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THE UTILITY OF MURDER:
FRED GILDERSLEEVE
AND THE LYNCHING OF
JESSE WASHINGTON

BY

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B.A., ART, EARLHAM COLLEGE, 2002

THESIS

Submitted in Partial Fulfillment of the
Requirements for the Degree of

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Dedication

Yash and Jenny, I am profoundly grateful to you both.
The pages that follow are testament to your love and support.

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ABSTRACT

On May 15, 1916, in Waco, Texas, Jesse Washington was tortured to death before a mob estimated to be 10,000-15,000 strong. Local photographer Fred Gildersleeve compounded this tragedy by creating photographic postcards of this infamous spectacle lynching for sale to interested spectators. Both the Washington lynching and the Gildersleeve photographs have been well documented by scholars, but the majority of these texts only discuss the subject as it relates to one particular time period. In my thesis I compare and contrast different interpretations of lynching and the Gildersleeve photographs, as articulated in interviews, newspaper articles, and internet postings, from the early twentieth century until the present day. What I have found illustrates both the changes and continuities in American culture over time. While most people now condemn lynching and white supremacist ideologies, some also interpret the photographs in ways that obscure or even nurture prejudice. Disturbingly, even if perpetrators are denounced as criminals, contemporary witnesses do not always accept that targets of lynching are truly victims.

Table of Contents:

LIST OF FIGURES

Introduction

In 1916 Waco, Texas, local residents brutally lynched a young African American man named Jesse Washington before an immense mob of spectators. This lynching is one of several thousand known to scholars today. In his 1929 text *Rope and Faggot: A Biography of Judge Lynch*, for example, Walter White of the National Association for the Advancement of Colored People (NAACP) observed that there were 4,951 lynchings in the United States between 1882 and 1927.[1] Roughly eighty years later, based on records in the Archives of the Tuskegee Institute, Ken Gonzales-Day reported 4,743 lynchings for that same span of years.[2] Numbers such as these do not convey the full reality of lynching over time, in part because scholars such as Gonzales-Day continue to uncover new cases and to refine our understandings of extant data. What the statistics do convey, however, is that the Washington case represents one type of lynching that has had an enormous impact on American society. Both White and Gonzales-Day use totals that average over 100 lynchings per year. Yearly tallies varied, however, and, particularly in the 1890's, there were substantially more lynchings reported: over twice as many in 1884, 1892 and 1893. Significantly, in both figures cited above, just over 70% of these victims were African American.[3]

Nearly a century after Washington was tortured to death, the violence is still debated and discussed. One reason is that Fred Gildersleeve compounded the tragedy of this vile lynching by photographing it and printing commemorative picture postcards that he offered for sale. These lynching mementos are still on display today. Most contemporary viewers encounter Gildersleeve's postcards within the context of historical presentations such as *Without Sanctuary*, a series of exhibits intended to promote

awareness of American lynching and to memorialize the loss of so many victims. Thus James Allen, an antiques dealer whose collection is exhibited as *Without Sanctuary*, describes these images as evidence of American atrocities.[4] The curators, commentators, and viewers who discuss Allen's pictures largely agree that it is important to publicize this "evidence," often expressing the hope that fully understanding lynching histories will motivate Americans to avoid the injustices of the past. While the exhibition of lynching photographs does spark introspection and debate useful in achieving such an aim, it is also true that some contemporary viewers interpret the images in a way that obscures or even nurtures prejudices like racism. This is true despite the fact that most of these people sincerely condemn lynching and racial violence. The ultimate goal of the text that follows is to better understand these attitudes in relation to the lynching photographs of Jesse Washington.

In order to explore interpretations of lynching, first it is important to identify what a lynching is. This is hardly a straightforward task, in part because of the nature of lynching itself. As the term attempts to contain a fundamental aspect of human character within a specific, limited, and rather polemical vocabulary, it is necessarily a problematic construction.[5] If a propensity towards violence is a basic human quality engaged in a range of projects and legitimated on a diverse rationale, to accept words such as "lynching" uncritically risks reifying the ideology used to differentiate particular acts from other violent behaviors. Even as lynching is entangled with larger questions of human nature, however, it is also true that there are forms and interpretations of violence specific to the United States. One excellent example is found in the history of the word itself. From the start, "Lynch's Law" (another term for lynching) was mobilized within

specific arguments intended to justify or condemn particular acts, not to objectively describe violence itself. At the same time, those people involved used the term to discuss a wide range of behaviors that likely served more than one purpose.[6]

Culture, then, is one important factor to take into account when analyzing American lynching history. For violence to be intelligible – regardless of whether the interpreter supports or condemns lynching – it must first be translated into a cultural event, one necessarily tethered to a specific context that shapes and informs it. For this reason lynching must be envisioned, rationalized, and rehearsed, a fact that relates to the arguments of scholars who theorize that culture is one mechanism by which human beings have preserved knowledge through the generations.[7] Photographs such as the Gildersleeve postcards do function in this way, constituting the physical anchor for specific narratives and providing visual aids that illustrate models for future actions or debates. At the same time, the imagery itself comprises a field of action because of how it is composed, exhibited, and narrated. Finally, because lynching culture is a part of American culture, there is no assurance that, even should the violence stop, lynching culture would not endure.[8] Certainly some of the powerful rhetorical elements so important to lynching rhetoric are also in play within other areas of American discourse, such as ideas of morality: good versus evil, justice versus transgression, law versus criminality.

Furthermore, the term "lynching" is a cultural construction that interpreters comprehend in very different ways. Definitions have changed over time and disparate understandings of the word often exist side by side. Even when activists or scholars largely accept one general interpretation of the term, there is often disagreement as to

whether or not specific cases should count, for example those in which the perpetrators were police officers. One interpretive layer constructed around acts and images of lynching is articulated via language, and the term is itself freighted with past associations that can guide conclusions.

Today a fairly mainstream understanding of lynching is as a kind of hate crime that most often targets African Americans. People who lynch today are frequently described by officials and local residents as acting outside the sanction of mainstream communal mores, and as such are articulated as threats to community cohesion.[9] At the same time, these interpretations are also very commonly, and explicitly, historicized. Evocations of lynching are often framed by discussions of American history, and so these incidents are frequently interpreted in the past tense. Those involved in historical lynchings are generally understood to be representatives of now-antiquated ideologies held within particular communities, such as white supremacy. One consequence of this perspective is that contemporary lynchers can be understood as archaic holdovers from a dark past, distancing the interpreter from the (extreme) racism these people come to symbolize.[10]

At the same time that lynching is historicized in discussions today, it is also understood to be formulaic. This is hardly a contemporary innovation. Commentators have long drawn upon a tradition of rhetoric in which lynching is associated with particular modes of violence, such as hanging, and with specific concepts, such as frontier justice. Frequently lynchings are articulated as mob violence unleashed upon hapless individuals, acts that are often understood as extralegal in nature.[11] One consequence of these associations is that a complex history is sometimes simplified. In

this respect the argument of archeologist James Deetz is useful to keep in mind. The scholar observes that while classification is a necessary first step in interpreting historical artifacts, formal similarities among objects do not necessarily entail a similarity in function. In fact, he argues that classifications based on purely formal qualities are "sterile exercises" and "potentially very misleading."[12] In the same way, all incidents of lynching do not serve the same end, and viewers can interpret the same lynching photograph so as to signify contradictory ideas.

Issues such as those discussed above have made formulating a clear and consistent definition of the term "lynching" very difficult. While I am working with photographs that depict a comparatively well-defined mode of lynching (spectacle lynching), discussed further in the next chapter, I agree with scholars such as William Carrigan, Gonzales-Day, and Waldrep who consider the racialized lynching of African Americans to be one type of lynching within a larger family of lynching formulae. At the same time, while some scholars discuss lynching as belonging to the past, I see important connections between contemporary violence and lynchings such as that of Jesse Washington. Thus I do not consider lynching to be a relic of history, but rather as violence that continues to factor into an ever-evolving social reality in the United States. In the end, I have attempted to resolve this slippery problem by focusing on common factors shared between disparate understandings of the word: the concern with a larger audience who will condemn or support perpetrators; the resort to violence as the solution to a perceived problem or need; and the identification of potential victims in light of ideologies, prejudices, and (as always) local politics, which altogether function pragmatically as a targeting mechanism.

Other scholars have approached the unavoidable semantic problems of lynching differently. One influential definition some espouse, associated with the NAACP, states that:

> (1) there must be evidence that a person was killed; (2) the person must have met death illegally; (3) a group of three or more persons must have participated in the killing; and (4) the group must have acted under the pretext of service to justice or tradition.[13]

Gonzales-Day very consciously uses this definition to set the parameters of his study of lynching in California.[14] Sociologist David Garland is also working with this understanding when he writes that lynching generally denotes "the summary hanging of an alleged offender by a mob acting without legal authority."[15] Shawn Michelle Smith adopts a similar framework. "Lynching is defined," she writes, "as murder committed by a mob of three or more. In the United States, however, lynching has been practiced and understood primarily as a racialized and racist crime."[16] Historian Amy Louise Wood concurs with Smith. Lynching is "at the center of a long tradition of American vigilantism," she observes, adding that most lynched victims at the turn of the century were African American men.[17] Some scholars, notably Dora Apel, will only consider those cases in which African American victims were targeted by European American mobs to be lynchings. In her 2004 survey of lynching imagery, for example, she argues that it is imperative to narrowly constrict the term so as to refer only to incidents of white supremacist, extralegal violence.[18]

While many scholars use a very specific definition of "lynching," however, the idea that the word is not a neutral, set term, but rather a political, creative choice made on the part of an interpreter, is one acknowledged in the literature. Waldrep, for example, notes that the NAACP definition was never actually accepted within that organization, or

by any others involved in the 1940 conference wherein activists proposed it.[19] The historian points out the difficulty in neatly containing multifaceted violence into one word. He asks whether defiling a body after death is lynching, for example, or whether there is really a minimum number of perpetrators required to qualify a violent incident as a lynching.[20] At the same time, changing circumstances in American society influence people who lynch, and thus different models of lynching evolve over time to meet similar goals. Historian Robert L. Zangrando, for example, argued that in light of repeated attempts to pass federal anti-lynching legislation, as time went on people who lynched resorted more often to small, secretive committees in lieu of public mobs to avoid prosecution.[21] The scholar makes an important point. If perpetrators altered behavior so they could lynch without lynching, so to speak, then deviation from popular lynching models should not preclude scholars from considering these incidents in lynching studies.

Understanding the difficulty in defining the word "lynching" is also important because it is often used today as a rhetorical term, one useful in legitimating a disparate range of positions and perspectives.[22] Because the term is loaded but still malleable, it can be used as metaphor by individuals attempting to position a range of contemporary practices as racist; as enduring manifestations of historic, systemic inequities; or simply as serious and grievous wrongs.[23] Thus it is of great consequence to note that while the word "lynching" has been consistently mobilized throughout American history, the import and significance of this vocabulary has changed over time.[24] It has unfailingly maintained its resonance and power, but the term is also a dynamic and relative construct. All too often, as author and critic Toni Morrison observes, "the subject of the dream is the dreamer."[25]

Keeping all this in mind, what sociologist Avery Gordon has described as "complex personhood" is of foundational significance to my argument. The scholar coined this phrase to describe a reality in which "the stories people tell about themselves, about their troubles, about their social worlds, and about their society's problems are entangled and weave between what is immediately available as a story and what their imaginations are reaching toward."[26] This concept is useful in explaining the contradictory (and sometimes irrational) ways in which acts and images of lynching are understood. Certainly Americans who lynch, and those who watch, are motivated by many factors. Gordon's argument relates to the work of Michael Hatt, who observes that spectators and lynchers in the same mob can act in concert, but participate for different reasons.[27] His point can be extended further because more than one influence can exist within the mind of the same person. While there are many hypotheses or theoretical constructs helpful in coherently organizing observations and uncovering motivations to cause harm, then, there is no one formula that can fully and predictably account for the dynamic and mutable reality Gordon and Hatt describe. This is especially true because the scholar can never fully assume the perspective of an informant or historical figure, and thus can never be entirely certain that assumptions about a perpetrator's rationale are accurate.

As to the form of a lynching study itself, sociologists Stewart E. Tolnay and E. M. Beck argue that scholars generally take one of two approaches. In a case study, such as historian Patricia Bernstein's analysis of Jesse Washington's lynching, a tightly delimited focus is both manageable and situated within specific contexts vital to interpretation. Within such a study, for example, an analyst can glean insights into the motivations of a

lynch mob. Even so, the resultant theoretical frame can maintain the structural influence of prejudice because it is based on categories such as race, while also presenting a distorted, simplified accounting of the past. Widening the scope of inquiry, what Beck and Tolnay call a comparative study, allows a scholar more autonomy in crafting his or her argument. Texts such as these provide valuable opportunities to explore the practical applications of ideologies such as white supremacy in more detail, and to connect these findings within an orderly, global frame. Formulae based on common denominators such as form, perpetrator, motivating factors, or victim can identify useful and informative patterns. [28] We reap the benefits of this approach through the work of scholars such as Beck, Tolnay, and sociologist Roberta Senechal de la Roche.

At the same time, a study with no bounds is impossible. Without some level of mainstreamed consensus in regards to the pertinent vocabulary, scholars run the risk of divorcing understandings of lynching from the specific histories in which violence was born and given meaning.[29] It is problematic, for example, that Senechal de la Roche is only able to account for the prevalence and diversity of collective violence when she abstracts it not only from specific historical moments but also from human agency entirely.[30] Such a methodological approach creates an artificial, theoretical frame by which behaviors can be sorted into conceptual categories that are far neater than what exists in a real, functioning society. Conversely, Waldrep's text very clearly captures the contest and paradox of human social worlds. He does this, however, at the expense of stable and clearly marked analytical categories, a fact that can make the study of lynching as an entrenched, persistent cultural practice very challenging.

Certainly understanding the differences and similarities between interpretations of lynching over time is important. If spectators originally cherished Gildersleeve's pictures as keepsakes, today viewers largely condemn the lynching he photographed as a shocking, brutal, criminal act. This mainstreamed response to extreme racial violence is possible in large part due to the persistence, talent, and sacrifice of men and women, such as W. E. B. Du Bois, who took decisive public action against lynching and other oppressive measures. In this way public reception of the Gildersleeve photographs in 2011 is testament to significant advances towards social parity in American society since the lynching of Washington in 1916. Even so, comparing and contrasting reactions to images of lynching reveals disturbing continuities, as well as heartening changes, between the present and the past. While most Americans today strenuously repudiate perpetrators of lynching as criminals, not all accept that those targeted in lynching and racial violence are truly victims. These attitudes are important because there are parallels between the ways that people interpret acts and images of lynching.

I have tried to keep these points in mind when writing and organizing my own text. I have focused on the strategies and actions of those who lynch as opposed to a psychological analysis of their state of mind. This approach has helped me to move away from the conceptualization of racism as a quality – one that "good" people cannot possibly have – and towards an understanding of racism as an act.[31] I think that this perspective is helpful in keeping such incidents well within a wider human social world of cause and effect, and therefore rightfully entangled with other threads such as class, nationality, and gender, or social capital, political autonomy, and economic wellbeing. My study is divided into three parts. First, I introduce Jesse Washington, a young man

savagely lynched in 1916. The actual details of his ordeal, the crimes that predated it, and the reactions of local residents form a basis of comparison for later chapters. I examine the character and utility of the lynching of Washington, as well as its image crafted by local photographer Fred Gildersleeve. Second, I use the Gildersleeve photographs to explore different interpretations of lynching. White supremacists and lynching apologists mobilized rhetoric honed within a rich tradition of pro-lynching discourse to defend even the Washington lynching as just and moral. Anti-racist and anti-lynching critics inversed pro-lynching logic, often condemning lynchers with their own words and images, and situated these arguments within their own critiques. Between these two poles was a middle ground, in which commentators repudiated lynching but accepted the racism in play in cases such as Washington's. Third, I analyze the interpretation and circulation of lynching imagery today. This last section examines the consequences of an American history still unfolding. It is true that our society has been greatly impacted by the work of anti-lynching activists, but we are also inheritors of long and enduring pro-lynching traditions.

In the end, before particular ideologies (such as white supremacy) can be used to explain the oppressive acts depicted by lynching photographs, first we must uncover how ideas are imposed and sustained within human societies.[32] Taking for granted the efficacy of social control is one way to mask these processes.[33] Given that lynching culture is most honestly and productively understood as a facet of American culture, and certainly the practice is hardly dead today, it well behooves us to ask how much our society has really changed since the creation of Gildersleeve's infamous photographs. In

those cases wherein Americans do decide on another course of action, it is prudent to explore the alternatives chosen in place of degradation, pain, and death.

Chapter One: The "Documentation" of Jesse Washington

For scholars, activists, and journalists, Jesse Washington's story generally begins with the discovery of Lucy Fryer's body on May 8, 1916 in Robinson, Texas. The 53-year-old English matron had been bludgeoned to death.[1] Washington, an African American teenager who was 17 or 18 years old at the time, had lived and worked on the Fryers' farm with his parents (Martha and Henry) and at least one younger brother (William) for about five months. After Fryer's body was discovered a neighbor laid suspicion on Jesse Washington, who had been working near the Fryer home that day. The young man was quickly taken into custody with his family.[2] Authorities successfully protected him from lynch mobs while they built their case and held him over for trial, scheduled to take place in nearby Waco, all in the face of growing public outrage and provocative news coverage. Given these factors, in addition to his inept defense team, it was hardly surprising that a jury quickly found Washington guilty and sentenced him to death.[3]

Before the presiding judge had finished writing the verdict in his court docket, however, unidentified spectators kidnapped Washington from the courtroom and lynched him in the city plaza before a crowd of ten to fifteen thousand Waco-area residents.[4] The lynch mob (and, at times, the attendant spectators) made him suffer greatly before he died. Washington was taunted, beaten, stabbed, choked, mutilated, and slowly burnt to death, a process witnessed not only by adult spectators but also by children. Many people avidly sought mementos of the lynching. Photographs most certainly filled such a desire, but so did pieces of cloth, chain, tree, and flesh. After the men torturing Washington finally killed him, a man dragged his body through town. Finally, the corpse was hung on

display in Robinson.[5] A sheriff's deputy claimed it there and transported it for burial in a potter's field.

The whole affair unfolded over the space of seven days, from the discovery of Fryer's body to the lynching of Washington late in the morning of May 15. Over the course of this week municipal authorities did make some attempts to prevent violence. However, in the end they abandoned Washington to the mob: few preventative measures were taken and no effective resistance was offered up against the crowd.[6] As was usually the case, although this lynching was well documented and highly controversial (particularly outside of Waco and within African American communities), the men who lynched Washington were never brought to trial.[7]

This narrative is only one of many recounting the Washington lynching, a group of stories that can vary substantially, but it is significant. In addition to the importance of understanding this history as accurately as possible, it is also true that accounts of this lynching were (and are) used to illustrate and legitimate specific arguments, worldviews, and ideologies. Because the facts as presented above have been widely accepted by most researchers and commentators, however, for the purposes of my study they will function as a baseline. I use them as a foundational collection of facts to which subsequent interpretive layers are tied, and to which these interpretations can be compared to check for bias and inaccuracies. Given that accounts of the lynching are not neutral, I have found that in doing so, the subjective, self-interested nature of the relevant imagery, oral culture, and texts becomes more apparent. Understanding the utility of cultural production and the varied range of interpretive responses is vital, because this is one arena in which ideas can be nurtured, adapted, and disseminated to disturbing, even

deadly, effect. Cultural expression functions as a means to an end, to paraphrase Michael Baxandall, and it is important to better understand what this entails in regards to the representation of the Washington lynching.[8]

One reason these pictures are well worth studying is because the photographer of this lynching, Fred Gildersleeve, created these pictures within the context of a popular American culture saturated with lynchings and lynching discourse. Although the details related above are horrific and the incident occurred well after the 1890's, the peak years for the lynching of African Americans nationally, lynchings were hardly unusual at the time of Washington's death.[9] While lynching rates fell dramatically in the twentieth century, the percentage of African American victims also rose to 90%.[10] Texas ranked third in the nation for lynchings in the decade 1900-1910, cresting in 1908. In central Texas, this violence was at its height in the last decade of the nineteenth century, with twenty known lynchings, and seven lynchings occurred between 1910-1919.[11] Washington's case is a classic example of what is known as a "spectacle lynching". This genre of lynching, which became prominent between 1890 and the 1930's, was primarily inflicted upon African American men and boys. It was infamous for involving torture and attracting huge numbers of spectators. While not as common as other forms, such as Western-style lynchings in which victims were most commonly hanged, sociologist David Garland counts 400-500 known cases from 1893-1937.[12] Spectacle lynchings often received wide publicity and were hotly debated within the press, thus expanding the impact of savage, generally racialized and gendered violence well beyond an originating community.[13] This intense publicity classes lynching with other spectacles, for example public executions or the postmortem display of alleged criminals and outlaws, further

enlarging upon the impact and significance of already sensational reports.[14] Given that spectacle lynchings are clearly extreme acts, the fact that as many as several hundred were recorded and given regional and national exposure through the press gives us some idea of the level to which American culture was inundated with knowledge and representations of lynching at that time.[15]

The extended impact of lynching was especially acute because they were very often photographed.[16] These pictures are important because they constitute another layer of interpretation around actual acts of lynchings. Certainly one reason that the spectacle lynching of Washington is so notorious is because it was so thoroughly photographed.[17] Today we are aware of a series of images, photographic postcards that were originally printed and sold by local photographer Fred Gildersleeve as souvenirs.[18] While these photographs have endured through time and factor into greatly different ideological paradigms, to start with, they were but one part in a tangled web of influence, production, and display. This was a context in which, as Shawn Michelle Smith has observed, representation could literally become a question of life or death.[19]

The Photographer and his Postcards:

Originally from Kirksville, Missouri, Fred Gildersleeve arrived in Waco in 1905 and soon built up a thriving photographic practice.[20] He worked for local as well as out-of-town commercial interests, photographing everything from Waco landmarks to three American presidents.[21] In the case of the Washington lynching, the photographs may have resulted from collaboration between Gildersleeve and Mayor John Dollins, who purportedly tipped him off to the impending lynching in return for a cut of the photographer's proceeds from the sale of lynching photographs.[22] Whatever the case,

foreknowledge of the lynching would have been important to Gildersleeve because his equipment was cumbersome. He used a "black box" camera balanced on a clumsy tripod, and printed from glass negatives.[23] The fact that he was able to photograph the lynching despite these technological limitations is important. It indicates that other spectators not only allowed Gildersleeve to maneuver through enormous crowds of people and occupy a privileged vantage point from which to view Washington's corpse, but also that Waco-area residents, from top-ranking officials to laborers, accepted the presence of a well-known photographer laden with equipment.[24] Therefore, Gildersleeve's photographs were not random, haphazard snapshots, but rather reflect conscious decisions on the part of an experienced photographer given time and space to work.[25]

Because Gildersleeve's photographs were a commercial venture, these choices were motivated in part by profit. The fact that these images were souvenirs played an important role in how his pictures were initially interpreted and used. I think it doubtful, for example, that these objects constituted a primary focus for people involved in the extreme violence of an actual spectacle lynching. Spectators flocked to Waco in anticipation of actions, not images. The photographs initially must have been subsidiary to and influenced by the experience and understanding of the spectacle lynching itself.[26]

This does not mean that souvenirs held no importance at that time, however. To the contrary, it was generally within the process of a lynching that the rush for keepsakes began, often as an act of torture or desecration of the victim's corpse.[27] Washington's case was no different. Activist Elisabeth Freeman reported that, during the lynching, at least one unnamed spectator was walking through the crowd displaying Washington's genitals.[28] Drawing from her report, activist and sociologist W. E. B. Du Bois wrote:

"Fingers, ears, pieces of clothing, toes and other parts of [Washington's] body were cut off by members of the mob that had crowded to the scene."[29] Washington was not simply tortured as spectacle but also maimed for parts, and these trophies (as well as pieces of any object connected directly with his ordeal) were highly prized by spectators. Washington's teeth, for example, purportedly sold for five dollars apiece, a price far richer than the dime Gildersleeve asked for his postcards. Links of the chain used to strangle the young man went for 25 cents each. Facts such as these make plain that the photographer was hardly the only entrepreneur who profited from the torture, maiming, and murder of Jesse Washington that day.[30] It was in the midst of this gruesome market that spectators watched Gildersleeve maneuver his camera close to Washington's smoking corpse. Anecdotes such as these begin to sketch out an originating context within which photographs helped legitimate cohesion among a diverse group of spectators while also affirming the obliteration of Washington as a social and physical being.

After the fact, however, postcards may have acquired a more important role because they endure through time. Photographic prints are objects as well as images: displayed and reprinted and owned, bought and sold and collected, coveted and interpreted and taken hold of. Spectators could choose particular scenes that appealed to them or purchase a set of images that could be read as a narrative. This is an observation that holds true for lynching photographs generally. Purchasers displayed them in shop windows, mailed them to relatives, and tucked them away in family albums.[31]

The display and possession of lynching photographs is important given the impact networks of consumption had (and have) upon images circulating within them. Catherine

Zuromskis, for example, notes that photographers of personal snapshots retain the emotional significance of their subject by restricting consumption of these images to private circles. Outsiders who do not possess the same connections with and knowledge of the subject do not view, and thus interpret, the pictures.[32] In the same way, understandings of specific lynchings were anchored to the photographs within a controlled and/or intimate context, and thus ideologies were nurtured and maintained in part through consumption of the image. At the same time, lynching photographs were also dispersed widely through the press, opening a particular incident to national scrutiny and thus distributing lynching models and rhetoric to a wider audience. Consequently, many scholars have argued that the dispersal of lynching imagery effectively extended the impact of a lynching well beyond the original participants, not only in engaging techniques of social control but also in terms of consolidating "whiteness."[33]

For all these reasons it is important to note that Gildersleeve's photographs circulated within an environment alongside other objects, including other lynching trophies, and that interpretations of these objects were influenced by other histories, events, and discourses. In addition to a deeply rooted history of lynching in the region, a diverse collection of trophies initially circulated within Waco-area communities after Washington's lynching. For example Thomas Hague, a third generation resident of Robinson interviewed by Bernstein, remembered seeing a moth-eaten, bloody shirt supposedly taken from Jesse Washington – he claimed a friend's father had purchased it.[34] Nona Baker, a resident of Waco, related a similar story to Bernstein. A friend had picked cotton as a boy for a European American farmer, who had shown the child a finger preserved in formaldehyde that he claimed was Washington's.[35] Clearly, then,

lynching photographs did not exist in isolation, but were part of a larger universe of thought, word, object, and action. All were of vital importance in understanding Washington's lynching as something comprehensible and significant. As I will argue next, interpretations of the young man's lynching as "just" were given concrete form in part through the existence of Gildersleeve's postcards.

Analyzing Lynching Photographs:

When analyzing lynching photographs, I have found the work of Baxandall useful to keep in mind. "We do not explain pictures," the scholar has written, "we explain remarks about pictures."[36] In his classic text revisiting art historical methodology, *Patterns of Intention: On the Historical Explanation of Pictures*, Baxandall argues that we are not working with a painting per se, but more accurately are exploring our ideas as they relate to a specific object. The image is as much a springboard for ideas as it is a primary source of information.[37] At the same time, because explanation without description is confusing, the two are related endeavors. Furthermore, while explanation can obviously be a subjective thing, description is also vulnerable to bias. This is because description is selective instead of comprehensive; it is impossible to reconstruct a picture accurately based on textual description alone. We cannot communicate all the information contained within a painting, Baxandall reasons, so instead we discuss those aspects of the object relevant to our ideas as tangible proof of our conclusions. Description can function as a subtle means of proving an argument or legitimating a worldview, one that appears to be objective and above manipulation.[38] Baxandall's argument has been supported by the work of other scholars. Kathleen Biddick comes to a similar conclusion, for example, although instead of the bias of description she is discussing the bias of first person

experience. Biddick argues that visual and textual representations of torture during the Inquisition were different from the real agony endured by prisoners as referenced by those documents: there is a difference between experiencing something directly and comprehending it through a picture or text.[39] Thus Baxandall and Biddick make parallel observations, concluding that it is impossible to create a completely accurate and objective visual or textual representation. This notion complicates understandings of events, texts, and images, because direct experience, representation, and interpretation are connected but distinct acts.

The implications of these scholars' arguments in relation to Gildersleeve's postcards are significant. Following their logic, we can understand lynching photographs as interpretive constructions, objects tethered to actual violence while still existing as autonomous images set apart from an originating incident. Therefore, participating in a lynching, viewing a lynching photograph, and reading a lynching history must be considered to be three related and yet completely different experiences. Histories, images, and rhetorics of lynching are not portals through which we can access a single, disinterested truth. To the contrary, historian Christopher Waldrep argues that words are open to the same ideological cooption as are the acts of violence and discursive context from which they stem.[40] Lynching imagery, in similar fashion, does not objectively illuminate history or even the incidents represented in the pictures. It is not just that those who look at images build subjective understandings of them, but also that photographers chose what to photograph and how they will portray their subjects. Therefore, the significance of lynching photographs is not inherent, but rather strongly influenced by the people who create and interpret them.[41]

The imagery of Gildersleeve is a case in point. With respect to photographing Washington's lynching, he made specific, subjective, aesthetic, and compositional choices in creating these photographs so as to better fulfill a very explicit commercial mandate. Gildersleeve did not passively "capture" American history within his images, but he did create objects by means of a self-interested, interpretive process that was itself strongly influenced by technological, ideological, and contextual influences and limitations: unwieldy equipment, white supremacist clients (if Gildersleeve himself was not one), knowledge of other lynching photographs, and so on. One important element was the lynching itself; Gildersleeve photographed extreme acts of violence enacted according to a procedural ritual that was itself meaningful to spectators of both the lynching and the lynching photographs.[42] Such understandings certainly affected the creation and interpretation of his pictures.

Despite the fact that these photographs are subjective, however, certain formal qualities Gildersleeve employed helped create the impression of impartial documentation. To start, he used a fairly deep depth of field. Furthermore, because the lynching took place during the day, the bright, even light left little in shadow. The viewer can see copious detail, creating the impression that the photographs capture the scene accurately and honestly because Gildersleeve apparently hides nothing. At the same time, staging employed by the photographer, while present, was limited. This characteristic minimizes recognition of artifice and performance within the photograph. While Gildersleeve relied on these kinds of formal stratagems in other areas of his work, here these characteristics are important because they serve to make his photographs seem more straightforward and objective. Certainly the association between the postcards and the idea of an independent

truth is very much in line with the intended function of these objects as keepsakes, because it trades on the perceived objectivity of the photograph and therefore evokes a more visceral connection to the subject depicted.

If Gildersleeve is not explicitly pictured in this imagery, then, he is still a concrete presence within each postcard. His judgment has impacted the most basic of pictorial elements, such as subject or composition. Aside from adapting to the commercial imperatives of his project, Gildersleeve also made decisions regarding what should be included in each image. At least four postcards, for example, document Washington's remains at a fairly close range. This is in keeping with the vast majority of lynching photographs. Certainly those included in James Allen's exhibit *Without Sanctuary* are overwhelmingly postmortem shots of the victim or victims.[43] Like Gildersleeve's pictures, many of these photographs are also shot in bright daylight, employ a deep depth of field with minimal staging on the part of the photographer, and feature the body of the victim as a central focus within the composition. Gildersleeve's photographs not only catered to the memorial function of the keepsake, then, but also fit comfortably within a more general, popular "style" of lynching imagery. The seemingly straightforward, documentary character of this style aligns with the demands of commercial exploitation, with the conventions of photographic documentation, and also fits comfortably within the logic of pro-lynching rhetoric.

The perceived objectivity and fidelity of Gildersleeve's lynching imagery, and thus its legitimacy and authority, was further enhanced by the medium in which the subject was rendered. These perceptions have to do with deeply rooted American and European popular understandings of photographic technologies. From very early in this

history, photographic images were conceived of, quite literally, as an imprint of nature: the indexical trace of a larger reality. In the same way that a bullet-hole relates to the shot that created it, so, too, does the photograph reference its subject.[44] Thus Roland Barthes claims that the "photograph is literally an emanation of the referent," a "real body" connected to Barthes by the radiation of light that has touched both the subject in the past and the viewer in the present.[45] Theories such as Barthes' help to position the photograph as a portal of truth, while the chemical and mechanical processes through which the photograph is born support understandings of this truth as scientific and objective.[46]

Figure 1 Fred Gildersleeve, *Lynching of Jesse Washington*, 1916. Gelatin Silver Print, 5 ½ x 3 ½ inches. Courtesy Archives Division of The Texas Collection, Baylor University, Waco, Texas.

Positioned within this history, Gildersleeve's customers likely interpreted his pictures as straightforward, true representations of the lynching to which they referred. This is important, because statements tied to photographs that appear to convey a truthful image seem all the more authoritative and honest.

