

University of North Carolina at Asheville

Nell Battle Lewis in the Progressive Era:
Prison and Capital Punishment Reform

A Senior Thesis Submitted to the Faculty of the
Department of History in Candidacy for the
Degree of Bachelor of Arts in History

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Asheville, North Carolina
November 2009

The Progressive Era of the Southern United States served as a catalyst for many reform-minded men and women regarding issues from environmental policies to women's right to vote. Lasting from the 1890s to the 1920s, and regaining some momentum during the Great Depression due to excitement created by the New Deal, it was a period that saw great leaps in public interest to improve the lives of the American people through social and political reforms. Southern women, in particular, were essential to exposing the inequalities of the United States social structure and made strides to improve the lives of those who lacked a political voice. One of those women was Nell Battle Lewis, a journalist, activist, and lawyer whose words reached many across North Carolina. Lewis voiced many Southern social reform concerns, including prison and capital punishment reform, and presented her ideas about social change to the public sphere through her popular editorial-style column and work with the State Board of Charities and Public Welfare. It was her Progressive politics that brought Lewis to fame, but her biting wit and unconventional ideas encouraged her continued readership for thirty-five years.

Historiography

Historians define the Progressive Era as a socially and politically minded movement in early 20th century America that saw a rise in reforms concerning the corporate structure, the working class, women's rights, and social welfare, which were concerns of many men and women who devoted their efforts to using the democratic system to promote legislative change.¹ Female reformers were essential to the Progressive Era and, as described by Robyn Muncy, they were attempting to fulfill traditional female roles of service and sacrifice while demanding recognition and redefining the public understanding of an American woman.² Women used

¹ Robyn Muncy, *Creating a Female Dominion in American Reform 1890 – 1935* (New York: Oxford University Press, 1991), 29-30.

² Muncy, 30.

feminine values to “reconstruct public life in accordance with their own ideal of womanhood” while pushing for the safety of families, children, and maternity to protect them from the industry driven society.³ This work was effective in transforming the American legal system in an effort to provide many with rights they had never enjoyed before, such as women’s right to vote and labor laws for the aide of the growing middle class.

Women across the nation organized clubs that were designed to inform the community and promote change in society, as well as to coordinate efforts to foster that change in the realm of social welfare and women’s rights by collecting funds or taking donations.⁴ Anne Scott, in *Natural Allies*, described the clubs and their rise during the Progressive Era and the growing social consciousness promoted by reform societies. Also, the importance of these groups helped to aide the working middle class as capitalism led to a more industrialized society.⁵ Simultaneously, women took advantage of the democratic system and ultimately participated in politics with the gain of the vote.⁶

It is important among scholars to differentiate Southern Progressivism from the rest of the country, as done by Dewey Grantham and William Link. As argued by Grantham, the industries, such as cotton, tobacco, and textiles, and the labor-based economy separated the South from other regions.⁷ Also, the region had been largely rural, thus rapidly growing urban

³ Eileen Boris, “Reconstructing the ‘Family’: Women, Progressive Reform, and the Problem of Social Control,” in *Gender, Class, Race, and Reform in the Progressive Era*, ed. Noralee Frankel and Nancy S. Dye (Lexington” University of Kentucky Press, 1991), 73-4.

⁴ Anne Firor Scott, *Natural Allies: Women’s Associations in American History* (Chicago: University of Illinois Press, 1991), 13.

⁵ Scott, 160.

⁶ Scott, 2.

⁷ Dewey W. Grantham, *Southern Progressivism: The Reconciliation of Progress and Tradition* (Knoxville: University of Tennessee Press, 1983), 4.

centers were much more influential than the urban growth experienced in the North, where cities were much more common.⁸ The new middle class, though very large, was without the economic power that the upper class held, which led to the need for social reform in the South for both black and poor white people.⁹ William Link argues that the rural and urban settings treated social issues differently, where in a rural setting the sentiment was largely indifferent due to strong local ties. The growth of cities also gave birth to stronger notions of “Protestant humanitarianism,” which served as a catalyst to change social conditions that were not considered acceptable by reformer’s standards.¹⁰

Penal reform for southerners extended from the idea that humans tended to follow laws and those who did not were defective, so they were viewed as opportunities for repair rather than criminals.¹¹ This led to a philosophy that prisons should function as reformatories rather than penitentiaries for both black and white prisoners. Convict leasing, as explored by Matthew J. Mancini, allowed for the prison system to remain self-sustaining by selling prison labor in an effort to foot the costly bill of running a penitentiary. Notoriously dangerous, the lessee was held responsible for taking care of prisoners but had no motivations to protect or even keep them alive because the Southern prison systems did not require this.¹² This was largely an effort to maintain control over black labor after the abolishment of slavery, so the treatment was often very

⁸ Grantham, 5-6.

⁹ Grantham, 9.

