before 1865. Instead, I will make connections between the end of slavery and the expansion of the prison system as they are relevant to the discussion of gendered and racial ideologies within both the prison system post-1865 and the Women’s Prison Reform Movement.

Christopher Adamson makes the argument that the social and economic history of black people is tied directly to the formation of the prison and convict labor system in the South.⁶² While prisons had existed throughout the United States before 1865, there was a distinct shift in the prison system after the abolition of slavery, especially in the racial makeup of the prison population as well as an increase in the number of prisoners, much more notably in the South than in the North.⁶³ One of the biggest factors in this increase was that the South created a convict lease system while the

⁵⁵ Ibid.

⁵⁶ Rafter, “Gender, Prisons, and Prison History”, 234.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Nicole Hahn Rafter, “Prisons for Women 1790-1980”, (Crime and Justice Vol.5, 183), 140.

⁶¹ Ibid.

⁶² Adamson, “Punishment After Slavery”, 555.

⁶³ Rafter, “Gender, Prisons, and Prison History”, 233.

North did not.⁶⁴ After the passage of the Thirteenth Amendment in 1865, white men in the South were looking for a way to maintain control over black bodies, a control that was once legally sanctioned by slavery.⁶⁵ As Douglas A. Blackmon explains in his book, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War To World War II*, the Thirteenth Amendment stated that although black men and women could no longer be subject to slavery, they could be forced to work if they were convicts, as part of “punishment for an ostensible crime” and that involuntary servitude was permitted for “duly convicted” criminals.⁶⁶ In an effort to maintain white supremacy by the “legal” means given to them in the Thirteenth Amendment, white men created laws specifically targeting behaviors that they thought newly freed slaves could use to become economically independent from white men.⁶⁷ In order to enact these laws, white men argued that black men, and occasionally black women, having been released from slavery without knowing how to “properly” act in “civilized”, or in other words white, society were prone to larceny and other criminal behaviors.⁶⁸ In addition to the “legal” means of controlling black men, white men often resorted to violence and illegal activity, such as lynching.⁶⁹ Blackmon explains that “according to many conventional histories, slaves were unable to handle the emotional complexities of freedom and had been conditioned by generations of bondage to become thieves” and that any “sympathy for the victims was tempered by the belief that they were criminals.”⁷⁰ Blackmon clarifies however, that

Instead of evidence showing black crime waves, the original records of county jails indicated thousands of arrests for inconsequential charges or for violations of laws specifically written

⁶⁴ Blackmon, *Slavery by Another Name*, 2.

⁶⁵ *Ibid.*, 53.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*, 27.

⁶⁸ *Ibid.*, 7.

⁶⁹ Lynching was not productive under slavery because slave masters would have been killing their own “property.” After slavery, however, it became a popular way to assault and intimidate black men. Curtin, *Black Prisoners*, 7.

⁷⁰ Blackmon, *Slavery by Another Name*, 5.

to intimidate blacks—changing employers without permission, vagrancy, riding in freight cars without a ticket, engaging in sexual activity—or loud talk—with white women.⁷¹

Blackmon explains that the cycle of arrests was more in tune with the need for “cheap labor” than any rise or dip in black crime.⁷² In other words, laws were created specifically to criminalize the behavior of black people that was threatening to whites’ economic superiority, not as a reaction to their already present criminality.⁷³ Many of these laws fell under the “Black Codes.”⁷⁴ It was understood that these new laws would rarely if ever be enforced on white people.⁷⁵ One of the most glaring racist examples of these new laws were “vagrancy” laws. “Vagrancy” was defined as the offense of not being able to prove employment at any given time.⁷⁶ Blackmon contends that this rule was “dredged up from legal obscurity” in order to penalize black men during a time of massive unemployment in the South.⁷⁷ In a more concrete example of these vagrancy laws, a Mississippi statute required that black workers enter into labor contracts with white farmers by January 1st of every year or they could be arrested.⁷⁸ Another law that was created was a law against “dead falling”, an offense that consisted of trading goods at roadside markets between the hours of sunrise and sunset, which many black people were taking part in so that they could trade goods with each other instead of relying on their white landlords for survival.⁷⁹ Blackmon explains that men arrested under this rule were essentially arrested for the offense of “blackness” as white men were not required to submit to these laws.⁸⁰ Often, men arrested under this sentence were sentenced to hard labor and fines, and when they could not pay the fines their hard labor sentence was increased.⁸¹ The fees were

⁷¹ Ibid., 7.

⁷² Ibid.

⁷³ Ibid., 53.

⁷⁴ Curtin, *Black Prisoners*, 6.

⁷⁵ Blackmon, *Slavery by Another Name*, 53.

⁷⁶ Ibid., 1.

⁷⁷ Ibid., 53.

⁷⁸ Ibid.

⁷⁹ Ibid., 69.

⁸⁰ Ibid., 1.

⁸¹ Ibid., 1.

usually large, some around 50 dollars, and the penalties severe, even when the offenses would normally be considered minor.⁸²

Blackmon argues that from 1865 to 1900 the South's judicial system had been reconfigured to make "one of its primary purposes the coercion of African Americans to comply with the social customs and labor demands of whites."⁸³ Other than the desire to maintain white supremacy, there were also economic reasons that white men were so interested in maintaining control over black men's labor, and these reasons played a part in the formation of the convict lease system.⁸⁴ These economic problems were centered largely on the negotiation of black labor after abolition.⁸⁵ White men knew that they could not successfully run their plantations without the help of black labor, and black laborers began to demand wages and other requirements of the white employers.⁸⁶ Blackmon describes that for white people, the experience of having black men ask for these things was "otherworldly."⁸⁷ Blackmon claims that the "recognition of freed slaves as full humans appeared to most white Southerners not as an extension of liberty but as a violation of it, and as a challenge to the legitimacy of their definition of what it was to be white."⁸⁸ The white South was "crippled" economically by the Civil War because it had been built on chattel slavery, but white men did not want to give into "this new manifestation of dark-skinned men [who] expected to choose when, where, and how long they would work."⁸⁹ White men were also very opposed to the black men who could not find work wandering the town asking for food or jobs.⁹⁰ This led to the establishment of the vagrancy laws discussed above, as well as other laws such as a ban on riding on freight trains without a ticket, because in order to get from town to town the black men would pile into empty

⁸² Curtin, *Black Prisoners*, 7.

⁸³ Blackmon, *Slavery by Another Name*, 27.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid., 41.

⁸⁹ Ibid., 39.

⁹⁰ Ibid.

freight cars.⁹¹ White men wanted to reject the new economic system in the South and therefore they needed to figure out how to get black men to work for free, especially in the “The Black Belt”, which comprised cotton farmland in South Carolina, Georgia, Alabama, Mississippi and Louisiana where white men could not successfully farm without the help of black labor.⁹² Blackmon argues that “the attitudes among Southern whites that a re-subjugation of African Americans was an acceptable, even essential, element of solving the “Negro question” could not have been more explicit.”⁹³ The Southern economy was in ruins, so the South began to establish the convict lease system, which depended on the forced labor of blacks in order to fund government services such as building prisons, bridges, and roads.⁹⁴ This new system would also function to return blacks to a subjugated position in society.⁹⁵ Blackmon explains that the “laws passed to intimidate black men away from political participation were often enforced by sending dissidents into slave mines or forced labor camps.”⁹⁶

Convict Lease was a system of prison labor that came into being after the abolition of slavery, only within the Southern states of the United States of America.⁹⁷ It lasted from 1865 until the last state, Alabama, officially abolished it in 1928.⁹⁸ Blackmon describes convict lease as

a form of bondage distinctly different from that of the antebellum South in that for most men, and the relatively few women drawn in, this slavery did not last a lifetime and did not automatically extend from one generation to the next. But it was nonetheless slavery – a system in which armies of free men, guilty of no crimes and entitled by law to freedom, were compelled to labor without compensation, were repeatedly bought and sold, and were forced to do the bidding of white masters through the regular application of extraordinary physical coercion.⁹⁹

⁹¹ Ibid.

⁹² Ibid., 41.

⁹³ Ibid., 53.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid., 6.

⁹⁷ Ibid., 1.

⁹⁸ Ibid., 2.

⁹⁹ Ibid., 4.

Under Convict Lease black men, and occasionally black women, who were convicted of crimes were labored out to large corporations.¹⁰⁰ In an example given by Blackmon, men were forced to work in the Pratt mines in Alabama, work that, according to him, exposed them to sexual exploitation at the hands of other prisoners and to diseases such as tuberculosis.¹⁰¹ The control of the county convicts was lucrative for both the sheriff that controlled them and the companies they were leased to.¹⁰² Sheriffs and other county officials started using black men's forced labor to settle debts, leasing them out to work on railroads, bridge repairs, and in mines.¹⁰³ Blackmon makes the argument that in some ways the control that the county had over these prisoners was worse than slavery, because the main difference between the sheriff and a slave master was that since these men were not the sheriff's or anyone else's permanent property, he had no reason for concern about how they were treated or whether they survived.¹⁰⁴ Lichtenstein argues that "only in the South did the state entirely give up its control to the contractor; and only in the South did the physical "penitentiary" become virtually synonymous with the various private enterprises in which convicts labored."¹⁰⁵ In other words, Northern states sometimes contracted prison labor, but they did not relinquish control of the prisoners to the company who contracted out the labor. Blackmon contends that "this quasi-slavery" was rooted in the industrial slavery that was present in the last years before the Civil War.¹⁰⁶ He argues that "the South's highly evolved system and customs of leasing slaves from one farm or factory to the next, bartering for the cost of slaves, and wholesaling and retailing of slaves regenerated itself around convict leasing in the 1870s and 1880s."¹⁰⁷ Blackmon explains that the

¹⁰⁰ Ibid., 2.

¹⁰¹ Blackmon explains that male prisoners were "vulnerable to the sexual predations of other miners—many of whom already had passed years or decades in their own chthonian confinement." Ibid.

¹⁰² Ibid., 65.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Lichtenstein, *Twice the Work*, 3.

¹⁰⁶ Blackmon, *Slavery by Another Name*, 8.

¹⁰⁷ Ibid.

“world in which the seizure and sale of a black man—even a black child—was viewed as neither criminal nor extraordinary had emerged.”¹⁰⁸

Racial and Gendered Ideologies Surrounding Women in Prisons and Convict Lease

At the same time as the emergence of the convict lease system in the South, women’s imprisonment rose dramatically throughout the United States and many women, both black and white, were being given stricter sentences than ever before.¹⁰⁹ Activists like Rebecca Felton witnessed this shift and were alarmed at the way women, especially white women, were being treated in prisons as a result. The crimes that women were being charged for were specific to their inability to “properly” perform their sex and gender roles. This rise in incarceration was also due to more women being held for having abortions, then known as “crimes against the person.”¹¹⁰ Women who were poor were beginning to turn to survival crimes, such as prostitution, to provide income and were committing other social crimes such as public drunkenness and fornication.¹¹¹ These behaviors, deemed unacceptable for women, excluded both the black and white women who committed them from “proper womanhood”, which masculinized them in the eyes of society.¹¹² These actions also racialized white women prisoners, by excluding them from so-called “proper whiteness” because they had transgressed the gender lines associated with white womanhood. White women who violated these codes of womanhood were now deemed criminals, or “fallen women.”¹¹³ Freedman asserts that “the penitentiary had not been designed with the fallen woman in mind, yet female inmates who carried this special stigma did enter state and local penal institutions in antebellum America.”¹¹⁴ In order to understand the realities for women in prison after 1865 but before the start of the reform movement, it is helpful to look at the experiences of black women in prison from

¹⁰⁸ Ibid., 9.

