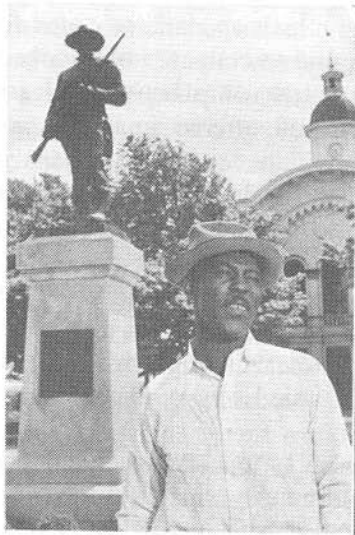


“RECKLESS EYEBALLING”: THE MATT INGRAM CASE AND THE DENIAL OF AFRICAN AMERICAN SEXUAL FREEDOM

Mary Frances Berry*



Matt Ingram

Photographer unknown. Courtesy of Ebony.

In *Long Memory: The Black Experience in America* (1982), John Blassingame and I included a reference to the 1951 episode in which Matt Ingram, a black tenant farmer in Yanceyville, North Carolina, was charged with assault with intent to rape a white girl, although he was 75 feet away from her at the time. He was eventually convicted of assault, however, based on her fear of his supposed “reckless eyeballing.” A systematic search for the details of Ingram’s experiences reveals how his release was obtained and the horrible conditions he and his family endured as result of the false accusation during two and a half years of court proceedings. The family’s suffering persisted even after

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Matt Ingram obtained his freedom. His incarceration and the family's stigmatization and impoverished circumstances demonstrate the sometimes devastating consequences of "looking." What happened to Matt Ingram, even if his look denoted sexual interest, was a denial of his humanity and right to sexual freedom.¹

Since Laura Mulvey's 1975 essay on "Visual Pleasure and Narrative Cinema," a great deal of theorizing about the power and meaning of "the gaze," in this case Ingram's supposed "eyeballing," has taken place. Mulvey suggested a world ordered by sexual imbalance, with pleasure in looking, split between active/male and passive/female. Using psychoanalysis, she proposed that the determining male gaze projects its fantasy onto the female figure, which is styled accordingly. In their traditional exhibitionist role, women are simultaneously looked at and displayed, with their appearance coded for strong visual and erotic impact so that they can be said to connote to-be-looked-at-ness.² The concept of the gaze is based on the relationship between pleasure and images. Mulvey argued that Hollywood cinema offered images geared toward male viewing pleasure, which she read within certain psychoanalytic paradigms, including "scopophilia" and voyeurism. In psychoanalysis, the term scopophilia refers to pleasure in looking, and exhibitionism in the pleasure of being looked at. Voyeurism is the pleasure in looking while not being seen, and carries a more negative connotation of a powerful, if not sadistic, position. In Mulvey's theory, the camera is used as a tool of voyeurism and sadism, disempowering those before its gaze. She and other theorists who pursued this line of thinking examined certain films of classic Hollywood cinema to demonstrate the power of the male gaze.³

As films and images in various forms, including advertisements and the internet, have changed enormously since 1975, so has the scholarship on the gaze—looking—and its consequences. Mulvey has acknowledged that taking into account the female gaze of male objects, black female spectatorship, gay and lesbian spectatorship, different identities as subject and object, and the implications for power have all required reanalysis of her theory.⁴ Still scholars understand that gazing may be voyeuristic, sadistic, assaultive, loving, or passionate. Some gazes may be seen as policing, normalizing, or inspecting. It is also possible to see images that deflect a possessive gaze and those that are respectful and non-objectifying. It is thus central to the ways that the concept of the gaze has been rethought that we can think of many different kinds of gazes, each with a different relationship to power, and that these gazes are not seen strictly along the lines of male and female.