Gildersleeve's focus on Washington's corpse within these images is further emphasized by his decision to photograph living, clothed, emoting spectators. Those shown are all European American men and boys: unmasked, unafraid, and expressing clear reactions to the lynching that range from solemn to jubilant. In Gildersleeve's pictures they cluster behind Washington's body, another

compositional motif commonly found within lynching imagery. Because the photographer (and spectators) compose the image in this way, it is impossible not to weigh one subject against the other. The resultant comparisons create strong binaries that are open to ideological interpretation, for example white supremacy. Spectators are clothed, unharmed, and unremarkable in appearance. In contrast, Washington's nude body is exceptional; mutilated and charred, it is much less recognizably human.[47] Stripped of his features and clothing, Washington exists within the photograph as an inanimate form without a distinguishable social place. The men who surround him, however, are marked as social actors with specific attributes, such as socio-economic class, that are made obvious by their manner of dress, body language, and physical form. The fact that Washington's corpse is the only dead body pictured in each frame, especially given the state of his remains, reinforces a visualization of this body as not belonging to a human community.[48]

The marked contrast between Washington's corpse and the men depicted in Gildersleeve's photographs is interesting, because these spectators were in fact quite diverse: migrants, native Texans, and possibly immigrants as well as people from different socio-economic backgrounds and age groups. The crowd may even have included African Americans. One reporter claimed to have seen a "yellow negro boy" hit Washington, yelling, "You're getting just what's coming to you, you d—— rascal!"[49] The same reporter also reports that African Americans were in the fringes of the mob, people Bernstein locates in Gildersleeve's photographs. The historian speculates that they may have been relatives of Washington (the reporter did not interview them), and it is also true that African Americans were sometimes forced to attend lynchings or view

lynched bodies. Even so, Waldrep notes that newspapers often emphasized, or falsified, African American participation in interracial lynchings so as to add legitimacy to claims of communal support for the violence, which would be diminished by charges of racism. In light of these issues, the legitimacy of the reporter's claims is extremely difficult to judge. Whether or not the account is true, however, the juxtaposition of spectators with Washington's corpse draws attention to the attributes that they do share: whiteness and masculinity.[50]

The omission of women and young children in the photographs is particularly striking, because many did attend this lynching and were featured in other lynching photographs. This fact would have been widely known. Waco reporters commented on the demeanor and conduct of female spectators as part of their coverage of Washington's trial and lynching.[51] Women and children were also given special viewing privileges after Washington's death.[52] A reporter for the *Waco Morning News*, for example, observed a well-dressed woman clap her hands when other spectators made way for her so she could witness Washington's torment.[53] Leona Lester, a young manicurist who unwittingly acted as one of Freeman's informants, claimed to have seen Washington castrated.[54] While there were no reports of women acting within the core group that lynched the young man, clearly, they were active participants within the mob. Given these facts, it is logical that they were among those who agitated for Washington's lynching. In an earlier newspaper story, another lynch mob was reported to have informed the Sheriff that their wives, sisters, and daughters had charged them to lynch Washington.[55] Women were not only granted full access to Washington's torture and murder, a violent spectacle they chose to

attend, but were also full participants in the culture that helped make this lynching desirable.[56]

The active involvement of women in lynching culture is a fact that has not gone unnoticed. The indomitable Ida B. Wells-Barnett, for example, charged that many lynchings were excused by the accusation of the rape of European American women, even in cases of consensual sexual relationships. Not only were European American men reacting violently to contact of any kind between European American women and African American men, but also the women in question sometimes cried rape to protect themselves from the consequences of an interracial sexual relationship. Either way, she noted, it was an example of absolute power exercised within an oppressive racial caste system by women as well as by men. Within this system, the absolute supremacy of "whiteness" was maintained by the subjugation and death of African American men and women.[57] She famously cautioned in her scathing *A Red Record*, "If Southern white men are not careful, they will over-reach themselves and public sentiment will have a reaction; a conclusion will then be reached which will be very damaging to the moral reputation of their women."[58]

The conclusions of Wells-Barnett have been widely supported in lynching scholarship. Waldrep, for example, uncovers a pattern of incidents in which men, African American as well as European American, sought to legitimize violence by claiming to have been defending their women. Supporters of spectacle lynching racialized this strain of rhetoric, in which women were positioned as a source of authority for men so long as they remained subordinate and thus in need of protection.[59] Such perceptions were very much alive in 1916 Waco. Many bluntly rationalized the lynching on just that basis in the

press. Moreover, historian Rogers Melton Smith notes that Lucy Fryer's death resulted in heightened fear in European American communities. Families and partners kept a closer watch on their women after her body was discovered.[60] One way that the vulnerability of white women was dramatized was through narratives and performances of lynchings.

Certainly in many lynching histories this perceived vulnerability was directly tied to the supposed menace of black men, particularly in the South. Historian Cynthia Skove Nevels has written that the "pure" white woman and the "criminal" black man were each important racial symbols linked in the minds of many Southerners, to the extent that the "purity" of the former could spark of the death of the latter.[61] Scholars have noted that European American women actively supported this paradigm, to the point where in many cases, as in the Washington lynching, they actively advocated for violence and were well represented among spectators.[62] Purity was a source of authority and social capitol for white women as well as for white men, and the successful maintenance of whiteness had a practical, concrete impact in their lives.[63] In excluding women from his imagery Gildersleeve is not simply representing community within these images. He is also reconfiguring it, because he visualizes spectators as white men who can successfully lynch black "criminals" and therefore "protect" their women.[64] In this way, despite the photographer's significant omission, white women are still present in the pictures by virtue of this power rhetoric.

Gildersleeve's most notorious image articulates even more clearly all the points discussed above, in part because of the way it deviates from standard visual conventions among known lynching photographs. While most of these images depict the victim or victims after death, one of Gildersleeve's photographs actually pictures Washington

being tortured by a man Bernstein has speculated was William Henry Frazier.[65] In this image, power differentials constructed within the photographer's series as a whole are even more obvious because of the torture in progress.

Figure 2 Fred Gildersleeve, *Lynching of Jesse Washington*, 1916. Gelatin Silver Print, 5 ½ x 3 ½ inches. Courtesy Archives Division of The Texas Collection, Baylor University, Waco, Texas.

Gildersleeve took this shot during one of the most brutal points in the lynching, during which Washington endured strangulation and slow fire. There could be no clearer vision of a community born out of sadistic violence than is communicated through this image, especially in light of the photographs discussed above. A prone, bleeding Washington is sprawled over a smoking pile of wood that has been gathered at the base of a large tree on Waco's main plaza. A chain secured around the young man's neck has been thrown over a branch and Frazier, trailed by a small cluster of men, holds onto the end as he leans over Washington. Pushing in close around this group are innumerable spectators, who jostle and strain for a view of Washington's torment. Through this image, Gildersleeve makes it quite obvious that men like Frazier can literally hold the lives of

men like Washington in their hands. In part through this spectacle, the torture and death of this young man can function as a means to create and inform white identity. As Shawn Michelle Smith argues, "the death of a black man enables whiteness to be shared."[66] Certainly when contrasted with Washington, and given that the distinguishing categories in these photographs would seem to be race and gender, white men as articulated within this image represent absolute power, complete security, and the bonds of fellowship.[67]

It is not only what is seen that is important in forming these conclusions, however, it is also what is not.[68] I have already mentioned that the absence of women helped to create and emphasize a masculine cohort. This was hardly the only result of such exclusion. The imagery would have been seen very differently if Gildersleeve had included pictures of Washington's grieving mother, for example, or even of Jesse Washington resisting the mob.[69] Instead, Gildersleeve chose to document the actions of Washington's lynchers in conjunction with several shots of the young man's ruined corpse. In doing so, the absence of African American agency and, especially, African American women acted in at least two ways. First, it isolated Washington from community and family as discussed above. Second, it distanced the issue of the violent subordination of African American women by European American men, which included rape, from the discourse framing Washington's lynching as depicted within Gildersleeve's imagery.[70] These kinds of omissions help open the possibility for the men who participated in Washington's lynching, including leading members of the lynch mob, to be unproblematically interpreted as heroic. At the same time, without a clear sense of Washington's humanity and subjectivity communicated through the photographs, viewers are free to assign him an identity and social function of their own design. Washington's

apparent passivity naturalizes these assumptions, as does the seeming objectivity of the photographic medium. In these ways, the decisions of Gildersleeve can influence interpretations of his imagery.

In the end, however, while these photographs are often described today as "evidence," they actually reveal very little of Washington. The photographer's imagery does not convey anything as to how the young man conceived of his world, nor betrays any trace of the people and places most important to him as a human being. The photographs are certainly of no use whatsoever in identifying, evaluating, or understanding his alleged culpability in the death and possible rape of Lucy Fryer. For this reason, while Jesse Washington may have died before the lens, he is not buried there.

Lynching as Subject:

If Gildersleeve crafted imagery that could be interpreted to support ideologies of heroic white supremacy, it was the viewer of these images that drew such conclusions. The photographer was hardly working in a vacuum. The men who lynched Washington and their spectators, Gildersleeve's subjects, were also creating a subjective reality by employing the vicious, performative motif of the spectacle lynching.[71] In fact, there are many parallels between the interpretation and creation of lynching images and the interpretation and performance of the lynchings depicted in these photographs. In the case of the Washington lynching, for example, both image and act formed community through spectacle and were congruent with racist and sexist ideologies. This is an assumption entirely compatible with the pragmatic economic or social factors that may have helped spark violence. Theatrical, brutal acts enacted within the context of this lynching constitute one tie between racial ideologies and personal interests, such as

personal aggrandizement or political advancement, not only in the public display of kidnapping, torture, and murder, but also in its indexical trace as constructed by Gildersleeve.

This is a reality to which much of the better literature analyzing lynching photographs has been alert. Michael Hatt, for example, has theorized that the fairly consistent ritual acts that constituted spectacle lynchings effectively substituted action for word.[72] Instead of arguing that they should be respected within a particular local community, Washington's lynchers simply demonstrated their personal prowess and racial caste membership by lynching Washington before thousands of cheering spectators. For this reason, Hatt argues, lynchings meet a range of different goals and needs on the part of lynchers and lynching spectators. As there was no clearly articulated agenda in the course of a particular lynching, no one interest was omitted or emphasized. In this way, different views that existed within a body of spectators were accommodated within the same event, and so a community coalesced through the process of a lynching in spite of any extant friction or tensions within a very heterogeneous mob of people.[73]

Hatt's argument is supported by anecdotal evidence uncovered by lynching scholars and by the arguments of anti-lynching activists commenting on Washington's case. For example, Waco local Wilford W. Naman, interviewed by Rogers Melton Smith long after the lynching, described the violence bluntly as a "blood sacrifice."[74] At the same time Du Bois, drawing heavily from Freeman's report, argued that some Waco officials allowed the lynching to occur so as to reap the rewards of increased political capitol.[75] Clearly disparate motives, be it bloodlust or political gain, were equally able to function within the context of this lynching. Whether participants acted directly or

indirectly, out of a fanatical devotion to race solidarity or simple, base pragmatism, in the end each came together in support of Washington's lynching.

At the same time, the social stature of those involved in these endeavors certainly helped to justify that violence beyond the fact that European American communities generally supported lynching in principle. That it was Gildersleeve who documented this incident is significant because he was a prolific photographer in local circles. Spectators saw the violence photographed by the same man who also documented the State Fair and Baylor University sports events and came to him openly to purchase photographs of torture and death that sometimes bore notes in his hand.[76] Tipped off by a politician in high office, it seems likely that Gildersleeve legitimated both his photographs and the lynching simply by virtue of his presence. This may have been particularly important because the leaders of the lynch mob, as identified by Freeman and Bernstein, were all of disreputable or working class status.[77]

Hatt's emphasis on and understanding of ritual aligns with the work of other scholars. Carol Duncan, in reference to the museum, has argued that we construct sites in a secular context that are intended to "publicly represent beliefs about the order of the world, its past and present, and the individual's place within it." Those who control these sites, she argues, are those whose identities the ritual best confirms.[78] Anthropologist Mary Douglas goes further: "As a social animal, man is a ritual animal." Social reality, she reasons, is underwritten by symbolic acts.[79] One way these rites function is as a frame, emphasizing certain experiences at the expense of others.[80] As such, "ritual focusses [sic] attention by framing: it enlivens the memory and links the present with the relevant past. In all this … it changes perception because it changes the selective

principles."[81] In this way a ritual may actually modify experience by informing it, therefore creating or unveiling knowledge.[82]

Many scholars of lynching and lynching photographs have, like Hatt, located ritual elements in accounts of lynching. For example, Garland argues that spectacle lynchings are ritualistic despite the fact that they generally lacked the high level of organization, aesthetic polish, explicit religious character, or homogenous solidarity that is often associated with the term. Even so, he claims, these events were "collective performances that involved a set of formal conventions and recognizable roles; a staging that was standardized, sequenced, and dramatic; and a recognized social meaning that set the event apart as important, out-of-the-ordinary, highly charged in symbolic significance."[83] In other words, people who initiated lynchings created an opportunity for performance informed by ideology, in this case relating to race and gender, and the experiential reality of performance made the ideology informing action seem natural and real. To bear witness to Washington's lynching, then, is not just to articulate a visual or verbal interpretation, but also to enact one. To paraphrase Zuromskis, Gildersleeve's photographs functioned as a nexus wherein public norms and private agendas intersected.[84]

The Impact of Demographics:

When considering lynching photographs, I think there are two key generalizations useful to keep in mind. First, these images were (and are) understood through interpretive lenses such as white supremacist ideology. The pictures depict theatrical acts, were created as the result of subjective choices, and have subsequently been understood and explained in ways that vary wildly. Second, these interpretive lenses influenced a range of cultural

production, from advertising to Jim Crow social codes. These objects, texts, words, and acts form a part of the larger context in which lynching photographs were crafted and understood. This is not to say that every component of this mix directly referenced lynching, or even involved violence, but rather to observe that common threads connected and informed an ensemble of parts within a larger whole.[85]

In attempting to understand these complex relationships, I have found Allan Sekula's theory of the archive to be particularly useful. In his classic text *The Body and the Archive*, Sekula argues that the inclusion of photographic technology within modern, positivist, pseudo-sciences such as physiognomy and phrenology has led to the creation of a "shadow archive" in which subsidiary "subarchives" exist. The "shadow archive," he explains, encapsulates human societies and all people who exist therein. A "subarchive" is a territory within that space particular to a specific group.[86] Drawing from Sekula's example, then, we can argue that Gildersleeve created white men within his photographs by contrasting them with a black man. These two types are explicitly articulated in his imagery as a clearly defined binary, apparently independent of one another. Such an interpretation, however, acts to obscure the fact that "whiteness" and "blackness" are relative categories that are essentially meaningless until one is juxtaposed with the other. Indeed, the former is affirmed because the latter is maligned.[87] As Lauri Firstenberg has observed, the operations of the subarchives Sekula postulates serve to create typologies that become the basis for specific social control measures. Thus, in Washington's case, the operations of a particular subarchive overlap with the operations of white supremacist racial oppression.[88] The photograph is embedded within the shadow archive but also shaped by it. Lynching imagery is related to a larger, more comprehensive reality, one

that affects the image and helps legitimate it as depicting an obvious "truth."

Sekula's thesis is further supported by the work of Jeannene Przyblyski, who notes that the shadow archive encompasses not only a range of distinct subarchives but also the ways in which they coincide and interact. The oppressive function of Gildersleeve's lynching imagery as experienced by African American Waco residents, for example, complemented the celebratory function these pictures serve for European and European American locals: "whiteness" could exist because "blackness" had been created and maintained. Subarchives inform and relate to one another, she argues, and it is the awareness of this fact, which comes from keeping the shadow archive in the forefront of inquiry, that can open up the possibility of multiplicity and contestation within a subarchive itself.[89]

Examples of both Hatt's and Sekula's theories at work can be found in Nevels' text. Her work explores the concrete benefits immigrants could accrue by participating in lynching culture. These benefits included easier access to capital, property, and legal protections as well as political participation, high social status, and domination over other racially defined groups in Texan communities. Nevels argues that violence was the quickest way to gain recognition as being "white".[90] These people staked their claim to social status by acting out membership within a privileged racial caste. The "whiteness" of an Italian or Irish immigrant was far more obvious to native-born, European American Texans when juxtaposed against the "blackness" of their native-born, African American neighbors. This was not just true of male immigrants. As discussed earlier, women also recognized the practical benefits of leveraging whiteness. In one case study, Nevels argues that an Italian immigrant named Fannie Palazzo reacted to her alleged rape in

1894 with the typical distress and frailty associated with pure, white womanhood. When asked to identify her attacker, for example, Palazzo nearly fainted.[91] In this way immigrants attempted to shift between social categories, hoping to embed themselves within the subarchive of "whiteness", and so gain vital privileges while erasing their own dubious racial status.

Nevels' work is particularly interesting because Hague remembered Robinson as a German community established three years after Waco was founded. German immigrants tended to stick together, he explained, as did English immigrants such as the Fryers and his own family.[92] According to Nevels, Germans had been assimilated into native Texan life earlier than Italians or Bohemians, and at the time of Palazzo's alleged rape they would have been considered white.[93] As respectable English immigrants living within an assimilated German community, the Fryers had claim to privileges and protections not available to the Washingtons. Even so, this does not mean that Waco residents made no distinction between immigrant and native-born residents. Mary Kemendo Senden lived in an immigrant neighborhood in 1901 Waco, with Mexican, Jewish, Irish, German, and Czech neighbors. She remembered being socially ostracized because she was Italian by her classmates, who were presumably considered both native Texan and white, and that a German friend was mocked as a "Sauerkraut."[94] Thus the terrible story of Jesse Washington unfolded within a complicated and dynamic tangle of identity politics, in which race was caught up with nationality, class, and gender, and the exact parameters of these categories are still difficult to nail down. Whatever the case, however, as a significant portion of the lynch mob initially hailed from Robinson, clearly knowledge of racial prerogatives led to drastic action.[95]

At the same time, lynching models were clearly not only racialized, but racialized in different ways. While people of every demographic category were targeted for violence in early twentieth century Texas, including European American men, it is also true that specific histories, ideologies, and rhetorics were available to Texans when they chose to murder, maim, and terrorize one another. Mexican Americans, for example, were often lynched on charges of theft or banditry, while African Americans were frequently targeted on accusations of murder or rape.[96] This is especially the case in regards to spectacle lynchings, which Garland observes were exclusively justified on the basis of capital charges.[97] At the same time, while not all African Americans were victims of spectacle lynchings, other racial groups targeted in lynchings did not typically endure the extremes of torture that marked these cases.[98]

Racial violence has deep roots in Texas, and the consequences of this history impacted the demographic composition of Central Texas. To start, violence like lynching accelerated an African American migration out of the state in the early twentieth century, during which time thousands left the region. This migration, in turn, created problems for local agriculture industries. The decade 1900-1910 was the first time in which more African Americans left Texas than arrived, and this led to anxieties on the part of European American Texans. Carrigan, for example, cites a 1917 newspaper article in which the reporter worries the state cannot afford to lose too much African American labor.[99] At the same time, in the early twentieth century the Mexican and Mexican American populations in Central Texas were rapidly growing. Carrigan notes that roughly one thousand moved to the area in 1900-1910, a huge increase from the 238 documented in 1900 by the U.S. Census Bureau, followed by another three thousand in

the next decade. By 1910 there were 496 Mexicans living in McLennan County, 1,502 in 1920, and in 1930 the number had swelled to 4,156.[100] At the same time, the historian observes that Mexicans and Mexican Americans in Central Texas were far less likely to be lynched than either their African American neighbors or Mexicans and Mexican Americans living in Southern Texas. (It is important to note, however, that they still faced similar patterns of racial discrimination and other kinds of racial violence, as did African Americans in Central Texas.)[101]

Thus the Washington lynching took place within a time of significant demographic change, during which Central Texas became more diverse. European Americans interpreted Mexicans and Mexican Americans in light of strong investments in an extant racial caste system, and in Waco they placed these people below white Texans but above black Texans. For Mexicans and Mexican Americans, this resulted in a situation at least somewhat improved over what had been left behind in Southern Texas, where lynchers far more consistently targeted them.[102] At the same time, anxieties over the control of labor, exacerbated by an unpredictable cotton crop and dynamic market, were also heightened by the departure of many African American residents who had previously been relied upon to provide labor vital to the local agricultural economy. Carrigan argues that as Mexican and Mexican American laborers were increasingly invited to Waco to fill the void, they were more likely to be protected by their employers from violent death.[103]

At the same time, this is the same industry that scholars such as E. M. Beck and Stewart E. Tolnay have identified as a strong factor in the lynching of African Americans, concluding that European American employers encouraged lynching to

maintain control over African American laborers. While most lynchings were rationalized on charges that had little to do with labor codes, they argue, these incidents did have the effect of reinforcing the white supremacy that anchored a social and economic racial caste system.[104] This thesis is especially interesting given that Jesse Washington worked as a laborer, planting and picking cotton. At the same time, he may have had the reputation of being a defiant and uncooperative young man, and therefore may have attracted unwelcome attention before his lynching.[105] Thus the racialization of lynching violence in Waco was caught up in both the politics of the moment as well as the traditions of the past, all of which influenced the visual project of Gildersleeve.

Historian Theodore Allen argues that racist ideology is only a significant historical force when it is put into practice and upheld as racial oppression. As a part of this process, the concrete aspects of racial oppression, such as suppressing civil liberties, are subsumed within elite stratagems used to maintain social control. In this context, Allen argues that there are three classes of people: an elite socioeconomic class, a social control class, and an oppressed racial group. The social control class identifies with the elite class based on race, despite sharing a similar economic situation with the oppressed racial group. This system makes solidarity across racial boundaries difficult. In the United States, for example, white supremacist laws and social codes granted the social control class, consisting of working class Europeans and European Americans, psychological, political, and social advantages. These benefits were initially enacted to alienate them from Africans and African Americans in similar circumstances, and were one reason why members of the social control class sometimes acted in concert with the elite social group against their long-term interests.[106]

With respect to Washington's lynching, I believe the findings of scholars such as Theodore Allen can be expanded so as to apply to other marginal groups such as migrants. This is particularly true in the case of William Henry Frazier, identified by Bernstein as a probable mob leader. A relatively recent migrant to Waco, Frazier earned his living in 1916 as a driver and stable boss, and he also owned a farm. His family described him as a violent, ill-tempered drunkard.[107] In light of these facts, it is telling that, according to Bernstein, Frazier may have led the charge to kidnap Washington from the courthouse, played the most active role in lynching him, and dragged the body through town.[108] If true, Frazier's actions during the lynching not only fit his purportedly brute nature, but also function to aggressively assert his membership within a dominant, white racial caste. Frazier's actions can be interpreted to bear out Theodore Allen's thesis.

Garland's text also supports Allen's argument, in that he interprets spectacle lynchings as moments of contestation within a community. Mob leaders grab power, Garland argues, by enacting a procedural ritual associated with a set of values that, if the lynching is successfully initiated, can be counted on to stimulate community approval and support. Targeting the "worst" criminals, Garland observes, is a reliable way of invoking and manipulating these communal norms.[109] Given Frazier's poor reputation and low socio-economic standing, the few privileges afforded him stemmed solely from his race and gender. He would have had much to gain by emphasizing his whiteness and masculinity over personal social status and socio-economic class – in fact, it would have been critical that he do so. Significantly, for all the reasons outlined above, this was a feat made much easier by lynching Washington. After all, to paraphrase Hatt, a lynching is

only successful if undertaken by a legitimate authority.[110] Certainly the lynching strengthened racial boundaries within Waco. An informant of Rogers Melton Smith, Mrs. Ike Ashburn, claimed it polarized Waco-area communities along racial lines. Racial prejudice increased, as did European American fear of African American men.[111]

Racial polarization is obviously something that went both ways, however. Nannette Booker Hutchison, an African American informant of Bernstein, vividly remembered people dragging a burnt corpse through her neighborhood in Waco when she was a young girl – a man in the truck called out to her that the body was "barbeque." For some time afterwards, the child refused to walk barefoot in the streets running past her own front door. She was afraid she would step on pieces of the dead man's flesh.[112] As Freeman reported to the NAACP, while African American locals felt they had one bad member of their race, they thought their European American neighbors had 15,000.[113]

Antecedents of Lynching Photographs:

The use of Washington as a "medium" through which to clearly articulate claims of whiteness strongly relates to the work of author and literary critic Toni Morrison. Specifically, Morrison has written at length about the practical importance of fictional constructions of race, specifically blackness, in constructing white American identity. She argues that what she calls "Africanism" is a creative literary trope that allows European American authors to explore fears and desires, articulate taboo subjects, and comment on upon the mechanisms of power and the pressing socio-political issues of the day.[114] She defines this term as referring to the "denotative and connotative blackness that African peoples have come to signify, as well as the entire range of views, assumptions, readings, and misreadings that accompany Eurocentric learning about these

people."[115] Such a concept is not only useful in understanding the function and import of lynchings, but also describes one facet of the visual and rhetorical histories that have shaped photographs such as those of Washington. These histories are important. Political theorist Chantal Mouffe, for example, argues that the "we" of a political community is only made possible when contrasted against the "they" who are not included. Exclusion marks the boundaries of communal entities and thus makes them meaningful and distinct.[116] For this reason, the histories that underlay lynching photographs have played a significant and vital role in the creation and maintenance of the United States as a nation. "We live our differences at the expense of one another," as Kirsten Pai Buick has observed.[117]

Marcus Wood is one scholar who has taken these histories as the subject of his text, specifically focusing on the imagery of slavery and abolitionism in Europe and the United States. These two topics are obviously interlinked, not only because the latter was a reaction to the existence of the former, but also because some of the first genuinely popular images of slaves were created within abolitionist discourse.[118] In 1839, for example, "American Slavery as it is, Testimony of a Thousand Witnesses" was published by the American Anti-Slavery Society. Drawing on conventions that governed the depiction of Christian martyrdom, as illustrated in publications such as *Fox's Actes and Monuments* and the *Book of Martyrs*, this abolitionist book broke precedent within anti-slavery discourse by including graphic violence in the visual and textual illustration of slavery.[119] Later, in 1852, abolitionist and author Harriet Beecher Stowe wrote *Uncle Tom's Cabin* to great international acclaim. In an attempt to spark sympathy for slaves among her readers, Stowe included scenes of horrific violence and cruelty in her text.

Significantly, in doing so she often created vulnerable, dependent African American characters such as Uncle Tom: good hearted but helpless individuals who lacked autonomous subjectivity.[120] In the end, even as abolitionist narratives created sympathy for slaves and stirred opposition to slavery, they also crafted an Africanist body through art and literature that depicted African Americans as vehicles for spectacle, passive bodies vulnerable to extremes of pain and misery. This characteristic of abolitionist discourse was also common in the arguments, texts, and images of pro-slavery and white supremacist authors, artists, and commentators. A particularly egregious example is the work of author Thomas Dixon Jr. In a trio of novels published between 1902 and 1907 Dixon valorized the Klan; treated antebellum Southern society with nostalgia; and demonized African Americans generally as mentally inferior, sexually rapacious, and prone to violence and crime.[121]

All these narratives drew not only from an American and European discourse of slavery and abolitionism, but also from some 300 years of anti-African writing that depicted people of African descent as immoral, sexually depraved, and alien.[122] Europeans presented Africa as an exotic, pagan, far-removed land, marred by atrocities perpetrated by clearly dark-skinned barbarians.[123] These understandings were informed and co-opted by other discursive strains, such as colonialism. At the same time, they also incorporated older associations that predated a popular, racialized discourse about Africa, for example Christian traditions dating from the twelfth century that equated the color black with evil.[124]

What remains constant throughout these histories are two very general approaches to the Africanist body. The first emphasizes the depravity of an Africanist character,

sometimes visualizing the torment of such a person as just retribution for their sins, or as deliverance from the evil and malice personified by these constructions. The second emphasizes pathos, and invites the viewer to empathize with a helpless innocent in torment. Thus there are unique visual histories that accompany an economic, political, and social past specifically relevant to the visualization of African Americans in the United States, subarchives that frequently include depictions of human beings as degenerate or abject objects who passively endure great pain and death.[125]

Many of the images born within these histories referenced above can be considered as antecedents to lynching photographs. The story of Bill Freeman is a case in point. Just seventy years before Washington's lynching, phrenologist and showman George J. Mastin commissioned the *Hanging Freeman (*1847-1850) for inclusion in his traveling show, *Unparallelled Exhibition of Oil Paintings*.[126] Bill Freeman, the son of a freed slave, was tried and convicted in 1846 for murdering a local

Figure 3 Unknown Artist, *Hanging Freeman*, 1847-1850. Oil on Bed Ticking, 7 ½ x 8 ½ feet. Courtesy The Farmers' Museum, Cooperstown, New York.

European American family in Auburn, New York. This painting, the last in a series of four, illustrates Freeman's public execution in contradiction of the fact that he died of natural causes.[127] The visual narrative is essentially a fiction based on historical events, focusing exclusively on the murders Freeman had committed and imagining violent retribution. (The first painting depicts the murders; in the second he attacks a female relative after fleeing the house; in the third he returns to peep at the bodies and assembled mourners; and in the last he is hanged.) Notably, Mastin systematically excludes any mitigating factors relevant to the crime, such as Freeman's mental illness. He also eliminates Freeman's motivation for violence, namely the difficulties, prejudice, and brutality he had encountered in his life because of racism. Finally, Mastin omits reference to the very spirited and competent efforts of Freeman's defense counsel, William Henry Seward, a former governor of New York and later Abraham Lincoln's Secretary of State.[128] As in portrayals of Jesse Washington, Mastin's construction of his painting was important in influencing the conclusions of his audience. He makes no reference to Freeman's history, community, and allies, focusing solely on a sensational crime and the death of a criminal.[129] Thus the imagery depicting Freeman very strongly indicates that crime and punishment are central rhetorical elements in both interpreting his story and relating it to other paintings within the context of Mastin's exhibit. In this way silence, to paraphrase Biddick, represents a space that can itself be imprinted with meaning.[130]

With these facts in hand we can safely conclude that, like Gildersleeve, Mastin was not interested in the objective illustration of a true crime story. In stark contrast, he chose to commission a rhetorical narrative in which Freeman can only be interpreted as a monster, and therefore his hanging as an act of justice. Mastin was likely pandering to an

audience that was, like Gildersleeve's, probably drawn from the same rural farming communities as was the lynch mob that had hunted Freeman shortly after the bodies were discovered.[131] Such a fact is significant because it is the image of Freeman's hanging that is obviously the most blatant of Mastin's concoctions. Freeman was never executed and his death was not a public spectacle.[132]

Without knowing the contents of Mastin's lectures, we can only speculate as to why he would commission this painting. After all, the truth of Freeman's natural death must have been common knowledge, at least in the Auburn area, given the intense controversy and interest generated by his case. The commercial appeal of this narrative is less inexplicable. Mastin relied on public interest to make a profit from his exhibit, and this was a story that had undeniably caught the public eye. Certainly one reason people were riveted by the facts was because it was a lurid story of shocking crime. However, Hugh Honour has argued that the extent to which Freeman's story was sensationalized cannot be entirely explained by this fact, but rather reflects the combination of the nature of the murders and Freeman's race. Honour's contention is supported by the constitution of Mastin's exhibit, which included paintings depicting Native American brutality juxtaposed with Biblical scenes and celebrated historical events. Mastin's articulation of American history and character, Honour concludes, is racialized.[133] The scholar's interpretation certainly explains the showman's decision to depict Freeman solely as a depraved and violent man within the cycle of paintings (a choice that also strongly parallels the way Washington was constructed in the press much later in Waco, Texas.)[134] Lynching photographs, while created with new technologies and dictated by an evolving

contemporary context, are in many ways continuations of older ideological and rhetorical projects within Colonial and American histories.

Local Histories of Violence:

One way to understand the continuities between the present and the past is through what Carrigan has described as "historical memory", which he argues was an influential factor in Washington's lynching. He observes that locals effectively navigated and manipulated the present by actively constructing a usable past, one that was mined for adaptive models and legitimated rationales for behavior.[135] Within what is now Texas, for example, violence had long been used to resolve disputes, obtain resources, and police communities. European American residents frequently clashed with their neighbors - Spanish, Mexican, Mexican American, African American, and members of the Comanche, Wichita, and Caddo Native American tribes - as well as with one another. Many African Americans came initially as slaves who accompanied European American slaveholders, and in Texas they faced the violence and oppression attendant to slave society, Reconstruction, and the Jim Crow South. After the Civil War, violence became endemic between local residents and northern migrants as well as between Democrats and Republicans (European American as well as African American). Finally, throughout Texan history vigilantism was a common tool used to address alleged crimes and to resolve local conflicts generally.[136]

Carrigan proposes that this history was important not only because it resulted in a generally violent climate, in which Texans were predisposed to vigilantism, but also because earlier incidents were memorialized in ways that could influence later events. Indian fighters, for example, were venerated in many Texan communities and later

became rhetorical and operational models for young European American men dissatisfied with the changing racial caste system and economic landscape after Emancipation.[137] This explosive local and regional history of violence most assuredly played an important role in the lynching of Jesse Washington, and also influenced reactions to both this violence and the images that depict it. In the same way, Gildersleeve's pictures likely reflect not only his personal aesthetic decisions and commercial mandate, but also the interpretation and understanding of past lynchings and lynching photographs on both his part as well as the lynch mob he depicted. In the same way lynching, long established in Texas, was in essence a performative motif informed by specific associations and ideologies that had been defined by a history of rhetoric and debate.[138] These narratives and images were readily available within Waco, not only as a part of local oral history but also regularly reported in the press. The stories can act as scripts, general models that can be adapted to suit particular situations.[139] In a discursive environment full of "test cases", it was possible for Texans to connect violence with specific qualities (such as heroism) when violent incidents unfolded according to a particular formula, and also to predict how a wider audience might interpret these acts. At the same time, since reports of lynching sparked public debate, some commentators used past violence as an opportunity to define the parameters of a legitimate mode of lynching: to rationalize different lynchings or styles of lynching as "good" or "bad."[140]

Certainly there had been earlier lynchings in Texas for local residents to debate. At least one lynching of an African American man occurred in Waco previous to Washington's case, and that some of the most notorious incidents of lynching nationally occurred in Texas. The same year Gildersleeve arrived in Waco, for example, Sank

Majors was lynched on the charge of raping Clinnie Roberts, a local European American woman. He was taken from jail and hanged on a bridge over the Brazos River in Waco, only escaping fire at the request of his alleged victim. Afterwards, Majors' body was dissected for souvenirs and burned.[141] Twelve years earlier Paris, Texas became infamous for the brutal spectacle lynching of Henry Smith, which Garland has argued was the first of its kind.[142]

The precedent that stands out most clearly to me, however, is the spectacle lynching of Will Stanley in 1915. Stanley, who lived in Rogers, Texas, was lynched in Temple, Texas for several crimes he allegedly committed against the Grimes family: the severe beating of the parents, the rape of the mother, and the murders of three of their young children. Temple was only thirty miles south of Waco.[143] There are strong parallels between the Stanley and Washington lynchings. Stanley was also kidnapped from the courtroom by a large mob (estimated to be 5,000 strong) and burned to death in a public square of Temple. The image of Stanley's corpse, also a photographic postcard sold for profit, is sometimes misidentified as depicting Washington's body. Significantly, the man who purchased the postcard included in *Without Sanctuary*, an oiler and Waco resident named Joe Meyers, marked his face in the crowd and sent it to his mother.[144] The inscription on verso reads, "This is the barbecue we had last night My picture is to the left with a cross over it your sone [sic] Joe."[145] According to Du Bois, this was a photograph anyone could buy on the streets of Waco for a dime.[146] Clearly, while Washington's lynching was undeniably extreme and controversial, it was also based on familiar, well-established precedent.

