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# Competing Image Vernaculars in the Anti-lynching Movement of the 1930's

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COMPETING IMAGE VERNACULARS IN THE ANTI-LYNCHING MOVEMENT OF THE  
1930'S

by

SAMUEL P. PERRY

Under the Direction of Dr. James F. Darsey

ABSTRACT

Lynching photographs and images of spectacle lynching were originally produced to commemorate and celebrate lynching. Through processes of rhetorical re-circulation and repurposing of lynching photographs by those in the anti-lynching movement, lynching and visual representations of it became socially unacceptable. The rhetorical strategies concerning the display of images of violence toward African Americans developed in the anti-lynching movement became one of the most important means of protesting civil rights violations in the United States. This study examines three cases of repurposing lynching photographs during the peak of the anti-lynching movement in the 1930's. The first is the NAACP sponsored Art Commentary on Lynching. I examine four pieces of art in this exhibition that violate the conventions of lynching photography by representing the lynching in other visual mediums that allow the artists to manipulate the lynching scene. The second chapter examines the generation and circulation of an anti-lynching pamphlet featuring a photograph of the lynching of Rubin Stacy. The photograph is repurposed through the interaction of text and image in the pamphlet in a series of rhetorical questions, details of the case, and general information about lynching. The third case is the song, "Strange Fruit." The song conjures an image through its use of ekphrasis,

and suggests a particular reading of that image throughout the performance of the song. I focus on Billie Holiday's rendition of the song, but draw conclusions about the song and its various performances and recordings. I argue that the use and manipulation of lynching photographs raised social consciousness and public awareness in opposition to spectacle lynching, and re-articulated the meaning of violence, and representations of violence, toward African Americans in the public sphere.

INDEX WORDS: Lynching, Re-circulation, Repurposing, Photography, Images, Image  
vernacular

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1930'S

by

SAMUEL P. PERRY

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

in the College of Arts and Sciences

Georgia State University

2011

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2011

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August 2011

## DEDICATION

To my family and friends, most especially, to the memory of Orvis E. Nowlin and Raleigh H. Perry, Sr.

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# 1 INTRODUCTION

## 1.1 *Images of Lynching and Image Vernaculars of White Supremacy and Protest*

In the 1880's the practice of spectacle lynching of African Americans became a common phenomenon.<sup>1</sup> Almost as quickly as lynching became common, so did the production and proliferation of lynching imagery across the United States, taking various forms including song, illustrations, news accounts, photographs, and movies.<sup>2</sup> The dominant protocol for reading this imagery was rooted in white supremacist ideology. This ideologically infused mode of viewing spectacle lynching and representations of it fostered an "image vernacular" of white supremacy that condoned racial violence in the public sphere.<sup>3</sup> The normalization of violence against African Americans took such strong hold that whites who publicly committed violent crimes against African Americans were rarely held legally accountable for their actions.<sup>4</sup> The image vernacular of white supremacy licensed racial violence by endorsing enthymematic readings of lynching scenes that included vicious racist stereotypes about African Americans, particularly black males. This remained the hegemonic mode of viewing racial violence in the public sphere until the middle of the 20th century.

The change in the hegemonic mode of viewing racial violence in the public sphere came about as the result of a concerted effort on the part of African Americans and white liberals to repurpose scenes of violence in the public sphere. The challenging of the white supremacist

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<sup>1</sup> Robert L. Zangrando, *The NAACP Crusade Against Lynching, 1909-1950*. Philadelphia, PA: Temple University. (1980). p.7

<sup>2</sup> Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940*. Chapel Hill, NC: University of North Carolina Press. (2009). pp. 2-3.

<sup>3</sup> Cara Finnegan. "'Recognizing Lincoln: Image Vernaculars in Nineteenth Century Visual Culture'" *Rhetoric & Public Affairs*. Vol. 8:1. (2005). p. 34.

<sup>4</sup> Marlene Park, "Lynching and Antilynching: Art and Politics in the 1930's" *Prospects: An Annual of American Cultural Studies*. Vol.18 (1993). p. 220.

image vernacular on the part of protest groups and socially conscious individuals was a difficult process because access to the public sphere for African Americans and others who wished to challenge the dominant forces of racial oppression in the United States were limited. In order to gain access to the public sphere these groups had to be resourceful in crafting messages that could make persuasive appeals about the impacts of racial violence and terrorism on the public sphere. One of the primary sources of rhetorical invention for protest groups was the repurposing of images of spectacle lynching. Those who opposed the image vernacular of white supremacy took the very images that had been used to spread the communal values of white supremacist ideology to condemn acts of racial violence in the public sphere. New protocols for looking at scenes and images of race violence were developed and made available to wider audiences as a result of various publicity campaigns against lynching. In other words, an image vernacular protesting the white supremacist image vernacular was developed.

This project traces development of the image vernacular of protest, and analyzes the rhetorical strategies employed by various groups in the pursuit of ending the hegemonic reign of the white supremacist image vernacular by repurposing lynching scenes. Pulling from the work done in Communication, History, African American Studies, and Visual Studies, I examine the ways in which African Americans and Anglo Americans supportive of the struggle for civil rights in the United States during the anti-lynching movement worked to develop an image vernacular of protest. The development of this image vernacular of protest pushed images of racial violence into secretive spaces and changed the social acceptance of images of racial

violence.<sup>5</sup> The once common and free flowing proliferation of images of racial violence were condemned through this image vernacular of protest by making dominant a reading of images of racial violence that carried different enthymemes. These enthymemes focused on the fallibility of white supremacy, the invalidity of stereotypes of African Americans, and the destructive nature of racial violence in the public sphere as it pertained to the violation of the 13th, 14th, and 15th Amendments to the Constitution.

### *1.2 Contested Starting Points of the Image Vernacular of Protest*

The NAACP estimates that between 1882-1968, 4,792 people were lynched in the United States, and that of those, 3,445 of the victims were African Americans.<sup>6</sup> Tragically, in August of 1955 Emmett Louis Till joined those numbers. The 14 year old boy from Chicago was in Money, Mississippi visiting family. Till entered a grocery store where Carolyn Bryant was working, and after this point, "the facts remain hopelessly inconsistent."<sup>7</sup> Accounts differ, but Till lost his life as the result of an exchange with Bryant that may have been as innocent as saying, "bye, baby," as he left the store; at worst, he was accused of placing his hands on Bryant's hips and making lewd comments. The subsequent events would change the course of the civil rights movement; there is little doubt about that. Till's brutally mutilated corpse would be found by a fisherman in the Tallahatchie River, despite his murderers attaching a 70lb. gin fan to his body. After much arguing, Till's mother, Mamie Till Bradley, was able to have her son's remains shipped from Mississippi to Chicago for a proper burial.

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<sup>5</sup> Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940*. New York: Pantheon Books. (1998). p. 238; Jacqueline Goldsby. *A Spectacular Secret: Lynching in American Life and Literature*. Chicago: The University of Chicago Press. (2006). p. 242.; Wood, pp. 179-222.

<sup>6</sup> Zangrando, p.7.

<sup>7</sup> Christine Harold and Kevin DeLuca, "Behold the Corpse: Violent Images and the Case of Emmet Till" *Rhetoric & Public Affairs*. Vol. 8:2. (2005). p. 264.

However, prior to the interment of her son Mamie Till Bradley had pictures taken of the boy's disfigured and abused body, and she distributed the pictures to organizations that could circulate the photos widely. The pictures of Till's body were published in various African American publications including *Jet*, *The Chicago Defender*, and *The Crisis*, and in Chicago thousands of people would attend his funeral and view his body in person.<sup>8</sup> Photographs of Till's corpse would also appear in publications with larger mixed race audiences such as *Time*, *Life*, and *Newsweek*.<sup>9</sup> Intensity of the news coverage and the featuring of Till's corpse in the coverage varied on the intended audience (black or white) of the publication covering the event, black publications including more graphic and detailed coverage of the murder.<sup>10</sup> The distribution of the photographs of Till's corpse and the story behind his death traveled far and wide affecting people such as Rosa Parks, Kareem Abdul Jabar, Muhammad Ali, Molefi Kefe Asante, Jessie Jackson, and others who would later speak of how their view points or career goals could be linked to their experience of Till's murder and the attendant media coverage.<sup>11</sup> This would become one of the defining moments in the burgeoning civil rights movement.

There has been significant scholarly attention given to the Till case, and as Dave Tell points out, "many, many scholars have offered some variation of Davis Houck's claim that the story of Emmett Till functioned as the 'moral warrant' for the civil rights movement."<sup>12</sup> However, a troubling claim forwarded about the Till case is that this was the first time that the strategy of displaying and reinterpreting a lynched body and representations of the body had

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<sup>8</sup> Harold and DeLuca, p.273.

<sup>9</sup> Dora Apel, *Imagery of Lynching: Black Men, White Women, and the Mob*. New Brunswick, NJ: Rutgers University Press. (2004). p.180.

<sup>10</sup> Margaret Spratt, Cathy Ferrand Bullock, and Gerald Baldasty. "News, Race, and the Status Quo: The Case of Emmett Louis Till" *The Howard Journal of Communication*. Vol. 18. (2007). pp. 169-192.

<sup>11</sup> Harold and DeLuca, p.272; Apel. p. 184.

<sup>12</sup> Tell, p.158.

been employed. For example, Sasha Torres claims, "It would not be going too far to say that [Mrs. Till Bradley]... invented the strategy that later became the [Southern Christian Leadership Council's] signature gesture, literally *illustrating* southern atrocity with graphic images of black physical suffering, and disseminating those images nationally."<sup>13</sup> There were unique circumstances to the Till case. Certainly, it was unique that the body had been shipped back to Chicago after its recovery. The insistence of Mamie Till Bradley that the open casket funeral for such a badly mutilated corpse was made a public affair was also a different strategy than had been commonly employed.<sup>14</sup> It is also very likely as Dora Apel asserts, "Never before had the importance of 'seeing' the unbearable been so effective in animating public reaction and turning a 'community' affair into a national one."<sup>15</sup> However, the pictures of a lynched body being circulated nationally was hardly a new phenomenon, and the claim that Mamie Till Bradley invented the strategy neglects a significant portion of the history of lynching photography, imagery, and protest. It was the previous deployment of and rhetorical repurposing of lynching photographs that made possible the rhetorical expediency and effectiveness of displaying Till's corpse and photographs of it. The previous protests had used photographs that were similarly gruesome in order to curb spectacle lynching in the period between 1909 and the 1940's, and the success of these protest in removing lynching from the public sphere set the stage for the Till protest and other images of violence against African Americans to have greater effect.

The images of Till would prove to be highly provocative and emotional because lynching, though still occurring, had become a secretive matter removed from the spectacle of

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<sup>13</sup> Harold and DeLuca, p.267.

<sup>14</sup> Goldsby, pp. 243-246. Goldsby points out the less common occurrence of African American's who created lynching photographs, but does provide an example of a series produced by an African American photographer in Helena, Montana who completed a series of photographs taken before, during, and after a lynching that show the injustice of the victim's execution.

<sup>15</sup> Apel, p.180.



days past.<sup>16</sup> As Christine Harold and Kevin DeLuca point out, "By the time of Emmett Till's murder, lynching was no longer acceptable as a public spectacle. That is by 1955, lynching had become an invisible public event: everyone in town would know what happened, to whom, and 'why,' but it was no longer performed before a crowd in a public square."<sup>17</sup> A once public and spectacular event, lynching had been pushed into more secretive confines, though its effects were felt publicly. In this particular case, Till's body became the spectacle, rather than his murder. This is rhetorically and historically significant because the shifting of the spectacle was brought about by a conscious decision on the part of Mamie Till Bradley, "to let the whole world see," her son's body.<sup>18</sup> A decision that participated in a long line of protests that included showing images of violence to raise public consciousness. The whole world could see the vulnerability of the black body in the United States, and the contradictions of a nation condemning communism and exporting democracy, freedom, and capitalism to different locales throughout the world. This project is concerned with examining how images of lynching became a means of protest in the anti-lynching movement of the 1930's, setting the stage for later protests featuring violence against African Americans in the public sphere. More broadly, the project is concerned with how the image vernacular of protest was constructed using lynching imagery. The evolution of the image vernacular of protest over time encouraged the subordination of the white supremacist image vernacular licensing racial violence to modes of seeing that did not condone racial violence in the public sphere.

The use of lynching photographs in political literature concerning racism had been common practice as evidenced by the publication of pamphlets, tracts, and stories in the black

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<sup>16</sup> Hale, p. 238.

<sup>17</sup> Harold and DeLuca, p. 269.

<sup>18</sup> Apel, p. 179.

press featuring the photographs of lynched African Americans that were meant to achieve exactly the kind of reaction the Till case elicited as a national scandal. The height of this movement was in the 1930's.<sup>19</sup> "Spectacle lynching" often involved images of the publication of photographs of lynching and lynching victims as souvenirs and celebratory prizes in the wake of violence in the public sphere. Yet, it was these very photographs that became some of the most damning evidence against lynching in the public opinion. So, the question becomes, "How was the rhetorical meaning of violence against African Americans in the public sphere changed by the use of images of lynching?" I argue that these images were made politically salient and powerful as the result of a history of repurposing images of lynching by various groups that had made the circulation and re-contextualization of these images a form of protesting racial violence and terrorism.

Anti-lynching protests of the 1930's had accumulated enough rhetorical power to push these images out of the public sphere.<sup>20</sup> White supremacists circulated the images through a process Jacqueline Goldsby refers to as, "secrection," or the secretive and proprietary circulation of images amongst those who identified with white supremacy and the practice of lynching.<sup>21</sup> This process of secrection developed a pornographic space for these images that Nicholas Mirzoeff refers to as the, "hooded archive." Mirzoeff describes the construction of the way of seeing associated with lynching in this way, "The lynching photograph became, as it was intended to be, that which made the index of race adhere to its object. It created still another more shadowy, even hooded, archive of race, housed on mantelpieces and in desk drawers across

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<sup>19</sup> Zangrando, pp. 98-165.

<sup>20</sup> Wood, pp. 179-222.

<sup>21</sup> Goldsby, p. 249.

the United States from Minnesota and Illinois to the deep South."<sup>22</sup> The return of similar images to the public sphere in the 1950's and 1960's was a major part of the Civil Rights movement. The accumulated strategies of reclaiming, repurposing, and re-circulating photographs of lynching came full circle by the time of the Till case because an image vernacular condemning photographs of racial violence had been developed in these earlier protests that had forced lynching images into the hooded archive. In studying the development of this image vernacular that condemns racial violence, one gains a greater understanding of the arguments deployed in the Civil Rights movement and the rhetorical functions of images of racial violence in the United States.

Cara Finnegan describes image vernaculars as ways of seeing that carry with them certain argumentative structures and functions when viewing particular subjects. Finnegan argues, "Image vernaculars are the enthymematic modes of reasoning employed by audiences in the context of specific practices of reading and viewing in visual cultures."<sup>23</sup> In essence, the image vernacular is the mode of viewing any given object as a text that accounts for the unstated contextual elements symbolically carried by that object. At the end of the 19<sup>th</sup> century and well into the first half of the 20<sup>th</sup> century, the image vernacular surrounding lynching was deeply rooted in white supremacist ideology. The racist ideology of the time dictated a way of seeing blackness that carried certain assumptions about the criminality, sexuality, and deviance of African Americans that licensed and affirmed the practice of spectacle lynching in the United States. Photographing these spectacles became a common and commercialized practice by which

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<sup>22</sup> Nicholas Mirzoeff, "The Shadow and the Substance: Race, Photography, and the Index" in Brian Wallace and Coco Fusco, ed. *Only Skin Deep: Changing Visions of the American Self*. New York: Abrams Publishing. (2004). p. 123.

<sup>23</sup> Finnegan, p. 34.

the scene and the ideological constructs of lynching could, at least initially, circulate with few impediments among those who identified with white supremacy. The photographs of lynching operated within an image vernacular where enthymematic modes of reasoning undercut the principles of equal protection guaranteed to African Americans by the Constitution.

However, multiple image vernaculars can be present within communities, and the meanings of images can be disputed, even when one group attempts to maintain hegemony over another. Finnegan argues, of image vernaculars, "Unlike some conceptions of visual culture that suggest our experience of the visual realm is determined by the overwhelming force of ideology, the concept of image vernaculars preserves a necessary space for agency by theorizing ways that viewers mobilize images as inventional resources for arguments."<sup>24</sup> In other words, the same image can be used differently as an inventional resource for arguments in different image vernaculars. These image vernaculars may exist and develop concurrently, or might be the result of different interpretations of an image due to the passage of time. It is clear, though, at certain times particular readings of an image operate as the dominant reading, or function within the dominant image vernacular. This project traces moments in the anti-lynching movement that changed the dominant reading of lynching photographs and scenes over a period of time. The use of lynching images in protest movements re-characterized the lynching scene in the public consciousness of Americans. Susan Sontag argues, of photographs, "What determines the possibility of being morally affected by a photograph is the existence of a relevant political consciousness."<sup>25</sup> I argue that an inventional resource for developing a relevant political consciousness in regard to lynching was the repurposing of lynching photographs such that

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<sup>24</sup> Finnegan, p. 34.

<sup>25</sup> Susan Sontag, *On Photography*. New York: Picador. (1977). p. 19.

meaning of the lynching scene was changed. The progression this changing of meaning shows the evolution of an image vernacular protesting racial violence in opposition to the continued domination of an image vernacular of white supremacy.

In the introduction to this project, I will show how the ritualized functions of lynching performances were embedded in lynching photography such that enthymemes concerning the guilt of African Americans accused of crimes was assumed, and how enthymemes about the proper social structure between whites and blacks, as well as gender hierarchies, manifest themselves in these photographs. This extended discussion of the purpose of lynching photographs in the white supremacist image vernacular provides insight into the rhetorical work required to change the meaning of lynching photographs. The NAACP and other protest organizations worked tirelessly to repurpose lynching photographs in order to condemn the image vernacular of white supremacy, and, more pointedly, the hegemonic racism that excluded African Americans from participation in the public sphere. The rhetorical significance of the change of the image vernacular associated with lynching set the stage for later reactions to images of violence against African Americans, such as those associated with the Till case. These changes reflected changes in social consciousness regarding race, and resulted in policy decisions designed to protect the freedoms of minorities in the United States.

In order to understand this progression, it is necessary to look at the practice of lynching and lynching photography that takes into account the starting point for the competition between the image vernaculars of white supremacy and the protest of it. I begin with a thorough discussion of the historical and rhetorical literature on lynching, move to an explanation of the original purposes of lynching photographs, and then discuss the ways in which the anti-lynching movement used images of lynching to protest violence against African Americans. In so doing, a

case will be made that sets up the rhetorical study of visual representations of lynching in the anti-lynching movement that traces the ways in which a visual hermeneutic of race was being developed.

### 1.3 *Lynching as Practice and Performance: The Lost Cause, Rape, and Wage Disputes*

Lynching relied on modern conceptions of visibility and the use of emergent technologies in order to oppress African American communities.<sup>26</sup> The practice and photographing of lynching was a process of display that was representative of theories of race and visibility that reflected communal values. The amalgamated visuals and discourses of the lynching provide a picture of larger societal concerns and values that are telling of the ways in which such a miscarriage of justice could be allowed to operate without correction or intervention for so long. W. Fitzhugh Brundage argues that lynching was a way of staging and showing a communal "consensus" concerning social, economic, and political structures.<sup>27</sup> The consensus showed a set of values through performance of the crime, and the production and circulation of documents and discourses surrounding it that exemplified what Peter Ehrenhaus and A. Susan Owen identify as, "a national commitment to white supremacy."<sup>28</sup> The body of documents, images, and these performances operated as what Maurice Charland terms "constitutive rhetoric,"<sup>29</sup> forwarding a conception of American citizenship and politics rooted in conceptions of white supremacy. The

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<sup>26</sup> Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940*. Chapel Hill, NC: University of North Carolina Press. (2009).

<sup>27</sup> Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930*. Chicago: University of Illinois Press. (1993). p.47.

<sup>28</sup> Peter Ehrenhaus and A. Susan Owen. "Race Lynching and Christian Evangelism: Performances of Faith" *Text and Performance Quarterly*. Vol. 24 No. 3. p. 278. See also Kirk W. Fuoss, "Lynching Performances, Theaters of Violence." *Text and Performance Quarterly*. Vol. 19:1. (1999). pp. 1-37.

<sup>29</sup> Maurice Charland, "Constitutive Rhetoric: The Case of the People Québécois." *Quarterly Journal of Speech*. Vol. 73:2. (1987). pp. 133-150.

"cultural logic" of white supremacy was embedded in the ritual and performance of lynching,<sup>30</sup> and the spectacular nature of its brutality operated as a mechanism of terror intended to limit the social and physical mobility of African Americans.

The spectacle of lynching as a means of defining the black male body, regulating citizenship, and defining gender roles in the South and elsewhere in the United States is well studied and documented.<sup>31</sup> Lynching revealed its "cultural logic" of hate and exclusion,<sup>32</sup> as a "visual construction of the social" and public spheres through ritualized public displays of violence.<sup>33</sup> Lynching was a very public and visible exercise of policing the borders of the communities that engaged in the activity, and the representations of it would spread in ways that influenced the behavior of people in distant communities. The reliance on the scene of lynching as a stage for a performance of Lost Cause mythology and white supremacist ideology was considerable because lynching was a public event witnessed by many people. Even murders that were not publicly staged were publicly talked about and were made a matter of common knowledge within the communities where they took place. These murders were meant to be witnessed as a show community of solidarity.

The visual construction of the social in this instance involves the uses of visual argumentation in order to show who could acceptably enter into the public sphere. Michael

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<sup>30</sup> Goldsby, pp. 12-42.

<sup>31</sup> Robyn Wiegman. *American Anatomies*. Durham. North Carolina: Duke University Press. (1997); Richard Digby-Junger, "The Guardian, Crisis, Messenger, and Negro World: The Early 20<sup>th</sup> Century Radical Black Press. *Howard Journal of Communication*. (1998) 9:263-282; Kimberly Powell, "The Association of Southern Women for the Prevention of Lynching: Strategies of a Movement in the Comic Frame," *Communication Quarterly*. Vol 43: 1. (1995). p. 86-99; Martha Solomon Watson, "Mary Church Terrell vs. Thomas Nelson Page: Gender, Race, and Class in Anti-Lynching Rhetoric" *Rhetoric & Public Affairs*. Vol. 12:1. p. 65-90; Maegan Parker-Brooks. "Desiring Citizenship: A Rhetorical Analysis of the Wells/Willard Controversy" *Women's Studies in Communication*. Vol. 31:1 (2008). p.56-80.

<sup>32</sup> Goldsby, pp. 12-42.

<sup>33</sup> WJT Mitchell, "Showing Seeing: A Critique of Visual Culture" in *The Visual Culture Reader*, Nicholas Mirzoeff, ed. New York: Routledge. (2007). p.100.

Osborn argues that, "Contemporary rhetoric seems dominated by strategic pictures, verbal or nonverbal visualizations that linger in the collective memory of audiences as representative of their subjects when rhetoric has been successful."<sup>34</sup> For certain groups in the United States the visuality of lynching was representative of a set of processes and political positions regarding race and other issues tied to race; for a significant portion of the American population lynching and lynching photographs were the visual reduction of white supremacist ideologies into a quickly readable and comprehensible form. In Osborn's terms, lynching and images of it operated successfully as visual rhetoric because it was the visual display of a mythic set of social constructions informed by The Lost Cause, put on display through a practice that metonymically represented the varied practices of white supremacy.<sup>35</sup> Lynching and representations of it set up a public, as described by Michael Calvin McGee, by giving, "specific meaning to a society's ideological commitments; it is the inventional source for arguments of ratification among those seduced by it..."<sup>36</sup> Lynching was developed as a means of perpetuating and displaying myths that exemplified the "ideological commitments" of white supremacy and proved a seductive means of forwarding arguments that would justify violence against African Americans.

The practice of spectacle lynching as a racially based practice developed during the late 19th century. While extralegal violence against African Americans was sometimes exercised as a means of putting down or quelling concerns about slave uprisings,<sup>37</sup> the murder of blacks was uncommon in the antebellum period because of the monetary value of individual slaves in the

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<sup>34</sup> Michael Osborn "Rhetorical Depiction" in ed. Herbert Simons and Aram A. Aghazarian, *Form, Genre, and The Study of Political Discourse*. Columbia, SC: University of South Carolina Press. (1986). p.76.

<sup>35</sup> Jonathan Markowitz, *Legacies of Lynching: Racial Violence and Memory*. Minneapolis, MN: University of Minnesota Press. (2004).p. xviii.

<sup>36</sup> Michael Calvin McGee, "In Search of the People: A Rhetorical Alternative." *Quarterly Journal of Speech*. Vol. 61:3. (1975). p.243.

<sup>37</sup> Philip Dray. *At the Hands of Persons Unknown: The Lynching of Black America*. New York: Random House Publishing. (2002). p.24.



chattel system.<sup>38</sup> During this period the term lynching was used to describe the colonial and antebellum practice of tarring and feathering and brandishing the lash to punish offenders, regardless of race for such offenses as robbery, livestock thievery, and adultery.<sup>39</sup> As lynching evolved, the violence of lynching became the public display of a model of citizenship that fully excluded blacks from citizenship, and all the benefits political, social, and economic, that were in theory guaranteed by the 13th, 14th, and 15th Amendments to the Constitution. Newspaper accounts and turn-of-the-century narratives about lynching often asserted that the "best citizens" had been present and that mobs comported themselves in a "stalwart and composed" manner.<sup>40</sup> These claims normalized the practice of lynching by insisting on its necessity as means of community policing endorsed by community leaders and respected figures, which if they were not part of the process, were made complicit by the tacit endorsement of silence.

The policing of social boundaries after the Civil War and Reconstruction period was a highly charged and contested process as the construction and galvanizing of the Jim Crow South and the industrialization of the North put whites and black in relationships that were new to both. Kenneth Janken asserts, "white Southerners communal response to the overthrow of slavery and the social and economic uncertainty created by African Americans' drive for equality was the establishment of the civil religion of the 'Lost Cause' and the staging of human sacrifices."<sup>41</sup> The establishment of The Lost Cause as a means of justifying and establishing social relationships in the South operated in the following way according to Charles Wilson (via Owen and Ehrenhaus), "The Lost Cause... was a Southern civil religion, which tied together Christian churches and

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<sup>38</sup> Markovitz, p. xxiii.

<sup>39</sup> Goldsby p. 16.

<sup>40</sup> Amy Louise Wood, "Lynching Photography and the Visual Reproduction of White Supremacy." *American Nineteenth Century History*. Vol.6:3. (2005). pp.373-375; Markovitz, p. 2.

<sup>41</sup> Janken in introduction to White, Walter. *Rope and Faggot: A Biography of Judge Lynch*. Notre Dame, IN: Notre Dame University Press. (2001), originally published 1929. pp.xx-xxi.

Southern culture."<sup>42</sup> As a result of the development of this civil religion of "The Lost Cause," accepting blacks as equals in matters of politics and economics created social anxieties that created a search for answers tied to cultural values and moral imperatives for a large portion of the South. Southern poet Allen Tate would characterize lynching in terms of searching for those answers thusly, "We are very near to the answer to our question- how may the (white) Southerner take hold of his Tradition? The answer is by violence."<sup>43</sup> This violence would be exceptional in its highly visible and spectacular use of ritual and the performance of these rituals in town squares and in front of courthouses. Lynching was meant to be seen as a demonstration of the social order through the sacrifice of the black male (occasionally female) body at the altar of this new civil religion- Peter Ehrenhaus and A. Susan Owen and cite arguments by Orlando Patterson that it served as a perverse sort of communion.<sup>44</sup>

The religious tenor that these events took on as lynching became a uniform practice associated with the sacrificial consumption of the black body. Ehrenhaus and Owen note, despite the seeming contradictions between lynching and Christianity that justifications for lynching often were, "not found in a retreat from Christian doctrine, but in its embrace."<sup>45</sup> The complicity and promotion of lynching by clergy were pointed out with various degrees of exasperation at the time of the events by and analyzed in book chapters on lynching by both Walter White and Arthur Raper.<sup>46</sup> The religion of the Lost Cause would be integrated into the white churches of the South, some of the same churches that had used religious justifications for

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<sup>42</sup> Ehrenhaus and Owen , p.284.

<sup>43</sup> Hale, p.199.

<sup>44</sup> Ehrenhaus and Owen , p. 288.

<sup>45</sup> Ehrenhaus and Owen, p. 277.

<sup>46</sup> White, pp. 40-53; Arthur Raper, *The Tragedy of Lynching*. Chapel Hill, NC: University of North Carolina Press. (1933). p.p.335-336, 396-397. Raper's condemnation is less direct, but at these points and others he notes the inaction of the churches in communities where lynching has occurred.

slavery, as a means of explaining and normalizing the separation of the races through lynching. Ehrenhaus and Owen argue that lynching, "as blood sacrifices to a God whose covenant with the white Christian community had been violated by the intrusion of blackness into the sacred covenant,"<sup>47</sup> was perceived as perfectly acceptable way to protect this covenant. The justifications for lynching in white supremacist communities left nothing, not even religion, untarnished.

Throughout his career Walter White would comment on lynching and its far reaching implications. He assessed the situation in the South, the well spring of lynching, thusly, "From this deadening regimentation there sprang quite naturally and luxuriantly such movements as the Klan, intolerant fundamentalism, blatant and ignorant politicians, a sterile artistic life and other logical fruits of too binding an orthodoxy."<sup>48</sup> The characterization of the 'binding orthodoxy' provided by White gives some insight into the commitment of whites to maintaining a certain social order that was rooted in slavery and had evolved through segregation. The violation of these social structures was tantamount to the violation of a religious edict or pact. The most visually present and stunning of the "logical fruits" described by White in this quotation was lynching. Lynching became a kind of performance of this set of core beliefs, and representations within this belief structure were a shorthand explanation of what the social order dictated by this belief structure looked like.<sup>49</sup> In other words, within the image vernacular of white supremacy, lynching photographs and images operated as quasi-religious artifacts that illustrated social relationships.

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<sup>47</sup> Ehrenhaus and Owen, p. 277.

<sup>48</sup> White, p.155.

<sup>49</sup> Fuoss, pp. 1-37.

Further complicating the matter, the core beliefs adopted and practiced in these rituals were embedded in a perverse reconciliation of the North and South after the Civil War that removed discussions of slavery from the history of the conflict between the Union and the Confederacy, and played to the racism toward African Americans throughout the United States.<sup>50</sup> The intense racism in all parts of the country meant that intervention in the matter of lynching would not be forthcoming; the end of the Reconstruction era essentially signaled the abandonment of Freedmen in the South and rang in the violent enforcement of segregation.<sup>51</sup> Representations of this violence within communities that identified with white supremacy in personal accounts, political debates about, and press coverage of lynching and mob murder were generally supportive of lynching as a result. Even those who did not openly support lynching, often, cared little about the matter because the victims were African American. The ambivalence and indifference toward the matter allowed for the myths associated with lynching to become entymematic within representations and accounts of it.

One such myth was the myth of the black rapist. The violence of lynching was aimed at preventing the mixing of the races on any level that might lead to social, political, or economic equality. However, justifications for lynching were often made through accusations of sexual assault. Accusing a black man of assaulting a white woman raised the anger of white communities that other factors motivating lynching were rarely discussed amongst white supremacists.<sup>52</sup> Sexual assault became the de facto justification for lynching, regardless of whether or not any such assault had occurred. Stereotypes of freed African Americans ran

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<sup>50</sup> Hale, pp. 205-207; Alan T. Nolan, "The Anatomy of a Myth" in Gary W. Gallagher and Alan t. Nolan, ed. *The Myth of the Lost Cause and Civil War History*. Bloomington, Indiana: Indiana University Press. (2000). pp. 26-30.

<sup>51</sup> Nolan, p.30.

<sup>52</sup> Wiegman p.97.

rampant, particularly the stereotype of the black male as the "mythically endowed" and sexually voracious rapist.<sup>53</sup> The mere suggestion of the rape of a white woman by a black man was enough to cause white men of the community to become enraged and take matters into their own hands in order to uphold communal conceptions of race and miscegenation. The idealized version of the Southern white man protecting the pure and chaste white woman played into the conception of the South as a model of gentility and chivalry.<sup>54</sup> Historian Jacquelyn Dowd Hall argues that after Emancipation, "The ideology of racism reached a virulent crescendo, as the dominant image of blacks in the white mind shifted from inferior child to aggressive and dangerous animal."<sup>55</sup> This shift in the white mind was no more present than in the stories about rape and sexual assault, which became more powerful than reality in the minds of many whites.

In actuality, sexual assault was only alleged as a reason for the incitement of the mob in 25% of reported cases according to the investigative work Ida B. Wells in *The Red Record*.<sup>56</sup> Explanations of lynching through the lens of sexual assault created an a priori justification for the murders of black men that precluded any discussion of evidence or due process. In other words, rape operated as a smoke screen that shut down any appeal to reason that might have been made on the behalf of a lynching victim. Sexual assault became an enthymeme within the lynching performance and representations of it that assumed the sexual deviance of the lynched person. Allegations of sexual assault were not needed, they were implied (castration of the victim also performed this allegation). Further complicating the matter were narratives about the purity of white women, and the purity of the race that they were thought to protect by passing along

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<sup>53</sup> Wiegman p.98.