As "looking" scholarship has evolved, the importance of racial animus, which ensnared Ingram, becomes better understood. Some African American women have been victimized as objects of the negative male gaze, and black men have suffered the results of their gaze upon white women. White women, as seen

by white men, have been subjects of the negative gaze when they betray the definition of the traditional "pure white" female. This was the fate of one white woman identified in a case I discussed in my book *The Pig Farmer's Daughter and Other Tales of American Justice* (1999), and labeled a "bad woman" who had "lived with a Negro." The relation to blackness eradicated her whiteness and mitigated charges for her murderer as if she were black.⁵ Similarly, black men subject African American women to the negative gaze when they treat them as sexual objects to be abused and exploited, as white men have done historically. Depending on migration flows and culture, men of color or "visible minorities" as the Canadians say, who engage in similar behavior could be seen as simulating whiteness in relation to women of their own race or nationality. Negative consequences persist for African American men who are thought to gaze lustfully at white women. The mere implication that he had seen white women as sexual objects upset Harold Ford's 2006 Senate campaign in Tennessee when an advertisement portraying a white female Playboy Bunny implied that he had displayed sexual interest in her.⁶

In 1951, three years before the Supreme Court's *Brown v. Board of Education* decision, Matt Ingram's autonomous sexual self became questioned and compromised because he looked at a 17-year-old white girl, Willa Jean Boswell. Ingram, 44 years of age at the time, lived with his wife Linward and their nine children in Yanceyville, a tobacco farm county near the Virginia border. It was a place where every one knew everyone else, and even though racially segregated, whites would attend high school graduations and funerals of African Americans they knew "who either worked for them or were well known in the town." Ingram was well known as a hard working "good Negro," a tenant farmer who cared for his family. He owned his own mules, tools, and an old "ramshackle" jalopy.⁷

In June 1951 two sheriff's deputies went to arrest Matt Ingram based on a complaint from Boswell, who lived on a county farm with her father and mother, two brothers, and two sisters. Boswell told the sheriff that her father, two brothers, and her grandfather had been working in the tobacco field that morning. At about 8:45 a.m. she left home to go to the field to help them, carrying a hoe, wearing dungarees, a plaid shirt somewhat like a blouse, and a terrapin-shaped hat that covered her hair. She walked down the driveway from her home, which fronted west, 235 feet to a sand-clay road, then along that road about 100 feet to the paved State Highway No. 62; from there along the highway about 126 feet to the plantation road.⁸

Boswell reported that as she turned onto the plantation road, she saw Ingram driving onto the highway from the sand-clay road. He was alone in the car and drove along the highway in her direction slowly at about five miles per hour. "He came on up the road real slow and kept watching me, and when he got about straight across from where I was, he had his head out of the window." Then he

continued to drive on along the road until he was out of her sight about 100 feet down the highway. Although Boswell knew Ingram, she said she was afraid because "his head was out of the window." Also, he "never had done that way before when he went by there."

The plantation road led through the woods and passed around a barn before ending at the tobacco field where Boswell's father, grandfather, and brothers were at work. She was passing through the woods when she heard Ingram's motor "go dead, and she started running and ran a distance of 215 feet along the plantation road." When she came out into the open, she stopped running but walked fast, as she saw Ingram "walking rather fast across some soft cultivated ground 65 or 70 feet from her." Ingram, she reported, "stopped at some plum bushes watching her." But as she continued to walk, he did not speak to her. When she reached the field where her family members were working, she told them about Ingram and "started crying because she was frightened."

