Race for Justice: The Terry Lee Sims Rape Case in Sioux City, 1949–1952

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TERRY LEE SIMS could not believe what was happening to him. On January 21, 1949, the 25-year-old Sioux City resident had just left a movie theater and walked two blocks when he was seized by a plainclothes detective, taken to the police station, and interrogated for hours by six or seven other police officers. Now, less than two months later, on March 14, Sims listened as Judge Ralph C. Pritchard sentenced him to 40 years in prison for raping a white teenager.

A slightly built black man, Terry Lee Sims had been born and raised in Mississippi and Arkansas. Three years before his arrest, he had joined the Second Great Migration north. Given his experiences growing up as an African American in the Deep South, part of him understood the nightmarish implications of being accused of raping a white girl. Another part of him, however, wanted to believe that the outcome could be different in his new home. Certainly in Sioux City he had seen and heard many signs of segregation and racism. Among whites and blacks in his Sioux City neighborhood, however, there was a certain live-and-let-live attitude, allowing Sims to relax in this upper midwestern city in ways that would have been dangerous in the

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region where he had grown up. Any optimism Sims may have had about the outcome of his trials and tribulations eroded, however, as a powerful narrative of rape, race, and gender enveloped the legal proceedings and press coverage of his case.

After his imprisonment across the state in Iowa's state penitentiaries in Fort Madison and Anamosa, Sims's hopes revived as a determined coalition of industrial unionists and civil rights activists emerged to try to rectify what they perceived as a racist rush to judgment stage-managed by the police and the courts. Upon hearing of his conviction, coalition members collected money and found Sims new legal representation. They recognized, moreover, that police interrogations, trial proceedings, witness testimony, and press coverage were freighted with racial prejudices, so they publicized a different account of the crime, one emphasizing Sims's innocence and respectability, as well as the flawed legal proceedings. By constructing an alternative to deeply entrenched narratives surrounding race, gender, and sexuality, supporters exposed the complexities of racism as well as the possibilities and limitations of interracial civil rights action in a postwar northern city.

THE SIMS CASE BEGAN around 8:30 p.m. on January 14, 1949, when someone attacked 15-year-old Norma Flynn in the snowy schoolyard of West Junior High School just north of Sioux City's Bottoms neighborhood. The victim, who was on her way to baby-sit, had been stalked, accosted at knifepoint, forced onto the playground, and sexually assaulted. After the attack, Flynn, who lived 11 blocks from Sims's residence, went home. When her parents returned from a movie theater, they called the police. One week later, on January 21, police arrested Sims.

Subsequent justice was swift. The next day, at police headquarters, Flynn identified Sims from a police lineup as the man who had attacked her. On January 22, after a six-hour police interrogation, Sims signed a confession. One week later he pled guilty to rape in Woodbury County District Court. On February 4, during his court appearance for sentencing, Sims changed his plea to not guilty. Sims told Judge Pritchard that he had confessed because police officers had abused and threatened him. One detective, Sims claimed, beat him for 15 or 20 minutes and

then said, "Look here nigger, I came from the south too, and you know I can be just as bad on you as them down there." Sims's trial began on February 14. Two days later, after less than an hour of deliberation, the jury found Sims guilty of rape. His conviction on February 16 came less than a month after his arrest. On March 14, Judge Pritchard denied Sims's motion for a new trial. By the end of March 1949, Sims had begun serving his 40-year sentence at Iowa's state penitentiary in Fort Madison.[1]

Who was Terry Lee Sims? He grew up in the terrible climate of economic insecurity and rigid segregation that instilled fear in poor blacks in the Jim Crow South. Soon after he was born on April 26, 1923, in Aberdeen, Mississippi, the family moved to Okolona, Mississippi. When Terry Lee was six, they moved again to Osceola, Arkansas, in the northernmost reaches of the Mississippi River Delta 40 miles north of Memphis. Except for the year at age 11 when he returned to Aberdeen to live with his grandmother, he stayed in Osceola until age 18, intermittently attending a segregated school through the fifth grade.

Sims and his parents struggled to survive a time of terrible economic, emotional, and physical insecurity. The southern agricultural economic system of tenant farming was collapsing, and blacks had to endure the constant fear of violence, a central instrument of white supremacist control. In the 1930s and '40s, crop prices, including those for tobacco, sugar, and cotton, declined sharply. At the same time, large landholders mechanized operations with tractors and cotton pickers, which drastically reduced the need for farm laborers. Although the number of lynchings declined in the 1930s and '40s, Sims, like other blacks, had his consciousness seared by this horrific act of white terror, which had been all too common in the preceding decade. Accusations of rape by white women of any social or economic class still contained power sufficient to condemn a black man to death by legal or extralegal means.[2]

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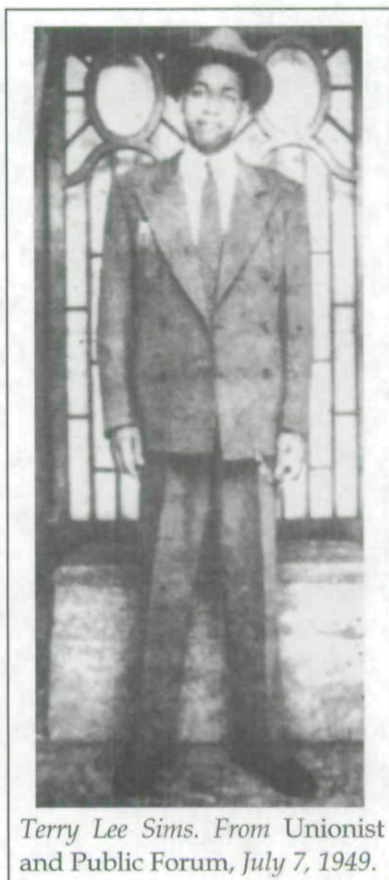
1. *State of Iowa v. Terry Lee Sims*, Supreme Court of Iowa, Appellant's Abstract, 241 Iowa 641, 40, NW 2d, 463 (1950), 3–189, passim; Sims quote from *The Unionist and Public Forum* (hereafter cited as *Unionist*), 7/14/1949, 6.

2. Charles M. Payne, *I've Got the Light of Freedom: The Organizing Tradition and the Mississippi Struggle* (Berkeley, CA, 1995), 7–15. On black life in Arkansas, see George Lipsitz, *A Life in the Struggle: Ivory Perry and the Culture of Opposition* (Philadelphia, 1988), chap. 1.

In Mississippi and Arkansas Sims also experienced the daily humiliations of obsessive southern racism. Restrooms, water fountains, bus and train stations, and other public facilities were marked for "Whites Only" or "Colored." To reinforce their sense of superiority and black inferiority, whites employed racist imagery everywhere, including advertisements, trade cards, comic books, and consumer product labels. Postcards of lynching circulated in the U.S. mail and were on public display in rural general stores where whites and blacks shopped. Blacks suffered from poor schools and a racist justice system, and whites prevented their political participation.[3] Although black protests slowly changed southern race relations, it was for many African Americans, including Terry Lee Sims and his new wife, time to seek a new life in the North.