¹⁰ William Link, *The Paradox of Southern Progressivism, 1880-1930* (Chapel Hill: University of North Carolina, 1992), xi-xii.

¹¹ Larry E. Sullivan, *The Prison Reform Movement: Forlorn Hope* (Boston: Twayne Publishers, 1990), 27.

¹² Matthew J. Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866 – 1928* (Columbia: University of South Carolina Press, 1996), 15.

similar.¹³ Reformers like Nell Battle Lewis fought these institutions that violated basic human rights.

In her Progressive politics, Lewis addressed issues such as women's rights, assistance for the mentally disabled, legal reform, and social commentary in her repertoire. According to Darden Asbury Pyron, Lewis remains a widely unknown figure because she was not able to compile a single volume in her life, a symbol of her achievements across her lifetime.¹⁴ Instead, she exists in the background as a motivator for many during the Progressive Era, representing vocal women who demanded progress after years of experiencing and witnessing oppression, and was a symbol of the changing face of political reform.

The position assumed by Lewis during the 1920s was critical of Southern culture and politics. Her main goal, according to Linda Williams Sellars in her thesis, "South-Saver: Nell Battle Lewis in the 1920s," was for a "more civilized society" that would maintain a uniquely Southern culture.¹⁵ Through the recognition of women's rights and social reform, North Carolina could become a modern state without losing the Old Southern culture that had made it distinctive, a strong conviction for Lewis. It was under Lewis's new ideal state, according to Sellars, that North Carolina would become part of a Southern culture that was "a genteel, leisurely, ordered society in which educated, humane aristocrats cared for lower class whites and for blacks."¹⁶ Her struggle for a North Carolina society that was conscious of social welfare needs was the object of her writing, as explored by Linda Lou Green in "Nell Battle Lewis:

¹³ Mancini, 20.

¹⁴ Darden Asbury Pyron, "Nell Battle Lewis (1893 – 1956) and 'The New Southern Woman,'" *Perspectives on the American South* 3 (1985): 63.

¹⁵ Linda Williams Sellars, "South-Saver: Nell Battle Lewis in the 1920s" (Master's Thesis, University of North Carolina, 1985), 35.

¹⁶ Sellars, 51.

Crusading Columnist,” in which she studied the role of Lewis as a columnist during the 1920s and 1930s and her interest in the “fundamental rights of man” and social justice.¹⁷ Though this study does address prison reform and capital punishment, it does not analyze the ways Lewis actively pursued public interest through her writing style, nor does it discuss these specific topics within the context of Progressivism.

Life of Nell Battle Lewis

In 1893, Nell Battle Lewis was born in Raleigh to Richard Henry Lewis, a highly respected physician, and Mary Gordon.¹⁸ Lewis attended St. Mary’s College in Raleigh and graduated in 1913. From there she continued her education at Smith College, located in Northampton, Massachusetts and graduated in 1917.¹⁹ As a well-educated woman with a strong point of view, a very successful and extensive journalistic career served as her main avenue where she was able to articulate her thoughts on society and politics to the public.

In 1931, as part of an arson case involving sixteen girls from Samarcand Manor, Lewis participated in her only legal effort as a defense attorney after the manor’s inmates were charged with setting fire to two of the buildings at the institution, a capital offense in North Carolina.²⁰ Lewis argued that neglect and mistreatment of the underage girls, who had been sent to Samarcand for various crimes, signs of sexual promiscuity, or by donation of their families, justified their actions as a cry for help. She was reported, by Bess Davenport Thompson in the *Raleigh News and Observer*, to have pleaded with the judge for mercy on account of the girls,

¹⁷ Linda Lou Green, “Nell Battle Lewis: Crusading Columnist, 1921-1938” (Master’s Thesis, East Carolina University), introduction [i].

¹⁸ William S. Powell, ed. “Lewis, Nell [Cornelia] Battle,” *Encyclopedia of North Carolina Biography*, (Chapel Hill: University of North Carolina Press, 1978-96) 4: 61.

¹⁹ Pyron, 66.

²⁰ Bess Davenport Thompson, “Defense Holds Samarcand Girls Victims State Neglect,” *Raleigh News and Observer*, May 20, 1931.

whose actions were a product of their environment. Though the case was lost, only four of the defendants were sentenced to 18-months to five years, dependent on behavior.²¹ Still this was a success in Lewis's plight against the death penalty because of the state's employment of mercy, despite the possible legal consequences of setting fire to a state operated correctional institution.