When the deputies went to arrest Ingram, they found him with a trailer loaded with hay at the neighboring Simpson farm. He told them he had stopped his car at the Boswell house, where he was well known, to borrow a trailer. He looked for Mr. Boswell around their yard and not finding him, "went in the plum bushes looking for" him. Ingram said he saw one of the Boswell children walking toward the tobacco barn carrying a hoe. He walked across the road through a corn field still looking for Boswell. When he saw only three boys in the distance, he returned to the car. The third boy was apparently a girl, Willa Jean. When Ingram could not find Boswell, he went down to the "Rome Jones" place and borrowed a trailer, and then went to Simpson's and loaded the hay which is where he was arrested.⁹

Nine years before the publication of Harper Lee's novel *To Kill a Mockingbird*, in which the fictional white lawyer Atticus Finch braved white hostility to represent a black defendant, Matt Ingram needed a lawyer. Luckily, he was represented by E. Frederick Upchurch, a 76-year-old distinguished white attorney. Upchurch, the scion of the family, had moved to Yanceyville from Wake County in 1908 on the advice of the North Carolina Governor Robert Glenn, after two outstanding local lawyers who were advancing in years and in poor health retired. Upchurch decided to take the case. One of E. F. Upchurch's two sons, E. F. (Fritz) Upchurch, Jr., had followed in his father's footsteps, became a lawyer, and worked on Ingram's case.¹⁰

The courts routinely appointed members of the bar to represent those who could not pay for serious criminal charges in this period, and Upchurch, Sr., may have been appointed to represent Ingram. However, more likely, and according to Upchurch's descendants, Ingram asked Upchurch to represent him. It is likely that Ingram had previously consulted with Upchurch about some legal matter. E. F. Upchurch's daughter Emmy Lou remembered Ingram when she worked at the welfare office in town. He would transport people from his community who

were seeking help from the agency. He was respected by staff "for helping people out."¹¹

Emmy Lou Upchurch also recalled that her father did not "believe the prosecutor [W. Banks Horton] had a strong enough case and tried to influence them to stop the proceedings at a very early stage before emotions became involved and before the case would gain notoriety." But Horton refused.¹² Ingram was arraigned in the Recorder's Court of Caswell County, charged with an assault with intent to commit rape. He languished in jail for four days until his lawyers could arrange his bail of \$1,500. When he came to court, the judge increased the bond at the request of the prosecutor to \$1,800, which he knew Ingram would have difficulty raising.¹³

In this first trial, Willa Jean Boswell attested to her fright at being eyed by Ingram, breaking into tears on the witness stand. Ingram repeated what he had told the officers who arrested him. Based primarily on Boswell's testimony, the prosecutor insisted on a conviction for assault with intent to rape, declaring that "young womanhood must be protected from 'niggers.'" However, Recorder Court Judge Ralph Vernon, a farmer with no legal training, instructed Horton to reduce the charge, to comply with a 1947 North Carolina Supreme Court decision that non-physical assaults involving no touching were assaults, not rape. Judge Vernon found Ingram guilty of assault on a female and sentenced him to the maximum of two years imprisonment. Ingram's lawyers appealed to the Superior Court.¹⁴

The Ingram case arose during the Cold War contestation between the United States and the Soviet Union, when Communist party leaders used U.S. racial injustices to claim the superiority of communism over "American democracy." Ingram's case attracted the attention of Junius Scales, Carolina District chairman of the Communist party who, according to the local *Caswell Messenger* on 15 July 1951, "plastered Europe and New York with a prejudicial account of the case and charges that another southern sharecropper had fallen victim to 'white supremacy.'" Scales called the trial a "white supremacist outrage." The *Messenger* noted, "The Reds are playing up the fact, which was established in court evidence, that the Negro never actually touched the girl." The national and foreign press joined the communist *Daily Worker* in reporting regularly on the case.¹⁵ The *Durham Morning Herald* of 15 July 1951, described how "world communism came to this small community [Yanceyville] today when the Communist Party picked up the fight of a Negro man who has been convicted of assault on a young white bride-elect." The paper noted that the U.S. State Department had begun issuing rebuttals to the foreign press stories.¹⁶

In constant competition with the Communist party and the Civil Rights Congress to defend victimized African Americans, the widespread publicity led the NAACP to offer assistance to Ingram. The Civil Rights Congress was the result of the merger in 1945 of three organizations that defended African

Americans and radicals: the National Negro Congress, the International Labor Defense, and the National Federation for Constitutional Liberties. Under the leadership of black lawyer and communist leader William Patterson between 1945 and the mid-1950s, the Congress defended victims of white racism and red-baiting McCarthyism. The organization declined after the U.S. Justice Department declared it "subversive" in 1957, and indicted and jailed Patterson for refusing to turn over the group's files and records. But in 1951 the Civil Rights Congress was still a competitive force in the legal arena.