Terry Lee Sims. From Unionist and Public Forum, *July 7, 1949.*

In 1943, when he was 20, Sims married Marvelean Pounds, and they joined the roughly 1.5 million African Americans who searched for opportunities in northern states between 1940 and 1950. Besides "push factors" in the South, the 1940s migration was driven by the tremendous expansion of industrial production during and after World War II. Terry Lee and Marvelean moved first to St. Louis, Missouri, and then, in 1946, along with a trickle of other African Americans, went further north and west to Sioux City. As did so many migrants, they joined family

3. Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York, 1998); Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South* (New York, 1998).

members, in this case Terry Lee's brother Elix and his wife, who had probably informed Terry of employment opportunities in Sioux City's packinghouses. At the time of Terry's arrest in January 1949, Marvelean had already given birth to a daughter and was in the late stages of carrying their second child. Six days after authorities charged Terry with rape, Marvelean gave birth to a baby boy, whom the couple named Terry Lee Jr.

Sims's first job was working at the Swift Packing Company. One of three national packing enterprises with large operations in Sioux City, Swift, together with Armour and Cudahy packinghouses, employed thousands of Irish, Russians, Germans, Poles, and other immigrants and their descendants who settled in Sioux City's Bottoms or nearby neighborhoods. Although African Americans were channeled into the worst jobs in the packing plants, such as those on the kill floors and hide cellars, they coveted packinghouse employment for the good wages and economic security it provided.

Upon obtaining employment at Swift, Sims joined the United Packinghouse Workers of America (UPWA). In the 1930s the UPWA had successfully organized packinghouses in Sioux City and other packing centers in Iowa, the Midwest, and throughout the nation. During World War II, the UPWA consolidated nationwide bargaining power in the industry and installed powerful, highly coordinated, shop-floor organizations. To prevent management from breeding division among different groups of workers, UPWA leaders organized on an interracial basis. UPWA members, black and white, rubbed shoulders inside the plants and met at "union" taverns near the packinghouses. The UPWA's constitution contained antidiscrimination principles, and its contracts with packinghouses included clauses prohibiting discrimination in hiring and rights to transfer to jobs within a plant. A significant number of African Americans became union leaders. When Sims's UPWA brethren elected him as one of the union's stewards, a key position in the union's shop-floor organization, he would have experienced a sense of power previously unimaginable for an African American who had grown up poor in the Deep South.[4]

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4. Roger Horowitz, "'It Wasn't a Time to Compromise': The Unionization of Sioux City's Packinghouses, 1937–1942," *Annals of Iowa* 50 (1989/1990), 241–68;

Sioux City's packinghouse workers were so strong that they could order a walkout and leave meat to rot on the plant floor, providing management with a powerful incentive to act on workers' grievances. The community provided support, too. When the UPWA called a nationwide strike on March 16, 1948, businesses in the surrounding Bottoms neighborhood provided assistance. Corner grocery stores, which depended on packinghouse workers' trade, extended credit to the strikers and supported the UPWA's "Don't Buy" campaign against Swift, Armour, and Cudahy.[5] To make ends meet during the strike, Sims worked for a short time at a tire manufacturing company. But when the UPWA ended its strike in mid-May 1948, Sims returned to Swift and worked there until October of the same year, when he left Swift after being diagnosed with ulcers.[6]

Even before Terry Lee and Marvelean Sims had arrived in Sioux City, this upper midwestern municipality of 80,000 residents, which included just 2,000 African Americans, had a longstanding reputation for lawlessness and vice. That reputation derived mostly from the "Bottoms" district, where the packinghouses and other industrial enterprises were located. Bounded on the north by Third Street and on the south by the Missouri and Floyd rivers, the Bottoms and nearby neighborhoods included African Americans, Mexican Americans, and Native Americans as well as Czech, Irish, Russian, and Scandinavian immigrants. The packinghouses and stockyards were within walking distance of the "Bottoms"; the stench of smokestacks, jokingly termed the "smell of money," often permeated residents' homes. Next to the South Bottoms area was Lower Fourth Street, where those looking for raucous nightlife found a host of taverns. According to journalist and historian Neil Miller, the bars, availability of prostitution, and legal gambling across the Missouri River in Nebraska "gave Sioux City the flavor of the roaring twenties well into the 1950s." Corruption and payoffs, wrote Miller, were widespread. Police officers who patrolled the Bottoms and Fourth Street "were not to be toyed with."

Shelton Stromquist, *Solidarity and Survival: An Oral History of Iowa Labor in the Twentieth Century* (Iowa City, 1993), 135–37, 251–52.

5. Stromquist, *Solidarity and Survival,* 141–42, 185.

6. *State of Iowa v. Terry Lee Sims,* 81–85; *Unionist,* 4/14/1949, 1.

They were as "tough as junkyard dogs" and "had virtual free reign with anyone who wound up in their custody."[7]

Despite the Bottoms neighborhood's reputation as a center for vice, the area also contained movie houses, grocery and clothing stores, restaurants, and many other legitimate businesses. Children attended integrated schools and, sometimes, black and white children played together. African Americans and immigrant groups organized churches and their own social organizations and mutual aid societies.[8] Terry Lee and Marvelean Sims joined the Mt. Olive Baptist Church, whose members, along with other organizations, provided financial and other kinds of support to the Sims family following his conviction.

Still, Sims and other blacks suffered the sting of racism and segregation. White superiority was not enforced as overtly as in Mississippi, but Sims and other blacks encountered many forms of racism. Some restaurants, taverns, and stores owned and operated by whites refused to serve African Americans, and signs in some businesses' windows read "Colored trade not solicited."[9] Whites enforced segregation by intimidating blacks who crossed into their neighborhoods. Even in the racially and ethnically mixed Bottoms neighborhood there were tendencies toward self-segregation. Black and white children, for example, used swimming pools at different times during the day. Separated by rivers and giant rail yards, middle- and upper middle-class whites looked suspiciously on the residents of the Bottoms and its environs. [10] To the relatively privileged of Sioux City, Terry

7. Horowitz, "It Wasn't a Time to Compromise," 248–49; Neil Miller, *Sex-Crime Panic: A Journey to the Paranoid Heart of the 1950s* (Los Angeles, 2002), 8, 20–21. See also William L. Hewitt, "So Few Undesirables: Race, Residence, and Occupation in Sioux City, 1890–1925," *Annals of Iowa* 50 (1989/1990), 158–80.

8. Horowitz, "It Wasn't a Time to Compromise," 245–47.

9. *Unionist*, 9/1/1949. In this article, Rev. John W. Brigham reported that African Americans daily faced the humiliations of signs reading, "You can't swim here," "Colored trade not solicited," and "We don't serve niggers." "Behind these bare examples," Brigham wrote, "one finds a myriad of accompanying discriminations that run through the warp and woof of [Sioux City] community life." See *Unionist*, 1/26/1950.

10. Telephone interview with Rev. John W. Brigham, 7/6/2003, notes in author's possession; Horowitz, "It Wasn't a Time to Compromise," 249; "Mary Treglia and the Mary Treglia Community House," www.siouxcityhistory.org/people/more.php?id=62_0_2_20_M. See also Suzanne O'Dea Schenken, "The

Lee and Marvelean Sims lived literally and figuratively on the "other side of the tracks."

