

"I've got this vision of justice": Why *To Kill a Mockingbird* Is a Fraud  
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**Abstract:** *To Kill a Mockingbird* is a beloved novel that is frequently taught as a lesson in tolerance and the importance of walking in another person's shoes—or skin. Yet compared to the actual events of 1935 when the story was set, the novel shows itself as a subtly veiled defense of segregationism and white supremacy. Readers assume that Scout is telling us the truth when she says Atticus had done all that could be done to defend Tom Robinson. In the spring of 1935, however, the US Supreme Court had finally ruled that the conviction of one of the Scottsboro Boys, nine young men falsely accused and convicted of raping two young white women, was unconstitutional because Black jurors had been impermissibly barred from his jury. All the Scottsboro Boys were eventually freed. Not only does Atticus not raise the question of Black jurors, Harper Lee makes it unthinkable by unrealistically portraying the Black community as illiterate. Atticus did everything a white moderate segregationist was willing to do for his client; he did not do what the actual lawyers did to free the Scottsboro Boys. With *Mockingbird*, we have been teaching a tolerance that does not tolerate equality.

It's hard (for a white reader) not to like *To Kill a Mockingbird*. It features engaging children, a loving single father, danger that is satisfactorily resolved, and a moving message of tolerance for all people. That is why it is so widely admired and so often taught, not only in the United States, but all over the world. Yet it does not question an unstated and genteel white supremacy and the existence of an acquiescent and mostly illiterate Black population. It was, after all, written in the aftermath of *Brown vs. Board of Education*, a decision with which Harper Lee vehemently disagreed, as she made clear in her long-unpublished novel, *Go Set a Watchman*. The blurbs of Bryan Stevenson's *Just Mercy* compare Bryan to Atticus Finch. Stevenson, however, is more acerbic in his reaction to the actual Monroeville, Alabama, which proudly claimed *To Kill a Mockingbird* at the same time as it had allowed Stevenson's completely innocent Black client, Walter McMillian, to be railroaded to death row. Why did *To Kill a Mockingbird*, which was being used all over the world to teach tolerance, seem, on some profound level, to be a fraud? That is the question I have tried to answer in this essay.

*To Kill a Mockingbird* is set in the summer of 1935, a pivotal time in American civil rights history. Looking at that summer, and the events leading up to and out of the decisions of that summer, discredits the basic argument of the novel: that Atticus Finch

acted in good faith and did all that he could to defend his Black client, Tom Robinson, from being unjustly convicted of a sexual assault he did not commit.

Among the various documents included in the nearly 300 page "Teaching Mockingbird" website, compiled by Daniel Sigward for Facing History and Ourselves, is a fairly detailed history of the Scottsboro Boys. As Sigward points out, the Scottsboro case (not the Emmett Till case, as Patrick Chura suggests), seems to be an historical model for Tom Robinson's case. In each instance a Black defendant(s) is falsely accused of raping a white woman (women). The defendants are convicted on flimsy evidence and sentenced to death. That is where the stories diverge. Tom Robinson dies in a hopeless escape attempt from the penitentiary instead of waiting for Atticus to mount an appeal. Atticus says, "I guess Tom was tired of white men's chances and preferred to take his own" (315), but to the community, "Tom's death was typical. Typical of a nigger to cut and run. Typical of a nigger's mentality to have no plan, no thought for the future, just run blind first chance he saw" (322). Scout finally concludes that "Atticus had used every tool available to free men to save Tom Robinson, but in the secret court of men's hearts, Atticus had no case. Tom was a dead man the minute Mayella Ewell opened her mouth and screamed" (323).

Most readers agree, as apparently do the Facing History writers, who mention the Boys' exonerations, but do not compare them to Tom's death. According to Lee and her readers, Tom had no chance. By holding out for a trial and making a magnificent speech, and especially by convincing one juror to hesitate, Atticus has done the best he can and has even nudged the gauge of Southern civilization a little bit toward the ideal of equality readers want him to proclaim. But in 1935, Atticus would have had the opportunity to free Tom Robinson, maybe even to prevent his conviction in the first place, and he chose not to take it. Lee's presentation of the case glossed over this so smoothly that even today, no one has sussed it out, and the book can present a "moderate" white segregationist stand as morally responsible and even as a valiant exemplar of tolerance and the rights of all men and women. Although it is the "community" that believes it is "Typical of a nigger to cut and run," this is the kind of remark a canny lawyer drops, knowing an objection to it will be upheld, but also knowing that something heard by a jury can never be unheard. Rhetorically, *To Kill a Mockingbird* is considerably closer to *Birth of a Nation* than to *Just*

*Mercy* because it argues that "liberal" whites are the only hope for the South and for race relations in the nation.