In fact, because lynchers and spectators knew what to expect, a procedural model

may have also have served as an effective organizing paradigm in what was described by witnesses as a chaotic, frenetic social moment.[147] One very sobering fact supporting this contention is that a core group of a few men were able to direct an excited, heterogeneous crowd of ten to fifteen *thousand* people, including some who apparently competed for central roles within the lynching. Indeed, spectators were hardly passive. Many fought and jostled for the best view, shouted approval in witness of torture, beat and stabbed Washington when he was dragged within reach, and clashed over "privileges" such as who would set the injured young man on fire.[148] Thus while there were different levels of activity within the mob, in the end most participants contributed something to Washington's ordeal; they bore witness to the lynching in part by conforming to a role. These contributions ranged from actual physical assault and torture, to verbal encouragement and support of the men torturing Washington, to constituting part of the immense audience watching (and thus legitimating) the lynching.

Decisions made by the leaders of Washington's lynch mob also confirm the existence of popular lynching models in 1916 Waco-area communities. In fact, Bernstein observes that local European American debates about the Washington lynching seem to have concerned proper form as opposed to the legitimacy of lynching as a practice. Residents objected to what they interpreted as excesses on the part of the lynchers, such as dragging Washington's corpse through Waco streets.[149] This reaction not only indicates a deeply ingrained acceptance of lynching in principle, as it was not in and of itself a subject of debate, it also betrays a familiarity with spectacle lynchings specifically, which were usually accompanied by fierce criticism from outside of the originating community.[150] Finally, historians and activists have also made compelling

arguments that this incident was hardly a spontaneous explosion of violence. Authorities clearly anticipated it, Washington was systematically hunted by mobs, and spectators poured into Waco well in advance of the young man's death.[151] For many in Waco, Washington's fate had already been decided, if not the specifics of his murder.

Even so, there were also aspects of the lynching that appear to be more spontaneous. For example, the crowd initially dragged Washington towards a bridge over the Brazos River but, hearing of a pyre already built, changed course and forced the young man into the main town plaza near City Hall.[152] Details such as these are significant because even as the individuals within the lynch mob seemed to be only loosely organized, making decisions on the fly, nonetheless the lynching is still very much a classic spectacle lynching that adheres to a common, generalized script.[153] Not only did the mob decide to lynch Washington, but ultimately they also favored one specific method. This is obviously a deliberate act. Once thousands of people collectively decide to murder one solitary target, especially if they anticipate no consequences for their actions and face no opposition, the only limitation as to the form or extremity of that violence would then lie within the mob of people themselves. The fact that so many came to an apparent consensus so quickly indicates to me foreknowledge and acceptance of popular lynching models, as does the fact that they wavered between at least two different modes of lynching.[154] (Significantly, each method could be based on knowledge of a specific lynching within or near to Waco.) The esteem of souvenirs such as photographic postcards is certainly an outgrowth of this support and acceptance, a supposition further strengthened because no one was ever charged for Washington's lynching.[155]

The fact that there was more than one lynching model accessible in 1916 Waco is symptomatic of a reality in which the rhetoric, conceptualization, and enactment of lynching, once articulated by lynchers, commentators, and activists, has evolved over time into a family of distinct and popularly understood formulae. Often standardized in a particular region of the United States, these constructs ultimately circulated through broader channels via mass media and popular culture. Specific incidents (for example, lynchings perpetrated by the San Francisco Vigilance Committee, beginning around 1851, or the spectacle lynching of Smith discussed above) sparked national discussion and debate that resulted in a general familiarity with not only specific articulations of violence, but also with the apologies that rationalized murder, torture, and degradation.[156] It is this discursive landscape that is subject of the next chapter of my text. If I have used this first section of my argument to examine a set of objects in the context of actions, now I would like to focus more closely on images as entangled with text.

Chapter Two: Responding to Lynching

Just months before Jesse Washington's lynching, the film *Birth of a Nation* made its debut in Waco theaters. Scholars have noted that, while the subject of intense controversy, the movie was wildly popular among many European and European American viewers.[1] This was especially true in the South, and, accordingly, Bernstein observes it was a box-office hit in Waco.[2] As in *The Klansman*, the 1905 novel by Thomas Dixon Jr. on which the movie was based, director D. W. Griffith portrayed a nostalgic view of southern Antebellum society, upset by emancipation and only put "right" by the creation and vigilante activities of the Ku Klux Klan.[3] One scene in particular communicates this white supremacist perspective, in which a freedman named Gus (portrayed by a European American actor in blackface) chases a European American woman named Flora who has rebuffed his advances. She is ultimately trapped on a cliff and leaps to her death to avoid rape. Gus is then hunted by the Ku Klux Klan, led by Flora's outraged brother, and lynched upon capture.[4] This is the crowning moment in a longer narrative that depicts African Americans as possessing poor moral character specifically and various inferior qualities generally: they are corrupt politicians, unruly soldiers, conniving mistresses, and simple domestics.

Such depictions are part and parcel of a strategic narrative in which Griffith depicts problems in American society as simplistic and racial in origin. White, northern support of black enfranchisement results in the destruction of idyllic social order. At the same time, the violence, anarchy, and crime perpetrated by black characters in the film ultimately reunites white (male) Americans because of their mutual opposition to "dangerous" social upheaval. The troubles of white people stem from black people

overstepping traditional racial bounds, Griffith argues, and, in so doing, black people bring destruction upon themselves. Significantly, this was a film Griffith defended from critics as an accurate depiction of historical fact.[5]

A "Good" Lynching:

Griffith's film is a pro-lynching narrative that depicts what Christopher Waldrep has identified as a "good" lynching. American journalists standardized this rhetoric, a hallmark of pro-lynching texts and lynching apologies, in the 1870's and 1880's. Commentators used the "good" lynching as a litmus test to assess the moral character and legitimacy of incidents they identified as lynchings. According to this formula, a successful, defensible lynching was enacted in response to a terrible and shocking crime, one that sparked widespread excitement and a popular desire for revenge locally. If this crime reportedly occurred in an area without an effective police force or legal system and had the support of the entire community (as defined by the reporters and their sources), then members of the press often argued violence was justifiable on the grounds of popular sovereignty.[6]

The evocation of crime has often been a central, structuring element in lynching narratives. From the inception of the term, notions of aggression and criminality have been used to advance the claims of a particular individual or group under the defensive rubric of popular sovereignty. The first incidents specifically understood to fall under "Lynch's Law" took place in colonial Virginia during the Revolutionary War, most likely orchestrated by a man named Colonel Charles Lynch. Scholars speculate that the term "lynching" may have been coined from the name (and actions) of this man.[7] According to the story the revolutionary Lynch, along with other members of the militia, violently

suppressed an alleged Tory insurrection and persecuted those people thought to sympathize with the English Crown. A magistrate, legislator, militia colonel, and member of the local elite, Lynch informally tried suspects. Those found guilty were whipped, shot, and hung by their thumbs.[8]

In committing these acts, Waldrep observes, it was imperative that Lynch and his men consider how their actions were perceived; they were breaking not only English but also Virginian law. Certainly the militia's violent activities were controversial. For example, then-Governor Thomas Jefferson wrote to Lynch of his anxieties regarding the Colonel's extralegal actions.[9] In reply to such criticisms, Lynch argued that, far from being a criminal, he was in fact a law-abiding patriot forced beyond the letter of the law by the unforeseen contingencies of war. Lynch was successful in pushing this rhetoric, as is evidenced by his ability to transform a discourse of law into actual legislation. In 1782, the General Assembly (of which he was a member) passed special legislation indemnifying Lynch and his cohort. While these men had broken the law, Lynch's colleagues decided the extenuating circumstances of war were truly to blame.[10]

This understanding of lynching may have been named in colonial Virginia, but it was nationalized in the American West. Even today, many people understand lynching via the logic of what scholars refer to as the "frontier defense."[11] Nearly 70 years after the Colonel enacted "Lynch's law" in Virginia, a group of Californian vigilantes and their apologists drew upon similar rhetorical components to legitimate the actions of a group called the San Francisco Vigilance Committee. Sparked by the assault and robbery of local shopkeeper Charles J. Jansen, merchants in San Francisco organized themselves into a night watch that ultimately resorted to systemic acts of vigilantism. In 1856, after a

period of intermittent calm and explosions of violence, Governor J. Neely Johnson declared San Francisco to be in a state of insurrection and dispatched state troops headed by William Tecumsah Sherman to disband the Committee. Despite a direct confrontation with operatives of the State that dramatically lessened their popular appeal, the vigilantes ultimately solidified their informal five-month control of the city when they won offices in local elections. This victory was further cemented when President Franklin Pierce opted not to send federal troops to assist Johnson in regaining control of the city.[12]

The Committee's victories were hard-won. Waldrep makes it very clear that the outcome of this contest was often in doubt and that, tellingly, members of the Committee achieved their aims because of a shrewd public relations campaign in addition to force of arms. Indeed, Sherman bitterly observed that because of their success in spinning events to the local and national press, the Committee and their supporters were able to manipulate popular opinion within San Francisco as well as to strongly influence the way they were perceived nationally.[13] The arguments the Committee used in the mid-nineteenth century echoed those made by Lynch in revolutionary times. First, the Committee's apologists painted the picture of a community besieged by crime and corruption. In such extreme circumstances, they argued, law-abiding people had no choice but to rise up and take back control over official organs of civic life. According to this logic, "the people" supported the Committee en masse and therefore the organization was simply an instrument of their collective will.[14] This was a position that many Americans considered to be more legitimate than legal authority. Consequentially, instead of crushing the Committee's revolt Sherman ultimately resigned in disgust. (Growing local opposition severely hampered his efforts to equip and feed his troops.)[15]

This defeat did not sit well with Sherman, who thought that the insurrection had degraded popular reverence for the law. His complaint was supported over time as lynching apologists in other parts of the country adopted the rhetoric of the San Francisco Vigilance Committee. Thus in 1884, Sherman grumbled to a friend that the events in California continued to be quoted as justification for mob violence everywhere.[16]

Sherman's observations were also borne out by American history. After the Civil War, white supremacists, especially in the South, adapted the frontier defense nationalized in California to justify the violent suppression of Republicans and Union men (European American and African American) as well as African Americans generally. They used a narrative of crime and anarchy to evoke a society in which traditional checks and balances had been overthrown, claiming that Reconstruction governments were corrupt and African Americans inherently dangerous and criminal. In this way, they argued that violence was necessary in re-establishing a just, civilized, and secure government and society.[17]

Thus there are two general strains of rhetoric that have loomed large in the discursive history of lynching. In the case of Lynch, the San Francisco Vigilance Committee, and those who lynched Jesse Washington, supporters and apologists of lynching often argue that members of a community (as defined by a particular commentator) have the right to handle extraordinary situations with extraordinary measures, traditionally articulated within the rhetoric of terrorism or crime. A second position, as articulated by Jefferson, Sherman, and Du Bois (explored at length below), critiques popular sovereignty as a danger to official institutions and a stable, orderly society. Lynchers challenge centralized authority by taking the law into their own hands,

and so are a threat to American citizens, government, and civilization.[18] As I have argued in the previous chapter, when mobilized within a particular context these ideas are inflected with social, political, and cultural understandings of race, gender, class, and nationality, and also become entangled with the personal agendas and economic concerns of those involved. In light of this history, the excruciating lynching of Jesse Washington can be interpreted to have begun well before he was kidnapped from the courtroom.

Lynching Rhetoric Within the Press:

Given the discourse that predated the Washington lynching and from which commentators drew to defend or condemn the violence, the influence of words is well worth considering. Successive acts of naming were significant instances of creation embedded within a discursive process that continues to evolve in our contemporary moment. Words have not merely been tools of analysis. They have also been active constructs that guide and shape conclusions, a process that can have potentially fatal consequences for the target or targets of a lynch mob.[19]

Philosopher J. L. Austin has theorized that certain kinds of speech can be considered actions. He uses the example of the wedding vow. When two people stand before the appropriate authority and speak the requisite words, he writes, they are not simply describing what is happening or making a statement about their new social state. Instead, they are engaging in speech-acts, words that serve (in this case) to activate a formal, public union.[20] For this reason, to consider these vows empty form is to overlook the potential of speech-acts to serve as a performative medium.

Austin is hardly alone. Other scholars also support the general thesis that language can be an active force in human social life. In her thoughtful reappraisal of

scholarly method, for example, sociologist Avery Gordon also meditates upon the agency of words. She argues that the most basic of conceptual tools (language) with which we convey and analyze data are hardly neutral. Words become associated with ideas that shape the perceptions and assumptions of those seeking to illuminate the past, something enabled by a "constellation of effects, historical and institutional, that make a vocabulary a social practice of producing knowledge."[21] Words are not static, passive constructs but rather can be fluid aggregates emblematic of specific arguments, a fact also remarked upon by cultural theorist Mieke Bal.[22] Waldrep agrees, comparing some of the political discourse after the infamous 9/11 attacks to the rhetoric mobilized within lynching narratives. He describes these words as "labels that were also calls to action," speech that emphasizes violent reprisals at the expense of other options.[23] Words may not be the direct cause of action, Waldrep argues, but they can guide thinking.[24] Language is not only a potential field of action, then, but also a relational, abstract tool useful and even necessary within the dynamic process of setting and navigating conceptual bounds. Thus it is important to note that the larger context in which and with which people interpret lynching photographs includes not only performance and imagery, but also speech and text.

Public discussion of the lynching of Washington abounded in 1916, and the most accessible and complete group of these comments and debates still in existence today is found within local newspapers. In writing these texts, reporters and editors adapted the general vocabulary and rhetorical strains discussed above to suit their interpretations of this particular lynching. Descriptions of the parties involved were influenced by stock roles that had already been popularized within model narratives through the press and, as

William Carrigan argues, Texan oral culture.[25] In some respects, the lynching itself could be included in this repertoire of characters because commentators tied it to specific moral qualities and placed it securely within discourses of racialized and gendered crime and community, transgression and justice.[26]

At the same time, these sources can deliver only a limited sampling of a diverse range of local reactions to the Washington lynching. For example, reporters made clear that many area residents certainly interpreted the lynching as an act of justice. By manipulating popularly accepted rhetorical elements, these commentators were able to defend even a lynching as depraved as Washington's by using the rhetoric of racialized popular sovereignty and racialized crime. Others, while they supported lynching in principle, condemned this particular case as one in excess of community norms.[27] Conversely, many critiques of this incident flipped apologist and pro-lynching narratives, describing those who lynched unequivocally as a dangerous criminal cohort. Some Waco-area residents (namely African American locals) identified the spectacle lynching of Washington as something barbaric enacted beyond the limits of civilized behavior.[28] The press much less commonly noted these opinions. Thus, from the start, descriptions and narratives of Fryer, Washington, and the mob were not reflections of an objective reality. Instead, they were constructed interpretations of real events that were deeply beholden to the subjective perspective and rhetorical proficiency of the speaker/author.

The relationship between visual, textual, and verbal representations of Washington's lynching was (and is) a mutable thing. One striking aspect of the immediate press response to Washington's lynching, for example, is a total absence of visual imagery. At the same time, the intense interest of spectators in acquiring souvenirs

has been irrefutably documented, and accordingly Gildersleeve's postcards were at first readily available. From the start, then, at least some of the circulation contexts Waco residents used to disseminate representations of the Washington lynching were not considered appropriate for lynching photographs. While many of Washington's neighbors circulated quite easily within a carnival market of flesh and char, after all, reporters collected and displayed only words. One reason why newspapers did not always publish lynching photographs is that these images were (and are) disturbing and violent.[29] At the same time that Waco editors were making the decision to censor lynching imagery, however, body parts and explicit photographs were circulating freely within European and European American communities as valuable souvenirs and prestigious trophies. It is also true that the details of Washington's torture and murder were widely known; not only had many in the Waco area been present at the lynching, but reporters were also on hand to record the details.[30] Thus, the notion that photographs of the lynching would offend readers is not in and of itself an adequate explanation.

Another possible reason newspaper editors may have chosen not to print the Gildersleeve photographs is that they feared personal reprisals or loss of business if they officially critiqued the lynching. (Bernstein observes that, with the exception of the *Waco Semi-Weekly Tribune*, local newspapers largely refrained from criticism or meaningful analysis of the lynching.)[31] Freeman relays this concern in her report, and at least one of her informants (a successful European American businessman originally from the North) claimed that he was afraid of being lynched himself if he spoke out.[32] Even so, there were a few local residents who denounced the lynching publicly, including a European American newspaper editor who did not include visual imagery in the editorial.[33] Finally,

Gildersleeve's pictures have no inherent or fixed meaning. While anti-lynching activists used lynching photographs to refute pro-lynching arguments, this imagery was also interpreted so as to confirm white supremacist ideology. The issue of whether or not to publish visuals of Washington's lynching was not necessarily related to the question of whether or not to criticize the violence.

A third reason not print photographs of the Washington lynching, is that European American community and business leaders in Waco simply wanted the lynching to be forgotten, either because they were aware of the controversies and bad press sparked by spectacle lynchings in the past or because they were embarrassed and discomforted by the sadistic violence typical of this genre of lynching. While it is impossible to really know what was on the minds of local editors, this is a perspective that has been amply documented by Bernstein, Du Bois, Freeman, and Rogers Melton Smith as well as in Waco newspapers.[34] The *Waco Times-Herald,* for example, ended a brief summary of the lynching by stating, "Yesterday's exciting occurrence is a closed incident."[35] Bernstein notes that some Robinson locals made a point of calling or dropping by their local papers to disclaim responsibility for a man having dragged Washington's corpse through Waco streets, which they considered to be in bad taste.[36] Shortly after, Du Bois reports that the "city dads" compelled Gildersleeve to stop all sales of his lynching photographs in an effort to contain exploding negative publicity, including critical interpretations of the photographs.[37] A desire by local officials to censor critical interpretations of racial violence was not only present after the Washington lynching, but also much earlier. After the Sank Majors lynching, for example, an African American local identified as "Lawyer" was flogged 150 times for publicly criticizing the violence, and possibly

ordered out of town, by a mob of eighteen to twenty men.[38] McLennan County authorities, for their part, both protected African Americans who stayed silent and ignored vigilante reprisals against those who, like Lawyer, spoke out.[39] An absence of lynching imagery was entirely congruent with a desire to blunt critical discussions of the violence.

If Gildersleeve's photographs remained "unsaid" in the press, what are the implications of what was reported? To start, Washington and Fryer were well acquainted, and their two families had lived and worked in proximity for several months.[40] Despite the fact that Washington and Fryer frequently crossed paths, however, reporters treated the two families differently, both in terms of the details provided as well as in the characterization of family members. While the Fryers were described in local papers as being well-regarded by their community, for example, the Washingtons, with the notable exception of Jesse, were not discussed beyond identifying their relationship to Jesse and sometimes relaying basic factoids such as their names and ages. In addition to their race, their respective socio-economic status is probably one reason for this discrepancy; the Washingtons were likely low-status farm laborers while the Fryers were farmers. Furthermore, while the Washingtons were African American and recent migrants to the Waco area, it was possible for the Fryers, as established English immigrants, to claim whiteness.[41] These details begin to sketch out a reality in which Fryer would have exercised authority over Washington, not only because of her race and class but also because he was her employee.

When journalists approached Washington and Fryer as subjects in a crime story, however, they recast this relationship as one between a victim and a criminal. For

example, the *Waco Morning News* called Washington a "fiendish brute" who killed Fryer "without any warning and without any chance."[42] The *Waco Times-Herald* expressed similar sentiments: "That she was given absolutely no chance for her life is apparent, and the lustful brute waited until he was absolutely sure no help was in sight before he attacked his helpless victim."[43] In making these comments, reporters presumed Washington's guilt and erased connections and commonalities between Washington and Fryer outside of the murder. Reporters dwelt at length on Fryer's suffering before her death but minimized Washington's, in part by referring again and again to Fryer's murder so as to argue that the lynching was a punishment for this crime. Journalists foregrounded the loss endured by Fryer's family but omitted any mention of the Washingtons' reaction to Jesse's arrest, trial, and lynching. Throughout these texts, reporters frequently evoke Washington's race, simplifying the identities of a young, male, probably native-born African American laborer and a middle-aged, immigrant farmer's wife into the binary of the "negro" criminal and the "white" victim.[44] This uncritical abstraction was further supported by the vocabulary used to describe Washington, such as "fiendish brute," which Waldrep has observed was itself freighted with negative racial associations.[45]

Significantly, in creating these interpretations of Fryer and Washington, journalists were working within the same white supremacist paradigms also used by many local informants. For example, reporters valorized members of an initial, unsuccessful mob.[46] Furthermore, the reluctance of officials to intervene on Washington's behalf and the muted critical response in the local press to his lynching stood in stark contrast to the intense media interest and front page outrage generated by Fryer's murder. Instead, a desire to preemptively close the Washington case (to consider

the lynching a "closed incident") discounts the importance of punishing those who tortured and murdered the young man. In the same way, to leave unexamined acts of terror and white supremacy enacted by the collection, display, and circulation of various lynching trophies supported a racial caste system maintained through oppression and racial violence. This is true in two respects. First, in not unequivocally condemning white supremacist interpretations of Washington's lynching, Waco officials and reporters allowed lynching and white supremacist ideology to remain unchallenged. Second, in suppressing or taking issue with alternate interpretations of the violence (and photographs, which were more open to re-interpretation than text), they opposed anti-lynching and anti-racist discourse. In this way, asymmetrical reporting in the case of Fryer and Washington supports an extant racial caste system, which was itself further polarized by both the murder and the lynching.

The notion that reporters were engaged in white supremacist, pro-lynching discourse is further supported by the specific details attributed to Washington as an Africanist stock character in their narratives. For example, reporters characterized Washington as a "brute" murderer in part by omitting his more sympathetic qualities, aspects of Washington's character or situation that would not easily fit into the role of a depraved and evil criminal. In this they rested on firm precedent – first, in how they described the lynching and second, in the stereotypical manner in which they described Washington's race - as there are strong parallels between news reports of Fryer's murder and the racialized pro-lynching narratives discussed by scholars such as Waldrep. For example, Washington's illiteracy (important because he could neither read or write his alleged confession) and possible mental handicap are never mentioned in the press,

despite being common knowledge among those who knew him. In fact, Washington's competence was never questioned until after his death, even though he appeared confused by basic questions at his trial.[47] Just as Robinson locals presumed Washington's guilt, to the point that they organized a lynch mob almost immediately after Fryer's body was discovered, so did the journalists who covered the murder and subsequent lynching.[48] Textual depictions of Washington had as little to do with his actual character as did the photographs of his lynching. There is simply little of the young man in these reports beyond a textual body contorted so as to neatly fit within an enduring, racialized, gendered, criminal type.

This fact is especially interesting given that Washington was hardly the sole principal abstracted in the press. Bernstein observes that just as Waco-area papers depicted Jesse Washington as a savage rapist, they also discussed the matronly Fryer almost exclusively as the victim of a lurid, violent, sex crime. Important events such as her funeral were given the most summary of attention, while her murder was obsessively dissected and elaborated upon within the local press.[49] The day after Fryer's body was found, for example, the *Waco Morning News* printed an inflammatory article titled "Murder of Robinson Woman Breaks McLennan Records for Fiendish Brutality."[50] The *Waco Times-Herald* reporter, for his part, claimed, "Probably nothing in the annals of McLennan county's criminal history has caused more intense indignation than the ravishing and the murder of Mrs. Fryar [sic]" and called Washington a "brute."[51] Most gratuitously, newspapers published in full Washington's explicit alleged confession. Not only does this text unambiguously indict Washington, it also graphically describes both the murder and alleged rape of Fryer from the perspective of her alleged assailant.[52]

Clearly it was not Fryer the wife and mother that interested local reporters, although this fact was given some attention, but rather Fryer the victim of a violent sex crime connected to a young African American man. In the arena of the Waco press, both Washington and Fryer disappear as individuals because they are made visible as stock characters.

While this rhetoric was not responsible for the lynching of Washington, it was a construct that must have influenced the minds of those who then chose to engage in racial violence. Take, for example, the *Waco Morning News* article referenced above ("Murder of Robinson Woman Breaks McLennan Records for Fiendish Brutality"). In this text the reporter dwells at length on Fryer's injuries, even imaging a reconstruction of the crime, and also mentions the grief of her family. The "cold blooded murder and the brutality of the assault," he or she claims, "was without a parallel in [McLennan] county." Given that the Fryers were "highly respected" and that the police had singled out the suspects (Washington and his brother) based on an "unbroken net of circumstantial evidence," it is littler wonder that "Feeling was very high in the Robinson community."[53] Indeed, the sympathies of the *Waco Morning News* were hardly opaque; the following day a reporter confided, "With the self-confessed details of the tragedy, it was admitted by the officers last night that if there ever was a justification for the formation of a mob, the Robinson crime was one of them."[54] In the end, the Fryers' private tragedy became fodder for a lurid and very public piece of social theater, the performance of which led to catastrophe for the Washingtons.

Anti-Lynching Rhetoric Rooted in White Supremacist Ideology:

Perspectives such as those discussed above were hardly the only opinions expressed within European American communities following Washington's lynching. The existence of different reactions to the lynching was openly acknowledged within the same newspapers that lauded the men who intended to lynch Washington. One reporter described a conversation overheard in the midst of Washington's lynching. Two men he identified as farmers disagreed as to whether or not they would let their children attend a spectacle lynching. One, whose son was fourteen, said he was adamantly opposed to the idea. The second man replied that he would be happy to allow it. "Each was sincere," opined the reporter, "just a different viewpoint."[55] While authorities suppressed African American criticism of lynching, attempted to contain bad press regionally and nationally, and (according to Freeman) may have feared some form of reprisal for critiquing the lynching, reporters also made a point of including the views of local men, presumably considered white, who did not approve of the lynching.

Conversely, it was also possible to object to this particular lynching but still endorse racism, white supremacy, and lynching culture. For example, reporters noted that during the lynching there were some in the mob who decried the violence "inflicted upon" the town. Later, another journalist claimed that while many disapproved, when asked what they would do if it were their family, those interviewed admitted they would probably have done the same.[56] Furthermore, in addition to the group of Robinson locals irked by the dragging of Washington's corpse, there was also a local minister, Dr. C. T. Caldwell of Waco's First Presbyterian Church, who formally condemned the lynching. (Even so, Freeman complained that he did so only after repeated calls from her.)

Caldwell criticized the violence as an affront to God's order and as an incidence of anarchy, expressing hope that God would not punish Waco as a whole for (what he interprets as) the violent acts of a few men. He also argued that those responsible for the lynching should be punished by the state.[57] Other pastors followed his example in the weeks after the lynching, although Bernstein notes that many of these commentators attributed the lynching to disreputable elements in Waco society who did not accurately represent their community. Dissenting pastors were joined by the faculty at Baylor University, who openly condemned the lynching a little less than two weeks after the fact. Reacting to negative publicity, they stated that mob violence, including lynching, was abhorrent and that the rule of law should be allowed to operate without impediment.[58] Thus one common method used to condemn the lynching was to draw from a rhetoric of law and order, and those who did so were often more concerned with addressing the damage done to Waco's reputation as opposed to wrestling with issues such as racism and white supremacy.

Perhaps the most interesting critical response to the lynching was penned by A. R. McCollum, one of many journalists who believed that Washington deserved to die. He edited and published the *Waco Semi-Weekly Tribune*, which was the only local paper to publish an editorial in the immediate aftermath of Washington's lynching. Much like the protests discussed above, McCollum critiques the lynching even as he unproblematically accepts white supremacy. In his text, the editor objects to the violence in part because he sees it as usurping legitimate legal authority. He ends his text by decrying the threat of the lynch mob to law and order, branding it as antithetical to civilized society and arguing that the function of lynching as a deterrent to crime is unsupportable. At the same time,

while McCollum regards the lynching as predictable, he also credits the Sheriff for preventing it as long as he did. He agrees with other reporters who revile Washington and the threat he represents to "sacred" white womanhood, but omits reference to the extreme sadism of the men who lynched Washington. While McCollum rejects lynching as dangerous to an orderly society, he also accepts the white supremacist ideology that underwrote this particular case.[59]

Madison Cooper comes to the same general conclusion in *Sironia*, a novel Bernstein argues was probably influenced by Washington's lynching. Cooper was a European American man who inherited a thriving wholesale business in Waco from his father. His financial security allowed him to develop his writing, and he pursued his literary development doggedly and systematically. His most famous novel is *Sironia*, written over eleven years and finally published in 1952.[60] Cooper's text explores life in a fictional Texan town (Sironia). This story is, among other things, an epic exposition that puts forth what the author believes to be ideal social relations between people of different gender, class, nationality, and, above all, race.

In the world of Cooper's text, racism, sexism, and classism are natural reflections of a psychological and biological reality in which there is only marginal upward mobility for a select few. For example, one of the book's protagonists, Tam, is the son of a European American businessman and an Irish woman who worked as a domestic before her marriage. Tam is largely successful in the novel, earning a comfortable living and even marrying into Sironia's elite. While Tam's social betters frequently remind him of his inferior origins, he is largely integrated into local European American society by the end of the novel. Other characters are not as easily assimilated. One example of such a

person is Jared, who is among the most accomplished of African American characters in Cooper's text. Jared is industrious, intelligent, good-natured, and dependable, always respectful of proper racial etiquette even when he finds it painful. He leaves Sironia to get a college degree at a northern institution, but rejects the destructive social ideology he encounters there and so returns to the constraints of Jim Crow Texas without reserve. In the end, Jared is presented as contented with a white supremacist social order, even benefiting from the status quo. He is protected and nurtured by his white patrons and finds some measure of happiness in the social space allotted to him.

This is a significant characterization because Jared carries a hefty weight throughout the novel. While he is presented as an ideal person in many respects, he is never accepted as a social equal by white Sironians, a group that includes his own father. For this reason, despite his education and intelligence, he is not able to find work in a white-collar profession. The girl he loves (a beautiful, intelligent, African American young woman) becomes the mistress and servant of an elite European American man. Finally, he is extremely vulnerable to racial discrimination and oppression. Cooper attempts to mute the injustice of this situation in two ways. First, certain aspects of Jared's character, such as his promiscuity and propensity to violence, are attributed to racial characteristics. Thus, one reason Jared fails to achieve the social and economic advancement that Tam does is because of the "natural" limitations of Jared's race. Second, when black characters do attempt to transgress racial boundaries, disaster inevitably awaits. Thus while Sironia's racial caste system is often difficult for Jared to bear, it is much to be preferred to the alternatives: madness, suffering, and death.

The most significant disaster in Cooper's novel is a brutal lynching that is enacted in the town square. This violence, while not identical to the Washington lynching, parallels it in many important respects: location, charges of rape, crowd participation, and the extremes of violence and degradation to which the lynched man is subjected. Cooper, who would have been nearly 22 at the time of the Washington lynching, may well have been drawing upon personal experience in writing this scene. As Bernstein speculates, he may even have been one of the young men posing for the camera in Gildersleeve's photographs.[61]

The lynch mob in Cooper's novel assembles to kill Jared's brother Bennie, an entertainer who has had consensual sex with a European American woman so drunk she is injured when she tries to leave through the window of Bennie's dressing room. Members of the mob kidnap Bennie from police custody and force his entire family to watch as the young man is chained, paraded, stripped for souvenirs, beaten, stabbed, and slowly burned to death. It is in this scene that Cooper diverges most clearly from many of the pro-lynching narratives of the 1916 Waco press. Like these reporters, he condemns the lynched victim as guilty and deserving of punishment. Even so, he depicts the lynch mob as anything but heroic. Instead, white men upset the rule of law - the police officers guarding the jail are literally tethered to the building with nooses - and fall upon Bennie like animals. In his description of a lynching, Cooper describes a nightmare inversion of ordinary reality in which men revel in sadistic violence and treat both the lynched man's female relatives and his alleged victim, who does not want to participate, as sexual objects. Like McCollum, Cooper condemns lynching despite his prejudices because he believes that mob violence allows ordinary men to become monsters.

It is not just the lynch mob that is transformed, however. Unlike McCollum, Cooper explores the victim's perspective of the lynching because he writes the scene from Jared's point of view. Cooper reveals the young man's anguish at watching his little brother tortured for the pleasure of the mob, as well as his fear that they may turn on his family, or himself, at any moment. As such, the novelist makes it impossible to valorize the mob. In utilizing Jared's perspective Cooper is also able to make plain that, far from establishing authority over those they terrorize, members of the lynch mob actually weaken the sway of legitimate authorities because they are unable to maintain order. Jared, who has survived Sironian society by depending on the protection and sponsorship of sympathetic white people, realizes in horror that no one can protect his family. It eats away at him. He initiates an affair with a beautiful northern woman and escalates to assaulting random white women. In the end, he commits suicide rather than continue on as a rapist.

This turn of events is pointed, because when Jared comes to claim Bennie's corpse a spectator forces him to agree that his brother's lynching has made the town safer for white women. However, the actual consequences belie this assumption. Because the lynch mob has crushed Jared's spirit and destroyed his faith in legitimate white authority, Cooper argues, the mob actually creates the very criminal they set out to obliterate.[62]

Thus the author concurs with McCollum in stating that lynching is an affront to civilized society. He agrees with Caldwell in arguing that the lynch mob, composed of the bad elements of Sironian society, does not truthfully represent that community.[63] Thus he is able to rationalize his racist beliefs even as he is appalled by racial violence, because he argues that the lynch mob is an example of individuals usurping the proper

authority of legal officials. While he clearly believes that African Americans should accept and adhere to the constraints of Jim Crow society, he also believes that for Sironia to function properly everyone must keep to their place. Within the bounds of his fiction, Cooper's prejudice and aversion to lynching actually reinforce one another.