<sup>54</sup> Watson, p.67.

<sup>55</sup> Jacquelyn Dowd Hall, *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching*. New York: Columbia University Press. (1993). p.133.

<sup>56</sup> Goldsby, p.86.

white racial characteristics. This became an obsessive point of arguments in favor of lynching, and the thought that consensual sexual relationships between black men and white women was possible was untenable for those who subscribed to the white supremacist ideology of the Lost Cause.

In spite of the low rate of occurrence and the absence of formal allegations in many cases, the rape myth became so intricately tied to lynching that the guilt of lynched black men in a sex crime was assumed by the mob and by many outside audiences. The truth or facts in lynching cases were subservient to stereotypes about African Americans. Walter White would say of miscegenation laws and lynching, "It has caused the surreptitious spreading of stories in sex relations and it did not matter whether or not that rumored superiority existed in fact or fancy- the very violence of the mobbist seemed to lend credence to the assertion."<sup>57</sup> The circular relationship between lynching and the supposed sexual deviance and prowess of black men was a powerful, if hollow, myth, as statistics that demonstratively proved the falseness of the claims made about rape were circulated in various publications.<sup>58</sup> The myths were so powerful that guilt of the accused party was not a prerequisite for lynching, accusations and suspicion would prove impetus enough in many cases. This was so much the case that it entered the political discourses about lynching. In his protest of the Dyer Anti-Lynching Bill (1921), Representative Thomas Sisson would argue that he, "would rather see the whole black race of this world were lynched than for one of the fair daughters of the South to be ravished and torn by one of these black brutes."<sup>59</sup> The extreme rhetoric forwarded by Southern politicians became a means of deflecting any legislative attempts to curtail lynching, and an a priori dismissal for claims that white men

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<sup>57</sup> White, p. 68.

<sup>58</sup> Markowitz, p. 9.

<sup>59</sup> Solomon, p. 70.

ought to be prosecuted for violence committed against African Americans. As Tate suggested, violence became the default answer when dealing with matters of race, and sexual assault became the de facto justification.

It became so engrained and automatic a rhetorical move that Governor of South Carolina, Ben Tillman, questioned the soundness of mind of anyone who would advocate due process for a black man accused of rape -- describing the proper response of white men thusly, "Civilization peels off us, any and all of us who are men, we revert to the original savage type whose impulses under any and all circumstances has always been to 'kill! kill! kill!'"<sup>60</sup> One ought to take note of the disparate position of Tillman's reduction of white men to savages, and the earlier characterization of mob members as, "stalwart and composed." Civilization was supposedly guarded by the lynching of black men in the white supremacist narrative of the Lost Cause, even as the proponents of it justified their actions through the insanity and savageness that the threatening of white women could induce in white men. The ranting of partisan politicians and the ways in which the press reported on the events was often a form of argumentative subterfuge.

These points may, at first, seem to have little to do with lynching photography or representations of lynching scenes. However, image vernaculars are closely tied to the political discourses of their time. The political rants and endorsements of lynching as a practice were carried through the lynching photographs that circulated through the United States as part of the image vernacular of white supremacy. In her development of the concept of the image vernacular, Finnegan, argues that photographs and images circulating within particular image vernaculars are tied to the cultural narratives about photography and the subject pictured in the

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<sup>60</sup> Markowitz, p.10.

photograph.<sup>61</sup> I argue that lynching photographs were a heterogeneous medium that incorporated these political discourses and myths about African Americans as enthymemes that overshadowed the facts surrounding individual cases of lynching. These photographs provided a medium through which those identified with white supremacy could literally take hold of a particular version of history that dictated social relationships between races. Susan Sontag argues, "As photographs give people an imaginary possession of a past that is unreal, they also help people to take possession of space in which they are insecure."<sup>62</sup> In the unreal past fostered by the Lost Cause mythology and the political discourse of the time, lynching photographs erased many of the reasons that motivated white lynch mobs by making the dominant cultural narrative concerning African American males the rape myth. This socially and politically positioned white males as the protectors of white females, rather than confronting the new economic relationships between whites and blacks after Emancipation and during industrialization. This was a means of stabilizing insecurities felt by whites about the mixing of races, increased economic agency of African Americans, and the changing landscape ushered in by modern technologies and industrialized businesses.<sup>63</sup>

Most often, altercations related to wage disputes or some sort of financial quarrel between a black laborer and a white employer were the cause of lynching.<sup>64</sup> The system of debt peonage instituted after the Civil War and Reconstruction put blacks and poor whites in competition for jobs as day laborers and tenant farmers. As Douglas Blackmon and others have argued the system of debt peonage that took hold in the agricultural economy of the South was

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<sup>61</sup> Finnegan, pp. 40-41.

<sup>62</sup> Sontag, p. 9.

<sup>63</sup> Wood, pp. 1-44.

<sup>64</sup> White, p. 76.



little more than an extension of slavery.<sup>65</sup> Correlations between the frequency of lynching and the socio-economic conditions of the community are significant-- during economic upswings lynching would decline and during times of economic turmoil the lynching would increase.<sup>66</sup> William Pickens argues that sex operated as a smoke screen and was, "simply the shrewdest battle cry of the forces seeking the economic domination of the Negro... The average man, even the most brainless, may be moved by it, a red herring... whenever one discusses the economic, political, or civic advancement of the Negro."<sup>67</sup> The root causes of disputes and the myriad reasons that incited lynching were wiped away as the performance of the lynching proceeded through the established steps of the ritual. This often included the castration of the victim, so as to remove the sexual threat of the black man visibly and as means of tying the guilt of the victim to sexual desire.<sup>68</sup> In short, explicit conversations about miscegenation and the fear of the decline of white civilization could be read directly into the ritualized spectacle and the photographic representations of these spectacles. In this way, discussions of labor issues and protection of property and family by African Americans could be completely forestalled. Discussions of lynching in this culture were not tied to the rights of African Americans, but to the threats faced by white communities by the possibility of African American agency.

In addition to the powerful narratives circulated and performed through lynching by direct witnessing and word of mouth, the technologies of the day aided in the perpetration and dissemination of draconian and barbarous acts of lynching. The presence of modern technologies during archaic displays of justice would allow for the extension of the lynching scene through

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<sup>65</sup> Douglas A. Blackmon, *Slavery by Another name: The Re-Enslavement of Black Americans from the Civil War to World War II*. New York: Double Day Publishing. (2008).

<sup>66</sup> James R. McGovern. *The Anatomy of a Lynching*. Baton Rouge: Louisiana State university Press (1982). p. 5.

<sup>67</sup> White, p.76.

<sup>68</sup> Apel, pp. 134-140.

space and time. Specially scheduled excursion trains would take people to locations where they could witness a lynching,<sup>69</sup> while those who were unable to attend could purchase or be gifted images in the form of postcards and snapshots. Souvenirs, including pieces of the corpse, scaffolding, rope, etc., from the event were also highly prized trophies. The intensity of the torture became ritualized-- castration, severing of the fingers and toes, burning alive, hanging, and shooting the victim many times both before and after the murder of the person-- in such a way that lynching became a standardized form of entertainment. Sound recordings of lynching,<sup>70</sup> radio advertisements in advance of some cases inviting members to join the lynch mob,<sup>71</sup> newspaper reports predicting the crime before its occurrence and reporting after the fact of the crime,<sup>72</sup> and cinematic depictions of this violence in films such as *The Birth of a Nation*<sup>73</sup> all played roles in the ways in which lynching would be received and understood by communities well beyond the audiences who perpetrated and attended lynching events as a socially accepted display of white supremacy. Spectacle lynching carried a weight that was multiplied by the ways in which it was reported and by the emergence of new technologies that were used in the performances and representations of the practice.<sup>74</sup>

Even as the modes of torture became more arcane, the processes used to promote and encourage lynching were distinctly modern including wire service reports and the latest advances in journalism.<sup>75</sup> This was another way that photographs of lynching were read by those who read stories in the white press about lynching. Racist political cartoons and charged editorials were

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<sup>69</sup> Dray, p.13.

<sup>70</sup> Goldsby, p. 13-15.

<sup>71</sup> Apel, p.136.

<sup>72</sup> Hale, p.223.

<sup>73</sup> Wood, *Lynching* ... pp.147-174.

<sup>74</sup> Wood, pp. 71-178.

<sup>75</sup> Goldsby, p.90.

coupled with sensational journalistic practices to portray black males as "beasts" and "fiends" from which the white women of the South must be defended.<sup>76</sup> However, the vast majority of white papers would not include photographs of lynching that directly represented the graphic and intense nature of lynching violence. As Amy Louise Wood notes, "Before the 1920's, mainstream newspapers rarely published these photographs, even though large urban newspapers had the technology to do so beginning in the 1890's."<sup>77</sup> Instead, the lurid prose of news accounts of lynching provided readers with mental pictures of lynching that might be overlaid or read into lynching photographs when they were viewed within the image vernacular of white supremacy as a kind of "folk pornography."<sup>78</sup>

Much of lynching's power was derived from the circulation of these accounts, so much so that Richard Wright would assert, "Indeed, the white brutality that I had not seen was a more effective control of my behavior than that which I knew... as long as it remained something terrible and yet remote... I was compelled to give my imagination over to it..."<sup>79</sup> The terror of lynching permeated the community structures of any community where whites and blacks interacted in part because of its insidious ability to be represented and retold as part of a white supremacist power structure that dictated the social and political relationships of Americans in the Post-Reconstruction era and through the mid twentieth century. This extended to both narrative and pictorial accounts. Viewing lynching photographs served as a sort of surrogate attendance of the event. As Grace Elizabeth Hale notes, "While thousands of white southerners witnessed and participated in lynchings as the twentieth century unfolded, the majority of

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<sup>76</sup> Goldsby, p.28.

<sup>77</sup> Wood, "Lynching Photography..." p.378

<sup>78</sup> Jacquelyn Dowd Hall, *Revolt Against Chivalry: Jessie Daniel Amers and the Women's Campaign Against Lynching*. New York: Columbia University Press. (1993). p. xx.

<sup>79</sup> Wood, *Lynching...* p.1.

Americans- white and black, northern and southern- learned about these events from newspapers and to a lesser extent books, pamphlets, and radio announcements."<sup>80</sup> Hale does not specifically mention photographs, but the point that secondary experiences of lynching were the most prominent form of exposure is well taken. In this regard, lynching had a phantasmagoric quality that allowed it to spread throughout the country without being physically manifest in many of the places that it touched, and the technological means of circulation added to and accentuated this feature of it. Photographs were another means of representation whose circulation helped to expose more Americans to lynching, as well.

Even in more clandestine murders of African Americans, the imagery of spectacle lynching invaded the ways in which the murders would be interpreted within the communities in which they took place. They were accounted for in such a way that whites could picture the murder of blacks as a community activity no different than convening the city council. The white press's retelling of lynching was hardly objective in reporting the demeanor and candor of the men who perpetrated these crimes to the point that they were seen as, "manipulative organs of propaganda" used to forward the white supremacist agenda.<sup>81</sup> Violence toward African Americans in the public sphere was represented as normal, which would legitimize public displays of that violence as acceptable social action. The interpretations were typically filtered through a set of race and gender hierarchies that would allay the anxieties of white supremacists by insisting on the separation of the black men and white women. In this way, the political discourse, the news coverage of lynching, and the technologies employed as a part of, or in the service of, lynching helped to develop an image vernacular of white supremacy that was

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<sup>80</sup> Hale, p. 206.

<sup>81</sup> Markowitz, p. 2.

dominant in the United States for a number of decades. Lynching photographs were interpreted through this image vernacular by vast portions of the population until organized protests of lynching offered elements that helped to construct an image vernacular that condemned racial violence.

Lynching included the collection of practices and ritualized performances in order to make the torture and murder of victims legible to witnesses and consumers of photographs after the fact. The enthymematic function was the assignation of guilt to the black body in regard to a supposed ingrained deviance or criminality. In this image vernacular victims become interchangeable parts of a system of surveillance and terrorism used to subjugate African Americans and remind Anglo Americans of the desired social order of the "Lost Cause." Foucault argues techniques of surveillance produce means by which bodies are disciplined into conforming to communal standards.<sup>82</sup> The hegemonic accounts of lynching that praised or described the events in grizzly detail were a twisted pedagogical exercise in race relations from the turn of the century well into the 1930's, whose legacy extends into the present.

These representations served two primary purposes in maintaining the image vernacular of white supremacy. First, for whites, "images [of lynching] signified the, visually and tangibly, white supremacist ideology, the uncontested 'truth' of white civilized morality over and against black bestiality and savagery."<sup>83</sup> Secondly, as a result of the first function, the mediated accounts of lynching became the way in which lynching would take over the imagination of those in African American communities like Richard Wright who felt that they were "lynched in the

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<sup>82</sup> Michel Foucault. *Discipline and Punish*. New York: Random House (1979). p. 11.

<sup>83</sup> Wood, "Lynching Photo..." p. 377.

gaze" of whites.<sup>84</sup> Many of the whites who were initiated into the lynching gaze had never been present at an actual lynching. Thus, a rigid reinforcement of the Jim Crow structures of segregation were instantiated through what Marita Sturken and Lisa Cartwright have called "practices of looking" at representations of lynching that empowered whites and oppressed blacks.<sup>85</sup> All the while, this system of separation incorporated modern technologies as a matter of growth and convenience, and as the entire country modernized it simultaneously encouraged retrograde ways of looking at others.

#### 1.4 *The Creation of an Image Vernacular of Protest: Re-circulation, Journalism, and the Creation of Anti-lynching Images*

The maintenance of the image vernacular of white supremacy was dependent upon many factors, but in relation to images of lynching, particularly photographs, controlling circulation was key. As Amy Louise Wood argues, "Indeed, once they were removed from their localities, through lines of commercial distribution or political activism, these meanings became quite unstable allowing antilynching activists to imprint , quite successfully, entirely different meanings on them."<sup>86</sup> Once circulated outside of the image vernacular of white supremacy into other image vernaculars, the lynching scene could be re-contextualized and repurposed. If we return to Finnegan's definition of image vernaculars, "as enthymematic modes of reasoning employed by audiences in the context of specific practices of reading and viewing in visual cultures,"<sup>87</sup> we see that the enthymematic functions of lynching photographs and other images of lynching could be shown as invalidly constructed arguments deployed in service of an rabidly

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<sup>84</sup> Dray, p. 411.

<sup>85</sup> Marita Sturken and Lisa Cartwright, *Practice of Looking: An Introduction to Visual Culture*. Oxford: Oxford University Press. (2009).

<sup>86</sup> Wood, "Lynching Photo..." p.377.

<sup>87</sup> Finnegan, p. 34.

partisan interpretation of American history-- the Lost Cause. The job of creating an image vernacular of protest was to make rhetorical appeals that convinced audiences that there were other, more valid, readings of lynching images that proffered different enthymemes concerning lynching and racial violence between whites and blacks.

The destabilization of an image vernacular then must attack a particular visual culture by calling into question the practices of reading and the legibility of images within that image vernacular. It is my contention that the NAACP and other protest organizations did just this. However, a qualification must be made. An image vernacular of protest does not necessarily offer its own visual culture or means of seeing; instead, it offers a way of seeing that attacks the hegemonic modes of visual culture. The enthymematic modes of reasoning in protest rhetoric assume that the original purpose of the image is flawed, and new ways of reading need to be taught in order for the image to function in an acceptable way. In the case of lynching photographs and imagery, this meant creating a visual epistemology of race that challenged the ways in which racialized gazes would operate in the public sphere in relation to violence. It also meant encouraging everyday practices of seeing race that negated or refuted the racist myths that allowed lynching to become prominent; put simply, protest rhetorics combated the visual activation of racist stereotypes.

This is significant because anti-lynching groups were composed of diverse groups of people who did not necessarily share any other goal than the cessation of lynching in the United States.<sup>88</sup> The image vernacular of protest ceases to operate in the same ways once the

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<sup>88</sup> Apel, pp. 83-131; Helen Langa, "Two Antilynching Art Exhibitions: Politicized Viewpoints, Racial Perspectives, Gendered Constraints." *Journal of Contemporary African Art*. Fall 2006; Marlene Park, "Lynching and Antilynching: Art and Politics in the 1930's" *Prospects: An Annual of American Cultural Studies*. Vol.18 (1993); Amy Helene Kirschke, *Art in Crisis: W.E.B. Du Bois and the Struggle for African American Identity*. Bloomington, IN: Indiana University Press. (2007).

dismantling of the hegemonic image vernacular has taken place, or in this case once the activity of lynching has been recast in the public consciousness and no longer takes place in the public sphere. In this specific case, there were organizations such as the Association of Southern Women for the Prevention of Lynching with many members and leaders, Jessie Daniel Ames included, did not believe in racial equality, but did believe that lynching ought to be stopped.<sup>89</sup> This stood in stark contrast to other organizations fighting for racial equality such as the NAACP and the Communist Party. These distinctions are important because civil rights groups still faced many challenges and obstacles including threats to their own safety, and the possibility of retribution that in some cases included being lynched themselves in the pursuit of justice. Given the active suppression by existing power structures, an image vernacular of protest may not bear the same clear and demonstrable features that a hegemonic image vernacular might possess. As L.V. Gaither offers, “If it is true, as often stated, that white supremacy has its own logic, the same holds true of black responses to it. But I would consider such a response to be a form of protest, particularly considering the restrictions or imprisoned-like conditions under which such sentiments were articulated.”<sup>90</sup> The protestors faced a perilous journey in their construction of a logic of protest that would take considerable time and resources to establish. As such, identifying and examining the particulars of this construction is an important task.

The importance of establishing a way to read lynching photography and images of lynching against the established image vernacular of white supremacy would prove vital in the Civil Rights movement. The outrage and shock evoked during the Civil Rights movement by the circulation of photographs and images of racial violence were products, not only of the shocking

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<sup>89</sup> Hall, pp. 180-183

<sup>90</sup> L.V. Gaither, *Loss of Empire: Legal Lynching, Vigilantism, and African American Intellectualism in the 21st Century*. Trenton, NJ: Africa World Press. (2006). p. 13.



and sensationally brutal treatment of blacks at the hands of whites, but I argue the accumulated work of protestors who had shown the abject victims of lynching for decades in order to protest the conditions faced by blacks in the United States. The abuse of a group of citizens who were denied enfranchisement in such a spectacular fashion would prove a source of national and international embarrassment.<sup>91</sup> The first steps in this process were (1) establishing groups that could systematically investigate lynching and circulate lynching photographs out of their intended confines and (2) establishing a democratic right to look. Through looking and interpreting photographs of lynching, African Americans and liberal groups of whites could begin to dismantle the conventions of lynching photographs. Freelance journalist Ida B. Wells had fought this battle for quite some time,<sup>92</sup> as had Mary Church Terrell.<sup>93</sup> The admirable efforts of these women were foundational in beginning the processes of taking lynching photographs out of the white supremacist image vernacular. They provided discursive strategies, visual strategies, and statistics in regard to lynching that would be picked up by black presses and liberal white presses. Press coverage of lynching by these presses coupled with the organization of advocacy groups would provide the apparatuses that would perform the work of reframing and recasting lynching rhetorically in the American public.

The protests of lynching by 1909 had become highly organized and methodically pursued by groups such as the newly formed NAACP, and other groups such as the CIC would join the crusade against lynching in the coming years.<sup>94</sup> From its inception the NAACP had concerned

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<sup>91</sup> Walter White, *Rope and Faggot: A Biography of Judge Lynch*. Notre Dame, IN: Notre Dame University Press. (2001), originally published 1929. p.152.

<sup>92</sup> Goldby, pp. 43-104; "Desiring Citizenship: A Rhetorical Analysis of the Wells/Willard Controversy" *Women's Studies in Communication*. Vol. 31:1 (2008). p.56-80.

<sup>93</sup> Watson, pp. 65-90.

<sup>94</sup> Robert Zangrando. *The NAACP Crusade Against Lynching, 1909-1950*. Philadelphia, PA: Temple University Press. (1980).

itself with the protest of lynching and attempted to secure federal legislation pertaining to its curtailment and eradication, and made the issue of lynching one of the chief means of raising funds.<sup>95</sup> The NAACP's primary publication, *The Crisis*, and booklets produced concerning the frequency of lynching and particular instances of it featured photographs of lynching victims.<sup>96</sup> In 1916 the lynching of Jesse Washington in Waco, Texas would result in the printing of and distribution of pamphlets that circulated as a supplement to *The Crisis* that featured images of Washington's lynched corpse. This was one of the first major undertakings of its kind. Coverage of the Washington case would extend from local coverage in Waco to pieces in *The Houston*



Figure 1: Photograph of Jesse Washington used in *The Waco Horror*. Reproduced from the Library of Congress, NAACP collection.

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<sup>95</sup> Zangrando, p.27.

<sup>96</sup> See issue of *The Crisis* or pamphlets that featured the bodies of Rubin Stacy, Claude Neal, Jessie Washington, and many others that were printed and distributed as early as early as 1916.

*Chronicle, The New York Times*, and the *Times of London*.<sup>97</sup> While these pieces condemned the lynching of Washington, they did not offer the in depth coverage of the case that the black presses and the NAACP would. Often, African American newspapers and periodicals were the only publications willing to show lynching photographs, so as with the Till case some 30 years later, the intensity of coverage in the Washington case varied markedly. NAACP coverage of the lynching included photographs of Washington's corpse that were extremely graphic, and was the most intense coverage of lynching to date. These photographs of Washington, burned beyond recognition, were meant to shock the audience into realizing the brutality of mob violence.<sup>98</sup> In many ways, the Washington case was an example of cutting edge investigative journalism, and the investigative efforts allowed for the procurement of photographs that would likely have remained in circulation only through their secretion amongst private parties who wished to enjoy the photographs.

The photographs of Washington's corpse featured in the pamphlet were taken by Fred Gildersleeve, a local photographer, who had sold the images after the lynching as postcards.<sup>99</sup> The recirculation of the images with subtle or no alteration is an example of what Lester Olson calls rhetorical re-circulation. Olson describes this process of rhetorical re-circulation as means by which the original image can be made to serve various ends either congruous or incongruous with the original intent of the image when placed in different contexts.<sup>100</sup> Lynching photography in this instance became a means of resisting racial oppression despite its previous role as the calling card for a particular brand of white supremacy. "The Waco Horror" pamphlet was one of

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<sup>97</sup> Patricia Bernstein. *The First Waco Horror: The Lynching of Jesse Washington and the Rise of the NAACP*. College Station, TX: Texas A&M University Press. (2005). pp.127-133.

<sup>98</sup> Anne Rice, "How We Remember Lynching" *Nka Journal of Contemporary Art*. Fall 2006. pp. 33-36.

<sup>99</sup> Bernstein, pp. 10-11.

<sup>100</sup> Lester C. Olson, "Pictorial Representations of British America Resisting Rape: Rhetorical Re-Circulation of Print Series Portraying the Boston Port Bill of 1774." *Rhetoric & Public Affairs*. Vol. 12:1. (2009).

the first examples of a strategy employed by the NAACP when photographs were available and finances in the organization permitted. The narrative supplied in the pamphlet condemned the white community, emphasizing the inability of community leaders who were opposed to the lynching to find any lawyer in Waco or Houston to take up the case.<sup>101</sup> By accompanying images with a different narrative than the enthymematic narratives of white supremacy associated with lynching and lynching photography the NAACP was able to explain lynching in terms of a miscarriage of justice, and a blight on white communities and the wider American community. Photographers like Gildersleeve did not act as "journalists or outside commentators,"<sup>102</sup> but rather as perverse documentarians within the white supremacist image vernacular. This did not stop the images from being re-purposed in a photojournalistic way. In essence, these photographs could be taken and circulated through the public sphere in a journalistic fashion as a form of protest. The intent of publications that circulated lynching photographs as anti-lynching photographs was to remove them from the image vernacular of white supremacists. Indeed, these organizations realized that the tools of oppression could be re-fashioned as tools that undermined the ethos of politicians, presses, and communities that sought to oppress African Americans with the terrorism of lynching.

Instead of serving as mementos and souvenirs, through this kind of circulation, lynching photography became embedded within the practice of protest photojournalism. In turn, the photographs took on different properties. Robert Hariman and John Lucaites describe the potential of photojournalism as a zone between hegemony and resistance. They posit that, "...there is much more than the ideological relay occurring when photojournalism does succeed

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<sup>101</sup> Rice, p.34.

<sup>102</sup> Wood, "Lynching Photography..." p. 378.

at constituting an *intermediate zone* between hegemony and resistance, that is, when it creates a public culture. In that middle realm other forms of rhetorical effectivity come into their own: social knowledge becomes more than dominant-subordinate relationships, collective memory serves more than elite interests, citizenship becomes a distinctive form of identity, and the resources for communicative action can be more than just the master's tools."<sup>103</sup> This clearly ties into the re-presentation of lynching photographs in periodicals such as *The Crisis* and *The Chicago Defender*. The act of re-presentation had to take place to make the photographs something other than a restaging of the violence that reified the hegemonic purposes for which they initially served. The intermediate zone that Hariman and Lucaites identify is the space where changes in public consciousness can take place. In relation to lynching photographs, the space between resistance and hegemony meant that groups that did not necessarily share similar ideas about racial equality and issues of segregation could come together and argue against lynching. The communal consensus that lynching ought to be ended comes about as the result of publicity surrounding lynching that spurred discussions about definitions of citizenship and the right of all citizens to the entitlements of due process in the legal system.

Indeed, it became a place from which arguments against lynching could flow. Following Michael Osborn, Michael Leff and Andrew Sachs note the power of visual rhetoric in this vein, "image-generation controls things- not only absorbing much of the function of argumentation but also forming the base from which argumentation proceeds."<sup>104</sup> Lynching photographs were, "absorbing the functions of argumentation" in anti-lynching groups, and were becoming "the

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<sup>103</sup> Robert Hariman and John Louis Lucaites, *No Caption Needed: Iconic Photographs, Public Culture, and Liberal Democracy*. Chicago, IL: University of Chicago Press. (2007). p. 10.

<sup>104</sup> Michael Leff and Andrew Sachs, "Words the Most like Things." *Western Journal of Communication*. Vol. 54, 1990. p.253.

base from which arguments," about ending lynching were proceeding. The initial circulation of these photographs by the black press and protest organizations, in many cases, became the means by which other representations of lynching, visual and textual, were proceeding.

Photographs of lynching became the property, at least figuratively, of protest groups through rhetorical strategies that incorporated the translation, reproduction, and distribution of representations of lynching that contained both verbal and visual elements. The verbal and visual elements of the protests meant that in the same way that lynching photographs had been packed with the arguments of white supremacist ideology in their original modes of circulation, they were now being filled with the sentiments and arguments of anti-lynching groups. There was a fashioning of a self-image for African Americans and whites who participated in this process as concerned and responsible citizens exposing a threat to the American definition of citizenship.<sup>105</sup> As Leigh Raiford points out, "African Americans themselves sought to unmake the identity created for them in popular (or scientific or criminal or pornographic) derogatory depictions by both countering with their own carefully cultivated self-images and by reframing the cruelest and most sadistic of these portrayals, lynching images, as the shared shame of the entire nation."<sup>106</sup> The expansion of the guilt to the entire nation meant that those who held steadfastly to the Lost Cause mythology and the ideology of white supremacy would be held accountable by other citizens who had been ignorant of lynching prior to the rhetorical re-circulation and repurposing of these images and those citizens who were persuaded by the arguments made by anti-lynching groups.

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<sup>105</sup> Amy Helene Kirschke, *Art in Crisis: W.E.B. Du Bois and the Struggle for African American Identity and Memory*. Indianapolis, IN: Indiana University Press. (2007). p.6.

<sup>106</sup> Leigh Raiford, "Lynching, Visuality, and the Un/Making of Blackness" *Nka: Journal of Contemporary African Art*. Fall 2006. p.24.

The work done to these images happened in conjunction with a number of discourses and through various mediums in addition to photojournalism and other journalistic techniques. The fight against lynching also took the form of attempts to pass federal anti-lynching legislation. Over 200 bills would be proposed to Congress of which 3 would make it through the House of Representatives, only to be filibustered in the Senate.<sup>107</sup> The familiar arguments about the security of white women, as well as a host of arguments about the insignificance of lynching as a practice would be forwarded by those who opposed federal measures to curtail and eradicate lynching. As Robert Zangrando notes, "a Jim Crow mentality thrived, and the fact that Congress stubbornly refused to enact any civil rights measures from 1875 to 1957 suggest something of the frustration felt by those who sought legislative remedies..."<sup>108</sup> So, even as these efforts failed to secure legislation they did raise public awareness, "by showing how violence threatened generally held Judeo-Christian and democratic values."<sup>109</sup> The three case studies here present instances in which these ends are rhetorically pursued by the presentation of lynching images through various means.

### 1.5 *Three Examples of Lynching Images Deployed in Protest*

In assessing these case studies, one must remember that the push for anti-lynching legislation that each of these rhetorical artifacts was deployed in support of would ultimately not result in the securing of that legislation. They would, however, raise public awareness about lynching. The rhetorical value of these pieces is not measured through the success of legislative lobbying on the part of anti-lynching protestors, but rather in terms of creating and sustaining an

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<sup>107</sup> S. Res. 39 "Apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation." 109th Congress 1st Session.

<sup>108</sup> Zangrando, p.16.

<sup>109</sup> Zangrando, p.18.

image vernacular of protest that managed to influence the way that lynching was looked at and talked about by the public and public representatives who discussed the matter. The eradication of lynching from the public sphere was a matter of rhetorically reframing violence in the public sphere as an undemocratic and un-American activity, and making representations of lynching, whether visual or textual, reflect and conform to that reframing.

The first of these case studies is the *Art Commentary on Lynching*. This exhibition was sponsored by the NAACP in order to raise awareness for the Costigan-Wagner Anti-lynching Bill.<sup>110</sup> The chapter begins with an explanation of how and why the exhibition was set up by the NAACP, and some of the contextual information surrounding the push for this particular piece of legislation. It then proceeds through an analysis of some of the featured pieces of art in the exhibition that disrupted the originally intended viewing practices of the lynching scene by violating or manipulating the generic conventions of lynching photography. The relationship between the viewer and the viewed has special consequences when discussing lynching, especially representations of lynching. In this particular case, photographs of lynching were not exhibited, but instead artists' renditions of accounts of lynching and photographs took the form of paintings, etchings, and sculpture.<sup>111</sup> I examine how some of the artists who contributed to the exhibition dealt with problems of representing the violence of lynching in a public forum. The rhetorical violations of the lynching photograph by the pieces discussed provided way to critique lynching and sympathetic representations of it through a visual medium. The rhetorical analyses of the pieces treated in this chapter show the ways in which the translation of photographs into

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<sup>110</sup> Apel, *Lynching Imagery*...

<sup>111</sup> Margaret Rose Vendryes. "Hanging on their walls" in ed, Judith Jackson Fossett and Jeffrey A. Tucker, *Race Consciousness: African American Studies for the New Century*. New York: New York University Press. (1997). pp. 153-176.



another visual medium provided ways to critique the arguments forwarded in lynching, created ways in which discussions of lynching could be approached, and provided different views of lynching. The views were most often created by refusing to adhere to the deliberate manner in which lynching photographs were staged and posed for by members of the mob.<sup>112</sup> In this way, different associations could be made with both the lynching victim and with the lynch mob. The victims could be given agency or mourned in these artistic depictions in ways that lynching photographs did not necessarily allow. Lynch mobs, conversely, could be shown in the throes of blood lust, or the mob might be pitied for their ignorance and self-destructive tendencies in ways that were also harder to illustrate with the carefully contrived lynching photograph. The artistic license and the generation of these pieces allowed for rhetorical work to be done through images that could then be reflected back upon or used to view lynching photographs, and contribute to the conversations about lynching that were ongoing in the debates over federal lynching legislation.

The second case study focuses on a pamphlet circulated by the NAACP that features a photograph of the lynching of Rubin Stacy in Fort Lauderdale, Florida (1935). The pamphlet operates rhetorically through the description that accompanies the photograph, and serves to reverse the fore and the ground of the photograph, which revises the definitions of who could be a victim of lynching. The pamphlet opens with the lines, "Do not look at the Negro. His earthly problems are ended. Instead, look at the seven WHITE children who gaze this gruesome spectacle."<sup>113</sup> The pamphlet goes on to question what kind of citizens might be produced if the practice of lynching is a form of initiation into the public sphere. The focus on the varied

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<sup>112</sup> Wood, pp. 92-99.

<sup>113</sup> NAACP Pamphlet reproduced from the collections of the Manuscript Division of the Library of Congress.

expressions of, "horror, gloating, and excitement," present on the faces of the mob members raises questions about the humanity of lynch mobs in general. The relatively large distribution of the pamphlet (100,000 copies) among "NAACP branches, churches, women's clubs, and other organizations interested in the fight against lynching" provides a platform to argue about the implications of such a rhetorical move.<sup>114</sup> I argue that the Stacy pamphlet depicted lynch mobs as particular audiences to be excluded from the universal audience as conceived by the work of Perelman and Obrechts-Tyteca, and extended in the work of others. In terms of image vernaculars, the pamphlet rhetorically positions the image vernacular of protest as preferable to the image vernacular of white supremacy by denouncing the latter as destructive of the democratic principles valued by a universal audience.