The NAACP sent cooperating attorneys, Conrad Pearson and Martin A. Martin, to Yanceyville to offer assistance to Ingram's defense. Pearson had filed, but lost a Durham, North Carolina, school desegregation case in 1933. Martin, a Howard Law School graduate who was from Danville, Virginia, just over the border, had been appointed by U.S. Attorney General Francis Biddle in 1943 as the first black lawyer in the Justice Department's Criminal Division. Upchurch and Ingram welcomed their assistance with the case.¹⁷ However, E. F. Upchurch asked his son Fritz Upchurch, Jr., to take over Ingram's representation because he felt "too feeble" to continue. But Fritz had to tolerate his father's concerted interest in talking about the case. At one point he told him, "Daddy, I'm not in love with [Matt] Ingram, in fact I don't even think he's pretty."¹⁸

On Ingram's appeal to the Superior Court, the local grand jury, consisting of Mrs. Eugene Aldridge and seventeen other whites, returned an indictment for assault with intent to rape. At the conclusion of the state's evidence in this second trial, the jury of four blacks and eight whites disagreed on a verdict when two of the African Americans wanted to acquit. Judge Julius A. Rousseau declared a mistrial. Then prosecutor Holden decided to renew the charge. The judge set the new trial date as 10 November 1952.

Ingram's third trial was held in Superior Court before Judge Frank M. Armstrong, with an all-white jury. Ingram's lawyers asked for a change of venue, citing prejudice based on the widespread negative press accounts. They told the court that the publicity generated by "one Junius Scales, supposedly residing in Chapel Hill" and "who is an avowed member of the Communist Party in North Carolina," was the major problem. "The tone and tenor of this publicity was calculated and intended to discredit the public officials of Caswell County," including the judge of recorder's court and the solicitor. He also sought to "discredit the judicial processes of the American juridical system and especially of the southern states." Ingram, his lawyers stated, did nothing to sanction, encourage, or authorize Scales's actions "or any of those associated with him." The defense motion made it clear that Ingram did not know Scales, and Ingram believed "that neither Scales nor any of his associates is sympathetic toward or interested in the welfare" of Ingram. Their interest was to "further . . . the interest of the Communist party" by "a vicious and unwarranted attack upon the

democratic form of government" in the United States to serve "the interest of a foreign and unfriendly" power.¹⁹

Ingram's lawyers complained that the publicity "adversely affect[ed] the entire Negro community of the country." It also "prejudiced this defendant and others similarly situated before the courts and in the public mind," regardless of the fairness on the part of anyone in the community. The NAACP recognized this and took steps to deal with the problem. By sending attorneys to join Upchurch, the NAACP hoped to "block efforts of Left-wing organizations, such as the Civil Rights Congress, to use the trial for propaganda." The defense lawyers called the court's attention to a *Greensboro Daily News* story on 15 July 1951 that described how the foreign press "editorially condemned the court officials and cast aspersions on the fairness and sanctity of the entire American Judicial system." As a result of this publicity, the defense lawyers asserted, "many perhaps well-meaning, but ill-informed persons wrote scurrilous and defamatory statements in the 'Public Forum' of newspapers all over the country and in newspapers which enjoy wide circulation in Caswell County. . . . Communications of this character and type just mentioned were mailed to the Judge and Solicitor of the Recorder's Court."²⁰