Anti-Racist Attacks on Pro-Lynching Rhetoric:

Richard Dyer has argued that stereotypes are a universal aspect of human society. It is not the conceptual strategy of the stereotype that is faulty, he writes, because this is simply a basic attribute of human cognition. It is rather the person who creates, interprets, and deploys the construct that determines the significance and interpretive value of a stereotype.[64] The evolving discourse sparked by Gildersleeve's pictures bears out Dyer's thesis, because these objects have been interpreted in so many different ways over time. The photographs began as postcard mementos of racial violence. However, not long after Washington's lynching they were appropriated by an unintended pool of viewers, anti-lynching activists, who used these images to anchor a narrative very much opposed to those discussed earlier.

Waldrep has noted that even as interpretations of the law have been useful to lynching apologists, they have also been used to condemn lynching culture.[65] Anti-lynching activists such as Ida B. Wells-Barnett have long argued that lynchings are born from racialized popular sovereignty run amuck, undermining the rule of law and therefore American society itself. Unlike McCollum and Cooper, however, Wells-Barnett supports her argument by pointing to the underlying rationale of white supremacy and racism that often drives the violence she analyzes. In her scathing *A Red Record:*

Tabulated Statistics and Alleged Causes of Lynchings in the United States, 1892-1893-1894, for example, the activist writes:

> In lynching, opportunity is not given the Negro to defend himself against the unsupported accusations of white men and women. The word of the accuser is held to be true and the excited blood-thirsty mob demands that the rule of law be reversed and instead of proving the accused to be guilty, the victim of their hate and revenge must prove himself innocent.[66]

Here Wells-Barnett reverses lynching logic so as to criticize apologists and perpetrators on their own terms. A similar argument is found in the work of activist, minister, novelist, and businessman Sutton E. Griggs. Griggs was more conservative than Wells-Barnett, advocating a moderate stance between violent militancy and passive conservatism, but he was just as concerned with exposing and attacking white supremacy. In fact the author's fourth novel, *The Hindered Hand: or, Reign of the Repressionists*, was commissioned by the National Baptist Convention in response to Dixon's *The Leopard's Spots; A Romance of the White Man's Burden (1865-1900)*.[67] Published in 1905, *The Hindered Hand* included a critique of Dixon and also a particularly horrific lynching that the author made pains to note was based on actual events.[68] Griggs was criticized for his pragmatic belief that racial uplift was tied to the political and economic assistance of European Americans, and he did accept some claims of African American inferiority.[69] Even so, both Griggs and Wells-Barnett rejected white supremacist apologies for oppressive, violent acts such as lynching; both emphasized the unjust, often brutal experience of living in a racial caste system; and both worked passionately to the benefit of African American communities. Thus Griggs vividly illustrates Wells-Barnett's thesis in novels such as *The Hindered Hand* – despite blameless behavior, African American characters are humiliated, oppressed, and violently attacked.[70]

Clearly, then, the conceptions of the law drawn upon in both pro- and anti-lynching commentaries are open to a range of interpretation. Questions of violence, legitimate authority, and power are informed and contested in part through the manipulation of specific lines of rhetoric. Both pro-lynching apologists such as Lynch and anti-lynching activists such as Griggs or Wells-Barnett make reference to the law to ground their arguments but articulate very different conclusions.[71] Pro-lynching rhetoric and the resultant critiques are therefore often tethered not only to specific circumstances but also to one another, trading common themes and adapting popular stereotypes so as to persuade an audience to shift perspective by manipulating what is familiar and accepted.[72] Because of the importance of this rhetoric in condemning, defending, motivating, and punishing incidents of lynching, it is important to factor these notions into analysis when exploring incidents and images of lynching.

With respect to the Washington lynching, a regional, national, and even international backlash was immediate, intense, and blistering. In the face of negative publicity many in Waco hoped to hush up the lynching, particularly within European American, elite communities. These people were confounded with the anger and condemnation the lynching provoked, and upset by the damage done to their community's reputation. (This was particularly true as Waco was considered as one of Texas' more modern and civilized cities, boasting a range of civic, educational, cultural, and religious institutions in addition to a fast-growing economy.) They quickly moved to suppress news of the lynching, warning citizens not to speak to strangers (who might be reporters) and making Gildersleeve sign a document compelling him to stop all sales of his photographs.[73]

Reporters for the *Waco Morning News* initially felt the men who wished to lynch Washington resembled "the forefathers who dared anything for their country's sake" and McCollum, for all his reservations about the lynching itself, concluded that the "negro deserved death."[74] There were, however, much harsher understandings of the lynching mobilized within the public sphere, not only nationally but also regionally.[75] The *Houston Chronicle*, for example, featured an editorial in which the writer concludes that lynching was pointless as the state had swiftly condemned Washington to death. The only reason to kill Washington in the manner that they did, he observed, was to "satiate that blood lust and morbid antipathy which have no place in civilized communities."[76] He found the lynching particularly galling because of the high profile of Waco, fearing that the incident would encourage Texans in other communities to lynch. Furthermore, remembering the press reaction to other notorious lynchings, he anticipated the damage this case would cause not only to the reputation of Texas but also to that of the United States. It is hypocritical to condemn other nations for their atrocities, after all, only to have an incident such as the Washington lynching occur on American soil. "It is with gloomy forebodings that we await the stinging lash of criticism and reproach," he opines, "criticism thrice hard to bear because it is merited, reproach thrice difficult to endure because it is justified. Not a word of defense is there to offer; not an extenuating circumstance to plead." These sentiments were echoed in national coverage of the event. The *New York Times*, for example, condemned the people of Waco for having brought "disgrace and humiliation on their country as well as on themselves," because "in no other land even pretending to be civilized could a man be burned to death in the streets of a considerable city amid the savage exultation of its inhabitants."[77]

Du Bois and the "Waco Horror":

While outside reactions to the Washington lynching were largely critical, it was within African American and liberal European American papers that the young man's lynchers found their most dedicated, contemptuous, and perceptive critics.[78] Among these texts, the work of scholar, author, and activist W. E. B. Du Bois is perhaps the most important. Du Bois, an intellectual who has earned an important place in American political history, was born in 1868 in Great Barrington, Massachusetts. He studied at Harvard University, becoming the first African American to earn a PhD at that institution, and also in Europe at the University of Berlin. Du Bois taught at Atlanta University for thirteen years before accepting a fulltime position with the NAACP in 1910, where he was to remain for another 24 years. In 1934, Du Bois returned to Atlanta University for another ten years. After charges of communism were brought against Du Bois in 1950, he fell out of favor with mainstream intellectual and activist organizations. He subsequently became more radical and ultimately emigrated to Ghana, Africa, shortly before his death in 1963.[79]

While Du Bois' ideas evolved and changed throughout his long intellectual career, political scientist Adolph Reed, Jr. has observed that there are still continuities that thread through his work. For example, Reed argues that one enduring theme in Du Bois' texts is a concern with justifying the control of an elite, which shifted for the scholar over time from the middle and upper classes to an intellectual cohort. This change reflects Du Bois' movement between different fields of engagement, sparked in part by his own personal experiences and frustrations. (The Washington lynching took place during one of these transitions, after Du Bois had moved from Atlanta University to the NAACP.) His response to this incident exemplifies another continuity in his texts, the

reliance on facts to legitimate his arguments, because this aspect of his work remained constant despite a fairly notable shift in focus in his writing towards activism and propaganda.[80]

At the same time that Du Bois was moving into new territory personally and professionally, he was also part of an evolving anti-lynching movement powerfully expressed in and influenced by the activities of the NAACP. This group, of which Du Bois was a founding member, evolved from the earlier Niagara Movement and was officially founded in 1909. The policies of both organizations marked a departure from earlier approaches to African American civil rights, most often associated with Booker T. Washington. While Booker T. Washington adopted a conciliatory tone when discussing civil rights and strongly favored industrial education, Du Bois argued for political and social parity as well as economic equality. He agitated for these issues strongly and unapologetically. (This is a stance evident in his text castigating the Washington lynching.) Furthermore, while Du Bois thought that manual education was important for many African American students, he also felt that an elite group (the Talented Tenth) should receive a strong academic education to prepare them for leadership positions within African American institutions.[81]

Lynching was an important focus for activism at the NAACP, and the Washington case was the start of a new, and ultimately effective, approach to anti-lynching activism for the organization: a special investigative report based on first-person knowledge.[82] One day after the 1916 Waco lynching Royal Freeman Nash, secretary of the NAACP, wired Elisabeth Freeman proposing to engage her as an investigator. Freeman, who had already visited Waco and whose suffrage work in Texas was ongoing,

accepted Nash's proposal. An elite, European American woman with blond hair and a petite build, Freeman used her formidable charm and intelligence to win the trust of many key figures involved with the case, including the presiding Judge and the Sheriff. She procured a set of photographs from Gildersleeve and even compiled a list of suspects. Her report formed the basis of Du Bois' text. While this scathing article strongly reflects Du Bois' political and philosophical perspective, it was the energetic, fearless, and charismatic Freeman who unearthed all but one of the revelations contained therein.[83]

The text in question was a six-page article printed in a special supplement of *The Crisis*, the official publication of the NAACP edited by Du Bois, entitled "The Waco Horror." It was published in July 1916, roughly two months after the Washington lynching. This article stands in stark contrast to news reports printed in local Waco papers in the aftermath of violence. While the *Waco Times-Herald* declared the lynching a closed case, Du Bois reprinted the lynching photographs and called for further action. While local Waco papers elaborated upon Fryer's suffering and even called for mob action, Du Bois included explicit details of the torture of Washington and castigated the lynch mob. In essence, while many in Waco considered the lynching to be an understandable, if extreme, reaction to Fryer's murder, Du Bois argued that the lynching was a fresh criminal act that required action from the state to restore communal justice. In constructing this argument Du Bois whole-heartedly embraced and adapted paradigms previously mobilized by activists such as Griggs or Wells-Barnett as well as critics of Washington's lynching such as McCollum. Finally, much as Du Bois anchors his narrative with statistics, photographs, and facts collected in Freeman's report, he strategically positions the case of Washington in relation to a larger problem of racialized

lynching so as to legitimate and support the anti-lynching agenda of the NAACP. In doing so, Du Bois enacts his contention that a qualified cadre of elite leaders should direct mass action so as to effect positive social change.

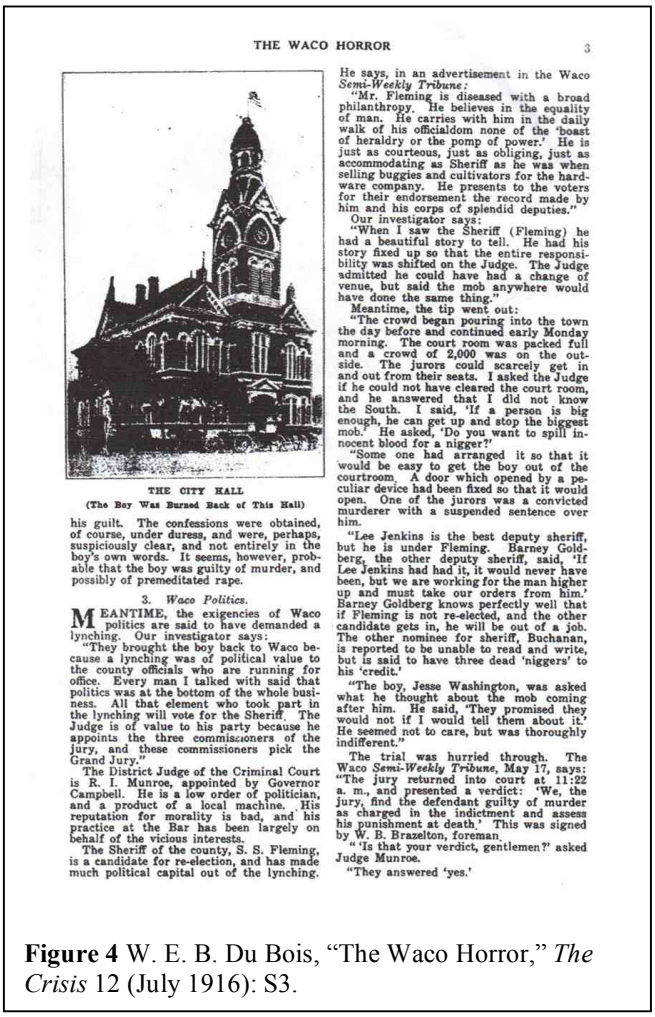
Du Bois' interpretation of Washington's lynching was quite a departure from those discussed above. This is true despite the fact that he was reacting to the same case and (in regards to critics of the lynching) relying on the same rhetoric to condemn the violence. In McCollum's text, for example, the journalist flatly states "Judge Lynch held assizes in Waco last Monday, displacing the tribunal that the people of the state had established for the orderly and sure processes of justice, for asserting the majesty and power of Law."[84] Du Bois is in complete agreement. "There was not the slightest doubt but that [Washington] would be tried and hanged the next day," he writes, "if the law took its course."[85] Both men made an issue of this point, because vigilante violence is antithetical to a moral society. McCollum argues that "the influences of mob action must ever hold menace and danger to morals and civilization."[86] Du Bois, for his part, claims that lynching endangers the very "civilization of America" and the "sincerity of Christianity."[87]

While their texts do overlap in some respects, however, they are also radically opposed in that McCollum accepts and supports white supremacy while Du Bois stoutly contests it. McCollum argues that Washington deserved death, calling him a "one of those freaks of nature that appal [sic] us and also admonish us of the dangers of environment and pre-natal conditions."[88] Furthermore, he accepts that the "sacredness of our womanhood is a consideration that overshadows all others."[89] Du Bois, on other hand, ties lynching directly to racism. Perhaps in answer to the editor's comments about

sacred womanhood, for example, he quotes from an interview conducted by Freeman in which McCollum admitted he would not protect an African American woman from rape or punish her assailant.[90] At the same time, Du Bois connects this particular lynching to a larger culture of violence. "This is an account of one lynching," he observes, "It is horrible, but it is matched in horror by scores of others in the last thirty years, and in its illegal, law-defying, race-hating aspect, it is matched by 2842 other lynchings."[91] Du Bois, then, took pains not only to make clear that local racism has trumped and corrupted the law, but also to use this particular lynching as a case illustrative of a pattern of racism and vigilantism infecting the nation. This is a charge that McCollum would not accept. He closes his article by noting that while in other cases lynchings were accompanied by race riots directed at African American communities, this did not happen in Waco. He concludes, "There is no evidence of hostility to the negro simply because of his race."[92] While Du Bois took issue with yet another act of racial violence, McCollum simply viewed the lynching as one instance of regrettable vigilantism understandably sparked by a shocking crime.

The differences between these two adaptations of a common anti-lynching critique may account, at least in part, for McCollum's decision to omit photographs from his text and Du Bois' choice to use so many. McCollum's point, after all, was that the most important victim of the lynching had been the law, while Du Bois very clearly interpreted the lynching as an atrocity against a human being and an American citizen. The photographs serve Du Bois' purpose much better than McCollum's. Whether they are interpreted to support or condemn white supremacy, after all, they do so by foregrounding Washington and the violence done to him.

It is for this reason that the pictures are important to Du Bois' argument, because they are used to help support the scholar's conclusions. To start, the aura of objective truth attributed to photography as a medium is useful to Du Bois. The photographs become irrefutable proof that a lynching occurred, that it attracted huge crowds of spectators, and that certain acts of torture (such as burning Washington alive) really were employed. Statements that can be correlated with this imagery become that much more believable. [93] Du Bois must be aware of this perception because he carefully ties images to particular sections of the text, both by means of their placement on the page and by the strategic use of captions. For example, when Du Bois sets the scene in the beginning of his article, describing Waco as a prosperous, moral, and respectable community, he reiterates these points by embedding photographs of civic and educational institutions, such as the Court House or Baylor University, at appropriate points in the narrative.[94] On the page in which Du Bois describes Waco's corrupted political and legal systems, he insets a photograph of the City Hall captioned "The City Hall (The Boy Was Burned Back of This Hall)."[95] As Du Bois describes the lengthy



THE WACO HORROR 3

THE CITY HALL
(The Boy Was Burned Back of This Hall)

his guilt. The confessions were obtained, of course, under duress, and were, perhaps, suspiciously clear, and not entirely in the boy's own words. It seems, however, probable that the boy was guilty of murder, and possibly of premeditated rape.

3. *Waco Politics.*

MEANTIME, the exigencies of Waco politics are said to have demanded a lynching. Our investigator says:

"They brought the boy back to Waco because a lynching was of political value to the county officials who are running for office. Every man I talked with said that politics was at the bottom of the whole business. All that element who took part in the lynching will vote for the Sheriff. The Judge is of value to his party because he appoints the three commissioners of the jury, and these commissioners pick the Grand Jury."

The District Judge of the Criminal Court is R. I. Munroe, appointed by Governor Campbell. He is a low order of politician, and a product of a local machine. His reputation for morality is bad, and his practice at the Bar has been largely on behalf of the vicious interests.

The Sheriff of the county, S. S. Fleming, is a candidate for re-election, and has made much political capital out of the lynching. He says, in an advertisement in the Waco *Semi-Weekly Tribune:*

"Mr. Fleming is diseased with a broad philanthropy. He believes in the equality of man. He carries with him in the daily walk of his officialdom none of the 'boast of heraldry or the pomp of power.' He is just as courteous, just as obliging, just as accommodating as Sheriff as he was when selling buggies and cultivators for the hardware company. He presents to the voters for their endorsement the record made by him and his corps of splendid deputies."

Our investigator says:

"When I saw the Sheriff (Fleming) he had a beautiful story to tell. He had his story fixed up so that the entire responsibility was shifted on the Judge. The Judge admitted he could have had a change of venue, but said the mob anywhere would have done the same thing."

Meantime, the tip went out:

"The crowd began pouring into the town the day before and continued early Monday morning. The court room was packed full and a crowd of 2,000 was on the outside. The jurors could scarcely get in and out from their seats. I asked the Judge if he could not have cleared the court room, and he answered that I did not know the South. I said, 'If a person is big enough, he can get up and stop the biggest mob.' He asked, 'Do you want to spill innocent blood for a nigger?'

"Some one had arranged it so that it would be easy to get the boy out of the courtroom. A door which opened by a peculiar device had been fixed so that it would open. One of the jurors was a convicted murderer with a suspended sentence over him.

"Lee Jenkins is the best deputy sheriff, but he is under Fleming. Barney Goldberg, the other deputy sheriff, said, 'If Lee Jenkins had had it, it would never have been, but we are working for the man higher up and must take our orders from him.' Barney Goldberg knows perfectly well that if Fleming is not re-elected, and the other candidate gets in, he will be out of a job. The other nominee for sheriff, Buchanan, is reported to be unable to read and write, but is said to have three dead 'niggers' to his 'credit.'

"The boy, Jesse Washington, was asked what he thought about the mob coming after him. He said, 'They promised they would not if I would tell them about it.' He seemed not to care, but was thoroughly indifferent."

The trial was hurried through. The Waco *Semi-Weekly Tribune*, May 17, says: "The jury returned into court at 11:22 a. m., and presented a verdict: 'We, the jury, find the defendant guilty of murder as charged in the indictment and assess his punishment at death.' This was signed by W. B. Brazelton, foreman.

"'Is that your verdict, gentlemen?' asked Judge Munroe.

"They answered 'yes.'

Figure 4 W. E. B. Du Bois, "The Waco Horror," *The Crisis* 12 (July 1916): S3.

torture by which Washington was murdered, he publishes the six photographs of the lynching.[96] He also arranges this group of photographs so as to comprise a narrative of sorts: first a shot of the enormous mob, then the infamous photograph of torture, and finally several images of Washington's smoldering corpse and the attendant spectators.[97] He also uses one of these postmortem shots to illustrate his point that this particular lynching belongs to a larger pattern of racial violence. The rough division of photographs – bland architectural shots emptied of people versus shocking lynching photographs teeming with spectators - works in conjunction with his text to create the impression of an attractive husk that disguises a savage essence. Citizens are not conducting civic affairs at City Hall, but rather flocking to see Washington's maimed corpse. Children are not studying in school; instead, they are soaking up a spectacle lynching. The unlawful violence and virulent racism made manifest in this case has pulled people away from the mundane tasks and civic responsibilities of everyday life and towards barbaric, senseless slaughter. In this, the verbal and visual elements of the article work together to reinforce Du Bois' thesis.[98]

In pleading his case, Du Bois is also anticipating and responding to pro-lynching sentiments, in part by inversing pro-lynching rhetoric. As discussed earlier in the chapter, one common rationale used by apologists to defend a lynching is that mob violence fills the void left by an inefficient justice system. Du Bois, however, opens his narrative by detailing the rich and varied civic, moral, cultural, and educational resources of Washington's community, observing that "Waco is a typical southern town, alert, pushing and rich."[99] The photographs used in this section subtly reinforce this point because, emptied of people, they could be buildings in any town.[100] When Du Bois does

lay out the ways in which Waco's political and legal institutions are corrupt, he connects this state of affairs to racism and racial violence.[101] At the same time, while lynching apologists often emphasize the suffering of an originating victim or the heinous nature of an inciting crime, Du Bois notes that the lynching was premeditated and that the violence was itself repulsive and shocking. He details the torture inflicted on the young man, observes that Washington tried to escape, notes that his body was mutilated for souvenirs.[102] Furthermore, while pro-lynching texts often claim that lynchers are acting in defense of their families, Du Bois notes that Washington had already been tried and convicted to death in a court of law, and that there were women and children present at Washington's lynching.[103] The pyre, he writes, was actually lit by a "little boy."[104] Finally, the scholar rebuts the notion that the lynching was the result of a few bad apples or the disreputable element of local society because he sketches out the complicity and participation of Waco's elite in the lynching, as well as noting the immense size of the mob in attendance. Instead, by detailing the enthusiastic participation of spectators in horrific racial violence, Du Bois presents a picture of a town united in racism and sadistic bloodlust.[105]

Such a population should inspire fear, and Du Bois observes that it does. Drawing from Freeman's report, the scholar points out that some white residents of Waco were afraid to protest the lynching, despite the fact that they objected to it. There is the wealthy northern businessman who believes that he could be a target, for example. However, even the police are intimidated; fearing for their safety, the Sheriff and most of his deputies slip out of the courtroom just before Washington is kidnapped. The lone deputy who attempted to protect the young man from violence in the courtroom convinces a friend to

print an affidavit in the local paper after the lynching vouching for his presence elsewhere that day.[106] Thus the community in Du Bois' text, far from being united behind the lynch mob, was in fact terrorized by it. Not only is lynching driven by racial hatred and corrosive to civilized society, but it is also an oppressive force in the lives of those people apologists claim it protects.

In fact, from the first few sentences of his article Du Bois makes clear that the lynching is to be interpreted as an atrocity. He will be reporting on the "Waco Horror", after all, and the subtitle of his article further refers to the lynching as "the recent burning of a human being at Waco."[107] Du Bois consistently employs more neutral or humanizing words to describe Washington, such as the term "Negro" or "boy", and makes a point of referring to Washington by name.[108] At the same time, he avoids the charged language so common in pro-lynching texts, such as "brute." In all these ways, Du Bois argues that lynching does not function to support civilized social order, but instead contributes to its decay.

In claiming that lynching is a destructive force in American society, Du Bois is also making a statement about the proper relationship of citizens to racial violence. Specifically, he explicitly connects civic responsibility and anti-lynching activism. "What are we going to do about this [lynching] record? The civilization of America is at stake." In answer to his question, he informs readers that the NAACP is in need of donations to fund anti-lynching activities.[109] In making these connections, Du Bois articulates an understanding of ideal citizenship in opposition to people who support lynching, for example the reporter who compares the men in the initial lynch mobs to Revolutionary patriots.[110]

At this point it is useful to return to the text of Chantal Mouffe, who argues that political communities are constituted by the public language of politics (*res publica*). She conceptualizes political communities as a "discursive surface" rather than a concrete, experiential reality; politics is not something that happens within the bounds of community, but rather involves how these boundaries are set.[111] Because all forms of inclusion are necessarily constructed via exclusion, citizenship is not passively bestowed but actively asserted through a political language constructed out of a series of practices and rules. "Those rules," Mouffe observes, "are not instruments for achieving a common purpose … but conditions that individuals must observe in choosing and pursuing purposes of their own."[112] For this reason different interpretations of the *res publica* result in different modes of citizenship, such as those referenced in the various texts condemning or supporting lynching. Citizenship, Mouffe observes, is not neutral.[113] The texts produced by activists such as Du Bois and the NAACP bear out her contention. Washington, originally described as a being so evil that the good citizen is impelled to seek his destruction, is now held up before a national audience as proof of a problem so immediate and so insidious that it is the duty of all good citizens to stamp out lynching for all time.

Emmett Till: In large part because of the efforts of Du Bois and Freeman, the NAACP was able to generate an unprecedented level of negative publicity after the Washington lynching. For this reason, texts such as Du Bois' are important in the history of anti-lynching activism (and thus American history generally).[114] They lay a foundation upon which later activists have built. One important example of the anti-lynching activism that followed the Washington lynching are the images and anti-lynching texts created in

reaction to the lynching of Emmett Till. In 1955 Till, a 14-year-old African American boy from Chicago, was visiting family in Money, Mississippi. Famously, he is said to have whistled at and possibly flirted with Carolyn Bryant, a European American woman, in an attempt to impress his cousins. That same night, he was abducted from his bed, tortured, and shot through the head. Bryant was the wife of Roy Bryant, one of Till's assailants. The teenager's bloated corpse was fished out the river three days later. Mississippi officials first denied the battered corpse was Till's, and then tried to quietly bury his remains. When Mamie Till-Mobley, Till's mother, intervened, the coffin was returned to Chicago only on the condition that it not be opened. On arrival, Till-Mobley promptly demanded to see her son and arranged for an open casket funeral. "I want the world to see this, because there's no way I can tell this story and give [people] the visual picture of what my son looked like," she explained.[115]

Till-Mobley's decisions affected American history. Tens of thousands attended the funeral and pictures, taken by photographer Ernest Withers, circulated throughout the country to great effect. (The Withers photographs are often connected with *Jet* magazine, which reprinted the photographs.)[116] While images of Washington and Till were all lynching photographs, however, the two sets of pictures differed markedly. Photographs of Till were created and published under the control of his family, and accordingly they depict his ruined corpse dressed in a funeral suit. They show his mother, surrounded by mourners, collapsing in anguish at his grave. While the Gildersleeve photographs isolate Washington, aside for the men who torture him and the spectators who pose with his body, the images that Withers creates visualize a community pulling together in response to the loss of a mother's son.[117] Images of Till's grieving, middle-class mother and

photographs of the young man's maimed, tortured face paired with a portrait from life, pictures that were absent from Gildersleeve's portfolio, drove this fact home. In fact, many scholars regard the Till lynching as one of the major events that sparked a resurgence in the Civil Rights Movement.[118] Even so, despite these important differences between the Gildersleeve and Withers photographs, both were used to successfully challenge pro-lynching rhetoric. Graphic images of racial violence had become a powerful tool used to support anti-lynching propaganda, which continue inform our understanding of racism today. It is the contemporary memorialization of lynching that I would like to examine in the final chapter of my text.

Chapter Three: Resurrecting the Past

Twenty years before Mamie Till-Mobley would bury her son and nineteen years after W. E. B. Du Bois condemned the brutal lynching of Jesse Washington, two art exhibits opened in New York City. Both shows were intended to support and publicize critical views of lynching, most concretely in the form of then-pending legislation.[1] Walter White of the NAACP organized the first show: *An Art Commentary on Lynching*. This exhibit was immediately followed by a second, *Struggle for Negro Rights*, put on by a more radical group that included leftist members of the Artists' Union as well as the John Reed Club, the International Labor Defense, and the Harlem-based Vanguard group. Although there were disagreements and conflict between some of these organizations (each show was intended to back a different anti-lynching bill, for example), the competing exhibits did have in common the general goal of more widely popularizing anti-lynching positions.[2]

In her text analyzing these two shows Helen Langa observes that, despite sharing a mutual purpose, organizers mobilized the drawings, paintings, prints and sculpture exhibited in different ways. To start, White intended to use *An Art Commentary on Lynching* to publicize the Costigan-Wagner bill.[3] By choosing the format of an art exhibition, Langa argues that White hoped to benefit from the associations commonly made between art and high culture in addition to making plain the urgent need for anti-lynching legislation via imagery and text. In this way, art could be used to help legitimate specific actions even as it fostered the motivation to support them.[4] Organizers of the *Struggle for Negro Rights* took a slightly different approach in staging an anti-lynching exhibit. They favored the more radical *Bill for Negro Rights and the Suppression of*

Lynching. According to Langa, supporters of this piece of legislation held few illusions that it had any chance of passing. Instead, they championed the bill on principle. Certainly the debates over potential anti-lynching laws created an opportunity to agitate for a more critical interpretation of lynching.[5] At the same time, organizers were also using the *Struggle for Negro Rights* to critique the NAACP for its support of more conservative anti-lynching legislation. (This would have been especially clear given that the second exhibit followed so closely after the first.) Art was used as both a tool and a platform with which to redefine the parameters of a national debate on lynching, both by equating lynching with murder and by putting more conservative anti-lynching organizations under scrutiny.[6] While the NAACP attempted to affect some legislative solution to lynching as soon as possible, however imperfect, organizers of the second show focused on changing the terms of debate so as to allow an ideal lynching bill to pass. In either case, lynching imagery was clearly regarded as useful in the pursuit of anti-lynching activist goals.

Most significant in terms of my argument, however, are Langa's observations as to how artists included in the exhibits negotiated the potentially thorny proposition of condemning violence by means of its representation. This was a serious matter exactly because lynching imagery is open to a wide range of interpretation. Artists intending to convey anti-lynching sentiments through their work also risked creating imagery that resonated with supporters of lynching.[7] It is perhaps for this reason that many pieces exhibited in the two shows relate to widely used anti-lynching paradigms. Given the malleable nature of lynching imagery, artists may have looked for successful discursive models with which to guide their compositions. These concepts and narratives would

have been found in contemporary news reports, sociological analysis, and literary works - all texts that Langa notes frequently depicted lynching as violent spectacle committed by European American perpetrators against African American victims.[8] As scholars such as Waldrep have noted, this was a paradigm that many anti-lynching activists supported from the late 19th century onwards.[9] If artists were addressing the clear and present danger of racial violence through their work, the evolving context of lynching discourse may not only have influenced their thinking, but also would have provided ready models available for translation and adaptation into artistic compositions.

Working within established anti-lynching paradigms, some artists chose to focus explicitly on the brutality and savagery of the lynching itself. George Bellows' 1923 lithograph *The Law is Too Slow* is one such example, which was likely influenced by newspaper accounts and/or lynching photographs (such as Gildersleeve's pictures), depicts a spectacle lynching in progress. The central focus of this work is an African American man who is being burned alive by a trio of European American men. His agonized, contorted body is framed by the white heat of fire. The blaze also lights the placid faces of spectators who gather

Figure 5 George Wesley Bellows, *The Law is Too Slow*, 1923. Lithograph, 25 7/10 x 19 inches. The George F. Porter Collection, Courtesy the Art Institute of Chicago, Chicago, Illinois.

together in casual witness of torture. The extreme violence of the scene, coupled with Bellows' treatment of the figures, is congruent with anti-lynching narratives (such as Du Bois' "Waco Horror") that condemn lynching as barbaric and antithetical to American civilization. For this reason, it is possible to interpret the title as ironic or sarcastic. While spectators of this lynching are unmoved by the torture and murder of a human being, after all, a dog (bottom left) is allowed to join the lynch mob as a spectator. An animal is welcome in the crowd gathered round the pyre while a person is horribly lynched because of his race. It is racism, and not criminal activity, that is really responsible for this man's death. White had used this image before, as the frontispiece for his 1929 book on lynching *Rope and Faggot*, and specifically requested permission from Bellows' widow to include the print in his show. For this reason Langa concludes that White favored graphic images such as this, and I would add that other anti-lynching activists such as Du Bois clearly did as well.[10]

Even as Bellows (a European American artist) composes an image that condemns the violence of lynching, he still represents his African American subject as an object of pain and degradation. In this, his image operates within the visual history discussed in Chapter One, wherein Africans, African Europeans, and African Americans are visualized as passive, spectacular bodies. Indeed, in Bellows' print the lynched man is chained to a tree stump; despite his impressive physique, he is held within the absolute control of the men who lynch him. This treatment was especially problematic for African American men, who were most frequently depicted as the victims of lynching. Not only did such imagery risk recreating the original spectacle of the lynching, but it also depicted the victim in a degraded, even emasculated, state antithetical to then-prevailing

notions of successful American masculinity. Thus images of lynching, even those intended to be critical, could be interpreted in ways that both condemned violence and reinforced racial subordination by naturalizing problematic constructions of a raced and gendered lynched victim.[11]

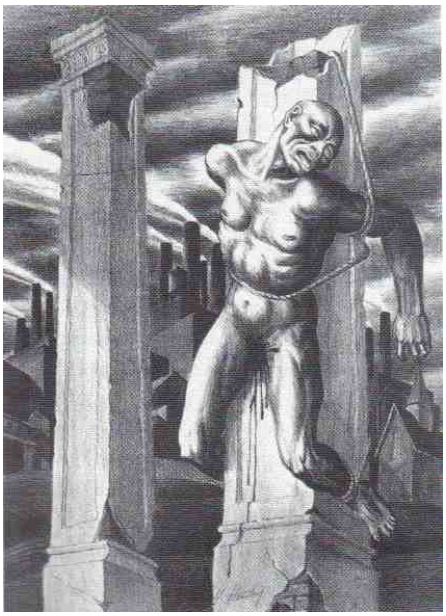


Figure 6 Harry Sternberg, *Southern Holiday*, 1935. Lithograph, 23 7/8 x 17 7/8 inches. Courtesy of the Estate of the Artist and the Susan Teller Gallery, New York City, New York.