The Scottsboro Boys were nine Black children and youths, from 12 (or 13) to 20 years of age, who were accused of raping two white women while all were hoboing on a train that stopped in Scottsboro, Alabama. Although they were tried and convicted in what can only be called a kangaroo court and all but the youngest sentenced to death, none of them "cut and r[a]n," nor were any of them simply content to work with their original lawyers. Unlike Tom Robinson, not one was lynched, not one was hanged, not one was shot down by police or corrections officers, and not one ended his life while still in an Alabama prison. Because the case was so inflammatory, with nine accused, and rhetoric that suggests the notion of "super predators" that briefly became popular in the 1990s, they attracted attention from the International Labor Defense (a Communist group), most Black newspapers in the US, and a reluctant NAACP, who were wary of touching such an explosive rape case.

The Boys and their families were heavily invested in choosing their own lawyers and distinguishing between the strategies of the ILD, the NAACP, and other organizations involved along the way. Through the urging of the ILD, Samuel Leibowitz, a New York lawyer of Rumanian Jewish heritage and one of the leading criminal defense lawyers in the country, agreed to take the Boys' case pro bono. He made it clear that he would not be sticking to the Communist strategy of mass protest but would win in the courts, though he would "raise the explosive issue of the exclusion of Negroes from the jury rolls" (Carter, 180).

Chura's argument that Lee was more influenced by Emmett Till than by the Scottsboro Boys points out that some of Lee's details about the 1930s were anachronistic, and the trial that led to the acquittal of Till's murderers provides a better parallel than the multiple appeals of the Boys, but the verdict in the Till trial emphasizes the helplessness of young Black men against the racism of the South. Leibowitz's work in winning an appeal in Alabama from an Alabama judge and his successful appeal to the US Supreme Court establishes that Atticus did not use "every tool" available to a lawyer in Alabama in 1935. In February 1935 Leibowitz argued before the US Supreme Court that one of the Boys, Clarence Norris, had had his Fourteenth Amendment due process rights denied because no Blacks had appeared on the jury rolls of the county. On 1 April 1935, the Court ruled that

Norris (and also Haywood Patterson) must have his case returned to the state for a new trial.

Atticus is an Alabama state legislator, who is present in the capital in the summer of 1935, before Tom Robinson's trial. He had to know, then, if we are assuming that the book is in any part accurate as to affairs in Alabama in 1935—one of the usual reasons for promoting the book—that he needed, at the very least, to be raising the question of the absence of Black jurors to prepare for a successful appeal—if not to prevent the guilty verdict in the first place. Atticus had a very powerful tool that he had to know about and that he did not use for his client. The national press believed that the Supreme Court decision was conclusive—the *New Republic* expected that the Scottsboro case would "be dropped now and forever" (quoted in Carter, 325). Lee, of course, is writing fiction, and she is under no obligation to transplant facts from the real world to her novel, but we, as readers and teachers, should not be telling ourselves and our students, 60 years after the novel's publication and 85 years after its historical setting, that it is a "true" picture when it is not.

When Scout and Jem go with Calpurnia to her church, called First Purchase because it was paid for with the first earnings of the freedmen, they are surprised that the congregation sings hymns by "lining," repeating the words line for line after a leader. When Jem suggests that they should get some hymn books, Calpurnia tells him it would be no use, "Can't but about four folks in First Purchase read" (165). She can, having been taught by an old neighbor of the Finch family, and she has taught her son Zeebo, the town garbage collector. There seem to be no Black schools, a telling omission, since schools were one of the signal benefits of Reconstruction, an era that, judging from *Watchman*, Lee believed was a decade of Black misrule and not of actual progress for Black citizens. Actually, by 1930, only 19.7 of Blacks over ten years old in the South were illiterate, compared to 3.8% of whites. The census definition of "literacy" was on the low side, and Black schools in Alabama in the 1930s met for shorter sessions and received only about a third as much per capita funding as white ones did, but at least three quarters of Calpurnia's congregation in a county seat community should have been able to read well enough to follow familiar hymns in a book (Margo, 3, 22). Leibowitz managed to find numerous obviously qualified Black citizens who were left off the jury rolls in northern Alabama, including "a trustee of the Negro schools" (Carter, 188), "Frank J. Sykes, a Negro dentist [who] had graduated from Howard