In addition to her work as an attorney, Nell Battle Lewis wrote a column, "Incidentally," for the *Raleigh News and Observer*, which ran weekly for thirty-five years, beginning in 1921. Aside from some significant breaks during the 20s and 30s, when Lewis battled mental illness, and a few months dedicated to other activities, she consistently wrote until her death in 1956.²² The column was an unexpected success and hundreds of issues of "Incidentally" were printed over the course of her career, speaking to the impact and popularity of her writing. The column served as a weekly commentary on popular politics, society, and was the most significant outlet for her political voice. Though her liberal politics eventually evolved into a more conservative point of view, many themes ran throughout the series without changing. She tackled issues such as female roles in the South, urban growth in North Carolina, political and social reform, and conservatism, all with a strong voice and often a sharply sarcastic tone. The themes of capital punishment and prison reform were particularly important to her political career during the 1920s and early 1930s and the social reforms during the Progressive Era.

Lewis often caused controversy with some of her most radical ideas. For example, in one column, quoted by Edwin Mims, she called Eve one of the 'mothers of science.' "The 'curse' she brought was the inquiring mind, always brightly dangerous. Adam was a clod beside her."²³

²¹ Bess Davenport Thompson, "Twelve Samarcand Girls Get State Prison Terms," *Raleigh News and Observer*, March 21, 1931.

²² Powell, 61-2.

²³ Edwin Mims, *The Advancing South: Stories of Progress and Reaction* (New York: Doubleday, Page & Co., 1926), 242.

Such a claim was not in accordance with popular belief in the early 20th century South, which was primarily Christian. Mims, a contemporary of Lewis, described her as the perfect example of the New Southern Woman, who was driven by her own ideas, and took them into to the public sphere through carefully crafted words of wisdom.²⁴ This role as an exemplary figure also helped to cultivate her fame so that she was able to voice concerns with social issues without being dismissed by the public due to her gender and provided a platform for the discussion of reform.

Penal Reform

Penal reform was one of Nell Battle Lewis's main concerns, both in her writing and her efforts while serving on the State Board of Charities and Public Welfare. Like many other Southern women, Lewis felt that the prison system should treat people, despite their criminal past, as humans and that they deserved to have rights just as any other U.S. citizen no matter their mental capabilities, race, or gender. Likewise, recognition and treatment of mental illness within the prison system was, to Lewis, necessary for prisoner's rights and safety. This view was supported by a number of progressives who also opposed the implementation of convict lease programs and chain gangs because of the abuses they invited.²⁵ The safety of prisoners was not a priority for the state so many were abused or killed due to negligence or indifference. The social reforms that were so common during the early 20th century encouraged the public to take responsibility as American citizens and demand change, something that Nell Battle Lewis strived for.

²⁴ Mims, 239-240.

²⁵ Grantham, 130.

Lewis maintained a notion that reform came from few, not the majority, and so it was a necessity for “wise and determined leaders” to rise up. Prisoners did not fight the cause of prison reform but instead it came from “prolonged efforts of a few influential individuals.”²⁶ She compared the plight for prisoners to that of women or textile workers, in that the majority had no rights and no political voice, and so it was the responsibility of a much smaller group to battle for change. This idea was sustained throughout her career as a reformer and she demanded that reform minded individuals rise up for the common good, which was the very basis of the Progressive Era.

The main reasons for the clumsy treatment of prisoners, to Lewis, was the “cumbersome and antiquated penal system” that existed in North Carolina.²⁷ Many blamed the State Board of Charities and Public Welfare for the state’s unwillingness to change regarding prisons, but she asserted that the Board took advantage of every publication possible to gain momentum through the public in the pursuit of prison reform. This issue was at the core of the difficulties of Progressivism, where public support was often required to make any headway in society or in the legal system, and therefore it was necessary for figures like Nell Battle Lewis to appeal to the public through their journalism.

As an example of the abuse of prisoners, called by Lewis “the ghastliest prison tragedy in North Carolina history” in one edition of “Incidentally,” eleven black men burned to death in a prison fire caused by faulty electric wiring while trapped in their cell. The culprit, according to the state, was no person but instead the wiring itself and therefore no further actions were taken to bring justice for the men who died. “Electricity, which, as we all know, wires itself and does

²⁶ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, April 11, 1926.

²⁷ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, June 14, 1925.

its own inspecting, was the sole culprit – if any,” she sardonically wrote.²⁸ The lack of blame implied that the state had no interest in punishing the guilty party but instead considered prisoners meaningless objects. Lewis artfully employed her wit to explain the absurdity of such a claim and simultaneously called public attention to the lack of concern for prisoners, particularly black prisoners. Though she did not make an issue of the prisoner’s race, by merely recognizing that a black man deserved the same justice as a white man, Lewis challenged the Southern social norms of white supremacy, which was quite radical. She threatened the state’s authority and challenged them to recognize that prisons should employ equal justice for all and that all lives were valuable.

But Lewis held the public, including herself, responsible for the tragedy and she outwardly blamed the citizens of North Carolina for the deaths. By placing the public at fault, she called them to action with the expectation of change in the penal system. Progressivism was based on increased humanity and equality within the government, but the only way that it could come about was with public support. In a democratic system, the real power lies with the people, and Progressive Era reform often relied on the public’s voiced dissatisfaction. Lewis demanded that people who felt that this was an injustice make it known so that it could be prevented in the future.