¹⁰⁹ Freedman, *Their Sister’s Keepers*, 13.

¹¹⁰ Ibid., 13.

¹¹¹ Ibid., 14.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Ibid., 15.

1865 to 1870, since they experienced discrimination and mistreatment on the basis of race, sex, and gender.

The differential treatment of black women in prisons from 1865 to 1870, in comparison with both white women and black male prisoners, is the key to understanding the racial and gendered ideologies that informed both the prison system itself as well as the budding Women's Prison Reform Movement that would emerge in 1870. Black people of both sexes, post-slavery, were disproportionately targeted by the prison system, the convict labor system, and other systems of punishment as a way to maintain control of black bodies.¹¹⁵ However, the prison system affected black men and women differently on the basis of their sex and gender. Scholars such as Adamson lack this analysis of gender, arguing that black men as a group were more affected by the prison system because more of them were targeted proportionally without considering the ways in which black men and women might experience prison differently based on their sex.¹¹⁶ Curtin, on the other hand, argues that "divorcing [specific] prisoners from the history and administration of the convict lease system... has distorted Southern prison history."¹¹⁷ She maintains that it has led to the near erasure of female prisoners, both black and white, explaining that until 1888 female prisoners in the South cooked, cleaned, and worked as servants for prison contractors while male prisoners worked in the mines.¹¹⁸ Women, too, were exploited by the convict lease system, and they too developed strategies for survival," some unique to their gender."¹¹⁹ None of the published work on convict leasing in Alabama, the state on which Curtin focuses her scholarship, mentions the existence of

¹¹⁵ Adamson, "Punishment After Slavery", 555.

¹¹⁶ Ibid.

¹¹⁷ Curtin, *Black Prisoners*, 4.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

women prisoners.¹²⁰ She suggests that this is because of their sex and their fewer numbers.¹²¹ When ignoring the presence of these women, current scholarship also ignores the mistreatment they faced.

Before exploring the specific ways in which black women prisoners faced increased mistreatment, in comparison with white women and black men who were imprisoned, both within the prison system and within the reform movement, it is important to understand that this disparate treatment was rooted in sexed, gendered and racial ideologies, carried over from slavery.¹²² Priscilla Ocen outlines these ideologies in her article “Punishing Pregnancy: Race, Incarceration, And The Shackling of Pregnant Prisoners.” Ocen explains how “slavery created racial and gendered subjects through the exploitation of Black women’s physical labor and reproductive capacities.”¹²³ She also argues that slavery, convict leasing, and chain gangs could not be reconciled within the American ideologies of freedom and liberty for all; therefore, black identity was constructed separately from white identity as either sub- or non-human.¹²⁴ As a result of this construction, black women were dehumanized and separated from the values of white womanhood by specific racial ideologies.¹²⁵ Ocen names four of these ideologies as the most salient: “the masculinization of Black women, the devaluation of Black women as mothers, the casting of Black women as dangerous, and the construction of Black women as sexually deviant.”¹²⁶

Under slavery, black women, if they were entitled to the designation of “women” at all, were perceived to lack essential feminine qualities and were therefore viewed as masculine.¹²⁷ Such perceptions were used to remove black women from womanhood itself and in turn justify the sexual

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Priscilla A. Ocen, “Punishing Pregnancy: Race, Incarceration, And The Shackling Of Pregnant Prisoners”, (*California Law Review*, 2012), 1259.

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Ibid., 1260.

abuse they faced at the hands of white men.¹²⁸ Blackmon explains that all slaves, including female slaves, were viewed as property rather than human and that “the moral rationalization of slavery, and the view of slaves as the essential proffer of white men’s royal status became as fundamental to whites’ perception of America as the concept of liberty itself.”¹²⁹ Religious groups such as white Protestants, supported by political doctrine, defined slaves as non-human in an attempt to excuse slave masters of any guilt regarding the treatment of slaves.¹³⁰ This also served, one could argue, to erase the distinction of “womanhood” from black women. The view of black women as property rather than human often led to their masculinization.¹³¹ This masculinization of black women tied into beliefs about the inferiority of the black race.¹³² Ocen explains that “this exploitation of black women created a perverse equality of subordination with black men.”¹³³ However, the masculinization of black women during slavery existed as a contradiction because although black women were supposedly separated from womanhood, it was their feminine reproductive capacities that were exploited in order to expand slavery.¹³⁴ Ocen argues that under slavery white slaveholders attempted to gain control over black women’s reproductive capacities through violence and sexual assault in order to insure the creation of the next generation of slaves.¹³⁵ These women were then held responsible for the existence of these children, and viewed as promiscuous and deviant. Post-

¹²⁸ Ibid.

¹²⁹ Blackmon, *Slavery by Another Name*, 41.

¹³⁰ Ibid.

¹³¹ Ocen, “Punishing Pregnancy”, 1260.

¹³² Sally Markowitz explains that “in dominant Western ideology a strong sex/gender dimorphism often serves as a human ideal against which different races may be measured [and that] this ideal then functions as a measure of a racial advancement that admits of degrees determined by the (alleged) character of the relationship between men and women within a particular race.” Therefore, she argues that the “inextricability of the racial and sex/gender oppression in some women’s lives turn out to be elements of a larger ideological structure in which sex/gender difference is imagined to increase as various races “advance.” She argues that the “ideology of sex/gender difference itself turns out to rest not on a simple binary opposition between male and female but rather on a scale of racially coded degrees of sex/gender difference culminating in the manly European man and the feminine European woman.” After 1865, many whites argued that both black men and black women were too masculine, therefore they were inferior because they did not have binary sex/gender roles. Viewing black men as hyper masculine did not occur until after slavery because during slavery they were often seen as emasculated. Sally Markowitz, “Pelvic Politics: Sexual Dimorphism and Racial Difference”, (*Signs* Vol.26, 2001), 390.

¹³³ Ocen, “Punishing Pregnancy”, 1261.

¹³⁴ Ibid.

¹³⁵ Ibid.

slavery, the same pattern was repeated in convict leasing and prison, in order to create the next work force.¹³⁶ It is clear that black women faced violence and mistreatment in both contexts, slavery and the prison system, due to their sex in addition to their race.

White male slaveholders sexually abused black women in order to expand the slave population and to exhibit their control over black women's bodies.¹³⁷ They attempted to justify this degradation of black women's reproductive capacities by arguing that black women were sexually aggressive, promiscuous, and deviant "Jezebels."¹³⁸ If white men could cast black women in this light, it would appear that their control over black women's bodies and reproductive capacities was necessary.¹³⁹ After the Civil War, white men did everything that they could to maintain this control, even insuring that the laws protecting white women from sexual assault did not apply to black women.¹⁴⁰ Ocen contends that "after the formal abolition of slavery, the criminalization of black women reinforced stereotypes of black women's sexual deviance and moral depravity."¹⁴¹ In the post-Civil War era, Southern states arrested a disproportionate number of black women for prostitution or illegal solicitation offenses in comparison to white women.¹⁴² Ocen argues that "notions of white femininity and sexual chastity" played an important role in this disparity as black women's so-called promiscuous sexuality was set in contrast to white women's so-called purity.¹⁴³

Two additional ideologies surrounding the so-called 'nature' of black women are the devaluation of black motherhood and the view of black women as dangerous criminals.¹⁴⁴ Often

¹³⁶ Ibid.

¹³⁷ Ibid., 1264.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ In addition to laws that excluded black women from protection against sexual assault there were also laws passed which guaranteed that their children were unprotected from slavery regardless of their father's race. A 1662 law insured that any children produced by black women would inherit the mother's status, rather than the father's, making the children slaves as well. Ibid.

¹⁴¹ Ibid., 1265.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

these two ideologies were linked together, as white men frequently argued that black women were bad mothers and dangerous women who abandoned their children or committed infanticide.¹⁴⁵ This argument was often made when black women who were raped by white men opted to have abortions.¹⁴⁶ These abortions, viewed as “acts of violence” against children further separated these women from the social constructions of womanhood. Ocen argues that

As a consequence of Black women’s perceived failure to conform to dominant constructs of femininity, sexual chastity, and motherhood, they were often cast as dangerous to the prevailing racialized and patriarchal social norms. They were described in popular discourse as hyper aggressive, embodying characteristics of “dishonesty, tardiness, drunkenness, immorality, and irresponsibility.”¹⁴⁷

As black women began to be incarcerated in higher numbers under the Black Codes, the treatment they received further reinforced these dominant ideologies that were created under slavery.¹⁴⁸ This is illustrated in the offenses for which black women were typically arrested. Many of the black female prisoners had been working women, many of them in the “deadfalls” or independent markets.¹⁴⁹ According to Curtin, on initial glance black women’s crimes do not appear to be about gender or sex; in fact they mirror those of black men such as larceny, assault, and murder.¹⁵⁰ However the “assaults and murders” that many black women were convicted of were often infanticide or abortion.¹⁵¹ Curtin explains that fears “fertilized in slavery” led black women to be charged with infanticide.¹⁵² Black women were given as lengthy sentences as murderers if found guilty of this charge.¹⁵³ During slavery, black women often made the decision to have an abortion in order to save their child from enslavement.¹⁵⁴ Although this choice wasn’t celebrated, it was often

¹⁴⁵ Ibid., 1267.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid., 1269.

¹⁴⁸ Ibid.

¹⁴⁹ Curtin, *Black Prisoners*, 114.

¹⁵⁰ Ibid., 115.

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

understood. After slavery, a shift in the way abortion and infanticide were viewed within the black community occurred and there was little understanding or support if a woman chose to have an abortion.¹⁵⁵ Curtin explains that many black people would even expose the black women in their communities who were suspected of having abortions to law enforcement.¹⁵⁶ In *All Bound Up: The Woman Question in African American Public Culture 1830-1900*, Martha S. Jones discusses how an emerging “politics of respectability” influenced these types of shifts in thinking within black communities.¹⁵⁷ Chapter one of *All Bound Up* centers on how Maria Stewart, who was a prominent figure in the black community, argued that black women needed to celebrate female domesticity, “piety”, delicacy of manners, and gentleness as a part of a “politics of respectability.”¹⁵⁸ She advised women to aspire to these values, which mirrored many of the values of the white women centered “Cult of Womanhood.”¹⁵⁹ However, as Jones explains, this desire for “respectability” had distinct meaning in African American culture and was not simply an attempt to mirror white cultural values.¹⁶⁰ She says that for black women “respectability marked the difference between slavery and freedom far more than it did that between private and public” and that “not only would piety, manners, dignity, and the roles of mother and wife help protect African American women as they traversed crowded streets and entered place of work; they were ideals intended to distance them from the degradations that enslavement had imposed upon their lives.”¹⁶¹ The “politics of respectability” was also linked to the growing desire to protect black women’s reputations “because whites assumed black girls, no matter how young, were sexually depraved,” and that they would

¹⁵⁵ Ibid., 116.

¹⁵⁶ Ibid., 116.