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University in Washington" and "Dr. N.E. Cashin, a Morgan County Negro physician, educated at Phillips-Exeter Academy and a graduate of the University of Illinois" (201). Similar Black professionals were quite likely present in Harper Lee's childhood, and while she is perfectly free not to remember them, it is wise for the reader to question whether it is likely that the only Black readers are those taught by good white folk or by Blacks carrying on the tradition of good white folk. A housekeeper and a garbageman were probably not the best educated Blacks in the county seat town, but by setting them up as the intelligentsia, Lee makes the question of Black jurors literally unthinkable for Atticus. Having African American citizens on the jury rolls would have meant that, at least in theory, they could sit on a jury that heard the trial of a white defendant. We do not have a trial with a white defendant, because the sheriff immediately and deliberately covers up Arthur "Boo" Radley's killing of Bob Ewell, but the class and race distinctions in the book make it clear that Atticus would not have accepted Calpurnia or Zeebo as "peers" who could rightly have sat upon a jury making decisions about this strange individual who is suddenly revealed as a white gentleman of the finest sort. Just as the idea that a "typical nigger" cannot plan for the future casually appears as an anonymous and refutable (but unrefuted) comment, the idea that any Black citizen should sit on a jury is deliberately rendered unthinkable.

One of the few scholars to question Atticus's reputation as the white savior is Steven Lubet, who faults the lawyer for his fairly aggressive questioning of Mayella Ewell, Tom's supposed victim. Unlike the two women who accused the Scottsboro boys, Mayella is never examined by a doctor, a failure on the part of the sheriff, and even on the part of Atticus, who must have known about the rape accusation soon enough that, even though he was not yet representing Tom Robinson, he might have suggested a doctor's examination to the sheriff. As it turned out, that would have been one more "tool" for him. It was the testimony of the doctors that the two Scottsboro women had not been raped at all (Carter, 215) that shook Judge James Edwin Horton's belief that the Boys were probably guilty and helped him to set aside the jury verdict of guilty for the defendants tried before him. Atticus had no such gynecological evidence, and could only impugn Mayella's testimony, as Leibowitz also did with his two complainants, earning him the enmity of the jury for attacking Southern womanhood. Since the townsfolk dislike the Ewells and Atticus is a local boy, he gets away with attacking Mayella, but Leibowitz was hated for his attack on "Southern

womanhood" and even more for his ethnic background. "Show them," a prosecutor told a jury, referring to Leibowitz and his co-counsel, "show them that Alabama justice cannot be bought and sold with Jew money from New York" (Carter, 235). "Reporters at the trial noted that Wade Wright's anti-Semitic summation was the most effective single statement by the counsel for the prosecution" (240). Many readers of *Mockingbird* note the irony of Scout's teacher, Miss Gates, condemning Hitler's treatment of the Jews, because she says that doesn't happen in a "DEMOCRACY." "We are a democracy," the children all parrot (328). "Over here we don't believe in persecuting anybody," Miss Gates continues. "Persecution comes from people who are prejudiced. . . . There are no better people in the world than the Jews . . . They contribute to every society they live in, and most of all, they are a deeply religious people" (329). It is easy to see how Miss Gates's pretty words are belied by the treatment of Tom Robinson, but, as the response to Leibowitz shows, Alabama was far from sharing her respect for the Jews.

The ordeal of the Scottsboro boys continued far longer than Tom Robinson's, and it was far more complex, with two complainants, nine defendants, many appeals and retrials, and a plethora of lawyers, especially on the defense side. The ILD and the NAACP squabbled with each other over tactics and who was to represent whom. The ILD was scornful of the courts, which they saw as a bourgeois institution, bound to sell out the working class—and certainly lumpen proletarians such as the Boys. The NAACP was initially hesitant to get involved with such a notorious rape case and bumbled their first foray into court. Although Leibowitz was brought in by the ILD, he maintained his distance from them, and especially from their scorn for America's legal system. Various other defense groups developed and dissolved. The Boys' parents accepted support from whichever group seemed most likely to win their children's freedom, and the Boys themselves tried to figure out which camp was each young man's most advantageous ally. The 1935 Supreme Court decision technically only called for a retrial for Clarence Norris and was stretched to cover Haywood Patterson, who otherwise faced execution on the same charges, but it changed the context for all of the accused. Despite what Northern commentators thought, the state of Alabama was still intransigent about dropping the charges, and many Alabamans were even more incensed to think that strangers were telling them how to manage their business.