In this installment of “Incidentally,” Lewis also employed specific language to simultaneously attack and provoke readers who felt that their lives were not connected with the eleven dead prisoners. She attached the blame to people who, to Lewis, were ignorant and did not feel at fault.

²⁸ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, March 15, 1931.

He is there by reason of his own illegal acts, so hooley! A Negro convict is our 'neighbor'? Say, how d'yer get that way? We are no Samaritans on the road from Jerusalem to Jericho. We are one hundred per cent American Christians on a fine new concrete highway, speeding in pursuit of our own absorbing interests, rushing toward the enticing goal of our own personal success.²⁹

By addressing those who ignored human rights issues in such a way that she both humiliated and belittled them, Lewis was, again, pushing for people to take a stand for their fellow man.

Normally a very eloquent writer, words such as 'd'yer' associated this point of view with the uneducated and the ignorant. Also, Lewis criticized those American Christians who did not express concern for the voiceless as selfish people, whose only goals involved their own success, leaving others in their trail. This was a radical idea, but she felt that Christians were ignoring what their faith encouraged, the aid of the less fortunate. A bold move, this and similar ideas were aimed to shock the public into expressing reform concerns where they had previously not. This call to action was effectively a challenge to people who did not share her Progressive ideas with the goal of raising public awareness and interest in prison reform.

Suggestions on possible improvements to the penal system that would be most beneficial, according to Lewis, included compulsory education, a newly designed parole system, and an end to the convict lease program. She also offered readers a small bit of hope, successes within the penal system that were quite progressive. Those included the establishment of a farm colony where female prisoners could work and the establishment of separate wards for the criminally insane. Most notably, the eradication of floggings and dark cell confinement for punishment were viewed as important steps in prison reform, but Lewis was skeptical about the enforcement

²⁹ Nell Battle Lewis, "Incidentally," *Raleigh News and Observer*, March 15, 1931.

of both and described the abolition as “theoretical.”³⁰ The changes that were pushed by Lewis and many of her contemporaries were designed to both grant safety and comfort to prisoners and to create a work system that contributed to the betterment of society. Farm colonies and road work for convicts were advanced concepts in a system that preferred to treat prisoners like disposable commodities instead of individuals with the ability to work for societal gain.

Prison camps proved to be unsuccessful, such as when a black man considered to be mentally deficient died due to negligence, which was, according to Lewis, caused by a failure on the part of the state and the people to recognize differences among prisoners especially when considering mental hygiene. The issue was that many prison camps were “operated as an economic enterprise rather than a sociological problem.”³¹ Rehabilitation of prisoners was a worthy cause for Lewis, who considered it very important to the plight of the “mentally defective.” If a man were not mentally stable enough to work with others or to survive peacefully among fellow inmates, it would have benefitted all parties if the man were held in a special facility.

A large number of reformers agreed with Lewis that farm colonies would serve as a way to make the prison system self-sustaining without exploiting the prisoners. The farms were set up to be maintained by convict labor, so the mistreatment of prisoners was not totally absolved by this solution. The goal for the state was still monetary gain instead of the creation of an inexpensive and less abusive environment for prisoners who served lesser sentences. Still, it was widely considered to be a much-improved system.³² This sign of progress was encouraging to those who believed that the South was guilty of abusing convicts for the state’s monetary benefit,

³⁰ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, March 15, 1931.

³¹ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, June 21, 1925.

³² Grantham, 142.

but the implementation of chain gangs and the push toward profitability of prison farms continued to occupy the attention of some reform-minded Americans. Lewis effectively expressed the views of many like-minded people concerned with the abuse of prisoners as a work force, and called greater attention to an issue to which many had devoted their efforts.

One of the first farm colonies for women was established in 1929 outside of Kinston, North Carolina to provide more adequate care to prisoners, as well as prepare them for lives outside the walls of confinement.³³ Built using male prison labor, the institution sought to educate prisoners by employing house and farm work as tools in an effort to insure that “every prisoner will leave the farm colony with a more wholesome outlook on life and improved physically and morally.”³⁴ This, as reported by the State Board of Charities and Public Welfare, which Lewis maintained ties for many years after leaving her position, was a major achievement in the Progressive Era and were an important step in penal reform, separating the sexes and assigning the appropriate staff to the institutions, as well as the maintained separation of races within the prison system in North Carolina.³⁵

The State Board of Charities and Public Welfare was, under the North Carolina state Constitution, the supervisory entity for the state prisons. In an article on the suggested changes to the prison system printed in the newsletter style publication produced by the Board, Lewis reported that it recommended the establishment of a district jail, rather than county jail, for areas that held very few convicts, as well as a calculated organization of inmates along the lines of “sex, age, and criminal record, length of sentence, physical fitness, mental condition, and social

³³ “First Cottage at Farm Colony for Women,” Public Welfare Progress 10, no. 4 (April 1929).