Harry Sternberg's lithograph 1935 *Southern Holiday* is another work that exemplifies this problem. His print depicts a muscular African American man, castrated and apparently dead, set against a background of factories and a church. Sternberg, a Jewish and European American artist, clearly regards lynching as barbaric. For example, Langa notes that by virtue of the composition he contrasts the violence of lynching with industrialization and religious morality. Furthermore, the lynched man is strung up on ruined columns that evoke Greco-Roman architecture, emblematic of high culture and civilized society in American and European art.[12] Sternberg literally ties lynching to the decay of civilized society (echoing a common charge in anti-lynching propaganda). Even so, much of the impact of this image relies on the spectacle of pain and death born by the lynched African American man: lifeless, helpless, and maimed. This association between race and death by lynching was so strong that even when not immediately obvious, as with Japanese American artist Isamu Noguchi's 1933 sculpture *Death (Lynched Figure)*, Langa argues that the racially

charged discourse of lynching likely influenced viewers to regard the tortured body as African American.[13]

Figure 7 Charles Alston, *Untitled Drawing*, c. 1935. Charcoal on Paper, 24 x 17 inches. Courtesy of Kenkeleba Gallery, New York City, New York.

Perhaps because of these issues Langa notes that, among those artists whose race is known, European American artists created most of the explicit, violent images of lynching submitted to these two shows.[14] However, this is not to say that race was the sole determining factor in whether or not an artist (or activist) would approach the subject in such a manner. White, an African American, clearly embraced Bellows' print, and African American artist Charles Alston created the most shocking image among the artworks Langa examines. His 1935 untitled drawing, which organizers of the *Struggle for Negro Rights* chose not to exhibit, depicts a grotesque and jubilant European American man, knife in hand, holding aloft a bloody penis. His victim, an African American man with a noose around his neck, lies prone in the lower right corner with his back to the viewer.[15]

Sidestepping the problems inherent in representing the lynched victim, other anti-lynching artists shifted their attention to the depravity of the crowds. While many of the works described above also address the subject, this second group of artists chose to focus on the lynch mob in lieu of overt depictions of extreme violence. Several artists

Figure 8 Paul Cadmus, *To the Lynching!*, 1935. Graphite Pencil and Watercolor on Paper, Sheet (Irregular): 23 ½ x 18 inches. Image courtesy the Whitney Museum of American Art, New York City, New York; purchase 36.32. Photograph by Geoffrey Clements. Art © Jon F. Anderson, Estate of Paul Cadmus/Licensed by VAGA, New York City, New York.

included in the NAACP show relied on this approach, and, in fact, the organization produced literature along similar lines.[16] Paul Cadmus' 1935 drawing *To the Lynching* is one example of such an image. His work depicts the prologue to many lynchings, wherein a mob or posse kidnapped the victim. The swirling, fluid composition centers on a nude, muscular, African American man, bound and battered, struggling to free himself from the grip of three European American assailants. A larger mob of spectators surges forward in the background. The vigorous resistance offered up by the targeted man is indicated not only by his movement and expression, but also by the ripped sleeves of two perpetrators and by the fact that one grips the captured man's arm so fiercely he draws blood. This image shows a much more active African American subject than those discussed above, and while this man is also at the mercy of the mob (he is thrown over the saddle of one perpetrator's horse) the sheer numbers of his assailants coupled with their difficulty in subduing him results in an entirely different image than Bellow's, Sternberg's, or Alton's work.[17]

Another illustration of this approach is Reginald Marsh's 1934 drawing *This is Her First Lynching*, which focuses solely on the European American men, women, and

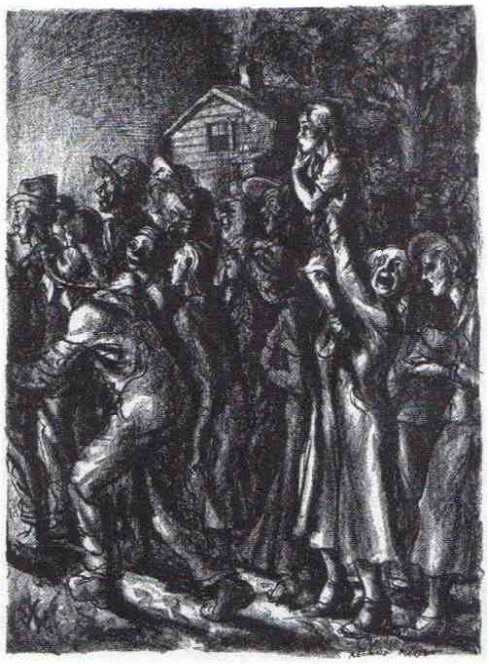


Figure 9 Reginald Marsh, *This is Her First Lynching*, 1934. Drawing in Black Ink and Conte Crayon. © 2011 Estate of Reginald Marsh / Art Students League, New York / Artists Rights Society (ARS), New York City, New York.

children within a lynch mob.[18] In this image, the crowd is riveted on a scene outside the frame. Many are smiling, including one of two women in conversation towards the back of the mob. The speaking woman lifts a young girl high above the hatline, and presumably the title is intended as the caption to her remarks. The child's expression is pensive, as though she is looking at a scene she does not understand or entirely accept. Because the lynched victim is absent from Marsh's image, he sidesteps any issue raised by the representation of that person. (It should also be noted that such an image would also address a wider spectrum of lynching incidents, as the particulars of the victim are not disclosed.) Because Marsh depicts a mixed crowd, most notably including children, he rebuts the pro-lynching claim that lynchers are acting in defense of their communities. He does so by questioning the impact of lynching on spectators, in particular the exposure of young children to extreme violence. Due to Marsh's treatment of the girl, who reacts ambiguously to the scene, he also visualizes lynching as a learned behavior instead of an impassioned and natural response to crime. In these respects, Marsh's image parallels anti-lynching arguments made by activists and commentators working in other media. Du Bois, for example, notes the disgusting

extremes of torture Washington endures as well as the participation of women and children.[19]

Figure 10 E. Simms Campbell, *I Passed Along This Way*, 1935. Charcoal on Paper, Reproduced in *The Crisis* (April 1935): 102.

A third approach to visualizing lynching was to use metaphor to recontextualize the violence, referencing alternative traditions of discourse through which the suffering, degradation, and death involved in a lynching could be understood differently. Especially poignant examples of these critiques reinterpreted the lynched person as a martyr, often by making reference to Christ.[20] Perhaps because this approach articulated extremes of pain while still imbuing the victim with dignity and moral authority, four of seven artists identified as African American used it. E. Simms Campbell's 1935 drawing *I Passed This Way* is a case in point. In this image a shadowed, robed figure strains to pull a heavy cross up a hill. Because the drawing is exhibited in the context of an anti-lynching exhibit, strong parallels can be drawn between lynching and understandings of Christ's Crucifixion. (Langa notes that the drawing struck such a chord at the NAACP that editors of *The Crisis* used it as the frontispiece for an issue containing a review of White's show.)[21] The efficacy of such an allusion made it attractive to many artists. For example Jewish, German immigrant Julius Bloch's 1932 painting *The Lynching* very obviously referenced the Crucifixion. In this work an African American man, tied to a shattered tree as though to the cross, speaks to the heavens with a saddened expression. Below him, a European

American lynch mob gathers close, eyes fixed on the targeted man with unreadable expressions.[22]

Using religious metaphor inverted pro-lynching rhetoric by idealizing the character of the lynched victim, and also by emphasizing his or her suffering in lieu of an originating victim's. In this way, artists played down the terror and degradation of white supremacist violence while still communicating the anguish and loss that resulted from these brutally oppressive acts. Furthermore, in utilizing metaphors of the Crucifixion, they were able to depict the lynched victim as a person whose suffering defined him or her as a moral being. In this, artists were drawing from an established strain of anti-lynching rhetoric. Long before the 1935 shows, anti-lynching activists (and abolitionists before them) had drawn upon the potency of such representations. Historian Michelle Kuhl, for example, notes that activists popularized the theme of the lynched victim as martyr in deliberate opposition to claims that these people were criminals and rapists.[23] The development of anti-lynching rhetoric such as the lynched martyr was important because, as Finnie D. Coleman has argued in his analysis of Sutton E. Griggs' novels, one task before African American intellectuals in the late nineteenth and early twentieth centuries was to effectively counteract racist imagery built up and maintained over centuries.[24] Strategies and understandings mobilized in the 1935 art exhibits discussed in this section rested heavily on these efforts.

Ultimately while organizers of the two 1935 exhibits mobilized powerful imagery in support of anti-lynching legislation, neither bill was passed into federal law.[25] Even so, the two shows are noteworthy in several respects. In each case, organizers used art in an attempt to create and influence interpretations of lynching in the minds of their viewers.

(This is something common to both anti-lynching activists and white supremacist lynchers. While these groups differed radically in their understanding of lynching imagery, each could rely on pictures to make concrete polemical arguments.) Furthermore, while artists solved the problem of representing lynching in different ways, each did so by returning to the basic elements of a lynching narrative: the lynched victim, the lynch mob, or the lynching itself. They recontextualized the same general subjects mobilized within pro-lynching discourse. Finally, each show was connected to specific a purpose – publicity for anti-lynching legislation – as well as to the critical evaluation of ongoing racial violence in a public forum. For this reason, organizers intended the shows to be a call to action. As an essayist proclaimed in one exhibition catalogue, "Pictures Can Fight!"[26]

Without Sanctuary:

Sixty-five years after the 1935 anti-lynching art exhibits opened in New York City, organizers staged an important show of lynching photographs at the Roth Horowitz Gallery entitled *Witness: Photographs of Lynchings from the Collection of James Allen*. Curator and gallery owner Andrew Roth included Gildersleeve's photograph of Washington's charred corpse in his exhibit. Furthermore, the photographer's portrait of the enormous Waco lynch mob was reprinted on the invitation to the show. Like its predecessors, *Witness* was intended to publicize and criticize lynching, in particular those cases that involved European American perpetrators and African American victims.[27] While not all pictures in Allen's collection fit this description – such as the photograph of Leo Frank, a European American Jewish man lynched in 1915 - a clear majority do. Roth's show differed from the other two in that he presented these incidents as belonging

to the past; he intended the show to stand as memorial to atrocities of American history. "I feel strongly about the material," Roth explained, "I feel strongly about it being seen. This is a show about humanity."[28] Furthermore, while the exhibit was housed in a commercial gallery, Roth was careful to point out that none of the images were for sale. He also displayed anti-lynching artifacts and books by African Americans from the gallery's collection along with the photographs.[29] Roth used supplementary materials as context meant to counteract the potentially controversial nature of his exhibition as well as to guide and enrich viewers' interpretations of the imagery.

Roth's sentiments paralleled those of James Allen, the collector of the photographs on display. Allen, with his partner John Littlefield, is an antiques dealer based in Atlanta, Georgia. He began collecting these pictures, as evidence, when he came across them in the course of his work. Allen was struck by the existence of lynching photographs, pictures of violence for which there had obviously been no justice, in the trunks, drawers, and albums of ordinary Americans.[30] Allen often raises these concerns when he interprets and explains his collection, as he does in the introduction to his online exhibit *Without Sanctuary: Photographs and Postcards of Lynching in America*.

> Without Sanctuary is a photo document of proof, an unearthing of crimes, of collective mass murder, of mass memory graves excavated from the American conscience. Part postal cards, common as dirt, souvenirs skin-thin and fresh-tatooed [sic] proud, the trade cards of those assisting at ritual racial killings and other acts of a mad citizenry. The communities' best citizens lurking just outside the frame. Destined to decay, these few survivors of an original photo population of many thousands, turn the living into pillars of salt.[31]

At the same time, Allen also wished to publicize lynching photographs because he had himself been the target of prejudice. "I'm a gay man," he explained to musician Stevie Wonder during a private tour of *Witness*, "and the discrimination I've known in my life

has been from white males. I'm just angry, and [assembling] this [collection] is a way to express my anger."[32] Allen's dogged efforts to exhibit his photographs finally bore fruit in 2000 as *Witness*. Other shows quickly followed, including the online exhibit (still ongoing), and Allen's collection was also documented in a catalogue and discussed within the press from local to international papers.

Anthropologist Sharon Macdonald has argued that museums act as the platform through which to explore questions at the heart of social and cultural debates, a contention supported by the three exhibits discussed above. Furthermore, because museums have become "global symbols through which status and community are expressed," the content of the museum exhibit is open to appropriation and contested ownership in a highly visible forum.[33] Thus while officials in 1916 Waco attempted to censor lynching photographs in the press, curators today publicize them in formal museum shows as evidence of historical atrocities. This drastic change is representative of a paradigm shift enabled in large part through the dedicated efforts of activists such as Du Bois, Griggs, and Wells-Barnett. *Without Sanctuary*, as later exhibits of James Allen's collection are often titled, is one illustration of this evolving perspective. Soon after the initial show at the Roth Horowitz Gallery, for example, a second exhibit was organized at the New York Historical Society in 2000. Again, curators embedded the photographs in an overt narrative of historical racism, using a miscellany of historical objects relating to white supremacy and civil rights activism as well as lengthy wall text that communicated the details and histories of victims, when known.[34] A slightly different approach was utilized in a 2002 exhibit hosted by the Martin Luther King, Jr. (MLK) Historical Site in Atlanta, Georgia. The walls of the space were painted black,

mournful spirituals played in the background, and rangers were on hand to assist visitors in absorbing the imagery and its implications.[35] While the show at the New York Historical Society was intended to be an act of historical revisionism, bringing to light a dark aspect of American history long suppressed, the MLK Historical Site provided a space in which to mourn the past.[36] Even so, organizers of both shows acted to

Figure 11 *Without Sanctuary: Lynching Photography in America*, 2000. Courtesy New York Historical Society, New York City, New York.

institutionalize lynching history, creating a widely accessible and concrete historical memory for visitors. Both approaches also paralleled that of activists such as White and artists such as Alston, Bellows, and Sternberg, in that the shows use graphic imagery of violence to inform viewers about a history of lynching and to illustrate anti-lynching narratives conveyed through text included in the exhibits.

In considering these shows, it is evident that there have been a great many changes in American society between 1935 and 2000. One important difference is a

paradigm shift in lynching discourse generally, from a focus on resistance to lynching culture into one of remembrance of lynching history. Andrea Liss has observed a similar transition in relation to the Holocaust. She describes contemporary engagement with the Holocaust as retrospective relations in which there is no longer the possibility of direct engagement: "urgent calls to action … have now become pleas to never forget."[37] Accordingly, while each of the two shows in 1935 was tied to specific anti-lynching bills, *Witness* became a "tabernacle to the dead."[38]

The notion of bearing witness is an integral component of the paradigm shift described above. In many respects this concept is a continuance from the past, for certainly witnessing has been an important aspect of lynching history from the inception of the term. Today, however, the concept of bearing witness has a specific meaning informed by the discourse of the Holocaust. Frances Guerin and Roger Hallas observe, for example, that the act of bearing witness is not evidence but rather experience. Viewers who have not participated in a lynching are able to gain some level of participation in the scene via their communion with the photograph. They can become witnesses after the fact, Guerin and Hallas argue, remembering traumatic events in the stead of those witnesses who have not survived.[39] Amy Louise Wood makes a parallel statement in defining her understanding of witnessing, which she sees as the common thread uniting different cultural spectacles.

> "Witnessing" refers not only to public testimonials of faith or truth but also to the act of being a spectator of significant and extraordinary events. A spectator or a bystander becomes a witness when his or her spectatorship bears a legal, spiritual, or social consequence; when it can establish the true course or meaning of an event or action; or when it can confer significance or value on an event. To act as a witness is thus to play a public role, one that bestows a particular kind of social authority on the individual, at the same time that it connects that individual to a larger community of fellow witnesses.[40]

Such understandings underpin the reactions of many spectators to exhibits such as *Witness* and *Without Sanctuary*. For example, Congressman John Lewis remarks in his foreword to the catalogue of Allen's collection that the "photographs…make real the hideous crimes that were committed against humanity…It is my hope that *Without Sanctuary* will inspire us, the living, and as yet unborn generations, to be more compassionate, loving, and caring. We must prevent anything like this from ever happening again."[41] I think most Americans would agree with commentators such as Allen and Lewis that the acts of violence represented by these photographs are atrocities. Even so, the idea of bearing witness as expressed above can also be problematic, especially when it takes the place of meaningful and concrete action.

Responses to Without Sanctuary Exhibits:

The collection of James Allen has been exhibited on the internet as well as in public institutions such as galleries and museums, and Gildersleeve's photographs are given a very visible profile in the electronic incarnation of *Without Sanctuary*. Not only are two of his photographs included in the body of the exhibit, but also Gildersleeve's infamous picture of Frasier torturing Washington is used to introduce the site.[42] The image appears on a flat, grey background and flashes on screen three times, zooming in ever more closely on Washington's body. At this point, the title of the exhibit, *Without Sanctuary: Photographs and Postcards of Lynching in America*, flashes on screen. The picture and title are then replaced by Allen's description of his collection as evidence of criminal acts. Thus Gildersleeve's image of a spectacle lynching in progress is directly tied to Allen's comments about the nature of lynching photographs today as "mass memory graves excavated from the American conscience."[43] This display introduces a movie and

a gallery of annotated photographs, and the site also includes an interactive and searchable forum on which visitors can record thoughts and feelings sparked by the exhibit.

The reactions documented in the *Without Sanctuary* forum vary, ranging from white supremacist and extremely racist comments (it should be noted that these voices are in the minority) to deeply felt expressions of pain, anger, and vulnerability to frank discussions of racism and calls for tolerance and racial harmony. John R, for example, wrote the following on February 25, 2007:

> I am white. And yes, I agree that the things seen on this website are indeed terrible. But they happened in the long distant past, and did not involve most white people. I want to ask: If white people are always getting the blame for everything wrong that white peole [sic] did, then, why do we get no credit for all the good that we did? Slavery in America was ended by white people. Did the black Africans fight a civil war to free their slaves? And what about all the efforts white Americans did to remedy past injustices to black people? We really bent over backwords [sic] for you people and never any thanks for it. And what about the fact that modern civilization itself is largely the creation of the white race? The world would still be living in the Stone Age if it wasn't for all the technology that white people made possible. And finally, slavery was not invented by white people. But the movement to end slavery was. Now I don't expect black people to bow down to me because I am white. But a little show of appreciation every now and then would be appreciated.[44]

In contrast, thetruthinthevocalbooth wrote this comment January 28, 2006:

> due to all the bloodshed caused by slavery and the murder of the native indians, i feel numb to sympathize for the descendants of the people who committed these atrocities when they bleed. i'm only a few generations away from slavery, but i still see the same slavemaster mentality flooding the ghetto with aids, drugs, guns, and every other form of filth in an attempt to kick a man when he's down. even though we're "technically" free today, slavery has made us an animal. black on black crime, self hate, dis-unity, all products of slavery. will we as black ever recover and rise back to the top of civilization, maybe, and if so, it might take centuries. there are black men, "my brothers", ignorant some, that would hesitate to slaughter me for the cash in my pocket or the gold watch i'm wearing. we've been made into animals, a direct product of slavery. denied land ownership, money, and everything else during slavery, no wonder we don't have many black chairmans [sic] and shareholders. we have a few black CEOs, but there is

> difference, if you understand business. a few oprahs, bill cosbys, music artist, athletes, but we still don't own much, truly independently, we're dependent. will it ever change? am i hopeless? have the descendents of the slavemasters accumilated [sic] so much wealth and power from the rape and robbery of the darker people of the world that i'll never get on their level? will we always be second class citizens? will there ever be a bill gates or michael dell? will black people ever unite, or will we continue to kill each other? sometimes i feel optimistic, other times reality look alot more dark. and now that i see people on tv, the indirect and direct beneficiaries of slavery and the robbery of the indians, being murdered by people called "terroist" [sic], i can't lie and say that i feel sorrow or pity for them. me being humane, i feel pity for the children killed, but then again, who felt pity for emmitt till and his family. i don't dislike europeans or celebrate when they die, but i can't say that i feel sorrow knowing that they're ancestors killed and robbed and passed the spoils of war to them. i don't hate, but i can feel the pain of my ancestors deep within my soul. honestly, every black person and native indian can feel this PAIN. it's no different than jews and the PAIN from the holocaust. why don't make as many movies about slavery as they do the holocaust? after all, who bled the most? i don't know if i'm right or wrong, all i know is that i'm a product of the past.[45]

Thus the messages boards attached to the electronic show constitute an accessible archive of public discourse evolving around these photographs.[46] Just as Michael Baxandall has argued in regards to painting and Macdonald has argued in regards to museums, posters use these photographs as the basis for wider issues of racism and American history. In reading through these comments, it becomes clear that bearing witness to lynching photographs is a more complex undertaking than Lewis might hope.

In light of such varied reactions to lynching photographs, the observations of feminist and sociologist Ruth Frankenberg are very pertinent to my discussion. Frankenberg conceives of European American attitudes towards race as points on a continuum, which she groups into three general clusters. The first is what she calls essentialist racism, in which racist ideology is rationalized by the invocation of presumed biological traits. Frankenberg uses the term “color/power evasive” to describe a second group of racial attitudes. In color/power evasiveness, informants engage in the rhetoric of

color-blindness, a discourse that evokes the essential humanity of all people and conceives of the United States as a society wherein different cultures are homogenizing and all citizens have the same opportunities. In this paradigm, Frankenberg notes, any lack of accomplishment on the part of a person of color is a strictly personal failure. Opposed to these two paradigms is racial cognizance. This term refers to the recognition of social structures that help to create and sustain racial difference and inequity, while at the same time valuing cultural difference among Americans. These three general reactions, which Frankenberg argues are roughly chronological, are flexible. Informants develop strategies in light of specific personal histories and temperaments, and so can articulate positions that straddle more than one category.[47]

While Frankenberg explores the nuances of racism, Greta Methot delves into the complexities of bearing witness to lynching photographs. In her dissertation analyzing the literature of lynching, she makes several important observations regarding contemporary exhibitions of lynching photographs. To start, she notes that hopes such as Lewis', that viewing lynching photographs will prevent future atrocities, presume viewers will have uniformly appropriate emotional reactions to the exhibits: horror as opposed to delight, sympathy instead of apathy. Spectatorship of lynching photographs is sanctioned in this context based on the assumption that the viewer will interpret the image so as to challenge racist ideology, but Methot observes that there is no guarantee that it will be so.[48] Out of the many responses the scholar describes, for my purposes the most interesting are the ways in which a viewer can look in horror at lynching photographs so as to reinforce prejudiced beliefs. Even when the viewer experiences a "correct" emotional response, and so repudiates both the photograph and ideologies such as white

supremacy, this does not necessarily translate into meaningful action or deeper contemplation.[49] As Methot notes, "*they* are not responsible, that times have changed … *they* would never act with such barbarity against other human beings – their proper feeling proves that," adding that "affect is often mistaken for reform."[50]

Posts on the *Without Sanctuary* forum exemplify both Methot's concerns and Frankenberg's observations. For example, on January 19, 2008, Aryan writes:

> Hate speech is bashing white people continuously … YOUR people this and YOUR people that.... Its [sic] repulsive and disrespectful to see that. You don't see people bashing other races on here. If they did they would sure be banned. you [sic] need to have respect for people of all races its [sic] not 1910 anymore its [sic] 2008. Don't you think over nearly 100 years "MOST" people have changed their ideas on what is wrong and right, I do. If you would look at yourself and realize you are the one bashing people for what their ancestors did you would feel kind of silly.[51]

In this post Aryan does not explicitly endorse lynching, although her handle references white supremacist discourse. (The poster identifies herself as female in another comment on the forum.) What she does do is strategically mobilize the notion that lynching is a historical, not contemporary, reality. Doing this creates distance between the poster and proponents of lynching, which she uses to legitimate her remarks condemning charges of contemporary racism and criticizing those who express pain and anger in reaction to lynching photographs. One important component of Aryan's response is that she calls attention to changed attitudes towards lynching. She states that in the past century "people have changed their ideas on what is wrong and right." Most European Americans today condemn lynching, and are not involved in such acts because the violence is historical: "its [sic] not 1910 anymore." Thus angry posters are unfairly "bashing people for what their ancestors did." In this way, it is those posters who raise the issue of

contemporary racism that are guilty of racial hatred, not Aryan herself. Another poster, Samuk, left these comments February 8, 2008:

> Shocking and what is more disturbing is my own curiosity. Whilst I profoundly am upset by all forms of human revenge and violence (including my own) - who does it possibly serve? ,,, I chose to write here after the vivid and horrible description of the Jesse Washington lynching. So many people gathered in ignorance to kill a mentally retarded killer out of racial hatred and bloodlust. The other disturbing thing is my own sense of the energy and excitement of the bloodlust that eminates [sic] from these images. I pray that those who view this site do not have nightmares and can find order and love amongst the confusion and terror. At least it seems that the world is moving away from this kind of behavior and towards a better society.[52]

In this text, Samuk acknowledges his own disturbing reaction to the photographs, one that potentially classes him with the approving spectators featured in Gildersleeve's pictures. (While the poster signs the comment "Sam," and is therefore probably male.) However, he also uses several rhetorical strategies to minimize or deflect such a conclusion. To start, he invokes the benevolent face of religion by including in his post a prayer that viewers find peace in face of such violent imagery, and thus aligns himself with the "better society" that stands opposed to lynching. In this way, Samuk creates distance between lynching and his own contemporary moment despite the fact that these images can still energize and excite viewers today, including himself. Because the world is moving towards a more just society in which lynching is not condoned, and because Samuk considers this to be a positive development, it is the photographs, and not his reaction to violent and sadistic imagery, that are truly disturbing.

In contrast, these comments were written by DSB, posted on February 6, 2008:

> I just finished the flash movie of this site. My whole being cried -- similar to how it cried when I visited Dachau Concentration Camp and the Hiroshima Museum. What is it about us higher beings? It is awful to think that this bleakness is in each of us. Whether it is race, color of skin, religious belief, intellectual belief, tribal membership ...any difference can serve our hatred -- which oftentimes is really

> fear. I was asked to look at this site for the course I am currently taking. The cruelty is beyond belief for me. It was hard enough to read about it, but to see it in pictures makes it all too real. I hope that the awareness of this awful part of our history can keep us vigilant - on all fronts of human hatred. My words seem so futile to me as I type.[53]

The sentiments of DSB employ a generalizing rhetorical tactic - in that the poster emphasizes common humanity over historically rooted racism - that Frankenberg associates with color/power evasion.[54] Most notably, the poster classes lynching with other atrocities such as the Holocaust and the dropping of nuclear bombs on Japanese civilians during World War II. While this statement is not without merit, it also distances a selection of photographs that mostly depict racial violence from the white supremacist and racist ideology used to legitimate those acts. As an American citizen or resident (DSB speaks of "our history"), this is a past from which DSB, depending on his or her race, may have benefited. In tracing racism to the "bleakness…in each of us," however, the poster sidesteps this issue because he or she treats lynching as an atrocity that stems from the darker aspects of general human nature. At the same time, by arguing that lynching results from fear of difference, DSB mutes recognition of the economic, political, and social aspects that often factor into this violence. Finally, and most disturbingly, while DSB is greatly affected by the exhibit, there is little indication that this sentiment will motivate the poster to act in a meaningful or concrete way. While DSB expresses the vague hope that "awareness of this awful part of our history can keep us vigilant," his or her "words seem so futile" as DSB types.

In critically examining comments such as those of Aryan, Samuk, and DSB, it is possible to begin to sketch out the complexities involved in bearing witness to lynching photographs. One common element in all three texts is the potency of emotional reactions

to the photographs that, when enacted in a public forum, may themselves become a performative medium through which prejudice can be obscured and even legitimated. This general notion has been addressed in anthropological literature. In his text analyzing the Tlingit potlatch of the nineteenth century, for example, Sergei Kan argues that emotions reinforce social values by "serving as a resolution of norm and motivation...'Good' people tend to have socially approved feelings which the individual expresses by selecting from a range of socially valuable behaviors."[55] The reactions of the three posters above support Kan's thesis because each of them ties emotion to a social position. Aryan indignantly attacks charges of contemporary racism as hate speech, Samuk minimizes his own inappropriate reaction to Gildersleeve's picture by advocating for a society that does not tolerate lynching, and DSB expresses hope that the exhibit which disgusts and shocks him or her will motivate Americans to guard against violence in the future. It is not just facts that are manipulated within rhetorical strategies. The emotional responses of these posters to violent atrocities are also the subject of moral judgments, and therefore have strategic value when enacted before others.[56]

In fact, Methot notes that a "correct" emotional reaction to lynching photographs can take the place of active engagement with racism. In this she draws from the argument of philosopher Janine Jones. The scholar argues that it is possible to re-imagine whiteness so as to situate it outside of a racist hierarchy - creating what she calls a "goodwill white" - by disavowing white supremacy and racial violence. In doing so, the European American viewer can create a binary in which he or she is juxtaposed with violent white supremacists. Thus the "goodwill white" can avoid facing the continuing relevance of

racism in their own lives by positioning themselves as unproblematically advancing the cause of racial justice in their criticism of white supremacists.

This desire to split whiteness into white supremacists and everyone else, Jones argues, is indicative of a wish to erase extreme racism from American history.[57] "Apparently," Methot writes, "as long as one is properly affected by these images, mere looking is transformed into witnessing, with all the ethical weight that term denotes."[58] In light of Methot's and Jones' arguments, generalizing comments such as DSB's, which divorce lynching photographs from their specific historical context, take on a new meaning, as does the poster's hopelessness. The picture can become not only the cause but also the solution to any negative feelings sparked by lynching, particularly for European Americans. Shame and disgust differentiate the contemporary spectator of racial violence from the historical, violent white supremacist, and so all is well.[59] It should be noted that these scholars outline just one possible strategy that viewers might use to distance themselves from lynching history. However, Jones' "goodwill white" is very important in understanding attitudes towards contemporary lynchings such as that of James Byrd, Jr., discussed in further detail below.

Methot further complicates the notion of bearing witness by exploring the nature of empathy itself. Drawing from the work of scholars of the Holocaust, she argues that when a viewer feels empathy towards the victim of an atrocity this involves projecting him- or herself onto that person. In this way, the empathetic contemplation of victimized people can become an opportunity to fantasize about one's self.[60] Keeping Methot's interpretation of empathy in mind, the comment of alinda,dawn, posted November 13, 2007, is interesting:

> Image33 this image was soo [sic] heart breaking i had to refrain from crying. i turned away with the thought of having my life snatched away. 'The corpse of Laura Nelson retains an indissoluble femininity despite the horror inflicted upon it. Specterlike, she seems to float - thistledown light and implausibly still.'[61]

Alinda,dawn's remark touches on a type of empathetic response Methot describes as vicarious victimhood. This term connotes an identification in which viewers, safe from imminent harm, "[try] on powerlessness" through their consumption of the image.[62] This particular mode of responding to lynching imagery is problematic in part because it can serve as a means for members of a privileged group not defined by suffering to experiment, from a safe remove, with the pain of others and thus to universalize the experience of suffering.[63]

In contrast, sympathy is characterized by the appreciation, and not the assumption, of another person's perspective.[64] Even so, sympathetic reactions are complex. For example, Methot notes that the perceived distance of a spectator from a traumatic event tends to influence their reaction to it. If a call to action is imminent the viewer may stifle a sympathetic response, but view these feelings in a positive light if the victim seems to be beyond help. Sympathetic reactions to lynching photographs can also result in the viewer wishing to improve their own emotional state as opposed to the wellbeing of the subject, or may heighten the spectator's feelings of safety or superiority. Susan Sontag concurs with these observations, pointing out that photographs of atrocity can both motivate the viewer to act and dull the mind with hopelessness.[65] At the same time, sympathetic reactions can also evolve into what Methot describes as postmemory. According to literary scholar Marianne Hirsch, postmemories are remembrances generated in reaction to oral, textual, and visual representations of trauma. Later generations adopt them as their own and integrate these postmemories into their lives in

part because, they identify with a survivor, victim, or original witness.[66] One example of such a response to lynching can be found in the *Without Sanctuary* catalogue. In this book, writer Hilton Als relates his experiences in viewing Allen's collection:

> I didn't like looking at these pictures, but once I looked, the events documented in them occurred in my mind over and over again, as did the realization that these pictures are documents of America's obsession with niggers, both black and white. I looked at these pictures, and what I saw in them, in addition to the obvious, was the way in which I'm regarded, by any number of people: as a nigger. And it is as one that I felt my neck snap and my heart break, while looking at these pictures.[67]

In this comment, Als places lynching in the larger historical context of racism and classism and, given his knowledge of lynching photographs and his experiences with prejudice, feels a connection with the lynched victims. In the end, while both postmemory and vicarious victimhood can become the basis for social action, such as civil rights legislation, there are also potentially negative consequences.[68] In all these ways, the act of bearing witness is entangled in the same personal, pragmatic, and institutional forces that often shape actual instances of extreme violence.

The Lynching of James Byrd, Jr:

While viewers today frequently understand objects such as the Gildersleeve photographs to be artifacts plucked from American history, incidents of lynching are hardly confined to the past. One particularly infamous case is the lynching of James Byrd, Jr. in 1998 Jasper, Texas. Byrd was an African American man who was tortured to death by Shawn Allen Berry, Lawrence Russell Brewer, and John William King, all European American men. Byrd, who may have known Berry, accepted an offer of a ride home from the three men as he was walking back from a party on the evening of June seventh. Instead of making good on their promise, however, they savagely beat Byrd and dragged him

behind their truck until his body literally shredded apart. Forensic evidence suggests that, contrary to their claim that Byrd's throat was cut before he was dragged, Byrd was alive and conscious for much of this final ordeal - death mercifully came when a culvert severed his head and right arm. The next morning authorities found pieces of Byrd's body in over 70 places along the road on which he had been dragged to death.[69]

Despite the span of years between the Washington and Byrd lynchings, there are still clear parallels between these two incidents. Most obviously, both lynchings were photographed (in the case of the Byrd lynching, the photographer was a police officer) and the sadistic violence present in each case was rationalized on the basis of white supremacist ideology. In fact two of Byrd's assailants, Brewer and King, were known white supremacists. The third man, Berry, presented a more ambiguous case. He was a long-time resident of Jasper who claimed to have been coerced by King and Brewer, and there was little evidence that he had subscribed to white supremacist beliefs before the lynching. Even so he clearly participated and, as the driver, effectively dealt the deathblow in addition to operating the primary instrument of Byrd's torture.[70]

While Berry, Brewer, and King were likely drawing from racialized lynching models of the past, it does not then follow that lynchings such as Byrd's and Washington's are similar in every respect.[71] Certainly reactions to these two incidents differed significantly. In stark contrast to the Washington case, law enforcement acted decisively to apprehend those responsible for lynching Byrd. Prosecutors were successful in convicting all three men, persuading a jury to mete out two death sentences and one life sentence (for Berry). During the trials, Byrd's family was prominent among spectators in the courtroom and journalists frequently sought out relatives for comment.