It was becoming virtually impossible to believe an attack had occurred, however. The girls had made up the story in order to avoid being arrested for crossing state lines for the purpose of prostitution. And gradually all but one of the Boys were paroled and released. Andy Wright was the last of the nine to walk free, in 1950, after serving nearly twenty years for a crime that did not even exist. Haywood Patterson was never given parole, but, unlike Tom Robinson, he waited his chance and successfully escaped from prison in 1948, eventually making his way safely to his sister in Detroit. When the authorities finally caught up with him, Michigan refused to extradite him and Alabama gave up their quest to have him returned (Carter, 412-13). Given the prominence of the case, Harper Lee would certainly have known the denouement before she began writing *To Kill a Mockingbird*. Although in the early days the Boys, most of whom did not know each other before their arrests, made panicked decisions, even claiming in some cases to have seen others of the Boys attacking the two women, they eventually managed to help direct and to participate in their own defense and after their release most lived peaceably back in society, despite the trauma of arrest, death sentences, years in filthy and dilapidated prisons, hostile juries and inconsistent courts, and the basic assault of being accused at all.

Harper Lee, of course, was not writing about the Scottsboro Boys. She was writing about childhood, about Atticus and Scout, about the little town of Maycomb, Alabama. The book was in many ways a tribute to her own beloved lawyer father, and, as Jonathan A. Rapping eloquently explains, Atticus is an antidote to the cynicism with which the legal profession is viewed and a useful tool to inspire lawyers to be public defenders, realizing that they can still be good fathers and live a balanced life—they do not have to give up everything else for the cause as Thurgood Marshall (or Bryan Stevenson) did. *Mockingbird* presents a teachable moment about the evils of racism and prejudice, the importance of following your conscience even when it puts you in conflict with your community and endangers your life and the lives of your children. It teaches other lessons of tolerance with its complex sympathy for Boo Radley and the subplot of Mrs. Henry Lafayette Dubose and her courageous battle to overcome her opioid addiction and to die drug free. It lets children know, in an age-appropriate way, about the history of lynching and the legalized lynching perpetrated by a trial that is only procedurally fair. It leaves us all more able to contemplate life from within another person's shoes and even within another person's skin.

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But it does all these good things *only at the price of teaching us to accept Atticus's segregationist beliefs* in the inherent inequality of Blacks and in the need for a "separate but equal" society managed by benevolent liberal white Southerners. That does not serve any of us well. As Angela Shaw-Thornburg notes in her essay "On Reading *To Kill a Mockingbird*"

It is one thing to teach a novel that students might be resistant to reading, and quite another to teach a novel that I find myself deeply resistant to reading, much less teaching. Unfortunately for me (African American and an Americanist), I often find myself in this position when I am preparing to teach a novel or work that represents African Americans as peripheral, incapable of self-representation, monumentally passive, and positively grateful for the small compensation of white guilt over injustices done to African Americans. It is not that I naïvely expect the black citizens of 1935 Maycomb to endorse strategies that would not begin to gain traction in Alabama or other Southern states for many decades after that. It is not that I expect Atticus Finch to suddenly acknowledge the degree to which he is complicit in the racism that undergirds the legal system in Alabama. That is not the root of my resistance at all. What gets me are those moments of struggle or, even worse, dreadful silence when we read *Huckleberry Finn* or even a novel like *To Kill a Mockingbird*, which was certainly seen as progressive in its day, when students who are people of color try to figure out why they feel unvoiced by the literature they are reading, or ask why we are reading this stuff . . . . When I begin my course prep for *To Kill a Mockingbird* by reading the novel, I finish up with a profound sense of alienation, a sense of bewilderment that Lee decentered the story of Tom Robinson so utterly. Because of that aftertaste, I only read such works because I am expected to teach them.