³⁴ “First Cottage at Farm Colony for Women,” Public Welfare Progress 10, no. 4 (April 1929).

³⁵ Grantham, 140-142.

background. Classification by race, of course, is understood.”³⁶ She also saw the establishment and extension of prison industry, but only under the condition that the prisoners develop skills to use after the end of their sentence as a way to support them in their new disciplined lives. The rehabilitation efforts of the state would help to insure that convicts stayed out of prison after their release and that they were able to live among other people. This was another aspect of prison reform that adopted the Progressive ideas of assisting those whose behavior was modifiable for their own, and societal, benefit.

While the separation of race in prisons was maintained, Lewis felt that black prisoners still deserved a fair and humane prison stay. She thought that, despite their race, justice was still necessary. Lewis was a racial moderate who firmly believed in ‘separate but equal.’ Much later in her career, Lewis wrote in “Incidentally” that she believed in segregation but did not approve of white people’s feelings of supremacy.³⁷ Though not in the context of prison reform, she held the conviction that it acceptable to draw racial lines. She did not, however, say that the blacks deserved anything lesser than that offered to their white counterparts. Her inclination was that people were all different and must be categorized to best serve those differences, such as the mentally healthy and the mentally ill.

Capital punishment

The abuse of the electric chair as a form of capital punishment during the Progressive Era was an issue for many Americans, and the extreme violence involved in this mode of execution

³⁶ Nell Battle Lewis, “Welfare Board Recommends Five Changes in Local Prison System,” Nell Battle Lewis Collection, box 28 Social Welfare (1922-1938), North Carolina Department of Archives and History, Raleigh, NC.

³⁷ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, February 6, 1944.

was disturbing for some Progressives. Nell Battle Lewis stood as one of the leading figures involved in the abolishment of the death penalty and through her writing she sculpted a picture of the victimized convict whose future in the electric chair was, to Lewis, unnecessary and cruel.³⁸ Her efforts through the 1920s and into the 1930s to call attention to the misguided use of the death penalty as a form of punishment against the mentally ill, elderly, and non-white citizens of North Carolina aligned with the Progressive demands for humane treatment of prisoners. She employed tactics similar to her prison reform arguments to force Americans to feel guilt for the allowance of what she felt was a disgusting abuse of the state's power over the individual.

In 1929 the State Board of Charities and Public Welfare released a 173-page study of the state, and history, of capital punishment in North Carolina, the first document of its kind. "Capital Punishment in North Carolina" was both compiled and edited by Lewis to show the complicated nature of the death penalty and as a means of expressing her own opposition to the ease at which the state sentenced convicts to death. Case studies of twenty-six inhumane applications of capital punishment led Lewis to conclude that North Carolina would be wise to include the option of life imprisonment as an alternative the death penalty or, instead, to completely abolish capital punishment as a sentence.³⁹ This document was one of Lewis's major career successes, in that it was a unique study for North Carolina and it had the credible backing of the State Board of Charities and Public Welfare, a government institution. She repeatedly referenced it in "Incidentally" as proof of the lack of social justice in the state.

The mental state of prisoners was extremely important to Lewis so much that some of her main conclusions from the "Capital Punishment in North Carolina" study involved the rights of

³⁸ Powell, 62.

³⁹ Nell Battle Lewis, ed. "Capital Punishment in North Carolina: Special Bulletin Number 10" (Raleigh, N.C.: The N.C. State Board of Charities and Public Welfare, 1929).

the “mentally defective” and the insane. The study concluded that North Carolina, along with many other states, should employ a policy of prevention when dealing with the mentally deficient and “clearer recognition of such deficiency, and more adequate institutional provision, if not sterilization as well.”⁴⁰ The rights of the mentally ill were limited and therefore Lewis called for public recognition of, what she believed to be, societal crime. In writing Lewis often referred to the fact that there were no special provisions for people who were deemed mentally unstable. One of her major convictions was that those people were not born with the mental capacity of a normal man and so they could not be held responsible for their actions. This idea was supported by the study, where she devoted much of the volume to establishing the mental state of the men who served as case studies and how this caused their crime.

Like many other Progressives, Lewis considered crime an illness that deserved attention and treatment rather than a societal problem that needed to be erased through extreme measures such as the electric chair. Using a mocking tone, she equated capital punishment’s use in North Carolina as absurd as “a doctor [who] kill[s] his patient because he didn’t know what else to do with him.”⁴¹ The use of Progressivism for Lewis justified her ideas that a person should not be punished for actions that were beyond that person’s control and instead a reformatory could provide opportunities for a more successful life. The lack of consideration for the mental capacity of convicts was a harsh reminder of what Progressives considered to be extreme measures in the government’s abuse of power over criminals and the criminally insane.