Although Sims's supporters believed that police had forcefully extracted his confession, they also had to face the fact that a jury convicted him on the emotionally and socially incendiary charge of a black man raping a white teenager. In the 1940s and 1950s, and for decades before, white men especially had a deep revulsion of interracial associations of any kind between black men and white women. Whites in the North as well as the South had a long history of retaliatory rioting, murdering, torturing, and lynching on mere rumors of a black man violating a white woman. On September 28, 1919, for example, just 100 miles downriver from Sioux City in Omaha, Nebraska, a white woman accused a black man, Will Brown, of raping her. The accusation sparked a riot, and a mob proceeded to burn down the Douglas County courthouse. The mob captured and shot Brown, the alleged rapist, then hung, burned, and mutilated his body as it dangled from a lamppost. Even though Ida B. Wells many years earlier had discredited the myth of the black male rapist, black men and black women always held in their minds a fear of unprovoked white violence against them, and they could not trust the police to offer protection or the courts to provide justice.[11]

Historians of the South have shown that the myth of the black male rapist did not inform every judgment in a rape charge, yet the Terry Lee Sims case provides a stark reminder that in the late 1940s and early 1950s the myth was still promi-

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Immigrants' Advocate: Mary Treglia and the Sioux City Community House, 1921–1959," *Annals of Iowa* 50 (1989/1990), 181–213.

11. "Between 1930 and 1964, 455 men were executed for rape in the United States, almost all in the South; 405 of them [nearly 90 percent] were black, and almost all were charged with raping white women." *New York Times*, 8/31/2003. On Ida B. Wells's lynching research, see Paula Giddings, *When and Where I Enter: The Impact of Black Women on Race and Sex in America* (New York, 1996), chap. 1. On the power of interracial rape for maintaining white male supremacy, see Jacquelyn Dowd Hall, "'The Mind That Burns in Each Body': Women, Rape and Racial Violence," in Ann Snitlow, Christine Stansell, and Sharon Thompson, eds., *Powers of Desire: The Politics of Sexuality* (New York, 1983), 328–49; Nellie Y. McKay, "Alice Walker's 'Advancing Luna—and Ida B. Wells': A Struggle Toward Sisterhood," in Lynn A. Higgins and Brenda R. Silver, eds., *Rape and Representation* (New York, 1991), 248–60. For a brief, well-documented account of the Omaha lynching and riot, see William R. Tuttle, *Race Riot: Chicago in the Red Summer of 1919* (New York, 1980), 244–45.

nent among many northern whites in Sioux City. In the mid-nineteenth-century South, a white woman's class status determined to a significant extent whether or not her accusations of rape would be believed. Poor women accusing blacks of rape actually faced the danger of having their personal lives opened for scrutiny. If their personal history contained evidence or suspicions of promiscuity, the accused rapist, whether white or black, could be exonerated or have his sentence reduced.[12]

By the end of the nineteenth century, however, as the most oppressive features of Jim Crow gripped the South, even accusations of black men by poor white working-class women carried terrific clout. The most famous example was the Scottsboro, Alabama, rape case in the 1930s involving nine young blacks ranging in ages from 13 to 19 years. The "Scottsboro Boys" had been accused by two young impoverished white women of gang raping them on a freight train they all had been riding in search of some avenue out of their suffering during the Great Depression. In his instructions to the jury for evaluating the evidence in the rape charges, the judge in the first of three Scottsboro trials expressed the then prevailing view of a crime that involved black men assaulting white women:

> Where a woman charged to have been raped, as in this case, is a white woman, there is a very strong presumption under the law that she would not and did not yield voluntarily to intercourse with the defendant a Negro; and this is true, whatever the station the prosecutrix may occupy, whether she be the most despised, ignorant and abandoned woman of the community or the spotless virgin and daughter of a prominent home of luxury and learning.[13]

Since the Scottsboro case, the legal branch of the National Association for the Advancement of Colored People (NAACP) had challenged racist legal proceedings in rape cases. In 1949, however, nearly 20 years after the first Scottsboro trial, a working-class teenager's words accusing Terry Lee Sims of rape in a

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12. Diane Miller Sommerville, *Race and Rape in the Nineteenth-Century South* (Chapel Hill, NC, 2004). See also Lisa Lindquist Dorr, *White Women, Rape and the Power of Race in Virginia, 1900–1960* (Chapel Hill, NC, 2004).

13. Quoted in Dora Apel, *Imagery of Lynching: Black Women, White Men and the Mob* (New Brunswick, NJ, 2004), 67–68.

small northern city in Iowa continued to carry tremendous weight.[14]

To add to the obstacles to justice created by the racism of the time, Sims faced his accusers during what historian Estelle Freedman has identified as a time of "sex-crime panics." The first sex-crime panic took place between 1937 and 1940. During that three-year period, child murders and rapes received national attention. FBI Director J. Edgar Hoover fueled the panic by calling on Americans to vigorously enforce laws to remove "sex fiends" from society and restore "the safety of American childhood and womanhood." The second sex-crime panic took hold from 1949 to 1955, precisely during the years of Sims's arrest, trial, and conviction—and his supporters' efforts to have him retried or pardoned. Freedman documented how, in the second panic, nationally circulating magazines such as *Time* and *Newsweek* published articles on horrible instances of the rape or murder of children. It also was a time when Americans' insecurities deepened with the intensification of the Cold War, the Red Scare, and the nuclear arms race. As the U.S. Congress and the FBI hunted "enemies within," "much of the anxiety of the period centered upon the most vulnerable of souls—children."[15]

ALL THIS served as the backdrop for the Terry Lee Sims case. The racist framing of Sims's case was not nearly as overt as that informing the Scottsboro prosecution. Still, police, prosecuting attorneys, and the press did construct a racialized narrative that helped engineer a conviction. Sioux City's white, working-class police force played a key role in this process. The police wrote a confession, signed by Sims, that scripted and reproduced the trope of the oversexed, black, violent male and the innocent, young, white female. The confession transcript showed interro-

14. National Association for the Advancement of Colored People, "Equal Justice Under Law," *American Rights for American Citizens: NAACP Annual Report, 1949*, 48–50; idem, "No Rest for the Defense," *1951 The Year of the Hate Bomb: NAACP Annual Report, 1951*, 54–55, 57–58, 60; Eric W. Rise, *The Martinsville Seven: Race, Rape, and Capital Punishment* (Charlottesville, VA, 1995), 4–6.

15. Estelle B. Freedman, "'Uncontrolled Desires': The Response to the Sexual Psychopath, 1920–1960," *Journal of American History* 74 (1987), 83–106 (Hoover quote on p. 94); Miller, *Sex-Crime Panic*, 78–79.

gating officers repeatedly asking Sims when he first desired this "white girl," how he forced this "white girl" onto the schoolyard, and how he violated this "white girl" in spite of her pleas.[16]

The confession's racialized and gendered script contributed vitally to a developing narrative of black sexuality and white innocence that helped to convict Terry Lee Sims. The script's central "characters" were Sims and white detective A. E. Dik. After first obtaining Sims's agreement that "no threats nor promises have been made to me, and I know this statement will be used against me in court," detectives posed questions that linked the notions of black males' uncontrollable sexual desires and white female innocence:

> Q. [Detective A.E. Dik] When you were at Villa and Myrtle Street, did you seen anyone?
>
> A. [Terry Lee Sims] Sure I seen the girl.
>
> Q. When you say you saw a girl, was she *white or colored*?
>
> A. *White girl.*
>
> . . . .
>
> Q. When did you next see this *white girl*?
>
> A. When I got up to the top of the hill—I stopped right across the street where she was at.
>
> . . . .
>
> Q. When you first saw this *white girl,* did you have any intention of having sexual intercourse with her?
>
> A. When I first sees her I really didn't.
>
> Q. When did you first have those intentions?
>
> A. When I got up the top of the hill—West Sixth and Myrtle—when I started talking to her—about Market Street.
>
> Q. Is that the time you made up your mind to force sexual intercourse between yourself and this *white girl*?
>
> A. That's right.[17]

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16. See the brief discussion of *trope* in Alan Munslow, *The Routledge Companion to Historical Studies* (New York, 2000), 214–15. Munslow cites the historian and philosopher Michel Foucault, who claimed that "otherness" and "difference" emerged in different historical periods to maintain and reinforce race- and gender-based structures of power and inequality.