The final case study analyzes the song "Strange Fruit" as an example of ekphrastic poetry. The analysis of this song as ekphrastic poetry seems intuitive in that the song does two things: the first is that brings a lynching before the eyes of the listener; the second is that it describes a landscape. The fact that the song does not reference a specific incident, but conjures an image means that notional ekphrasis is taking place. The conjured image is an enthymeme completed through notional ekphrasis. Simply stated, notional ekphrasis is the idea that given a certain verbal or written description the discursive can produce visual images. In other words, it is a process of "making ears serve for eyes," and, "turning the absence of a visual dimension in its medium into its own source of visual strength."<sup>115</sup> The song conjures images in the listener's mind, though there is no specific image that serves as a referent. The images conjured textually

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<sup>114</sup> NAACP advertisement for the pamphlet reproduced from the Manuscript Divisions of the Library of Congress.

<sup>115</sup> Hanna Scolnicov, "Making ears serve for eyes: Stoppard's Visual Radio Play" *Word & Image*. 20:1. (2004), p. 63.

are a result of the wide circulation and re-circulation of images of lynching. I am arguing that notional ekphrasis in this particular case was reliant upon the circulation and re-circulation of the images of lynching because the process provided rhetorical agency to the images.<sup>116</sup>

In "Strange Fruit" the imagetext in this sense moves beyond even the material presence of the image, and functions in an enthymematic way.<sup>117</sup> This enthymeme was not available through other means of protest such as photographs and writings that operated independently where someone could simply avert their eyes or put down the text. Here we see through a series of depictive metaphors that ekphrasis offers a way to make an image present even when no material image is present,<sup>118</sup> and then animates that image. The animation of the image through the classical theorization of ekphrasis as set forth by Aristotle and other Greek theorists in various versions of the *Progymnasmata* brings other senses to bear on the experience of the lynching scene.<sup>119</sup> Further, I will attend to the ways in which the performance of this song and its rise to fame through Billie Holiday's singing of it were incorporated into the protest of lynching.

In each of these examples the formation and reinforcing of an image vernacular of protest will become clear. The representative power of lynching photographs is rhetorically manipulated, in each case, through different means. As these rhetorical moves and manipulation are made certain attacks and ways of dismantling the image vernacular of white supremacy manifest themselves. These moves are important because they show how the efforts of protestors changed the ways in which lynching images were received, and as a result how the Civil Rights

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<sup>116</sup> Olson, p.27.

<sup>117</sup> WJT Mitchell, *Picture Theory: Essays on Verbal and Visual Representation*. Chicago, IL: University of Chicago Press. pp. 411-418.

<sup>118</sup> Osborn, p. 83.

<sup>119</sup> Ruth Webb. *Ekphrasis, Imagination, and Persuasion in Ancient Rhetorical Theory and Practice*. VT: Ashbridge Publishing. (2009); Aristotle. *On Rhetoric*. trans. George Kennedy. 2nd edition. Oxford: Oxford University Press. (2007). 3.11.2. p.315.

movement could use images of the black body in pain in order to affect change in the public sphere. The ways of looking at African Americans were being gradually changed from racially oppressed other to citizen, and the repurposing of lynching photography was a major step in that process.

The gradual process of combating the narratives that had proliferated through lynching and the blind eye turned toward it by local, state, and federal authorities, which refused to intervene could begin in earnest, as arguments began to proceed from the images and accounts of lynching. No longer could people simply not look or look only when they wanted to, as the dissemination of these photographs through varied media outlets allowed for a broader condemnation. The organizations responsible for the spread of anti-lynching photographs recognized, "the ethics of not looking, of choosing not see plainly before one's eyes,"<sup>120</sup> would have to be changed in order to eradicate lynching from the public sphere. They would ensure that audiences did not have that option, and create a tradition that spanned from the rhetorical repurposing of photographs of Jesse Washington by the NAACP to the creation and publication of photographs by Mamie Till Bradley that would make "the whole world see" the aftermath of her son's lynching. The repulsiveness of the photographs in each case is very similar, their means of distribution, and the purposes for which they were published were also very similar. The difference is that by the 1950's the lynching photographs distributed of victims in the prior decades had to be secured by people involved in the event, and that the work done on those images after they were secured still did not guarantee public outrage. The work done to earlier images was a means of cultivating the starting point for arguments about race.

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<sup>120</sup> Rice, p.32.

## 2 THE ART COMMENTARY ON LYNCHING: ART AND LEGISLATION

*"Thus all art is propaganda and ever must be, despite the wailing of purists... I do not care a damn for any art that is not used as propaganda."*<sup>121</sup>

--W.E.B. DuBois (1926)

In 1935 the NAACP sponsored an art exhibition, the *Art Commentary on Lynching* to raise awareness and support for the Costigan-Wagner Anti-lynching Bill. The images displayed in this exhibition show the work of rhetorical re-appropriation and repurposing of lynching photographs and imagery in order to protest the standard messages conveyed through the conventions of lynching photography. The *Art Commentary on Lynching* offers an episode in the effort to secure federal anti-lynching legislation that would make mob murder a federal crime. The renewed effort to secure anti-lynching legislation brought to the fore issues within the African American community through political debates and arguments about how best to raise public awareness on the issue of lynching. Many of the themes and arguments developed over the course of the legislative debate are present in the *Art Commentary on Lynching*. I will argue that that the visual representations of lynching that violated the conventions of lynching photography served to contribute to arguments that were on going in the protest of lynching and the attempts to pass the Costigan-Wagner Act.

As explained in the previous chapter lynching photography served as a representation, or a pictorial shorthand, of the consensus among white communities about the roles of black and white, men and women, and proffered the version of white supremacist ideology that remained the hegemonic power from the post-Reconstruction period until the Civil Rights movement of the 1950's and 1960's. It offered a view of what Michael Hatt has called the, "unified

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<sup>121</sup> Amy Helene Kirschke, *Art in Crisis: W.E.B. Du Bois and the Struggle for African American Identity*. Bloomington, IN: Indiana University Press. (2007). p.124.

constituency of whiteness."<sup>122</sup> The 1930's were a period where the meanings of lynching photographs and lynching in general were becoming contested among certain sections of the population, but a point at which the public opposition to lynching was still being cultivated and the vast majority of lynchings still went unpunished.

The Costigan-Wagner Bill stands as a historical marker where the previous overt racism surrounding the debate on the Dyer Bill in 1922 was articulated through different means and couched in different language. Though, the overt racism of earlier years would return in debates over the Wagner- Van Nuys Bill in 1940.<sup>123</sup> A cold indifference rooted in a societal acceptance of lynching as a remote or isolated phenomenon loomed behind the failure to pass federal anti-lynching legislation. This fight would depend largely on how the representations of lynching in journalists accounts and social transmission of the events, such as lynching postcards, were interpreted. In *The Crisis* lynching photographs were regularly repurposed, and editorial cartoons consistently attacked the ideological contradictions of lynching.<sup>124</sup> However, W.E.B. Du Bois remained concerned that indifference was still the prevailing attitude in regard to lynching amongst large portions of the United States' public, despite a growing interest on the part of the United States in intervening in human rights issues on the international level.<sup>125</sup> Indeed, Walter White worried that the representations of lynching in the news might be glossed over as a white liberal sat, "sipping his or her morning coffee," or that the same liberal might, "even rationalize

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<sup>122</sup> Nicholas Mirzoeff, "The Shadow and the Substance: Race, Photography, and the Index" in Coco Fusco and Brian Wallis, ed. *Only Skin Deep: Changing Visions of the American Self*. New York: Abrams Publishers. (2004). p.121.

<sup>123</sup> George C. Rable. "The South and the Politics of Antilynching Legislation, 1920-1940." *The Journal of Southern History*. Vol. 51:2 (1985). pp. 201-220.

<sup>124</sup> Kirschke, p.91.

<sup>125</sup> Kirschke, pp. 91-94.

or justify the justice of a lynching."<sup>126</sup> White's concern speaks to the possible indifference toward accounts of lynching that described burned or mutilated human beings to the extent that an otherwise reasonable person might be able to read even as they ate their breakfast. The NAACP would return to the work of curbing lynching and lobbying for federal legislation on the matter in an attempt to address not only white liberal indifference, but also to take advantage of new emerging political policies of the New Deal and face the challenges of competing organizations' attempts to reframe the anti-lynching movement. One of the primary fights would be over the representation of lynching, and how to change what lynching represented to a large portion of the population that still believed in justifications of lynching that demonized black men.

## 2.1 *Anti-Lynching Legislation in the 1930's: The NAACP's Renewed Effort*

In the early to mid 1930's the campaign against lynching faced a crossroads. In the preceding couple of years a steady decline in lynching numbers and a contentious relationship between the NAACP and the Hebert Hoover administration had meant a curtailment of the resources expended by the organization in the fight against lynching.<sup>127</sup> The decline of reported lynchings in the late 1920's had allowed the organization to put its funds to use elsewhere, but upsurges in lynching in the early 1930's could not be ignored by the organization.<sup>128</sup> The rise in the number of lynchings and the brutality of the Claude Neal case renewed the belief of Walter White and many others that, "there will be no cessation of lynching until Congress enacts

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<sup>126</sup> Dora Apel, *Imagery of Lynching: Black Men, White Women, and the Mob*. New Brunswick, NJ:Rutgers University Press. (2004). p.88.

<sup>127</sup> Robert L. Zangrando, *The NAACP Crusade Against Lynching, 1909-1950*. Philadelphia, PA. (1980). pp. 98-99.

<sup>128</sup> Zangrando, p. 8.

legislation such as this (Costigan-Wagner Bill)."<sup>129</sup> Additionally, multiple high profile cases thrust lynching back into the forefront for the NAACP. This included the legal efforts to stop the court sanctioned lynching of the Scottsboro Boys in Scottsboro, Alabama, the lynching of Claude Neal in Marianna, Florida, the double lynching of Tom Shipp and Abram Smith in Marion, Indiana, and the lynching of George Armwood in Princess Anne, Maryland.<sup>130</sup> In the Neal, Smith and Shipp, and Armwood cases the victims had been taken from the custody of law enforcement officials, while being held in county jails.<sup>131</sup> Neal had been abducted and taken across state lines from Alabama to Florida, but the Attorney General refused to intervene in spite of the recently passed Lindbergh Law enacted specifically to address interstate kidnappings.<sup>132</sup> In both the Maryland and Indiana cases the mobs made attacks on the courthouses that caused considerable damage to the edifices of buildings that were supposed to represent justice and order.<sup>133</sup> The press coverage and sordid details of these events were among the reasons that NAACP made anti-lynching legislation its primary focus for the first time since the failure of Dyer Bill a decade earlier.

In this redoubled charge against lynching there was renewed hope within the organization that the NAACP could achieve a measure of success in the Senate, where past efforts had been stifled. Recent legislative victories achieved through the efforts of Walter White included the blocking of the confirmation of a Supreme Court nominee with a poor race record and the formation of an investigative committee to improve racial discrimination on a federal works

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<sup>129</sup> Walter White, "Mr. White predicts there will be no cessation of lynchings until Federal legislation is enacted" *Congressional Digest*. June- July 1935. p. 192.

<sup>130</sup> Kenneth Robert Janken, *White: The Biography of Walter White, Mr. NAACP*. New York: The New Press. (2003). pp. 202-203.

<sup>131</sup> Janken, p.106; James Madison, *A Lynching in the Heartland: Race and Memory in America*. New York: Palgrave Publishing. (2001). pp. 5-13.

<sup>132</sup> Zangrando, p. 123.

<sup>133</sup> Janken, pp. 5-13.



project in the Mississippi Valley.<sup>134</sup> Legislative victories for the NAACP, and for that matter other African American protest organizations dealing with race, were new experiences in the fight for civil rights. Indeed, as Robert Zangrando notes, “White had enjoyed two Senate victories. Even his mentor (James Weldon) Johnson had never succeeded there.”<sup>135</sup> Johnson had spearheaded the NAACP’s campaign for the Dyer Bill, and though it was the first bill to make it through the House of Representatives it would eventually be filibustered in the Senate.

What’s more, Walter White had secured an audience with Eleanor Roosevelt, and as a favor she had arranged a meeting between White and President Franklin Roosevelt. In a meeting that lasted for over an hour White, Franklin Roosevelt, Eleanor Roosevelt, and Sara Delano Roosevelt discussed the potential for the success of the bill, and the potential pitfalls of filibustering; White left with a promise from FDR that the bill would come to a vote, though Roosevelt declined to back the bill in the event of a filibuster.<sup>136</sup> The traction gained by White and the NAACP leading up to the vote on the Costigan-Wagner Bill was unprecedented, and offered hope and confidence to the organization.

White had organizational support, tacit support from the White House, and had even secured some prominent sources of support from the South. Vassar professor and Southern blue blood Emily Yates Webb, prominent Southern Methodist minister Albert Barnett, and witnesses of lynching from Nashville, Tennessee would all speak at the Senate Hearing promoting the Costigan-Wagner Bill declaring that public opinion among a notable portion of the South favored an end to lynching and federal legislation to achieve that end.<sup>137</sup> This Senate Hearing,

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<sup>134</sup> Zangrando, pp. 105-106.

<sup>135</sup> Zangrando, p. 106.

<sup>136</sup> Zangrando, pp.115-116.

<sup>137</sup> Janken, p. 204.

which included a cadre of witnesses, would also be broadcast nationally on NBC radio, thanks to the lobbying and a substantial monetary contribution by an anonymous donor.<sup>138</sup> This was the first time that a Senate hearing would be nationally broadcast by a radio station.<sup>139</sup> The national broadcast of the two day Senate hearing allowed for a large audience to hear the case against lynching made by prominent members of both white and black communities was a public relations coup.

The NAACP found itself with an argumentative foothold in a legislative debate about a federal anti-lynching bill that proposed to fine any locality in which a victim was remanded from custody by law enforcement to a lynch mob. The bill would offer a way to levy fines when communities failed to act in punishing mob violence, or when authorities failed to protect accused parties from being abducted and harmed. As many pieces fell into place for the renewed push for legislation that would make lynching a federal crime, there were pieces of condescension and opposition from inside and outside the organization that both motivated and detracted from the NAACP's push for the passage of the bill. The fight for the Costigan-Wagner Act would provide a means by which Walter White could prove himself as the new leader of the NAACP after the tumultuous departure of W.E.B. DuBois from the organization following a fight between the two men over the direction of the organization.<sup>140</sup> In addition to the departure of a leading member of the NAACP would face something new: competition for the political and

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<sup>138</sup> Janken, p. 203.

<sup>139</sup> Zangrando, p. 121.

<sup>140</sup> Thomas Dyja, *Walter White: The Dilemma of Black Identity in America*. Chicago, IL: Ivan R. Lee. (2008). p. 138; Janken pp. 165-176.

legal representation of African Americans. The fight for anti-lynching legislation would play a large role in the NAACP's eventual claim to dominance over competing advocacy groups.<sup>141</sup>

## 2.2 *Competing Protest Organizations: The CP and ILD face off with the NAACP*

Making matters more complicated during this period were the effects of the Great Depression. This included the emergence of an increase in the popularity of the Communist Party (CP), which was appealing to many African Americans who faced unfair labor conditions in both the northern and southern regions of the country.<sup>142</sup> The legal defense of African Americans and lobbying efforts on behalf of African Americans to pass federal anti-lynching legislation had traditionally been the exclusive realm of the NAACP, but the CP and the International Labor Defense (ILD) were now competing for public attention and funding through campaigns in the Scottsboro case and elsewhere.<sup>143</sup> A divided effort amongst African Americans in the pursuit of racial equality would bring about difficulties in fundraising and the pursuit of anti-lynching legislation.

The Scottsboro Case, in particular, would prove to be problematic for the NAACP because their hesitation to come to the defense of the Scottsboro boys allowed the CP and their legal arm the ILD to step in and gain visibility at the national level defending African Americans from the perils of a sham trial.<sup>144</sup> The NAACP was embarrassed and angry that they had dropped the ball. Philip Dray describes the situation in the following, "Once the NAACP... realized they'd been caught napping, angry insults were exchanged- the NAACP accused the Communists of exploiting the boys' plight for propaganda purposes, and the ILD castigated the NAACP as

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<sup>141</sup> Zangrando, pp. 138-139.

<sup>142</sup> Zangrando, p.100.

<sup>143</sup> Zangrando, pp. 100-101.

<sup>144</sup> Philip Dray, *At the Hands of Persons Unknown: The Lynching of Black America*. New York: Random House Publishing. (2002). pp. 309-318.

'bourgeois reformers' not sufficiently devoted to... true racial equality."<sup>145</sup> The CP would compare the case to the ILD's previous highly public and hotly contested case, the Saco and Vanzetti trial.<sup>146</sup> The Scottsboro case contained, "all the earmarks of a legal lynching," and would become the "*cause célèbre*" nearly from its beginning in March of 1931.<sup>147</sup> Scottsboro would drag on, and though the innocence of the nine men was "universally" assumed the last of them would not be released from prison until 1950.<sup>148</sup> What became clear as a result of the confrontational flare ups through the decades between the CP and the NAACP were the pronounced differences between the more conservative approaches of the NAACP and the more radical approaches of the CP- "the NAACP worked within the framework of the Constitution..., while the Communists challenged the entire American system."<sup>149</sup> The NAACP was looking for a way to reassert itself in the face of this new challenger, and many agreed that, "A revived antilynching campaign seemed to offer the NAACP a ready answer."<sup>150</sup> The difference between the political aims and approaches of the CP and NAACP would mean differences in the ways in which lynching was fought, as well. In particular, the ways in which lynching was represented would differ considerably because the NAACP would attack the crime of lynching, while the CP would attack the institutional structures that they argued were responsible for lynching.

One of the confrontations between the CP and the NAACP would come in the legislative battle over the Costigan-Wagner Act. The CP would forward its own anti-lynching legislation that sought the death penalty for lynchers, rather than the fine that the NAACP sought as punitive action in lynching cases. The forwarding of this bill would prevent labor officials and

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<sup>145</sup> Dray, p. 310.

<sup>146</sup> Dray, p. 309.

<sup>147</sup> Zangrando, p.99.

<sup>148</sup> Dray, p. 315.

<sup>149</sup> Dray, p. 310.

<sup>150</sup> Zangando, p. 101.

CP sympathizers from testifying in favor of the Costigan-Wagner Bill because they believed it to be too soft a measure. In an interesting twist, this fight became one fought through competing art exhibitions in 1935, as well as in the Senate hearing on the Costigan-Wagner Bill. The fight to represent African American interests would spill over into how to artistically represent lynching.

The NAACP had planned to hold the exhibition at the Jacques Seligmann galleries, but interference from a branch of the CP called the John Reed Club would force a change of venue to the Arthur U. Newton Gallery.<sup>151</sup> After, securing a new location and a tense exchange with CP members Walter White had made sure that the CP would not picket the NAACP's exhibition, or run their exhibition at the same time as the NAACP's.<sup>152</sup> Instead, the CP's exhibition *Fighting Pictures* would be staged immediately after the completion of the NAACP exhibition. The dust up between the NAACP and the CP was just one of many, but the desire by both groups to have their political positions made known through visual representations of lynching shows the significance placed on the visual representation of lynching by both organizations. The NAACP would argue that the CP's fight against lynching was an exploitative move to jockey for political position with African Americans and increase party numbers, rather than an honest effort to end lynching.<sup>153</sup> Despite the disagreement between the organizations, five artists would display their work in both shows.<sup>154</sup> However, there were significant differences in the ways in which lynching was represented in the competing exhibitions. The noticeably different aspects of the pieces of art in the CP's exhibition were the absence of pieces that dealt with religious sentimentality and depictions of African American victims as Christ figures, and the more

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<sup>151</sup> Marlene Park, "Lynching and Anti-lynching: Art and Politics in the 1930's." *Prospects: An Annual of American Cultural Studies*. Vol.18 (1993). pp. 326-327.

<sup>152</sup> Park, p. 328.

<sup>153</sup> Jankens, pp. 149-160.

<sup>154</sup> Apel, p. 86.

aggressive approach to representation.<sup>155</sup> The choices reflected the different political approaches to fighting lynching and also showed the ways in which lynching would be talked about in different forms of legislation posed by both organizations. In any event, it became clear that the fight for representation of lynching through art was part of the evolving process of gaining publicity for legislation to punish lynchers. The artistic representations of lynching provided a way to evoke emotional and intense responses to images that were not always elicited through the conventional practices of displaying of lynching photographs. In this particular chapter, the choice to analyze the NAACP's exhibition has to do with the wider breadth of issues that the show dealt with, as well as the fact that the critics and supporters of this show were more publicly visible than those who attended the *Fighting Images*. Additionally, the NAACP's legislation would make it much farther into process of consideration than the CP's ever would. As such, the arguments made in the *Art Commentary on Lynching* would be more prominent going forward.

### 2.3 *Art as Propaganda: Representing Lynching Photographs*

A key point in the analysis of this exhibition is dealing with the fact that, "the influence of lynching photographs is seminal in the production of anti-lynching artwork in the 1930's, not only because of specific photographs that served as departure points for artworks, but more fundamentally as the images to which all other images necessarily responded."<sup>156</sup> The works of art in the *Art Commentary on Lynching* were dependent upon the artists' exposure to accounts of lynching and photographs of lynching. Several of the pieces were direct translations or transliterations of photographs, while other pieces used strategies in which the conventions of

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<sup>155</sup> Park, pp. 342- 344.

<sup>156</sup> Apel, p.129.

lynching photography were undermined by the artists' choices in ways that gave the viewer a different view or way to see a lynching scene. Other pieces would focus on scenes that were not representative of lynching as an activity, but focused on the suffering of communities and individuals in the aftermath of lynching. Lynching photographs were difficult to deal with on their own terms during this time because lynching was still happening on a regular basis. Therefore, rhetorical moves to bring emotion to the visual appeals and evidence condemning lynching were made, and artistic representations offered another form of persuasive appeal that could operate in support of legislation and the cause of anti-lynching activism. Walter White told artists contributing to the show that he wanted them to focus on the "horror and pathos," of lynching in order gain the attention of viewers.<sup>157</sup> Many artists obliged with vivid depictions of violence and gruesome views of the lynching spectacle that belied claims to justice and order made by white supremacist justifications for lynching.

As noted in the introduction, the repurposed photographs had to be translated out of the language of white supremacy. This rhetorical work of translation through circulation and manipulation of images through reconstitutions of them and alterations is what Lester Olson calls "rhetorical re-circulation."<sup>158</sup> These processes of circulation move beyond the circulation of the material image. News accounts of lynching, poems, novels, book length expositions such as Walter White's *Rope and Faggot: A Biography of Judge Lynch*, Congressional debates on the subject, and a host of other texts contributed to the rhetorical re-purposing of lynching photographs. The combination of press releases, the specific focus on anti-lynching legislation in *The Crisis*, and events such as the *Art Commentary* were cooperative efforts. In this way, Robert

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<sup>157</sup> Kirscke, p.108.

<sup>158</sup> Lester C. Olson, "Pictorial Representations of British America Resisting Rape: Rhetorical Re-Circulation of Print Series Portraying the Boston Port Bill of 1774." *Rhetoric & Public Affairs*. Vol. 12:1. (2009).

Zangrando points out that, "Through these varied activities the association maintained a complex network of communications designed to inform and create its own feedback."<sup>159</sup> The *Art Commentary* fit into this network in a peculiar way because it was focused on creating and collecting representations of lynching that were visual interpretations of the political and social situations wrought by lynching, rather than the investigative accounts and direct lobbying in support of legislation for which the NAACP was known. The *Art Commentary* was a way to showcase visual translations of lynching images in a setting different from their mailing supplements and *The Crisis*.

In these rhetorical syntheses of materials, the arguments that sustained the anti-lynching movement were made manifest, as were the advantages and disadvantages of these arguments. The *Art Commentary on Lynching* is illustrative of certain of those advantages and disadvantages, and shows what was lost or gained in the translation of lynching photographs into different visual mediums that responded not only to lynching photographs themselves, but to the discursive battle taking place in the Senate over the Costigan-Wagner Act. What follows is an analysis of how a few of the pieces featured in the *Art Commentary on Lynching* took the conventions of lynching photographs in order to level criticism of the practice, and by doing so lent assistance to the effort to secure federal anti-lynching legislation.

Harry Sternberg's Lithograph, *Southern Holiday* (1935) displayed in the *Art Commentary*, provides a visual critique of the effects of lynching on civilization through the violation of generic constraints on lynching photography. The composition of Sternberg's lithograph is not all that different from a lynching photograph in so far as the piece places the

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<sup>159</sup> Robert Zangrando, "The NAACP and a Federal Antilynching Bill, 1934-1940." *The Journal of Negro History*. Vol. 50:2 (1965). p.111.



abject victim in the foreground of the image in a post-mortem pose. Most lynching photographs feature the victim prominently.<sup>160</sup> However, certain key differences in the presentation of the body and the scene critique the social values and ways of looking embedded in the white supremacist image vernacular of lynching. In Sternberg's piece a lynched African American man is bound to a deteriorating column from which the Corinthian pilaster has fallen off; there is blood flowing from a wound between his legs, indicating castration. As mentioned in the first chapter, castration was often a part of the lynching ritual. However, the display of the castration of a lynching victim was atypical in lynching photographs. No doubt, those present at a lynching were likely to see the nude body of the victim if were they close enough to the scene of the crime during its commission. Lynching photographs in contrast, as extensions of the scene, were used to resolve the contradiction of displaying the penis of a black man to white women and violating the very conventions the lynching ritual represented within white supremacist ideology. Indeed, as Amy Louise Wood notes, "vulnerable and virtuous eyes of white women that lynching was intended to defend," could be shielded, "because of the ways in which they (lynching photographs) sanitized and obscured the most horrific aspects of the violence."<sup>161</sup> Sternberg's choice to show the castration of the victim would have offended the sensibilities of many of the gallery patrons. It offered a restaging of the scene that did not glorify or tidy up the scene, but instead shows the physical suffering of the victim wrought by the sadism of the lynch mob through the exposed wound of the victim.

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<sup>160</sup> Dora Apel and Shawn Michelle Smith, *Lynching Photography*. Berkeley, CA: University of California Press. (2007). p.12.

<sup>161</sup> Wood, p.97.



Figure 2: Harry Sternberg, *Southern Holiday* (1935)

The victim is also lashed to the column, rather than suspended from scaffolding or a tree. This is not all together unheard of as many victims were burned at the stake, but most lynching victims were killed and displayed through hanging. Even those burned were sometimes hung from a rope or chain and repeatedly lowered in out of the fire, as was the case with Jesse Washington in Waco.<sup>162</sup> The visual effect of hanging would be different from this suspension featured in Sternberg's lithograph because as Dora Ape argues, "Instead of being hanged from the neck, which would cause the figure to go limp, his arms, torso, and ankles are tied to a pillar causing a rippled tension though the musculature in contrast with the fading spark of life in the face."<sup>163</sup> The physical strength shown through the tensed and flexed muscles offers a sign of resistance that undermines the typical appearances of helplessness of the victims in lynching photographs. The photographs of victims, as Wood points out, are intended to show the vanquished prey in a hunter and prey relationship.<sup>164</sup> The taut pose of the victim in the Sternberg piece implies resistance that was generally included in written newspaper accounts of lynching. Accounts of the Sam Hose lynching in Newnan, Georgia marveled at Hose's struggle to escape from his immolation after having endured torture that included the severing of his ears, fingers, and penis, and reveled in the victim's tenacity to the last agonizing seconds of his life.<sup>165</sup> The written accounts that sensationalized lynching in white newspapers that caricatured black men with the, "all too familiar demonization of black men as 'fiends,' 'brutes,' 'imps,' and 'beasts,'" served to reify the animalization narratives that circulated in the white supremacist ideology and

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<sup>162</sup> Patricia Bernstein, *The First Waco Horror: The Lynching of Jesse Washington and the Rise of the NAACP*. College Station, TX (2005). p. 109.

<sup>163</sup> Apel, p. 90.

<sup>164</sup> Wood, p.97-98.

<sup>165</sup> Dray, pp. 13-14.

image vernacular.<sup>166</sup> The killing of the victim has to show the threat that he potentially posed, which had to be accounted for, but the aftermath that the lynching photograph shows featured the neutralization of that threat. As such, the physical struggle and power manifest in the struggle of the victim had already been completely exhausted in the vast majority of lynching photographs, and victim's body was most often pictured flaccid and fully spent.

Keeping with this theme the open eyes of the victim and twisted mouth in Sternberg's lithograph contrast the hunter and prey relationship with what Apel describes as, "the fading spark of life in the face," also undermine the convention of the lynching photography as a post mortem practice.<sup>167</sup> While this may have been a function of long exposure times and the need for stillness in poses at the beginning of this practice, the evolution of the camera was quick and did not require the same still shot with hunting pose.<sup>168</sup> Wood points out that, "Rarely do lynching photographs depict the crowd in the process of hanging, shooting, or burning the victim... That most lynching photographs depict static posing was thus a factor of convention more than technical limitations."<sup>169</sup> Thus, the shimmer of life that is fading, rather than having faded in the image is not something that was impossible or difficult to capture with a camera, rather it was likely a willful omission on the part of photographers as part of the generic formation of lynching photography. The difference between the dead and the dying representation brings about differences in agency and potential captured in an image. Barbie Zelizer explains the power of "about to die" images in terms of the subjunctive voice and contingency by explaining that the contingency of death in these images leads the viewer to ask questions about the circumstances

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<sup>166</sup> Goldsby, p.21.

<sup>167</sup> Dora Apel and Shawn Michelle Smith, *Lynching Photography*. Berkeley, CA: University of California Press. (2007). p.12.

<sup>168</sup> Wood, p. 85; Goldsby, pp. 259-263.

<sup>169</sup> Wood, *Lynching and...* p. 85.

leading up to and following the death of the pictured person who is about to die.<sup>170</sup> In Sternberg's image the victim is forever in the moment of contingency that raises these questions, and this moment stands in stark contrast to the photograph of a dead victim where action is precluded and questions become more limited in scope. The rhetorical implication of the living victim extends the action of the lynching into the present, and pushes the viewer of the Sternberg piece from the position of the passive newspaper reader that Walter White lamented into the position of a witness.

Another generic manipulation in the rhetorical re-purposing of lynching photographs in Sternberg's piece occurs through the perspective on the setting provided. While, the slightly upward gaze at a victim is not unusual, the architecture and the state of the columns suggest further critique. The victim is affixed to a column and another deteriorating column in the foreground of the photograph stand in contrast to the industrial smoke stacks and a church behind them (the church would be removed in later iterations).<sup>171</sup> First, the columns stand as part of an edifice that has been destroyed or neglected to the point that time has crumbled it. Columns in front of state buildings were and still remain a common feature. So, a reasonable reading would assume that the victim has been affixed to the column of a dilapidated state building such as a courthouse. Margaret Vendryes argues that the crumbling columns represent, "the ruin of democracy."<sup>172</sup> Courthouses or ambiguous government buildings could be seen in many lynching photographs.<sup>173</sup> The photographs Fred Gildersleeve took of the Jesse Washington were actually

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<sup>170</sup> Barbie Zelizer, *About to Die: How News Images Move the Public*. Oxford: Oxford University Press. (2011).

<sup>171</sup> Margaret Rose Vendryes. "Hanging on their Walls: *An Art Commentary on Lynching*, the Forgotten Art Exhibition of 1935." in Judith Jackson Fossett and Jeffrey A. Tucker, ed. *Race Consciousness: African American Studies for the New Century*. New York: New York University Press. (1997). p.170.

<sup>172</sup> Vendryes, p.170.

<sup>173</sup> Goldsby, p.234.

taken from the Mayor's office in the courthouse, as per an arrangement between Gildersleeve and city officials.<sup>174</sup> The photographs taken prior to the double lynching in Marion, Indiana of Tom Shipp and Abram Smith show crowds gathering outside the courthouse before forming into a lynch mob.<sup>175</sup> The photographs of the Marion courthouse show the prelude to an actual full frontal assault on building that housed the jail from where the victims were extracted by force through battering doors and strong arming their way to the holding cells where Shipp, Smith, and survivor James Cameron were being held. In one of the most infamous incidents of this kind, the lynching of George Armwood in Prince Anne, Maryland involved the mob breaking down the door of the courthouse with a telephone pole they had taken down.<sup>176</sup> Lynchers would literally attack the edifices of justice in pursuit of their task. Sternberg's image shows the complete destruction of these buildings through his image to comment on the willingness of mob participants to attack the very symbols of the civilization that they claim to be protecting through lynching rituals.

Finally, one must consider that all of the striking choices made by Sternberg in the foreground of the image take place in the shadow of a place of worship and industrial smoke stacks. Lynching photographs did not typically include or feature churches, but as Peter Ehrenhaus and A. Susan Owen,<sup>177</sup> Amy Louise Wood,<sup>178</sup> and Walter White<sup>179</sup> all point out the involvement of religious ideologies and ritualized practices of lynching represented lynching's quasi-religious status in white supremacist communities. Sternberg would later remove the

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<sup>174</sup> Bernstein, p. 110.

<sup>175</sup> Madison, p. 114. Included in the series of photos following this page.

<sup>176</sup> Jankens, p. 201.

<sup>177</sup> Peter Ehrenhaus and Susan B. Owen. "Race Lynching and Christian Evangelisim: Performances of Faith" *Text and Performance Quarterly*. Vol. 24 No. 3.