In comparison to other states, North Carolina maintained a very harsh set of laws involving capital punishment, and those laws limited the options for juries involved in cases that

⁴⁰ Lewis, “Capital Punishment in North Carolina,” 172.

⁴¹ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, August 4, 1935.

were punishable by death. Lewis analyzed the statistical differences among the states in order to show the ‘backwards’ nature of sentencing a person to death in North Carolina, which was “one of the six states in which judge or jury have no choice between penalty of death and one of life imprisonment: one of the eight States where arson is punishable by death: and one of the five States where first degree burglary is punishable by death. This is a low rating...”⁴² Lewis also presented the fact that many Northern states had already abolished capital punishment entirely, suggesting that the South follow suit. Lewis was not alone in her belief that many policies of the North would be beneficial to the South, the push to emulate the North in politics and social policies included capital punishment reform.

Nell Battle Lewis also argued many times that murder, or any other capital crime, did not justify the use of the electric chair, which was extremely violent and appeared excessively painful. To her, abuse of the electric chair was equivalent to murder, but at the hands of the state. In one issue of “Incidentally,” Lewis wrote:

But nobody has ever been able to prove to me how one murder is bettered by another, or how society is benefited by turning murderer itself. All that means is revenge, which is the basis of so much of our penology and consequently so largely the cause of its failure.⁴³

She considered death by electric chair to be the easiest solution to a very complicated problem which the government was unwilling, or unable, to solve in a more constructive way. Instead, the murderer was erased from existence, and therefore no longer the state’s concern. Lewis viewed this as the government shirking responsibility. Empowered by the people, the state was

⁴² Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, August 28, 1932.

⁴³ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, September 13, 1931.

accountable to the public to serve their best interests and provide proper treatment, which was not occurring according to Lewis.

As her writing indicated, Lewis understood the death penalty as a crime against humanity, and its continued use was a way to dodge the difficulties in housing criminals for years at a time. During the rebirth of humanitarian pursuits in the mid-1930s, Lewis proposed that North Carolina rethink its reliance on the electric chair to deal with capital crimes. The suggestion was that, alongside capital punishment, a choice of life imprisonment should be offered to judge and jury as an alternative, but the decision had to be unanimous.⁴⁴ This effort was aimed toward a more civilized way to remove the world from a prisoner, rather than the prisoner from the world. North Carolina was one of six states to deny this option. Her criticism of the government's denial was aimed to instigate public uproar to pressure the state to change its policies. One of the reasons that the Progressive Era was effective in policy change across the country was the American people's support of reformers like Lewis and their ideas about how to cultivate a more civil and humanitarian culture.

Just as she had with prison reform, Lewis took issue with Americans who did not feel responsible for convicts or accountable for the number of deaths at the state's hands, which she considered a crime itself. In this column she explained that the death penalty was simply revenge taken to an extreme. "It's absurd to suggest that these last words have any reference to you and me. What responsibility have we for the death of this boy and his companions. The State killed them, the State, that convenient abstraction."⁴⁵ One of her goals was to institute mercy into the penal system for the mentally ill and the elderly but the state did little to sway the

⁴⁴ Nell Battle Lewis, "Incidentally," *Raleigh News and Observer*, February 3, 1935.

⁴⁵ Nell Battle Lewis, "Incidentally," *Raleigh News and Observer*, November 3, 1935.

rulings on such matters, so the duty fell to Lewis and her fellow reformers, who in turn were required to cultivate public support for capital punishment abolishment to make any strides toward the future.

Lewis was concerned with sentencing of the elderly and she starkly disagreed with the death sentence for an eighty-two year old man, whose remaining years could easily have been spent in a cell, rather than ending his life violently in the electric chair. She wrote, “Yet his death sentence serves a purpose, for it presents one of the instances where we see in its starkest horror and its most barbarous stupidity the law under which we dispatch our brothers to eternity.”⁴⁶ To Lewis, the court system had lost its conscience, to the point where an old man had to suffer a painful death, when his life was, certainly, ending naturally quite soon. Lewis employed her usual tactics in this example, taking to sarcasm as a way to show the ridiculous nature of electrocuting an octogenarian. “For eighty-two years John Henry Hauser escaped our vindictiveness, but we’ve caught him at last!”⁴⁷ Using this language, Lewis belittled those responsible for the sentencing and likened them to idiots, a bold move for a woman in 1931. Likewise, she referred to the man as a ‘brother,’ which showed her understanding that the American people held a social contract to protect one another as if members of a family. The sentiments of the Progressive Era were to improve American policies for the benefit of the people and by connecting the American public in a familial relationship she showed the need for collective demands for reform.

The 1929 publication *Public Welfare Progress* was produced by the North Carolina State Board of Charities and Public Welfare and served as an update of the activities of the Board.

⁴⁶ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, September 13, 1931.

⁴⁷ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, September 13, 1931.