¹⁵⁷ Martha S. Jones, *All Bound Up: The Woman Question in African American Public Culture 1830-1900*, (University of North Carolina Press, 2007), 24.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

commit infanticide to cover up the product of their sexual impurity.¹⁶² Black communities, and specifically middle class black women, wanted black women to be seen as mothers and wives instead of “jezebels” who had abortions in order to protect themselves and distance themselves from the racial ideologies that were assigned to black women during slavery.¹⁶³ Unfortunately, subscribing to the “politics of respectability” also led black communities to expose and shun black women who did have abortions and to reject associations with black women prisoners. Nicole Rafter fails to accurately analyze the racial ideologies that were at play in the sentencing of black women to prison or convict lease. In fact, at times her analysis plays into them. A quote from her article reads:

How did this bifurcation by type of institution and race come about? In part, it was a product of the apparently higher rates of serious crime among black than white women: so far as I have been able to determine, from the earliest days of this country into the present, black women have in fact been more prone than white women to commit felonies.¹⁶⁴

Rafter adds that it would be surprising to find anything else, given the economic circumstances of black women post slavery and their “lesser chance for a stable marriage,” an argument which seems to play into racist ideologies regarding black women’s so-called “immoral” relationships and sexualities.¹⁶⁵ In response to Rafter’s claims, Curtin argues that although newspapers and other sources seem to confirm these charges “criminal charges of theft also concealed deep conflicts between the freed people and their political opponents and employers, conflicts that cannot always be seen in the public record.”¹⁶⁶ I would have to have to agree with Curtin that Rafter’s analysis is limited given that Rafter does not take into consideration the fact that

¹⁶² Curtin argues that “the African American community from which black prisoners came was often in conflict. She explains that “many divisions existed within it: class, color, gender, and even political persuasion. . .men and women clashed over political issues and, later, over the proper behavior of women.” Because of these clashes, black communities often practiced community regulation. Black women wanted to rise above the Jezebel stereotype and “reconstruct the sexual ideologies of the nineteenth century to produce an alternative discourse on black womanhood.” They emphasized racial uplift, sexual propriety, marriage, education, and suffrage. As racism increased surrounding the sexual reputations of black women, middle class black men and women became more interested in preserving stable, male-headed households. In this way, the reputations of black women took on new meaning in the 1880s. Curtin, *Black Prisoners*, 187.

¹⁶³ Jones, *All Bound Up*, 24.

¹⁶⁴ Rafter, “Gender, Prisons, and Prison History”, 241.

¹⁶⁵ *Ibid.*, 242.

¹⁶⁶ Curtin, *Black Prisoners*, 41.

many black men and women were arrested under trumped up charges in order to intimidate or incarcerate them and not because they were actually guilty of felonies.

Mistreatment of Black Women Prisoners

In order to explore how the racial and gendered ideologies surrounding black women affected their treatment in prisons, I will look to concrete examples of this mistreatment. Overcrowding in prisons, caused by an increase in convictions for both black and white women, as well as black men, lead to worsening conditions for everyone, but especially for the women.¹⁶⁷ In a majority of cases, the treatment of black women was worse than the treatment of white women, although it cannot be said that any of the imprisoned women were being treated kindly.¹⁶⁸ There was differential treatment of black and white women even when they were held in the same unit.¹⁶⁹ The relationship between black and white women prisoners was complicated. Many times there was some nascent interracial cooperation, but the prison staff frowned upon it.¹⁷⁰ Most prison camps were segregated, with black prisoners being subjected to more crowded conditions where they were worked heavily and treated badly.¹⁷¹ Curtin argues that contractors and prison officials often treated women in prison as brutally as they did men.¹⁷² She explains that prisons were designed for men and that female prisoners were treated as an anomaly within the prison walls.¹⁷³ Women prisoners had transgressed the definitions of “proper” womanhood and were often defined as beyond hope of reform, especially black women.¹⁷⁴ Many of these women lost what privileges that they had as women in the outside world, but more so the white women.¹⁷⁵ Curtin contends that prison increased

¹⁶⁷ Rafter, “Gender, Prisons, and Prison History”, 235.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Curtin, *Black Prisoners*, 74.

¹⁷¹ Ibid.

¹⁷² Ibid., 113.

¹⁷³ Ibid.

¹⁷⁴ Ibid., 119.

¹⁷⁵ Ibid., 120.

black women's systemic subordination to both white women and black men.¹⁷⁶ Black women sewed, cooked, and generally worked for the other prisoners, which Curtin describes as “nightmare of hard work, bad treatment and isolation from other women.”¹⁷⁷ No sex specific rules protected women from punishment when the work was not done correctly, and they were punished with violence, as the men would have been.¹⁷⁸ However, black women developed many resistance strategies to their mistreatment. Black women prisoners were often seen as even more challenging than their male counterparts.¹⁷⁹ They resented official's attempts to make them wear prison clothing, limit their freedom of movement, and control their consensual sexual activity.¹⁸⁰ Curtin claims that “such behavior was not peculiar to women in prison; it was typical of the patterns of resistance exhibited in slave women, and even more typical of newly emancipated black women who wished to reject old patterns of slave deference.”¹⁸¹ Family groups and children within the prison walls were integral to black women's survival.¹⁸² The women were often incarcerated with their young children.¹⁸³ Some of the women prisoners even had relationships with male prisoners within the walls of the prison and these relationships helped them to survive.¹⁸⁴ However, administrators often tried to stop consensual sex or relationships between black prisoners because they believed it would undermine discipline.¹⁸⁵ Curtin argues that “to white men who demanded sexual subservience and personal deference, the challenges that black women posed in both personal and political realms were bound to upset the legal authorities.”¹⁸⁶ Curtin says of black women prisoners that “their assertive acts-such as fighting off rape, wearing their own clothing, and verbal scorn, invite a comparison with the behavior of

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid., 121.

¹⁷⁹ Ibid., 38.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² Ibid., 113.

¹⁸³ Ibid.

¹⁸⁴ Ibid., 122.

¹⁸⁵ Ibid., 126.

¹⁸⁶ Ibid., 40.

female slaves and call attention to how black women learned, over time, to defend and assert themselves, even in prison.”¹⁸⁷

One of the prisons which Felton herself was most concerned about, the Georgia Penitentiary, was under investigation in 1870 for the mistreatment of prisoners, but more specifically black women prisoners. In a document detailing the proceedings, found in Felton’s personal correspondences, John Darnell, principle Keeper of the Georgia Penitentiary, was questioned about the treatment of several prisoners.¹⁸⁸ In this document the court questioned Darnell and others about the number of ‘colored’ prisoners that were being held, as well as if they were being treated differently than white prisoners.¹⁸⁹ The court also inquired about how many females were being housed in the penitentiary, and specifically how many black females. Almost all of the respondents had evasive answers to all of these questions. Darnell himself reported about 70 white prisoners out of a total of 496 prisoners, and said that he was “not prepared to answer about colored females” but that there were only 2 white females in the prison.¹⁹⁰ There were clear preferences for white women prisoners at the prison in general, and white women often received extra clothes and rations.¹⁹¹ This report also illuminates the many injustices committed on these prisoners, including the twelve-hour workdays and the intense violence they faced at the hands of the staff, including whipping.¹⁹² Although whipping as punishment had been ruled unconstitutional, the prisons still practiced it regularly.¹⁹³ Some of the staff questioned admitted that whipping was used as punishment for both males and females in the prison.¹⁹⁴ However, most of the women who would have experienced this punishment would have been black women, as staff admitted that there were an extremely low

¹⁸⁷ *Ibid.*, 4.

¹⁸⁸ Rebecca Latimer Felton Papers.

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.*

¹⁹¹ *Ibid.*

¹⁹² *Ibid.*

¹⁹³ I was unable to find the exact date of this ruling, so this information is based solely off the official court document found in Felton’s papers in which a prison official testified to this fact. *Ibid.*

¹⁹⁴ *Ibid.*

number of white females in the prison.¹⁹⁵ According to the testimony of one staff member, many of the white women prisoners had been “let go” by members of the staff who had decided that prison was no place for white women.¹⁹⁶ Another staff member, Mr. Alexander, reports a colleague had told him that “his wife was a white woman and he could not stand it to see a white woman worked in such places.”¹⁹⁷ There was never the same amount of sympathy for black women prisoners. Mr. Alexander also admitted when questioned that black prisoners were often double shackled and that mainly black men were the ones who had suffered death from shackling, whipping, and starvation.¹⁹⁸ Although Mr. Alexander admitted to all of these injustices he said that he “understands the duty of inspector, to see that they are humanely treated and that the contract is not violated.”¹⁹⁹ Alexander was not willing to admit to the shackling of black females, although as it was documented in Ocen’s article, the shackling of black female prisoners was extremely common during this time period.²⁰⁰ There were several suspicious deaths of black prisoners reported in the court case as well.²⁰¹ A former prisoner also reported the sexual abuse of black women prisoners that he saw while incarcerated, saying that he saw frequent whippings of women on their “bottoms” or while only wearing a thin under dress.²⁰² In general, black women were more vulnerable to sexual and economic exploitation as negative perceptions of black women made them vulnerable to sexual assaults.²⁰³ Sexual abuse also occurred against white women prisoners, but this treatment was much more prevalent in the case of black women prisoners because their race denied them any protections they might have had based on sex.²⁰⁴

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

²⁰⁰ Ocen, “Punishing Pregnancy”, 1261.

²⁰¹ Rebecca Latimer Felton Papers.

²⁰² Ibid.

²⁰³ Curtin, *Black Prisoners*, 127.

²⁰⁴ Ibid.

According to Curtin, Southern society prided itself on the protection it gave to women, “but female prisoners, both black and white, forfeited their right to any special treatment.”²⁰⁵ Because of the acts they committed, their lack of family ties, and the low value placed upon their work, all female prisoners invited mostly indifference or neglect from their communities.²⁰⁶ The white female prisoners, who were fewer in number than black women, were often charged with adultery, a crime which implied interracial sex.²⁰⁷ Before reforms, both black and white women lived together when convicted.²⁰⁸ Curtin argued that “the image of the fallen woman in the South had everything to do with race.”²⁰⁹ The difference was that black women were seen as inherently immoral, while white women prisoners convicted of sex crimes only lost their racial privilege because of their “improper” actions and could be reformed back into whiteness by being returned to “proper” womanhood.²¹⁰ Arrests for miscegenation were more common than arrests for prostitution and “white women who transgressed racial and sexual mores were indeed considered criminal, far more criminal than the functional behavior of a prostitute.”²¹¹ In the eyes of the courts, these women no longer deserved to be treated as white and could be placed with black women.²¹² Curtin says that “the state and communities turned on certain white women who crossed forbidden racial boundaries and thus flaunted definitions of race.”²¹³ John Bankhead, a prison warden, disagreed with the integration of black and white women prisoners and argued for their separation.²¹⁴ He implied that the state could reform “diseased” white women by separating them from black women.²¹⁵ The prison reform movements that were emerging at the time tended to agree with Bankhead. At the same time as the

²⁰⁵ Ibid., 113.

²⁰⁶ Ibid.

²⁰⁷ Ibid., 114.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ Ibid., 115.

²¹¹ Ibid.

²¹² Ibid.

²¹³ Ibid.

²¹⁴ Ibid., 114.

²¹⁵ Ibid.

number of black women who were being accused of felonies was rising, more white women reformers were becoming alarmed of the mistreatment of white women in prisons.²¹⁶ While there were movements concerned with prison reform for black prisoners, many of these movements linked blackness with maleness and sought to protect black men from prison abuse.²¹⁷ Reformers fighting for the rights of black men in prisons would often argue that black men had families to support and therefore should receive lighter sentences or fines.²¹⁸ Many of the black women in prisons were single and therefore could not make the same argument.²¹⁹ Curtin explains that Black women without their own resources could not get help to pay the fines required to get out of imprisonment while black men might have been able to turn to white employers for assistance.²²⁰ In contrast with black males, black women prisoners usually lacked family at the outset of their imprisonment or lost them due to their imprisonment.²²¹ In a similar way, the Women's Prison Reform Movement linked womanhood to whiteness. Black women were excluded from prison reform because they were marginalized on the basis of both their race and sex.