<sup>178</sup> Wood, pp. 45-70.

<sup>179</sup> White, pp. 40-53.

church in the image, but the presence of the church in the version displayed at the *Art Commentary*... suggests an indictment of the inaction of the church looking down on and presiding over the scene, which was a theme in some contemporary criticisms of lynching.<sup>180</sup>

The smoke stacks in the background were also unusual given the setting of lynching photographs was usually in a town square or in a rural location outside of town. The presence of industry and manufacturing suggests the contradiction of brutality and torture taking place even as the places where lynching took place were modernizing. Dora Apel suggests that Sternberg's motivation in this artistic choice was, "to link the destruction of human rights to the development of capitalism- barbarity and race hatred to modern economic conditions- suggesting that industrialization increased class differences and created tensions between black and white wage laborers..."<sup>181</sup> Incorporating such a criticism would have been difficult through the direct interpretation of a photograph. In fact, the convention of lynching and lynching photographs was supposed to show unity among whites across socioeconomic statuses.<sup>182</sup> The manipulation of the scene in Sternberg's image allows for the juxtaposition of modernity and cruelty in order to show the economic implications for lynching that spread beyond the immediate locality where a lynching took place.

A second piece that played with and violated the constructions of lynching photography in the exhibition can be found in Reginald Marsh's *This Is Her First Lynching*.

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<sup>180</sup> White, pp. 40-53; Arthur Raper, *The Tragedy of Lynching*. Chapel Hill, NC: University of North Carolina Press. (1933). p. 335.

<sup>181</sup> Apel, p.91.

<sup>182</sup> Amy Louise Wood, "'Lynching Photography and the Reproduction White Supremacy," *American Nineteenth Century History*. Vol. 6:3 (2005). p. 374.





*"This is her first lynching."*

Figure 3: Reginald Marsh, *This is Her First Lynching* (1935)



Walter White admired this piece greatly, and actually attributed to it the motivation and genesis for the organization of the *Art Commentary*...<sup>183</sup> Marsh's piece depicts a crowd advancing on a lynching with a mother stopping to hoist a little girl onto her shoulders, so as not to exclude the tyke from the festivities, while turning to another spectator and exclaiming, "This is her first lynching." In lynching photography the advancing crowd and the view of the crowd is often privileged. The photographs of the assembling crowd for the lynching of Henry Smith in Paris, TX show the crowd at a distance, mostly faceless and nondescript as they proceed toward the town square. The photographs taken by J.L. Mertins, who deposited 12 of the photographs for copyright in the Library of Congress, were widely circulated as postcards, and would be companions to a sound recording of the lynching.<sup>184</sup> Even at the distance that Mertins took the photographs during the various stages of the lynching the scaffolding and the body of Smith are visible once the execution begins. The assembling and activity of the crowd to view the bodies of victim can also be seen in the Marion, Indiana photographs taken by Frank Bietler. The bodies of Shipp and Smith hang suspended in the background as a man in the foreground points up at them, as to provide an illustrator for the photographer, while the rest of the crowd goes about their business.<sup>185</sup> The image that Marsh provides differs from these examples in that Marsh excludes a view of the scaffolding and focuses entirely on the crowd. The viewer does not see the body, but instead the lynched victim serves an enthymematic function in the print. The viewer imagines the view of the seemingly puzzled and pensive child with a hand drawn up to her mouth, and through knowledge of lynching informed by newspapers, photographs, and other media the viewer of Marsh's print supplies an image of a lynching.

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<sup>183</sup> Dray, p.353.

<sup>184</sup> Goldsby, p.15.

<sup>185</sup> Smith in Smith and Apel, pp. 11-12.

The choice not to directly represent the body draws attention to the crowd and to the way in which the torture and murder of a human being had become a spectator event. The act is left incomplete, and the crowd moving toward the absent subject of the lynching becomes available for critique. Dora Apel suggests that the view of the crowd provided by Marsh for the gallery patron, "allows the spectator to view the scene from a comfortable distance and a position of moral superiority over the white mob."<sup>186</sup> Marsh's piece received high critical praise with critics noting the subtlety of the piece.<sup>187</sup> The praise noting the subtlety of the piece likely relied on this position of moral superiority and distance that the viewer was afforded, which contrasts sharply with the aggressive approach taken in Sternberg's piece and others in the exhibition that directly represented the body of the victim.

The subject position of the viewer in the gallery is limited to bystander in Apel's reading. Bystanders in these gruesome scenes were, nonetheless, complicit in the crime(s) committed. Another reading of Marsh's image suggests that given the size of the drawing that the patrons might have had to lean in and focus intently on the crowd, and as such they were not given as much distance by the perspective as one might at first think. The lack of distance and the ability to hear the exclamation, "This is her first lynching," from the proud matriarch with her child held above her amongst the hustle and tussle of the crowd suggests, even more perversely, the viewers' intimate proximity with the image and the represented crowd and asks them to consider the subject position of advancing as part of the crowd. Whether viewed or perceived as giving the gallery spectator distance or drawing them in as a spectator to the lynching that takes place out of scene, Marsh's image does require one to contemplate the spectator event that lynching

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<sup>186</sup> Apel, p.90.

<sup>187</sup> Apel, p. 90; Vendryes, p. 162.

had become in a way that does not match up with lynching photographs that most often featured the actual lynching scene.

Lynching photographs were, of course, part of the spectatorship of the event, but the photographs themselves were used to represent the communal agreement between whites about race and gender roles in those communities. The photograph of a crowd at a lynching viewed through the white supremacist image vernacular of lynching is representative of what Fitzhugh Brundage identifies as the "consensus" among the community that lynching performs,<sup>188</sup> or what Michael Hatt has called the "unified constituency of whiteness."<sup>189</sup> Marsh takes the idea of consensus in his image of the advancing crowd and turns it into a critique, rather than the representation of an agreed upon social order and performance of discipline. Marsh does this through the contrast of the facial expressions on the advancing crowd and the child being hoisted aloft to get a glimpse of the main attraction. The members of the crowd with their faces visible are smiling and the others move forward with their heads down, while the girl is the only one with a facial expression that indicates the horror of what is in front of her. Amongst the faces of consensus, the one innocent in the crowd looks on unsettled and confused. While the child cannot comprehend how the glowing light in front of her could be a scene of entertainment for the mob surrounding her, the gallery patron might have thought about this point. The shock on her face is contrasted by the crowd's forward advance and eagerness that if transferred to the little girl means the loss of her innocence. The moment is frozen for the viewer to contemplate how this little girl will adjust to and cope with the exposure to the scene.

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<sup>188</sup> Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930*. Chicago: University of Illinois Press. (1993). p.47.

<sup>189</sup> Cited in Nicholas Mirzoeff in Coco Fusco and Brian Wallis, ed. *Only Skin Deep: Changing Visions of the American Self*. New York: Abrams Publishers. (2004). p.121.

The sordid nature of a murder being converted into a spectator event, taken as an artistic subject, puts the focus on white incivility and on the degradation of the law being perpetrated by those who were allowed to exercise influence in the public sphere. Helen Langa speaks to Marsh's piece by arguing that the piece, "evokes outrage by portraying lynching as a grotesquely obscene 'communal' activity, whose white participants were so misled by racism that they would bring children to watch a traumatic murder as if it were entertainment."<sup>190</sup> So, where as lynching photographs display a communal form of entertainment, Marsh's drawing displays the depravity of that entertainment. The circulation of lynching photographs as postcards and commemorative images of the event glorify the violence, but the movement of a repurposed image into an art gallery featuring an exhibition protesting lynching memorializes the scene differently. The setting in which the image has been placed changes the way the content gets assessed. One might argue that had this drawing been crafted and displayed by an artist sympathetic to lynching it might not have looked all that different than it does in Marsh's rendition were it not for the lone facial expression of shock worn by the child in the picture. Margaret Vendryes points out, "He (Marsh) favored the seedier side of life where the overlap of bodies crowded into small spaces made a powerful commentary on modern existence. *This Is Her First Lynching...* was no exception."<sup>191</sup> For those familiar with Marsh's work in general this piece served as an extension of critiques of modernity that he was already making. This drawing had already been featured in *The New Yorker* in 1934 and *Crisis* in January of 1935, so the placement of it in a gallery featuring a politically motivated art exhibition provided a way for an understated image to operate with little room to misunderstand the rhetorical purpose of the drawing.

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<sup>190</sup> Helen Langa, "Two Antilynching Art Exhibitions: Politicized Viewpoints, Racial Perspectives, Gendered Constraints." *Journal of Contemporary African Art*. Fall 2006. p.106.

<sup>191</sup> Vendryes, p.162.

Further, the glorification of the event was being countered through this critique, which was important because the sensational and spectacular nature of lynching caused reports of it to carry an odd tone of excitement and grandeur. William James commented on coverage of lynching years before by saying, "The hoodlums in our cities are being turned by newspapers into knowing critics of the lynching game as they long have been of the prize-fight and football."<sup>192</sup> What Marsh's print does that a newspaper cannot is to take the sport out of the event through the critique of the crowd. Marsh in his print shows that not only the hoodlums or the misanthropes reading the paper came to know the event as a social function, but so too the white women in the rural communities and their children (as Vendryes points out) were indoctrinated into the spectacular scene. This leaves the viewer to imagine not only the horrifying details of the spectacle, but the emotional implications of looking and the impossibility of innocence once the imagined scene comes into focus. Marsh disrupts the image ideal of the Southern woman, while also showing the loss of innocence faced by children who were initiated into society through acts of racially motivated terrorism. The justification of lynching as a means to protect white women from black men is refuted by the inclusion of white women and children engaging in the violence and brutality of lynching.

The contradiction of femininity and the child, especially female children, being present at lynchings was an argument that would become deployed with a growing frequency. The Marsh drawing, I argue, positions the viewer to look not only through their own imaginations at the indirectly represented lynching victim, but also through the eyes of the little girl with the surprised expression on her face. Forcing the spectator to contemplate the thought process that the little girl must go through to understand the ritual she is witnessing for the first time in

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<sup>192</sup> Goldsby, p.16.

Marsh's representation of the event provides the rhetorical power of looking through eyes uninitiated in either the language of white supremacy or protest, and points out the dangers inherent in this sort of spectacle becoming a means of teaching communal values. The NAACP would develop this strategy in its pamphlet featuring a photograph of Rubin Stacy's corpse with a group of white female children surrounding it. This argument will be treated fully in the next chapter that discusses the Stacy pamphlet and the rhetorical strategies employed by focusing on white children in the protest of lynching.

Another piece that takes the mob as its focus is Paul Cadmus's *To The Lynching*. In a move quite different from Marsh's, Cadmus tangles the body of the victim with the bodies of the perpetrators, implements of torture, and a horse being used to take the writhing victim to the eventual site where the lynching would be perpetrated. The image offers an interesting rhetorical strategy of re-appropriation because it provides a view of the lynching scene not generally included within the conventions of lynching photography. Views included within lynching photographs were, as noted earlier, typically post-mortem, but in addition to this the lynching photograph was supposed to show the virtues of white supremacy through the controlled communal consensus represented in the action of condemning the black body. Amy Louise Wood describes the photographic and journalistic representations of lynching within these conventions thusly, "As protectors of the social and racial order, lynch mobs, as well as the spectators who



Figure 4: Paul Cadmus, *To the Lynching* (1935)

watched and encouraged them, were represented as orderly and respectable, embodying the supposed moral superiority of whiteness through their purposeful and controlled actions."<sup>193</sup>

Cadmus's piece offers an overhead view that provides no space, but intimately involves the

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<sup>193</sup> Wood, "Lynching..." p. 374.

viewer in a mass of swarming body parts. In the background of the print, legs and arms flail making the lynching seem more a maelstrom than a controlled activity. "The resulting sensation was chaotic,"<sup>194</sup> and offered a manipulation of the standard lynching photograph or image by providing a view that was not reflective of what lynching photographs were supposed to represent. Cadmus features the, "the mob's eagerness to torture their victim well before reaching the lynching site,"<sup>195</sup> and in so doing manages to disrupt the contradictory premises of unchecked violence and the orderly carrying out of an execution embedded in lynching mythologies and white supremacist representations of lynching. The manipulation of the photograph in Cadmus's work has to do more with what is absent from lynching photographs, as opposed to Marsh's piece which makes absent what is normally present in a lynching.

Another element exposed in this image that is not present in lynching photographs is the sexuality that was present in the lynching process. Cadmus took the myth of black male sexual deviance as a cause for lynching and turned it on its head by making the white men in the picture appear to lustfully tear at the victim's body with passionate and reckless abandon.<sup>196</sup> Dora Apel notes the difference between this and other anti-lynching images and lynching photographs by remarking on the nudity of the victim and the desire present in the faces of the perpetrators who lay their hands all over the nude victim.<sup>197</sup> The violence perpetrated in lynching was supposed to be a reaction to unchecked sexual aggression of black men, and this was the reason given for the castration of black men and the display of their removed genitals during the ritualized performance of lynching. Margaret Rose Vendryes remarks on Cadmus's rhetorical work in *To*

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<sup>194</sup> Vendryes, p.164.

<sup>195</sup> Langa, p. 106.

<sup>196</sup> Vendryes, p.164.

<sup>197</sup> Apel, pp.97-98.



*the Lynching!* saying that the image was supposed to be corrective of the sexual myths undergirding lynching, and quotes critic/historian Guy Davenport's commentary on Cadmus's work, "once sexuality of any kind becomes a herd activity, Cadmus sees it as vice, chaos, a failure of order and self-control."<sup>198</sup> So again, we see the tie back to the chaotic process of lynching, but also a tie to the sexual repression that lynching illustrated to those outside of the white supremacist image vernacular. The mutilation of the black body and obsessive nature with which the black phallus was attended to in this regard has been commented on extensively by Robyn Wiegman in her work *American Anatomies*.<sup>199</sup> The rapacious and lascivious characters in this telling of lynching are the white men who are eager to tear at the victim's body, and in all likelihood remove his genitals and handle them for the crowd.



Figure 5: Isamu Noguchi, *Death*. (1935)

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<sup>198</sup> Vendryes, p. 164.

<sup>199</sup> Robyn Wiegman, *American Anatomies: Theorizing Race and Gender*. Raleigh, NC: Duke University Press. (1995).

The final piece analyzed in this chapter is Isamu Noguchi's piece *Death*, which translated a photograph into sculpture. In analyzing it, I want to explore how the criticism of art in this exhibition was remarkably different from the treatment of a re-presented lynching photograph. In other words, there were certain rhetorical risks incurred when the re-purposing of a photograph crossed into a different medium, presented outside of a journalistic or politically charged publication. Art critics assessed the work of translating a lynching photograph into another medium very differently than the average reader of *The Crisis* examining a political cartoon or drawing, as will be discussed below.

Noguchi asked Walter White for help finding a photograph he could use as a subject for his sculpture.<sup>200</sup> Noguchi used the photograph of George Hughes's charred remains as his subject. Hughes, lynched in Sherman, Texas in 1930, had been accused of raping his employer's wife and murdering his employer, though there was no evidence to prove Hughes had committed either crime. The fight between Hughes and his employer was likely the result of a wage dispute that Hughes had with his employer.<sup>201</sup> This was not an uncommon reason for lynching in the South. As Dray observes, "DuBois in his informal study of the subject, had found that despite the generally held tenet that the black men were lynched for assaults on white women, in only 25 percent of lynchings was that crime even alleged. He found that wage disputes related to wages and working conditions were typically to blame..."<sup>202</sup> However, lynching photographs were often viewed under the assumption that sexual assault or a violent crime against a white woman had taken place. Indeed, lynching photographs could, "serve as justifications for the violence after

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<sup>200</sup> Vendryes, p. 157.

<sup>201</sup> Apel, p. 93.

<sup>202</sup> Dray, p. 7.

the fact."<sup>203</sup> The lynching photograph of Hughes served as a reminder of the assumed guilt of lynching victims, and the brutal manner in which punishment was exacted in these cases.

The lynching photograph of Hughes is particularly unsettling given the complete disfigurement and destruction of the corpse by fire. The photograph of Hughes shows a gnarled and contorted body suspended from a tree with a fire still lit underneath the body. Noguchi's sculpture on the other hand is smooth and devoid of the texture of body that has been burned. Noguchi chose instead to feature a muscular body in a dark alloy, suspended by a rope, and contorted in the same position as Hughes had been. The sculpture was about three-quarter scale of an actual body.<sup>204</sup> The body was suspended by pieces of actual rope, but took on a visual quality far different from a photograph. The suspension of the almost life-size body with distinguishable musculature and smooth surface made for an object that was not immediately readable for viewers. When one looks at the photograph of Hughes's body the curled and charred form of the corpse is not immediately recognizable as human, either. The immolation is far enough along in the process that the body has been largely consumed by the flames. Noguchi's sculpture reconstitutes the form of the body, and smoothes the charred form out where the musculature of the figure is distinguishable. However, the sculpture, just as the photograph, provides few details as to what George Hughes's body would have looked like prior to his murder. The reconstitution of the body offers no rescue of it and provides no sanctuary for it. Indeed, the piece has no racial or distinguishing features of any kind, other than its human shape and musculature. Dora Apel notes that Noguchi's piece at its core was about smoothing away

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<sup>203</sup> Wood, "Lynching Photography..." p. 379.

<sup>204</sup> Apel, p.94.

details to universalize the body of the lynching victim.<sup>205</sup> As such, the piece attempts to aesthetically represent the lynching victim in a way that lessens the attention to race in the equation of lynching.

Despite Noguchi's attempt to universalize the victims of lynching, his piece like lynching photographs assumed a black victim, even when the victim was no longer recognizable. A reviewer from the art journal *Parnassus* read the sculpture differently, assessing it for its disturbing qualities by saying, "the gnarled chromium victim jiggling under the wind-swayed rope would make a white man squirmy about his color."<sup>206</sup> Interesting in these comments is the use of race to determine the value and message of the piece. The lynching photographs of immolated victims such as George Hughes and Jesse Washington did not provide enough detail or show bodies with any racial features. However, those photographs were read through the image vernacular of white supremacy to the degree that it was assumed the victim was black. Lynching victims were interchangeable in this image vernacular, so long as they were black males. Indeed, Pearl Buck noted in her introductory remarks to the exhibition that, "every black man was a potential victim of the lynch mob."<sup>207</sup> The practice had become so synonymous with the murder of a black man that even in Noguchi's attempt to universalize the subject viewers of the piece could not separate race from the sculpture.

The piece drew responses from critics and viewers that were highly critical of its aesthetic value, as well. The only critic to comment directly on the iconicity of the sculpture to the photograph on which it is modeled was Henry McBride, who did so only in passing as he

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<sup>205</sup> Apel, pp. 94-96.

<sup>206</sup> Langa, p.104.

<sup>207</sup> Kirshke, p.108.

salted his review with racial epithets.<sup>208</sup> McBride commented on the iconicity of the sculpture saying, "The gruesome study of a lynching with a contorted figure dangling from an actual rope, may be like the photograph from which it was made, but as a work of art it is just a little Japanese mistake."<sup>209</sup> In managing to inflect racist overtones in what was supposed to be an aesthetic assessment of the piece, McBride was engaging in a practice that was not uncommon in the critical treatment of minority artists at the time, which was another problem for the exhibition in general.<sup>210</sup> In addition to the racist overtones, and perhaps in connection with them, one thing McBride's review indicates is the uncomfortable responses that some whites expressed when confronted with the ugly details of a lynching. The uncomfortable responses would lead some critics to question whether lynching could be the subject of art at all. Critic, Edward Allen Jewell commented on the intensity and horror that the Noguchi piece conveyed, but followed by saying, "as a work of art, however, it seems merely sensational and of extremely dubious value."<sup>211</sup> The distinction being made here is important because it calls into question whether the subject of lynching and lynching photographs could be made to serve as art objects and political statements at the same time. The answer was clear for those like Walter White who openly regarded his organization of the exhibition as both political and artistic, and wrote one financial backer saying, "I am trying delicately to effect a union of art and propaganda."<sup>212</sup> W.E.B. Du Bois in his 1926 speech, "The Criteria of Negro Art" stated the position even more forcefully, "Thus all art is propaganda and ever must be, despite the wailing of purists... I do not care a damn for any art

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<sup>208</sup> Apel, p.96.

<sup>209</sup> Vendryes, p.157.

<sup>210</sup> Kirschke, pp. 115-130; Langa, pp. 102-103.

<sup>211</sup> Apel, pp.95-96.

<sup>212</sup> Apel, pg.84.

that is not used as propaganda.”<sup>213</sup> The NAACP and Du Bois had rarely, if ever, watered down their coverage and criticism of lynching, and had published many images of lynching in the form of both photographs and cartoons in *The Crisis* during the two decades prior to this exhibition.<sup>214</sup> However, by holding this exhibition in a gallery the NAACP faced the rhetorical possibility that the issue of lynching could be skirted by dismissing the messages and commentary on lynching as aesthetic miscarriages.

Photographs and political cartoons as journalistic re-purposing of lynching scenes and images were not subject to the same line of critique that the pieces in the gallery would face. The criticism of anti-lynching art as questionable in its function of art *qua* art provided a way for those critics who were uncomfortable with the subject to place their criticism of the issue squarely outside the realm of politics. The most critical of the reviews, from *Art News*, opened with, "Art and propaganda have never to our memory been more unfortunately wedded than in the group show now at the Arthur U. Newton Galleries."<sup>215</sup> The rhetorical significance of such a stinging critique of the exhibition is indicative of a certain disjuncture between the exhibitions' rhetorical aims and the space of the art gallery as treated by art critics. Certainly, the merits of politics in art have been debated and contested at length, but for the purpose of this analysis it raises questions about the availability of mediums for argument and protest in the anti-lynching movement at this point in time. The rhetorical choice of White to put on this exhibition provided publicity and attracted somewhere in the neighborhood of 2,000 attendees, but simultaneously it offered a way for critics of the exhibition to dismiss the work of the exhibition without dealing with politics of the anti-lynching movement. Avoiding the questions of race and civil rights

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<sup>213</sup> Kirschke, p.124.

<sup>214</sup> Kirschke, pp.48- 114.

<sup>215</sup> *Art News*. "Art Commentary on Lynching: Arthur U. Newton Galleries." Vol 33:21. (1935). p.13.

raised by artistic representations of lynching in *The Art Commentary on Lynching* would unfortunately parallel some of the political dismissals of the Costigan-Wagner Bill in the Senate for which the exhibition had been designed to support and raise awareness. At the same time, the artistic representations of lynching offered another way to repurpose the lynching scene, and paved the way for artistic renditions of lynching in later protests.

#### 2.4 *The Aftermath of the Exhibition and the Fate of the Costigan-Wagner Act*

The exhibition was well attended, but it only traveled to Baltimore after its New York dates were complete. Walter White had hoped to send the exhibition traveling across the country and through the South, but funds and social constraints would keep this from happening. The exhibition would count many famous attendees among its ranks. The list of attendees, "read like a Who's Who of the New York elite. Alfred Barr, Jr., Robert Benchley, Heywood Broun, Countee Cullen, Max Eastman, Rene d' Harnoncourt, George Gershwin, Alain Locke..."<sup>216</sup> were among other prominent figures who came to view the exhibition. In its own way, the exhibition served as a counter spectacle of sorts with the guest list sporting famous names, the program including written pieces by literary luminaries Erskine Caldwell and Sherwood Anderson, and an opening address from Pearl Buck. In a letter trying to gain support for the exhibition to one patroness, Walter White wrote, "This of course, seems and is morbid, but even a morbid subject (lynching) can be made popular if a sufficiently distinguished list of patronesses will sponsor the exhibit."<sup>217</sup> White understood that heightened public support was key in changing what lynching represented to the larger public. The art exhibition served as a counter spectacle with a civilized and distinguished crowd, who were in truth the best of their community. However, the popular

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<sup>216</sup> Apel, p.84.

<sup>217</sup> Dray, p.353.

support Walter White and the NAACP were able to garner did not translate into the political support for the Costigan-Wagner Bill.

This is why the most conspicuous absence from the exhibition's opening was Eleanor Roosevelt. White had invited Eleanor Roosevelt to attend the exhibition, and hoped that her attendance of the exhibition would be seen as an endorsement of the Costigan-Wagner Act by the Roosevelt administration. White biographer, Thomas Dyja, writes, "Invited as the guest of honor to the opening, again the first lady had to decline and instead sneaked in for a private viewing."<sup>218</sup> Recall that White had secured a private audience with the President through Eleanor earlier in the year in which he would say he supported the bill behind closed doors, but would not publicly back the bill. When push came to shove, both FDR and Mrs. Roosevelt would not be able or willing to publicly support the Costigan-Wagner Bill for fear of reprisal against New Deal programs by senior members of the Democratic Party from the South.<sup>219</sup> Without greater support from the President the anti-lynching legislation would not pass. A filibuster of the bill would result in Senator Costigan pulling the bill from consideration in April. White would write of the opposition to the bill in a letter to Eleanor Roosevelt lamenting, "It is almost heart-breaking to have put as much work into this struggle as we have... to have a small recalcitrant group of senators prevent a vote from being taken."<sup>220</sup> White's lament underscores the amount of work that was put into bringing this bill before the Senate and the massive amounts of publicity marshaled in support of that goal, of which the *Art Commentary on Lynching* was a part.

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<sup>218</sup> Dyja, p. 145.

<sup>219</sup> Zangrando, p.134.

<sup>220</sup> Zangrando, p.119.



Of the over 200 bills proposed to Congress regarding federal anti-lynching legislation only three would ever get to the Senate.<sup>221</sup> There would not be a federal prosecution of a lynching case under the 14th amendment until 1968.<sup>222</sup> However, while legal action lagged behind, the NAACP and other organizations that fought to change what lynching represented to the public did raise awareness about the negative impacts of lynching to the extent that many lynchings were stopped or prevented as communities became more educated on the matter.<sup>223</sup> As Robert Zangrando notes, "the NAACP had identified a problem of vital and continuing concern,"<sup>224</sup> and armed with the lessons that they had learned in the legislative fight for the Costigan-Wagner Bill they would continue to fight to represent African Americans legally and through publicity. In the networking and lobbying for legislation, "the connections (Walter) White was building would confirm him and the NAACP as the ranking advocates for black America."<sup>225</sup> The art exhibition was a way in which White and the NAACP as the lead advocates for black America could repurpose lynching scenes in order to make the sight of a lynching represent something other than white supremacy, and utilize the connections that they were making in ways that would lead to the funding of that cause. Rhetorically this was vital in the public campaign to raise awareness and educate people about lynching because lynching was highly reliant on the construction of an image vernacular of white supremacy. The images in an *Art Commentary on Lynching* worked in conjunction with the other forms of publicity supporting the Costigan-Wagner Bill to disrupt that image vernacular.

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<sup>221</sup> S. Res. 39 "Apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation." 109th Congress 1st Session.

<sup>222</sup> Park, p. 317.

<sup>223</sup> Jacquelyn Dowd Hall, *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching*. New York: Columbia University Press. (1993). pp. 227-228.

<sup>224</sup> Zangrando, p. 138.

<sup>225</sup> Zangrando, p. 120.

### 3      SHOWING THE PUBLIC SPHERE THROUGH TEXT AND IMAGE: BLACK BODIES, WHITE SOUL, AND VOICES OF PROTEST

*"... and the truth flashed over me that in large measure the race questions involves the saving of black America's body and white America's soul."*

--James Weldon Johnson<sup>226</sup>

*"For some time now, the process of violence has become the norm."*

-- Jose Ortega y Gasset<sup>227</sup>

The shelving of the Costigan-Wagner Act and the passing of the *Art Commentary on Lynching* into recent memory did little to slow down the growing tide of NAACP press and lobbying. After the filibuster of the bill in May, four mob murders had been committed by July.<sup>228</sup> The upsurge in lynching included mob action in states represented by senators who participated in the filibuster of the Costigan-Wagner Bill. A point that Roy Wilkins, Assistant Secretary of the NAACP, was quick to point out when he wrote Senator Park Trammel of Florida on July 20, 1935 to press for action at the state level in the lynching of Rubin Stacy in Fort Lauderdale, Florida.<sup>229</sup> Wilkins writes, "You opposed the Costigan-Wagner Federal Anti-lynching Bill...This is your chance to prove your sincerity. Either Florida opposes federal action against lynching because she is able and intends to punish the crime herself, or because she

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<sup>226</sup> Philip Dray, *At the Hands of Persons Unknown: The Lynching of Black America*. New York: Random House. (2002). p.234.

<sup>227</sup> Jose Ortega y Gasset. *The Revolt of the Masses*. Notre Dame, Indiana: University of Notre Dame Press. (1985). p.102.

<sup>228</sup> Roy Wilkins, Personal Correspondence with President Franklin Delano Roosevelt. 7/20/1935. NAACP Archives, Library of Congress Manuscript Division.

<sup>229</sup> For continuity's sake Stacy's name will appear in this spelling because it is the way that it was spelled in correspondence and original documents associated with the case, though it has been spelled in a variety of ways by newspapers reporting on the event at the time and scholars writing well after the account.

wishes no interference with her citizens in their sadistic enjoyment of these orgies."<sup>230</sup> A copy of the message was also sent to Senator William Borah, who had also opposed the Costigan-Wagner Act. The Rubin Stacy case was all too familiar an affair for many, and the complacency of the government at local, state, and federal levels indicated that the masses were free to do as they pleased concerning the treatment of African Americans.

That Stacy had been removed from the custody of local law enforcement and was lynched stung anti-lynching activists because it was an example of exactly the type of case that the passage of the Costigan-Wagner Act had been designed to prevent and punish. The disdain in Assistant Secretary Wilkins' telegram was fairly clear, and the correspondence practically dared someone in Florida to act in the case. Nothing of the sort would be done. Wilkins appealed to President Franklin Roosevelt on the same day, and reminded him that Stacy's lynching was the third lynching in the previous five days. Wilkins took care to point out the correlation between the failure to secure federal lynching legislation and the upswing in lynching that was taking place, and he pushed Roosevelt writing, "States have demonstrated that they cannot and will not prevent lynchings or punish lynchers. Unless the federal government acts to stamp out lynching, America will continue to be branded as a hypocrite in voicing its dismay and disapproval of terror in Germany, Mexico, and elsewhere."<sup>231</sup> Wilkins' evocation of foreign policy in the wire to President Roosevelt shows a tactical decision by the NAACP to take the fight against lynching into the court of public opinion, domestic or foreign. The expansion of the anti-lynching argument beyond the conventional condemnation of the localities where the crime took place,

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<sup>230</sup> Roy Wilkins, Personal Correspondence with Senator Park Trammel. 7/20/1935. NAACP Archives, Library of Congress Manuscript Division.

<sup>231</sup> Roy Wilkins, Personal Correspondence with President Franklin Delano Roosevelt. 7/20/1935. NAACP Archives, Library of Congress Manuscript Division.

and into wider arenas and to claims about the public sphere as a whole were becoming more prevalent and more clearly articulated than previous attempts to explain particular lynching crimes strictly in terms of legality and the settings of the locality where they took place. The Rubin Stacy lynching would be a case where the NAACP broadened the scope of their argument and their audience in combating lynching.

The recent failure to pass legislation and the continued inaction on the part of law enforcement officials created changes in the way that the problem of lynching would be addressed rhetorically by the NAACP and other protest organizations. To be sure, the NAACP would continue to lobby for Congressional measures after the initial defeat of the Costigan-Wagner Bill, most notably by pushing for reconsideration of the Costigan-Wagner Bill and, subsequently, the introduction of the Wagner-Van Nuys Bill.<sup>232</sup> Lynching protests were varied in style and goals depending on the organization pursuing the protest, as is apparent with the rifts between the NAACP and organizations like the CP and Association of Southern Women for the Prevention of Lynching.<sup>233</sup> While the rhetorical strategies would sometimes overlap, the NAACP's approach differed because of its sustained support of and lobbying for federal legislation tied to the arguments they deployed. In addition to the push for legislation, there was a growing body of literature and published material on the matter of lynching aimed at raising moral objections and illuminating philosophical implications of lynching that were designed to illustrate the detrimental effects of lynching on the entire country. These arguments were still

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<sup>232</sup> Robert Zangrando, *The NAACP Crusade Against Lynching, 1909-1950*. Philadelphia, PA: Temple University Press. (1980). p. 149-153.

<sup>233</sup> Explanations in the objections in techniques and goals for between the CP and the NAACP can be found in the last chapter. For discussions of difference in approach between the ASWPL and the NAACP see Jacquelyn Dowd Hall's work on the subject, *The Revolt Against Chivalry: Jessie Daniel Ames and the Women's Crusade Against Lynching* (also, previously cited). The ASWPL may have campaigned for the end of lynching, but often did not advocate racial equality between whites and blacks.

grounded in showing the illegal actions of the communities where lynching took place, but attempted to show lynching as destructive of the larger democratic public sphere. This line of argumentation was deployed in the crafting of a pamphlet featuring a lynching photograph of Rubin Stacy. The pamphlet worked to disrupt the original purposes of the photograph in the white supremacist image vernacular. What the NAACP's investigation of the Rubin Stacy case and the subsequent pamphlet featuring a photograph of his corpse and an attendant crowd show is a move toward deploying a type of universalism in argument in terms of making lynching damaging to humanity in general.

