

1981

A True Deliverance: The Joan Little Case

Michigan Law Review

Follow this and additional works at: <https://repository.law.umich.edu/mlr>



Part of the [Civil Rights and Discrimination Commons](#), [Criminal Law Commons](#), [Law and Gender Commons](#), and the [Law and Race Commons](#)

Recommended Citation

Michigan Law Review, *A True Deliverance: The Joan Little Case*, 79 MICH. L. REV. 861 (1981).

Available at: <https://repository.law.umich.edu/mlr/vol79/iss4/34>

This Review is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

A TRUE DELIVERANCE: THE JOAN LITTLE CASE. By *Fred Harwell*. New York: Alfred A. Knopf. 1980. Pp. x, 298. \$10.95.

During the early morning hours of August 27, 1974, Joan Little, a black prisoner at the Beaufort County Jail in North Carolina, stabbed to death a white male jailer and fled the prison. Little claimed that she had acted in self-defense when the jailer sexually assaulted her. The prosecutor claims that the prisoner had lured the jailer into the cell as part of an escape plot. Little's defense became a cause célèbre, attracting support from advocates of women's rights, civil rights, and prison reform. Ultimately, the jury acquitted Little of murder. However, it is this book's thesis that because the defense "failed in court to prove that Joan Little was *not* guilty, just as [the

prosecutor] failed to prove that she was, . . . [the defense won] merely a victory of persuasion over proof, vindicating neither the defendant nor the causes with which her name had been associated" (p. 283). Rather than opening a "window of prejudice," Harwell suggests, "the prosecution merely failed to prove that Joan Little was guilty" (p. 17).

News of the Joan Little case spread quickly across the country after her apprehension, and claims of Southern racism and sexism were raised even before the facts were fully known. And, indeed, the known facts were sensational enough to make such claims appear plausible: a black women prisoner alleged that she was sexually assaulted by a white male jailer in a Southern jail; the Southern prosecutor conceded that the jailer entered the cell to commit a sexual act, disputing only the questions of Little's intent and who instigated the encounter. Nevertheless, the author suggests that the widespread attention was not inevitable; rather, defense attorneys manipulated the media to transform the case into a trial of Southern justice and its inability to escape a legacy of racism and sexism.

The defense attorney, Jerry Paul, began using the media to aid his case even before Little had surrendered, and he continued to use the media until her acquittal. For example, when negotiating with authorities for her surrender, Paul insisted that they allow Little to make a statement to reporters before being taken into custody. Paul thereby turned the surrender into a media event and began his cultivation of Joan Little's sympathetic public image. Paul also used the media to depict Beaufort County as a racist community. For example, in announcing a change of venue to Raleigh, the judge had stated that it "was 'not the result of a finding that a fair trial could not be had in' eastern North Carolina" (p. 150). Rather, the judge feared that courthouse security and accommodations for the media were inadequate in Beaufort County. Yet Paul deliberately distorted the judge's order in a press conference claiming that it showed "there is a high level of racism in this area that must be dealt with in order to get a fair trial for black defendants" (p. 150).

Perhaps the most flagrant manipulation of the media occurred shortly before jury selection. Paul filed a motion to dismiss the case on the ground that the prosecutor failed to honor an oral agreement to dismiss the indictment if a polygraph examination indicated that Little was not lying about the events leading to her escape. The defense had administered a private polygraph examination to Little under conditions that seriously tainted the reliability of the results. Yet Paul's motion to dismiss was widely publicized along with an

attack on the integrity of the prosecutor. The motion was frivolous, but it allowed Paul to use the media to broadcast the results of his private polygraph examination to prospective jurors. After the juries were selected and sequestered, the defense admitted to the press that no actual agreement on a polygraph examination had been reached.

Notwithstanding Paul's success in manipulating the local media, the Joan Little case became nationally important only after Paul joined forces with Morris Dees, an attorney who had established the Southern Poverty Law Center (SPLC) in 1970. The SPLC contributed a large sum of badly needed money to the defense and focused a nationwide fund-raising campaign around its part in defending Little. One fund-raising letter described the Little case as "one of the most shocking and outrageous examples of injustice against women on record." (p. 134). The national media quickly responded to the SPLC campaign with articles in publications such as the *New York Times*, *The Atlanta Constitution*, *The Progressive*, and *New Times*, all asserting as a fact that Little had killed the jailer while he was trying to rape her. Some of the articles described Beaufort County as a stronghold of the Ku Klux Klan, and accused the Beaufort officials of attempting to cover up the killing. By encouraging such articles, the defense team succeeded in creating a public image of Joan Little as a martyr.

Although Harwell never states that he believes Joan Little was guilty of murder, his sentiments are clear throughout the book. Early in the work he dwells on her bad character. Later, he highlights important evidence of motive that the prosecution ignored, and weaknesses in the defendant's story that remained unexplained. Finally, in support of the theory that Joan Little seduced the jailer in order to escape, Harwell notes that Paul termed Little a nymphomaniac, and that she subsequently escaped from another prison while serving the rest of her original felony sentence. Harwell concludes that the Joan Little case was a great national hoax. "Joan Little was neither the inevitable product of her environment nor a hapless victim of society. . . . She had rebelled not against racism or sexism but against her mother's efforts to keep her off the streets. . . . Myth eventually swallowed truth in this case, and she became a symbol without substance" (p. 282). Moreover, Harwell charges that the case was a waste, that the tremendously costly campaign that was waged on Little's behalf yielded no social benefits. It "resolved no questions of public policy, [and] settled no issues of public concern" (p. 283).

Aside from its obvious bias, *A True Deliverance's* greatest weak-

ness is its failure to confront the broader issues raised by the Little case. Are “deceptions and distraction” (p. 280) appropriate means to determine legal guilt? Should social pressures influence trial outcomes? While this book may not answer these questions, it does describe one particularly dramatic example of workings of the legal system under extreme social pressure.