17. *State of Iowa v. Terry Lee Sims,* 25–30 (italics added).

Sims's confession—potent when presented to the jury and later to the Iowa Supreme Court—became the key piece of evidence framing his conviction.

Norma Flynn's testimony as the victim of a crime involving race, sex, gender, violence, and power was also bound to have a powerful effect. Like Ruby Bates and Victoria Price, the false accusers in the Scottsboro trials, Flynn, who was from a working-class background and lived near the Bottoms neighborhood in Sioux City, may have felt her status elevated by the care and attention afforded her by police and prosecutors.[18] A lawyer hired by the UPWA to investigate the case would later tell the union's chief antidiscrimination officer that Flynn was living with Sims's brother and that "they both disappeared as soon as their whereabouts were discovered."[19] On the stand at Sims's trial, Flynn took her cues from assistant attorney for the prosecution Donald O'Brien. Together they reinforced the confession's inherently powerful impact. They followed the script established by the police in the confession, presenting Sims as a "Negro" rapist stalking his innocent white victim. Repeatedly, the two referred to Sims as *Negro* rather than using the neutral terms *man* or *defendant*.

Q. And *what type of man* approached you?

A. A *Negro*.

Q. And is this *Negro* present in court this man?

A. Yes, he is.

Q. And can you identify him?

A. Yes.

. . . .

Q. And as this *Negro* approached you, what happened?

. . . .

A. He came up behind me.

Q. And who came up behind you?

A. This *colored man*.

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18. James Goodman, *Stories of Scottsboro* (New York, 1994), 19–23.

19. "Terry Lee Sims," folder 10, box 348, ca. 1952, p. 5, United Packinghouse Workers of America Records, State Historical Society of Wisconsin, Madison, Wisconsin.

Q. The same man that you have identified here, this man, Norma?

A. Yes.

Q. The defendant in this action?

A. Yes . . . he approached me and covered my mouth and put a knife to my side. Then he took me across the street and over to the playground. He marched me to about the center of the playground next to the wall. Then he attacked me.[20]

Although Sims's supporters would later build on charges that Flynn had misidentified Sims as her attacker, a common issue in interracial rape cases, their claim could not overcome the powerful construction of Sims as a black rapist and Flynn as an innocent white woman. As historian Lisa Dorr observed, "Juries were more likely to be swayed by a narrative of black criminality than by skepticism regarding the veracity of [white] women's charges of rape or the possibility of mistaken identity."[21]

Another important prosecution witness was Jeannie Mae Brown, a poor African American teenager. She further reinforced the trope of a black man's appetite for sex by testifying that Sims had propositioned her approximately a half-hour before the rape took place.

Q. What conversation did you carry on with Sims on this particular night that you mention?

A. . . . I axed [*sic*] him for a dime for street car fare—then he gave me the dime and then he axed me to go for a walk with him, and I told him "No, I can't—I had to go home"—so he kept on axing me and the bus happen to be coming and he tried to keep me from getting on the bus.

Q. Jeannie Mae, was there some other conversation you had with Terry Lee Sims?

A. Yes, he said he wanted some—he said "I haven't had any for a long time."

Q. Did you know what Terry Sims meant by the statement that "he wanted some—that he did not have any for a long time"?

. . . .

A. He wanted me to have intercourse with him.

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20. *State of Iowa v. Terry Lee Sims,* 37–38 (italics added).

21. Dorr, *White Women, Rape and the Power of Race,* 249.

Brown also testified that she had told "Mrs. Terry Sims" and Sims's sister-in-law that Terry wanted "to get fresh with me." Upon hearing that news, said Brown, Sims's sister-in-law replied that "she thought he might try something like that," while Mrs. Sims "looked like she was about to cry."[22]

Brown found herself in the difficult position of testifying against another African American charged with rape. Historically, black women and girls had to suffer the court system's refusal to acknowledge sexual assaults perpetrated against them whether the assailants were white or black. At the same time, as literary scholar Nellie McKay has observed, accusations of interracial rape evoked anger and fear in the minds of African American women over white women's authority and black women's powerlessness in the face of such accusations. White women's words, furthermore, could spark white men's violent reactions, which threatened the entire black community.[23]

Reflecting the dilemma she faced, Brown signed an affidavit after the trial retracting her trial testimony. The affidavit stated in part that "any reference to Terry Lee Sims getting fresh with me at that time or any time are untrue. That Terry Lee Sims has never and did not at that time conversed [*sic*] with me in such a way as to make me believe he had immoral intentions. That the said statement used as exhibit 'J' was signed by me because I was afraid of the policemen who obtained it from me, and for the further reason that I had been informed . . . that I would get a witness fee." Although Brown's subsequently retracted testimony offered no factual evidence linking Sims to the crime for which he had been on trial, the prosecution's interrogation of her heightened the discourse of the oversexed black male on the prowl for sex the night of the assault.[24]

That discourse was circulated and reinforced by the city's largest newspaper, the mainstream *Sioux City Journal*. With layouts and headlines, editors and journalists contributed to the nar-

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22. *State of Iowa v. Terry Lee Sims,* 33–35. The conversation with Marvelean Sims (Terry Lee's wife) allegedly took place soon after she had brought her newborn baby home from the hospital.

23. McKay, "Alice Walker's 'Advancing Luna—and Ida B. Wells,'" 249–54.

24. *State of Iowa v. Terry Lee Sims,* 17–18.

rative established by the investigation and trial.[25] On January 16, 1949, two days after the rape, a headline screamed, "1 Charged, Another Sought in the Rape of Two Baby Sitters." The article first reported (without mentioning the race of either of the principals) the arrest of a 22-year-old man for attacking a disabled baby-sitter. Reporting on the other rape incident, the story continued: "Police hunted a husky Negro accused of attacking a girl on her way to a baby sitting assignment." Following the "husky Negro" and "baby sitter" descriptions, the article described how the assailant had pulled a knife, put a hand over the victim's mouth, and "pulled her to the east gate of the school grounds and attacked her."[26] (Sims's slight build—5'9" and 128 pounds—as contrasted with the victim's description of her attacker as "husky" became a key issue for Sims's supporters as they agitated for a new trial.)