The rhetorical maneuvering to make these arguments on the part of the NAACP were indicative of an understanding of not only the shifting landscape after the failure of a large scale attempt to pass federal legislation, but also show the close attention to detail that the NAACP was paying to individual cases in order to gain argumentative advantages. The Stacy lynching provided some interesting shifts in rhetorical ground in that the community's law enforcement seemed compelled to provide a story, even if thin, that suggests an awareness of the ongoing fight at the federal level to end lynching. Also, a photograph taken at the scene had unique elements, most notably the presence of white female children in the lynching photograph taken shortly after Stacy's murder. My argument will proceed from the NAACP's investigation of the particular audience that perpetrated and identifies with the lynching into the construction of a universal audience capable of passing judgment on lynching and the particular audiences that perpetrated it.

The analysis of the universal audience rhetorically crafted by the NAACP through the Rubin Stacy pamphlet in this chapter is informed by the work of Chaim Perelman and Lucie Olbrechts-Tyteca and interpretations of their concepts of universal and particular audiences in

the work of Alan Gross, James Crosswhite, and Antonio Raul de Velasquez. The appropriation and repurposing of the lynching photograph of Rubin Stacy in the construction of a piece of propaganda by the NAACP demonstrates the simultaneous appeals to the particular and the universal are aided by reference to the photograph. Moreover, the textual reframing of that photograph functions rhetorically to render white supremacist ideology available to critique. The removal of the photograph from the white supremacist image vernacular enables the NAACP to move toward a construction of a universal audience that recognizes lynching as a violation of what it means to be American in terms of democratic practice and ideas. In order to make these arguments, I will proceed through a discussion of the investigation into the lynching of Rubin Stacy that shows community in Fort Lauderdale as particular audience, an explanation of the lynching photograph in terms of the supremacist image vernacular, an analysis of the pamphlet in terms of its repurposing the photograph for protest, and some concluding thoughts on the expansion of victimhood in the protest of lynching that looked to add particular audiences in an effort to create a universal audience that recognized the human rights of African Americans in the United States.

### *3.1 Accounts of Rubin Stacy's Lynching: Investigation after the Costigan-Wagner Debates*

When considering the details of Rubin Stacy's death, one of the first things that must be established in this analysis is that the construction of a universal audience cannot take place in the white supremacist ideological constructions of race because its construction of the universal relies on terror and violence. James Crosswhite points out that Perelman and Olbrechts-Tyteca

remove violence from the proper construction of a universal audience in *The New Rhetoric*.<sup>234</sup>

The conditions that characterize the proper settings for argumentation as constructed by Perelman are nicely summarized by Crosswhite in the following passage, "conditions of this community are: a common language; a technique of communication; someone worth reasoning with and someone who will listen; a way of beginning, conducting, and ending arguments; and a willingness on all sides to change one mind."<sup>235</sup> Lynching precludes these possibilities between whites and blacks in communities by instituting social and political order through vigilante justice and terrorism. The disregard for the law in Stacy's abduction and murder negate the conditions for a bi-racial universal audience and the proper setting for argumentation. The rhetorical frame work for the universal audience relies on the position taken by Perelman just prior to his death in the piece, "Rhetoric and Politics." Perelman forwards his position thusly, "We must first want the political order which transcends the particulars and the conflicts of interest, and we must want the communion in the church, whatever divergences there may be in the interpretation of sacred texts, in order that submission to the laws, obedience to the authorities, and respect for the established order should prevail."<sup>236</sup> In the context of race lynching, the religious is replaced by the political, and the adherence to the laws, authorities, and the established order would be the adherence to the Constitutional protections and privileges of citizenship provided African Americans, as well as the adherence to the proper procedures of political deliberation assumed when American values of democracy are invoked. As we will see,

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<sup>234</sup> James Crosswhite, "Universalities." *Philosophy & Rhetoric*. Vol. 43:4. (2010). p.434.; Chaim Perelman and Lucie Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*. Notre Dame, Indiana: University of Notre Dame. (1969). pp. 54-59.

<sup>235</sup> Crosswhite, "Universals.." p. 434.

<sup>236</sup> Chaim Perelman, "Rhetoric and Politics." *Rhetoric & Philosophy*. Vol. 17:3. (1984). p.133.

the community that perpetrated the lynching of Rubin Stacy deliberately set about murdering Stacy as a means of denying these principles and conditions.

Rubin Stacy was a homeless tenant farmer in Florida, who approached the house of Mrs. Marion Hill Jones to ask for a glass of water. The accounts of what happened next in the story differ. The NAACP report was collected by a NAACP field investigator who travelled to Fort Lauderdale to investigate the incident. This initial effort to gather information reported that after Stacy asked Mrs. Jones for a glass of water, "When she started to get it for him, he entered her home and drew a pen knife with which he attacked her, badly cutting both of her hands," and in the ensuing scuffle Stacy chased her into the yard, "and began to choke her."<sup>237</sup> The clamor and the screams of Mrs. Hill and her children attracted the children's grandfather causing Stacy to flee the scene. Other accounts of the story collected by historians citing a deputy involved in the case suggest that Mrs. Hill approached the door upon hearing a person knocking, and she screamed in fear when she saw the face of a black man at the door. In these reports no mention of an assault on her property or person is mentioned.<sup>238</sup> It is worth noting that the disparate accounts of Stacy's alleged offenses, whether frightening or assaulting Mrs. Hill, do not include accusations of rape or murder. As has been noted in the earlier chapters, the rape myth was the most commonly deployed excuse or justification for lynching.

If the latter story is correct that Stacy was lynched for frightening a white woman because of his appearance, it speaks to the fear and trepidation encapsulated in the gaze of whites, especially white women, as the result of the myths spread through white supremacist

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<sup>237</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935. p.1.

<sup>238</sup> James Allen, Hilton Als, Congressman John Lewis, and Leon F. Litwack, *Without Sanctuary: Lynching Photography in America*. Santa Fe, NM: Twin Palms Publishers. (2000). p. 185. ; Dora Apel, *Imagery of Lynching: Black Men, White Women, and the Mob*. New Brunswick, NJ: Rutgers University Press. (2004). p.40-41.



mythologies of which lynching was a part and performance.<sup>239</sup> Further, Dora Apel describes the account by saying, "The very condition of the black male's proximity to the white woman became an assault, not on her person, but on her senses causing irresistible feelings of panic, frenzy, and fear, which she presumably would not have felt if he had been a white stranger."<sup>240</sup> Even if she had been frightened by a white man, the likelihood that a white man would have been lynched in the same circumstances was very low. Also, the fact that competing stories were circulating speaks to the growing difficulty the NAACP faced in collecting the facts in lynching cases, and that lynching witnesses had become less inclined to trust outsiders with their accounts of these events. After the anti-lynching campaign began, communities became nervous about how they would be perceived by outside audiences on account of the publicity campaigns of the NAACP.<sup>241</sup> The differences in Stacy's alleged offense might be contested, but the details of what followed are uncontested.

After Stacy's apprehension by local law enforcement on information gathered from his wife, he was identified by Mrs. Jones and two of her children.<sup>242</sup> Stacy was then to be transported by local law enforcement to avoid mob intervention, but during his transport, according to accounts given by the police who were transporting Stacy, the mob of over a hundred men with masks and covered license plates took Stacy from them. Stacy was taken by the mob to a point within sightline of Mrs. Jones house and not far from the site of where Stacy had been taken from the officers. They then proceeded to lynch Stacy. The deputy reported, "they just picked him up with the rope from the ground- didn't bother to push him from an automobile or anything.

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<sup>239</sup> Apel, p. 41.

<sup>240</sup> Apel in Apel and Smith, p. 57.

<sup>241</sup> Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940*. Chapel Hill, NC: UNiversity of North Carolina Press. (2009). pp. 105-107.

<sup>242</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935. p. 1.

He was filled full of bullets, too. I guess they shot him before and after they hanged him."<sup>243</sup>

Stacy's body was left hanging and viewers came by car, horse, and foot to view the body in the ensuing hours. The NAACP investigator was told that deputies rushed to the scene as soon as possible, "and found the body of the Negro still hanging from the tree."<sup>244</sup> The people questioned in the NAACP's investigation and the grand jury's investigation ordered by Judge George Tedder would claim that they had no knowledge of the killers' identities on account of the masks and covered license plates. The now standard narrative of "at the hands of persons unknown," would be deployed by the coroner's inquest, which was unable, "to determine whether the Negro was killed by the bullet wounds or whether he died from the hanging."<sup>245</sup> The coroner's report that no culprit(s) could be found was an expression of the community's acceptance of the crime. As Philip Dray points out, the words, "at the hands of persons unknown," became, "the coroner's inevitable verdict," which, "affirmed the public's tacit complicity: no persons had committed a crime, because lynching had been an expression of the community's will."<sup>246</sup> The deployment of this narrative in lynching made the crime almost impossible to prosecute because it absolved law enforcement from obligations to further pursue investigations into lynching. Significantly, the story built up around the lynching of Rubin Stacy was more complicated than the common refrain of "at the hands of persons unknown," as the NAACP investigation makes clear.

Police reported that Stacy had been forcefully abducted when their car was run off the road by men who wore masks and covered their licenses plates. According to the accounts of the

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<sup>243</sup> James Allen, Hilton Als, Congressman John Lewis, and Leon F. Litwack, *Without Sanctuary: Lynching Photography in America*. Santa Fe, NM: Twin Palms Publishers. (2000). p. 185.

<sup>244</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935. p. 1.

<sup>245</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935. p. 2.

<sup>246</sup> Dray, p. ix. Dray gives an initial explanation of the phenomenon here, but it is worth noting the title of his book bears the words of so many coroners' inquest in cases of murdered African Americans.

police, a reasonable effort was made to keep Stacy in their custody. What becomes troubling about this account as the NAACP's investigation proceeds, is that the resistance to the abduction by law enforcement upon further inspection may have been a story that had little basis in fact. The details and evidence for the dubiousness of the case in the eyes of the NAACP's field investigator were outlined thoroughly in the report filed with national office of the NAACP. The back story became suspect once it was found out that Stacy had been transported by back roads that went by the home of his accuser instead of the main highway that was heavily trafficked because an officer had heard, but had not confirmed that this main highway was closed.<sup>247</sup> The decision to take the route passing by the home of Stacy's accuser becomes even more problematic when one considers the recent history of the community.

The investigation interviews with prominent members of the community indicate that the community's will to lynch Rubin Stacy stemmed from a previous instance in which a lynching had been prevented, a point that, "without a single exception," was mentioned by, "both men and women."<sup>248</sup> The NAACP investigation into the Stacy case reported that the community in Broward County was still upset over the ongoing case involving four black men accused of robbing and killing an elderly white man. The case had been described as a "Little Scottsboro" by some.<sup>249</sup> A lynching had been averted in this case with the promise of a quick trial and guilty verdict that would presumably lead to the execution of the four men accused of the robbery and murder. However, a legal lynching was prevented through the extension of the trial by an attorney named McGill from Jacksonville, Florida. McGill intervened in the case to defend the

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p.4. <sup>247</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935.

p. 3. <sup>248</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935.

p. 2. <sup>249</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935.

four men who had likely been coerced into confessing to the crime.<sup>250</sup> The unanticipated extension of this case through the appeals process resulted in heightened race tensions because within the white community, "All confidence in the ability of the law or the courts to punish crime had been shaken."<sup>251</sup> The progression of due process for blacks in the white community of this area was considered to be a "miscarriage of justice."<sup>252</sup> The overwhelming sentiment in the community as to what constituted 'justice' for a black man accused of a crime against a white person was well represented by the Methodist Missionary Society who had approved of the lynching of Stacy in a meeting on the grounds that "1) such attempted crimes should be dealt with in this manner, and 2) that the failure to execute the sentence in the case involving four Negroes for murder justified this summary action."<sup>253</sup> The lynching of Stacy in the eyes of the community was a restoration of order and a means by which the authority of whites over blacks in the area could be reasserted. The guilt of Stacy or even his alleged crime likely mattered less than the fact that he provided the community with a way to relieve their frustrations and anxieties in regard to African Americans receiving equal protection under the law.

The investigation by the NAACP suggests that in addition to the unrest in the community, police officers in the community were weary from their attempts to protect the four black prisoners in the "Little Scottsboro" case, and that those circumstances provided the background for possible collusion between local officials and the community members that

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<sup>250</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935.

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<sup>251</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935.

p. 3.

<sup>252</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935.

p. 2.

<sup>253</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935.

p.5

carried out the lynching of Rubin Stacy.<sup>254</sup> The investigator certainly casts a reasonable doubt as to the effort that was put into protecting Stacy. The approval of the community and casual nature with which the police described being run off the road led the investigator to question the narrative supplied by the police. The willingness of the community to engage in lynching and negate any discussion about the guilt of African Americans accused of a crime shows one way in which the lynching party and those who supported it were not part of a universal audience in Perelman and Olbrechts-Tyteca's terms. Those in the pro-lynch crowd were, as supporters or apologists for mob violence, what Perelman and Olbrechts-Tyteca's define as fanatics in their work. They define a fanatic as, "a person who adheres to a disputed thesis for which no unquestionable proof can be furnished, but who nevertheless refuses to consider the possibility of submitting it for free discussion and, consequently, rejects the preliminary conditions which would make it possible to engage in argumentation on this topic."<sup>255</sup> In white supremacist ideology the starting and ending point of an argument about the guilt of a black man was the accusation, itself. Lynching in its circumvention of the courts precludes arguments about guilt by presuming the victim is guilty and unworthy of due process. There was reasonable doubt of the guilt in the "Little Scottsboro" case, and the disputed accounts of what Stacy was accused of offer reasonable doubt as to his guilt.

The rhetorical situation for the NAACP was a difficult one. In a way they were victims of their own success. After publicizing the indifference of police or the complicity of authorities in lynching for nearly three decades, the organization had forced the officials in places like Broward County to offer more complicated stories than "at the hands of persons unknown."

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<sup>254</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935. p. 3.

<sup>255</sup> Perelman and Olbrechts-Tyteca, *The New...* p. 62.

Consider the impact of the anti-lynching movement when law enforcement agencies began providing stories that tried to further absolve themselves of culpability when those stories were often unnecessary previously, or when community officials had not that long ago celebrated or justified lynching publicly.<sup>256</sup> The Costigan-Wagner Bill was designed to punish law enforcement agents for not protecting prisoners, and the story given by the Broward County authorities claimed that steps had been taken to do this. Though, the authorities did not press or investigate the lynching with any real tenacity in the eyes of the NAACP investigator on the ground, the presence of the cover story is significant regardless of its veracity. There was, in any case, no way to prove what had happened on that two lane road on July 19, 1935.

The situation put the NAACP in a position where it felt it necessary to take a different tack than they had previously taken with the inserts and supplements that had been published in *The Crisis* after the lynchings of Claude Neal and Jesse Washington. In each of those cases negligence on the part of law enforcement or collusion between the mob and local officials was demonstrable. The photographs of Washington's lynching were taken by a photographer who had arranged with city officials to shoot the event from the courthouse,<sup>257</sup> and Neal's lynching had been announced prior to its perpetration in newspapers across Florida and Alabama and radio stations across the nation.<sup>258</sup> In the Stacy case, though law enforcement had likely turned Stacy over to the mob with little or no resistance, there was no unequivocal evidence that local officials were involved. Additionally, even the procurement of a photograph of Stacy taken at the scene

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<sup>256</sup> Jonathan Markowitz, *Legacies of Lynching: Racial Violence and Memory*. Minneapolis, MN: University of Minnesota Press. (2004), p. 10; Sen. William Borah, "Senator Borah argues that the provisions of the anti-lynching bill are in violation of states' rights and strike at the heart of the American form of government" *Congressional Digest*. June-July 1935. p. 177.

<sup>257</sup> Patricia Bernstein. *The First Waco Horror: The Lynching of Jesse Washington and the Rise of the NAACP*. College Station, TX: Texas A&M University Press. (2005). p. 110.

<sup>258</sup> Dray, p. 347-348.

proved more difficult than it had once been, as the photograph had to be obtained through a third party in Chicago who called Miami Herald photographer, H. Willoughby, who then passed to the photograph to the NAACP, since they could not obtain a copy directly.<sup>259</sup> The photograph would provide a unique text for the NAACP because of its content, and what it could be made to represent.

Before one can consider what the photograph meant in its re-contextualized space of the NAACP's pamphlet, one must consider what the photograph of Stacy's lynched body represented in the context of the white supremacist image vernacular in which it was taken. The rhetorical significance of the photograph in the white supremacist image vernacular was its representation of communal consensus in the matter of murdering Stacy.<sup>260</sup> The photograph of the Stacy lynching is a moment in the procession of people that came to see the body almost immediately after the mob had assumed custody of Stacy. In fact according to one account, "The cars were so packed that they could not get close enough to the see the sight," so spectators, "got out and walked the rest of the way."<sup>261</sup> To see the corpse and to pose with it was a community event, and the photograph meant that those pictured in it, those who had attended, and others could keep a memento signaling their approval of the event.

The Methodist Minister, R.E. Rutland and his wife, who publicly denounced the lynching, disclosed to the NAACP investigator that white male employers had taken their black

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<sup>259</sup> Wood, p. 220.

<sup>260</sup> Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930*. Chicago: University of Illinois Press. (1993). p.47.

<sup>261</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935. p. 4.



Figure 6: Photograph of Rubin Stacy used in the NAACP pamphlet



male employees, "out to the scene and made them look at the body- as an example and a warning."<sup>262</sup> A unique feature of this photograph is that a black woman, presumably a nanny or caretaker for the children in the photograph is visible, though her face is blocked by one of the white children posing for the photograph. In the context of a white supremacist image vernacular her presence in the photograph, as well as the forced viewing of the corpse by black male workers in the community, would represent the display of social order and the potential for punishment faced by any black person who violated the unwritten codes of the community. The wife of the Baptist minister in mentioning the lynching at the church had taunted the black janitor working there saying, "Well, I guess you will be good, now."<sup>263</sup> The sight of the body of Stacy was a tool used by the community that wished to reassert its white supremacist social structure after a criminal case in which male African American defendants had received due process. The photograph of the scene was a way to index the restoration of order in their eyes.

The most striking feature of the photograph is undoubtedly the presence of seven very young white girls in the audience looking at Stacy. The presence of children in the photograph represents a process of what Shawn Michelle Smith calls, "the intergenerational reproduction of white supremacist violence."<sup>264</sup> The normalization of violence discussed at length in the first chapter is put on display here. One of the people interviewed by the NAACP reported that she and her husband had taken their niece and nephew out to the scene for a family outing.

When asked about the presence of children at the scene of Stacy's lynching this local woman, Mrs. Hauser, reported that claims that women and children were shocked by the sight

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p.4 <sup>262</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935.

p.4 <sup>263</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935.

<sup>264</sup> Smith in Smith and Apel, p.25.

were "erroneous."<sup>265</sup> The report recounting her story reads, "It had not bothered her and she knew it had not bothered the two children. They had forgotten all about it since they had never mentioned it all."<sup>266</sup> The violence was so routine and reflected upon so little that white parents and authority figures were not concerned with the possible implications of children seeing or attending a murder. As the legal record and failure to prosecute the perpetrators suggests, the lynching of African Americans was not murder in the eyes of many in this community. When the NAACP investigator suggested to Mrs. Hauser that if the victim had been a dog the Humane Society would have intervened, Mrs. Hauser replied that they would have been right to do so because, "I love dogs."<sup>267</sup> The approach to African Americans as chattel had been written out of law, but practice and normalization had made violence toward blacks a cause that caused some whites less anxiety than the torture and murder of a domesticated animal.

In the white supremacist image vernacular the photograph of Stacy directly shows the restoration of order that was commented on above, and displays the transmission of that value system to the children of the community. Stacy's body was an object lesson in the social order of white supremacy. The photograph provides a tangible way to share that lesson, and to spread it beyond those in the community where the lynching had taken place. As Shawn Michelle Smith argues when discussing the Stacy photograph, "if this is a lesson in white patriarchal protection, it is also a lesson of fatal consequences of the wrath of white fathers and brothers... roused by the sight of an African American man near a white woman's home."<sup>268</sup> That a child would be taught such lessons did not faze those initiated into the white supremacist image vernacular, as their

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<sup>265</sup> NAACP Investigation, "Report of Lynching: Fort Lauderdale, Broward County, Florida; July 19, 1935. p.4

<sup>266</sup> NAACP investigation, p.6.

<sup>267</sup> NAACP investigation, p.6.

<sup>268</sup> Anne Rice. "How We Remember Lynching" *Nka: Journal of Contemporary African Art*. (Fall 2006). p.35.

presence in the photograph and the account of Mrs. Hauser demonstrate. More generally, as Ann Rice points out children were involved in lynching, "to an appalling extent," and many participated in the actual lynching rituals or were so accustomed to the practice that they would "play" lynching by hanging dolls and even pets.<sup>269</sup> Even as this violence was normalized and looked at as a means of social education for the children in the Stacy photograph, the NAACP saw something else that would become a means to an argumentative foothold that paired with their goals of broadening the audience of lynching protest beyond African Americans and Northern white liberals.

### 3.2 *The Rubin Stacy Pamphlet and the Extension of Scene and Expansion of Victimhood*

The NAACP's pamphlet featuring the corpse of Rubin Stacy and the attending crowd takes square aim at the ideas and value structures exercised in the practice of lynching and embedded in its photographic representations. It moves in and out of the details of the Stacy lynching by referencing the people in the photograph and supplying general data and characterizations of lynching. Its most scathing critique features a series of rhetorical questions about the effects of lynching on the children looking at Stacy's body and by extension the future of American democracy. Rhetorically the pamphlet works toward the construction of what Perelman calls a universal audience through rhetorically repurposing the Stacy photograph and providing pieces of evidence about lynching over the years to move the particular audience of those who identify with white supremacy outside the realm of a universal audience. Inclusion and exclusion of particular audiences in this construction is dependent on the particular audience having a respect for and adhering to the law.

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<sup>269</sup> Rice, pp.35-37.

In Perelman and Olbrechts-Tyteca's argument one of the drawbacks to dealing with a particular audience is that the lengths one goes to adapt their arguments to a particular audience may take them so far afield that they are making foreign arguments or arguments directly opposed to those arguments they set out to make in the first place.<sup>270</sup> The extended discussion of the details around the Stacy case and the discussion of the failure of the Costigan-Wagner Bill in the previous chapter shed some light on why the NAACP may have thought it wise to take this strategy. These extended explanations show the willingness of dominant parties to circumvent meaningful argument and deliberation, and an unwillingness to use the facts in making decisions. Instead of reconciling with this particular audience, the NAACP used the repurposed photograph of Stacy with text that explicitly objects to the value system propagated by members of this dominant audience. The Rubin Stacy pamphlet was designed to for an audience that would pass judgment on those who identified with white supremacy. Crosswhite argues that the exclusion of certain groups can be vital to constructing a universal audience, especially when that universal audience is constructed by excluding, "all known prejudice, irrationality, incompetence, lack of imagination, and lack of sympathy."<sup>271</sup> The pamphlet rhetorically constructs an audience that would be willing to listen to reason and think about the impacts of lynching, and in so doing attempts to create a universal audience that passes judgment on the actions of the particular audience of white supremacists.

In the foreground of the photograph in the pamphlet, Stacy's body hangs low to the ground in such a way that his body looms larger, even in proportion, to the other people in the photograph. Yet, the opening line of the pamphlet tells readers, "Do not look at the negro. His

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<sup>270</sup> Perelman and Olbrechts-Tyteca, p. 31.

<sup>271</sup> Crosswhite, "Universality"... p. 440.

earthly problems are ended. Instead, look at the seven WHITE children who gaze at this gruesome spectacle."<sup>272</sup> (Emphasis in the original in all quotations from the Stacy pamphlet) Right away, the viewer is instructed to look at the background of the photograph, rather than the foreground. As noted above, in the white supremacist image vernacular, a particular audience, lynching and the lynching photograph offer a means by which white supremacist ideology could be shared by multiple generations of families.<sup>273</sup> The NAACP is engaging in a rhetorical move that allows for audiences outside of that ideological subject position to engage the initiation of children into this mode of sharing. The central object of the photograph that enables the sharing of white supremacy, the abject black body, must be re-contextualized. The pamphlet launches into a critique of the epistemology of the white supremacist gaze by taking the viewpoint of the children as a point of departure in order to begin this process of re-contextualization.

As soon as the reader is asked to look at the young witnesses, two questions are directed at them immediately about the children's level of comprehension. The questions put forth are, "Is it horror or gloating on the face of the neatly dressed seven-year-old girl on the right? Is the tiny four-year-old on the left old enough, one wonders, to comprehend the barbarism her elders have perpetrated?"<sup>274</sup> Immediately, value judgments are interjected into the reading of the photograph through the questions as the reader assumes the view of first the seven year old girl who stands with her hands crossed and lips pursed in either a self- righteous grin or as part of a pensive gaze. If it is "horror" on the girl's face then presumably the audience would identify with her, and with the construction of a universal audience the NAACP wishes to cultivate. However,

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<sup>272</sup> NAACP anti-lynching pamphlet, 1935, showing the lynching of Rubin Stacy. Reproduced from the NAACP collection at the Auburn Avenue Research Center, Atlanta, GA.

<sup>273</sup> Apel in Apel and Smith, p. 25.

<sup>274</sup> NAACP anti-lynching pamphlet, 1935, showing the lynching of Rubin Stacy.

if the expression on her face signals "gloating" the reader would then pass judgment on the white parents who have initiated the girl into a mindset of the particular audience that allows her to gloat over the body of a dead man. Scholars have attempted to analyze the look on the girl's face. Dora Apel reads the expression as a grin and a sign of, "how well she has absorbed her lessons in race hatred."<sup>275</sup> Jonathan Markovitz reads the look on her face and others in the crowd as, "glee."<sup>276</sup> One usually does not have trouble distinguishing between the expressions of hate, gloating, horror, and glee. That the expression of the little girl can be read in so many ways, and that we are asked to contemplate the expression gives the reader a chance to ponder the contours of a particular audience that might cultivate each of these reactions to murder and the defilement of a corpse in a child so young. The appropriate reaction for the reader according to the NAACP, as we will see, would be a condemnation of any particular audience that forces a child to determine the appropriate reaction to a spectacle of violence such as the lynching of Rubin Stacy.

The reader is then asked to look through the eyes of the four year old, who seems to be the only one in the frame looking directly at the photographer instead of the corpse. Is she overwhelmed by the all the action taking place around her? Could she possibly understand the mythologies underpinning the murder of the man whose corpse dangles just a few feet in front of her? The answer to the first question is that she likely was overwhelmed by the carnivalesque atmosphere with cars lining the road and large numbers of people streaming through the scene. The answer to the second question is likely no, but it does point to the fact that the training of whites to look at the black body with disdain started at an early age. As James Allen points out when discussing this photograph the initiation into the spectacle was wrapped up in, "the art of

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<sup>275</sup> Apel in Apel and Smith, p. 55.

<sup>276</sup> Jonathan Markovitz, *Legacies of Lynching: Racial Violence and Memory*. University of Minnesota Press. (2004). p. 27.

teaching children *not* to see, not to apprehend or reflect on what they witness, and not to take it to seriously... looking by not seeing... as a way of domesticating terror, normalizing it, and producing the numbing effect that allowed its perpetuation."<sup>277</sup> In assuming the gaze of each of the little girls the pamphlet asks the reader to consider how the normalizing effect could be countered, as the argument proceeds, but the scene has already been framed as "gruesome" and the action of the girls' elders as a matter of "barbarism." The NAACP counters the casual attitude of those pictured in the audience with these descriptors. The NAACP was not speculating on these attitudes, as they had direct knowledge of the communal reactions to the lynching vis-à-vis their investigation of the event. Recall the attitude evinced by the woman who claimed that her niece and nephew, who she had taken to the scene of Stacy's lynching, were not at all shocked or even concerned enough to mention the event afterward because, "He was just hanging there." In the NAACP's estimation, this woman who in one breath nonchalantly described the Stacy lynching, and was horrified by the possibility of treating a dog in the same manner represented the by-product of witnessing spectacle racial violence. She offered a glimpse into the attitude that these little girls would identify with or develop without some sort of intervention. This indifference to the suffering of others displayed in these reactions indicates a lack of sympathy and identification with others in the public sphere that are the grounds for engaging in reasonable argument according to Perelman and Olbrechts-Tyteca.<sup>278</sup> The identification with the other in race lynching image vernaculars is not possible because the premises for lynching were constructed for the specific purpose of precluding African Americans from the public sphere.

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<sup>277</sup> Apel, pp.41-42.

<sup>278</sup> Perelman and Olbrechts-Tyteca, p. 55.

Further, in terms of the universal audience the gaze of the children operates metonymically in an argument that was becoming more commonly deployed and developed by the NAACP, critiquing the involvement of women and children in a gruesome spectacle that was supposedly designed to keep them pure. Despite the instructions, "not to concern yourself with the Negro," the point of the pamphlet is not to erase Stacy from the scene in order to contemplate the damage done to these little girls specifically. It is to see Stacy's body through their eyes in order to understand the damage to all children who witness and participate in the lynching spectacle. Though it is clear that Stacy's, "earthly problems are ended," the NAACP asks readers to concern themselves with the earthly problems left for children who encounter these scenes and engage in this racialized way of looking. The presence of children and women at lynchings, "only made more evident the embarrassing contradiction that lynch mobs desecrated black male bodies in the name of white feminine purity often before the very virtuous eyes they were meant to protect."<sup>279</sup> The pamphlet draws attention to the pollution of innocence by white supremacists who teach children to hate, and to murder as a spectacle. The argument asks people to view the photograph and sympathize with the girls whose innocence is being compromised first, and then asks the audience to view and sympathize with the Stacy as a victim in the next lines discussed below. This organization in the pamphlet rhetorically amplifies the callous way that the little girls have been taught to view the body of Rubin Stacy, once the reader begins to identify with Stacy's ordeal. The amplification comes through the violations of the audience's expectation to focus on the corpse, as is the normal practice of looking at lynching photographs, and the instructions to identify with the little girls first. The NAACP cleverly takes advantage of the little girls being part of the mob in the photograph. Identifying with little girls standing around a

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<sup>279</sup> Wood, p. 100.



corpse was a task that while unpleasant was much more likely to happen than identifying with the members of the crowds in other lynching photographs composed of older audience members who were the subject of condemnation in anti-lynching propaganda.<sup>280</sup>

The pamphlet continues by returning to the particular audience and giving a few details about the lynching scene. It reads, "Rubin Stacy, the Negro, who was lynched at Fort Lauderdale, Florida, on July 19, 1935, for 'threatening and frightening a white woman,' suffered PHYSICAL torture for a few short hours."<sup>281</sup> Note here that the NAACP has taken the narrative that would later be offered by historians from the accounts of the deputy, who explained that Stacy's crime was frightening Mrs. Marion Hill Jones, rather than the first account that was given to the investigator claiming Stacy had assaulted Jones with a pen knife. The adoption of the narrative that makes the mere sight and sound of Stacy threatening enough to be murdered and prior to that tortured, "for a few short hours," could have simply been the result of learning the truth of the matter. However, the rhetorical impacts of lynching a man as a matter of vague charges that do not include physical harm or rape are significant. Lynching photographs, as discussed in the last chapter, often offered a visual confirmation of guilt after the fact of the alleged crime, which was assumed by many viewers to be rape without any story even being offered.<sup>282</sup> The disruption of the rape myth in the Stacy pamphlet is important because it offers to broader audiences a glimpse into the arbitrary justifications for the lynching of black men. The image of Stacy lifeless and still in handcuffs, effectively rendered physically harmless to others, makes it hard to imagine his form being so intimidating to Mrs. Jones that Stacy ought to have

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<sup>280</sup> The Stacy photograph is just one of many with children present in the crowd. Anne Rice's essay, cited here, describe the level involvement by children, and the Allen-Littlefield collection contains several photographs with children in the frame.

<sup>281</sup> NAACP anti-lynching pamphlet, 1935, showing the lynching of Rubin Stacy.

<sup>282</sup> Amy Louise Wood, "Lynching Photography and the Reproduction White Supremacy," *American Nineteenth Century History*. Vol. 6:3 (2005). p. 379.

been killed. The pamphlet makes note of this helplessness a few lines later; the characterizations of helplessness extend to multiple parties and audiences as the NAACP continues to develop the argument, a point discussed further in the analysis below.

Another point to be noted in the sentence describing Stacy's lynching is the capitalization of the word, "PHYSICAL." Leff and Sachs speak to what they call the "iconicity" of language in its power to be connected to the form and the content in which a message is delivered.<sup>283</sup> In this case, the capitalization of the entire word adds emphasis to the description of Stacy's suffering, which is unusually brief in comparison to the extended descriptions of the murders and mutilation of both Jesse Washington and Claude Neal in the pamphlets constructed circulated by the NAACP after their deaths at the hands of lynch mobs. The description of Neal's lynching, which had taken place the year before in Marianna, Florida, was exceptionally graphic and difficult to read. It described the stabbing of Neal, his body being repeatedly run over with cars by members of the mob, and children stabbing the corpse with sticks among other abuses.<sup>284</sup> The dismemberment of Washington's burned corpse by dragging it through the roads of Waco had been equally disturbing, and an in depth description of this violence was included the pamphlet constructed by W.E.B. Dubois concerning the event entitled, *The Waco Horror*.<sup>285</sup> Shocking audiences with the violence of lynching was a common theme in lynching protest materials, so the relatively toned down account of Stacy's lynching is significant because it indicates the pursuit of a different tact by the NAACP in this particular piece of argumentation. The capitalization of the word "PHYSICAL" likely conjures the violence described in these previous

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<sup>283</sup> Michael Leff and Andrew Sachs, "Words the Most like Things." *Western Journal of Communication*. Vol. 54, 1990. p. 251-273.