Shaw-Thornburg is absolutely right. *To Kill a Mockingbird* is a feel-good book for complacent white readers, one that lets them off the hook for the racism of 1935, of 1960, of 2020. It tells them that Tom Robinson's case was unwinnable, but Atticus fought the good fight. It tells them that the good patrician Southerners will make everything all right, and

there is no need for the hasty NAACP and the Communistic ILD and "Jew money from New York"—or for "Black Lives Matter." It tells Black readers to tone it down, to be patient, and white goodness shall prevail. It hinders meaningful Civil Rights by at least a generation, and, given the story's continued widespread popularity, by three generations and counting, by discounting judicial willingness to stand up for Tom's rights. And it erases the highly effective legal work that Thurgood Marshall and other devoted NAACP lawyers did starting in the late thirties in carrying on the work of Samuel Leibowitz to end legalized lynching. While it is certainly not fair to "blame" *Mockingbird* for the over-representation of Black men on death rows (even if they are innocent) or in prisons, the book is not a part of the solution.

Scout's brother Jem gives us a quick breakdown of the four levels of society in Maycomb. First there are the "ordinary people" like the Finches, well-bred and well educated, proceeding from a sense of noblesse oblige, fair, open, and compassionate to everyone. Then there are the "Cunninghams," poor and ill-educated, but trying to raise themselves up. A Cunningham might lead a lynch mob, but he can be coaxed to abandon it when reminded of his ties to the Finches by the innocent Scout and even, as a juror, to hesitate for a moment before condemning Tom. Then there are the Ewells, who, unlike the Cunninghams, have no desire for education and no compassion even for each other. They are dirty, ignorant, abusive, and quite probably incestuous. At best, in Mayella, they are pitiable. At worst, in Bob, they are stealthy would-be murderers of children. And then there are the Black people, who have no distinctions other than being Black.

All these groups seem to get on together well, even when they do not agree, except for the Ewells. The Blacks seem happy in their segregation—the one potential rebel, Lula, resents having the white children come to the Black church—and seem to have no use for education and no desire to see Blacks seated on juries, even though the all-white juries apparently regularly sentence Blacks to death. They are content to be protected by their white savior, Atticus, even though he fails in saving Tom. Yes, there is injustice, but things are changing little by little—maybe in a thousand years, as Faulkner famously said. Calpurnia rebukes Lula and takes pride in being in a lawyer's family.

Yet beneath this childhood idyll, there are ideals of the perfect Southern society that differ hardly at all from those of the passionately Confederate Cameron family in *Birth of a Nation*. Like Ben Cameron and his father, Atticus believes in a benevolent patriarchy that

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protects all, Black and white alike. The devoted family Mammy (played in blackface in *Birth of a Nation*) is, like Calpurnia, smart, active, and unfailingly loyal to her white employers. Little sister Flora is like Scout in her impetuosity and non-conformity. Ben regrets having to found the Klan to stop the misrule of Reconstruction (Atticus would have agreed with his observation but not his means toward a solution), but the "loyal" Blacks are on his side as much as are the self-respecting whites.

For D.W. Griffiths, and for Thomas Dixon, who wrote the novel on which *Birth of a Nation* was based, introducing Africans to America had been a mistake, but all would go well if Liberal white Southerners were returned to rule. Blacks were not crying out for freedom—they were just misled by hypocritical northern abolitionists and crazed and power-hungry mulattos. By 1960, the Klan was as uncouth as the Ewells, who, rather than the distinguished Camerons, would be its public face. Harper Lee, writing in the late 1950s in an appalled reaction to *Brown v. Board of Education*, had to find a kinder, gentler way to defend liberal Southern segregationists—and she did.

Instead of Ben Cameron riding to the rescue in his Klan suit, Atticus and the children quell the mob. Atticus gets to give his rousing speech (even more rousing with Gregory Peck in the film version). Mayella is rebuked for being so pitiful that even a Black man condescends to pity her. Tom conveniently dies off stage, more through his own impatience than through social injustice. Atticus does not have to mount an appeal, meaning he not only never has to mention the exclusion of Blacks from the jury pool, but the question never suggests itself to us, either, unless we have been reading up on the Scottsboro Boys. Bob Ewell tries to murder Scout and Jem, but they are saved by Arthur (formerly Boo) Radley, who, despite his odd ways, is as much of a Southern gentleman as Atticus. Heck Tate, the same sheriff who failed to order a forensic exam for Mayella, confiscates evidence, and announces that, officially, Bob fell on his own knife while stalking the children, saving the heroic hermit any public appearance. Maycomb protects its own, and we are back to the status quo ante, with Maycomb slowly and serenely progressing toward greater tolerance and maybe even greater equality, though still within the context of separation and white rule.