The Women's Prison Reform Movement Through the Lens of Rebecca Latimer Felton

White women prison reformers believed that they were responsible for the reform of "fallen" white women, as they believed that white men were not morally capable of such reforms.²²² One of the pioneers of this argument was Rebecca Latimer Felton.²²³ Felton's main argument for why white men could not be capable of such reforms was their failure to protect their white women from Northern men during the Civil War and especially from so-called "savage" black men after the

²¹⁶ Ibid.

²¹⁷ Curtin, *Black Prisoners*, 118.

²¹⁸ Ibid.

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ Ibid.

²²² Ibid.

²²³ Crystal Nicole Feimster, *Southern Horrors: Women and the Politics of Rape and Lynching*, (Harvard University Press, 2009), 5.

war.²²⁴ Rebecca Felton had a fear of black men, rooted in racist ideologies such as the myth of the black rapist.²²⁵ The portrayal of black men as beastly and unable to control their sexual desire served to justify the practice of lynching, segregation laws, and the call for the disenfranchisement of black men.²²⁶ According to Crystal Feimster, in *Southern Horrors: Women and the Politics of Rape and Lynching*, by the 1890's, "Southern white men had found in the image of the "black rapist" a powerful political tool for violently maintaining white male supremacy, while also denying African Americans their rights as citizens."²²⁷ This shaped Southern politics into a warning for white women not to "transgress the narrow boundaries of race and gender." It also served to draw attention away from white male violence against black women.²²⁸ These racial ideologies such as the myth of the "black rapist" began to be prevalent in white culture after 1865.²²⁹ Felton was famous for making the claim, in a 1897 speech at Tybee Island, entitled "Women on the Farm," that white men, religion, and law had all failed to protect women from the black rapist, and therefore it was now time for white men to step in and lynch black men "a thousand times a week if necessary."²³⁰ Felton received several letters thanking her for her speech at Tybee, especially from young white men who wanted to justify lynching.²³¹ One young man wrote "we will certainly hang not only a thousand a week, but ten thousand, if necessary, to protect the honor and virtue of our women."²³² This exemplifies just how influential Felton was, even among young white men. Felton's ability to influence white men was important because if Felton wanted to be at the forefront of political conversations, a space that was not often opened up for women, she needed white men who would support her. Felton made several public statements regarding how the law should treat black men. Felton argued that "it is an

²²⁴ Ibid.

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ Ibid.

²²⁹ Ibid.

²³⁰ Josephine B. Bone, "Rebecca Latimer Felton, Social Reformer and Feminist Leader", (1944), 90.

²³¹ Rebecca Latimer Felton Papers.

²³² Ibid.

unwritten law in Georgia that the black fiend who destroys a white woman in her home or on the highway, and is identified with positive proof must die without clearly judge or jury and that tens of thousands of honorable colored men and women will approve the verdict.”²³³ In her writings, it was clear that Felton wanted to invoke the “fury of the white man” against black men based on the supposed violence that black men perpetrated against white women.²³⁴ She explained in a justification for her speech at Tybee that this reaction [lynching] as if it is natural and now innate, saying that “wrath burns in a white man’s brain.”²³⁵ Although Felton believed that white men should “lynch a thousand a week if necessary” to protect white womanhood, she did not support the KKK’s mob violence, saying that “when Georgia [was] released from Klan domination it [would] be the official downfall of the KKK” and the devious methods they used. She accused the KKK of promoting themselves as God-fearing men when in fact they were not.²³⁶ It seems that, for Felton, mob violence must have been justified by proving the black men who were to be lynched were definitely guilty, although her methods of “proving” this were quite problematic; they did not seem to involve any sort of trial, let alone a fair one.

Felton’s essay, “The Inheritance of the Anglo Saxon”, contains overt racism and support for white supremacy. In this document, Felton asserted that the “white people of the South must stand together for pure democracy” in order to save the state from being “Africanized.”²³⁷ Unfortunately, this was a common sentiment in the South. Felton’s arguments can be further illuminated in the context of *The Making of a White Female Citizenry: Suffragism, Antisuffragism, and Race*, in which Louise Newman argues that white women were looking to define themselves as morally superior based on their “special racial qualities” as well as “feminine virtues” that they argued were

²³³ Ibid.

²³⁴ Ibid.

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Rebecca Latimer Felton Papers, “The Inheritance of The Anglo-Saxon”.

needed to counteract the influence of the immigrant and African American men who had just been enfranchised.²³⁸ Felton saw the fact that black men were entitled to the vote as a disgrace to white women.²³⁹ She wrote a good deal about how white men disgraced the South by giving the “negro race” the right to vote under the Fifteenth Amendment.²⁴⁰ One of her biggest arguments was that black men did not deserve the vote because they would sell them for clothes, shoes, and drinks.²⁴¹ She suggested that black men were given a chance to improve their moral and material conditions when they got the vote and did not take this chance because they were not in their nature designed for politics.²⁴² Felton stated that she did not want to “begrudge [negro men] a friend but they cannot become white men and we cannot let them think they can.”²⁴³ She saw black men taking the vote but not using it “properly” as them being “headstrong and obstinate in defying the inbred-inborn-inherited principle of white supremacy.”²⁴⁴ If white men could not understand the importance of the ballot and were willing to extend it to black men, Felton asked, then why were they so hesitant to extend it to women?²⁴⁵ She believed that freedom belonged to the white woman as her inherent right, and she argued that “her Anglo-Saxon forefathers, fleeing from English tyranny won this country from savage tribes and again from English bayonets by the expenditure of blood and treasure.”²⁴⁶ In her essay on “Race Antagonism” Felton maintained that “white man has always ruled by reason of color” and stated that she supported this claim.²⁴⁷ Felton wrote angrily about the failure

²³⁸ Louise Michele Newman, *The Making of a White Female Citizenry: Suffragism, Antisuffragism, and Race*, (New York: Oxford UP, 1999), 56.

²³⁹ Felton, *Country Life in Georgia*, 248.

²⁴⁰ Felton wrote about this topic in several essays, such as “The Inheritance of the Anglo Saxon” and “Race Antagonism,” which can be found in the Rebecca Latimer Felton Papers, but wrote about it at the most length in her autobiography. Ibid.

²⁴¹ Ibid.

²⁴² Ibid.

²⁴³ This comment links voting directly to whiteness and the idea that white people could not let black men think they were “becoming white” just because they had the vote. Ibid.

²⁴⁴ Ibid.

²⁴⁵ This comment erases the amount of black men who were attempting to vote but were stopped by racist measures put in place by white men who did not want them to vote. Ibid.

²⁴⁶ Rebecca Latimer Felton Papers, “Race Antagonism”.

²⁴⁷ Ibid.

of white men to protect themselves from black men whom she accused of wanting to overthrow them using the vote.²⁴⁸ She accusatorily said that white men “weakly yielded and gave the ballot to slaves” and then discussed how they wrongly believed that the white Georgia women were too ignorant to vote.²⁴⁹ She appealed directly to an audience of white men and asked them to allow the “virtue and intelligence” of the white woman to help them.²⁵⁰ By using this argument, Felton used the enfranchisement of black males to justify seeking women’s rights. She claimed that giving black men the right to vote was “injurious to both races” because the government should be in the hands of the white man.²⁵¹ She openly stated that white men use white supremacy to control the government and that she did not think that this should change.²⁵² Felton also made an interesting claim that the enfranchisement of the black man led to the disenfranchisement of the white man.²⁵³ One can assume that she was suggesting here that the white men could no longer openly vote without being challenged by the black man’s vote and therefore allowed themselves to be disenfranchised. Felton urged that “the South will forever stand for negro supremacy” if white men did not let white women have the vote.²⁵⁴ She said “women in Georgia, who claim the ballot, are not only white, as to complexion..., but as loyal to Anglo Saxon supremacy as... can ever be.”²⁵⁵ In addition to challenging the enfranchisement of black men, white women also began to assert themselves as the natural protectors of uncivilized races.²⁵⁶ By arguing that they were the natural protectors of these races, white women weren’t arguing that they would actually protect and care for them, but that these races could not survive on their own without white ownership, leadership, and/or guidance.

²⁴⁸ Ibid.

²⁴⁹ Ibid.

²⁵⁰ Ibid.

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ Ibid.

²⁵⁴ Ibid.

²⁵⁵ Ibid.

²⁵⁶ Newman, *The Making of a White Female Citizenry*, 53.

Although some scholars argue that Felton's open support for white supremacy and "pro Anglo-Saxon" politics was simply a political strategy, I believe that this platform informed everything that Felton did, both personally and politically.²⁵⁷ Felton's racism was extremely directed toward races that she saw as "savage", represented by her as the Negro, the red man, and the yellow man, and especially the males of these races.²⁵⁸ As a child, she had heard many tales of so-called savage Indians, notably those who had apparently forcibly kidnapped her mother's cousin.²⁵⁹ By her own description "[her] early life was much concerned about Indians."²⁶⁰ Felton was especially interested in the way that the Cherokee tribe had been removed from Georgia in 1838 by force, and the ways in which the tribes fought back.²⁶¹ In both her private and public writings, Felton showed deep respect for "the Anglo-Saxon race," as she described the United States Government, for their conquering of Indians, but also showed a respect for the "red man" for fighting back.²⁶² In this way, through many of her writings, Felton ranked the Indians higher than the so-called "yellow and black tribes."²⁶³ She wrote that "the African in the slave-holding states did not rise up in defense...and whoever writes the true story of the red man must give him credit for high ideals and loftier patriotism than the Mongolians or any of the yellow or black tribes can furnish."²⁶⁴ Although Felton applauded Native Americans for "fighting back" she claimed that she was terrified of the way that "savage tribes used physical force to manage their women."²⁶⁵ She used the term "savage tribes" broadly and also included in her description "Moslem fanatics," whom she claimed believe that

²⁵⁷ Both Brearley and White attempt to argue that white supremacy was simply a political tool for Felton in order to gain women's rights from white men. Brearley, "The Politics of Persuasion", Whites, "Gender Matters".

²⁵⁸ Felton, *Country Life in Georgia*, 9.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ Ibid.

²⁶² Ibid.

²⁶³ Ibid., 12.

²⁶⁴ Ibid.

²⁶⁵ Ibid.

women have no souls.²⁶⁶ She criticized these groups for their physical and emotional violence against women and spoke freely about her belief that men under no circumstances should use physical force against their wives.²⁶⁷ For all the ways that she supported the “red man” for fighting back, she criticized the black man for what she saw as not fighting back.²⁶⁸ She used this argument to describe the black man as lazy, unintelligent, as a slave by nature, and as a savage being.²⁶⁹ She painted the picture that in Africa the black man had nothing and that he wanted to come to America to be enslaved.²⁷⁰ She believed that in Africa black men were “naked, tattooed, and degraded” and that “[black men were] dark skinned, lived on a dark continent, and were “dark in the ways of the world.”²⁷¹ According to Felton, black men were “forced out of Africa, the jungle, without love of country and accepted slavery, because [their] dense nature craved nothing better.”²⁷² At the same time, after slavery was disbanded across the South, Felton saw these same so-called “lazy” men as a dangerous threat to white womanhood.²⁷³ Felton was clear in her belief that although the Native Americans are an “inferior” race, at least they stood up and “refused to accept the position of slave to the white man.”²⁷⁴ The African race, Felton believed, had it in their nature to be slaves and did not have enough willpower or desire to fight back against their conquerors.²⁷⁵ She suggests that black men both deserved and desired to be slaves, therefore justifying their enslavement by the white man, who would lead and protect them, as she believed they could not do for themselves.