<sup>284</sup> "The Marianna, Florida Lynching: A Report of an Investigation made for the NAACP 69 Fifth Avenue, New York by a White Southern College Professor into the killing of Claude Neal by a mob on October 26, 1934."

<sup>285</sup> Bernstein, p. 160.

NAACP pamphlets for those who had been exposed to them. The pronounced size of the word "PHYSICAL" also works with the pamphlet's description of Stacy's torture lasting, "for a few short hours," to create a tongue in cheek comment about the brevity of the torture. The brevity of the description also mirrors the actual description of the torture as brief, drawing further attention to the NAACP's ironic deployment of the phrase "a few short hours." The NAACP could have chosen instead to deploy a full description of the orgy of gunfire directed at Stacy's body reported by the police officers who retrieved Stacy's body. A rhetorical reason for the abbreviated description, may have been that the shocking details of Claude Neal's lynching had been spread far and wide by the NAACP with no action on the part of the Florida authorities resulting. The federal government had also declined to intervene, and so it is possible that the NAACP wished to test different methods than shocking their audiences with the explicit retelling of gory details. Instead, the reader is asked to imagine being in the presence of the body to experience the scene placed before them in the photograph, and come to their own conclusions about what constituted a "few short hours" of torture.

The surprising rhetorical move for audiences was, rather than focus on the psychological effect of lynching on blacks who had to endure this spectacle of racial terrorism, the pamphlet focused on the psychological effects of lynching on Anglo American audiences. The questions directed at readers take them beyond the initial request asking the reader to contemplate the feeling or the level of comprehension in these children. They follow in quick succession, "But what psychological havoc is being wrought in the minds of the white children? Into what kind of citizens will they grow up? What kind of America will they help to make after being familiarized

with such an inhuman, law-destroying practice as lynching?"<sup>286</sup> The three questions show a move across different levels of particularity within the audience. At each point, the audience is broadened from these children to citizens and to the entire country. The questions position the reader of the pamphlet in a place of moral superiority to the lynching audience by condemning the image vernacular of racial violence as poor hermeneutic to visually construct models of citizenship. The lynching audience is characterized as, "law destroying," in order to show that lynching victimized the codes of governance that define citizenship.

The rhetorical construction of the victims of lynching not only as the physical body of Rubin Stacy or more generally black males, but as the wider body politic in the present and the future. A propos of the series of questions is a statement made by one of the NAACP's own. James Weldon Johnson noted after a harrowing experience in Kansas City, Missouri that, "the truth flashed over me that in large measure the race questions involves the saving of black America's body and white America's soul."<sup>287</sup> This line of questioning like Johnson's statement moves the reader to ponder effects of the physical trauma of the black body on the soul and the psyche of the white Americans who perpetrate, observe, and/or celebrate the torture and murder of another human being on the basis of race. This included those white Americans who circulated and shared accounts and photographs of lynching as a means of celebrating their ideal version of whiteness.

The difference in the damage between the physical and the psychological are also being contrasted here. One could read the earlier comment about Stacy enduring, "PHYSICAL torture for a few short hours," against the lasting and continued problems created by the "psychological

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<sup>286</sup> NAACP anti-lynching pamphlet, 1935, showing the lynching of Rubin Stacy.

<sup>287</sup> Dray, p.234.

havoc" that these little girls, who are presumably still alive at the time the pamphlet was in wide circulation, will potentially deal with for the rest of their lives. The extension of the trauma of lynching through time runs through all three of these questions. James Crosswhite notes, "We also add to this audience other known particular audiences- say people from different times or places."<sup>288</sup> The sense of "place" will be taken up later, but consider the move to create an audience that judges lynching through time. The contradiction between the arcane nature of lynching and the quick incorporation of modern technologies into it was discussed in the first chapter. The questions raise doubts as to the future of the United States if the image vernacular of racial violence is allowed to continue as the preferred way of seeing and structuring models of citizenship. In the NAACP's estimation, the particular audience that identifies with this image vernacular ought be excluded from the universal audience of American citizens because they are forwarding untenable definitions of citizenship by engaging in law destroying activities.

The second question, "Into what kind of citizens will they grow up?" moves directly to the level of citizenship, while still keeping with the theme of the future. It intimates that the girls could potentially become defective as citizens, as a result of their exposure to lynching. So, where the photograph originally showed the model of citizenship forwarded in white supremacist claims, served as a means of representing the transmission of communal values of white supremacy, and could be a token or memento that was used in that transmission, it is now being used to question that model. As earlier noted, the "intergenerational reproduction of white supremacist violence,"<sup>289</sup> of which this and other lynching photographs were tools comes under fire in this line of questioning. Walter White relays an anecdote in his book *Rope and Faggot: A*

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<sup>288</sup> Crosswhite, "Universalities" p. 440.

<sup>289</sup> Smith in Smith and Apel, p.25.

*Biography of Judge Lynch* that is instructive here. White quotes a venerable college dean who states, "Men never amount to much until they outgrow their fathers' notions, sir."<sup>290</sup> The father's notions are on display in lynching photographs and carry with them the ways of viewing and seeing the black body from slavery to the present that inform and maintain the conceptions of citizenship articulated in white supremacist ideology. In the Stacy photograph they are literally on display, since one can safely assume that some of these children belong to the adults in the photograph. White notes that the role of the anti-lynching activist both white and black is to move people, "towards abandoning their fathers' notions of race, science, religion, and politics and a great many subjects," if there is to be hope for change.<sup>291</sup> The pamphlet does this by questioning the psychological effects that the father's notions and transference of them has on the children pictured in the pamphlet. These questions are essentially extensions of the last set of questions that asked the reader to assume the gaze of the little girls, but are inflected with the few details we have been given concerning the lynching of Stacy.

The reflexive nature of the last question merits close consideration because of its continued interrogation of citizenship, and the effect of the model of citizenship forwarded in lynching on the larger public sphere. In other words, the effect of lynching on the construction of a universal audience that possessed the proper characteristics to promote the conditions for argumentation and deliberation was being called into question. The NAACP provides its own answer to the question of "What kind of America" a reader could expect to see with these little girls having been initiated into the public sphere through, "such an inhuman, law-destroying practice as lynching." The characterization of lynching as "inhuman" and "law destroying"

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<sup>290</sup> Walter White, *Rope and Faggot: A Biography of Judge Lynch*. Notre Dame, Indiana: University of Notre Dame Press. (2001), originally published Alfred Knopf, 1929. p.189.

<sup>291</sup> White, p.189.

condemns not only lynching, but the model of citizenship it promotes. The law is representative of the essence of the government and the fabric of the country, and the wording here suggests not only the violation of it, but the destruction of it. The law, after all, decides who can be citizens, and those convicted of felonies lose their rights as citizens to be heard as voters; specifically, as voters who would elect representative officials who would justify or refuse to punish them for breaking the law. The entire power structure associated with lynching is called into question here as the perpetrators, if rightly convicted, would not be able to vote. Secondly, it calls into question the legitimacy of the politicians they have voted into office who continued to filibuster and stall anti-lynching legislation in order to protect constituents that were actively participating in the destruction of the very structures that legitimize representative government.

Recall Perelman's condition for the creation of a universal audience, "We must first want the political order which transcends the particulars and conflicts of interest... in order that submission to the law, obedience to the authorities, and respect for the established order should prevail."<sup>292</sup> The NAACP is calling for these conditions with the argument being made in the pamphlet. The pamphlet by continually painting the white supremacists that engaged in and approved of lynching as a particular audience who actively destroyed the law seeks to exclude them from the universal audience. Members of the universal audience must be pursuant of the normative claims and conditions necessary for deliberative democracy and argumentation. The NAACP is setting the terms for the universal audience as an audience that is in accordance with the 13th, 14th, and 15th Amendments to the Constitution. The NAACP is defining citizenship in terms of abiding by the laws of the state and federal governments. This places lynch mobs, who were in violation of both, outside the realm of citizenship.

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<sup>292</sup> Perelman, "Rhetoric..." p. 133.

Further, the characterization of lynching as law-destroying envisions lynching as mob activity, rather than the controlled social activity pictured in the photograph. It peels back the layers of the ruse of lynching as involving the best members of communities engaging in a controlled demonstration of the community's will, which was the image that lynching photographs conveyed in the white supremacist image vernacular.<sup>293</sup> In the photograph featured in the Stacy pamphlet, the crowd stands calmly around the victim. The photograph meets the conventional standards of a lynching photograph in this regard, but the NAACP's reframing of it reminds the viewer that the crowd attending Stacy's body was not calmly restoring social order, but instead it was violating a number of state laws including, of course, murder. In essence, the photograph is animated within the image vernacular of protest by the use of active voice and by projecting the conditions of the photograph through time with questions that focused on the future. The NAACP's effort to show the destruction of the law, also leads into the request at the end of the pamphlet for the reconsideration of the Costigan-Wagner Bill, which would, it was hoped, act as a form of protection for the law against the mob. The universal audience rhetorically crafted through the pamphlet, if they endorsed the reconsideration of the bill, would ultimately play a part in crafting the sort of environment that Perelman describes as necessary for proper argumentation in that they would have a healthy respect for and an adherence to the written laws of both state and federal governments. This, also, places those who identify with the argument made in the pamphlet within the bounds of citizenship. The universal audience imagined by the pamphlet is constructed in terms of an American definition of citizenship as laid out in the Constitution.

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<sup>293</sup> Wood, p. 88.



The pamphlet continues in this fashion saying, "The manacles too, tell their own story. The Negro was powerless in the hands of the law, but the law was just as powerless to protect him from being lynched."<sup>294</sup> Here the ordered folks standing around Stacy's lynched body have not only abused and rendered powerless the person of Rubin Stacy, but have also made the law an impotent set of rules powerless to protect prisoners, and presumably the mob from itself. The attention to the manacles still binding Stacy's hands represent not only the restrained victim, but the confinement of the rule of law by the lynch mob, as the next lines will make clear by providing empirical proof that this was a wide spread problem. The text serves to undermine the carefully staged photograph with the focus on the manacles because they are symbols of law enforcement, and they serve as a visual reminder that Stacy was taken from the law. Remember that the NAACP investigation called into question, whether the officers of the law who were transporting Stacy had actually fought the efforts of the mob on Stacy's behalf. In leaving his hands bound law enforcement officials had certainly precluded Stacy from resisting the efforts of the mob.

The remainder of the text in the pamphlet moves to a summary of statistics concerning lynching and the failure to prosecute lynch mobs. As stated above, these facts and statistics work rhetorically to show the powerlessness of the law in the face of communities that have decided extra-legal violence ought to be the means by which the social order of race and gender should be reified. First, the text reads, "Since 1922 over one-half of the lynched victims have been taken from legal custody."<sup>295</sup> This is significant for two reasons. The first reason is that 1922 is the year that consideration of the Dyer Bill before Congress was a heated topic in the public sphere.

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<sup>294</sup> NAACP anti-lynching pamphlet, 1935, showing the lynching of Rubin Stacy.

<sup>295</sup> NAACP anti-lynching pamphlet, 1935, showing the lynching of Rubin Stacy.

This is the first serious push for federal anti-lynching legislation, so the longevity of the problem in terms of the legal struggle is framed through the text. Next, the Costigan-Wagner Bill was designed specifically to make it a federal offense to remove prisoners from the custody of law enforcement. The details of the Stacy case above provide a backdrop for why this legislation was needed. Whether or not the local authorities were in collusion with the mob, the Stacy case would have become a federal matter. This of course means a federal judge would have presided over the case, and in theory would have been able to counter some of the mitigating factors in communities like the one where Stacy was lynched, since their tie to the will of a particular locality could be lesser. Additionally, prosecuting cases at the federal level open up lynching to larger audience within the legal community and might afford more news coverage, as well.

The pamphlet continues, "Less than one percent of the lynchers have been punished, and they very lightly."<sup>296</sup> This point drives home the argument that states either could not or would not punish white mob members for their actions. Recall, the letters sent out to Senators involved in the filibuster of the Costigan-Wagner Bill by Roy Wilkins on behalf of the NAACP exhorted them to show that the state was capable of adhering to its own legal standards. In those letters Wilkins states, "Either Florida opposes federal action against lynching because she is able and intends to punish the crime herself, or because she wishes no interference with her citizens in their sadistic enjoyment of these orgies."<sup>297</sup> The state then is left with two options in the case that they do not act. The first is to be looked on as incapable of enforcing their own laws, which usually means that the federal government will intervene. The second perception should they not act is that the state government is an extension of a mob that has already been characterized

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<sup>296</sup> NAACP anti-lynching pamphlet, 1935, showing the lynching of Rubin Stacy.

<sup>297</sup> Roy Wilkins, Personal Correspondence with Senator Park Trammel. 7/20/1935. NAACP Archives, Library of Congress Manuscript Division.

within this pamphlet as, "brutal," "barbarous," "inhuman," and "law destroying." Of course, if the state government of a place where a lynching took place is consider to be an extension of the mob then the federal government has a duty to step in, as well.

In all of this the NAACP has built its case from the particular subject positions of the little girls who look up at the lynched body of Rubin Stacy, and then built the situation outward to meet the burden of a renewed push for federal anti-lynching legislation. The Stacy photograph is rhetorically made to be emblematic of lynching as a practice, and the effect of lynching on the public sphere as a problem that is not isolated to the scene in this particular photograph. The pamphlet's final line completes this extension of the audience to those concerned with federal legislation by offering another statistic and a directive for a solution. It reads, "More than 5,000 such instances of lynching have occurred without any punishment whatever, establishing beyond doubt that federal legislation is necessary, as in the case of kidnapping to supplement state action."<sup>298</sup> This closing call to action needs some unpacking. The Stacy case is directly associated as an example of each of the previous 5,000 or more lynchings with the use of the phrase, "such instances of lynching." The visual scene of the lynching of Rubin Stacy stands, as I have argued, as a metonymic explanation of the ills and evils of lynching. As such, each of the more than 5,000 cases could potentially have damaged the children and the future of those communities in the same ways that the Stacy scene had, and by extension damages the construction of America going forward, as its future citizens have been initiated into the public sphere through, "inhuman, law destroying practice(s)" of lynching.

Further, the words, "without any punishment whatever," is essentially a recapitulation of the previous sentence that declared, "less than one percent of lynchers have been punished, and

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<sup>298</sup> NAACP anti-lynching pamphlet, 1935, showing the lynching of Rubin Stacy.

they very lightly." Restating the argument about lack of punishment highlights the inaction, ineptitude, and corruption present in local and state government without directly blaming those people and institutions. Then the solution to the problem is stated explicitly, "establishing beyond a doubt that federal legislation is necessary, as in the case of kidnapping to supplement state action." The phrase, "beyond a doubt," of course, resembles the legal language of, "beyond a reasonable doubt." Rhetorically this points back to lynching as the negation of due process and the denial of court trials to African Americans who were presumed guilty in communities where lynching was pursued as a means of recourse to an alleged crime. This thread of argument was common in anti-lynching circles, and was articulated often to remind audiences that lynching was not just the killing of an African Americans, but the destruction of legal institutions. James Weldon Johnson articulated this point well to the Senate Judiciary Committee almost a decade earlier when advocating for the Dyer Bill saying, "I think it is safe to say that lynching is not simply murder; that it is murder plus something else. It is murder plus revolution and anarchy. It is murder plus a flaunting and overthrowing of and trampling under foot of the prerogatives of the courts. The mob apprehends the victim, tries and condemns, and then executes him. That is, in committing the murder the mob arrogates itself to the rights and powers of the courts."<sup>299</sup> Johnson argues that the act of lynching destroys and renders mute the conscience of the American government- the court system. The Stacy photograph of Stacy shows the failure of the legal system to do anything beyond apprehending Stacy, as the handcuffs of the police officers remain securely around his wrists. The presence of the metal bracelets points out that the law had done the work of apprehending Stacy, and even if not complicit, law enforcement had made it

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<sup>299</sup> White, p.212.

fairly easy for the mob to find Stacy. The pamphlet continues this line of argument with its last clause, which speaks to the kidnapping element of the crime.

The last clause addressing kidnapping serves several purposes, even in its brevity. It reads, "as in the case of kidnapping to supplement state action." The first of those was to take a swipe at the federal government's handling of the Claude Neal case. The federal government through the refusal of the Attorney General Homer Cummings to act in the Claude Neal case had argued that lynching was not kidnapping because no ransom was involved. Neal had been abducted in Alabama after authorities had moved him from North Florida to protect him from the mob, and he was taken back across state lines to Marianna, Florida where he would be lynched. The Lindbergh Kidnapping Act Law had been enacted in 1932 and made it a federal offense to kidnap someone and take them across state lines.<sup>300</sup> Adding insult to the refusal to federally prosecute the Neal Case was the fact that Congress had, only five months prior to Neal's death at the hands of a well publicized lynch mob, amended the law to read that kidnapping of this kind was prosecutable at the federal level if the abducted person was taken across state lines, "for ransom or reward or otherwise."<sup>301</sup> The NAACP had been hopeful that the federal legislation that was already in place could be implemented in the Neal case, which would have been the first federal prosecution of a lynching case had it been used to pursue legal recourse against Neal's lynchers. While many prominent legal scholars and lawyers agreed with the NAACP's position, the Attorney General still refused to act in the case.<sup>302</sup>

The second purpose was to pacify state's rights advocates by saying federal legislation would, "supplement state action," rather than replace or override it. The cries against anti-

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<sup>300</sup> Zangrando, p. 123.

<sup>301</sup> Zangrando, p. 123.

<sup>302</sup> Zangrando, p. 123.

lynching legislation were often connected to claims about states' rights that eerily echoed the Southern fire breathers of the Civil War. During the Senate hearings on the Costigan-Wagner Bill several senators commented on the states' rights position and some of the positions taken bordered on the absurd with lawmakers arguing that federal anti-lynching legislation was an attack on the law. Sen. James F. Byrnes voiced opposition to the bill in saying that he, "would not want the Congress of the United States to follow the spirit of the mob," in passing the bill to punish lynch mobs.<sup>303</sup> Byrnes's accusatory position in calling supporters of the bill a mob attacking states' rights, tax payers, and the fabric of the entire country was in lockstep with other senators such as Josiah Bailey of North Carolina, William Borah of Colorado, and others who deflected attention from the substance of the debate with ad hominem arguments that never addressed the crime of lynching as a violation of the protections provided to all citizens under the Constitution. In his ardent defense of states' rights Borah went so far as to paint the passage of the Costigan-Wagner bill as an act that would be "shameless moral cowardice."<sup>304</sup> The Stacy pamphlet argued directly against the position advocated by these senators by painting lynching as the legally destructive and cowardly activity that needed to be addressed. The progression through this analysis, as I have argued was tied directly to the photograph of Stacy. The claims made and the connections drawn between the effects of lynching and models of citizenship were made more quickly and effectively through reference to the photograph. In this way, just as lynching photographs had been originally intended to be a shorthand for white supremacist ideology, they were now being rhetorically framed in such ways that lynching photographs and

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<sup>303</sup> Sen. James F. Byrnes of South Carolina, "Senator Byrnes says the fining of counties for lynching has been tried and is proven a failure." *Congressional Digest*. June-July 1935. p.185.

<sup>304</sup> Sen. William Borah, "Senator Borah argues that the provisions of the anti-lynching bill are in violation of states' rights and strike at the heart of the American form of government" *Congressional Digest*. June-July 1935. p.177.

other imagery of lynching could operate as a shorthand for the protest of lynching. The photograph of Stacy and the text that directly interacted with it worked within the image vernacular of protest to shutdown the transfer of white supremacist ideology within the photograph.

### 3.3 *Conclusions*

The extended analysis of the Stacy pamphlet and the details of the case illuminate the means by which the NAACP categorized people who identified with the white supremacist ideology as a particular audience to be excluded from the universal audience of democratic citizenry. The conclusion will discuss of standard of judgment and argumentation that the NAACP wished to implement and manner by which they characterized themselves as what Perlman and Olbrechts-Tyteca call an "elite audience."<sup>305</sup> The grounds of the elite audience allow a way for the NAACP and other protest groups to disqualify from consideration the political leanings and desires of the white supremacist contingency, even though they were a large enough populace to be politically powerful. The explicit exclusion of such a group would be an under taking such that, "the number and intellectual value of those banned," from entrance into the public sphere would, "make such a procedure ridiculous."<sup>306</sup> While support for anti-lynching legislation was growing, the number of Americans who opposed the measures proposed within this legislation was too large to exclude from public deliberation. When exclusion runs the risk of excising too many people Perelman and Olbrechts-Tyteca offer that the arguer may want to take recourse in the concept of the elite audience.<sup>307</sup> When rhetorically constructing the audience, a rhetor can make appeals to virtue where, "the elite audience embodies the universal

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<sup>305</sup> Perlman and Olbrechts-Tyteca, pp. 33-34.

<sup>306</sup> Perelman and Olbrechts-Tyteca, p.33.

<sup>307</sup> Perelman and Olbrechts-Tyteca, p.33.

audience," as an exemplar worthy of pursuit by particular audiences. In other words, the NAACP and others who were arguing for federal legislation against lynching set themselves up as exemplars of American ideas and political life, thereby standing apart from the political arguments about whether or not lynching was justified, and characterizing the very act of lynching as destructive of the mechanisms of political deliberation and the conditions necessary for proper argumentation.

The difficulty of this position is clear in that many people still did not identify with the anti-lynching movement to the point that protestors of lynching were still considered a particular audience by many. Since, the NAACP knew this to be the case they had to make themselves exceptional among particular audiences. Perelman and Olbrechts-Tyteca describe this problem by explaining that the elite audience is only considered a universal audience, "for those who acknowledge this role of vanguard and model. For the rest it will be no more than a particular audience. The status of an audience varies with the concepts one has of it."<sup>308</sup> The NAACP was working tirelessly to show that their position was the model for political behaviors by constantly invoking arguments about the shamefulness of lynching. The Rubin Stacy pamphlet was intended to show this at the national level by inducing people to view the damage done to the model of citizenship that was in theory guaranteed to African Americans, and showing that the damage done to that model by whites had negative effects on all conceptions of citizenship within the democratic model. It played on the pride that Americans had in vision of themselves as a great democratic country in order to produce shame regarding lynching. Dora Apel argues that the repurposing of lynching photography in the Stacy pamphlet and other instances of re-appropriation are singular moments in a series of, "historical moments when opportunities for

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<sup>308</sup> Perlman and Olbrechts- Tyteca, p.34.



mass mobilization organized around emancipatory demands and a coherent leadership help to bring about important social change such as winning or defending democratic rights for the oppressed."<sup>309</sup> The social change being instituted was done in part through taking lynching and representations of what lynching was supposed to mean to white supremacists to condemn the model of citizenship they forwarded. The NAACP showed dissonance in the promises of the law and the applications of it, making lynching relevant on a national stage.

In discussing Chantal Mouffe's reading of the universal audiences de Velasquez posits that what makes the concept of the universal audience attractive, "is that it can actually draw attention to the agonistic and political dimensions of constructions of universality that circulate within the public debates about the 'common good,'..."<sup>310</sup> In this situation, this means that the NAACP forwarded a competing version of the universal that denounced lynching as destructive of the "common good," and destructive of the image that the United States wished to put forth to themselves and to people around the world. Recall Roy Wilkins's charges to FDR that the United States would be regarded as a "hypocrite in voicing its dismay and disapproval of terror in Germany, Mexico, and elsewhere,"<sup>311</sup> while lynching continued in the United States. The competing versions of the universal rights of human beings that what the United States was practicing and what it was preaching essentially did not align. In other words, the version of the universal audience being promoted by the United States government in its foreign policy was not even adhered to within the United State, and could not be adhered to so long as lynching was taking place.

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<sup>309</sup> Apel in Apel and Smith, p. 59.

<sup>310</sup> Antonio Raul de Velasco, "Rethinking Perelman's Universal Audience: Political Dimensions of a Controversial Concept." *Rhetoric Society Quarterly*. Vol. 35:2. (2005). pp. 51-52.

<sup>311</sup> Roy Wilkins, Personal Correspondence with President Franklin Delano Roosevelt. 7/20/1935. NAACP Archives, Library of Congress Manuscript Division.

The Stacy photograph would become a means by which the United States was criticized from within and without because it provided visual evidence of this disjunction. Philip Dray writes, "The infamous pictures of Jesse Washington's charred body in Washington, and later an image of several young girls gazing up at the corpse of 1935 Florida lynching victim Rubin Stacy, were published in Germany and distributed throughout Europe."<sup>312</sup> The charges leveled in the Stacy pamphlet about terror and the destruction of the law were not lost on outside audiences. Writing in 1932, Spanish political philosopher José Ortega y Gasset observed the mob tendencies and rationalization of violence as an action in the public sphere and tied it directly to the American practice of lynching, a practice he could only have known of through the circulation of news accounts and photographs. Ortega remarks, "Whenever the mass acts on its own, it does so in only one manner, for it has no other: in effect it carries out a lynching. It is not entirely by chance that lynch law comes from America, for America is, in its own fashion, the paradise of the masses."<sup>313</sup> In Ortega's conception of the public sphere the direct action of the masses would be the downfall of civilization because these actions contained no virtue and required little thought. The masses were a mob that destroyed the virtue and integrity that it takes to act in the public sphere. In Ortega's estimation and in the NAACP's argument in the Rubin Stacy pamphlet lynching, as a direct action of the masses, was the mob murder of not only the person being lynched, but the lynching and murder of law and order itself; the very law and order that provides the conditions for the existence of a universal audience and the enjoyment of universal rights.

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<sup>312</sup> Dray, p.338.

<sup>313</sup> Ortega, p.102.

## 4 STRANGE FRUIT: EKPHRASIS AND THE PERFORMANCE OF THE IMAGE

*Southern trees bear strange fruit,  
 Blood on the leaves and blood at the root,  
 Black bodies swinging in the southern breeze,  
 Strange fruit hanging from the poplar trees.*

*Pastoral scene of the gallant south,  
 The bulging eyes and the twisted mouth,  
 Scent of magnolias, sweet and fresh,  
 Then the sudden smell of burning flesh.*

*Here is fruit for the crows to pluck,  
 For the rain to gather, for the wind to suck,  
 For the sun to rot, for the trees to drop,  
 Here is a strange and bitter crop.  
 -- Able Meeropol (Lewis Allan)<sup>314</sup>*

The NAACP had pushed for the reconsideration of the Costigan-Wagner Bill with the publication of the Rubin Stacy pamphlet, staged a successful campaign selling buttons and bumper stickers, and continued publishing of *The Crisis* and supplements to it concerning anti-lynching efforts.<sup>315</sup> The continued lobbying pressure applied by the NAACP, the CP, and others ensured that lynching would remain in the public eye. The continued push for federal legislation would call for essentially the same measures pushed for in the Costigan-Wagner Bill, even as the names attached to the bill would change as a matter of necessity. After declining health forced William Costigan from the Senate, the NAACP would secure new sponsorship for anti-lynching bills from both Frederick Van Nuys of Indiana and Joseph Gavagan of New York. The NAACP still faced resistance to anti-lynching legislation in Congress, and faced more problems from within the anti-lynching movement. The division between the Association of Southern Women for the Prevention of Lynching (ASWPL) and the NAACP continued to be a major problem.

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<sup>314</sup> Lewis Allan, "Strange Fruit." New York, NY: Edward Marks Music Corporation. (1940).

<sup>315</sup> Robert Zangrando, *The NAACP Crusade Against Lynching, 1909-1950*. Philadelphia, PA. (1980). pp. 139-165.

Members of the ASWPL, including its leader, Jessie Daniel Ames, chafed at the notion of federal intervention into race matters in the South, and continued to aid the chief opponent to anti-lynching legislation in the House of Representatives, Hatton Sumners of Texas, in his efforts to stifle federal legislation on the matter.<sup>316</sup> Still, the NAACP would secure enough signatures to release the bill from the Judiciary Committee of which Sumners was the head. In the Senate federal anti-lynching legislation would face filibustering and take a backseat to other items on the legislative agenda. Senator James F. Byrnes of South Carolina in 1938 wondered aloud during a filibuster if the passage of anti-lynching legislation would lead to forced integration of schools and businesses and the supervision of elections.<sup>317</sup> During the same filibuster Senator Theodore Bilbo of Mississippi would revert to the tired refrains concerning miscegenation and rape.<sup>318</sup> Additional complications arose from Franklin Roosevelt's court packing scheme, the death of Majority Leader Joseph Robinson, and, oddly, a competing anti-lynching bill with very little merit in the eyes of the NAACP put forth by the only black member of the House, Arthur Mitchell of Illinois.<sup>319</sup> The obstacles would continue to mount as the world moved closer and closer to World War II, but the debates that continued to take place in Congress and other public forums would continue to develop arguments against lynching. These arguments and discussions would continue to use images of lynching in order to raise public consciousness and pieces of evidence in the case for anti-lynching legislation.

During this period debates in the Senate would include actual lynching photographs as pieces of evidence in favor of passing federal legislation regarding lynching. This was a tactic

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<sup>316</sup> Zangrando, p. 143.

<sup>317</sup> Zangrando, p. 150.

<sup>318</sup> Zangrando, p. 150.

<sup>319</sup> Zangrando, pp. 141- 145.

that had heretofore been left out of the actual Congressional debates. Much to the chagrin of opponents to the bill, Senator Bennett Champ Clark showed graphic photographs from a recent lynching in Duck Hill, Mississippi where the victims had been murdered with acetylene torches. The pictures were placed on the Senate bulletin board and were accompanied by the caption, "There have been *No Arrests, No Indictments, and No Convictions of Any One of the Lynchers.* This was *NOT* a rape case."<sup>320</sup> (Emphasis in the original in all quotations) The argument would carry into the next Congressional session without having been resolved, and upon its resumption Senator Tom Connally of Texas would question who had the gall to show lynching photographs on the Senate floor. Clark would take responsibility and declare that his placard had served its purpose, if Connally was so agitated.<sup>321</sup> Connally would breach rules of Senate decorum with his retorts to Clark, and would continue by saying that the Senate should not be, "made a sewer for the vaporings (sic) of the Senator from Missouri."<sup>322</sup> The condemnation of the images of Clark given by Connally suggested that there was something lurid or objectionable about the images, which is significant. Connally protested legislation to make lynching a federal crime, but he still objected to the content of lynching photographs. Even amongst opponents to legislation such as Connally characterizations of these photographs were disapproving, and they certainly were not represented as a celebration of white supremacy. In the words of Jacqueline Goldsby they were being articulated as a kind of "folk pornography."<sup>323</sup> The way in which lynching and lynching photographs were being described was changing, even if legislation would never pass. The six week filibuster would signal the beginning of the end of the push for federal anti-lynching

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<sup>320</sup> Zangrando, p. 146.

<sup>321</sup> Zangrando, p. 147.

<sup>322</sup> Zangrando, p.148.

<sup>323</sup> Jacquelyn Dowd Hall, *Revolt Against Chivalry: Jessie Daniel Amers and the Women's Campaign Against Lynching*. New York: Columbia University Press. (1993). p. xx.; Jacqueline Goldsby. *A Spectacular Secret: Lynching in American Life and Literature*. Chicago: The University of Chicago Press. (2006). p. 90.

legislation. While there would be other attempts to pass anti-lynching legislation, the close of these debates in the late 1930's is generally considered to be the end of the last big push for federal legislation of this kind.<sup>324</sup>

The stalled attempts and eventual inability to win the passage of federal anti-lynching legislation had many consequences that ought to be considered when assessing the rhetoric of the anti-lynching movement. When one considers the *Art Commentary on Lynching*, the Rubin Stacy pamphlet, and the myriad other publications and pieces of propaganda, one might conclude that the inability to secure federal legislation marked a "failure" in the anti-lynching movement, and more specifically a "failure" on the part of these examples of rhetoric to be persuasive. However, one must weigh this failure against the victory of raised social consciousness regarding lynching and racial injustice. The late 1930's represented a point in time where public opinion would rally around the push for a federal anti-lynching bill. Two Gallup Polls taken in January and November of 1937 revealed that a majority of people in both surveys, even in the South, responded yes to the question, "should Congress enact a law which would make lynching a federal crime?"<sup>325</sup> Also, the practice of lynching declined steadily in the late 1930's with number of lynchings dropping from 20 in 1935 to fewer than 10 in each of the next five years.<sup>326</sup> Robert Zangrando writes of the period from 1936-1940 and the NAACP efforts positing, "Over four years of intensive efforts had forced the American people to confront the most brutal aspects of racism. The lesson, however painful to acknowledge and absorb, helped in significant ways to prepare the national conscience for reforms that would follow in the next quarter century."<sup>327</sup>

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<sup>324</sup> Zangrando, pp. 139-165.

<sup>325</sup> Zangrando, p. 148.

<sup>326</sup> Zangrando, p. 7.

<sup>327</sup> Zangrando, p. 153.

