

January 01, 2000

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Recommended Citation

Spieler, Emily A., "On the road: images of truth-telling in rural America" (2000). *School of Law Faculty Publications*. Paper 205.
<http://hdl.handle.net/2047/d20002614>

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ON THE ROAD: IMAGES OF TRUTHTELLING
IN RURAL AMERICA†

Emily A. Spieler*

We were killing time, waiting for a meeting to begin. A friend of mine said, "Did I tell you what happened to me a couple of weeks ago?"

"No," I said.

"I was driving home to Charleston on I-79 with Mike," he began. "It was after midnight."

The setting is important. Charleston, the state capital of West Virginia, lies about 225 miles south of Pittsburgh along Interstate 79, a north-south route that connects with southbound interstate highways in Charleston. The southern continuation of this route is sometimes called "hillbilly highway" by people from southern West Virginia, who still try to escape poverty by heading down the road to North Carolina to find a job. The economic boom of the 1990s never fully arrived in West Virginia. It is still the place where Jesse Jackson¹ and Bill Clinton² come to display public concern for persistent, serious, predominantly white, rural poverty.³ This is a place that people

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* Professor of Law, West Virginia University College of Law. B.A. Harvard-Radcliffe College; J.D. Yale Law School. This narrative is a true story. It raises the same central issue as many of the core stories of race and gender that have haunted us over the last decade: the identification of truth-tellers. Theoretical analysis of truth and bias abound. This story, like many of these other stories, nevertheless stands on its own, without the need for iterative analysis. Special thanks to Perry who told me the story and agreed to allow me to retell it—and who is, in fact, a Good Samaritan.

1. James Hill, *Jackson's Tour Aims to Refocus on Poverty; Appalachia Visit Seeks to "Deracialize" Issue*, CHI. TRIB., Sept. 27, 1998, at News4.
2. President Clinton's trip to West Virginia followed Jesse Jackson's tour and was part of an attempt to call attention to the areas that have not benefitted from the economic boom of the 1990s. See Francis X. Clines, *Nation's Economic Boom a Faint Echo in Appalachia*, N.Y. TIMES, July 5, 1999, at A7.
3. A portrait of the state shows depressingly persistent poverty. As of 1995, the 19.9% West Virginia poverty rate was higher than in all states except Louisiana. See BUREAU OF BUSINESS AND ECONOMIC RESEARCH, WEST VIRGINIA UNIVERSITY <<http://wvbeis.be.wvu.edu/public/data/us/statepov.txt>> (visited July 30, 1999) (citing the Small Area Income and Poverty Estimates Program of the U.S. Census Bureau). The average per capita income in 1997 was \$16,821, putting West Virginia 49th among the states (ahead of Mississippi only). See U.S. CENSUS BUREAU, U.S. DEP'T OF COMMERCE, 1998 STATISTICAL ABSTRACT OF THE UNITED STATES, Table 727

need to leave to make good. It has been, in Bill Clinton's words, "left behind."⁴

This is the image: two middle aged white men, heading home late on a September night on a deserted mountainous road, tired from working in an election campaign in northern West Virginia.

"It was dark and foggy on the long stretch of road between Clarksburg and Flatwoods," he continued. "I came up on the crest of a hill and I saw the car ahead of me swerve. I slowed down, thinking there might be a deer on the road."

"As we approached the bottom of the hill, I saw a figure, and then we realized it was a woman. She was kneeling in the middle of the fast lane, holding her purse and shoes in one hand, facing away from traffic." He paused.

"We had to stop," he said. In another place the moral imperative to stop might have been less strong.⁵ But this is rural America. Despite grinding poverty, West Virginia has one of the lowest crime rates in the country⁶—and he is a good citizen.