Officials, religious leaders, activists, reporters, and the American general public largely understood the lynching to be a brutal act of racial violence, locally as well as nationally. This interpretation is very different from what was recorded in 1916 Waco, in which many Europeans and European Americans understood those who lynched Washington to be reacting comprehensibly, if in excess and without official sanction, in response to a horrible crime. Finally, Byrd's lynching was used to pass a Texan hate crimes bill in 2001 (the James Byrd, Jr. Hate Crimes Act), and also federal legislation in 2009 (the Mathew Sheppard and James Byrd, Jr. Hate Crimes Prevention Act). While activists did keep the Washington lynching in the press for an extended period of time, his lynching did not result in arrests or convictions, much less legislation.[72]

In short, the lynching of Byrd led to consequences absent in the Washington case: decisive convictions, scathing and fairly universal public condemnation of the perpetrators, and the passage of relevant legislation. Byrd was understood to be the victim of racial violence who left behind a grieving family, while the men who lynched him were vilified as psychotic, violent criminals. Differences such as these were not lost on Jasper residents who, as I will discuss further below, often deployed them in the aftermath of the lynching as part of larger interpretive strategies. In the end, the rhetorical apologies and performative lynching models mobilized in 1916 Waco to deadly effect were no longer convincing to the vast majority of Americans when drawn upon to rationalize and foster racial violence in 1998 Jasper.

Accordingly, the photographs created to document the two lynchings, while still alike in some basic respects, were conceptualized in very different ways. The photographs of Byrd, taken by officer Tommy Robinson, depicted everything that could

be used as evidence in the investigation of Byrd's lynching. Given the length the victim was dragged, there were many pictures. The most graphic of these shots included images of bloodstains, body parts, and objects belonging to the Byrd, such as his dentures.[73] Both the Gildersleeve and Robinson pictures were commissioned and (initially) sanctioned by local officials; both included explicit postmortem shots of tortured bodies; and in both cases, photographs were made available as visual aids intended to evoke acts of extreme violence from the recent past. At the same time, both sets of images were understood to play some part in the redressing of a great injustice, albeit in very different ways. The Gildersleeve photographs were regarded by spectators in 1916 Waco as memorializing the lynching of a dangerous "brute" criminal, while the photographs of Byrd were understood by law enforcement in 1996 Jasper as documenting, for later use at trial, the violence perpetrated by sadistic criminals whose punishment had yet to come. (This interpretation is similar in many respects to Du Bois'.) Gildersleeve was alerted in advance so as to profit from Washington's suffering and death through the sale of commemorative postcards. The investigators who documented Byrd's corpse, on the other hand, created a set of images after the fact as part and parcel of their job as police officers. Therefore, this series of photographs does not portray acts of torture or include portraits of spectators, subjects that are part of Gildersleeve's set. While lynching images have no fixed interpretation, the subject of the Robinson photographs was congruent with the photographers' focus: documenting the remnants of a human being for whose willful murder there must be a reckoning.[74]

It is for these reasons that the lynching photographs of Byrd were made available to a very select audience when finally exhibited in a court of law. While Gildersleeve's

pictures were distributed widely, first as souvenirs and later as news illustrations and anti-lynching propaganda, circulation of the Robinson photographs was tightly controlled. There was no desire on the part of law enforcement to further traumatize the Byrd family or disrespect the victim. When these photographs were used at trial, for example, they were not publicly displayed, but rather passed to the jury in black folders. Journalists (such as Joyce King, who also wrote a book about the lynching) had to ask the District Attorney's office for permission to see them. (The pictures were stored in a vault above the office.) Reporters were not left alone with the images and not allowed to touch the folders.[75] Gildersleeve's imagery, in contrast, initially circulated within a relatively informal public, albeit one that included official representatives who initially tolerated the market for lynching souvenirs. When Waco's elite did attempt to restrict the circulation context of Gildersleeve's pictures, it was because they wished to conceal or blunt knowledge of the lynching rather than to avoid re-victimizing Washington or inflicting pain upon his family. Conversely, photographs of Byrd were endorsed by Jasper law enforcement because they remained in a limited and specific circulation context, constraints that were not applied to publicly discussing the lynching. Law enforcement authorities wished to contain the intimate knowledge of Byrd's suffering that arises from visual imagery, not a critical and public recognition of the lynching and those who perpetrated it.[76]

These factors affected how the lynching of Byrd was imaged for public consumption. In contrast to the Washington case, reporters responding to the Byrd lynching could not use explicit imagery of his body to illustrate their narratives. They resorted to different means: a snapshot of Byrd from life, for example, or images of the

bloodied asphalt that had become a crime scene.[77] These kinds of images have consequences. From the start, the public was presented with a man who left behind a family, a human being who was missed and loved. Thus the larger changes in popular and official attitudes towards the lynching of African Americans radically impacted how contemporary incidents are publicized, and furthermore how lynching photographs are mobilized and circulated. Explicit imagery of a contemporary lynching was not considered appropriate to use in a public forum for any reason, not only because of the gruesome nature of these photographs but also because of the impact the imagery would have on the victim's family. Ignoring these concerns would have run the risk of appearing to endorse the lynching itself due to a callous disregard of the impact of such a display on Byrd's family and community.

Clearly in the 82 years between the lynching of Jesse Washington and the lynching of James Byrd, Jr., society in the United States has undergone important shifts, realignments, and transformations. However, this does not mean that continuities do not exist, and such facts are important to note. They can ultimately cue us in as to how at least some ideological, institutional, and cultural facets of American lynching culture have adapted and endured into this contemporary moment. This is true even as Americans today generally expect that extreme acts of white supremacist racial violence will be met with heavy penalties. While many people take comfort in the disconnect between the relative tolerance of spectacle lynchings in the past and the decisive, concrete punishments enacted in response to racial violence today, it is illogical to assess contemporary racism solely in comparison to actions and incidents that can only be regarded as historic. After all, it is not just that bearing witness does not automatically

result in social justice. It is also that there are parallels between historical and contemporary reactions to lynching.

Returning again to the lynching of Byrd, one common reaction in the aftermath of this violence was to celebrate the verdicts (and the subsequent sentences) as markers of hard-won progress in an ongoing struggle to attain equity between European and African American citizens. It is in this vein that I interpret the statements of Ethel Parks, an African American informant whose reaction to the verdict was captured in the documentary *Two Towns of Jasper*. In the film, she proudly states that King's sentence represents "the first time in, like, 400 years that a white man has ever been sentenced to death for killing a black man … We've always been down, so we look [sic] like things are finally looking up for the black community."[78] The film also captures another response, however, which was to emphasize markers of change so as to affirm a sense of racial parity that has been disturbed by the lynching. Thus, when discussing the sentencing of Berry, prosecutor Guy James Gray remarked that he felt "there was a day and a time in this country when cops and jurors ignored facts in racial cases and let other factors influence them, and today is about as positive a message as you can get that that time no longer exists." Berry, Brewer, and King, he felt, were mired in the past and Gray was pleased they paid a penalty for their crime. One effect of this perspective is to position the lynchers of Byrd as holdovers of white supremacy out of step with other European American residents of Jasper.[79]

The distinction between these two comments is worth noting. While Parks contextualizes Byrd's lynching in a historically rooted and ongoing reality of American racism, Gray backgrounds the lynching with a racist society that has preceded, but not

extended into, this contemporary moment. Gray's comment brings to mind Jones' "goodwill white," because he minimizes the continuing existence of racism in Jasper and thus the placement of local residents in a racial hierarchy. Significantly, these are both points that Parks candidly addresses in the documentary. Both correctly applaud significant social change and unequivocally condemn acts of racial violence, and certainly Gray acts aggressively to counteract white supremacy by convicting the three men responsible for the lynching. Even so, one statement minimizes contemporary racism while the other explicitly connects racial violence to local racism.

Comments such as Gray's are also interesting because they echo some of the evasive lynching discourse of the past. When he explains the lynching as the result of time spent by Brewer and King incarcerated in Beto I (a notorious Texan prison unit) - that in the penitentiary they had been thrown back to a racist mindset more typical 50 years earlier because they were out of touch from the "real world" - he parallels arguments made in 1916 Waco that Washington's lynching was the work of a working class or disreputable element.[80] Both statements relate to Waldrep's observation that hate crimes are often portrayed as individual acts that wound an entire community.[81] This is certainly the case in Gray's remarks, which reflect not only a popular contemporary mindset but also a common official and legislative stance on racially motivated violence. In the end, it is not that Gray is mistaken in arguing that the violent and racially-charged atmosphere of prison can change a man, but rather that this fact alone is insufficient to explain the horrific lynching of Byrd.

There are other ties between historical lynching rhetoric and reactions to lynchings today. Three scenes in *Two Towns of Jasper*, for example, depict participants

in the "Bubbas in Training" (a local European American multi-generational breakfast club) discussing the lynching of Byrd. All present agree that the violence is despicable and savage, and that the perpetrators should be severely punished. One woman bluntly states that no person should have to die as Byrd did. These comments are met with widespread agreement.[82] In this way, club members establish that they regard the lynching as an atrocity committed by outcasts to whom they are opposed.[83] This does not mean that these informants regard Byrd with respect, however. To the contrary, they express dismay at what they feel have been overly positive portrayals of Byrd by reporters. Far from an ideal citizen, they feel Byrd was a drunk, a criminal (he had been convicted of credit card fraud), and generally not a "church going man."[84] One man remarks, "I think you oughtta be judged by the way you live and not the way you die," and heads nod around the table.[85] These sentiments echo others discussed at a town hall meeting filmed by *Nightline*, most egregiously when an African American college student related that her teacher claimed Byrd was lynched because he was drunk.[86]

Comments such as these utilize a common strategy explored by sociologist Eduardo Bonilla-Silva, in which disclaimers are used to preface and thus camouflage racist comments.[87] His observations, which complement the work of Frankenberg and Jones, are useful in digesting the conversation recorded at the breakfast club. All present condemn the lynching and disavow the perpetrators, but then denounce the lynched man. In doing so, they are using a common tactic also employed by lynching apologists: suggesting that the victim was asking for death because he or she was a criminal or of poor moral character. As we have seen in the case of Jesse Washington, the concept that the lynched victim was responsible for his or her own death is not antithetical to anti-

lynching commentators. Racist ideology was accepted by both those opposed to lynching, such as Cooper and McClellan, as well as by supporters of lynching. In this way, the statements above affirm Methot's observation that enacting the appropriate emotional response to photographs of lynching does not ensure an active stance against contemporary racism. After all, while commentators at the breakfast club embraced the fact that Berry, Brewer, and King can be criminals; they have not truly accepted that the fact Byrd can be a victim. In the end, while photographs such as Gildersleeve's depict horrific and repulsive acts, what is also disturbing is that the darkest moments of American history are more clearly reflected in our contemporary moment then we might want to believe.

Conclusion

When studying Fred Gildersleeve's lynching photographs of Jesse Washington, the work of literary scholar Linda Bolton springs to mind. "What happens," she asks, "when freedom eclipses justice, when freedom breeds injustice?"[1] Her words are judicious given what is known of lynching today. Certainly these objects, commemorative postcards created while Washington's screams rang in Gildersleeve's ears, make plain that one answer to Bolton's question is violent and obscene.

The fact that lynching is depraved does not minimize the importance of understanding it, however. The terminology of lynching may have been created and defined in the United States, but the acts named by these words are possible because of the capacity for violence inherent in every human soul. If the potential for violence is ever-present, however, its actualization is hardly inevitable. Human beings are not automatons but rather social actors who understand the world around them through a particular logic and outlook - people make choices taking into account a broad range of factors. Thus there are many different influences that shape the passage of human events.

One influence of great relevance to this text is culture, which significantly impacts the wider context in which individuals choose how they will interact with their fellows and how they will navigate through the varied and dynamic realms of social existence. An example is the historically long-lived and evolving lynching culture specific to the United States. This history is especially significant because lynching culture is strongly connected to a larger American culture – the two cannot be considered independently of one another. Certainly the ideas, rhetoric, and paradigms that have loomed large in lynching histories have not always been exclusive to lynching. Instead,

they have been adapted from other areas of American culture or, conversely, removed from the context of lynching to serve a different mode of cultural production.[2] In the end, while the Washington case is particular and distinctive, drawing from specific traditions of rhetoric and interpretation, there are also common threads that securely bind this story within the larger context of American social life.

Certainly these who lynched Jesse Washington did not understand themselves to be aberrant or cut off from American society. European American residents did not expect to be the focus of such intense and scathing criticism, and in fact it is noteworthy that in subsequent lynchings officials and police began to offer up stiffer resistance to lynch mobs. Along the same lines, the substantial cultural, economic, and political resources of Waco, the "Athens of Texas," made the lynching particularly difficult to swallow for many commentators, especially in light of extreme torture meted out to a helpless victim who had just been sentenced to death by a functional court.[3] The obvious conclusion (one largely unaccepted by journalists and activists without qualification) is that violence is not necessarily antithetical to a thriving and prosperous city: i.e. "civilized" American society. This is a point that merits closer scrutiny, because the Washington lynching was not the first or last in the Waco area, and furthermore the intense backlash that finally motivated local officials to seriously oppose lynching was generated and sustained in large part by African American journalists and anti-lynching activists.

One reason that understanding Waco is important in analyzing the Gildersleeve lynching photographs is because local society was based on a racialized caste system, one retained and elaborated upon even as the populace became more diverse. Within this

system, racial violence was not simply the result of racial prerogatives, but also one source for this power. Thus could a man like William Henry Frazier, a disreputable character of little economic or political consequence, stake a claim to authority over his fellows. Through the lynching he was able to illustrate his elevated status relative to Washington's by enacting the privileges accorded his race and gender before 15,000 spectators, thus situating himself within a racially defined elite group. In this way lynching is, among other things, the translation of ideas, narratives, and images into performance. Based in part on rhetoric and genre, the act itself can be a highly adaptable performative motif or, to borrow from Kirsten Pai Buick, a communicating event.[4] In this case, Frazier's gambit ultimately met with at least partial success. Despite the high profile of the lynching and detailed local knowledge as to the identity of the perpetrators, Frazier and his cohort were not arrested, tried, or convicted for torturing Washington to death.

While the lynching seems to have horrified many in Waco (particularly after it generated so much negative publicity), in the end white residents benefited in tangible, concrete ways from living in a white supremacist society. Tellingly, most people limited public criticism either to the form of that particular lynching or to citizens disrupting what would have been a legal lynching. Finally, violence had an immediate impact on the way Waco-area residents perceived one another. Altogether the murder of Lucy Fryer and the lynching of Jesse Washington had the effect of generally strengthening racial divisions in the Waco area for both black and white residents.

Thus it was not just the lynching that was the immediate context for Gildersleeve's photographs, but also the ways in which the violence functioned and was supported and understood. Spectators interpreted the postcards in light of a pervasive

lynching culture that was an integral part of the society in which they lived. In this, Waco represented one instance of a larger, national pattern because, while different regions had different frequencies and histories of lynchings, Texas was hardly the only state in which they occurred. At the same time, to photograph a lynching further complicates analysis. Photographers create a representation of violence that is itself subjective, and they are influenced by a diverse collective of cultural, political, and economic forces. Certainly imagery and reports of specific lynchings circulated widely, especially through the press, expanding the reach of violence that initially exerted a localized impact. In this way Gildersleeve's photographs, themselves widely publicized, were part of a well-known genre of photography complete with aesthetic and stylistic conventions. For all these reasons local residents were very familiar with lynching, and it is also probable that at least some spectators may have attended earlier lynchings in the Waco area.[5] Members of the lynch mob would not only have known what lynching was, then, but also have been familiar with different modes of lynching.

Such information was not solely conveyed through photographs but also via representations of lynching in other media, such as D. W. Griffith's infamous film *The Birth of a Nation*. Creators of these representations not only mobilized rhetoric specific to lynching but also drafted seemingly unrelated, popularly accepted ideas and rhetorical tropes in defense of particular cases. Thus, for example, does a Waco journalist compare the men hunting Washington after Fryer's murder to Revolutionary war heroes.[6] Significantly, racial violence followed in the wake of both the movie and this article.[7] There were also enduring visual and rhetorical conventions for depicting people of African descent, honed in Europe and the Americas for centuries, that pro-lynching

commentators drew heavily upon. The type of the black rapist, for example, was one commonly evoked in justifying the brutal lynching of Washington.

If lynching apologists drew from different histories in defending lynching, it is also true that lynching was not the only result of white supremacist ideas and oppression. In the Sank Majors lynching, for example, police acted in tandem with violent white supremacists by protecting only those African Americans who reacted to the lynching with silence. During the Washington lynching, Mayor John Dollins commissioned photographs of the violence from Fred Gildersleeve, some of which were taken from his office. Afterwards a newspaper editor, while explaining to an NAACP investigator that white women needed to be protected from black rapists, admitted that he would not protect black women from rapists of any race. In fact, as Patricia Bernstein has observed, reporters were generally asymmetrical in their coverage of local residents, treating African American subjects differently. It was not only that journalists readily accepted notions of racialized criminality, but also that they did not accept the idea that African Americans could be idealized or heroic figures.[8] In early twentieth century Waco, African Americans were generally the targets of oppression by police, politicians, and the judicial system; vulnerable to racial violence; and constrained by social and economic discrimination. Lynching may take different form than other indignities, injustices, and acts of violence, but it still taps into the same underlying social structure, popular ideologies, and local histories.

For all these reasons viewers probably had expectations and pre-conceptions of Gildersleeve's photographs, but it is also true that the photographer created a subjective representation of lynching that can be interpreted so as to naturalize white supremacist

ideology. For example, there is a clear binary in all but one of Gildersleeve's images between Washington and the innumerable spectators. The photographer also chose not to include women, small children, and possibly African Americans in the close views he created of spectators. In doing so his photographs homogenize what was a very diverse crowd of people, emphasizing the masculinity and whiteness of the mob because that is what is most obviously shared among his living subjects. As such, the photographer de-emphasizes the different factions that exist within this apparently unified group, defined by characteristics such as age, occupation, or country of origin. Such omissions are significant because many of these people, such as white women and immigrants, were full participants in lynching culture and benefited from lynching. At the same time, the binary constructed by Gildersleeve did not merely function to simplify the identities of those depicted in his imagery, but also helped define them. Most obviously, whiteness and masculinity in these pictures are associated with power and camaraderie. Finally, while Gildersleeve's imagery does not objectively document the Washington lynching, it still has an aura of truth because of the medium utilized by Gildersleeve and because of some of the compositional and aesthetic choices he makes.

Given the larger context of lynching and lynching photographs, one imperative of the lynching scholar is to understand how oppressive ideas and impulses are translated into concrete, sustained domination and violence.[9] To this end, the theory of Alan Sekula is useful. As Jeannene Przyblyski writes, the shadow archive "exists not simply as a material network of territorialized realms of knowledge," but also "casts its 'shadow' as a unifying principle lending coherence across these segregated domains."[10] In this view, lynching is most fruitfully understood as one component of a larger project. It is not only

formal or formulaic parallels that are important in analyzing and classifying acts of lynching, but also the ideas involved as well as the needs and wishes fulfilled by violence. One very important benefit in keeping the shadow archive in the forefront of analysis is that it becomes easier to make connections between different areas of inquiry and to reorganize extant information into new and hopefully more productive arrangements.

As such, it is vital to keep in mind that while there are ties between lynching, other forms of violence, and the relevant material culture, it is also true that there are many different lynching histories. This study is largely concerned with a genre of lynching that is very strongly defined by race, and it is irrefutable that a significant number of known lynched victims are African American, especially in the late nineteenth century. However, even with incomplete records it is also clear that many were not.[11] Furthermore, racial hatred was just one of many motivations to lynch, and the act itself could be used to meet different needs.[12] Thus while it is important to understand a particular lynching in detail (such as the Washington case), it is also imperative to know how different modes of lynching relate both to one another and within social life in the United States.

In the end, if lynching culture is part and parcel of American culture, if there are distinct yet overlapping lynching histories, if there are ties that bind violence to other areas of American life, then it is also true that one way the ideas and discourses of lynching endure and adapt over time is through the creation and interpretation of cultural production. Such a notion is especially disturbing if taken to its logical conclusion. In the end, there is little reason to suppose that lynching culture would disappear if Americans

no longer enacted this violence. In a society that (today) officially condemns such acts as hate crimes, it is still possible that the material culture of lynching could satisfy many of the same needs that were fulfilled in the past through violence, but without incurring the increasingly severe penalties. This would help explain, for example, the rising number of noose incidents in this country, despite the fact that many Americans abhor white supremacist violence.[13] "Habits of mind," Adolph Reed, Jr. observes, "are sustained and reinforced by the social realities that they interpret and thus partially constitute."[14] Material culture is one aspect of social reality.

Thus it is important to understand the multi-faceted, enduring nature of lynching, as well as the ways in which factors important to lynching are maintained in different cultural configurations over time. It is not just that lynching culture is a disturbing reflection of violence, or that it puts unspeakable thoughts into the heads of unbalanced extremists. It is also that lynching culture stems from the same base issues that have loomed large in American society from the very beginning. Not only is it important to analyze the differences and similarities between lynching cultures over time, but also the way in which these changes and continuities factor into an evolving American society today.

It is possible to begin to get a sense of this through the different ways that viewers react to lynching photographs, both in a specific moment and over time. Photographs are objects, after all - they persist, remaining open to interpretation and mobilization by a diverse and expanding pool of viewers. In 1916, most commentators reacting to the Washington lynching fell into one of three general categories: white supremacist and pro-lynching, anti-racist and anti-lynching, and, most interestingly, racist and anti-lynching.

In the long-lived and contentious debates between commentators speaking from these different positions, the use of imagery became ever more strategic. Those opposed to lynching revisited each basic component of the lynching image – the violence, the mob, and the victim – so as to convincingly depict lynching as something to be abhorred and stamped out. W. E. B. Du Bois co-opted Gildersleeve's photographs into one such campaign to great success, illustrating one of the most important facts of lynching photographs: if these pictures are not objective, truthful documents, it is also true that there is no one, set way to interpret them.

This is a truth still very much relevant to contemporary viewers of lynching photographs. Today curators continue to adapt violent, racist photographs such as Gildersleeve's to promote an anti-racist, anti-lynching worldview. Furthermore, the narratives and images are easily accessible through exhibits and on the internet. These shows, especially in institutions such as the museum, reflect significant changes in American society that permit anti-lynching narratives to be the institutional, mainstreamed response to this history. At the same time, they also reflect a shift in what response is expected of the viewer. While Du Bois called for specific action against lynching without delay, James Allen and other commentators hope that exhibits of his photographs will make it impossible to forget lynching history. As Buick has observed, a spectacle of violence has been replaced by a spectacle of mourning.[15] It is for this reason that exhibits of lynching photographs are sanctioned today, but in truth there is no guarantee that viewers will react as expected. Indeed, echoing the problematic middle ground of the past, there are many viewers who refuse to acknowledge contemporary racism. Instead, they use a range of strategic distancing tactics, such as positioning

themselves against violent white supremacists or historicizing lynching, that obscure the continuance of racism and lynchings today, for example the James Byrd Jr. case.[16] This especially problematic because not only are there are parallels between the lynching apologies of the past and some responses to lynching photographs exhibited today, but there are also similarities between the way contemporary viewers respond to images of lynching and actual cases of racial violence. Perhaps the most disturbing of these responses is idea that victims have somehow brought lynching on themselves.

One especially poignant illustration of these points is a proposed, but yet unbuilt, memorial to the Washington lynching in Waco, Texas. The process began when attorney and former city councilman Lawrence Johnson stumbled across the Gildersleeve photographs while visiting a museum in Memphis, exposing him to local history of which he had previously been unaware.[17] When he first broached the idea for a memorial in 1995, however, he found he had little support.[18] Seven years later, when a mural in the McLennan County Courthouse containing a noose was being refurbished, county commissioner Lester Gibson proposed that language be appended to the site commemorating Washington's lynching and apologizing for its official sanction. He was not even seconded.[19]

Examples such as this are important because, as in the Byrd case, it becomes possible to see how individuals within a society can condemn a lynching without necessarily addressing the ideologies and prejudices that factor into violence. Indeed, there are continuities between the discourse surrounding the Washington and Byrd lynchings and discussions of a Waco lynching memorial. One similarity between local discussions of the Washington lynching and memorial, for example, is a desire on the

part of many European Americans and Waco officials to avoid a frank discussion of extreme racial violence. Thus, in a disturbing, ironic, and rather symbolic turn of events, the court refurbished an image that incorporates an infamous symbol of lynching (the noose and hanging tree) painted on the very building from which Washington was abducted in the 1916 spectacle lynching.[20] However, they made no official comment or criticism of the horrific violence that made Waco so notorious. Then-mayor Mae Jackson remarked to her city manager that the lynching was tragic and should not be forgotten, but that she was looking to the future.[21]

Another important parallel is that, as in the Byrd case, some locals so strongly associated the lynching with individual actions that they eclipse dialogue about more global issues. Thus does Roland R. Fryer, Lucy Fryer's grandson, argue that it is a "stupid idea, to put up a monument to a black man who killed my grandmother."[22] While Fryer's aversion to honoring the man he believes is responsible for his relative's murder is understandable, I would argue that supporters of the proposed monument do not understand it as valorizing crime. Washington was targeted because of his race, after all, and not his alleged culpability in the murder. For this reason, I think such a memorial would be intended to officially acknowledge a local history of violent white supremacy.

This is especially important not only because racism is still very much a contemporary reality and because lynching still exists today, but also because Waco is a city littered with memorials to the past. These institutions and structures include a hall of fame commemorating Texas Rangers, a memorial marker at the site of the Branch Davidian compound at Mount Carmel, and even a Dr. Pepper museum.[23] In this context, the absence of a space or marker acknowledging the lynching of Washington is quite

glaring and troubling, especially in light of contemporary lynchings such as Byrd's and the importance of historical memory in shaping history.

For all these reasons, as Ashley Cruseturner has correctly observed, "This conversation about a monument is more important than a monument itself."[24] Working with objects that can but remind us of the irretrievable loss of a human soul, I would argue that it is incumbent upon us as a society to reach beyond shock, disgust, or mourning when faced with the worst excesses of human nature. We often lament the strange fruits of our American experience, and this is something right and seemly. Given the hard-won gains upon which we stand today, however, it is a far greater act of justice to scrutinize our roots.

Notes

Introduction

[1] Walter White, *Rope and Faggot: A Biography of Judge Lynch* (New York: Alfred A. Knopf, Inc., 1929; Reprinted with introduction by Kenneth Robert Janken, Notre Dame, IN: University of Notre Dame Press, 2001): 236.
[2] Ken Gonzales-Day, *Lynching in the West: 1850-1935* (Durham: Duke University Press, 2006): 46.
[3] These percentages are 71% (3,513 lynchings) and 73% (3,445 lynchings), respectively. Gonzales-Day, *Lynching in the West*, 45-46; White, *Rope and Faggot*, 230-233, 236.
[4] James Allen and John Littlefield, "Without Sanctuary: Photographs and Postcards of Lynching in America," Collection of James Allen and John Littlefield, http://www.withoutsanctuary.org/main.html (Accessed March 7, 2011).
[5] An observation deeply indebted to the insights of Kirsten Pai Buick and Finnie D. Colemen. Also see Christopher Waldrep, *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America* (New York: Palgrave McMillan, 2002).
[6] Such an observation is not restricted to lynching terminology. It is important to note that the same is true of other words that are also significant in my analysis. In this text, I have chosen to use the terms "European American" and "African American" when identifying a person's race. These terms, while not without problems, seem to be the best of bad choices. I use other racial terms when I wish to accurately quote a source and when I discuss ideas or ideologies most correctly expressed with that terminology. Waldrep, *Judge Lynch*, 15, 17.
[7] Anthropologist Randall White argues that "material forms of representation" are of great adaptive value in human cultural and biological evolution. He claims that human social life would probably be impossible without material culture, such as clothing or religious icons, which help to define important social categories and to nurture social bonds. Material culture is, after all, often tangible and long-lived. This is particularly true of objects, which can be exchanged and manipulated, and can also communicate information long after their creator is dead. Such conclusions are very relevant to contemporary material culture such as lynching photographs. (In my text, I am relying on archeologist James Deetz's definitions of such terms. "Culture," he argues, "is socially transmitted rules for behavior, ways of thinking about and doing things." Material culture is the "product" of culture, which he broadly defines as the "sector of our physical environment that we modify through culturally determined behavior.") These kinds of advances would have been invaluable to modern humans, White observes, such as those who migrated from Africa into Eurasia. There they had to compete with Neanderthals. These beings had long ago adapted to the glacial climate, and thus were physically better suited to exploit resources. James Deetz, *In Small Things Forgotten: An Archaeology of Early American Life*, 2nd ed. (New York: Anchor Books, 1996), 35; Claudia Dreifus, "How Culture Pushed Us to the Top of the Food Chain," *New York Times*, May 10, 2005, 2; Randall White, *Prehistoric Art: the Symbolic Journey of Humankind* (New York: Harry N. Abrams, Inc., 2003), 8, 12-16; John Noble Wilford, "When Humans Became Human," *New York Times*, February 26, 2002, 1.

[8] Noose incidents are excellent illustrations of this point. One example can be found in the infamous "Jena Six" case. The Jena Six are six African American students who were charged with attempted murder after the 2006 beating of an European American classmate in Jena, Louisiana. Many interpreted the severe charges, which attracted national scrutiny, as being racially motivated. Prior to the beating, racial tensions at Jena High School had been heightened when an African American student attempted to defy segregation among peers by sitting under what was known as the "White Tree." The next day, three nooses hung in the branches. Richard G. Jones, "In Louisiana, a Tree, a Fight and a Question of Justice," *New York Times*, September 19, 2007, 14.
[9] Waldrep, *Judge Lynch*, 10-11, 186-191.
[10] I discuss this in greater detail in chapter three.
[11] Waldrep, *Judge Lynch*, 8-9, 10-12. For a more thorough discussion of contemporary understandings of lynching and racial violence, see also chapter eight and the epilogue; Dora Apel, *Imagery of Lynching: Black Men, White Women and the Mob* (New Jersey: Rutgers University Press, 2004), 15-20; Dora Apel and Shawn Michelle Smith, *Lynching Photographs* (Berkeley, CA: University of California Press, 2007): 27-41.
[12] Deetz, *Small Things*, 18-19.
[13] E. M. Beck and Stewart Tolnay, *A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930* (Chicago: University of Illinois Press, 1995), 260.
[14] Gonzales-Day refers to this criteria as the Tuskegee definition. He chooses to work with it even though it forces him to exclude incidents he feels are pertinent to his study, because it allows him to insert a more accurate and racially diverse history of Californian lynching into an official and largely accepted American narrative of lynching. This is one example as to how this definition, while hardly uncontroversial, still continues to influence scholarship today in ways that are more political than accurate. Gonzales-Day, *Lynching in the West*, 11, 42-43. Waldrep also remarks on this fact in *Judge Lynch*, 2, 4, 13-15.
[15] David Garland, "Penal Excess and Surplus Meaning: Public Torture Lynchings in Twentieth Century America," *Law and Society Review* 39, no. 4 (Dec. 2005): 801.
[16] Apel and Smith, *Lynching Photographs*, 15.
[17] She observes that the definition of lynching was a mutable thing and that the impulse to lynch was "beyond racism or psychological sadism" because it was one kind of spectacle among many others, but still describes lynching as "a form of racial terror." Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940* (Chapel Hill: University of North Carolina Press, 2009), 2-3.
[18] Apel, *Imagery of Lynching*, 15-20.
[19] This failed anti-lynching conference was intended to standardize lynching criteria so as to further activist goals. Representatives of the NAACP argued for a broader, more inclusive definition of the term that would acknowledge a full spectrum of racial violence. More conservative organizations, such as the Tuskegee Institute and the Association of Southern Women for the Prevention of Lynching (AWSPL), supported a narrow interpretation of lynching. In part the reason was political, particularly for Jesse Daniel Ames of the AWSPL who felt close to the coveted lynch-free year. Many, including those associated with the Tuskegee Institute, also argued that murders involving peace officers should not be interpreted as lynchings. While the NAACP made

convincing arguments as to the importance of acknowledging a wide range of incidents, more conservative activists certainly had a point that narrowly defined categories enable the creation of defensible statistics and a more manageable field of data. Statistical data is, after all, invaluable to political activists. Waldrep, *Judge Lynch*, 2-3, 147-150.
[20] Waldrep, *Judge Lynch*, 3.
[21] Robert L. Zangrando, *NAACP Crusade Against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980), 4.
[22] Waldrep, *Judge Lynch*, 4-5.
[23] Jonathon Markowitz, *Legacies of Lynching: Racial Violence and Memory* (Minneapolis: University of Minnesota Press, 2000), xviii-xix.
[24] Again, see Waldrep. See also William D. Carrigan, *The Making of a Lynching Culture: Violence and Vigilantism in Central Texas, 1836-1916* (Chicago: University of Illinois Press, 2004), 3-9; Gonzales-Day, *Lynching in the West,* 3-7, 9-14; Apel and Smith, *Lynching Photographs*, 33-36; Wood, *Lynching and Spectacle*, 1, 3.
[25] Toni Morrison, *Playing in the Dark: Whiteness and Literary Imagination* (Cambridge: Harvard University Press, 1992), 17.
[26] Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 1997), 4.
[27] Michael Hatt, "Race, Ritual, and Responsibility: Performativity and the Southern Lynching," in *Performing the Body, Performing the Text*, ed. Amelia Jones and Andrew Stephenson (New York: Routledge, 1999), 80.
[28] My study is more case study than comparative study. Beck and Tolnay, *Festival of Violence*, ix-x.
[29] Apel, *Imagery of Lynching*, 18-19; Waldrep, *Judge Lynch*, 183.
[30] Senechal de la Roche engages in what she calls "pure sociology", wherein social actions are not explained in terms of individual actors but rather as mechanical processes unfolding within an abstracted social space. Roberta Senechal de la Roche, "Collective Violence as Social Control," *Sociological Forum* 11, no. 1 (March 1996): 100-102.
[31] See Ruth Frankenberg, *White Women, Race Matters: The Social Construction of White Women* (Minneapolis: University of Minnesota Press, 1993), 149-151.
[32] Theodore W. Allen, *The Invention of the White Race: Volume One, Racial Oppression and Social Control* (New York: Verso, 1998), 27.
[33] Allen, *White Race*, 16.