In this the novel is again like *Birth of a Nation*, which ends with the white patricians back in charge and the "insane" mulattos who had caused all the trouble, like the poor

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whites in *Mockingbird*, safely disarmed or dead. Atticus is re-elected to his seat in the legislature. Even the citizens who questioned his appearing on Tom's behalf have forgiven him because they recognize that he is a genuinely good man, despite his views. Unlike Judge Horton, he pays no price. And unlike Judge Horton, he has no Jewish lawyers from New York in his courtroom, no ILD or NAACP protesting Tom's treatment, no international demonstrations in Tom's favor, no Black newspapers or northern magazines questioning the proceedings, and especially no US Supreme Court demanding that Black jurors be seated!

Unlike the Scottsboro Boys, Tom Robinson is dead, forgotten by all but his widow and orphans, who are secure in the noblesse oblige of his liberal white employer. Bob Ewell, the trouble-maker, is dead and will no longer abuse his family, so traumatizing his daughter that she might make untoward advances toward a Black man. And white America has a lovely book on tolerance and equality to feed to its children. Lee's real hometown, Monroeville, Alabama, is so proud of Atticus that its citizens urge Bryan Stevenson, in town to represent a Black man charged, convicted, and sentenced to death for the murder of a white woman, a crime to which he had absolutely no connection, to go see the courthouse where Atticus/Gregory Peck gave his famous speech-- without any sense of irony, 25 years after the publication of *Mockingbird* and 50 after the setting of the story. Even John Grisham, whose popular fiction has done much to illuminate the failures of the contemporary justice system falls into the Atticus trap, blurbing for *Just Mercy* that "Not since Atticus Finch has a fearless and committed lawyer made such a difference in the American South."

Atticus is in the Southern mainstream. He does not want to make a real difference, just a cosmetic one. He's a good white moderate—but his philosophy only goes so far. As Dan Carter points out in *Scottsboro*

White Southern moderates usually came from the South's upper or upper middle class, and they had a ready explanation of racial injustice. As Clarence Cason argued, "social station" determined the Southerner's attitude toward the Negro. "A warm and personal connection with black retainers is a part of the family tradition of those Southerners who are linked with the ante-bellum squirearchy."

Admittedly, this did not help the Negro in his more "radical social aims," but it guarded him from "actual cruelty and flagrant injustice." The primary offender was the "poor white." Generations of battling for a marginal existence had narrowed his outlook and made him illogically prejudiced. A New York executive and former Tennessee newsman explained sympathetically that the poor white "cannot be blamed if he is bigoted in his few beliefs, if resentment at things he doesn't understand had cankered so long within him that he acts savagely and violently when an opportunity for expressing this resentment presents itself." (114)

Lynchings had dropped off during the 1930s. They gave the South a bad name. As a result, lynchings were increasingly replaced by situations in which the Southern legal system prostituted itself to the mob's demand. Responsible officials begged would-be lynchers to "let the law take its course," thus tacitly promising that there would be a quick trial and the death penalty (115).

It takes a long time for Tom Robinson to go to trial, and although he is convicted and given the death penalty, Atticus says nothing will happen "until the higher court reviewed his case" (Lee, 293) so he doesn't have to worry. Apparently this timeframe makes the legal lynching more palatable, or maybe it only mirrors the actual years of appeals for the Scottsboro Boys. Unfortunately, despite his lawyer's soothing words, Tom does worry and basically commits suicide by escape attempt. This is the only time in the novel that he takes a hand in his own fate. Malcolm Gladwell makes the same point about Atticus's ordinariness in his article "The Courthouse Ring." No careful reader should have been surprised when *To Set a Watchman* was released—Atticus had always been a segregationist. What is remarkable in comparing Lee's two texts is not that Atticus has changed but that Lee so deftly concealed Atticus's segregationism in *Mockingbird*.