<<http://www.census.gov/statab/ranks/pg19.txt>> (visited July 30, 1999). West Virginia similarly ranked 49th in median household income in 1996. See U.S. CENSUS BUREAU, U.S. DEP'T OF COMMERCE, 1998 STATISTICAL ABSTRACT OF THE UNITED STATES, Table 744 <<http://www.census.gov/statab/ranks/pg20.txt>> (visited July 30, 1999). West Virginia has the lowest employment to population ratio of any state. See U.S. CENSUS BUREAU, U.S. DEP'T OF COMMERCE, 1998 STATISTICAL ABSTRACT OF THE UNITED STATES, Table 649 <<http://www.census.gov/statab/ranks/pg16.txt>> (visited July 30, 1999). Despite the growing diversity of the US population, the population of West Virginia is still predominantly white: in 1995, 95.7% of the population was non-Hispanic white; only 3.1% was African-American. See U.S. CENSUS BUREAU, U.S. DEP'T OF COMMERCE, W. VA. POPULATION PROJECTIONS <<http://www.census.gov/population/projections/state/9525rank/wvprsrrel.txt>> (visited July 30, 1999).

4. Katharine Q. Seelye, *Clinton Tries to Sell Executives on Inner-City Economics*, N.Y. TIMES, May 12, 1999, at A18.
5. Perhaps someone would have stopped and helped anywhere. Just after I decided to write this story down, I was startled to read the following in an article in the NEW YORK TIMES: "And we're still chatting past truths. It wasn't long ago that the woman over by the barbecue—self-starved, alcoholic and depressed—had lain down in the middle of an Interstate. (A motorist spotted her in time and rescued her.)" Kevin Gray, *House of Cards*, N.Y. TIMES SUNDAY MAGAZINE, Aug. 1, 1999, at 68.
6. West Virginia ranked 44th among the states in the rate of violent crime in 1995, with a rate of 210 crimes per 100,000 population. In comparison, Florida had the highest violent crime rate (1051 crimes per 100,000) and North Dakota had the lowest rate (84 crimes per 100,000). See U.S. CENSUS BUREAU, U.S. DEP'T OF COMMERCE, 1998 STATISTICAL ABSTRACT OF THE UNITED STATES, TABLE 337 <<http://www.census.gov/statab/ranks/pg12.txt>> (visited July 30, 1999).

He continued. "We coaxed her to leave the center of the road. She was incoherent. As a truck started down the hill toward us, she turned and started into the road again. We grabbed her. The truck passed, but I think the driver must have sent a message out on his CB. We tried to convince her to get in the car with us—we stood and talked. It was really dark."

"We finally decided we should try to take her to the homeless shelter in Charleston. After all, we couldn't just leave her there. But she refused to get in the car with us. We really didn't know what to do."

"So what did you do?" I asked.

"We tried to insist . . . We argued." Another pause.

"I guess we tried to force her into the car." He laughed, uncomfortably. Sometimes being a Good Samaritan can get away from you, he seemed to be saying.

Then he went on. "Just then another truck came down the road and stopped. The driver climbed out and demanded to know what we were doing. We tried to explain. She got really quiet. Then he offered to take her—and she decided she would ride with him."

". . . were we relieved!" he said. They got back in the car to go on to Charleston.

As it turned out, he and the truck driver both stopped at the same rest area a few miles down the road.

"When we got there, the trucker told us he had called the state police—they were waiting for a trooper to arrive. The woman told him that we threatened her—that we said, 'We're going to throw you in the back seat and show you what real men can do.'"

My friend squirmed as he told the story. "We were pretty freaked out, and we said we would wait with them."

"The woman seemed more coherent while we were waiting. She told us that she had been riding with her husband, a trucker, on an interstate run. They were from Oklahoma. After an argument, he just put her out of the truck cab, out onto the road."

"He just left her there—in the middle of nowhere?" I asked, incredulous.

He nodded.

"When the state trooper arrived, he came over and talked to me first and I told him this story. At the end, I said, 'And now she claims that we assaulted her.' The trooper said, 'Oh, bullshit,' and told us to go on. And we did."

"That was the end of it?" I asked.

"Yeah," he said.

"What happened to the woman?" I asked.

"I don't know," he said.

After he finished telling the story, we were both quiet. A long reflective pause. And then we both spoke, simultaneously.

He said, "Imagine what would have happened to me if I were black."

I asked, "Would anything different have happened if she were telling the truth?" ❀