The *Journal*'s deployment of headlines and news accounts of Sims's trial and conviction reinforced tropes of black beast and white innocence. In each report, *Journal* writers identified Sims as a "Negro" and the victim as a "baby sitter"—the latter code words in this context for white innocence. Each story appeared front and center on page one, and each account recalled how the perpetrator had forced the victim at knifepoint. After Sims's conviction, the *Journal*'s February 19 headline juxtaposed the association between "Negro" and "Rape" with the implicitly innocent white "Baby Sitter": "Convict *Negro* on *Rape* Count / Jury Finds Sims Guilty of Attacking *Baby Sitter*" (italics added). After Judge Pritchard sentenced Sims, the *Journal*'s March 15 headline again combined tropes of black and rape: "*Rapist*

25. Newspaper editors, journalists, police, and lawyers in their "social practices" actively constructed blackness and whiteness during Sims's arrest and trial. I borrow the phrase *social practices* from John Hartigan Jr.'s review of David R. Roediger, *Colored White: Transcending the Racial Past* (Berkeley, CA, 2002), in *Labor History* 44 (2003), 527. On the formulation of whiteness and blackness as interrelated constructions see, for example, Kevin K. Gaines, *Uplifting the Race: Black Leadership, Politics and Culture in the Twentieth Century* (Chapel Hill, NC, 1996), 207–8. Controversy has emerged over the merits of whiteness as tool of historical analysis. See "Scholarly Controversy: Whiteness and the Historians' Imagination," *International Labor and Working-Class History* 60 (2001), 1–92; and Peter Kolchin, "Whiteness Studies: The New History of Race in America," *Journal of American History* 89 (2002), 154–73.

26. *Sioux City Journal*, 1/16/1949.

Given 40 Years in Prison / *Negro* Sentenced After Court Denies Motion for a New Trial" (italics added).[27]

NOT LONG AFTER SIMS'S SENTENCING, his supporters began mobilizing to seek a retrial or pardon. Although they faced great obstacles, countervailing forces in the 1940s and early 1950s energized and emboldened them. During World War II African Americans had distinguished themselves in the fight against fascism, which heightened their determination to obtain equal rights in America. On the home front, black women and men increasingly fought back on the streets and in the courts against whites who abused them. By historian Maureen Honey's count, 242 violent clashes between whites and southern black migrants occurred in 1943 alone. Black confrontations with white policemen sparked altercations. Major riots in Harlem, Los Angeles, and Detroit involved tensions over actual or rumored attacks on white or African American women. In such cases, Honey observed, "gender merged with race issues . . . to produce volatile home-front conditions."[28]

After the war, civil rights activists used public protest and civil disobedience to loosen the white supremacist hold on America's legal system.[29] In Iowa, five months before Terry Lee Sims's trial, civil rights activist Edna Griffin, under the banner of the Iowa Progressive Party, led interracial sit-ins and demonstrations demanding the desegregation of the Katz Drug Store in Des Moines. That direct action campaign spurred the Iowa Supreme Court, in a landmark case (*State of Iowa v. Katz*), to uphold the state's 1884 civil rights law prohibiting discrimination by businesses serving the public. Griffin and other Des Moines NAACP members, including attorney Charles P. Howard, who

27. *Sioux City Journal*, 1/16/1949, 1/23/1949, 2/19/1949, 3/15/1949.

28. Maureen Honey, ed., *Bitter Fruit: African American Women in World War II* (Columbia, MO, 1999), 129.

29. On postwar civil rights struggles, see, for example, Megan Taylor Shockley, *"We, Too, Are Americans": African American Women in Detroit and Richmond, 1950–1954* (Urbana, IL, 2004); Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Cambridge, MA, 2003); and Gretchen Cassel Eick, *Dissent in Wichita: The Civil Rights Movement in the Midwest, 1954–72* (Urbana, IL, 2001).

would join the legal team seeking Sims's release or retrial, were among local "militant younger leaders [who] sought to engage the [national organization] in extralegal protests, involvement in working-class issues, and pressure politics."[30] Inspired by growing national and state civil rights ferment, activists from several Iowa locales joined hands to fight discrimination, tackle police brutality, and support the effort to free Terry Lee Sims.

Supporters' approaches to the case ranged from cautious and limited to strident and unrelenting. More cautious supporters raised or gave money to pay for legal fees. Those individuals, white and black, working-class as well as middle-class, wanted Sims to have a new trial. Once Sims's lawyers had exhausted all legal remedies, their support dropped away. The strident and persistent supporters also were working-class and middle-class, white and black, and several were left-wing activists or members of the Iowa Progressive Party or the American Communist Party.[31] This militant minority publicly and vigorously challenged testimony and evidence presented against Sims. Above all, they pushed their claim that police had beaten Sims's confession out of him. Moreover, they kept up a continual attack on police brutality in general. These supporters, at the same time, engaged in antidiscrimination activities that called attention to a climate of racism and injustice in Sioux City.

Coalition members networked and mobilized support activities through Sioux City's NAACP branch, the United Packinghouse Workers of America (UPWA), and the *Unionist and Public Forum* (an independent, nationally circulated farm-labor paper founded in Sioux City by former labor mayor Wallace Short in 1927). In addition, a group of African American women, led by Vina Simmons and supported by UPWA leaders and

30. Gaines, *Uplifting the Race*, 252; Richard, Lord Acton and Patricia Nassif Acton, "A Legal History of African-Americans: From the Iowa Territory to the State Sesquicentennial," in Bill Silag, Susan Koch-Bridgford, and Hal Chase, eds., *Outside In: African-American History in Iowa, 1838–2000* (Des Moines, 2001), 76–78.

31. FBI files stated, for example, that Edna Griffin was a member of the Communist Party. "Edna Griffin, RE: Security Matter-C," file #100-355489, 4/22/1948, 12/22/1950, 12/29/1951, Federal Bureau of Investigation, United States Department of Justice, passim. The file also refers to Griffin's involvement with the Terry Lee Sims case. Thanks to Noah Lawrence, who obtained the FBI file through a Freedom of Information Act request, for sharing it with me.

members, sustained the battle to free Sims after most supporters had given up. Black churches, white churches, synagogues, and Sioux City's Unitarian church had members interested in the case. A number of Sims's supporters belonged to more than one of the organizations involved. With this network of supporting groups and individuals, the movement to obtain a new trial gathered momentum.

Given the emphasis placed by the police, prosecution, and press on Sims's race and his conviction for black-on-white rape, supporters developed a two-pronged strategy to exonerate him. First, they raised funds to pay for new legal representation. Appalled by Sims's first attorney's failure to call witnesses who would have been the key to establishing an alibi, they hired Lawrence McCormick to replace him. McCormick began a thorough investigation that, in Sims's supporters' eyes, cast further grave doubt on the evidence, testimony, and severe "third degree" procedures used to obtain Sims's confession and conviction. Already by March 17, three days after Judge Pritchard had imposed sentence, they began to raise money to finance a new trial. They established the Terry Lee Sims Appeal Fund and lined up coalition partners and individual supporters in the effort to free him. In addition, allies skewered the validity of Sims's confession, claiming that police beat it out of a black man they terrorized with threats that included lynching.[32]

The *Unionist and Public Forum* was the key instrument for publicizing Sims's plight. Editor Edward Roelofs characterized Sims's prosecution as an act of terror against African Americans intended to divide white and black workers. The paper framed Sims's case within charges of widespread police brutality, as well as discrimination and segregation in Sioux City. Week after week the *Unionist* challenged the veracity of the trial evidence while hammering away at the forced nature of Sims's confession. Roelofs many times noted that the rape victim had claimed that her attacker was a large man, whereas Sims was of small stature. He pointed out that prosecutors called 20 witnesses, none of whom could place Sims at the scene of the crime.[33]

32. *Unionist*, 3/17/1949, 9/1/1949, 9/29/1949, 10/6/1949.