Louise Newman suggests that “white middle class women did not hesitate to use conceptions of their race, class, and gender-specific forms of moral superiority to buttress their

²⁶⁶ Ibid. Felton’s misspelling of Muslim is kept intact.

²⁶⁷ Ibid.

²⁶⁸ Ibid.

²⁶⁹ Ibid.

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Ibid.

²⁷³ Ibid.

²⁷⁴ Ibid.

²⁷⁵ Ibid.

claims to political power.”²⁷⁶ Because of the failure of white men, as white women saw it, to uphold white supremacy in government, white women began to believe that they could expand politics to include their aims, arguing that they were still fighting for the family and for the moral foundation of society.²⁷⁷ Barbara McGowan explains that white Southern women felt betrayed economically, politically, and physically by the loss of the Civil War and blamed white men for not protecting them or their interests.²⁷⁸ Newman explains that “tropes of sisterhood and uplift began to foster and reflect a new self understanding among white women that they, as white women, had a moral responsibility to reform an evil social and political system.”²⁷⁹ Therefore, these women decided to protect their political and moral interests themselves, including fighting for prison reform for women. Although women were not encouraged to participate in politics in her day, Rebecca Felton was not shy about voicing her strong opinions, and was ultimately regarded in high esteem in Georgia, aside from her husband’s political opponents and those who opposed women’s rights.²⁸⁰ As she described it:

I did not enter [politics]; I was shot into it, as by a catapult, and I learned politics in front of Gatling guns and Mauser rifles. The foe left nothing undone that human ingenuity could devise or tricky politicians could muster up. As soon as I could get an inkling of their respective political histories, I made it lively for the gentlemen, and it was an unequal but vivacious struggle, with one woman versus some dozens of north Georgia politicians. When convict lease politicians attacked Dr. Felton, I searched the records and made the lease and the lessees step around lively. When the state road lessees entered our politics, I posted myself and flung hand grenades until the whole thing got in a blaze.²⁸¹

One of Felton’s biggest political endeavors was for women’s prison reform, and more specifically, the push for women, both black and white initially, to be moved from prisons into the new system of reformatories.

²⁷⁶ Ibid.

²⁷⁷ Ibid.

²⁷⁸ Barbara McGowan, Review of “Southern Horrors: Women and the Politics of Rape And Lynching”, (*History Teacher*, 2010), 615.

²⁷⁹ Newman, *The Making of a White Female Citizenry*, 58.

²⁸⁰ Rebecca Latimer Felton Papers.

²⁸¹ Ibid.

Rebecca Felton's participation in prison reform is briefly examined in Feimster's *Southern Horrors*, which gives an excellent, however brief, introduction to Felton's political work in prison reform. Feimster explains that Felton decided to look into convict lease after hearing stories of black women and girls being mistreated and subjected to interracial rape.²⁸² As a result Felton asked her husband to help her in trying to pass a bill in support of ending convict lease for all black female convicts, but ultimately the bill failed and ended in scandal for him.²⁸³ As Feimster's text illustrates, although Felton clearly feared and disliked black men, her views on black women were far less clear and far more complex. I believe that there were two main reasons for this difference in Felton's activism, the first being a "love" for the mammy figure and the second being the desire to stop miscegenation. In order to examine the first reason, one can look at Felton's personal history with black women. In her autobiography *Country Life in Georgia in The Days of My Youth* Rebecca Felton describes the relationship she had with her caretaker, Agnes, a black woman who she terms her "mammy", as affectionate.²⁸⁴ She saw her relationship with this woman as one of mutual love.²⁸⁵ She discussed how when she could not afford to purchase Agnes and her family when she got married that both she and Agnes were saddened.²⁸⁶ Throughout her autobiography, Felton tells many stories in which her mammy protects her from getting scolded by her parents, or proves her love for her in some other way. In these stories it is clear that, in Felton's experiences with black women, they are often more mother-like "mammy" figures, rather than the Jezebel figure. Felton credited the "colored women, who were the cooks, the nurses and the main reliance of the white women in their arduous duties and unremitting struggle of the early 1860s, where numbers were to be fed and clothed, nursed and protected, both black and white" as an essential part of the Southern women's

²⁸² Feimster, *Southern Horrors*, 64.

²⁸³ William Felton attempted to pass a bill regulating convict lease and was attacked by many political opponents who had previously been allies, especially for letting his wife influence his political stance. *Ibid.*, 65.

²⁸⁴ Felton, *Country Life in Georgia*, 9.

²⁸⁵ *Ibid.*

²⁸⁶ *Ibid.*

lives during the war.²⁸⁷ She explained that thousands of these black women stuck with their mistresses when they could have “rise[d] in masse.”²⁸⁸ Since Felton had stated on many other occasions that slaves were too unintelligent to leave because this type of work, slave labor, is what their natures allowed, saying that she believed that they could have left whenever they wanted is contradictory.²⁸⁹ Felton’s recollections of the “mammy” in her home growing up were “idealistic”, to say the least. Felton’s description of her “mammy” is very telling of how many whites viewed the “mammy” figure. Felton said that

Mammy could teach her, to knit, to sew, to card cotton rolls, and trying to do what Mammy did. I never heard an ugly word from her lips. I never heard my parents utter a cross word to her...the happy child would fall asleep in Mammy's lap and take a nap on Mammy's clean bed when the house folks were gone to town or off on a visit, or at church. I have never eaten anything more appetizing than Mammy's cooking... She knew she would be cared for and was grateful for the affectionate kindness. Kindness begot kindness and I do not believe any living human could have persuaded Mammy to consent to an injury for those she had loved so well²⁹⁰

In Felton’s mind, the mammy functioned as a substitute mother figure.²⁹¹ The mammy figure was often childless, and rarely accused of miscegenation, unlike the Jezebel.²⁹² Although the Jezebel figure plays much more into the racial stereotypes that affected black women in prison, it is important to note the way that the mammy figure was in the center of the lives of many white women growing up in the South, including Rebecca Felton. Because Felton had an idealistic picture of her mammy, she knew that some black women could be good and loving, and therefore was more likely to believe that reformatories could help them. It seems that, for Felton, womanhood was tied up in reproduction, mothering, and the serving of loved ones, all of which she had seen black women do, although mostly in the case of black women taking care of white children. In truth, both

²⁸⁷ Ibid.

²⁸⁸ Ibid.

²⁸⁹ Ibid.

²⁹⁰ Ibid.

²⁹¹ Ibid.

²⁹² Ibid.

of the stereotypes, Jezebels and mammies, played into how black women were treated in prison reform, especially for the central figure of this thesis, Rebecca Felton.

A second reason that seems to justify why Felton originally defended the rights of black women in prison is that Felton truly believed that miscegenation was the cause of evil in the South, and incredibly, that white men were the ones to blame for it.²⁹³ Once many black men and women had been sentenced to convict labor and prison, many white women argued for separate facilities for black and white people, but especially for white women.²⁹⁴ The thought of white women being held in the same facilities as black men terrified white men and women alike because of the fear of the so-called “black rapist.”²⁹⁵ Felton, however, was aware of the sexual violence toward black women from white male prison guards and knew that sexual violence did not just exist between black men and white women, as other reformers would have argued.²⁹⁶ For this reason, Felton contended that black women prisoners should also be moved to reformatories alongside their white counterparts in order to protect them from sexual abuse.²⁹⁷ Other reformers saw black women as promiscuous and did not agree that they deserved to be moved.²⁹⁸ Freedman explains that if women, both black and white, were known as “sexually promiscuous” that they were viewed as pariahs who were not redeemable and often were not moved to these new reformatories or women’s prisons.²⁹⁹ However, the way that the prisoners behavior was labeled “promiscuous” varied based on race.³⁰⁰ As previously stated, black women were often viewed as naturally “promiscuous” regardless of their actions.³⁰¹ While state officials were focused on controlling and/or curing men’s criminal impulses, they held the opinion that the “loose” women were incapable of cure, and therefore officials did not

²⁹³ Ibid.

²⁹⁴ Ibid.

²⁹⁵ Ibid.

²⁹⁶ Rebecca Latimer Felton Papers.

²⁹⁷ Ibid.

²⁹⁸ Ibid.

²⁹⁹ Freedman, *Their Sister's Keepers*, 16.

³⁰⁰ Ibid.

³⁰¹ Ibid

pay much attention to women's care or their safety.³⁰² These women who were deemed "loose" were particularly susceptible to sexual abuse and assault in prisons, and when these assaults were reported they were blamed on the women themselves because they had "tempted man to sin."³⁰³

Felton initially held that no woman should be in the same prison as any man regardless of race, black women included.³⁰⁴ She got support for this argument in some cases because of the fact that elite white women were worried about maintaining their own perceived purity and therefore wanted to keep black women separate from white men to lower the risk of racial intermixing and to stop the growing numbers of the "mulatto," which was a commonly used and often degrading term for mixed-race children during this time.³⁰⁵ Unlike many other white prison reformers, who held black "Jezebels" responsible for "mulatto" children, Felton blamed white men for the presence of these children and argued for women to be placed in separate facilities for both their own protection and the protection of white women's purity, which would be protected through keeping their husbands away from black women prisoners.³⁰⁶ She was quick to blame white men for the failure to control themselves and for reproducing with what she saw as the "lesser race."³⁰⁷ Felton was unique in that much of her criticism of the miscegenation that occurs within the prison system is supported by her criticism of white Southern men, whom she blamed for the propagation of mixed race children and for either allowing or participating in the defilement of white womanhood.³⁰⁸ Felton acknowledged wholeheartedly whom she thought was responsible: white men who partook in liquor.³⁰⁹ It is possible that it was Felton's position on Temperance and Women's Suffrage that allowed her to more clearly see and articulate the failures and the sexual violence of white men then

³⁰² Ibid.

³⁰³ Ibid., 18.

³⁰⁴ Feimster, *Southern Horrors*, 75.

³⁰⁵ Ibid.

³⁰⁶ Ibid., 70.

³⁰⁷ Ibid.

³⁰⁸ Ibid.

³⁰⁹ Rebecca Latimer Felton Papers.

some of the other women's prison reformers. In general, Felton had a better grip on the gendered and racial realities of the assault of black women in this time. Felton demonstrated a high level of understanding of the demand for female slaves to reproduce that carried on into the prison system.³¹⁰ She admitted to an understanding of this industry, saying, "child bearing [of slaves] sometimes began at twelve years and frequent births made a heavy percent of "profit.""³¹¹ Felton definitely saw white women as moral citizens of the South, but she tended to see black women as victims of the depravity of both white and black men. This did not mean that she believed that black women were moral or that they should reproduce, but it does mean that she did not believe that they should be subjected to the mistreatment and sexual violence that was being forced upon them in prisons.

Felton argued that fighting for the rights of black women and girls to be moved to women's reformatories would not only help black women escape abuses they were facing, but would help keep white men away from black women and stop miscegenation, which to her was a huge problem in the South.³¹² In many ways, Felton was one of the most clever women politicians of her time. Instead of just dismissing black women outright, Felton learned how to use the politics she already had learned within the Women's Prison Reform Movement and extend it to cover black women, not necessarily for their benefit, but in order to stop miscegenation from occurring. Using this logic, Felton began to argue for the protection of black women and black children.³¹³ Felton was distraught when she found out that many black children, especially young girls under the age of 16, were put into hard labor camps and were subjected to interracial rape.³¹⁴ Felton even stated that the treatment of young black women

³¹⁰ Ibid.

³¹¹ Ibid.

³¹² Ibid.

³¹³ Ibid., 65.