The Scottsboro Boys and their families, unlike Tom Robinson, did take agency in their own cases—both negatively in terms of accusing each other and positively in terms of picking their attorneys and judging which group was most likely to win their freedom. The NAACP was slow to take the case, leaving an opening for the ILD and Samuel Leibowitz to represent the Boys. James Edwin Horton, the Alabama judge who became convinced that the Boys were innocent and that no rape had even taken place, and who may in some ways

have served as a model for Atticus, did overturn some convictions and allowed the matter to proceed eventually to the US Supreme Court. He was subsequently voted down in his next election for judge. The person who eventually won the Supreme Court case was Leibowitz, who had carefully managed to show that Blacks had been systematically refused jury duty in the venues in which the boys had been tried, something that SCOTUS found unconstitutional.

In *Mockingbird*, there is no chance of Black jurors—the question is carefully not even entertained. Instead we get Atticus saying that boys like Jem would have been unlikely to come back with a guilty verdict in Tom Robinson's case. Unlike Leibowitz's witnesses, who demonstrated that there were numerous intelligent, well-educated, successful Black men in each potential jury pool, Lee skips over the issue and implies that only Cal, her son, and a couple of others in the Black community are literate. That she can present such a preposterous theory with a straight face—and that readers can continue not to notice that it is unrealistic—shows how literally "unthinkable" the prospect of Black jurors and the equality that implies remain in the novel and in the minds of most of its admiring readers.

The Scottsboro Boys were not as docile as Tom Robinson, either. One of the prosecutors, trying to get defendant Haywood Patterson to contradict himself, "finally asked in desperation and with a note of sarcasm" 'You were tried at Scottsboro?' Patterson corrected him. 'I was framed at Scottsboro,' he said. [The prosecutor] flushed with anger. 'Who told you to say you were framed?' he demanded. 'I told myself to say it'" (Carter, 226). The only time Lee gives us anything like this is in the incident with Lula, the young Black woman who challenges Cal for bringing the white children to the Black church but whom Cal and Zeebo put down (158-59).

The Scottsboro boys did eventually go free, not because of the courage of a single white Southern moderate (though Judge Horton was far more admirable and paid a higher price for his actions than Atticus), but because of their own spunk, their dedicated Jewish lawyer, the years of effort by the ILD, the NAACP, various civil rights groups in both Alabama and the North, international support for their cause, and the simple fact that Alabamans got tired of the whole mess, especially as it became impossible to pretend that there ever had been any rape at all. (Though there were certainly Alabamans who believed that the Boys should be executed even if they had only been *accused* of the crime.

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Otherwise, too many whites believed, Southern white women would never be safe.) Atticus was never part of the solution—he was only the polite mask over the moderate South's refusal to accept Blacks as citizens.

The main problem with Northerners, noted the dean of Mississippi's Blue Mountain College, was that they seemed unable to understand that the Negro race was an inferior one. No Southern white man, rich or poor, educated or ignorant, doubted this "because the truth of it is incontestable." (Carter, 108)

The secret of *To Kill a Mockingbird's* great popularity is neither its innocent charm nor the impeccable character of Atticus. Rather, this is a book that makes most white people feel good and denies the agency of the Black characters, of the Black press, of the NAACP, and of the International Defense League in Alabama in 1935. The assumption is that Atticus did all that could be done for a wrongly convicted black man accused of raping a white woman, and that the "good" white South was moving toward justice and equality as quickly as possible. That assumption is factually wrong, and believing it gives credit for the Civil Rights movement to white people and hangs its setbacks on Blacks. The book is not "about" tolerance—it is "about" making segregation acceptable, as long as it is genteel and there are no socially gauche moments like lynchings. Black people are just supposed to wait humbly and hopefully for whites to solve everything. One of the most iconic conversations between Scout and Atticus in *To Kill a Mockingbird* occurs after the news has gone around that he is going to defend Tom Robinson. Other children are mocking her, telling her that her daddy is a "nigger-lover." She asks him what that means, and he tells her that it doesn't really mean anything—"ignorant, trashy people use it when they think somebody's favoring Negroes over and above themselves" (144).

"You aren't really a nigger-lover, then, are you?"

"I certainly am. I do my best to love everybody ...." (144)

Apparently, if someone said "Black Lives Matter" to Atticus, he would sweetly reply, "All Lives Matter."