The featured article, written by Lewis, was called, “Death for the Defective?” In it she argued against the application of the death penalty to the insane or people who showed psychopathic tendencies, which included about half of the men documented in the “Capital Punishment in North Carolina” study.⁴⁸ She offered the example of a boy, born with “defective mental equipment,” who had to gain a rudimentary education in order to support a family, and the stress of that situation gave rise to his violent tendencies. Ultimately, according to Lewis, “he commits crime to which probably he has been pre-disposed from birth and the significance and consequences of which he is unable to appreciate fully as a normal person could.” Was it morally acceptable to punish this man as if he were of normal mental capabilities? To Nell Battle Lewis, it was not and the fact that mental instability was not treated with separate legal considerations was a social injustice that required immediate attention.

In this fashion, Lewis questioned the morality of putting to death, by electric chair, a person who was born without the mental capacity to control himself. The gradual nature of reform would not allow for the total removal of capital punishment from North Carolina immediately, but to Lewis and those who shared her views of the rights of the mentally ill, it was a worthy cause. This was especially true when the punishment required the death of a person who, as Lewis argued, was merely acting in a way that is natural to them. Social justice was key to her policies and she was becoming an authority on the issues of capital punishment, mostly due to her efforts with the “Capital Punishment in North Carolina” study. By employing various publication avenues to express her views, Lewis aimed to reach as many people and interest groups as possible for a woman in the early 20th century.

⁴⁸ Nell Battle Lewis, “Death for the Defective?” Public Welfare Progress 10, no. 4, April 1929, Raleigh, NC.

Statistically, according to Lewis, of the 200 people (199 men, 1 woman) sentenced to death in North Carolina between the first use of the electric chair in 1910 and the publication of this paper in 1929, 75 percent were black. Also, of that 200, 94 were actually electrocuted.⁴⁹ The others had their sentences traded for life-imprisonment or a significantly shorter sentence, generally lasting between 20 and 30 years. This was one of the most significant disputes Lewis had with the system, that if some prisoners were given the option to apply for a lesser sentence, then it could be reasoned that the state understood that not all capital crimes constituted death.

Lewis considered the people's lack of exposure to the horrors of electrocution partially to blame for the public's general indifference. As reported in "Incidentally," the conservative approach was to shield the American public from the gruesome details of an execution but Lewis said that no detail should be omitted because it robbed the people of the understanding of what they, as citizens who allow electrocutions, were subjecting the convict to.⁵⁰ She wished to force people to objectively look at electrocutions as a way to understand the responsibility of performing such inhumane acts. She advocated the use of shocking descriptions of electrocutions in the newspapers to expose the realities of corporal punishment in order to evoke a response among the public. That response was incredibly influential during the Progressive Era so she aimed to cause an uproar that would ultimately lead the state to recognize the demands for abolishment, or at least adjustment, of capital punishment.

Lewis related the history of capital punishment, especially in colonial times, to that of 1929 as a way to show that progress had definitely occurred and gave hope that it was still possible. She proposed that the decline of lynching, "an extra-legal form of punishment of this

⁴⁹ Nell Battle Lewis, "Death for the Defective?" Public Welfare Progress 10, no. 4, April 1929, Raleigh, NC.

⁵⁰ Nell Battle Lewis, "Incidentally," *Raleigh News and Observer*, April 26, 1925.

sort,” showed the progress of the people of North Carolina.⁵¹ In all of her writing Lewis was very skeptical of social, judicial and political change until she was able to personally see the results of reform. She accepted that the people of North Carolina had the capacity to make progress, but it would seem fairly insufficient in the grand scheme of capital punishment as it was not state mandated. Progress provided the people, and reformers, with confidence that change was gradually occurring, such as with the increased liberal sentiments about treatment of prison workers. These historical changes instituted in North Carolina also provided a glimmer of hope for capital punishment abolishment. According to “Capital Punishment in North Carolina,” the trend, beginning in the colonial period, was to limit the use of the death penalty over time, which led to the prospect that it could ultimately be removed completely.⁵² It was with this motivation that reform continued for so long, even into the 1930s as a result of the excitement induced by the New Deal. While Lewis saw little in regard to major successes in her reforms during the period, small improvements were not uncommon.

Throughout the 1935 installments of “Incidentally,” Lewis evaluated each month based on the number of electrocutions and then compared them to the years before so that she, and readers, could track the changes in capital punishment in comparison to previous years. She began in February with an overview of 1934 as a record-breaking year in which twenty men were electrocuted, twelve of which were black. She expressed pity toward the executed men because they often came from poverty, were mentally ill, and had “the poorest sort of heredity.”⁵³ She also employed satire to explain why criminals were executed when she wrote, “...the revamping of our theory and practice of punishment requires high intelligence and

⁵¹ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, April 26, 1925.

⁵² Lewis, “Capital Punishment in North Carolina,” 13.