This preparation of the national conscience carried out through the anti-lynching campaign identified by Zangrando, I have argued, was heavily reliant on the use of images. The way that these images circulated into the public conscience through the direct efforts to lobby and argue for federal anti-lynching legislation has been considered at some length in the examination of both the *Art Commentary on Lynching* and the Rubin Stacy pamphlet.

There is another element of lynching protest, though, that has been left unexamined. This is the movement of anti-lynching arguments and imagery into the realm of popular culture. More specifically, how did the lessons of the push for federal anti-lynching legislation enter the popular culture, even as attempts to pass legislation dwindled in number and scope? The changes in popular representations of lynching give us some idea. As noted above, the steady decline through the end of the decade and the Gallup Polls indicate that the arguments were gaining some traction with the American people, even if their representatives in Congress were unwilling or unable to force a fair hearing for anti-lynching legislation through parliamentary procedures.<sup>328</sup> Films such as Fritz Lange's *Fury* and the work of Oscar Micheaux had begun to carry the work of discussing lynching outside the realm of Congressional debates and publications of overtly political organizations such as *The Crisis* and *The New Masses*.<sup>329</sup> Arguably the most important piece of anti-lynching protest created in the milieu of popular culture was a poem, later set to music, which would invoke the scene of a lynching. The song, "Strange Fruit" has been called the most important protest song of the last century by *Time* magazine,<sup>330</sup> and it was also recognized as the first popular song recorded (1939) in the service

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<sup>328</sup> Zangrando, pp. 163-164.

<sup>329</sup> Wood, pp. 223-260.

<sup>330</sup> *Time Magazine*. 12/31/1999.

of the anti-lynching movement according to the *Atlanta Daily World*.<sup>331</sup> The song has been performed and recorded by many different artists,<sup>332</sup> suggesting that the visual provocations of the song have been kept salient over time by its critique of the mythologies underpinning the act of lynching and the circulation and re-circulation of lynching photographs.

As noted previously, Lester Olson has argued that the circulation and re-circulation of an image and the discursive material that accompanies it can lead to a better understanding of how audiences actively engage and participate in creating meaning and rhetorical agency of an image or derivations of that image.<sup>333</sup> Readings and performances of "Strange Fruit" act as another iteration in the rhetorical re-circulation of lynching images. "Strange Fruit" presents a lynching image in the mind's eye of the listeners in such a way that the "audience is not merely a witness to the argument, but a participant in its creation."<sup>334</sup> I argue that "Strange Fruit" relies in part on the listeners' previous exposure to photographs, imagery, and written accounts of lynching in order to develop a persuasive appeal that produces a visceral and emotional reaction to the image conjured in the mind of the listeners. So, while there is not an image visually presented or re-circulated in the song, it rhetorically re-circulates imagery of lynching by using provocative descriptions and metaphors in the lyrics to spur the imagination of the listener.

The previous case studies have shown the presentation of images in anti-lynching arguments as a major rhetorical strategy of protest. In the *Art Commentary on Lynching* different visual mediums were used to represent lynching in ways that undermined the message originally

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<sup>331</sup> "Billie Holiday Records First Song about Lynching Evils," *Atlanta Daily World*. June 19, 1939.

<sup>332</sup> Margolick, Discography Appendix. Shows that the song has been recorded and released by 36 different artists from 1939-2000.

<sup>333</sup> Lester Olson. "Pictorial Representations of British-America Resisting Rape: Rhetorical Re-Circulation of a Print Series Portraying the Boston Port Bill of 1774" *Rhetoric & Public Affairs*. Vol. 12:1. (2009). p.27.

<sup>334</sup> Cara Finnegan, "Recognizing Lincoln: Image Vernaculars in Nineteenth Century Visual Culture" *Rhetoric & Public Affairs*. Vol. 8:1. (2005). p. 35.



intended in lynching photographs. In the Rubin Stacy pamphlet textual interaction with a specific photograph of a lynching was used to expose and critique the definitions and displays of citizenship represented in that photograph, and extended that critique into a call for federal anti-lynching legislation. This chapter explores an episode in the rhetorical trajectory of re-appropriating and repurposing lynching photographs by looking at the way "Strange Fruit" provides an ekphrastic representation of a lynching scene in order to embed the reading of lynching images in an image vernacular of protest. As such, "Strange Fruit" is a rhetorical effect of these previous efforts in the anti-lynching movement that is capitalized upon through carefully orchestrated performances and the circulation of recordings of the song. What I am arguing is that the continued efforts in the vein of the *Art Commentary on Lynching*, the Rubin Stacy pamphlet, and the vast resources marshaled by the NAACP and other groups in the preceding years provided a means by which the song "Strange Fruit" could use lynching images enthymematically as the result of continued exposure and contextualization of these images into an image vernacular of protest. Below there is an explanation of the history of the song, followed by a rhetorical analysis of the lyrics, Billie Holiday's performance of it, and concluding remarks that discuss the ways in which the rhetorical re-circulation of images continued through performances of the song in varied locales, along with the circulation of recordings of the song.

#### 4.1 *The Seed and Growth of "Strange Fruit"*

The genesis of "Strange Fruit" is tied to the efforts of protests organization in the 1930's to secure federal anti-lynching legislation. Abel Meeropol, pen name Lewis Allan, was a politically active Jewish school teacher in New York who composed protest poetry and music. Responding to an account of a lynching, Meeropol penned an angry response to the violence in the form of a poem. When asked about the origins of this poem some years later, Meeropol would say, "Way

back in the early thirties, I saw a photograph of a lynching in a magazine devoted to the exposure and elimination of racial injustice. It was a shocking photograph and it haunted me for several days. As a result, I wrote "Strange Fruit" ... and [later] set it to music."<sup>335</sup> This is rhetorically significant because it shows the song as an interpretation of a lynching photograph in the setting of a protest publication lobbying for anti-lynching legislation. Meeropol's exposure to lynching was limited to photographs and accounts in these publications, so his lyrics are a translation of a particular photograph that had been filtered through a publication like *The Crisis* or *The New Masses*. The exact photograph that the words translate remains unknown. However, as Nancy Kovaleff Baker notes, "The photograph that inspired the poem is not among Meeropol's papers, but many photographs could have prompted this response."<sup>336</sup> As has been argued in the previous chapters, lynching photographs were carefully constructed through the photographic conventions of the white supremacist image vernacular, and as a result the images can be interchangeable to certain degree. The image Meeropol responded to had already been repurposed as an anti-lynching, but importantly these photographs remained virtually unchanged in what they showed to the viewer. The lynching scene was translated into a different way of looking by anti-lynching protest that altered the rhetorical symbolic exchange of what the event and representations of it meant. In this way "Strange Fruit" like the texts and images of the previous chapters conformed to or violated the generic constraints of lynching photography for rhetorical effect.

Originally, the poem was titled "Bitter Fruit," and though accepted in the Communist Party's publication, *The New Masses*, it did not appear in print there, but would first enter the

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<sup>335</sup> Nancy Kovaleff Baker, "Abel Meeropol (a.k.a. Lewis Allan): Political Commentator and Social Conscience. *American Music*. Vol. 20:2. (2002). p. 46.

<sup>336</sup> Baker, p. 45.

public sphere in print in 1937 in *The New York Teacher*, a teacher's union publication.<sup>337</sup>

Lynching was the subject of or a theme in many of Meeropol's works, but "Strange Fruit" was by far the most famous of these pieces. However, it would not gain fame until sometime after its initial publication. Prior to this, the poem was set to music by Meeropol and performed by his wife and a teachers' chorus of which he was a part. A fellow member of this chorus and secretary of the teachers union in New York sent the poem to 96 Senators in support of the Gavagan anti-lynching bill in 1937 that was, "accompanied by a letter urging that the bill be passed so that the treatment of minorities at home would not diminish American influence abroad."<sup>338</sup> The poem's early life consisted of this kind of circulation. Once the words were set to music, most of the performances of it were in front of teacher's groups, performances at Communist Party events, and other functions for left leaning organizations. One such performance was co-produced by Robert Gordon, who was involved in the floor direction of shows at a New York night club called Café Society, whose main draw was an artist named, Billie Holiday. At the request of Gordon and the owner of the club, Barney Josephson, Meeropol came to the club and performed the song for Holiday.<sup>339</sup> The accounts of Holiday's initial response to the song are disputed. However, Holiday first performed the tune in front of an audience in 1939 at Cafe Society in New York and recorded it later that same year on Commodore Records.<sup>340</sup> It was here that the song would make the leap from a politically conscious poem set to music into the signature number of one the most popular singers of this era. Note that Holiday's performances of the song and the recordings of it would begin to

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<sup>337</sup> Baker, p. 47.

<sup>338</sup> Baker, p. 54.

<sup>339</sup> David Margolick, *Strange Fruit: The Biography of a Song*. New York: The ECCO Press. (2001). p. 27.

<sup>340</sup> Baker, p. 52.

circulate right as the primary sustained push for anti-lynching legislation was coming to a close. The success of the song, then, can be measured by audience reaction and its continued presence in the social consciousness regarding lynching.

Holiday's performance and recording of the song would provide the song with a larger audience than Meeropol would likely have gathered through his publishing of it and the varied performances in variety shows that Meeropol and his friends performed in that featured it from time to time. Rhetorically, Holiday crafted a relationship to the song that would make her inseparable from it in many ways. "By all accounts, it, became *her* song," writes Kim Purnell.<sup>341</sup> Holiday once fought fellow musician Josh White for performing his own rendition of the song,<sup>342</sup> and despite fond remembrances of the song and her own stint at Cafe Society, Lena Horne would not perform the song recognizing it as Holiday's.<sup>343</sup> Holiday would go so far as to claim that she had written the song, and William Dufty, her collaborator when writing her autobiography, would perpetuate this fiction by including it in her memoir, *Lady Sings the Blues*. Hilton Als muses, "Billie Holiday did not write 'Strange Fruit' as she claimed in her unreliable but immensely readable memoir, *Lady Sings the Blues*. But she made it her own. She had so few words she could call her own, you see. And since the song became her, and she became the song, who, technically, could be called the truer auteur of 'Strange Fruit'?"<sup>344</sup> Meeropol, it is true, wrote the song, and would fight through legal channels to be recognized as its author. However, for the purposes of this chapter it will become clear that Holiday's rendition and performances of the song brought it to popularity, but also provided Holiday and the song a mutually reinforcing

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<sup>341</sup> Kim Purnell, "Listening to Lady Day: An Exploration of the Creative (Re)Negotiation of Identity in the Life Narrative and Music Lyrics of Billie Holiday." *Communication Quarterly*. Vol 50: 3&4. (2002). p.454.

<sup>342</sup> Margolick, p.32.

<sup>343</sup> Margolick, p.12; pp.40-41.

<sup>344</sup> Margolick, p. xvi.

ethos that captured the pain inflicted through lynching and racial discrimination. The analysis below will more fully develop the relationship between Holiday and "Strange Fruit" in order to show the rhetorical power of her performances. Further, the attention to the lyrics of the song will show how the reading of the image conjured through the song is cast into an image vernacular of protest, and its connections to previous acts of protest and rhetorical re-circulation of images in its violations of the conventions of lynching photography.

#### 4.2 *"Strange Fruit" and the Performance of an Anti-Lynching Image*

Rhetorically, "Strange Fruit" raises some interesting questions because unlike other instances of anti-lynching propaganda examined here there is not an image visually present for critique. The conjuring of the image, as well as the way in which the image is framed in the imagination, are done in the absence of a material image. One key to understanding the way in which "Strange Fruit" does this is looking at the way it operates as an example of ekphrastic poetry. Ekphrasis, quite simply, is defined by WJT Mitchell as, "a verbal representation of a visual representation."<sup>345</sup> The key point to remember is that the verbal representation of the visual representation is the ground for the critique of lynching and positive representations of lynching in the song. In short, image production is part of the argument. As noted earlier, Andrew Sachs and Michael Leff argue, "image-generation controls things- not only absorbing much of the function of argumentation but also forming the base from which argumentation proceeds."<sup>346</sup> "Strange Fruit" offers a text that, though, constituted in text proceeds from the basis of image generation, or ekphrasis, and then manipulates that image for rhetorical effect. However, the sparse description of the scene and the attention to the deterioration of the body

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<sup>345</sup> WJT Mitchell. *Picture Theory*. Chicago: The University of Chicago Press. (1994).

<sup>346</sup> Leff and Sachs p. 253.

help to reframe the image as an anti-lynching image that absorbs the qualities and functions of arguments previously made in the anti-lynching movement.

The image conjured in the performance of "Strange Fruit" is only bound by the limited details provided in the song, and can be imaginatively adapted to each listener's level of exposure to accounts or images of lynching because it does not reference a particular lynching. The fact that the song does not reference a specific incident for the audience, but conjures an image means that notional ekphrasis is taking place.<sup>347</sup> Notional ekphrasis in this case means that the image need not be physically available to the hearer to experience the visuality of the image. This means that the audience becomes intimately involved in the production of the image in ways that are markedly different from the images that have been analyzed here. Though each case involves some sort of translation or manipulation of lynching photography, "Strange Fruit" is the only one of these texts that requires the audience to become part of the crafting of a lynching image, which places the audience in a position akin to a witness or a photographer at a lynching. If the audience listens to the song in its entirety and understands the song, they cannot intervene, the outcome of the lynching is already determined, and the representation of the abject body is the central focus of the image composed jointly by the rhetor and the audience. However, the emotional appeals of the song and its violations of the conventions of lynching photography move the image squarely into the realm of a lynching protest image for most audience members, which make the subject position of the audience more complicated.

Rhetorically, the conjured image is an enthymeme seen through notional ekphrasis. In other words, it is a process of "making ears serve for eyes," and, "turning the absence of a visual

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<sup>347</sup> James A.W. Heffernan, *of Words: The Poetics of Ekphrasis from Homer to Ashberry*. Chicago: University of Chicago. (1993). p. 7, 91.

dimension in its medium into its own source of visual strength."<sup>348</sup> The absence of the "visual dimension" is turned into a strength because the imagination of the listener supplies an image, while the performance and ekphrastic description of the lynching scene apply a visuality to that image. "Strange Fruit" is less about the production of a particular image than it is about a way of seeing varied images of lynching produced in the minds of audience members through a particular lens. Proceeding from these theoretical assertions about the visual provides a starting point to think about "Strange Fruit" as a rhetorically produced image of lynching laden with the values and interpretations of lynching that had been developed over the course of the anti-lynching movement. The analysis moves forward by discussing the ways in which the performance and the production of the image took place, which helps to explain how "Strange Fruit" repurposed lynching imagery.

The sensorial and sensational aspects of lynching are called forth by the performance of the song. So, in this case, when Billie Holiday would sing the song for audiences, whether in a jazz bar or Royal Albert Hall, she would have a specific set of stage directions designed to increase the impact of the song. Little could be seen in the room when Holiday began singing, save her face. The lights were dimmed with only a pin spot of light on her face, "waiters, cashiers, busboys were all immobilized, "and the noisy bar patrons were asked to quiet down or leave."<sup>349</sup> There was a physical insistence built into the environments where Holiday performed "Strange Fruit" so that the tone and mood in the room were reflective and thoughtful, rather than the normal upbeat atmosphere one might expect at a jazz or swing show. Many of the people

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<sup>348</sup> Hanna Scolnicov. "Making ears serve for eyes: Stoppard's Visual Radio Play" *Word & Image*. 20:1. (2004), p. 63.

<sup>349</sup> Margolick, pp.33-34.

who came to see her perform were out for a night on the town,<sup>350</sup> which could make this task more difficult. However, if the crowd was not compliant Holiday would refuse to sing the song, and on more than one occasion she left the stage refusing to perform the song or any other numbers because the setting was not to her liking.<sup>351</sup> The gaze of the audience was being directed toward Holiday to insist that they engage the image that was about to be conjured. It is important to note that even before the image is presented through the song a certain amount of preparation was required in order to prime the audience for the emotional outpouring and intensity of the performance. Holiday was setting the room up as her canvas, and then in the ekphrastic tradition she began to "paint with words."<sup>352</sup> The terms of engagement with the image were being set.

Barney Josephson, the club owner who first worked with Holiday on the song, had said that his intention with the stage directions was to create a lingering effect on the audience, "People had to remember 'Strange Fruit,' get their insides burned with it."<sup>353</sup> The song was meant to be heard and remembered. The audience not only heard "Strange Fruit" in this setting-- they listened to it- they engaged it. The analysis of the Stacy pamphlet discussed James Allen's distinctions between "looking" and "seeing" in relation to the body of the victim at a lynching or in a lynching photograph. Recall Allen's description of the initiation of children into the image vernacular of white supremacy built up around lynching, "the art of teaching children *not* to see, not to apprehend or reflect on what they witness, and not to take it too seriously... looking by not seeing... as a way of domesticating terror, normalizing it, and producing the numbing effect that

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<sup>350</sup> Baker, p. 53.

<sup>351</sup> Margolick, p. 34.

<sup>352</sup> Susan Jarrett, "Ekphrastic Rhetoric and National Identity" in *The Scottish Enlightenment and Its Influences* Lynne Gaillet, ed. (2008). p.54.

<sup>353</sup> Margolick, p. 34.



allowed its perpetuation."<sup>354</sup> The stage directions were designed to preclude such flippant or unreflective reading of the lynching image presented in "Strange Fruit." So, the audience was asked to see, and to see through listening intently to Holiday's performance of the song. This provides an immediate difference between "Strange Fruit" and the presentation of a pro-lynching image, and places it more squarely in modes of visual protest that were made to be closely examined and reflected upon after the initial viewing.

Once the stage was set, the hush of the audience and the slow tempo of the song coupled with the slow reveal of the body as the "strange fruit" bore by "southern trees" encourages concentration among audience members on what exactly it is they are being called to see. This delay is a means of making the ears and the eyes work together to comprehend the argument. The first two lines, "Southern trees bear strange fruit, Blood on the leaves and blood at the root,"<sup>355</sup> offer little to develop the image. The image takes time to develop in the mind's eye. The song begins with the metaphor of the body of the victim as strange fruit in "the Southern Trees," and does not reveal that the body is the metaphorical fruit until the third line. The time taken to develop the image works in stark contrast to the way that an actual lynching photograph was intended to work. Lynching photographs operated as a kind of visual shorthand for white supremacist ideology when circulated in the white supremacist image vernacular. The photograph offered a way to immediately share ideas of white superiority and social hierarchies without much consideration for what is actually being looked at by the viewer. Ekphrasis, as a verbal representation of the visual representation, has rhetorical power as a means of protest here in part because it slows the processes of recognizing and processing the image. The stage

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<sup>354</sup> Apel, pp.41-42.

<sup>355</sup> Allan.

directions set a quiet and attentive mood, and the song's words and tempo require the continuation of that attentiveness if the image is to be developed and understood. The time that it took to quiet a venue would add to the almost forty seconds that it takes to identify the "black bodies swinging in the southern breeze" in the performance of the song. Forty seconds is much longer than it would take to look at a lynching photograph in order to see what was pictured. Additionally, some audience members may have taken a longer to fully imagine the image as the description progressed through the song.

The third line also reveals another of the rhetorical tactics used to produce a different experience of the lynching scene. In its description of, "Black bodies swinging in the southern breeze,"<sup>356</sup> movement within the scene and appeals to other senses are introduced at the same moment as Holiday asks the audience to engage the narrative in their mind's eye. The use of movement produces *energeia*, and the actualization that comes along with the bringing before the eyes; *energeia* is a rhetorical device that sets the scene in motion.<sup>357</sup> Aristotle describes *energeia* and metaphor in *On Rhetoric* as, "making the lifeless living through the metaphor," and continues to say that the rhetor, "gains his (sic) fame by creating activity."<sup>358</sup> Ruth Webb sums up *energeia* as action, and provides an extended discussion of the relationship between ekphrasis, action (*energeia*), and vividness (*enargeia*) that goes beyond the purposes of this analysis.<sup>359</sup> However, Webb's logical associations between the three terms positions ekphrasis as the master term that employs these other devices in order to achieve its ends, just as is the case in "Strange Fruit." The metaphor of "strange fruit" applied to the body is set into motion by the

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<sup>356</sup> Allan.

<sup>357</sup> Aristotle pp.222-223.

<sup>358</sup> Aristotle, p. 222.

<sup>359</sup> Ruth Webb, *Ekphrasis, Imagination, and Persuasion in Ancient Rhetorical Theory and Practice*. VT: Ashbridge Publishing. (2009). pp. 85-86; pp. 87-130.

breeze. The motion of the breeze brings a tactile experience of the air flowing not only over the body of the victim, but of the audience member listening to the words. The motion accentuates the description of the, "blood on the leaves and blood at the root,"<sup>360</sup> that has flowed down from the now identified body over the other parts of the tree. The scene has been given life and motion, though, its central object, the abject body of the victim remains lifeless, and will become a victim of the elements in later lines.

In this way, another element of how "Strange Fruit" disjoins itself from the viewing conventions of lynching photography manifests itself. The audiences' prior experiences with photographs or images of lynching were not animated, but were purposefully still and controlled. The movement in "Strange Fruit" is reminiscent of the disruption of photographic conventions of lynching photography brought about by the movement and unsettled nature of Paul Cadmus's composition, *To the Lynching*, analyzed in the chapter on the *Art Commentary on Lynching*. Unlike Cadmus's piece, the victim in "Strange Fruit" is post mortem. The pendulous movement of the body in the tree calls attention to the helplessness of the victim, who like a piece of fruit moves with the breeze, instead of the struggle of the victim against members of the mob pictured in Cadmus's piece. Lynching photographs were almost never action shots, even after photographic technology allowed for more movement to be captured in the photograph. Both Jacqueline Goldsby and Amy Louise Wood note the static nature of the lynching photographs and the ways in which the murders themselves, or the processes of desecrating the victim, are rarely, if ever, pictured, but were static snapshot holding that moment in time for viewers.<sup>361</sup> The animation of the image produces powerful rhetorical consequences because it moves the viewer

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<sup>360</sup> Allan.

<sup>361</sup> Goldsby, pp. 259-262; pp. 71-112.

into a subject position more akin to witness, or as suggested earlier the photographer, than a viewer of a lynching photograph. Further, the temporal dimension of performing song asks that the viewer slows down their engagement of the image, where as the shorthand coding of white supremacy in the image vernacular of lynching does not.

The last verse in this stanza, "Strange Fruit hanging from the poplar trees,"<sup>362</sup> provides another small piece of detail to the image with the identification of poplar trees and restates the titular metaphor of "Strange Fruit." It is worth reflecting for a moment on the title and the metaphor of "Strange Fruit" for a moment. The purpose of lynching and the lynching photographs in the white supremacist image vernacular, as has been argued at length here, was in part the normalization of violence directed at African Americans as a mechanism of social control for black men and women, as well as white women. In effect, there was nothing "strange" about the black body hanging from a tree or any other structures that served as make shift gallows. The sight was repeated and ritualized to the point that there was a normalcy to it. The Fort Lauderdale, Florida community who lynched Rubin Stacy and others communities like it throughout the United States saw the hanging of a black man as a way to restore order and to keep "strange" social changes, read social and economic opportunities for African Americans, from taking hold in their communities. By applying the metaphor of "strange fruit" to the body questions are raised about the normative claims made in lynching and represented in lynching photography.

The next set of lines work through asserting contradictory premises. First, the description of the scene continues, "Pastoral scene of the gallant south,"<sup>363</sup> provides a description of the

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<sup>362</sup> Allan.

<sup>363</sup> Allan.

South that one might expect from a Southerner. The "pastoral scene" is in line with other pieces given, so far- namely, the southern breeze and the poplar trees. The celebration of the beauty of southern landscape participates in the ekphrastic tradition of describing a landscape or a landscape painting.<sup>364</sup> The praise here is tongue in cheek, but acknowledges the mindset of those who sought to capture images of lynching scenes as a kind of souvenir or commemoration of a lynching as a community event. The term "gallant" refers to the codes of chivalry and honor that were so proudly touted as the virtue of southern masculinity. Lynching, of course, was an assertion of that masculinity through the degradation of the black male body. One of the critiques in "Strange Fruit" deals with the contradiction of the beauty of the South, and the destruction of that beauty through the ugly practice of lynching. The song mockingly appeals to Southern virtue and pride by juxtaposing it with the grotesque form of the lynched body. The next line continues in this vein, "The bulging eyes and the twisted mouth,"<sup>365</sup> directly conflicting with visions of the pastoral or gallantry. However, there is a quick turn back to the positive qualities of the South as the, "Scent of magnolias, sweet and fresh,"<sup>366</sup> further complicates the scene, and invokes another of the senses. Just as the sense of smell is invoked with the sweet and fresh aromatic of the magnolia blossom, the type of language that when coupled with terms like gallant and pastoral calls a listener to view a landscape painting where women with parasols and gentlemen in the latest garb of southern gentility converse lightly and softly on a blanket under the trees, the audience is called back with a changing scent. The wind shifts directions, and with the breeze comes "the sudden smell of burning flesh."<sup>367</sup> The senses are jarred into remembering the

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<sup>364</sup> Jarrett, pp. 43-56.

<sup>365</sup> Allan.

<sup>366</sup> Allan.

<sup>367</sup> Allan.

"bulging eyes and the twisted mouth,"<sup>368</sup> of a mere two verses ago, and the once pleasant smell imagined by the listener is replaced by the smell of a burning corpse.

The lines are more complicated than the coupling of contradictory premises, though. After all, the scene pictured, victim and all, was considered by a great number of people to be a celebration of white supremacy that was a part of the "pastoral" and "gallant" self-image of those who subscribed to white supremacist and Lost Cause ideological constructions of race. The rhetorical implications for these lines enable the critique of lynching and lynching photography, as a way that performers, most notably, Holiday used the lines to mock and jeer the idealized version of racist communities. British jazz critic Benny Green wrote of Holiday's delivery of the words "pastoral" and "gallant" saying, "When Billie Holiday sings the phrase 'pastoral scene of the gallant South, civilization has said its last word about the realpolitik of racial discrimination in all its forms. The resigned bitterness and contempt with which Billie throws out the phrase leaves nothing to be said.'"<sup>369</sup> The performative aspect of the song produces an emotional appeal that the simple pointing out of contradictions present in lynching and lynching photography would not have done.

The addition of pathos to the visual contradictions proved to strengthen "Strange Fruit" rhetorically. One gains some insight into this framing and critique when examining the emotive power audiences were experiencing through Holiday's delivery of the lines. Jack Schiffman, operator of the Apollo Theater offers, "Not only did you see the 'fruit' evoked in all its graphic horror, but you saw Billie Holiday the wife or sister or mother of one of the victims beneath tree, almost prostrate with sorrow and fury... And when she wrenched the final words from her lips,

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<sup>368</sup> Allan.

<sup>369</sup> Margolick, pp. 46-47.

there was not a soul in that audience black or white, who did not feel half-strangled."<sup>370</sup> The pain observed in performances of the song on Holiday's face, which by design was one of the few things visible in rooms when she performed the song, caused a sympathetic reaction among many audience members. Performer and contemporary of Holiday, Sylvia Syms, spoke generally of Holiday's stage presence saying, "All you ever saw was this incredible face in a pool of light that completely mesmerized the audience from the moment she got on the floor until the moment she left it... you saw that world in that face. You saw everything that was human, everything that was alive, all the beauty and misery of life."<sup>371</sup> It was the misery and the frustration of African Americans that she packed into the performance of "Strange Fruit." In an open letter to Holiday the music critic for the *Los Angeles Daily News*, Ted Le Berthon, wrote, "you put all the bitterness in you into that one song, and that's what helps to give it that terrible reality."<sup>372</sup> It was obvious to those that heard the song performed by Holiday that she was angry and critical of the conditions that made the event described in the song possible. In this way, as I will explain in more detail in the analysis below, "Strange Fruit" was taking the imagined images or recalled images in the crowd and rendering any lynching victim pictured as the "strange fruit" to which the song refers. The song applies in Le Berthon's words the "the terrible reality" to images of lynching, and in so doing wrestles images into the image vernacular of protest. The presentation of the image and the emotive performance of it worked to make claims on images of lynching that were seen before, during, and after the performance. This is how the song worked in the context of the well established and publicized efforts of the NAACP's campaign to end lynching.

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<sup>370</sup> Margolick, 76-77.

<sup>371</sup> Margolick, p. 86.

<sup>372</sup> Margolick, p. 64.

Returning again to the lyrics of the song, the last four lines focus on the extension of the metaphor and the effects of lynching on the body as it is left to decompose on the limb of the tree. These photographs were taken the day of the lynching in the minutes and hours after the death of the victim. If one surveys lynching photographs they notice that the mob is usually featured in the picture with the victim.<sup>373</sup> In some cases series of pictures were taken where the body was photographed by itself, but there would be pictures of the crowd taken independently of the corpse that were sold as companion photographs in booklets produced by photographers. The photographic conventions of lynching photography placed white bodies of the mob in position to lord over the black body or bodies featured in the photograph, and presumably viewers who identified with such photographs would lord over the body through their gaze of the photograph. Paraphrasing Amy Louise Wood the lynching photograph is the moment of memorializing the conquest in the hunter-prey relationship.<sup>374</sup> "Strange Fruit" denies this moment by excluding the audience in the description, and instead making nature the attendant force that degrades the body. In live performances of the song this was made even more prescient as the audience watching Holiday would assume the role of the crowd at a lynching collectively staring at and taking in all of the sensations being called forth in the song like, just as a crowd at a lynching would have.

There is another effect of "Strange Fruit" calling forth no image of the crowd, but describes the ravaging of the body by birds and the elements. The first line begins, "Here is fruit for the crows to pluck,"<sup>375</sup> which is the first of four lines that do not mention the body directly,

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<sup>373</sup> James Allen, Hilton Als, Congressman John Lewis, and Leon F. Litwack. Santa Fe, NM: Twin Palms Publishers. (2000). Most of the photographs featured in the book show the crowd or some attending member of the crowd standing around the corpse, though there are exceptions where only the corpse is featured.

<sup>374</sup> Wood, p. 97.

<sup>375</sup> Allan.



but only through the metaphor of fruit. A bit of visual confusion is aroused by the scene pictured here because the conventional relationship established in the mimesis of the hunting photograph (noted by Wood) is violated by the inattention to the corpse that allows scavenging animals to pick at the corpse. The black body was often abused post mortem in order for whites to show their power of black bodies, but to leave the body for the crows is something a hunter would never allow to happen to their trophy. Typically, lynched bodies were removed by the authorities and remanded to the coroner.

The song builds to its conclusion by continuing to show the effects of nature on the body. Once again, the song highlights the competing moves between stillness and movement. The words project a still picture into time and motion. The interruption of the pastoral scene is extended into the future as the "fruit" is plucked by crows, battered by the wind, rotted by the sun, and ultimately falls from the tree. The next line, "For the rain to gather, for wind the wind to suck,"<sup>376</sup> brings more senses to bear on the body. The rain gathers or pulls at the body or the fruit, which, again, brings the sense of touch to the body. The sucking of the wind brings two possible senses that have not been brought into the scene. Ironically, the audience for the first time in a song that they are listening to is asked to hear something of the lynching scene as the sucking sound of the wind is described. More grotesquely, the sucking could bring to mind taste. The metaphor of fruit is already suggestive of this move. Lynching was often referred to as a "southern barbecue," and the festive atmosphere surrounding the lynching ritual often included shared meals amongst members of the mob. The cannibalistic nature of the practice has not been lost on social commentators and academics over the years. Peter Ehrenhaus and A. Susan Owen describe the synesthesia of scent and taste when discussing lynching pulling from the work of

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<sup>376</sup> Allan.

Orlando Patterson. They offer, "In fact, because of the connection between inhaled aroma and taste, lynchers, 'were actually eating the... sacrificial victim as they consumed the fumes from his burning body and went around savoring pieces of barbecued flesh,' that they had purchased as mementos."<sup>377</sup> The appeal to the senses complicates the normal notions of viewing a lynching photograph because these appeals carry the hearer of the song well beyond the viewing of the photograph and into the experience of witnessing a lynching. This is all part of the *enargeia* or action that was discussed above in the earlier analysis of the breeze pushing the body and carrying smell of the burning flesh just two lines ago.

The singing of these lines carried a different emphasis than the previous lines, as well. The words "pluck," "suck," "rot", and "crop" were all given a particular punch in performances of "Strange Fruit" by Billie Holiday to emphasize the effects on the body. These words were deliberately delivered, minimizing the possibility of the carnivalesque pleasures of lynching that were originally intended in the conventions of spectacle lynching. The drawn out pronunciation of these words in the song adds a dramatic effect to these words, and particularly "rot." The line continues after describing the sucking of the wind, "For the sun to rot."<sup>378</sup> The decomposition of the body was something that obviously was not figured in lynching photography, as the photographs were taken soon after the death of the victim. Further, the continuation of the description with, "for the trees to drop,"<sup>379</sup> highlights the length of time that the body would have to be left to the elements. Also, the song, already slow, almost grinds to halt as each of the middle two lines in the last stanza are basically broken into two lines each with relatively long

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<sup>377</sup> A. Susan Owen and Peter Erenhaus, "Race Lynching and Christian Evangelicalism: Performances of Faith" *Text and Performance Quarterly*. Vol. 24:3/4. (2004). p. 287.

<sup>378</sup> Allan.