³¹⁴ Ibid.

was to her the most horrible aspect of this system.³¹⁵ In her activism for both juvenile and women's prison reform, Felton worked to create change for all races of woman, and especially children. In the story below, which Felton used to appeal to a board that would decide the fate of a juvenile reformatory, she uses the plight of a black child named Adaline Maddox to make her argument:

Nearly twenty years ago I discovered there was in Fulton county records, the history of a little fifteen-year-old colored girl, who had been convicted in the superior court of theft and sentenced to five years in the state penitentiary chain gangs. A Negro woman prosecuted her, the only witness a nine-year-old colored girl. She was accused and convicted of snatching fifty cents from the younger girl, who carried home some washing and was paid a half dollar for her mother. That girl lay in jail months waiting trial. She was sent to the chain gang and fastened to the general chain every night along with hardened criminals - veterans in crime. My heart went pit-a-pat. There were said to be at this time 137 youths in the chain gangs less than sixteen years of age. There were nearly half a hundred Negro women and girls in the same place. These women were represented as crime centers, the vilest of the vile. I plead with all my strength for their removal.³¹⁶

In her story, Felton shares that an ex-justice of the Supreme Court told her of the reasons reformatories were needed after she found out about this poor young girl.³¹⁷ When she sought out a way to do activism around this subject, she found there was only one organization in all of Georgia concerned with juvenile reformatories.³¹⁸ She said "I went to Macon, joined the Woman's Christian Temperance union at its state convention and made my debut as a public speaker, in behalf of this reformatory idea or policy."³¹⁹ She explained that many insults were hurled against the movement and that the "memory of that poor forsaken colored girl" is the only thing that kept her going.³²⁰ Of this girl's plight she commented "she was in degradation so vile that a woman's soul was horrified to think of it. I thought the sentence, so

³¹⁵ Ibid.

³¹⁶ Felton, *Country Life in Georgia*, 156.

³¹⁷ Ibid.

³¹⁸ Ibid.

³¹⁹ Ibid.

³²⁰ Ibid.

disproportioned to the offense that I could not forget it.”³²¹ This story exposed the fact that Felton, unlike some other reformers, most likely saw black women as human rather than property, whether she did this consciously or not.

Felton’s concerns for the “poor forsaken colored girl[s]” were not entirely innocent however. Felton was a strong supporter of racial eugenics and believed that black women convicts should not be allowed to have children, not just through miscegenation, but at all.³²² In a speech written in 1897, Felton stated that she believed “we should shut the door on the reproduction of the species that continues to fill chain-gangs, and apply school money to reformatories where they do not marry and are not given in marriage until they can present a clean bill of moral health, at least.”³²³ Felton believed in severe punishment for those who had illegitimate children and those who seduce innocent girls, because two lives, she said, had been sacrificed to the “passions of the betrayer.”³²⁴ Felton was very concerned with motherhood and believed that the hope of the nation lie with women, specifically with mothers.³²⁵ She believed that proper mothering could save the nation from mob violence and other dangers.³²⁶ She even saw improper motherhood as the foundation of race troubles. Felton contended that colored homes must be reformed and clean living in these homes will help prevent “shameless reproduction.”³²⁷ In order to do this she recommended “shutting off opportunities for infanticide and indecent prostitution among mothers of the colored race.”³²⁸ This fear of infanticide and prostitution was a common racial ideology about black women at the time.³²⁹

³²¹ Ibid.

³²² It is important to note that these conversations about eugenics that Felton was having were ahead of their time and that these eugenic ideas would become more popular in the years after 1900. Felton, *County Life in Georgia*, 284.

³²³ Ibid. This speech was written in 1897 but given in 1902.

³²⁴ Ibid.

³²⁵ Ibid.

³²⁶ Ibid.

³²⁷ Ibid.

³²⁸ Ibid.

³²⁹ Ibid.

What was slightly different, although not redemptory, about Felton's take was the way that she argued that these sins can be made "in the palaces as well as the hovels" and that she believed that there must be a provision to reach crimes against motherhood in both black and white communities.³³⁰

Milledgeville Prison, the first prison in the South where men, women, and juveniles were separated, and where Felton did much of her prison activism, was created in 1900.³³¹ More Southern prisons eventually followed suit in creating separate spaces for women, first on the grounds of men's prisons, and later in the form of reformatories.³³² In her autobiography, Felton discussed how she introduced a resolution asking for the start of a reformatory for youthful criminals and a separate prison for women convicts in April 1886.³³³ She explained that she received much criticism in this work, as did her husband, who openly supported her in this endeavor. Felton described the experience by saying "I was sneered at as a reformer and vials of wrath were poured out on my spouse, who was helping me in my work as I had so long helped him in his political work."³³⁴ Felton talked fondly of the fight for juvenile reformatories saying, "the reformatory for juvenile convicts had a small beginning and only a woman to start it, but such as it was, I had the responsibility and the honor of agitating and launching the craft into sailing waters."³³⁵ Initially, Felton had included black women and children in her plans. Unfortunately, she soon stopped arguing for the movement of black women to reformatories.

As soon as fighting for black women's rights in prisons threatened to silence her career, Felton withdrew from prison reform for the women she had labeled "negro women convicts."³³⁶ This threat to Felton came in the form of prominent white men such as Representative E.G.

³³⁰ Ibid.

³³¹ Ibid.

³³² Ibid.

³³³ Ibid.

³³⁴ Ibid.

³³⁵ Ibid.

³³⁶ Feimster, *Southern Horrors*, 70.

Simmons, who mocked Felton's husband and accused Felton herself of "actively participating in politics which in some elite circles was tantamount to be labeled a "fallen woman."³³⁷ This critique came after Felton, assisted by her husband, advocated for the passage of a bill regulating convict labor to protect black women.³³⁸ White men such as E.G. Simmons were punishing Felton for being involved in the wrong kind of politics, or in other words, racial politics.³³⁹ This critique was not uncommon, as many politicians were being accused of specifically seeking out the vote of black males.³⁴⁰ In one of Felton's personal correspondences there was an accusation against a Governor Atkinson, which said that he was targeting colored voters.³⁴¹ He was known for pardoning a black male who was convicted of raping a white woman twice.³⁴² He is accused of "arous[ing] the beastliest passions of the vile, and expos[ing] the pure womanhood of his state to fearful damage by posing as the champion of beastly brutes."³⁴³ Felton herself agreed that appealing to "negro voters" was reprehensible and that he should be "receive the condemnation of every white man in Georgia."³⁴⁴ Felton did not want to be seen as doing the same thing because it could harm her husband's political career as well as her own. After the controversy with E.G. Simmons and other politicians who criticized her involvement in politics, Felton moved away from her association with prison and convict lease reform for black women and began to focus solely on white women, lessening the critique she received for "participating in politics" even though she was still participating in prison reform.³⁴⁵ This is a hypocritical shift, since many times over Felton said that she had confidence "that she [was] correct in [her] statements and had nothing to fear" even saying

³³⁷ In addition to E.G. Simmons, Felton received many letters of criticism from other members of the community and from other politicians. Many of these letters, as well as newspaper articles in which she responds directly to some of these critiques, can be found in the Rebecca Latimer Felton Papers. Ibid.

³³⁸ Ibid.

³³⁹ Ibid.

³⁴⁰ Rebecca Latimer Felton Papers.

³⁴¹ Ibid.

³⁴² Ibid.

³⁴³ Ibid.

³⁴⁴ Ibid.

³⁴⁵ Ibid.

of critics that “whenever they showed heads above the ramparts, this sharp shooter in woman’s form deliberately picked them off for public amusement and feminine revenge.”³⁴⁶ But, this analysis of the way Felton was silenced by white male politicians can help illuminate reasons why white women reformers treated black women as ‘collateral damage’ in the fight for women’s prison reform.

Racial and Gendered Ideologies in Reformatories

As prison reform began in the 1870s, more and more white women were being moved out of custodial prisons into what would become a new system: the reformatory. Felton discussed the urgent need for reformatories in the Southern United States in her essay “Reformatories.”³⁴⁷ She saw the New York Reformatory as “the leader in the reformatory prison system” and applauded Philadelphia, Pennsylvania for being the birthplace for the first [juvenile] prison reformatory system in the world in 1821.³⁴⁸ Felton claimed that there was “great importance in separating the sexes in public prisons,” as it could set the tone for how we practice separation of the sexes in other public institutions.³⁴⁹ She was also concerned with separation based on other categories, such as age and level of offense. She did not agree with “young and old, black and white, man and woman, boys and girls being congregated “indiscriminately” in custody for misconduct, misdemeanor, and crime either before trial, after conviction, or for want of bail.”³⁵⁰ She claimed that prisons radiated immorality, moral disease, and moral contagion.³⁵¹ Reformatories with indefinite sentences could be good, according to Felton, because then it is up to behavior to decide when offenders are paroled or moved to another reformatory.³⁵² Felton also argued that 81 percent of people who had been in reformatories had become law-abiding citizens after being paroled, especially if the offense they

³⁴⁶ Ibid.

³⁴⁷ Ibid., “Reformatories”.

³⁴⁸ Ibid.

³⁴⁹ Ibid.

³⁵⁰ Ibid.

³⁵¹ Ibid.

³⁵² Ibid.

were convicted of was their first offense.³⁵³ She supported the idea that reformatories should not extend to crimes against persons and property and only to minor offenses, such as vagrancy, drunkenness, and the “lighter crimes for which women and girls are usually committed.”³⁵⁴ She also endorsed an amendment, which would allow the mother of a child under the age of two years who is imprisoned in a reformatory, and who is capable and desirous of taking care of said child, to keep custody of the child, something that would never be allowed in a prison unit.³⁵⁵ She discussed the moral necessity of this provision, arguing that public institutions are representative of the state’s level of moral authority and that Georgia would look bad if they do not have reformatories for women and children, and further contending that the good name of Georgia was being “blackened” by the lack of reformatories.³⁵⁶ She lamented that outside of the Southern states that Georgia’s prison system was universally censored and condemned, arguing that “our treatment [prisoners] is regarded everywhere by the wise and good as offensive...barbarous...and devilish.”³⁵⁷ Ultimately Felton stated that “[she was] prepared as a Georgian seeking and desiring to assert that we need reform and that these are justified critiques. The prison system is salacious—from its inception to the present, [and it] furnished a chapter in Georgia history which for the honor and glory of Georgia I wish could be erased from our records.”³⁵⁸ She did not want the coming generation to witness “the evidence of the shame—humiliation—conjunction—and barbarism of their fathers” that she believed existed within the Southern prison system.³⁵⁹ Felton concluded that

No state, county or town can afford to do without a reformatory. Juvenile offenders should not be herded with veterans in crime. Women should not be confined with other convicts. In the very nature of things they will find lower deeps in vice, if lower deeps can be found. Heaven speed the day when justice can shake hands with humanity and point to reformatory influences along with punishment. No sovereign state can in justice delegate either the

³⁵³ Felton does not explain where she came across this figure. Ibid.

³⁵⁴ Ibid.

³⁵⁵ Ibid.

³⁵⁶ Ibid.

³⁵⁷ Ibid.

³⁵⁸ Ibid.

³⁵⁹ Ibid.

reforms or the punishment to other and private persons. The criminal laws should have due regard to moral laws³⁶⁰

Felton was arguably the most passionate woman prison reformer in the Southern United States. She set out to accomplish a great deal of the prison reform work in the South without the backing of a large movement, and often without much success. However, throughout other parts of the country, the movement for reformatories was largely successful.