33. *Unionist*, 3/17/1949, 4/14/1949, 4/25/1949, 6/2/1949.

The *Unionist* fixed attention especially on police brutality and unequal sentencing applied to whites as compared to blacks. In one issue after another the paper claimed that six or seven police officers forced Sims's confession during a six-hour grilling that began soon after his arrest at 8 p.m. and continued until the early morning hours of the next day. During the interrogation, the paper reported, Sims was beaten and threatened with statements such as "You know what they do with niggers down south." The paper noted that four times in 24 hours police took Sims to the crime scene as they sought to teach him the script the officers would reenact through their testimony at his trial. The *Unionist* insisted that the beatings, deprivation, and threats police inflicted on Sims finally broke him and led him to sign a confession the police composed. Subsequently, the *Unionist* pointed out, Sims repeatedly repudiated his confession. To bolster the claim of police violence, the *Unionist* publicized accounts of other alleged incidents of physical abuse of prisoners in the Sioux City jail. The *Unionist* also hammered away at the point that a judge in Sioux City had sentenced a white man, who had confessed to raping a white, disabled babysitter on the same night as the attack on Norma Flynn, to only five years imprisonment as compared to the 40-year sentence Judge Pritchard imposed on Terry Lee Sims.[34]

Engaging in what historian Kevin K. Gaines has termed the "politics of respectability" the *Unionist* constructed Sims as a clean and respectable father, breadwinner, church member, and union man.[35] The paper gave Sims a voice and individuality by publishing two long letters he wrote from prison accompanied by photos of him clad in "respectable" attire. In both letters Sims presented himself as a polite and deferential young man who was a victim of police brutality and manipulation. He named the officers who abused him, including Acting Police Chief Luther White, who "hit me aside of my head about four times and asked me again, 'Did you do that?'" When he refused

34. Ibid., 7/7/1949 and 8/25/1949. In New York City, in these same years, civil right leaders also focused on police brutality and discriminatory judicial proceedings. See Biondi, *To Stand and Fight*, 60–78.

35. Gaines, *Uplifting the Race*, xiv, 82.

To represent the Sims family as clean, respectable and domestic – and, in this case, to solicit Christmas gifts for the family – the Unionist and Public Forum *ran this photo of Marvelean and her children on December 15, 1949 and on other occasions.*

to confess, Sims wrote, police officers resumed assaulting him.[36] The *Unionist* also repeatedly ran a charming photograph of Sims's attractive wife, Marvelean, dressed in white, holding the

36. *Unionist*, 7/7/1949 and 7/14/1949.

couple's two lovely children also dressed in white. Taking advantage of her photogenic qualities, the paper subverted tropes of black women and family life in the minds of some whites, and probably even among some middle-class African Americans. The photo, moreover, counteracted the pervasive racist logic of white cleanliness and black filthiness. The photos of Marvelean Sims and her children motivated at least one reader of the *Unionist* to offer clothing and money to the family. "Will you tell me her address," wrote M. Dexter of Laurens, Iowa, to the *Unionist*. "Judging from their photographs they look as if they are high type people and I am sure he [Sims] is telling the truth. . . . Keep on putting the details in your paper. I don't see the case mentioned in any other paper."[37]

The Sioux City branch of the NAACP took a more cautious approach to the Sims case than did the *Unionist and Public Forum*. Just days after Judge Pritchard denied Sims's appeal for a new trial in February 1949, Lawrence McCormick took over as Sims's new attorney. Two weeks later McCormick filed another motion for a new trial. Although the court rejected the motion, McCormick's submission of affidavits documenting false statements and failure to call witnesses who would have supported Sims's alibi spurred NAACP members to debate whether the organization should throw its weight behind the gathering struggle to secure a new trial for Sims. In late March members contacted Charles P. Howard, a well-known Des Moines lawyer and civil rights activist, and invited him to Sioux City to discuss the case. On April 2, the morning Howard returned from the Sioux City meeting, and less than a month after Sims's sentencing, Howard wrote to Franklin Williams of the NAACP legal staff in New York. Howard explained to Williams that he had traveled to Sioux City at the request of those "contemplating appealing the case of a young Negro charged with rape, where there is an abundance of evidence to believe he is innocent." Howard also

37. *Unionist*, 7/21/1949. The photo appeared throughout 1949; see, for example, *Unionist*, 4/14/1949, 7/7/1949, 7/14/1949, and 12/15/1949. Significantly, as part of its construction of the Sims family as "respectable," the *Unionist always* called Marvelean Sims "Mrs. Sims." By calling her *Mrs.* and repeatedly publishing a photo emphasizing "cleanliness," this white-owned labor newspaper cooperated with black middle-class efforts to "refute negrophobic caricatures" and promote black respectability. See Gaines, *Uplifting the Race*, 68–69.

asked Williams to send a brief the NAACP had filed in a case of alleged police brutality perpetrated against "six young Negro men" in Trenton, New Jersey, as well as "any other briefs covering police brutality in securing alleged confessions."[38]

Although the Sioux City branch's executive committee debated whether or not the Sims case should be part of its civil rights agenda, it eventually voted in late April 1949 to "investigate the facts involved." Reflecting tensions in the leadership's decision, the branch's white and wealthy president, Hillary Bissell, expressed concern that a case of "questionable merit" could harm the group's goal of desegregating Sioux City's motels, cafés, and municipal swimming pools. She recognized, however, that "to fail to examine evidence" gathered by Sims's supporters "would be even more damning to the integrity of the organization." Carefully drawing a distinction between "ourselves" and African Americans like Sims, Bissell pointed out that "one of the prejudiced mind sets of a prejudiced public attitude is that Negroes are prone to commit rape. Thus a Negro accused of such a crime is in a peculiarly disadvantageous situation any time he is tried on such a charge." Although Sims was not from "the same social group" as Sioux City's NAACP membership, "failure to defend those unjustly prosecuted endangered the lives and well being of all black people."[39]

Concerned that the Sims case would distract the organization from its primary mission of desegregating Sioux City's public facilities, its leadership sent the trial transcript to NAACP Special Counsel Thurgood Marshall for his opinion on whether or not the membership should get vigorously behind the effort to obtain a new trial. Accompanying the letter and transcript were memoranda with 35 signatures of those who "earnestly desire your opinion and judgment on the advisability of the Sioux City chapter, NAACP supporting an Appeal for Retrial, notice of such appeal having already been filed with the Supreme Court of the State of Iowa." Marshall, who attended the annual meeting of the state of Iowa NAACP branches in Sioux

38. *Unionist*, 4/28/1949; Charles P. Howard to Franklin Williams, 4/2/1949, Group II, box B-127, Legal File, folder 6: "Rape S, 1940–51," NAACP Records, Library of Congress, Manuscript Division, Washington, DC.