Chapter One: The "Documentation" of Jesse Washington

[1] According to newspaper accounts and Washington's alleged confession, Fryer had also been raped. However, as Patricia Bernstein observes, this point was never addressed by testimony in Washington's trial, and, tellingly, NAACP investigator Elisabeth Freeman believed it to be false. Patricia Bernstein, *The First Waco Horror: The Lynching of Jesse Washington and the Rise of the NAACP* (College Station, Texas: Texas A & M University Press, 2005), 89, 91-92, 94-97,166; Carrigan, *Lynching Culture*, 1; W. E. B. Du Bois, "The Waco Horror," *Crisis*, July 1916, S2-S3; Rogers Melton Smith, "Waco Lynching of 1916: Perspective and Analysis" (Masters thesis, Baylor University, 1971), 66, 71-72.

[2] Reports as to the composition of the Washington family and the particulars of Jesse Washington's arrest vary wildly. Within the various accounts relating these facts, Jesse Washington's age ranges from as young as 17 to as old as 22. Additionally, some texts claim that a woman named Moore lived with the family and also mention other children in the Washington household besides Jesse and William, but others include only Jesse. Finally, reports of the arrests vary, from the police taking in the entire family (including Moore) to just Jesse and William. Bernstein, *First Waco Horror*, 90, 92; Du Bois, "Waco Horror," S2; Smith, "Waco Lynching of 1916," 64, 66; James SoRelle, "The 'Waco Horror': the Lynching of Jesse Washington," *Southwestern Journal Quarterly* 86, no. 4 (April 1983): 520; "Murder of Robinson Woman Breaks McLennan Records for Fiendish Brutality," *Waco Morning News*, May 9, 1916, 1; "Farmers From Robinson Form Mob and Search Jail for Black Brute," *Waco Morning News*, May 10, 1916, 1; "Negro Confesses to Terrible Crime at Robinson," *Waco Times-Herald*, May 9, 1916, 1, 5; "Sworn Confession by Jesse Washington," *Waco Times-Herald*, May 10, 1916, 4; "Everything Ready for Trial Here Tomorrow of Jesse Washington," *Waco Times-Herald*, May 14, 1916, 9.

[3] In fact, Bernstein has suggested that Washington's lack of effective counsel may have been due to hostility and racism, as well as inexperience, on the part of his lawyers. Bernstein, *First Waco Horror*, 100-105; Carrigan, *Lynching Culture*, 1; Du Bois, "Waco Horror," S2-S4; Smith, "Waco Lynching of 1916," 60-84; SoRelle, " Lynching of Jesse Washington," 519-526.

[4] The size of the mob as reported by scholars, reporters, activists, and Freeman has also varied, especially after Waco residents began to face scathing public criticism. Freeman was irate to find that the size of the crowd was being reduced in popular memory from fifteen thousand to five hundred. An estimate of ten to fifteen thousand is widely accepted today, which also aligns with what was originally reported after the lynching by local newspapers. Bernstein, *First Waco Horror*, 142; Carrigan, *Lynching Culture*, 193; Du Bois, "Waco Horror," S6; Smith, "Waco Lynching of 1916," 85; SoRelle, "Lynching of Jesse Washington," 527-528.

[5] While the mob leaders were largely reported as unidentified Freeman was able to get five names, which Du Bois described as certainties and Bernstein as strong possibilities. These men were: Jesse Mims (Jess T. Mims, as identified by Bernstein), Dillard (Joseph W. Dillard, as identified by Bernstein), Hancock (James T. Hancock, as identified by Bernstein), Sparks (Clarence C. Sparks, as identified by Bernstein) and Frazer (William Henry Frazier, as identified by Bernstein). Bernstein, *First Waco Horror*, 147-154; Du Bois, "Waco Horror," S5.

[6] It is true that Deputy Barney Goldberg did initially draw his revolver to defend Washington in court but, as he was alone, was overpowered. In fact, Fleming had ordered his men not to resist the crowd but Goldberg had not gotten this information. The Deputy later convinced friends to print affidavits in the local paper vouching that he had not been in court that day, so as to counteract rumors that Goldberg had injured two spectators in the fracas. Bernstein, *First Waco Horror*, 106; Du Bois, "Waco Horror," S4; Smith, "Waco Lynching of 1916," 84, 90-91.

[7] Bernstein, *First Waco Horror,* 106-167; Carrigan, *Lynching Culture*, 2; Du Bois, "Waco Horror," S3-S8; SoRelle, "Lynching of Jesse Washington," 526-535; Smith, *Waco Lynching of 1916*, 84-116, 163.
[8] Michael Baxandall, *Patterns of Intention: On the Historical Explanation of Pictures* (New Haven: Yale University Press, 1985), 13-15.
[9] William Loren Katz, ed, *Thirty Years of Lynching in the United States: 1889-1918* (New York: Arno Press, 1969), 29.
[10] James Allen et al., *Without Sanctuary: Lynching Photography in America* (Santa Fe: Twin Palms Publishing, 2008), 12.
[11] Alwyn Barr, *Black Texans: A History of African Americans in Texas, 1528-1995*, 2nd ed. (Norman, OK: University of Oklahoma Press, 1996), 136; Carrigan, *Lynching Culture*, 113.
[12] Lynching refers to a spectrum of violence, from secretive, intimate hangings to elaborate spectacle lynchings. One example is the frontier or Western-style lynching in which lynchers often hanged their victims, riddled the corpse with bullets, and sometimes left placards identifying the alleged crime or offense. This mode of lynching was justified on the basis of popular sovereignty due to the absence of effective courts. Carrigan, *Lynching Culture*, 114-115, 132-133; David Garland, "Public Torture Lynchings," 799, 801-807, 812; Gonzales-Day, *Lynching in the West*, 15, 18, 27, 35-36, 44, 49-50, 96-97, 99, 11; Annette Rodriguez, "The Noose That Builds the Nation: Mexican Lynching in the Southwest" (Masters thesis, University of New Mexico, 2008), 17-18, 83; Waldrep, *Judge Lynch*, 56-58, 105, 109-110, 112, 115-116, 120, 126; White, *Rope and Faggot*, 21-22.
[13] Garland, "Public Torture Lynchings," 806-807. See also Apel, *Imagery of Lynching,* 15, 30, 44, 181-183; Apel and Smith, *Lynching Photographs*, 14, 23; Gonzales-Day, *Lynching in the West*, 139; Markowitz, *Legacies of Lynching*, xxvii.
[14] Gonzales-Day, *Lynching in the West*, 173-175, 177-178; Wood, *Lynching and Spectacle*, 3, 40. Thanks also to Finnie D. Coleman.
[15] That spectacle lynchings are extreme manifestations of lynching culture is a fairly obvious conclusion, one that Garland uses as a foundational assumption in his text exploring this mode of lynching. Garland, "Public Torture Lynchings," 800. See also J. William Harris, "Etiquette, Lynching, and Racial Boundaries in Southern History: A Mississippi Example," *The American Historical Review* 100, no. 2 (April 1995): 394.
[16] Lynchings were occasionally documented in other media. For example, Wood uncovered instances in which promoters exhibited what they claimed was a sound recording of the spectacle lynching of Henry Smith. Wood, *Lynching and Spectacle*, 72-74.
[17] Carrigan has observed that no other Texan lynching was as well photographed as Washington's, while both Bernstein and Rogers Melton Smith have noted that these images are unique as there are few other extant photographs of lynchings in progress. Apel and Smith, *Lynching Photographs*, 12; Bernstein, *First Waco Horror*, 3; Carrigan, *Lynching Culture*, 2.
[18] Apel, *Imagery of Lynching,* 31-32; Bernstein, *First Waco Horror*, 110; Carrigan, *Lynching Culture*, 2; Du Bois, "Waco Horror," S6; SoRelle, "Lynching of Jesse Washington," 527; Smith, "Waco Lynching of 1916," 106n30.

[19] Apel and Smith, *Lynching Photographs*, 15.
[20] That same year a crowd of 200 local residents lynched another African American man, Sank Majors, on charges of rape. Majors' case is discussed further below. Bernstein, *First Waco Horror*, 20-28; Terry Turner, "Photographs of Gildersleeve, Waco," *Waco Heritage and History* 1, no. 2 (Summer 1970): 15-17, 22.
[21] Turner, "Photographs of Gildersleeve," 15-17.
[22] Apel, *Imagery of Lynching*, 31-32; Bernstein, *First Waco Horror*, 110; Du Bois, "Waco Horror," S6; SoRelle, "Lynching of Jesse Washington," 527.
[23] James Allen identifies the Gildersleeve postcards as gelatin silver prints, a process, which utilizes a plate coated in a gelatin emulsion. Beaumont Newhall, *The History of Photography: From 1839 to the Present*, rev. ed. (New York: Rapoport Printing Corp., 1982), 123-129; Turner, "Photographs of Gildersleeve," 15-16.
[24] In addition to being able to take several close up shots of Washington's corpse after his death, Gildersleeve was also granted access to the Mayor's office on the second floor in City Hall so as to take clear pictures of the crowd and the lynching in progress. Apel, *Imagery of Lynching*, 31-32; Bernstein, *First Waco Horror*, 110-111; Du Bois, "Waco Horror," S6; SoRelle, "Lynching of Jesse Washington," 527.
[25] This is also a widely accepted fact in the study of lynching photographs, as many scholars have argued that photographers were an integral part of the lynch mob. Allen et al., *Without Sanctuary*, 11; Apel, *Imagery of Lynching*, 7-8, 30-32; Apel and Smith, *Lynching Photographs*, 16-17; Garland, "Public Spectacle Lynchings," 805.
[26] Catherine Zuromskis has come to a similar conclusion regarding photographs of torture taken by American military personnel at Abu Ghraib prison, which also parallels Baxandall's thesis referenced above. She writes that "photography is not so much culpable of the atrocities it represents as a window onto pervasive ideologies (in this case of racism and violence) that emanate unconsciously from intimate acts." Catherine Zuromskis, "On Snapshot Photography: Rethinking Photographic Power in Public and Private Spheres," in *Photography: Theoretical Snapshots* (London: Routledge, 2009), 61.
[27] Allen et al., *Without Sanctuary*, 14; Garland, "Public Torture Lynchings," 806-7; Harris, "Etiquette, Lynching, and Racial Boundaries," 393-394.
[28] Bernstein, *First Waco Horror*, 109.
[29] Du Bois, "Waco Horror," S6.
[30] A group of young boys happened upon Washington's head, which had broken off of his body as it was dragged through Waco streets, and pried his teeth loose so as to sell them. Apel, *Imagery of Lynching*, 32; Bernstein, *First Waco Horror*, 111.
[31] As Jonathan Kear has observed that, because of the materiality of the photograph, it can be interpreted to substitute for the moment it depicts. Frances Guerin and Roger Hallas, ed., *The Image and the Witness: Trauma, Memory and Visual Culture* (London: Wallflower Press, 2007), 135. See also Allen et al., *Without Sanctuary*, 11; Apel, *Imagery of Lynching*, 30-31; Carrigan, *Lynching Culture*, 184; Guerin and Hallas, *The Image and the Witness*, 208; Hatt, "Race, Ritual, and Responsibility," 83.
[32] Zuromskis, "Rethinking Photographic Power," 53. See also Gonzales-Day, *Lynching in the West*, 183.

[33] Allen et al., *Without Sanctuary*, 11; Apel, *Imagery of Lynching*, 30-31; Apel and Smith, *Lynching Photographs*, 16-17, 19-20, 23-24; Garland, "Public Torture Lynchings," 807; Gonzales-Day, *Lynching in the West*, 139; Hatt, "Race, Ritual, and Responsibility," 83.
[34] Stories such as these help convey some idea of how Gildersleeve's photographs may have been interpreted and used in the historical moment of their creation. The display of trophies was clearly a statement of personal power, and therefore important to the European American men, women, and children who consumed them. At the same time, knowledge of the existence and display of these objects exerted a strong impact on an African American audience. Bernstein, *First Waco Horror*, 109.
[35] Baker was also Sank Majors' great-niece. Bernstein, *First Waco Horror*, 109.
[36] Baxandall, *Patterns of Intention*, 1.
[37] Baxandall, *Patterns of Intention*, 1-3.
[38] Mieke Bal has also referenced this fact: "Each reader brings to the signs their own baggage." Mieke Bal, *Narratology: Introduction to the Theory of Narrative* (Buffalo: University of Toronto Press, 1997), 63; Baxandall, *Patterns of Intention*, 1-11.
[39] Kathleen Biddick, "Paper Jews: Inscription/Ethnicity/Ethnography," *The Art Bulletin* 78, no. 4 (Dec. 1996): 597.
[40] Waldrep, *Judge Lynch,* 4-6, 8-11, 13-14, 20, 24-25,37, 40, 49, 61-2, 66-68, 71, 73, 78-81, 83, 88-92, 95-96, 105, 109, 120-123, 130, 147-148, 151-152, 162, 167-168, 178.
[41] Apel and Smith, *Lynching Photographs*, 15, 34-36, 41; Amelia Jones, "The 'Eternal Return': Self-Portrait Photography as a Technology of Embodiment," *Signs* 27, no. 4 (Summer 2002): 961, 970-971.
[42] Apel, *Imagery of Lynching*, 44; Carrigan, *Lynching Culture*, 44, 81, 105, 113-125, 132, 138-139, 184; Garland, "Public Torture Lynchings," 798, 800, 804. 806-810, 812-814, 817-818; Gonzales-Day, *Lynching in the West*, 23, 39, 47, 54, 70, 80, 103, 140; Hatt, "Race, Ritual and Responsibility," 77, 80-81; Cynthia Skove Nevels, *Lynching to Belong: Claiming Whiteness Through Racial Violence* (College Station: Texas A & M University Press, 2007), 76; Waldrep, *Judge Lynch*, 25, 68, 72, 86-88, 105.
[43] It should be noted that lynching photography constitutes a distinct photographic genre. Apel and Smith, *Lynching Photographs*, 12.
[44] In this, I am drawing from the work of philosopher Charles Sanders Peirce. He categorized photographs as indexical signs, an object that relates to another and therefore confirms its existence. "A photograph," Peirce writes, "not only excites an image, has an appearance, but, owing to its optical connexion [sic] with the object, is evidence that that appearance corresponds to a reality." Charles Sanders Peirce, *Collected Papers of Charles Sanders Peirce*, eds. Charles Hartshorne and Paul Weiss, vol. 2, *Elements of Logic* (Cambridge, MA: Harvard University Press, 1934), 304, quoted in Anne Freadman, *The Machinery of Talk: Charles Peirce and the Sign Hypothesis* (Stanford, CA: Stanford University Press, 2004), 110; Charles Sanders Peirce, *Collected Papers of Charles Sanders Peirce*, eds. Charles Hartshorne and Paul Weiss, vol. 4, *The Simplest Mathematics* (Cambridge, MA: Harvard University Press, 1932), 447, quoted in Freadman, *The Machinery of Talk*, 81.
[45] In one of many texts referencing this thesis, Amelia Jones similarly refers to the camera as a fist unfurling towards the subject and scooping it into the photograph. Jones,

"Technology of Embodiment," 67. Roland Barthes, *Camera Lucida: Reflections on Photography* (New York: Hill and Wang, 1981): 80.
[46] Derrick Price and Liz Wells, "Thinking About Photography: Debates, Historically and Now," in *Photography: A Critical Introduction*, ed. Liz Wells, 3rd ed. (New York: Routledge, 2004), 13-17.
[47] Hatt makes just this observation in speaking of lynching photographs generally. Hatt, "Race, Ritual and Responsibility," 81.
[48] Hatt, "Race, Ritual and Responsibility," 81.
[49] "Swift Vengeance Wreaked on Negro After Jury Brings in Death Penalty," *Waco Morning News*, May 16, 1916, 5.
[50] This impression would have been strengthened given local knowledge of both spectators in attendance and of Washington himself. (Due to the state of his body, Washington's race would not have been apparent to those not familiar with story.) Bernstein, *First Waco Horror*, 102-103,109, 111, 148-154; Smith, "Waco Lynching of 1916," 85; Waldrep, *Judge Lynch*, 96.
[51] Bernstein, *First Waco Horror*, 103, 105, 111; Smith, "Waco Lynching of 1916," 87; SoRelle, "The Lynching of Jesse Washington," 521, 527.
[52] Bernstein, *First Waco Horror*, 93, 111; Smith, "Waco Lynching of 1916," 87; SoRelle, "The Lynching of Jesse Washington," 521, 527.
[53] Bernstein, *First Waco Horror*, 111; SoRelle, "The Lynching of Jesse Washington," 527.
[54] Bernstein, *First Waco Horror*, 109; Du Bois, "Waco Horror", S4.
[55] Bernstein, *First Waco Horror*, 93; Smith, "Waco Lynching of 1916," 74; SoRelle, "The Lynching of Jesse Washington," 521.
[56] For another case study, see Nevels, *Lynching to Belong*, 71-94.
[57] Ida B. Wells-Barnett, *Selected Works of Ida B. Wells-Barnett*, ed. Trudier Harris (New York: Oxford University Press, 1991), 19, 25, 30, 145, 171-174, 191-212. See also Carrigan, *Lynching Culture*, 152.
[58] Wells-Barnett, *Selected Works*, 146.
[59] Markowitz, *Legacies of Lynching*, 15; Waldrep, *Judge Lynch*, 89.
[60] Smith, "Waco Lynching of 1916," 114. See also Garland, "Public Torture Lynchings," 800.
[61] Nevels, *Lynching to Belong*, 64.
[62] Nevels takes this as one of the foundational assumptions of her text, *Lynching to Belong*. See also Apel, *Imagery of Lynching*, 137; Bernstein, *First Waco Horror*, 93, 111; Carrigan, *Lynching Culture*, 89; Smith, "Waco Lynching of 1916," 87; SoRelle, "The Lynching of Jesse Washington," 521, 527.
[63] Nevels uses the case study of Fannie Palazzo, an Italian woman who claimed to be raped by an African American man named Jim Reddick. When authorities took seriously the testimony of Reddick's alibi witnesses, three African American women, Nevels argues that the rising credibility of these women underscored Palazzo's endangered status as a "pure southern white woman." Nevels, *Lynching to Belong*, 92-93.
[64] Gonzales-Day, *Lynching in the West*, 60; Jones, "Technology of Embodiment," 950; Apel and Smith, *Lynching Photographs*, 24.

[65] Based on Freeman's initial identification of the principals in the mob. Bernstein, *First Waco Horror*, 151-154.
[66] Apel and Smith, *Lynching Photographs*, 25. See also Hatt, "Race, Ritual and Responsibility," 80-82.
[67] Apel and Smith, *Lynching Photographs*, 24.
[68] Gonzales-Day, *Lynching in the West*, 102-103.
[69] Which he did, fiercely and with all his strength, until he was exhausted and weakened from torture. Bernstein, *First Waco Horror*, 108.
[70] This is a particularly important point, because one way that Washington was vilified was in branding him a rapist. This allowed those men who wished to participate in his lynching to claim they were protecting white women from a criminal. Admitting the vulnerability of African American women and girls would have undermined such a tidy rhetorical binary, and so apologists systematically omitted and minimized their presence in narratives of Washington's crime and lynching.
[71] Hatt explores this concept in his article, "Race, Ritual and Responsibility." Furthermore, Jeannene Przyblyski observes that although an image may articulate social norms, it does not follow that it also conveys the social work necessary for an audience to interpret these norms as common sense. Jeannene Przyblyski, "Archive or Art?" *Art Journal* 58, no. 2 (Summer 1999): 116.
[72] Hatt, "Race, Ritual and Responsibility," 80.
[73] Hatt, "Race, Ritual and Responsibility," 80.
[74] Bernstein, *First Waco Horror*, 122; Smith, "Waco Lynching of 1916," 112.
[75] Du Bois, "Waco Horror," S3.
[76] Bernstein, *First Waco Horror*, 110-111; Turner, "Photographs of Gildersleeve," 15-17.
[77] Bernstein, *First Waco Horror*, 148-154.
[78] Carol Duncan is herself drawing from Mary Douglas' thesis. Carol Duncan, "The Art Museum as Ritual," in *The Art of Art History: A Critical Anthology*, ed. Donald Preziosi (New York: Oxford University Press, 1998), 474-475.
[79] Mary Douglas, *Purity and Danger: An Analysis of Concept of Pollution and Taboo*, 2nd ed. (London: Routledge Classics, 2002), 77-78.
[80] Douglas, *Purity and Danger*, 78.
[81] Douglas, *Purity and Danger*, 79. See also Steven Hoelscher, "Making Race: Performances of Whiteness in the Jim Crow South," *Annals of the Association of American Geographers* 93, no. 3 (Sep. 2003): 661.
[82] Douglas, *Purity and Danger*, 79.
[83] Garland, "Public Torture Lynchings," 807.
[84] Zuromskis, "Rethinking Photographic Power," 57.
[85] Markowitz, *Legacies of Lynching*, xx.
[86] Allan Sekula, "The Body and the Archive," *October* 39 (Winter 1986): 10.
[87] Sekula uses the photographic projects of Alphonse Bertillon and Francis Galton to help illuminate two general approaches in organizing and interpreting an archive. Bertillon developed standardized photographic documents, organized within an elaborate filing system, to quantify individual characteristics of criminals so as to more efficiently track them. His was the first effective criminal identification system. Conversely, Gaston, a statistician and the founder of eugenics, attempted to discover the criminal type by

overlaying portraits of individuals so as to make clear those physical characteristics shared among groups of people. Bertillon sought to realize his agenda by individuating his subjects, whereas Galton created types. Either way, both projects were grounded in a particular ideology and both men were invested in the concept of the "average man," which itself stemmed from the codification of social sciences. Significantly, this concept is informed by the pathology of its inverse: the criminal. Sekula, "Body and the Archive," 10, 18-24.

[88] Lauri Firstenberg, "Representing the Body Archivally in South African Photography," *Art Journal* 61, no. 1 (Spring 2002): 59, 66.

[89] Przyblyski, "Archive or Art," 116.

[90] Nevels, *Lynching to Belong*, 8.

[91] Noting the racial tensions between Italian immigrants and African Americans at the time, which were exacerbated by the dubious racial status of Italians in the eyes of local European American residents, Nevels observes that while there is no way to know whether or not Palazzo's reactions were calculated, it is also true that such behavior was strongly associated with virtuous white womanhood and as such had helped legitimate rape charges consistently in the past. Nevels, *Lynching to Belong*, 71, 76-88.

[92] Bernstein, *First Waco Horror*, 218n17.

[93] Specifically "white of German birth." Nevels, *Lynching to Belong*, 81, 121-122.

[94] Bernstein, *First Waco Horror*, 18-19.

[95] Carrigan, *Lynching Culture*, 8-9.

[96] William Carrigan and Clive Webb, "Muerto por Unos Desconocidos (Killed by Persons Unknown): Mob Violence Against Blacks and Mexicans," in *Beyond Black and White: Race, Ethnicity, and Gender in the U.S. South and Southwest*, eds. Stephanie Cole and Alison M. Parker (College Station, TX: Texas A & M University Press, 2004), 41, 43-44; Garland, "Public Torture Lynchings," 804-805; Rodriguez, "The Noose," 19-20.

[97] Garland, "Public Torture Lynching," 811.

[98] Carrigan and Webb, "Muerto por Unos Desconocidos," 43; Garland, "Public Torture Lynchings," 804-805.

[99] Carrigan, *Lynching Culture*, 170-179.

[100] Many Mexicans left Mexico and Southern Texas because of the turmoil created by the Mexican Revolution, a situation compounded by the extreme racial violence directed at them in this region. At the same time, the exodus of large numbers of African Americans from Central Texas as well as agitation by those who remained for better conditions paved the way for the acceptance of Mexican and Mexican American migrants, while the booming economy of cities like Waco was a powerful draw. Waco in particular became a meeting place for those fleeing violence in southern Texas and Mexico. These newcomers, Carrigan notes, successfully competed for the jobs traditionally filled by African American laborers. Carrigan, *Lynching Culture*, 174-176.

[101] Carrigan, *Lynching Culture*, 176-178.

[102] Carrigan, *Lynching Culture*, 178.

[103] Carrigan, *Lynching Culture*, 171-179.

[104] Beck and Tolnay, *A Festival of Violence*, 143-144, 148-149.

[105] Elisabeth Freeman uncovered a rumor, which she was unable to substantiate, that Jesse Washington had been involved in a fight with a European American man from

Rosenthal. Washington had accidentally stepped on this man's toes and then vigorously defended himself when attacked. When the man threatened Washington's life, Washington drove by his house and dared him to carry out his threat. If this story is true, then Washington's neighbors may well have considered him to be a hothead or a troublemaker. At the same time, the young man was also considered by many to be slow. He was never able to learn to read or write, and Thomas Hague recounted a story in which Washington was unable to finish carpentry work that Hague's father had asked him to complete. The elder Hague, a close friend of George Fryer, concluded that Jesse was both dim and lazy. Bernstein, *First Waco Horror*, 90-91.

[106] Allen, *Invention of the White Race*, 27 35-36, 69-70, 82, 134-135, 153, 184, 196.

[107] Bernstein identified Frazier working from Freeman's report. Frazier's social standing may have been further compromised by the fact he lived with two women: his wife and his wife's sister, his mistress. Although the family settled on a cover story to obscure public knowledge of this fact, Frazier did father children with both women after arriving in Waco. Bernstein, *First Waco Horror*, 151-154.

[108] Bernstein, *First Waco Horror*, 151-155.

[109] Garland, "Public Torture Lynchings," 808.

[110] Hatt draws from the thesis of J. L. Austin, who theorizes that some forms of speech can be considered a genre of performance. Hatt, "Race, Ritual and Responsibility," 82. See also Garland, "Public Torture Lynchings," 808.

[111] Bernstein, *First Waco Horror*, 123; Smith, "Waco Lynching of 1916," 114.

[112] While Hutchison may be remembering Washington's lynching, Bernstein speculates that it was more likely the lynching of Jesse Thomas in 1922, when Hutchison would have been 12. The remark was made as she called out to her siblings to ask if they had gotten barbeque for dinner at the same time the truck dragging the corpse drove past her house. Bernstein, *First Waco Horror*, 125.

[113] Bernstein, *First Waco Horror*, 145.

[114] Morrison, *Playing in the Dark*, 7.

[115] Morrison, *Playing in the Dark*, 6-7.

[116] Chantal Mouffe, "Citizenship and Political Identity," *October* 61, "The Identity in Question" (Summer 1992): 30.

[117] Kirsten Pai Buick, *Child of the Fire: Mary Edmonia Lewis and the Problem of Art History's Black and Indian Subject* (Durham, NC: Duke University Press, 2010), 42.

[118] Specifically, imagery dealing with the Middle Passage. Marcus Wood, *Blind Memory: Visual Representations of Slavery in England and America, 1780-1865* (New York: Routledge, 2000), 21.

[119] Wood, *Blind Memory*, 84-85.

[120] Wood, *Blind Memory*, 143, 145-147, 182-189.

[121] Dixon wrote these novels in part to respond to *Uncle Tom's Cabin*, which he felt presented a false picture of Southern race relations. Melvyn Stokes, *D. W. Griffith's* The Birth of a Nation*: A History of "The Most Controversial Motion Picture of All Time"* (New York: Oxford University Press, 2007), 35-52; Michelle Faith Wallace, "The Good Lynching and The Birth of a Nation: Discourses and Aesthetics of Jim Crow," *Cinema Journal* 43, no. 1 (Autumn 2003): 86, 91, 98.

[122] Wood, *Blind Memory*, 20.

[123] Wood, *Blind Memory*, 43-44, 222; Hugh Honour, *Black Models and White Myths*, vol. 2 of *From the American Revolution to World War I*, ed. Karen C. C. Dalton, vol 4 of *The Image of the Black in Western Art*, ed. Ladislas Budgner (Cambridge: Harvard University Press, 1989), 141-143.
[124] Wood, *Blind Memory*, 158, 216-217, 260.
[125] Wood, *Blind Memory*, 19, 23, 43-44, 55, 85, 144, 148-149, 154, 159, 166-167, 191, 216, 230, 232; Honour, *Black Models*, 12, 16, 98, 138, 141-143.
[126] Honour, *Black Models*, 67.
[127] Honour, *Black Models*, 67-69.
[128] Honour, *Black Models*, 67.
[129] Gonzales-Day, *Lynching in the West*, 102-103.
[130] Biddick, "Paper Jews," 599.
[131] Honour, *Black Models*, 67.
[132] Honour, *Black Models*, 67.
[133] Honour, *Black Models*, 67-69.
[134] This conclusion does not, however, fully explain the subject of the final painting. If Mastin was simply in the business of wish fulfillment, why not commission an image of a lynching instead of a formal execution? I think that the answer begins with schisms brought to the surface in Auburn by Freeman's public charges of racism and the defense of this man by an elite European American member of local society. This is especially true as this incident occurred within the context of anxieties and increased racial tensions created in part from the rising sectarian hostility between the North and South. With this in mind, the appeal of Mastin's painting becomes even clearer. It depicts a community united by Freeman's death in a naturalized hegemonic order despite differences of opinion, as indicated by the range of expression on the faces of spectators. (Significantly, an African American man looks on with approving glee.) Furthermore, there are parallels between this work and some Christian images of despair, suicide and damnation. According to the logic of the Christian philosophical traditions referenced by these images, desperate people can be interpreted as active agents in their own obliteration: they choose to abandon God, and therefore the bliss of salvation. In the same way, the narrative Mastin commissioned visualized Freeman's death as the natural consequence of his crimes (also, it should be said, the same general interpretation of Washington's story printed by the Waco press). In light of the tensions that existed within his audience over slavery, the showman may have further legitimated racist imagery by turning to what seemed to be a more universal and authoritative metaphor with which to articulate his interpretation of Freeman's story: Christian imagery. I greatly appreciate Kirsten Pai Buick bringing the similarities between this painting and Christian images of suicides to my attention, specifically those included within a fourteenth-century fresco cycle adorning the Arena Chapel in Padua, Italy painted by Giotto di Bondone. Honour, *Black Models*, 67-69; Susan Snyder, "The Left Hand of God: Despair in Medieval and Renaissance Tradition," *Studies in the Renaissance* 12 (1965): 20-23, 32-36, 38-40, 47-59.
[135] Carrigan defines historical memory as "the ways in which individuals, social groups and communities shape recollections to suit present needs." Carrigan, *Lynching Culture*, 10. See also Hoelscher, "Making Race," 660-661.

[136] Carrigan, *Lynching Culture*, 8-9, 12-13. 18, 21, 28-27, 29-40, 42-44, 48-49, 62, 72, 74-76, 78-79, 81-85, 90, 92-93, 95, 98, 103-106, 110, 112-116, 120,-124, 129, 132, 134-136, 140, 149-152, 158-159, 163-165, 170, 175-176.
[137] Carrigan, *Lynching Culture*, 31-32, 44-45, 183-185, 188.
[138] Rationalizations of lynching were not all originally racist, for example, but were instead successfully racialized by white supremacists and anti-lynching activists such as Wells-Barnett. Carrigan, *Lynching Culture*, 115; Waldrep, *Judge Lynch*, 101, 105, 108-109, 112, 115, 123, 130, 141, 151-152, 168, 182.
[139] Carrigan, *Lynching Culture*, 183-184, 187; Garland, "Public Torture Lynchings," 807.
[140] Bernstein, *First Waco Horror*, 22-23, 58-59, 117; Carrigan, *Lynching Culture*, 183-184; Waldrep, *Judge Lynch*, 87-97, 101, 119-121, 128.
[141] Bernstein, *First Waco Horror*, 22-27; Carrigan, *Lynching Culture*, 171, 200-201; Smith, "Waco Lynching of 1916," 33-38.
[142] Garland, "Public Torture Lynchings," 804.
[143] Bernstein, *First Waco Horror*, 58-59.
[144] While the photograph is correctly attributed in the *Without Sanctuary* catalogue, in the electronic exhibit the victim is identified as Jesse Washington. Bernstein, however, argues the image depicts the Stanley lynching. I concur with the catalogue and Bernstein, not only because the postcard was printed in Temple but also because the details of Washington's lynching do not quite match with the body presented in this photograph. Even so, the picture of Stanley strongly resembles Gildersleeve's work; his charred corpse is hung on display by means of a chain and European American men pose with it before a crowd. Here, however, is where Gildersleeve's pictures differ. The crowd depicted in this photograph includes not only men from different socio-economic status (indicated by their attire) but also at least one woman and several children, which affects interpretation of the image. Even so, because the body is posed with two male spectators on a platform elevated above these people, I would argue that many of the same associations with masculinity and power still apply. The presence of the woman and children may explain a white cloth that has been tied around Stanley's waist, which must have been intended to signal the moral character of members of the lynch mob for a later audience. Certainly it could not have been present throughout the lynching as Stanley was burnt to death. This was not done in Gildersleeve's photographs, but then his photographs only depict male spectators. Allen et al., *Without Sanctuary*, 174n25; Allen and Littlefield, "Without Sanctuary," http://www.withoutsanctuary.org/main.html; Bernstein, *First Waco Horror*, 58-59.
[145] Allen et al., *Without Sanctuary*, plates 25-26.
[146] This is the same price Gildersleeve asked for his postcards roughly a year later. Bernstein, *First Waco Horror*, 59.
[147] Carrigan, *Lynching Culture*, 183-184, 187; Garland, "Public Torture Lynchings," 807-808.
[148] This "privilege" was ultimately granted to a "little boy". Du Bois, "Waco Horror", S4. See also Bernstein, *First Waco Horror*, 106-111; Smith, "Waco Lynching of 1916," 85-87; SoRelle, "Lynching of Jesse Washington," 526-528.
[149] Bernstein, *First Waco Horror*, 111-114. See also Garland, "Public Torture Lynchings," 806.