Grisham might better have said that Bryan Stevenson is the lawyer that Atticus ought to have been. What does it mean that three generations of children, now, in the South and in the North, and even in other countries, including South Africa and Canada, have been taught "tolerance" by reading a book that portrays Blacks as illiterate and void of agency, contentedly relying, even in the midst of tragedy, on a white lawyer who substitutes only procedural fairness for justice, even justice delayed? Why do 50 plus years of discussion about this novel fail to counter this pretty segregationism with the shocking, confusing, exasperating, exhilarating story of spunky defendants with supportive families, of Communists and Jews, of Black doctors and dentists and of the young Thurgood Marshall, who was learning from Leibowitz and the other lawyers how to use the courts for actual substantive relief, not just for individuals but for the whole nation, as he would show winning *Brown v. Board of Education* in 1954?

*Go Set a Watchman* makes it clear that Lee, like many Southerners was appalled with *Brown* and the overturn of the separate but equal doctrine, and she certainly had the right to make that choice, but why do we expect 21<sup>st</sup> century students to ratify it? What would it mean if we were *not* still teaching students that Tom Robinson was doomed the minute Mayella Ewell screamed, if we were supporting Marshall's legacy by demanding that the courts back Black rights and if we were coming out in the streets, as the ILD did in the 1930s, to back up those demands? What if our children, Black, white, Hispanic, Native, Asian, all of them, were reading not about the placid Calpurnia but about Mrs. Williams? Most wisdom in Bryan Stevenson's *Just Mercy* comes not from a middle-aged white lawyer but from old Black ladies, like Mrs. Williams, a woman who survived the dogs and firehoses of the bridge at Selma only to be utterly daunted by a dog set in a courtroom to deter Black supporters from attending one of the many hearings that Stevenson won for Walter McMillian on the way to establishing his client's innocence and winning his freedom. Mrs. Williams was so disturbed that she sat up all night praying and succeeded in walking past the dog and into court the next morning. When Stevenson comprehends the meaning of her personal victory,

In that moment, I felt something peculiar, a deep sense of recognition. I smiled now, because I knew she was saying to the room, "I may be old, I may be

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poor, I may be black, but I'm here. I'm here because I've got this vision of justice that compels me to be a witness. I'm here because I'm supposed to be here. I'm here because you can't keep me away. (181)

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Justice for most people in *To Kill a Mockingbird* means doing what is fair or right according to what? Tradition. Atticus says Mrs. Dubose is brave because she. Cite and explain two reasons why it is logical that Boo would be the one to save the children. Using examples from the novel, explain who you feel the mockingbird is and what they represent. This one is up to you. Outline: 1.- Introduction sentence- State your answer- The mockingbird of the story is \_\_. 2-4 (or more if you want). State your arguments for your thesis. You should discuss reasons why you think your chosen character is the mockingbird. You should give criteria for your opinion and use examples from the story of things that happen. So, mockingbirds are harmless, innocent creatures, and killing them is wrong, because they don't hurt anyone. (The same could be said for cows, but hamburgers are so tasty, while mockingbirds presumably aren't.) But is this lesson so important in itself that it's worth putting it front and center on the cover of the book? There must be more going on here. Mr. Underwood didn't talk about miscarriages of justice, he was writing so children could understand. Mr. Underwood simply figured it was a sin to kill cripples, be they standing, sitting, or escaping. And why isn't the book called *It's a Sin To Kill a Mockingbird*? That would make the meaning clearer, right? Or. Source(s). <http://www.shmoop.com/to-kill-a-mockingbird/title.html>. I've read that *To Kill a Mockingbird* wasn't Harper Lee's first choice. Originally she called the book *Atticus*. I'm happy she didn't stick with that one. I always found the kids in the book far more interesting. SparkNotes, an online study site, explains, "The title of *To Kill a Mockingbird* has very little literal connection to the plot, but it carries a great deal of symbolic weight in the book. In this story of innocence destroyed by evil, the 'mockingbird' comes to represent the idea of innocence. Our study guide and lesson plans will help you use *Mockingbird*'s setting as a springboard for engaging students in issues of justice, gender, and race. Topics: *To Kill a Mockingbird*, Classrooms, Books, English Language Arts, Facing History Resources, Teaching Resources. Visit my Website.