39. *Unionist*, 7/28/1949.

City as a keynote speaker, told chapter leaders that the Sims case was not of a kind that could establish legal precedents upon which the national and local offices could construct legal challenges.[40] Marshall's opinion dampened the Sioux City chapter's enthusiasm for the case. Still, some members of the organization, notably Unitarian Church minister John W. Brigham, who succeeded Bissell as president of the Sioux City branch of the NAACP, committed a great deal of time and energy to pursuing justice for Sims. Brigham himself became a key leader among a small cohort of civil rights activists who vigorously carried forward the battle to free Sims.

As the NAACP branch's commitment to the Sims case withered, leaders of the United Packinghouse Workers of America (UPWA) in Chicago gave the case an increasing level of attention. Given the UPWA's history of interracial unionism, its interest in the case is not surprising. Since the 1930s, the union had a stellar reputation as an organization devoted to antidiscrimination activities in the packing industry and packing communities. The UPWA understood that past failures to unionize packinghouse workers had stemmed from policies of racial exclusion, which forced African Americans to serve as strikebreakers. They drew the obvious conclusion—one articulated by Don Harris, a key figure for three decades in Iowa's labor movement—that it was impossible to organize packinghouse workers "unless we was able to break down the hostility between blacks and whites."[41]

Although there were relatively small populations of African Americans in Waterloo, Cedar Rapids, Ottumwa, Sioux City, and other Iowa packing towns, the UPWA fought discrimination on a variety of fronts. Russell Bull, head of UPWA District 3, which included Iowa, Nebraska, and Colorado, pressured local unions to develop antidiscrimination initiatives. Likewise, UPWA Inter-

40. Memorandum to Thurgood Marshall, n.d.; Memorand[a] to Thurgood Marshall, 6/15/1949, Group II, box B-127, Legal File, folder 6: "Rape S, 1940–51," NAACP Records; Brigham interview.

41. Don Harris, interview with Merle Davis, Des Moines, 8/20/1982, Iowa Labor History Oral Project, State Historical Society of Iowa, Iowa City; Bruce Fehn, "'The Only Hope We Had': United Packinghouse Workers Local 46 and the Struggle for Racial Equality in Waterloo, Iowa, 1948–1960," in Shelton Stromquist and Marvin Bergman, eds., *Unionizing the Jungle: Labor and Community in the Twentieth-Century Meatpacking Industry* (Iowa City, 1997), 160–61.

national vice president Russell Lasley, head of the UPWA's Anti-Discrimination Department in Chicago, worked tirelessly to ensure that local union members pursued instances of discrimination or racial injustice in the plants and in their communities.[42]

In the eyes of UPWA leaders in Chicago, Sioux City's three local union affiliates did not give the Sims case satisfactory attention and support. While some union members, such as Swift Local 70 president Grant Holbrook, immersed themselves in the Sims cause, others were reluctant to exert pressure on Sioux City's political leadership and police. This seems surprising at first glance because Sioux City's three UPWA local unions had participated in the interracial organizing drives that were the hallmark of the unions' successes in the 1930s and 40s. In Sioux City, African Americans were key organizers, and whites respected their involvement and leadership. Arthell "Sweet Potato" Shelton, for example, was primarily responsible for a 1938 sit-down strike at the Swift plant that inspired the union movement in Sioux City's stockyards. Other African Americans became local union leaders.[43] By the time of the battle to free Terry Lee Sims, however, white union leaders had ascended to power, and they had, at best, a mixed record of commitment to antidiscrimination efforts in the plant. To the frustration of Chicago leaders, furthermore, Sioux City union leaders did not extend a vigorous antidiscrimination program outside the stockyards and into the community.[44]

The refusal of Sioux City's local union leaders to push an antidiscrimination agenda derived from several sources. Whites in packing towns with small, largely segregated, black populations, historian Wilson Warren argued, "could not extend their political horizons to an issue like improved race relations because it did not strike them as integral to their community concerns."[45]

42. Roger Horowitz, *"Negro and White Unite and Fight!": A Social History of Industrial Unionism in Meatpacking, 1930–1990* (Urbana and Chicago, 1997), 220–25.

43. Horowitz, "It Wasn't a Time to Compromise."

44. Zeke Giofreddi, field reports, 12/15/1951 and 12/22/1951, folder 16, box 348, UPWA Records.

45. Wilson J. Warren, "The Limits of New Deal Democracy: Working-Class Structural Pluralism in Midwestern Meatpacking" (Ph.D. diss., University of Pittsburgh, 1992), 423.

There was also tension between the UPWA's history of local union autonomy and international headquarters' demand that *all* local unions push antidiscrimination. Many white local union leaders interpreted these dictates from Chicago as infusing race into local union politics, and they resented and resisted them.[46] According to an internal UPWA investigation of the Sims case, there were other reasons Sioux City locals restricted their involvement to fund-raising rather than participating in public protest. Powerful leaders of the Cudahy Local, according to one report, had established a positive relationship with the police, so that police responded passively in strike situations. In addition, some leaders had obtained small privileges from the police involving such things as parking spaces.[47] These seemingly petty white privileges carried powerful psychological weight in a city and country that were still deeply racist.

Although the UPWA's local leadership in Sioux City resisted putting its full clout behind the Sims case, UPWA affiliates in Iowa together were the biggest contributors to the Terry Lee Sims Appeal Fund. In July 1949 the co-chairs of the fund, Monroe Simmons (a UPWA member) and C. H. Denmark, met with "friends of Sims" to discuss ways to finance legal expenses. Fund-raisers went door-to-door in Sioux City to collect small donations from many small businesses and patrons of local taverns. Contributions also came from individuals, unions, and progressive organizations across the country. With relatively large contributions from District 3 of the United Packinghouse Workers ($500) and the Iowa Farmers Union ($130), the fund reached nearly $900 by the end of September 1949.[48] Much of that money went to the biggest expense, Sims's lawyers, as they prepared his appeal.

In mid-December 1949 Sims's attorneys, Lawrence McCormick and Charles Howard, appeared before the Iowa Supreme Court. They described in detail the "severe beatings" police de-

46. Wilson J. Warren, "The Limits of Social Democratic Unionism in Midwestern Meatpacking Communities: Patterns of Internal Strife, 1948–1955," in Stromquist and Bergman, eds., *Unionizing the Jungle*, 128–58.