[150] Garland, "Public Torture Lynchings," 806-807.
[151] Bernstein, *First Waco Horror*, 92-94, 101-102, 106; Du Bois, "Waco Horror," S2-S6; Smith, "Waco Lynching of 1916," 65, 73-74, 75-78, 84; SoRelle, "Lynching of Jesse Washington," 520-523.
[152] Bernstein, *First Waco Horror*, 20-25.
[153] Garland, "Public Torture Lynchings," 808.
[154] The bridge was the same spot where Majors had been hanged 11 years earlier. Significantly, Majors was very nearly burned, and his body was still maimed for souvenirs and set on fire after his death. Bernstein, *First Waco Horror*, 24-25, 108; Carrigan, *Lynching Culture*, 10; Garland, "Public Torture Lynchings, 808; Smith, "Waco Lynching of 1916," 33-38.
[155] Bernstein, *First Waco Horror*, 163.
[156] Garland, "Public Torture Lynchings," 807-808; Waldrep, *Judge Lynch*, 6, 9-10, 20, 23-25, 27, 32-35, 49-50, 54-55, 58, 61-62, 64-68, 71-73, 78-83, 85-87, 89-98, 101, 104-106, 111-112, 114-115, 119-124, 126, 130, 139-140, 142, 147, 149-152.

Chapter Two: Responding to Lynching

[1] Wood, *Lynching and Spectacle*, 147-150 158-159, 161-167.
[2] Bernstein, *First Waco Horror*, 79-80.
[3] Jack Temple Kirby has argued that, as a Progressive-era paternalist, Griffith both favored segregation and preferred nostalgic imagery. Jack Temple Kirby, "D. W. Griffith's Racial Portraiture," Phylon 39, no. 2 (2nd Quarter, 1978):120-121.
[4] D. W. Griffith, dir., "Little Sister's Fate" and "'Justice' for Gus," *Birth of a Nation*, DVD (1915; New York City, New York: Kino on Video, 2002); Wood, *Lynching and Spectacle*, 151-155.
[5] Wood argues that in *Birth of a Nation* Griffith has re-interpreted the events of Reconstruction as melodrama, observing that white women are at the moral center of both pro-lynching and melodramatic narratives. Griffith, *Birth of a Nation*; Wood, *Lynching and Spectacle*, 151-155.
[6] Waldrep, *Judge Lynch*, 88; Wood, *Lynching and Spectacle*, 151-155.
[7] Waldrep, *Judge Lynch*, 15.
[8] Lynch may also have been motivated by ethnic and class biases. Waldrep uncovered a letter from the wife of a man arrested by Lynch that alludes to serious friction between Lynch and local Welsh residents, and Lynch and his manager employed lynching to break a strike by Welsh lead miners. Waldrep, *Judge Lynch*, 15-17.
[9] Specifically, Jefferson conceded that, given the circumstances, he thought it right that Lynch arrest suspects immediately, but still expressed anxieties about the neglect of due process after alleged Tories were taken into Lynch's custody. He urged the Colonel to consult with lawyers so as to ensure full conformity with the law and authorized the expense of extra manpower needed to escort alleged traitors to the capitol for trial. Waldrep, *Judge Lynch*, 15-18.
[10] Given that Lynch was so successful in manipulating a protective, apologist rhetoric, violence, and extant legal procedures to maintain control of his circumstances, it is interesting that Waldrep speculates he may also have influenced the legitimate operations

of the court. The scholar notes that an unusually high number of suspects pled guilty to high treason there, a capitol crime, indicating that these men may have been coerced into their confessions. If true, then the lynchings can be seen as just one facet of a larger project developed by Lynch and his cohort, in which legal and extralegal activities were mutually reinforcing and rationalized by the evocation of terrorism. Waldrep, *Judge Lynch*, 16-19.

[11] Waldrep, *Judge Lynch*, 21-25, 49-66.

[12] Waldrep, *Judge Lynch*, 51-60.

[13] Waldrep, *Judge Lynch*, 60.

[14] Waldrep, *Judge Lynch*, 56-57.

[15] Waldrep, *Judge Lynch*, 55.

[16] Waldrep, *Judge Lynch*, 61.

[17] Waldrep observes that lynching plays different roles at different points in American history. During Reconstruction, for example, there was the real possibility of drastic societal change. As violence enacted in the course of genuine socio-political contest, lynching in that moment was revolutionary in nature. However, in the Gilded Age European American conservatives were firmly in power. As such, lynching functioned to help maintain power regained and consolidated in an earlier era. Waldrep, *Judge Lynch*, 67-84.

[18] Waldrep, *Judge Lynch*, 20-25, 28-32, 49-68, 75-84, 88-100, 106-110, 116-122, 128-131, 154, 165, 187.

[19] Gordon, *Ghostly Matters*, 8; Waldrep, *Judge Lynch*, 5.

[20] Austin, J. L., *How To Do Things With Words*, eds. Marina Sbisa and J. O. Urmson (Cambridge: Harvard University Press, 1975), 5-6.

[21] Gordon, *Ghostly Matters*, 8.

[22] Bal dissects a text by Evelyn Fox Keller and, noting the range of potential interpretations of one word ("secret"), argues that "the word is here a substitute for something else, not a single term but ... a narrative." Bal, *Narratology*, 35.

[23] Waldrep, *Judge Lynch*, 5.

[24] Waldrep, *Judge Lynch*, 5.

[25] Carrigan, *Lynching Culture*, 10-14, 24-25, 27, 30-32, 36-38, 44-46, 74, 81-82, 105, 113, 142, 169.

[26] Bernstein, *First Waco Horror*, 22-23, 58-59, 117; Carrigan, *Lynching Culture*, 183-184; Waldrep, *Judge Lynch*, 87-97, 101, 119-121, 128.

[27] Bernstein, *First Waco Horror*, 111-114, 116-117; Carrigan, *Lynching Culture*, 189-191, 193; SoRelle, "Lynching of Jesse Washington," 528-529, Smith, "Waco Lynching of 1916," 104-105.

[28] Bernstein, *First Waco Horror*, 117, 122, 124, 220; Carrigan, *Lynching Culture*, 190-191, 200-201; Du Bois, "Waco Horror," S1, S3-S6, S8; SoRelle, "Lynching of Jesse Washington," 529-531; Smith, "Waco Lynching of 1916," 114-115.

[29] See, for example, James H. Madison, *A Lynching in the Heartland: Race and Memory in America* (New York: Palgrave, 2001), 113.

[30] Bernstein, *First Waco Horror*, 108-111; Carrigan, *Lynching Culture*, 2, 190; SoRelle, "Lynching of Jesse Washington," 527-528.

[31] Bernstein, *First Waco Horror*, 115-118.

[32] Bernstein, *First Waco Horror*, 147; Du Bois, "Waco Horror", S8.
[33] Given that McCollum objected to the lynching as antithetical to social order and a functional legal system, photographs demonstrating the extent of popular support for the lynching hindered as much as helped his argument. Bernstein, *First Waco Horror*, 116-117; A. R. McCollum, "The Work of the Mob," *Waco Semi-Weekly Tribune,* May 17, 1916, 6.
[34] Bernstein, *First Waco Horror*, 120, 122-123; Carrigan, *Lynching Culture*, 190; Du Bois, "Waco Horror," S6; Garland, "Public Torture Lynchings," 806; SoRelle, "Lynching of Jesse Washington," 528.
[35] "Court's Entry Not Finished When Mob Secured Negro, *Waco Times Herald*, May 16, 1916, 1.
[36] Bernstein, *First Waco Horror*, 111-114; SoRelle, "Lynching of Jesse Washington" 529.
[37] As Steven Hoelscher, a scholar of American Studies, observes, deciding what becomes accepted as truth reinforces authority. Hoelscher, "Making Race," 660; Du Bois, "Waco Horror," S6.
[38] Bernstein, *First Waco Horror*, 26.
[39] Bernstein, *First Waco Horror*, 26.
[40] Bernstein, *First Waco Horror*, 90; Du Bois, "Waco Horror," S2; Smith, "Waco Lynching of 1916," 64; SoRelle, "Lynching of Jesse Washington," 520.
[41] Bernstein, *First Waco Horror*, 89-90; Carrigan, *Lynching Culture*, 201; Smith, "Waco Lynching of 1916," 64; SoRelle, "Lynching of Jesse Washington," 520.
[42] "Farmers From Robinson," *Waco Morning News*, 1.
[43] "Negro Confesses to Terrible Crime," *Waco Times-Herald*, 1, 5.
[44] Although only African American subjects are identified by race. Bernstein, *First Waco Horror*, 89-118.
[45] Waldrep, *Judge Lynch*, 123.
[46] "Farmers From Robinson," *Waco Morning News*, 1.
[47] Washington was often described as "slow," physically strong but easily confused. After allegedly committing murder, for example, the teenager returned to the field to finish planting and then simply went home. When arrested, he quickly overcame his fear and fell asleep in the patrol car. (It should also be noted that some of these observations could support the claim that Washington was innocent.) Bernstein, *First Waco Horror*, 89.
[48] Bernstein, *First Waco Horror*, 89-106.
[49] Bernstein ties this observation to the concept of "acceptable folk pornography," an idea developed by historian Jacquelyn Dowd Hall. Bernstein, *First Waco Horror*, 94-95.
[50] "Murder of Robinson Woman," *Waco Morning News*, 1.
[51] "Negro Confesses to Terrible Crime," *Waco Times-Herald*, 1, 5.
[52] Bernstein, *First Waco Horror*, 94-97.
[53] "Murder of Robinson Woman," *Waco Morning News*, 1.
[54] "Farmers From Robinson," *Waco Morning News*, 1.
[55] "Swift Vengeance," *Waco Morning News*, 1,5.
[56] Bernstein, *First Waco Horror*, 114.
[57] Bernstein, *First Waco Horror*, 145-146.
[58] Bernstein, *First Waco Horror*, 145-146.

[59] Bernstein, *First Waco Horror*, 116-117; McCollum, "The Work of the Mob," 6.
[60] Bernstein, *First Waco Horror*, 19; Carrigan, *Lynching Culture*, 194-195; Marion Travis, *Madison Cooper* (Waco, TX: Word Books, 1971), 14, 96, 101.
[61] Bernstein, *First Waco Horror*, 19-20; Carrigan, *Lynching Culture*, 194-195.
[62] While Jared as an individual has been broken, as Catherine Zuromskis observes, he continues on as a racialized type.
[63] Bernstein, *First Waco Horror*, 19-20; Carrigan, *Lynching Culture*, 194-195; Madison Cooper, *Sironia*, 2 vols. (Boston: Houghton Mifflin Company, 1952), 1466-1481.
[64] Richard Dyer, "The Role of Stereotypes," in *The Matter of Images: Essays on Representations* (New York: Routledge, 1993), 11-12.
[65] Specifically that the law is best understood as an expression of the will of the people (popular sovereignty) and that Americans have the right, even the obligation, to step in when the legal institutions are corrupt, weakened, or nonexistent. Waldrep, *Judge Lynch*, 71, 100, 109, 128, 135, 141, 155-156, 164, 167, 169-172, 178, 186-189.
[66] Wells-Barnett, *Selected Works*, 246.
[67] Griggs was also promised financial compensation, which never materialized. Finnie D. Coleman, *Sutton E. Griggs and the Struggle Against White Supremacy* (Knoxville, TN: The University of Tennessee Press, 2007), viii-ix, xii-xiii, 22-23, 54, 57-59, 69-71, 73-74, 79, 81-82, 102-104, 107, 110-115, 120, 124, 129-130, 136.
[68] The lynched victims are Bud and Foresta Harper, who are targeted because Bud has killed a white housebreaker in self-defense. For this offence the young couple is brutally tortured and set on fire. Photographers document the lynching, and afterwards a young child hunts out a piece of flesh amidst the ashes and takes it as a keepsake. In the supplement to *Hindered Hand* Griggs ties such disgusting, savage violence to class (and thus to Dixon, who married above his station), arguing that race hatred has been nurtured by poor white Southerners due to their socio-economic place in Antebellum slave societies. Accordingly, Dixon has been appealing to the baser aspects of human nature, and Griggs singles him out as a bigoted, vicious, radical guilty of gross defamation and a devious smear campaign. Sutton E. Griggs, *The Hindered Hand: or, Reign of the Repressionists*, 3rd ed. rev. (1905. Reprint, New York: AMS Press, 1969), 125-127, 129-135, 303-307, 332-333.
[69] Coleman, *Sutton E. Griggs*, 71, 83-86, 88-89, 111, 116-117, 124, 136.
[70] Coleman, *Sutton E. Griggs*, 35.
[71] As sociologist Jonathon Markowitz observes, both pro- and anti-lynching commentators drew on what he calls "common sense" interpreting of lynching, but emphasize different aspects. Markowitz, *Legacies of Lynching*, xvi.
[72] Waldrep, *Judge Lynch*, 20, 51, 54, 73, 89-90, 97-98, 105, 109, 112, 115.
[73] Bernstein, *First Waco Horror*, 7-11, 123, 127-135, 142, 147, 167-179; Du Bois, "Waco Horror," S6-S8; Smith, "Waco Lynching of 1916," 100, 107-108; SoRelle, "Lynching of Jesse Washington," 531-535.
[74] "Farmers From Robinson," *Waco Morning News*, 1; McCollum, "The Work of the Mob," 6.
[75] For an especially thorough recounting of this press reportage, see Bernstein, *First Waco Horror*, 127-136,159-170.

[76] While the article harshly criticized the lynching, it should be noted, the author was also very careful to condemn Washington. All quotes and other information from this article can be found by following this citation. "The Horror at Waco," *Houston Chronicle*, May 17, 1916, 8.
[77] This reporter also criticized Washington, in this case more harshly than the *Houston Chronicle* article. "Punished a Horror Horribly," *New York Times*, May 17, 1916, 10.
[78] Bernstein, *First Waco Horror*, 130.
[79] W. E. B. Du Bois, *The Autobiography of W. E. B. Du Bois: A Soliloquy on Viewing My Life from the Last Decade of Its First Century*, ed. Herbert Aptheker, 1st ed. (1971; repr., New York: International Publishers, 1968), 61-100, 132-153, 205-235, 254-276, 361-395, 438-440; Adolph L. Reed Jr, *W. E. B. Du Bois and American Political Thought: Fabianism and the Color Line* (New York, Oxford University Press, 1997), 15, 43, 69; Cary D. Wintz, ed., *African American Political Thought, 1890-1930: Washington, Du Bois, Garvey, and Randolph* (Armonk, NY: M. E. Sharpe, 1996), 6-10.
[80] Reed, *American Political Thought*, 22-25, 28-40, 44-51, 53-56, 61-62, 65-70, 72-76, 80-82, 84, 86-88.
[81] Wintz, *African American Political Thought*, xi-xii, 4-8, 95-120, 131-165.
[82] Bernstein, *First Waco Horror*, 137-140; Carrigan, *Lynching Culture*, 191.
[83] Bernstein, *First Waco Horror*, 137-142, 144-145, 147-156, 159-160; Carrigan, *Lynching Culture*, 191; SoRelle, "Lynching of Jesse Washington," 531, 534-535.
[84] McCollum, "The Work of the Mob," 6.
[85] Du Bois, "Waco Horror," S2.
[86] McCollum, "The Work of the Mob," 6.
[87] Du Bois, "Waco Horror," S8.
[88] McCollum, "The Work of the Mob," 6.
[89] McCollum, "The Work of the Mob," 6.
[90] Du Bois, "Waco Horror," S6-S7.
[91] Du Bois, "Waco Horror," S8.
[92] McCollum, "The Work of the Mob," 6.
[93] The issue of photographic truth is discussed in greater detail in Chapter One. See also Bernstein, *First Waco Horror*, 160.
[94] Du Bois, "Waco Horror," S1-S3.
[95] Du Bois, "Waco Horror," S3.
[96] Du Bois, "Waco Horror," S4-S8.
[97] Bernstein also observes this point in *First Waco Horror*, 160; Du Bois, "Waco Horror", S4-S8.
[98] Du Bois, "Waco Horror," S1-S8.
[99] Du Bois, "Waco Horror", S2.
[100] Du Bois, "Waco Horror," S1-S3.
[101] Du Bois, "Waco Horror," S2-S4, S6-S8.
[102] Du Bois, "Waco Horror," S3-S6.
[103] Du Bois, "Waco Horror," S3-S6.
[104] Du Bois, "Waco Horror," S4.
[105] Du Bois, "Waco Horror," S3-S8.
[106] Du Bois, "Waco Horror," S4.

[107] Du Bois, "Waco Horror," S1.
[108] While the term "boy" can be used as a pejorative term, as a means to infantilize or claim power over a grown man, in this context Du Bois is using the word to emphasize Washington's humanity, youth, and perhaps his mental handicap.
[109] Du Bois, "Waco Horror," S8.
[110] This statement is an excellent illustration of Carrigan's theory of historical memory. The reporter implies that members of the lynch mob are the direct descendents of the first American citizens and therefore beyond reproach. It also supports a related observation made by Waldrep, who notes that parallels have often been drawn to the American Revolution in legitimating vigilante acts. Carrigan, *Lynching Culture*, 10-12; Waldrep, *Judge Lynch*, 25
[111] Mouffe, "Political Identity," 30.
[112] Mouffe, "Political Identity," 31.
[113] Mouffe, "Political Identity," 31-32.
[114] In fact, had the United States not entered World War I Washington probably would have become the public face of a publicity that campaign organizers were planning, intended to support and promote anti-lynching legislation. Carrigan, *Lynching Culture*, 191. See also Markowitz, *Legacies of Lynching*, 31.
[115] Keith A. Beauchamp, dir., "The Box," *The Untold Story of Emmett Louis Till*, DVD (Los Angeles: Thinkfilm, LLC., 2006); Waldrep, *Judge Lynch*, 178-180, 185; Wood, *Lynching and Spectacle*, 265-267.
[116] Wood, *Lynching and Spectacle*, 266-269.
[117] Wood references this fact when she argues that the Till photographs were principally images of mourning and that Till-Mobley published them so that the world would grieve with her. Wood, *Lynching and Spectacle*, 265-268.
[118] Till's extreme youth and the trivial offense for which he was lynched made his story particularly horrific (as did the terrible injuries to Till's body and the obvious grief of his mother in the photographs). The lynching particularly struck African American children in Till's age group because it brought home the fact that what happened to Till could happen to any one of them. Wood, *Lynching and Spectacle*, 268-269.

Chapter Three: Resurrecting the Past

[1] Helen Langa, "Two Antilynching Art Exhibitions: Politicized Viewpoints, Racial Perspectives, Gendered Constraints," *American Art* 13, no. 1 (Spring 1999): 11.
[2] Langa, "Antilynching Art Exhibitions," 11-12.
[3] Introduced in 1934, supporters felt it had a stronger chance of success than earlier efforts to enact federal anti-lynching legislation. While the bill did mandate the prosecution of officials who collaborated with perpetrators as well as impose fines on communities in which a lynching had taken place, it did not hold individuals accountable for a lynching in which they had participated. Langa, "Antilynching Art Exhibitions," 11.
[4] Langa, "Antilynching Art Exhibitions," 11-12.
[5] This bill both mandated the death penalty for those convicted of lynching and connected lynching itself to a larger struggle for African American civil rights. Langa, "Antilynching Art Exhibitions," 11-12.

[6] Langa, "Antilynching Art Exhibitions," 12, 14.
[7] Langa, "Antilynching Art Exhibitions," 12, 17-18.
[8] Langa, "Antilynching Art Exhibitions," 12.
[9] See Chapter Six in Waldrep, *Judge Lynch*.
[10] Langa, "Antilynching Art Exhibitions," 18, 20.
[11]Langa correctly observes that such imagery reinforced racial subordination. Langa, "Antilynching Art Exhibitions," 25-27.
[12] Langa, "Antilynching Art Exhibitions," 21-22.
[13] Langa argues that Noguchi's intent may have been to universalize suffering due to lynching by obscuring race, which is a hypothesis not without value. However, racial associations could only have been strengthened by the knowledge that Noguchi's sculpture was based on a 1930 lynching photograph of George Hughes in Sherman, Texas. Apel, *Imagery of Lynching*, 92-97; Langa, "Antilynching Art Exhibitions," 20.
[14] It should be noted that Langa's analysis is based on incomplete historical records – the race and gender of several artists involved in both shows is unknown. Langa, "Antilynching Art Exhibitions," 17-18, 20.
[15] Langa, "Antilynching Art Exhibitions," 24-25.
[16] One example of this literature is a pamphlet created in response to the lynching of Rubin Stacey in 1935. Apel, *Imagery of Lynching*, 40.
[17] Langa, "Antilynching Art Exhibitions," 22.
[18] Wood analyzes a crowd scene in the anti-lynching film *Fury* to the same effect, drawing a parallel between the movie and drawing. She argues that both were based on a photograph from the 1933 lynching of Thomas Thurmond and John Holmes. Langa, "Antilynching Art Exhibitions," 22-23; Wood, *Lynching and Spectacle*, 232-234.
[19] Du Bois, "Waco Horror," S4-S6.
[20] Langa, "Antilynching Art Exhibitions," 28.
[21] Langa, "Antilynching Art Exhibitions," 28.
[22] Langa, "Antilynching Art Exhibitions," 22.
[23] The assumption that African American men who were lynched were sex criminals was a powerful support for lynching, and thus was one important point of contention for anti-lynching activists. For example, Waldrep notes that Ida B. Wells-Barnett assumed victims were criminals until close friends of hers were lynched. Michelle Kuhl, "Modern Martyrs: African American Responses to Lynching, 1880-1940" (PhD diss., Birmingham University, 2004), 15, 58-59, 64-67, 69-72, 83-84, 88-89, 96, 118, 124-125, 136, 138, 140, 161, 167, 203, 206, 216, 218, 234, 238-239, 302; Waldrep, *Judge Lynch*, 85-86, 107-109.
[24] Drawing from the work of August Meier, Coleman identifies the 35-year span between Reconstruction and the early years of the New Negro movement as a time of particularly concentrated efforts to redefine and control understandings of "blackness." One reason these efforts were so important was because perceptions of African American men and women were used as justification for oppressive and/or violent measures, including lynching. Coleman, *Sutton E.Griggs*, x, xi. See also Brooke Baldwin, "On the Verso: Postcard Messages as a Key to Popular Prejudices," *Journal of Popular Culture* 22 (1988): 20.
[25] Waldrep, *Judge Lynch*, 164-165.

[26] Langa, "Antilynching Art Exhibitions," 11.
[27] Apel and Smith, *Lynching Photographs*, 1-3; Andrew Roth (owner, Roth Horowitz Gallery), in discussion with author, October 2010.
[28] Nina Burleigh, "Pictures from an execution: An art gallery tries not to cause a 'Sensation' with its new show," *New York* 33, no. 3 (January 24, 2000): 17.
[29] Burleigh, "Pictures from an execution," 17; Roth, discussion.
[30] Allen et al., *Without Sanctuary*, 204-205.
[31] Allen and Littlefield, "Without Sanctuary," http://www.withoutsanctuary.org/main.html.
[32] Allen described photographs in the exhibit to Wonder, who is blind. Apel, *Imagery of Lynching*, 8.
[33] Sharon Macdonald, "Theorizing Museums: an Introduction," in *Theorizing Museums: Representing Identity and Diversity in a Changing World*, ed. Sharon Macdonald and Gordon Fyfe (Cambridge, MA: Blackwell Publishers, 1996), 2.
[34] Apel and Smith, *Lynching Photographs*, 2-3.
[35] Marty Smith remembers reactions to this exhibit as having been particularly intense. In fact, some visitors saw family members. Apel and Smith, *Lynching Photographs*, 3-4, 6; Marty Smith (Ranger, MLK Historical Site), in discussion with the author, October 2010.
[36] Apel and Smith, *Lynching Photographs*, 1-4, 6; Smith, discussion.
[37] Andrea Liss, *Trespassing Through Shadows: Memory, Photography and the Holocaust* (Minneapolis, MN: University of Minnesota Press, 1998), xv.
[38] Roth, discussion.
[39] Guerin and Hallas, *The Image and the Witness*, 12-15.
[40] Wood, *Lynching and Spectacle*, 4.
[41] Allen et al., *Without Sanctuary*, 7.
[42] This photograph is also blown up and printed inside of the cover in the catalogue, front and back.
[43] Allen and Littlefield, "Without Sanctuary," http://www.withoutsanctuary.org/main.html.
[44] Allen and Littlefield, "Without Sanctuary," http://www.withoutsanctuary.org/main.html.
[45] Allen and Littlefield, "Without Sanctuary," http://www.withoutsanctuary.org/main.html.
[46] The forum is easily searchable, by keyword or author.
[47] Frankenberg, *Race Matters*, 13-16, 72, 77, 93-94, 99-100, 139-140, 142-143, 145-149, 152, 156-160, 188-189, 197-199, 204, 230-231.
[48] Greta Methot, "The Horror of Looking: Lynching and the Empathetic Eye" (PhD diss., University of Rhode Island, 2006), 6-8, 14, 79-83, 90-91, 101, 105, 107-108, 111-118, 127-128, 148
[49] Methot, "Horror of Looking," 6-8, 79-80, 82-83, 107-108, 116-118.
[50] Methot, "Horror of Looking," 6.
[51] Allen and Littlefield, "Without Sanctuary," http://www.withoutsanctuary.org/main.html.
[52] Allen and Littlefield, "Without Sanctuary," http://www.withoutsanctuary.org/main.html.

[53] Allen and Littlefield, "Without Sanctuary," http://www.withoutsanctuary.org/main.html.
[54] Frankenberg, *Race Matters*, 142-149.
[55] Sergei Kan, *Symbolic Immortality: The Tlingit Potlach of the Nineteenth Century* (Washington, DC: Smithsonian Institution Press, 1989), 19.
[56] Methot, "Horror of Looking," 79-80, 82.
[57] Markowitz, *Legacies of Lynching*, xvii; Methot, "Horror of Looking," 117-118.
[58] Methot, "Horror of Looking," 2.
[59] Methot, "Horror of Looking," 6, 11.
[60] Methot, "Horror of Looking," 8.
[61] Allen and Littlefield, "Without Sanctuary," http://www.withoutsanctuary.org/main.html.
[62] Methot, "Horror of Looking," 14.
[63] Methot, "Horror of Looking," 14-16.
[64] Methot, "Horror of Looking," 79.
[65] Americans, she writes, prefer to think of our country as the solution to evil, not its stage. Susan Sontag, *Regarding the Pain of Others* (New York: Picador, 2003), 79, 88, 91-92, 100-102, 105, 117.
[66] Methot, "Horror of Looking," 5, 8, 110.
[67] Allen et al, *Without Sanctuary*, 38.
[68] Methot, "Horror of Looking," 79-83, 107-108.
[69] Joyce King, *Hate Crime: The Story of a Dragging in Jasper, Texas* (Alfred A Knopf Inc, 2002), 23-27, 29, 156-157, 176.
[70] King, *Hate Crime*, 48-49, 132, 176, 178-179.
[71] King himself places the lynching of Byrd in this history just before the three men begin dragging Byrd to death. King, *Hate Crimes*, 26.
[72] See Chapters Two through Eight and the Conclusion in King, *Hate Crime*.
[73] King, *Hate Crime*, 35-36, 122.
[74] Robinson was also one witness for the prosecution who testified about these photographs in court – he not only took the photographs, but he also interpreted and authenticated them in court. For a more thorough analysis of Gildersleeve's imagery, see Chapter One in this text. King, *Hate Crime*, 35-36, 120, 122, 143, 146.
[75] King, *Hate Crime*, 120-121, 123-126, 143-144, 179.
[76] Again, see Chapter One in this text for more discussion of Gildersleeve's imagery.
[77] See, for example, Michael Graczyk, "Racism suspected in brutal slaying on Texas highway," *The Free Lance-Star*, June 10, 1998, A6.
[78] Whitney Dow and Marco Williams, dir., "We're Sending a Message," *Two Towns of Jasper*, DVD (Alexandria, VA: Two Tone Productions: 2002).
[79] Dow and Williams, "Out of Touch With the Real World" and "They Stayed With the Facts," *Two Towns of Jasper*.
[80] Bernstein, *First Waco Horror*, 122 143, 145-146; Dow and Williams, "Out of Touch with the Real World," *Two Towns of Jasper*; King, *Hate Crime*, 90-112; McCollum, "The Work of the Mob," 6.
[81] Waldrep, *Judge Lynch*, 189-191.
[82] Dow and Williams, "Two Views of Jasper," *Two Towns of Jasper*.

[83] Which, again, parallels one component of the reasoning behind both anti-lynching rhetoric and hate crime legislation.
[84] In feeling that Byrd was being idealized these informants may have been referring to articles such as a *New York Times* piece from June 13, 1998, in which the author attempted to convey a more personal sense of Byrd while reporting on his funeral. While his flaws and mistakes were certainly noted, the focus was more on Byrd's strong community and family ties as well as his virtues and talents. This article is particularly interesting because in many ways it constitutes the inverse of a traditional pro-lynching text. David Firestone, "A Life Marked by Troubles, but Not by Hatred," *New York Times*, June 13, 1998, 6. Dow and Williams, "Two Views of Jasper," *Two Towns of Jasper*.
[85] Dow and Williams, "Two Views of Jasper," *Two Towns of Jasper*.
[86] Ted Koppel, dir., *Nightline: The Two Towns of Jasper*, DVD, Disc 2 (New York: ABC News: 2007).
[87] One example Bonilla-Silva uses is the common statement that "Some of my best friends are…" followed by a prejudiced observation, which he translates as potential shield to criticism - "I didn't mean that, because as I told you *I am not racist*." Eduardo Bonilla-Silva, *Racism Without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America,* 3rd ed. (Boulder, CO: Rowman & Littlefield Publishers, Inc., 2010), 57.

Conclusion

[1] Linda Bolton, *Facing the Other: Ethical Disruption and the American Mind* (Baton Rouge: Louisiana State Press, 2004), 2.
[2] Apel, *Imagery of Lynching*, 17-18; Apel and Smith, *Lynching Photographs*, 20, 27-41.
[3] Bernstein, *First Waco Horror*, 11.
[4] Indeed, Waldrep makes just this observation when he argues that Klansmen designed killings to look like lynchings, following the Western model, so they could claim popular sovereignty. Waldrep's point accords with Nevels', that violence is the quickest way for an immigrant to claim whiteness, which in turn supports Hatt's contention that a lynching increases community bonds because it replaces potentially contentious speech with performance. Garland, for his part, notes that spectacle lynchings kept to a script naturalized by an accompanying discourse. Garland, "Public Torture Lynching," 798, 805-807, 813; Hatt, "Race, Ritual and Responsibility," 80; Nevels, *Lynching to Belong*, 8; Waldrep, *Judge Lynch*, 72-73.
[5] Bernstein, *First Waco Horror*, 20-26, 58-59, 109; Carrigan, *Lynching Culture*, 162-170, 183-184.
[6] "Farmers From Robinson," *Waco Morning News*, 1.
[7] Wood, *Lynching and Spectacle*, 150, 166.
[8] Bernstein, *First Waco Horror*, 16-18. See also Baldwin, "On the Verso," 17; Nevels, *Lynching to Belong*, 82.
[9] Allen, *Inventing the White Race*, 27.
[10] Przyblyski, "Archive or Art," 116.
[11] See, for example, Carrigan, "'Texas Shall Be…Americanized': Mob Violence in the Conquest of Mexican Texas," "'Necessity Knows No Law': Mob Violence in the

Conquest of Central Texas's Native Americans," and "'Hung Sure As Hell': White-On-White Mob Violence in Central Texas," in *Lynching Culture*, 17-47, 81-111; Gonzales-Day, *Lynching in the West*; Waldrep, "Prologue: The Origins of the Word," "The Word and the Nation," "'Californian Law': The West and the Nation," "'That We Call Murder': Lynching and the Meaning of Legitimacy in Reconstruction," "'The Indignation of the People Knew No Bounds': The Lynching Narrative in the 1870s and 1880s," in *Judge Lynch*, 13-102.

[12] Hatt, "Race, Ritual and Responsibility," 80; Waldrep, *Judge Lynch*, 3.

[13] As exemplified by the "Jena Six" case. Jones, "Question of Justice," 14.

[14] Reed, *American Political Thought*, 175.

[15] I am grateful to Kirsten Pai Buick for this insight.

[16] For a discussion of the historicizing strategies of some Americans in evaluating racism, see Bonilla-Silva, *Racism Without Racists*, 5.

[17] Bernstein, *First Waco Horror*, 3-5; Ralph Blumethal, "Fresh Outrage in Waco at Grisly Lynching of 1916," *New York Times*, May 1, 2005, 26; Carrigan, *Lynching Culture*, 207-208.

[18] One who numbered among his lack of supporters was Mae Jackson, the town's first African American mayor. Johnson, who is also African American, remembered Jackson as not pushing racial issues. Blumenthal, "Fresh Outrage," 26.

[19] When Bernstein wrote her history of the Washington lynching, Gibson was the only African American county commissioner. Blumenthal, "Fresh Outrage," 26; Bernstein, *First Waco Horror*, 99-200.

[20] As Blumenthal so poignantly observes. Blumenthal, "Fresh Outrage," 26.

[21] Blumenthal, "Fresh Outrage," 26.

[22] Blumenthal, "Fresh Outrage," 26.

[23] Dr. Pepper was invented in Waco. Bernstein, *First Waco Horror*, 10-11; Blumenthal, "Fresh Outrage," 26.

[24] Cruseturner is a European American history teacher in Waco. Blumenthal, "Fresh Outrage," 26.

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