The defense attorneys also noted that these stories, and those in the *Caswell Messenger* published in Yanceyville and widely circulated in all parts of the county, created "a strong and immovable feeling of resentment" against Matt Ingram, and some believed he "was in some manner connected with the unfavorable publicity coming to the county and some of its officials."²¹ A rather unflattering description of the local community in the 9 November 1952 *Greensboro Daily News* described Yanceyville as "not one of the more vigorous and productive parts of the republic." The article noted that less than one-tenth of the people living there had finished high school, and only 3 percent of the houses had running water. The article quoted Solicitor W. B. Horton, a retired Navy officer, as hinting at the possibility of "lynch law." "Some of them came to me talking, and I told them, 'Look here, I'm against lynching and I won't have it, and if I hear anything of it, I'll convict somebody, even if it's my brother.'" Despite the evidence presented by the defense, Judge Armstrong denied the change of venue and a subsequent motion to have the jury chosen from another geographic location.²²

Ingram's lawyers also asked the judge to rule that the charge was too vague, since it charged assault without any touching, but to no avail. They then argued at length that the grand jury had been selected from a panel with no African Americans, which amounted to illegal discrimination. They noted that African Americans constituted 49 percent of the local population, yet the grand jury was all-white, which was the "usual practice in the county." The panel of seventy-six from which they were selected was all white. The prosecution responded that the

November 1951 trial had four black members, two as tally jurors and two from the regular panel.²³

After denying the defense motions, the court proceeded with the trial before an all-white jury. Willie Jean Boswell, now Mrs. Edward Webster, was the chief witness. This time she described Ingram as "leering" at her. On cross-examination when asked why she now used the term "leering," Mrs. Webster answered that just after the first trial in November 1951 she looked up the word in the dictionary and thought "leer" as "a curious look," was what she remembered.

Left unexplained after her testimony was why Willa Jean expressed fears, even though she recognized Ingram, and her father A. B. Boswell testified he had seen Ingram a few times before the incident, including occasions when he had come to the Boswell house. They both acknowledged that it was customary for Ingram to travel the route in question from his own house to places in the vicinity.²⁴

Upchurch and Martin cross-examined the witnesses and again called into question the absence of African Americans from the jury. They asked for the dismissal of the complaint on the grounds of insufficient evidence. Judge Armstrong gave a series of confusing instructions at the close of testimony. He told the jury that the misdemeanor of assault on a female does not require "the present capacity to inflict injury, but if by threats and display of force, he causes another to reasonably apprehend danger, and thereby forces one to do other than he would have done, or to abandon any sort of lawful pursuit, that constitutes an assault ordinarily." He instructed the jury that "it is not always necessary that there be some physical contact with the person alleged to have been assaulted." However, if "by intentional threats or menace of violence such as looking at a person in a leering manner, that is, in some sort of sly or threatening or suggestive manner; watching one and then following one, he causes another to reasonably apprehend imminent danger, and by such conduct causes one to become frightened and run or causes one to do otherwise than he would have done, then he is guilty of an assault." Judge Armstrong rejected the defense lawyers' objection to this part of the instruction.²⁵

Then Armstrong told the jury, if Boswell "reasonably apprehended imminent danger" and "was put in fear thereby and caused to go some other place than she wanted to go, then he's guilty." However, Armstrong also stated, if you find "simply that he leered at the prosecuting witness, and it is in the [form] of a sly look or threatening look or suggestive look, as he drove along the highway with no intent of doing her any hurt or injury, you should acquit him, that is return a verdict of not guilty."²⁶ This last instruction caused the solicitor to approach the bench. After he whispered something to the judge, Armstrong admonished the jury, "Wait a minute. . . . Under the last instruction, if I said you would find him

guilty, the court instructs you to disabuse your mind of that because the court intended to say you would find him not guilty.”²⁷