Women prison reformers' demands were heard throughout the United States and many separate women's prisons and reformatories were established from 1870 to 1900. Many of these new "women's prisons" were in the Northern United States with the first few being located in Indiana, Massachusetts, and New York.³⁶¹ Later, with the help of Felton, there were a few women's prisons established in the South as well.³⁶² The goal of the women's prison differed based on race, and in the case of black women, the prison system was used to control rather than restore or reform.³⁶³ In this way, the system more closely resembled slavery than post-slavery.³⁶⁴ While most black women, particularly in the South, were not being admitted to reformatories and were instead being kept in prisons with men, some were placed in women's custodial prisons or reformatories.³⁶⁵ The black migration North led to a slight shift in the racial balance of the once all-white reformatories there, but the same thing did not occur in the South.³⁶⁶ However, even when black women were admitted to the reformatories, segregation required that black women were to live in separate cottages under the control of the white staff.³⁶⁷ Felton's campaign to establish reformatories throughout the South was largely unsuccessful, but she did manage to achieve separate custodial units for women in several

³⁶⁰ Ibid.

³⁶¹ Freedman *Their Sister's Keepers*, 46.

³⁶² Feimster, *Southern Horrors*, 68.

³⁶³ Rafter, "Gender, Prisons, and Prison History", 239.

³⁶⁴ Ibid.

³⁶⁵ Ibid., 148.

³⁶⁶ Ibid.

³⁶⁷ Ibid.

prisons. In the South prisons that never established reformatories generally included a separate women's unit attached to the men's prison.³⁶⁸ There they had a chief matron, but the institutions more closely resembled traditional prisons than the reformatories.³⁶⁹ These institutions were "dependent on the men's prisons, and replicated them in structure and methods of discipline."³⁷⁰ Rafter explains that "they held only felons, a type of women generally regarded as masculine."³⁷¹ Women's custodial prisons were different from traditional prisons in terms of the differences in work, but on target with traditional prisons in that they valued discipline and punishment as a way to control prisoners.³⁷²

In 1835, Mount Pleasant Female Prison became the first prison for women in New York.³⁷³ This was pre-reformatory and followed a custodial model.³⁷⁴ This prison was created because there was no more room at Bellevue and conditions there were horrible.³⁷⁵ This prison was built behind Sing Sing Prison and contained cells, a workshop, a chapel, and a nursery.³⁷⁶ According to reports, overcrowding made the women violent and hard to control.³⁷⁷ The administration tried many ways to discipline the women including strait jackets, solitary, bread and water diets, shower bath, and "the gag."³⁷⁸ After they realized that none of these things were working, they started to believe that conditions improved when women from outside involved themselves in inside affairs. Elizabeth Farnham was a matron at this institution who was famous for trying to bring in positive influences.³⁷⁹ She introduced education and gave the women books that they could take to their cells.

³⁶⁸ Ibid., 239.

³⁶⁹ Ibid.

³⁷⁰ Ibid.

³⁷¹ Ibid.

³⁷² Ibid.

³⁷³ Rafter, "Prisons for Women", 139.

³⁷⁴ Ibid.

³⁷⁵ Ibid.

³⁷⁶ Ibid.

³⁷⁷ Ibid.

³⁷⁸ Ibid.

³⁷⁹ Ibid., 141.

In addition she brought in visitors, music, and flowers.³⁸⁰ During the Farnham-Bruce administration the women generally had better conditions than those in the men's prison at Sing Sing.³⁸¹ However, Farnham was not well liked by the men's prison officials and in 1847 resigned.³⁸² The prison reverted largely back to the way in was and by 1865 the prison was nearly double its capacity due to the influx of black prisoners.³⁸³ It was closed and women were sent to local penitentiaries instead.³⁸⁴ This was an example of the first time a "reformatory" style model was tried and failed. It did however; end up setting the stage for custodial models of women's prisons on men's prison grounds.

The custodial model of a women's prison was crowded with little room for exercise or work. The women's units were located close to or within male prisons, although the women's prisons could exist as separate entities in some cases.³⁸⁵ In the beginning, inmates were all put together in one big room with no separations from the men's prison but over time women got cells of their own in their own wing of the prison.³⁸⁶ When women were forced to labor they did it within this small confinement, or in the case of South, many black women were leased out to do work.³⁸⁷ There was little space provided for the women because the prison officials often complained that women were costly and lazy.³⁸⁸ When women began to be locked in individual cells their treatment worsened and they began to be treated as men were "especially in physical aspects."³⁸⁹ The discipline in these

³⁸⁰ Ibid.

³⁸¹ Ibid.

³⁸² For more information on Elizabeth Farnham see Anne A. Clothier, *Prisons, Petticoats, and Phrenology: Eliza Farnham and Reform at Sing Sing Prison, 1844-1848*, (2007). Ibid.

³⁸³ Ibid.

³⁸⁴ Ibid.

³⁸⁵ Ibid., 132.

³⁸⁶ Ibid.

³⁸⁷ Ibid.

³⁸⁸ Ibid.

³⁸⁹ Ibid., 135.

prisons was similar to men's prisons.³⁹⁰ Some were more relaxed than men's prisons; others had even more strict discipline, including rules of absolute silence.³⁹¹ In many cases brutal punishments occurred.³⁹² They did not have many programs other than work.³⁹³ The women labored eight or more hours a day, and they finished off products made in the men's prisons.³⁹⁴ Eventually separate buildings that were rundown, full of neglect and isolated were set up in order to completely separate the women and men.³⁹⁵ The isolation of females was looked at as an administrative convenience to improve discipline and avoid scandal.³⁹⁶ However, male guards still had keys to women's cells and sexual violence still occurred.³⁹⁷ Therefore, matrons were introduced and took over most of the men's jobs.³⁹⁸ These matrons were older, widowed, poorly educated, and were often times forced to accept such positions because of economic or other hardships.³⁹⁹ The chaplains and doctors, still needed in the women's prisons, complained that having to go to a separate women's unit was bothersome.⁴⁰⁰ Custodial types of institutions both before and after 1865 held mainly felons.⁴⁰¹ This mostly included property offenses and violent crimes.⁴⁰² As an example, between 1840 and 1865, the Tennessee Penitentiary held eighteen women for property offenses, nine for violence, and the rest for offenses like bigamy or perjury.⁴⁰³ After 1865 the ratios stayed relatively stable, but the numbers increased, especially of black women in the South.⁴⁰⁴ In the North there had already been a steady

³⁹⁰ When punished by prison officials the women would be whipped, gagged, shackled, or subjected to other violence that was similar to the violent punishment that would occur in men's prisons. These types of punishments did not occur in reformatories. *Ibid.*, 144.

³⁹¹ *Ibid.*

³⁹² *Ibid.*

³⁹³ *Ibid.*, 145.

³⁹⁴ *Ibid.*

³⁹⁵ *Ibid.*, 136.

³⁹⁶ *Ibid.*, 137.

³⁹⁷ *Ibid.*

³⁹⁸ *Ibid.*

³⁹⁹ *Ibid.*, 147.

⁴⁰⁰ *Ibid.*

⁴⁰¹ *Ibid.*

⁴⁰² *Ibid.*, 139.

⁴⁰³ *Ibid.*, 143.

⁴⁰⁴ *Ibid.*

population of black female felons but the numbers in the South only increased after the abolition of slavery.⁴⁰⁵ Most of the women in these custodial prisons were between 20-30 years old, regardless of race.⁴⁰⁶ With the emergence of the reformatory model, the populations of these prisons became mostly black women as white women were moved out.⁴⁰⁷ By 1879 nearly every state had a female department, especially for those women who were determined unredeemable.⁴⁰⁸

The Women's Prison Reform Movement started the Reformatory model in 1870.⁴⁰⁹ However, as early as 1818, Elizabeth Fry had conceived the notion of a prison for women, run by women, which could provide moral and domestic training.⁴¹⁰ The idea was originally taken from a "House of Shelter" in Detroit that had many practices that became staples of the movement. The "families" at this institution were led by matrons who wanted to "reclaim fallen women...through their sisterly care, counsel, and sympathy of their own sex."⁴¹¹ Tales of forced prostitution in separate women's custodial prisons led Quakers to argue for reformatories entirely separate from men's prison grounds.⁴¹² The Indiana Reformatory was the first entirely separate reformatory, established in 1873.⁴¹³ Rafter suggests that all the right factors came together at once for the reformatory movement to be possible, those being "the desire of male wardens to rid themselves of female prisoners: the development of social feminism; the social purity movement; and the emergence of a new stereotype of the female criminal."⁴¹⁴ "Social feminists" or the middle and upper

⁴⁰⁵ Ibid.

⁴⁰⁶ Ibid.

⁴⁰⁷ Ibid.

⁴⁰⁸ Ibid., 146.

⁴⁰⁹ Ibid.

⁴¹⁰ Ibid.

⁴¹¹ Ibid., 150.

⁴¹² Ibid.

⁴¹³ Ibid.

⁴¹⁴ Ibid., 153.

class women who participated in The Women's Prison Reform Movement aimed at improving "the dependent and defective classes" were there to argue for reformatories.⁴¹⁵

The reformatories for women emphasized domesticity and training in femininity in order to restore those women who had "fallen." Women were seen as wayward delinquents rather than hardened criminals.⁴¹⁶ These "new" ways of thinking about punishment and reform affected all kinds of institutions but above all the creation of reformatories for women prisoners.⁴¹⁷ These reformatories were mostly designated for adult offenders under 25 or 30.⁴¹⁸ There were reformatories for men but they were closely modeled after prisons and they had programs of vigorous exercise, training for men's occupations, and "the inculcation of "manliness."⁴¹⁹ Women's reformatories operated on the theory that what was wrong with female criminals was a failure to be "true" women and emphasized femininity and domesticity because of this.⁴²⁰ Rafter argues that the middle class and elite women who led campaigns for separate, reformatory institutions for female criminals made much more radical changes than those made at any institution for men, because over time the female reformers completely dismantled traditional conceptions of the prison.⁴²¹ The populations of women's reformatories, as opposed to women's custodial units, tended to be white.⁴²² The three Southern reformatories, located in Arkansas, North Carolina, and Virginia, explicitly excluded black women, but many other reformatories were not as open with their policies of discrimination.⁴²³ Rafter argues that "the mission of the women's reformatories explains their reluctance to receive blacks: they were established to rescue and reform, to restore fallen women to

⁴¹⁵ Ibid.

⁴¹⁶ Ibid.

⁴¹⁷ Ibid.

⁴¹⁸ Ibid.

⁴¹⁹ Rafter, "Gender, Prisons, and Prison History", 236.

⁴²⁰ Ibid.

⁴²¹ Ibid.

⁴²² Ibid.

⁴²³ Ibid.

true womanhood.”⁴²⁴ In other words, those in charge did not see black women to be worthy of their efforts because of the racial and gendered ideologies that did not see black women as “true” women. She argues that these women wanted to transform fallen women into women who would resemble, “in manners though not in station,” themselves.⁴²⁵ Rafter explains that “this was a transformation of which many considered black women to be incapable.”⁴²⁶ She goes on to say “they were right, in a sense, for color and culture worked to exclude black women from the status of lady.”⁴²⁷

The crusaders for women’s reformatories had concluded that prisons were not suitable for treatment of white women prisoners. In their search for an alternative they looked to the model from the juvenile system.⁴²⁸ Felton was one of the biggest advocates of this plan, both for juveniles themselves and for women. Felton was also an avid supporter of homes for delinquent girls, and donated both money and property to make these homes possible. In the description of one such home it reads that “the girls will be obliged to devote their time to learning useful activities in the industrial departments and home comforts and training will be provided for them.”⁴²⁹ Felton pleaded with other white women in Georgia to support her cause, stating:

Oh, ladies, when you remember the thousands of juvenile convicts who have been for [such a] long time in Georgia, familiarized with punishment, and removed from the influences that go to improvement of mind and heart and conscience, can we wonder that the courts are always busy - the jails full, the asylum full, crowded, packed and yet the cry is abroad in the land, 'No money to build reformatories?'⁴³⁰

Felton was a strong supporter of reformatories for both white women and girls, and argued that prison was not a suitable place for either.⁴³¹ Eventually, following from the juvenile reformatory

⁴²⁴ Ibid.