⁵³ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, February 3, 1935.

considerable celebration. So – why bother about it!” This continued throughout the year and in March, when first electrocution occurred, she suggested that opportunities for correcting criminal behavior was impossible if they were killed before given the chance.⁵⁴ Capital punishment was not effective in deterring future criminals, in Lewis’s opinion. As a concession, she did admit that the use of a gas chamber, which was gaining political popularity in the late 1930s, was a step toward progress because it was thought to be a more humane way of killing criminals.⁵⁵ This indicated that the public was not entirely comfortable with the practice of electrocution and it showed signs of social change. Lewis advocated extremism if corporal punishment were allowed to continue. Later in the same series she wrote, “I think we should be consistent in our barbarism. If we are going to have capital punishment, I am in favor of burning our victims publicly at the stake.”⁵⁶ By 1935 it was evident that some reforms were being made in the realm of capital punishment, but abolition was not on the horizon and Lewis was frustrated with the lack of progress.

Conclusion

Capital punishment and prison reform maintained a presence in Lewis’s work for the rest of her life, but were not nearly as prevalent as they had been from 1924 to 1935. By 1938 the mentions of capital punishment abolition had essentially stopped, but this was due to “merely fatigue, not change in conviction,” as she wrote in “Incidentally.”⁵⁷ Her lack of motivation stemmed from an absence of legislative results that aligned with her reform interests. Lewis was “wearied by [“Incidentally’s”] long and apparently fruitless crusade” after devoting over ten

⁵⁴ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, March 17, 1935.

⁵⁵ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, May 5, 1935.

⁵⁶ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, June 30, 1935.

⁵⁷ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, March 6, 1938.

years of activism with what she felt were insufficient results. This set the tone for the remainder of her articles, which mentioned penal reform and capital punishment abolition only every few years in passing. Instead she turned to new social concerns of the 1940s and 50s, such as World War II and Communism, and took a much more conservative view of political issues.

The continued readership, even after a change in her core beliefs, was what kept Lewis in her position as a columnist. Her battle with mental instability in the mid 1930s left Lewis a stark conservative who opposed many of her previously liberal ideals, most specifically against Communism and former liberal-minded allies, but she maintained the importance of social concerns.⁵⁸ Jonathan Daniels, editor of the *Raleigh News and Observer* during a large portion of Lewis's tenure, as well as the son of an old friend of her father, commented on the change she went through: "Then she went crazy, to be frank about it, and then she recovered. But in her recovery she became the damnedest Joe McCarthy you ever saw in your life. . . She became as reactionary as they are allowed to live."⁵⁹ His hesitation in speaking about her effectively showed the strange shift that Lewis underwent. Despite the controversy, the change in her political views had little effect on both her social concerns and her readership. Daniels, editor of the paper, said, "And she was a racist, and not merely directing at blacks; Jews, foreigners. She was sort of entrenched in her column, and you don't fire somebody who's got a following like that."⁶⁰ Many progressives went through similar changes as liberalism became synonymous with Fascism, Nazism, or Communism.⁶¹ Still she was able to sustain the popularity of her column

⁵⁸ Powell, 62.

⁵⁹ Oral History Interview with Jonathan Worth Daniels, March 9-11, 1977 Oral History Program Collection (#4007) in the Southern Oral History Program Collection, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill.

⁶⁰ Oral History Interview with Jonathan Worth Daniels, March 9-11.

⁶¹ Pyron, 76.

and remain politically active until her death in 1956. The length of her journalism career speaks to her reputation and impact over the thirty-five years spent at the *News and Observer*.

The *News and Observer* dedicated a small space, separate from other obituaries, to the memorial of Nell Battle Lewis. She was described as a woman with a “forceful personality” and “complete sincerity” in the article, which served as celebration of her years at the paper.⁶²

Despite gender implications of the early 20th century and her often-debated ideas, Nell Battle Lewis remained focused on social reform throughout the Progressive Era. She coupled sarcasm and wit with scathing reviews of state policies to manifest public concern for social reforms that she supported. Lewis was able to cultivate activism while participating in political institutions such as the State Board of Charities and Public Welfare. Penal reform and capital punishment abolishment served as examples of the methods employed to raise awareness and institute change during a period when public concern was necessary to enact any lasting progress in laws or policies. She showed little fear when pointing out individuals responsible for social injustices and actively pursued societal change, with an emphasis on a transition to a more humanitarian nature during the majority of her professional life. Lewis felt a profound attachment to North Carolina and worked for the best interests of its people. She wrote in 1932 that, “for eleven years, ‘Incidentally’ has been one long love-letter to North Carolina.”⁶³ Ultimately, her entire body of work stemmed from a deep devotion to her home state.

⁶² “Nell Battle Lewis,” *Raleigh News and Observer*, November 28, 1956.

⁶³ Nell Battle Lewis, “Incidentally,” *Raleigh News and Observer*, September 4, 1932.

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