The jury used these confused instructions to reach a verdict of guilty. Judge Armstrong sentenced Ingram to the Caswell County Jail for six months “to be assigned to do labor on the public roads as provided by law.” However, he suspended the sentence for five years on the conditions that Ingram pay court costs and “remain of good behavior and not violate any laws, make his personal appearance at each November term of the court, and show by himself and witnesses that he has kept the terms of this judgment.” Ingram’s lawyers appealed, taking exception to the judge’s instructions regarding the absence of a need for physical touching, his refusal to change the venue, and the composition of the grand and trial juries.²⁸

On appeal, the state was represented in name only by long time Attorney General Harry McMullan and Assistant Attorney General Claude L. Love. Love, who wanted higher political office and intended to make a run for governor, but died before he could do so, left the representation to Robert L. Emanuel, a staff attorney who actually argued the case.²⁹ In 2007, Emanuel recalled the Ingram case as just another among the routine cases on civil matters such as accidents, workmen’s compensation, and criminal matters that the office received from the lower courts to defend for the state on appeal. He was a newcomer to the staff of about fifteen or twenty attorneys, and was assigned the case on a routine rotation. It was not considered a matter worth exceptional attention. However, after being reminded of the publicity surrounding Ingram’s case, Emanuel speculated that the attorney general, who knew his father and his reputation and willingness to defend unpopular causes, was willing to give him a trial run on this sensitive case.³⁰ When Emanuel argued before the state supreme court, he recalled feeling somewhat uncomfortable because he thought, based on the precedents, trying to prove legally that looking at someone constituted assault was problematic.³¹

Ingram was in a good position to receive fairer treatment in the state supreme court. As I explain in *The Pig Farmer’s Daughter*, respect for the rule of law should mean that state judges who are on the frontline of the judicial system, should avoid stereotypes that interfere with the dispensation of justice. However, there is ample evidence that racial stereotypes, interacting with gender and class stereotypes, have exerted a pernicious influence in the law, which then compromises citizenship rights. This is particularly obvious in cases dealing with sex and sexuality. However, I discuss cases in which paternalism and personal relationships may sometimes trump race in the appellate courts distant from the local courts dealing with an incendiary charge.³²

Three factors helped Ingram’s prospects for a reversal of his conviction. First, the Upchurches were a well-respected family and Frederick, Sr., was a long-standing, distinguished member of the bar. Second, local whites knew Ingram as an unoffending “good Negro.” Third, there was ample opportunity for

the court to find technical reasons to reverse the conviction. In cases when race was not at issue, the state courts had ruled that to convict for any offense, there must be more evidence than conjecture as to what an alleged offender was "thinking."³³

In the state supreme court, Chief Justice William A.s Devin from Granville, North Carolina, presided. Emanuel, who represented the state, recalled that Devin was thought "competent, but seen as a lightweight." As in most cases he decided, the Chief Justice's opinion followed the precedents.³⁴ Devin found that Boswell "was frightened is unquestionable, but that fact alone is insufficient to constitute an assault in the absence of a menace of violence of such character, under the circumstances, as was calculated to put a person of ordinary firmness in fear of immediate injury and cause such person to refrain from doing an act he would otherwise have done, or to do something he would not have done, except for the offer or threat of violence."³⁵

Devin concluded that "no assault was committed." Boswell, he agreed, "became frightened," but Ingram was at all times at least 65 or 70 feet away. Boswell said the defendant watched her, but he uttered no sound, made no gesture, did not again leer at her, and then turned and walked back the way he came. There was here no overt act, no threat of violence, no offer or attempt to injure. Devin thought Ingram may have even "looked with lustful eyes when he watched her walking along the road, but there was absence of any overt act constituting an offer or attempt to do injury to the person of the witness." But Ingram could not be convicted because of his gaze representing "what may have been in his mind. Human law does not reach that far."