⁴²⁵ Ibid.

⁴²⁶ Ibid.

⁴²⁷ Ibid.

⁴²⁸ Rebecca Latimer Felton Papers.

⁴²⁹ Ibid.

⁴³⁰ Ibid.

⁴³¹ Ibid.

model, the reformers adopted the “cottage plan” of placing small home residences in rural areas.⁴³² The first women’s reformatories were large buildings where everyone was housed together, in a similar fashion to male reformatories, but by 1890s the women’s reformatory movement abandoned this for the cottage plan, putting a “motherly matron in charge of each dwelling unit.”⁴³³ These were expensive cottages with kitchens and more comforts than custodial units.⁴³⁴ Rafter suggests that, “the cottage plan appealed to these reformers because it was congruent with what they conceived of as woman’s nature- too passive to attempt escapes, impressionable and therefore in need of gentle discipline.”⁴³⁵ The cottage plan was also excellent for domestic training which reformers thought was most important.⁴³⁶ In this way, as well as others, the reformatories began to differ from the custodial units, in which women were still being held as criminals, unable to be redeemed and therefore not in need of any domestic skills. The women typically spent a lot of the day in school, getting instruction in subjects such as sewing, cooking, and waiting on tables.⁴³⁷ When they received parole, many of the women were released to become live in servants where the families would police their behavior.⁴³⁸ The women were expected to come out of the reformatories looking for a good marriage or a job as a satisfactory servant.⁴³⁹ The fact that these women were expected to be servants seems to suggest that although reformed white women prisoners would be entered back into white womanhood, it was a degraded form of white womanhood that only allowed them access to the lower levels of white society.

There were also different modes of discipline for these women than those in custodial

⁴³² Rafter “Gender, Prisons, and Prison History”, 236.

⁴³³ Ibid.

⁴³⁴ Ibid.

⁴³⁵ Ibid.

⁴³⁶ Ibid.

⁴³⁷ Ibid.

⁴³⁸ Ibid.

⁴³⁹ Ibid.

units. The reformatories were targeted at women who led “immoral lives.”⁴⁴⁰ They encouraged indefinite sentencing of some immoral women and prostitutes “so that genetically inferior women could be removed from sexual circulation.”⁴⁴¹ They believed that to “remove fallen woman from sexual circulation was ... a eugenic measure.”⁴⁴² These “immoral women” would be allowed out of the reformatory if they could be reformed back to “womanhood.”⁴⁴³ If it was believed that they could not, it was recommended they be given to the custodial prisons for permanent care.⁴⁴⁴ This meant that black women were almost always remanded to custodial prisons, since there was the belief that they could not be “proper” women.⁴⁴⁵ Reformatories began to provide rehabilitation programs and shifted to a focus on education, religious instruction, and re-feminization programs.⁴⁴⁶ These “re-feminization programs” wanted to restore “fallen women” to their “proper” gender roles, in accordance with the Cult of Womanhood and the ideals of whiteness the Cult implied.⁴⁴⁷ These were more like reformatories than traditional prisons and they served to remove women from the prison culture of sexual exploitation, and to nurture their femininity and piety.⁴⁴⁸ Many of the classes that the white women received were around etiquette and domesticity. For example, the women learned to walk with poise instead of walking in lockstep.⁴⁴⁹ Instead of being whipped and/or paddled, they were punished by being sent to their rooms with no dinner, which was the same technique used in juvenile training schools.⁴⁵⁰ Rafter finds that “infantilization was

⁴⁴⁰ Ibid.

⁴⁴¹ Ibid.

⁴⁴² Rafter, “Prisons for Women”, 141.

⁴⁴³ Ibid.

⁴⁴⁴ Ibid.

⁴⁴⁵ Ibid.

⁴⁴⁶ Feimster, *Southern Horrors*, 48.

⁴⁴⁷ Ibid.

⁴⁴⁸ Ibid.

⁴⁴⁹ Rafter, “Gender, Prisons, and Prison History”, 237.

⁴⁵⁰ Ibid.

fundamental to the disciplinary methods developed by reformatories for adult women.”⁴⁵¹ There was also a major difference in the sentencing/commitment restrictions.⁴⁵² Men’s reformatories and prisons for men only received felons.⁴⁵³ Women’s reformatories received misdemeanors and lesser offenders, such as violators of city ordinances for intoxication, women convicted of vagrancy, fornication, and other offenses against public order and “proper” gender roles.⁴⁵⁴ Men could not be incarcerated for these behaviors. Rafter makes the argument that the “creation of separate prisons for women thus was accompanied by legislative and judicial legitimation of the double standard that required women to conform to a more difficult morality.”⁴⁵⁵ The state assumed responsible for fallen women and sentenced them to indeterminate sentences so that they could hold them for between 3-5 years.⁴⁵⁶ As a result, the sentences for women in reformatories were actually sometimes harsher than for those in custodial units.⁴⁵⁷ For example, men and women in prison could get one year in local jail for public intoxication.⁴⁵⁸ Women could get up to three years for the same offense in the reformatories.⁴⁵⁹ There was the belief that there needed to be more time spent on moral reform than punishment for white women.⁴⁶⁰

Often, women who had been released would keep in touch with the matrons or visit the reformatories, as if to prove themselves “cured.”⁴⁶¹ Even those who were not fully reformed would have been more cautious.⁴⁶² According to Rafter, at stake was the public understanding of what it

⁴⁵¹ Ibid.

⁴⁵² Ibid.

⁴⁵³ Ibid.

⁴⁵⁴ Ibid.

⁴⁵⁵ Ibid.

⁴⁵⁶ Ibid.

⁴⁵⁷ Ibid.

⁴⁵⁸ Ibid.

⁴⁵⁹ Ibid.

⁴⁶⁰ Ibid.

⁴⁶¹ Ibid.

⁴⁶² Ibid.

meant to be a woman.⁴⁶³ During the time of the movement, middle class and elite women had great stake in Victorian definitions of womanhood because it gave them status.⁴⁶⁴ Because of this some upper class women wanted to encourage working class “deviants” to conform to traditional definitions of gender even though they would never see them as equals.⁴⁶⁵ As Victorian morality faded, so did the rationale for reformatories.⁴⁶⁶ The women’s reformatory movement sustained itself for sixty years, and was active longer than most prison reform efforts, but collapsed around 1930 “partly because it was successful and partly because the depression produced a lack of funds for these institutions.”⁴⁶⁷ Rafter argues that “the progressive and social feminist impulses that had undergirded women’s prison reform themselves died of exhaustion in the late 1930s.”⁴⁶⁸ This resulted in the change of institutions back to a more custodial style prison but as Rafter contends, “the women’s reformatory movement left a tremendous legacy- a nationwide system of separate prisons for women.”⁴⁶⁹ As for Rebecca Felton, she had a very successful political career, becoming a United States senator in November of 1922, making her the first female senator in the history of the United States.⁴⁷⁰ Felton died in 1930 at the age of 94.

Conclusion

In this thesis I argued that The Women’s Prison Reform Movement was constructed around both gendered and racial ideologies that linked so-called “proper” womanhood to whiteness and marked black women as subhuman, impure, and unable to be reformed, and that this served to exclude black women from the designation of “woman” and therefore from the Women’s Prison Reform Movement. I also argued that overt acts of racism, as well as systemic

⁴⁶³ Ibid.

⁴⁶⁴ Ibid., 241.

⁴⁶⁵ Ibid.

⁴⁶⁶ Ibid., 243.

⁴⁶⁷ Ibid.

⁴⁶⁸ Ibid.

⁴⁶⁹ Ibid.

⁴⁷⁰ Rebecca Latimer Felton Papers.

white supremacy, were foundational in the movement from the beginning. In a brief examination of the early prison and convict lease system in the Southern United States I explored how the racial and gendered ideologies surrounding black womanhood, carried over from slavery, affected the treatment of black women in prisons. These ideologies led to the mistreatment of black women in prison and convict lease based on both their race and sex. This intersection of discrimination based on both race and sex caused black women to experience mistreatment in a heightened way that neither black men prisoners nor white women prisoners experienced. The racial and gendered ideologies present within the prison and convict lease systems were also present in the formation of the Women's Prison Reform Movement. While there were movements for reform for black men and white women who were imprisoned, black women were excluded from both of these movements, the first for their sex/gender, and the second for their race.

I chose to focus this thesis specifically on the prison and convict lease system in the Southern United States and on the activism of Southern prison reformer Rebecca Latimer Felton because this specific moment in the South truly exemplified the way that these racial and gendered ideologies operated within the reform movement and within the prison and convict lease systems as a whole. Through the lens of Rebecca Felton's activism I explored how one prominent Southern white woman prison reformer struggled to make sense of certain gendered and racial ideologies and how these ideologies influenced her decision on whether or not to include black women in her prison reform activism. In looking at Felton, instead of one of the prominent prison reformers in the North, I was able to explore a prison reformer who was not also an abolitionist, and one who held a strong belief in white supremacy. Although I argue that white supremacy informed the entire movement, Felton is perhaps the most obvious example of this, especially because she does not try to hide it. On the other hand, much of

Felton's activism, especially for black women, does in fact stray from the mainstream path of the movement. Because of this, her activism was viewed negatively even within the Women's Prison Reform Movement in the North, which illuminates the way that white supremacy was always present within the entire movement, even when it was not as overt as Felton made it in her activism. The contradictions in Felton's politics and activism can help illuminate how complicated these racial and gendered ideologies truly were. I explored how a belief in white supremacy, along with pressure from white men, led Felton to surrender her activism for black women. Because of the white supremacy in the reform movement, closely linked to the other racial and gendered ideologies that were spoken about throughout the thesis, white women reformers chose not to fight for black women based solely on shared experiences of mistreatment due to sex/gender and to form their movement along racial lines. Therefore, black women were unable to receive the benefits that white women received by moving to reformatories and escaping the violence, sexual and otherwise, within men's prisons. Ultimately, the gendered and racial ideologies that linked whiteness and womanhood and defined black women as subhuman and impure led to the reformatory system that excluded black women.

Although this thesis is a historical analysis and does not explore present day movements for prison reform, I believe that it can contribute to today's feminist scholarship on prison reform in a powerful way. There are many feminist scholars and activists that are interested in prison reform or the abolition of what we would today call the "prison industrial complex." I believe that in order to understand our current prison reform or abolition movement(s) that we must understand that the prison abolition movement did not develop in a bubble. Activists interested in this work must look at the history of prison reform movements in the United States, the Women's Prison Reform Movement being one of the first. Those who

are interested in the racial and gendered ideologies that inform the prison movement today can gain knowledge about how these ideologies operated within the movement in the past and question whether some of these ideologies might still be at play in the movement today. My aim is not to argue that this is the case or is not the case, but I think that is important for scholars to consider these questions when looking back on the history of the prison system, the Women's Prison Reform Movement, or on the activism of Rebecca Latimer Felton. The goal of this thesis is to make room for this conversation by bringing together the work of some prominent scholars, in conversation with my own contributions, in order to illuminate a broad and intersectional picture of the way race, sex, gender, and in particular, white supremacy, operated within the Women's Prison Reform Movement from 1865-1900 and excluded black women from prison reform efforts on the basis of their race and sex.

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