47. Russell Lasley to Russell Bull, "Confidential Report," [March 1952], folder 16, box 348, UPWA Records.

48. *Unionist*, 7/28/1949, 8/16/1949, 9/29/1949, 10/6/1949.

tectives applied over the course of six hours and claimed that Sims's "alleged confession" was involuntary and should not have been submitted to the jury. Sims's attorneys also presented him to the court as a victim of America's horrific racial past. Constructing Sims as the unfortunate victim of powerful social forces as well as police brutality, McCormick and Howard cited several U.S. Supreme Court decisions overturning confessions obtained by interrogation of "ignorant, young, colored" defendants conducted "by men who held their very lives . . . in the balance." Sims, they argued, "was born and reared in the south and had very little schooling." He was "one of the poor, the ignorant, the helpless, the weak and outnumbered for whom constitutional protections [stood] as a shield against that exploitation which would otherwise be inevitable under any system of government." The attorneys' appeal to the collective persecution of African Americans failed to persuade the Iowa Supreme Court. On January 10, 1950, it denied Sims's appeal of conviction from Woodbury County (Sioux City) District Court, thereby refusing to grant Sims a new trial.[49]

While Sims's lawyers prepared for a February rehearing of the Sims case before the Iowa Supreme Court and eventual appeal to the U.S. Supreme Court, his supporters in Sioux City kept the case alive within the context of attacking police brutality.[50] The issue took on sudden, dramatic, and tragic urgency when William Jackson, an African American and a UPWA member, died on July 2, 1950, while in Sioux City police custody after his arrest for public intoxication. Sims's supporters immediately turned their attention to what they perceived as mysterious circumstances surrounding Jackson's death. Police kept news of

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49. *State of Iowa v. Terry Lee Sims*, 11; State of Iowa, 1951, Reports of Cases at Law and in Equity delivered by the Supreme Court of the State of Iowa, September Term, 1949, and January, May, and September Terms, 1950, vol. 241, 641–42. Quoting the U.S. Supreme Court case *Chambers v. Florida*, Sims's lawyers stated: "[The] Supreme Court of the United States gave consideration to these matters of historical memory stating: The rack, the thumbscrew, the wheel, solitary confinement, protracted questioning and other ingenious forms of entrapment of the unpopular had imprinted in their minds the panorama of mutilated bodies and shattered minds along the way to the cross, the guillotine, the stake and the hangman's noose." Ibid., 484.

50. *Unionist*, 2/9/1950; Supreme Court of the United States, *Terry Lee Sims, petitioner, v. State of Iowa*, 340 U.S. 833, 71 S. Ct., 10/9/1950.

the incident from the public for a week. During that time they shipped Jackson's battered and bruised corpse to Des Moines ostensibly to obtain a second autopsy.[51]

Upon learning of Jackson's death, three individuals who emerged as core Sims supporters—Vina Simmons, a black female community activist; Grant Holbrook, the white vice president of UPWA Swift Local 70; and Rev. John W. Brigham, pastor of Sioux City's Unitarian church—together drove to Des Moines to examine Jackson's corpse. Soon after their return from Des Moines, the *Unionist and Public Forum* published grizzly photos of Jackson's battered corpse. The paper also directly linked Jackson's death to what they believed was the kind of violence police heaped upon Terry Lee Sims. No police officer was ever prosecuted for Jackson's death in police custody, but Sims's supporters extracted a promise from Sioux City Safety Commissioner Nicholas O'Millinuk to conduct an investigation into the case.[52]

Although Sims's supporters and lawyers mobilized evidence to show that he could not have committed the crime, and cast doubt on the evidence used to convict him, an Iowa district court, the Iowa Supreme Court, and the U.S. Supreme Court each refused to grant Sims a second trial. When the U.S. Supreme Court in October 1950 denied Sims's petition for a writ of certiorari (a decision to hear an appeal from a lower court), supporters tried to convince Iowa's governor to commute his sentence. Failing in that effort, they sought Sims's parole, all to no avail.

A COALITION OF ACTIVISTS, although unable to free Terry Lee Sims, exposed police brutality, energized successful desegregation efforts, and illuminated how racism infected Iowa's legal system. The case, unsurprisingly, also exposed the magnitude of the racism that antiracist coalitions faced. Terry Lee Sims, after all, had been arrested for raping a white teenaged girl. The racial tropes of the oversexed black man accosting an innocent white female were much in evidence during

51. *Unionist*, 7/29/1950.

52. Ibid.

Sims's interrogation by police and in mainstream newspaper accounts of his arrest, trial, and conviction. In the early 1950s, when the public was becoming increasingly fearful of "sexual perverts" and "enemies within," obtaining Sims's release proved impossible.

As other supporters turned their attention elsewhere, Vina Simmons and Edna Griffin kept hope alive for Sims, while stirring the waters of the civil rights movement in Iowa. Griffin, who was under constant FBI surveillance as a suspected Communist Party member, corresponded with Sims while he was in prison and worked with an attorney in an effort to secure his parole. Simmons continued to agitate in Sioux City to free Sims and to help other African Americans who she believed had been abused while in police custody. After she filed a suit against a detective she accused of leading the alleged attack on Terry Lee Sims, officers arrested her and charged her with prostitution. Consequently, she accused the police department of intimidation. In an act of gender and racial solidarity, Edna Griffin drove from her home in Des Moines to Sioux City for a meeting of civil rights activists to support Simmons because "Mrs. Simmons thought another woman would better understand what was behind the slander of 'prostitution' [the police] threw at her. Much better than men would understand."[53]

In turn, both the Sims and Simmons cases became enmeshed in the swirl of other civil rights activities led in several instances by national and local leaders of the UPWA. Russell Lasley, UPWA vice president and head of the Anti-Discrimination Department, traveled to Sioux City to meet with Simmons about her accusations of police intimidation. Afterwards he met with local union leaders and demanded that they take a much more active role in Sioux City's civil rights movement, support Sims and Simmons, and step up efforts to help African Americans obtain or switch jobs in the meatpacking plants there.[54]

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53. Russell Lasley to Russell Bull, 3/26/1952; "Confidential Report"; and Kenneth L. Moon to Mrs. Stanley [Edna] Griffin, 9/22/1951, all in folder 16, box 348, UPWA Records. On FBI surveillance of Griffin as well her attorney, Charles P. Howard, see "Edna Griffin, RE: Security Matter-C," Federal Bureau of Investigation, passim.

54. "Confidential Report," folder 16, box 348, UPWA Records.

Ripples from such activities merged with streams of solidarity in other locales in Iowa and across the nation to create the great national civil rights movement in the mid-1950s and early 1960s that transformed the nation. The record shows that in the late 1940s and early 1950s, small groups of citizens in northwest Iowa had organized to undermine structures of discrimination, segregation, and racial injustice. Sometimes these groups' efforts permanently ended instances of discrimination at a certain motel, restaurant, or municipal swimming pool. Even when coalitions failed to obtain specific goals, they altered the racial, political, economic, and judicial landscape. As historian George Lipsitz argues, these small, often unstable and temporary coalitions contributed to an "enduring culture of opposition in America that survive[d] any individual episode of struggle."[55]

On March 14, 1965, 41-year-old Terry Lee Sims left the Iowa State Penitentiary in Anamosa on parole. The next day President Lyndon Johnson appeared before a joint session of Congress to call for passage of a voting rights bill "because it is not just Negroes, but really it is all of us, who must overcome the crippling legacy of bigotry and injustice. And—we—shall—overcome." As Terry Lee Sims headed west back to Sioux City, perhaps he saw a connection between his own experiences and President Johnson's determination to overcome bigotry and injustice.[56]

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55. George Lipsitz, "The Struggle for Hegemony," *Journal of American History* 75 (1988), 146, 148. On civil rights struggles in Iowa, see Jeremy J. Brigham and Robert Wright Sr., "Civil Rights Organizations in Iowa," in Silag et al., eds., *Outside In*, 302–39.

56. Taylor Branch, *At Canaan's Edge: America in the King Years, 1965–68* (New York, 2006), 114; Carol Robinson, Iowa State Penitentiary, to Bruce Fehn, 9/4/2003, in author's possession.

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