Although some local whites felt strongly about the fear Boswell said she experienced in response to Ingram's gaze, far from the locale of the incident, and aware of the publicity about the case, the supreme court sided with Ingram's lawyers. Devin found that even if Ingram, a black man, did find pleasure in looking at Boswell, his behavior was not punishable.³⁶

In 2003 in the U.S. Supreme Court's same-sex sodomy decision *Lawrence v. Texas*, Justice Anthony Kennedy emphatically affirmed the validity of the sexual freedom that Ingram was denied and was historically denied to African Americans of whatever sexual orientation. In protecting the right to homosexual sex in private space, Justice Kennedy said the U.S. Constitution "protects the person from unwarranted government intrusions into a dwelling or other private places." But, "there are other spheres of our lives and existence, outside the home, where the State should not be a dominant presence. Freedom extends beyond spatial bounds. Liberty presumes an autonomy of self that includes freedom of thought, belief, expression, and certain intimate conduct." Justice Kennedy acknowledged that sexual freedom is a fundamental human right.³⁷

Significantly, Justice Kennedy recognized the right to sexual expression as one of the most important aspects of personhood. Among the rights as human

beings and citizens in our framework of government is the expectation of freedom from unfair, chaotic, and unreasonably applied legal restrictions, pains, and penalties. For African Americans these expectations have often been breached. Sexual expression and definitions of sexuality have been the source of harassment, confinement, and interference with autonomy, which have sometimes compromised the very definition of citizenship.

The state supreme court's decision affirming Ingram's right to sexual freedom, even if he did gaze at Boswell, was not the end of the injustice wreaked by his unjust arrest and prosecution. NAACP cooperating attorney Martin A. Martin asked Fritz Upchurch, according to his daughter Emmy Lou, "how he dared to get up in the courthouse in Yanceyville and say some of the things he said." Fritz Upchurch assured him that many of those present were his personal friends and they were nodding their heads in agreement whenever he made a particularly good point.³⁸ However, when news stories appeared widely after Ingram's first conviction, Boswell and the local officials said they received hate mail. So did the Upchurch lawyers throughout the proceedings and thereafter. But they never discussed the contents and burned the letters in the office's potbelly stove.³⁹

But Matt Ingram and his family never recovered. They lost almost everything. Black farmers, for whom he plowed, were afraid to hire him. He lost work and finally he had to let his brother keep his mules because he could not feed them; and the family rarely had sufficient kerosene for the lamps used for light. When Matt Ingram went to jail, his wife Linward was pregnant, but she and their 11-year-old son Houston had to plant their crop. No one would help them. People from far away who heard about their plight sent clothes and a few dollars from time to time, which helped. The family stopped going into town in Yanceyville and shopped in Danville, because people whispered and stared at them, but would not speak. Even "Negroes who were once his friends" shied away; they were "scared to talk to him." Whatever theorizing one engages in about power, different subject-object positions, and looking, Ingram and his family suffered ostracism because of the prosecutors' original decision to accept Boswell's characterization of Ingram's gaze. Ingram died in 1973 and his widow Linward lived with the fall-out of her husband's mistreatment in the justice system until her death in 2003.⁴⁰

NOTES

I would like to acknowledge the assistance of the Upchurch family, and in particular James Upchurch and the Caswell County Historical Society, in the completion of the research for this article.

¹Mary Frances Berry and John W. Blassingame, *Long Memory: The Black Experience in America* (New York, 1982), 124. Local whites and officials involved in the case insisted on referring to Matt as Mack.

²Laura Mulvey, "Visual Pleasure and Narrative Cinema," *Film Theory and Criticism*, 3rd ed., ed. Gerald Mast and Marshall Cohen (New York, 1985), 803-16.

³See for example, Tom Gunning, "The Cinema of Attraction: Early Film, Its Spectator and the Avant Garde," 8 *Wide Angle* (3-4), 63-70; Carol J. Clover, "Her Body Herself, Gender in the Slasher Film," *Repressions* 20 (Fall 1987): 187-229; Tania Modleski, *The Women Who Know Too Much: Hitchcock and Feminist theory* (New York, 1981).

