



Sex, Murder, and the Unwritten Law: Courting Judicial Mayhem, Texas Style (American Liberty and Justice)

By Bill Neal

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From the 1880s until after World War I, Texas prosecutions for adultery, fornication, rape, seduction, and sodomy were many, but formal penal code seemed much too merciful to suit most southerners, who believed in direct and personal redress of such wrongs. “Unwritten law” seemed to justify the killing—or at least maiming—of almost anyone who by actual physical contact or inappropriate comment offended southern notions of female virtue, male honor, or sanctity of marriage. Illicit sex is the catalyst in all the Texas murder trials recounted in *Sex, Murder, and the Unwritten Law*. In each account the victim, at least in the perception of the defendant, had committed some sexual impropriety. In every case the defendant opened fire with premeditated intent to kill. And in all the resulting trials, the defense relied at least in part on unwritten law. Bill Neal explores the imaginative machinations of defense lawyers who extricated obviously guilty clients when there appeared no legal basis upon which to peg a defense. Typically defense attorneys outmaneuvered prosecutors and judges, whose efforts to rein in excesses met with little success. These courtroom triumphs and underlying strategies are remarkable to lawyers, historians, and laypersons alike.

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Editorial Review

Review

"One of the most original and interesting studies that I have encountered - a prime example of how history at the grass roots can increase our understanding of the history of American violence. - RICHARD MAXWELL BROWN"

From the Inside Flap

From the 1880s until after World War I, Texas prosecutions for adultery, fornication, rape, seduction, and sodomy were many, but formal penal code seemed insufficiently stringent to southerners, who often sought other redress. "Unwritten law" seemed to justify the killing or at least maiming of almost anyone who by actual physical contact or inappropriate comment offended southern notions of female virtue, male honor, or sanctity of marriage.

Illicit sex is the catalyst in all the Texas murder trials recounted in *Sex, Murder, and the Unwritten Law*. In each account the victim, at least in the perception of the defendant, had committed some sexual misconduct. In every case the defendant opened fire with premeditated intent to kill. And in all the resulting trials, the defense relied at least in part on unwritten law.

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About the Author

As a practicing criminal lawyer, Bill Neal spent more than four decades frequenting county courthouses in West Texas and hearing tales of sensational crimes and celebrated trials of bygone years. During law school Neal was comment editor of the *Texas Law Review*, and after graduation he served for a year as a briefing attorney for the Texas Supreme Court. He and his wife, Gayla, live in Abilene, Texas. Gordon Morris Bakken teaches American history at California State University, Fullerton. He is the author of twenty books as well as numerous articles and law reviews, book chapters, encyclopedia entries, and book reviews.

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