⁴Laura Mulvey, *Visual and Other Pleasures* (New York, 1989), 1-39.

⁵Mary Frances Berry, *The Pig Farmer's Daughter and Other Tales of American Justice: Episodes of Racism and Sexism in the Courts from 1865 to the Present* (New York, 1999), 38.

⁶Deidre E. Davis, "The Harm That Has No Name: Street Harassment, Embodiment, and African American Women"; and Regina Austin, "Black Women, Sisterhood, and the Difference/Deviance Divide," in *Critical Race Feminism: A Reader*, ed. Adrienne Katherine Wing (New York, 1998), 192-203; and 237-42.

⁷Emmy Lou Upchurch Priest to Carolyn Upchurch, 6 February 1971, copy in my possession generously sent to me by Carolyn Upchurch's son James Upchurch.

⁸*State vs. Ingram* 237 (North Carolina) 197 (1953), 34-42.

⁹*Ibid.*, 34-42, 51.

¹⁰Caswell County Family Tree, Caswell County Historical Society, Entry 25987 and notes there cited.

¹¹James Upchurch to Mary Frances Berry, e-mail message, 26 February 2007.

¹²Emmy Lou Upchurch Priest to Carolyn Upchurch, 6 February 1971.

¹³*State vs. Ingram*, 20

¹⁴*Ibid.*, 2; *Time Magazine*, 23 July 1951, reported this remark.

¹⁵"Communist Propaganda on Trial of Negro," *Caswell Messenger*, quoted in *State vs. Ingram*, 30-32.

¹⁶William B. Whitley, "Communist Propaganda for Caswell Negro Reaching World-wide Scale," quoted in *State vs. Ingram*, 30-32.

¹⁷Upchurch to Berry, e-mail, 26 February 2007; J. Clay Smith, *Emancipation: The Making of the Black Lawyer 1844-1944* (Philadelphia, PA, 1993), 209; 236; Jack Greenberg, *Crusaders in the Courts* (New York, 1994), 101; Randall Kennedy, *Interracial Intimacies: Sex, Marriage, Identity, and Adoption* (New York, 2003), 196.

¹⁸Letter from Emmy Lou Upchurch to Carolyn Upchurch, 6 February 1971.

¹⁹*State vs. Ingram*, 18.

²⁰*Ibid.*, 19.

²¹*Ibid.*, 20.

²²"New Ingram Trial to Open" (Yanceyville, NC, 8 November 1952), see *Greensboro Daily News*, 9 November 1952.

²³*State vs. Ingram*, 6.

²⁴*Ibid.*, 34, 45.

²⁵*Ibid.*, 56.

²⁶*Ibid.*, 61-62.

²⁷*Ibid.*, 62.

²⁸*Ibid.*, 65-66, 70-71.

²⁹Robert E. Emanuel, telephone interview with the author, 7 February 2007.

³⁰*Ibid.*

³¹*Ibid.*

³²Berry, *The Pig Farmer's Daughter*, 18-19.

³³See, for example, *State vs. Prince* 182 N.C. 788 (1921), cited in *State vs. Ingram* 237 N.C. 197 (1953).

³⁴Emanuel interview.

³⁵*State vs. Ingram* 237 N.C. 197 (1953).

³⁶*Ibid.*, 203.

³⁷*Lawrence vs. Texas* 539 U.S. 558 (2003).

³⁸Emmy Lou Upchurch Priest to Carolyn Upchurch, 6 February 1971.

³⁹*Ibid.*

⁴⁰"Ingram Has to Borrow His Own Mules to Plow," *Ebony Magazine*, September 1953, 40; William S. Powell in *When the Past Refused to Die: A History of Caswell County, North Carolina, 1777-1977* (Caswell County, NC, 1977) takes a benign view describing Ingram as finally acquitted in the second local trial much to the surprise of the newsmen gathered, see 536-37.