<sup>379</sup> Allan.

pauses after the commas in each line. The gruesome picture being created and the passage of time in the song serve two rhetorical purposes. The first is to move the body out of the gaze of the audience who perpetrated the lynching, and allow the audience of the song to ponder what happens to the body after the crowd has dispersed.

The second purpose of this line is a critique of law enforcement. Law enforcement often came to cut the body down from the gallows after the crowd had tired of their spectacle because families of the victims and other African Americans feared reprisal should lingering members of the mob take exception to the retrieval of the body by loved ones. The time elapsed in the scene indicates that law enforcement never came. I would argue that this is a symbolic description of law enforcement's lack of action in lynching cases. The practice of lynching had continued from the late 19th century into the time of the performances of this song in the 1930's and 1940's without any intervention on the part of law enforcement. As the text of the Rubin Stacy pamphlet points out there had been thousands of lynchings, and less than one percent of lynchers had faced any punishment.<sup>380</sup> The viewer of the image being created or called forth in the performance of "Strange Fruit" waits for justice, as the song edges closer to its conclusion, just as the African American community in the United States had waited for justice in relation to lynching for decades.

The last line of the song punctuates the treatment of the body and adds emphasis to the animated scene. It also intensifies the scene because in describing a "strange and bitter crop,"<sup>381</sup> rather than a "strange fruit," a plurality of the occurrence is made clear, since a crop rarely consists of one piece of fruit. The plurality of the fruit in the crop is pointed to in the third lines

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<sup>380</sup> NAACP anti-lynching pamphlet, 1935, showing the lynching of Rubin Stacy.

<sup>381</sup> Meeropol.

of the song with the multiple, "Black bodies swinging in the Southern breeze."<sup>382</sup> It also suggests a normalization and systematization of the processes of lynching, as compared to agricultural processes that occur regularly with the changing of the seasons. Also, as noted in earlier chapters, lynching was often the result of wage disputes between land owners and agricultural workers. The metaphor of the fruit and crops places the black victims, many of them agricultural laborers, in the same position of the actual agricultural commodities they were raising at low wages and in poor conditions. As noted previously, lynching returns the black body to the auctioning block as a commodity.<sup>383</sup> Slavery was once branded the peculiar institution, and now lynching, as a legacy of slavery, was producing "strange fruit."

In addition to the imagery and connections made in this last line, the performance of it by Holiday added something to the concept of painting a scene and the animation of it produced through ekphrasis and enargia. Consider the description of a performance witnessed by a military -serviceman, "The voice goes up - crah-ah-OP!- like a scream. It's like the painting by Munch of the woman screaming, only in this case, you hear it. She leaves the last note hanging. And then- bang! - it ends. That's it. The body drops."<sup>384</sup> The man describes Holiday's performance of the song by comparing her treatment of the last line to the figure in the painting "Scream." According to his description, you can hear the facial expression emoted in the painting through the prolonged pronunciation of the word crop. Interestingly, he also describes the body dropping. The dropped fruit, the body left to be ravaged by nature, takes the abuse doled out to it by the already gone crowd of lynchers, and then is not even given the decency of a burial. However, the body has already been dropped by the tree in the previous line before Holiday

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<sup>382</sup> Allan.

<sup>383</sup> Raiford, p.270.

<sup>384</sup> Margolick, p. 67.

declares, "Here is a strange and bitter crop."<sup>385</sup> This suggests that the finality of the last line and the extension of the word crop cued the man to replay, at the very least, the final moment of action and animation the described lynching scene as the performance came to a close. The haunting descriptions within the song could be replayed and applied to the image as audience members reflected on what they had just heard.

This reflection on what had just been heard was encouraged by the fact that Holiday would only sing "Strange Fruit" as her closing number for the evening.<sup>386</sup> There were no encores or musical interludes when she finished. This was especially true once the song had become her signature number. She generally left the stage directly after the performance leaving the audience with the image of the lynched body in their minds, rather than picking the mood back up with a crowd pleasing tune such as "Fine and Mellow." The audience was meant to ponder the pain emoted in the song. They pondered how they had worked with Holiday to produce the gruesome image of a lynched body. Audience members were left to question themselves in this regard, and as such it was less likely that the image could just be turned over or put down. It meant that the image present for interrogation was entailment of their mind's eye. One audience member recalled his perception of Holiday's performance of "Strange Fruit" saying, "That's the way her face looked when she sang that. All over this woman was the fact that we're all taking a screwing, that someone is messing with us, this is a fucked up situation- like she was psychoanalyzing herself and the black condition... She was making peace with her own lynched existence. I think that's how most of us felt."<sup>387</sup> The introspection about psychoanalysis by this audience member indicates a way in which some audience members read not only Holiday's

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<sup>385</sup> Allan.

<sup>386</sup> Margolick, p. 79.

<sup>387</sup> Margolick, pp. 43-44.

emotive power in singing the song, but would also identify with those emotions by turning a glance inward at their own experiences of racial divisions and oppression. This audience member speaks from an African American perspective of the song, but white reactions were reflective in many cases. David Morse recalls playing Holiday's recording for a white female college student and others at a Northern university, "I remember one girl just broke down and started sobbing... For the first time in their lives it made them think about the lynching victims as humans, as people."<sup>388</sup> In both of these reactions we see that "Strange Fruit" drew very different and powerful reactions than the intended reactions to lynching photographs, though it paints a scene with many of the same features to make its argument.

In the case of the African American audience member at one of Holiday's shows, it inspired anger toward a broken system of racial hierarchies, rather than eliciting a response of fear or intimidation that perpetrators of lynching intended for black witnesses to a lynching scene.<sup>389</sup> For the white college students that David Morse was "propagandizing" with Holiday's records, it caused many of them to reflect on the humanity of lynching victims, which was the exact opposite of what lynching images were intended to provoke amongst viewers in the image vernacular of white supremacy.<sup>390</sup> Reactions to the song by audiences included introspection and political motivation, which questioned the notions of white supremacy that were intended by the producers of lynching images. The picture presented or conjured in "Strange Fruit" contained the elements of a pro-lynching image, but insisted on viewing that image through an anti-lynching visuality that condemned racial violence and terror. The scene was set, animated, and then like the body that song sought to represent it was left to fester in the minds of the audience members

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<sup>388</sup> Margolick, p. 50.

<sup>389</sup> Goldsby, p.

<sup>390</sup> Margolick, p. 50.

who had heard it live or heard it played as the last or only song on the side of the record on which it was printed.

#### 4.3 *The Visuality and Rhetorical Re-Circulation of "Strange Fruit"*

This chapter has argued that "Strange Fruit" works through ekphrasis coupled with the emotive appeal of Billie Holiday's performance of the song. The presentation of the image in the song differed from the conventions of lynching photography because of the temporality of the performance of the song and the gradual animation of the image. Traditional forms of notional ekphrasis conjured images like Achilles' Shield or Keats's Grecian urn, but in "Strange Fruit" something different takes place in the production of the image. The description in the song is minimalist, as the song consists of a mere 12 lines, and of those twelve lines half of them are the extension of the metaphor of the lynched body as fruit. This stands in stark contrast to the prototypical examples above where considerable time is devoted to the description of the object that the audience is asked to picture by the rhetor.

"Strange Fruit" was quite provocative despite its brevity, and this is because "Strange Fruit" operates as a rhetorical effect of the ant-lynching movement. Paul Messaris points out, "far from being a limitation, the lack of propositional syntax may actually be one of the distinguishing strengths of images when they are used as persuasion."<sup>391</sup> One of the things that makes "Strange Fruit" rhetorically powerful is that the lack of propositional syntax noted by Messaris allows for different images of lynching that audience members may have seen previously to stand in as the picture being conjured by "Strange Fruit." An image that is solely

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<sup>391</sup> Paul Messaris, "What's Visual about Visual Rhetoric?" *Quarterly Journal of Speech*. Vol. 95:2. (2009). p.232.

the product of an imaginative interaction with the song could take on a number of different expressions and features, but would be similarly pulled into the image vernacular of protest.

The lynching photographs rhetorically re-circulated and repurposed by the NAACP and other organizations took the elements of the lynching photograph, and turned them into a denouncement of lynching. The re-circulation of these photographs amongst wider audience than was originally intended and their searing critiques of white supremacy made it possible for someone like Abel Meeropol in New York City, geographically removed from lynching, to read about lynching in publications protesting the practice and pen an angry response that could be circulated in the form of poetry, stage performances, and recordings of the song. I have argued that "Strange Fruit" was unique in the way that it called the audience members listening to the song as audience members of a lynching because of their participation in calling forth or imagining a lynching scene.

Interestingly, one could think of the live performances as putting the audiences very much in the position of the audience at a lynching, while circulations of the recording could put listeners in much the same position as those who viewed lynching photographs that were circulated after the fact. The rhetorical power of the song to move images into the image vernacular of protest demonstrates how repurposing and rhetorical re-circulation operate strategically to both contest and appropriate the conventions of lynching photographs. Jacquelyn Goldsby argues that part of the power of lynching photographs in the white supremacist image vernacular was the ways in which they were "secreted" amongst those who identified with white supremacist ideology.<sup>392</sup> Goldsby argues that part of the power of lynching photographs was the way the scene could be publicly enjoyed in the moment, but could also be extended through the

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<sup>392</sup> Goldsby, p. 248.



private exchanging of the photographs that extended the scene in space and time across different audiences. This is similar to the ways in which Holiday's performances could be heard in bars and concert halls with sympathetic audiences, who could also buy recordings and use them to privately persuade and propagandize to friends and acquaintances just as David Morse did with students at Northern colleges and universities.<sup>393</sup> What gives "Strange Fruit" the power to repurpose lynching photographs was that it did not need to be secretly circulated, and it could find some occasional time on the radio in Northern cities.

The song shows the anti-lynching movement continued to develop as part of the social consciousness of Americans in the 1930's and beyond as spectacle lynchings disappeared almost completely from the public sphere. By 1945 it is estimated that 50,000 copies of "Strange Fruit" had been sold and circulated.<sup>394</sup> This does not include the radio play or the covers of the tune that were played and recorded by various artists such as Josh White and Nina Simone. As the song circulated, it also circulated a way of seeing lynching that was condemnatory. Essentially, any of the repurposed photographs, or even a lynching image that had not been repurposed directly by a protest organization or an artist, could be re-purposed by applying the arguments made in the campaign against lynching. "Strange Fruit" capitalizes on this ability to re-purpose images of lynching by asking audience members to imagine a lynching scene, perhaps to recall a photograph of a lynching they have previously seen, and then look at it through this lens of protest. In this way, the lynching image becomes the enthymeme in the argument against lynching, as the audience member participates in the completion of the argument by supplying a mental image of the lynching scene. So, in a cyclical fashion the image is the point of departure

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<sup>393</sup> Margolick, p. 50.

<sup>394</sup> Margolick, p. 50.

for "Strange Fruit," but it also serves the completion of the argument made in the performance of it. As Osborn argued the image can be a generative point for an argument. I have argued that the ekphrastic presentation of a scene does this in "Strange Fruit."

## 5 CONCLUSION

### 5.1 *The Repurposed and Re-circulated Image*

*"Who makes the laws for that slipknot?  
Who says who will go to the calaboose-  
and get the hangman's noose, get that slipknot.  
I don't know who makes the laws of that slipknot.  
But the bones of many a man are a whistling in the wind,  
Just because they tie their laws with a slipknot."  
-- Woody Guthrie (1940)<sup>395</sup>*

*"Y'all keep playin' with them crackers, they gonna have yo' ass,  
somewhere tied up, wired up on the back roads of South Florida, Georgia.  
Ya know, and they made the laws, so them shits can't do nothin' for ya."  
-- Ludacris (2004)<sup>396</sup>*

At the beginning of this project, I raised questions about how lynching photographs, once a celebration of white supremacy, became some of the most damning pieces of evidence in the anti-lynching movement. I conclude having addressed some of the rhetorical strategies and tactics employed at a period in time that Robert Zangrando identifies as the, "Peak and Beyond," of the anti-lynching movement that did some of the work of repurposing lynching photographs.<sup>397</sup> The movement did not secure legislation, but did see a substantial drop in the frequency and number of lynchings. In the years from 1940-1968, 38 African Americans were

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<sup>395</sup> Woody Guthrie, "Slipknot." New York: Ludlow Music, Inc. (1940). Copyright renewed 1963.

<sup>396</sup> Ludacris, "Hopeless." Ludacris Universal Publishing; Universal Music. (2004).

<sup>397</sup> Robert Zangrando, *The NAACP Crusade Against Lynching, 1909-1950*. Philadelphia, PA: Temple University Press. (1980). pp. 139-165.

lynched, as opposed to the total of 3,047 in the years from 1882-1939.<sup>398</sup> That means the average number of lynchings recorded by the Tuskegee Institute went from about 54 a year in the period between Reconstruction and World War II to a little more than 1 a year from the beginning of World War II to the closing of the Civil Rights movement. This is not to say that racially motivated murders were eliminated from the American landscape, rather that the brazen nature with which they were once committed became a thing of the past. Violence toward African Americans and photographic representations of it were pushed into secretive spaces. I have argued that a hegemonic image vernacular of white supremacy through which lynching photographs were viewed was deemed a socially unacceptable mode of visibility in the public sphere.

The repurposing of lynching photographs was the rhetorical primer that allowed this change in the public visibility of racial violence. Photographs of lynched African Americans were pushed out of the public sphere and into the more secretive space of the "hooded archive," as articulated by Nicholas Mirzoeff.<sup>399</sup> The hooded archive meant that the once normalized space of public violence such as the lynchings of Sam Hose, Jesse Washington, Claude Neal, Rubin Stacy, and many others indexed through photographs were labeled pornographic and socially unacceptable representations of race relationships. The move to the shadow archive made the articulation of white supremacy a secretive activity, which made return of it to the public sphere more troubling and difficult to justify as time passed. I argue that this signaled a steady, though gradual, shift in the hegemonic image vernacular of white supremacy. In what follows, I will

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<sup>398</sup> Zangrando, pp. 6-7.

<sup>399</sup> Nicholas Mirzoeff, "The Shadow and the Substance: Race, Photography, and the Index" in Brian Wallace and Coco Fusco, ed. *Only Skin Deep: Changing Visions of the American Self*. New York: Abrams Publishing. (2004). p. 123.

provide a summation of the chapters and the ways in which the lynching photograph became a symbol of shame, instead of a badge of honor.

In the first chapter, the *Art Commentary on Lynching* showed the manipulation of lynching photographs through translation of the subject of lynching into other visual mediums. Lynching photographs were carefully staged to create an argument about the orderliness of white supremacy and the maintenance of it. White crowds would stand together in expression of communal will articulated through the murder of a black person. In the works displayed in the NAACP sponsored art exhibition, the sanitizing of lynching that took place in lynching photographs was undermined through the artists' portrayals of lynching scenes and victims.<sup>400</sup> Walter White's commissioning of the exhibition and requests for piece from various artists resulted in an exhibition that displayed, "an unanticipated diversity of approach to the subject of lynching."<sup>401</sup> The primary strategies employed in the exhibition that I identified were: directly translating a lynching photograph into another visual medium, the representation of a point in the lynching ritual typically unseen in lynching photographs, visually condemning the mob, and/or highlighting the struggling of the victim.

The four *Art Commentary* pieces employed these strategies in unique ways that revealed something about what was not represented in lynching photographs. The Harry Sternberg piece, *Southern Holiday*, violated the conventional photograph of the lynching scene by directly showing the castration of the victim. Typically, the genitals or the wound inflicted during the

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<sup>400</sup> Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940*. Chapel Hill, NC: University of North Carolina Press. (2009). p. 101.

<sup>401</sup> Margaret Rose Vendryes, "Hanging on their Walls," in Judith Jackson Foossett and Jeffrey A. Tucker, ed. *Race Consciousness: African American Studies for the New Century*. New York, NY: New York University Press. (1997). p. 156.

castration of the victim were covered in lynching photographs.<sup>402</sup> Additionally, Sternberg depicted the victim in his final moments of life, rather than the standard post mortem representation of lynching victims in lynching photographs. No crowd is represented in the scene, so the moment in which the mob gloats over the victim is denied, as well. Sternberg condemns the church for its failure to condemn lynching, and in some cases its promotion of it, by including a church in the composition. *Southern Holiday* shows a moment in the lynching scene not usually represented in the photograph, and stressed the struggle of the victim by showing him struggling to survive.

Reginald Marsh's piece, *This is her first lynching*, condemned the mob by making it the sole subject of the piece. Marsh chose not to represent the victim in his piece, but to focus on the initiation of a child into the lynching culture. The presence of women and children in lynching was common, despite its supposed purpose of protecting these groups from the stereotypical beastly black man.<sup>403</sup> The contradiction had not been lost on critics of lynching, and in some cases even on those who condoned the activity, who pointed to the moral implications of women and children being present at a lynching.<sup>404</sup> Marsh's composition operates in the same vein by showing the advancement of a crowd, and the hoisting of the child onto the shoulders of a female relative to get a better view of the lynching. The viewer never sees the victim or the lynched body, but supplies the missing feature of the scene as a visual enthymeme seen through the eyes of the child. In Marsh's condemnation of the crowd, he also undermines the conventions of lynching photographs by showing a moving and active mob, rather than the carefully posed and still figures present in lynching photographs.

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<sup>402</sup> Wood, p. 101.

<sup>403</sup> Anne Rice. "How We Remember Lynching" *Nka: Journal of Contemporary African Art*. (Fall 2006)

<sup>404</sup> Wood, pp. 100-101.

The next piece examined was Paul Cadmus's *To the Lynching*. In Cadmus's piece, we again see the movement and disarray of the lynch mob, rather than the controlled and composed members of the community that the lynching photograph was meant to show. Cadmus's depiction of bloodlust in lynching was more representative of the vitriolic rhetoric of Thomas Nelson Page and "Pitchfork" Ben Tillman's political rhetoric than the visual representations of orderly mobs in lynching photographs. Additionally, Cadmus's composition was suggestive of the sexual passions with which the mob acted, a taboo that did not manifest itself the same way in lynching photographs. Similar to Sternberg's piece, Cadmus depicts the fight and the struggle of the victim against the mob. In this way, *To the Lynching* both accentuates the struggle of the victim and condemns the mob as a perverse and chaotic collection of people.

The last piece, Isamu Noguchi's *Death* translates a photograph of the lynching of George Hughes. The iconicity of Noguchi's sculpture made many viewers uncomfortable, and brought the representation of lynching into a three dimensional realm unavailable to photographs. Noguchi chose to detail the musculature and bodily strength of the lynching victim that was erased by the flames in the photograph of George Hughes's corpse. Noguchi's piece dominated the exhibition.<sup>405</sup> Perhaps, this was because the piece's size and three dimensional representation of lynching made viewers in the gallery feel as if they were now witnesses to the lynching, or, "in its presence."<sup>406</sup> The space of the gallery presence was experienced differently from what one might experience in viewing the photograph of Hughes, especially for those who viewed it through the image vernacular of white supremacy.

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<sup>405</sup> Vendryes, pp. 157-158.

<sup>406</sup> Vendryes, p. 158.

The *Art Commentary on Lynching's* use of the visual played on the conventions of lynching photography through the manipulations of visual mediums that removed the lynching scene out from the image vernacular of white supremacy. In each of the pieces examined, as well as in many of the other pieces displayed in the exhibition, the visual representation of lynching was different from the typical visual conventions of the lynching photograph. The repurposing of lynching photographs offered different views of the lynching scene that served as refutations of the scenes provided in lynching photographs. This rhetorical strategy was the visual reframing of the lynching scene.

The next case study examines the interaction between text and image in the NAACP's anti-lynching pamphlet featuring a photograph of the lynching of Rubin Stacy. The Stacy case was complicated by the defeat of the Costigan-Wagner Bill in the Senate, and offered a different approach to the reporting of a lynching than the NAACP typically employed. In this case, the lynching photograph is taken out of the image vernacular of white supremacy through a series of rhetorical questions, the application of a few details about the case that accentuate the features of the photograph, and the provision of statistics about lynching that emphasized the long standing and widespread nature of the lynching problem. The Stacy pamphlet did not provide an extended explanation of the circumstances of Stacy's lynching, though they were available, as previous pamphlets and supplements to *The Crisis* had. The pamphlet relied on the shock of the presence of female children in the photograph heightened by the framing text of the pamphlet.

I argue that the Stacy pamphlet functioned to characterize the image vernacular of white supremacy as a particular audience outside of the purview of the universal audience.<sup>407</sup> In

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<sup>407</sup> Chaim Perelman and Lucie Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*. Notre Dame, Indiana: University of Notre Dame. (1969). pp. 54-59.

addition to this condemnation of the mob's activities as destructive of the conditions for proper argumentation, the pamphlet describes the white mob as a victim of its own activities. Thus, another rhetorical strategy of the anti-lynching movement is showcased through this pamphlet. This was not the first instance of this argument being made, but it was certainly one of the strongest examples of it. The critique that lynching was, "far below the level of Western civilization," had been articulated in the program for the *Art Commentary on Lynching* by Erskine Caldwell.<sup>408</sup> Walter White had also noted that whites engaged in lynching because they believed their own myths to such an extent that they were falling prey to it. White argues, "... the creation of the bogey of sex crimes as a defence (sic) of lynching has made the South the terrified victim of the fears of its own conjuring... Having created the Frankenstein monster (and it is no less terrifying because it is largely illusory), the lyncher lives in constant fear of his own creation..."<sup>409</sup> The Stacy pamphlet focuses on the presence of the white children and the accusations against Stacy of, "frightening a white woman," in order to show the extreme nature of lynching in exorcising the self-created fears of white supremacy.<sup>410</sup> In short, lynching culture had become so enchanted with its own representations of social relationships and stations between whites and black that it was destructive of the actual structures and modes of decision making in a democratic society.

The Stacy pamphlet's use of text and image show the re-appropriation and repurposing of a lynching photograph without altering the visual qualities or composition of it. The photograph had been taken as a memento of a particular murder, but became a condemnation of lynching as

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<sup>408</sup> Erskine Caldwell, "An Art Commentary on Lynching" program. (1935).

<sup>409</sup> Walter White, *Rope and Faggot: A Biography of Judge Lynch*. Notre Dame, Indiana: University of Notre Dame. (2001). pp. 56-57.

<sup>410</sup> NAACP anti-lynching pamphlet, 1935, showing the lynching of Rubin Stacy. Reproduced from the NAACP collection at the Auburn Avenue Research Center, Atlanta, GA.



a practice. In this way, the Stacy pamphlet shows the anti-lynching movement's strategy of using lynching photographs to function metonymically with one lynching standing in as a condemnation of all lynching and racial injustice. Further, the Stacy pamphlet provides clues as to how the shift in enthymemes called forth by lynching photographs, and by extension other images of public racially motivated violence, had developed. The Stacy photograph asks questions that direct the viewer of the photograph to answer negatively in regard to the effect of lynching on white citizens and the future of the public sphere. The photographs of lynching that were once representative of a restoration of order were now being called into question as representations of society that were veering farther and farther away from the democratic principles it claimed to espouse.

In the final case study, the song, "Strange Fruit," is examined in terms of its ekphrastic qualities and the performative functions it served in invoking the image of a lynching scene. In this instance, the lynching photograph is re-appropriated in the absence of a strictly visual medium. "Strange Fruit" offers an instance in which the violation of the conventions of lynching photography takes place without a material image to critique, and this way makes the visual element of lynching enthymematic. In some ways, "Strange Fruit," operates as a rhetorical effect of the rhetorical re-circulation of and repurposing of lynching photographs and images through the course of the anti-lynching movement. "Strange Fruit" provided a way to see an image either imagined or supplied by the listener as a result of their previous exposure to lynching images or actual lynchings.

"Strange Fruit" violates the conventions of lynching photography in the white supremacist image vernacular through the grim animation of a lynching scene and the invocation of other senses involved in experiencing the lynching. The animation of the lynching scene, quite

obviously, violates the constraints of the photographic medium. This animating function is also related to the violation of convention that takes place in the Cadmus and Marsh pieces featured in the *Art Commentary on Lynching*. It is similar to the Sternberg and Noguchi pieces because the song offers no description of the mob; rather, it invites the listeners of the song to imagine themselves as witnesses to the lynching conjured in the song. These visual aspects of the song were achieved through the form of ekphrasis. I argue that the song is an example of what James Heffernan terms notional ekphrasis, or the verbal presentation of an image in the absence of the physical presence of that image.<sup>411</sup> This is further accentuated through *energeia*, or the animation of the image as described by Aristotle and extended by the work of Ruth Webb.<sup>412</sup> The function of these rhetorical devices in positioning the listeners to the song as witnesses enhances the emotional appeal of the song because it brings a sense of immediacy to the listener.

In addition to these features, the invocation of the senses of touch, smell, and taste coupled with the auditory and visual nature of the performance of the song brought more to the table than a simple viewing of photograph was likely to do. The appeal to the senses further places the audiences of the song in the position of a witness to a lynching. The deliberate stage direction of the song, as performed by Billie Holiday, encouraged an intense level of concentration that prompted the audience to fully experience these appeals to the senses. Further, the emotive power of Holiday's voice and her pained facial expressions imbued the song with an emotional condemnation of lynching. Holiday and "Strange Fruit" are tied together in such a way that they provide each other with a mutually reinforcing ethos that adds power to the song.

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<sup>411</sup> James A.W. Heffernan, *of Words: The Poetics of Ekphrasis from Homer to Ashberry*. Chicago: University of Chicago. (1993). p. 7, 91.

<sup>412</sup> Aristotle, *On Rhetoric: A Theory of Civic Discourse*. trans. George A. Kennedy. 2nd edition. Oxford: Oxford University Press. (2007). p.222; Ruth Webb, *Ekphrasis, Imagination, and Persuasion in Ancient Rhetorical Theory and Practice*. VT: Ashbridge Publishing. (2009). pp. 85-86; pp. 87-130.

The circulation of "Strange Fruit" among audiences of popular music provided another unique feature. In addition to Holiday's performances of the song across the country and internationally, recordings of the song sold reasonably well. The song has also been covered by numerous artists from the time of its original recording to the present in a way that kept images of lynching in the public sphere for longer periods than many other forms of protest were able to do. The longevity and circulation of the song meant that the visibility of protest promoted in the anti-lynching movement would continue to be perpetuated among audiences that had not directly experienced the anti-lynching movement, or those later generations with little knowledge of lynching's history or the activism that made it a thing of the past.

Each of these examples used images of lynching or imagery to condemn lynching. I have noted at various points in this project the contributions of Michael Leff and Andrew Sachs statement, which follows Michael Osborn's argument, that, "'image-generation controls things-not only absorbing much of the function of argumentation but also forming the base from which argumentation proceeds,"<sup>413</sup> and Osborn's argument that, "Contemporary rhetoric seems dominated by strategic pictures, verbal or nonverbal visualizations that linger in the collective memory of audiences as representative of their subjects when rhetoric has been successful."<sup>414</sup> The anti-lynching movement's use of lynching photographs and derivations of them serve as an example of the ways in which the image operates rhetorically as the base from which the production of arguments against lynching took place. While different mediums were employed in each of the chapters in order to achieve this end, the fact remains that each of them used the

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<sup>413</sup> Michael Leff and Andrew Sachs, "Words the Most Like Things: Iconicity and the Rhetorical Text," *Western Journal of Speech Communication*. Vol. 54 (1990). p.253.

<sup>414</sup> Michael Osborn "Rhetorical Depiction" in ed. Herbert Simons and Aram A. Aghazarian, *Form, Genre, and The Study of Political Discourse*. Columbia, SC: University of South Carolina Press. (1986). p.76.

lynching photograph as a way to show the ill effects of lynching on the public sphere and to build arguments to that end. Raising public awareness and mobilizing public opinion against lynching through the use of images was achieved through strategies of rhetorical re-circulation, strategic violations of the conventions of lynching photographs, and the repurposing of the lynching scene such that the visuality that was associated with lynching changed. The image vernacular of white supremacy that permitted lynching to carry on for so long had been made transparent and weak through by exposing the public to arguments that demonstrated the myriad contradictions present in the practice of lynching. Put another way, arguments deployed through and in conjunction with images of lynching made clear the damaging effects of using racially motivated terrorism to maintain the separation of blacks and whites.

The hegemony of white supremacist ideology in the first half of the 20th century and before created conditions where the image vernacular of white supremacy normalized the public murder of African Americans by white mobs. The failure to prosecute, even one, of these cases, or to pass some sort of legislative measure to curb the frequency and prominence of lynching indicates the power with which white supremacy dominated the public sphere. Even among those who objected to lynching, failure to act and complacency in the matter further exacerbated the problem. The continued protest of lynching and the use of vivid images in these protests changed what was viewed as acceptable treatment of African Americans. Where lynching photographs once triggered enthymemes of black rapists, the inferiority of blacks to whites, and the dominance of whites, particularly white males, in the public sphere, the use of these photographs by protest organizations changed what could be acceptably displayed in the public sphere in terms of racial violence and protest. New enthymemes were triggered upon the viewing of lynching photographs. They came to represent the fallibility of arguments supporting white

supremacy, the unfairness of the dominant modes of segregation and disenfranchisement, and the irrationality of white supremacist systematic oppression of African Americans. In short, the new enthymeme of the lynching photograph was the failure of the United States to be pursuant of the democratic ideas on which it was founded when matters of race were involved.

After hearing "Strange Fruit," music critic Samuel Grafton wrote a review saying the phonograph, "had obsessed him for days," and that, "Even now, as I think of it, the short hair on the back of my neck tightens and I want hit somebody. And I think I know who."<sup>415</sup> There were plenty of people to shoulder the blame, or to take Grafton's punch. More importantly, the effect of the song, which I have argued was a cumulative result of the anti-lynching movement, indicates a response of anger toward perpetrators and unresponsive officials responsible for lynching. The dominant reading of the lynching scene became one of protest. The enthymematic function of the image vernacular had changed.<sup>416</sup> The image vernacular of protest had mitigated the hegemonic power of the white supremacist image vernacular in relation to lynching. The image vernacular of protest had repurposed the lynching scene in a way that the culturally dominant reading of lynching and lynching photographs was a decidedly negative one. The visual culture of race was changing. This change would be apparent in the way that the subject of lynching changed in the collective memory of people in the United States as time passed, just as Osborn had says effective visual rhetoric ought to do.<sup>417</sup> I offer one final example of the rhetorical functions of the repurposed lynching photograph, and some suggestions about the lingering effects of lynching in the public sphere, as I close.

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<sup>415</sup> Samuel Grafton, "I'd Rather Be Right," *New York Post*. 10-21-39.

<sup>416</sup> Cara Finnegan, "Recognizing Lincoln: Image Vernaculars in Nineteenth Century Visual Culture," *Rhetoric & Public Affairs*. Vol. 8:1. (2005). p.34.

<sup>417</sup> Osborn, p. 76.

### 5.1 *Redemptive Circulation: Without Sanctuary and the Return to the Public Sphere*

The repeated failure to prosecute or act in the thousands of lynching cases, despite demonstrable photographic evidence of the crimes and the witnesses to the crimes is a source of public shame.<sup>418</sup> In fact, in the 60 plus years between the filibuster of the Wagner-Van Nuys Anti-lynching Bill and 2005, when the Senate offered a formal apology for failing to pass anti-lynching legislation, lynching photographs would come to be received very differently by Southern Senators. The discussion of Sen. Tom Conally response to the display of photographs of the Duckhill, Mississippi lynching (1939) in chapter 4 showed his disgust with the photographs. However, that disgust was not a matter of shame, but was born out of contempt for the visual evidence provided by Sen. Bennett Champ Clark. Conally, from Texas, was a staunch opponent of anti-lynching legislation. He railed against Clark's arguments and the display of the photographs with a profane tirade.<sup>419</sup> On the other hand, after viewing the Allen-Littlefield collection of lynching photographs in the exhibit *Without Sanctuary*, Senator George Allen of Virginia and Senator Mary Landrieu of Louisiana in 2005 proposed and secured a Senate apology for the Senate's failure to pass anti-lynching legislation.

From 2000-2004 the exhibition of lynching photographs collected by James Allen first titled, "Witness," traveled the country starting in New York and continuing onto Pittsburgh, Atlanta, and Jackson, Mississippi. The book, *Without Sanctuary*, that accompanied the exhibition and which has sold remarkably well,<sup>420</sup> is cited as a motivation for a Senate apology addressing

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<sup>418</sup> Dora Apel in Doral and Shawn Michelle Smith, *Lynching Photographs*. Los Angeles, CA: University of California Press. (2007). pp.43-68.

<sup>419</sup> Zangrando, p. 147.

<sup>420</sup> Bill Sasser, "Strange Fruit: A collection of lynching photos holds a painful mirror to Southern history." *Creative Loafing* (Atlanta). 12/9/2000 Cover Story.

the failure of that body to pass any of the three bills that passed the House of Representatives.<sup>421</sup>

The exhibition started at a small art gallery in New York, much like the *Art Commentary on Lynching*, but the installations of the exhibition became more and more intricate as the exhibition travelled the country. The exhibition's most elaborate configuration involved patrons entering into a room with the lyrics to "Strange Fruit" posted on the wall with the song playing on a continuous loop in this room. The song's bitter intonation and scathing critique of lynching primed viewers for the collection of lynching photographs that had been displayed on the walls and in cases inside the Martin Luther King, Jr. center in Atlanta. In a space dedicated to the most iconic leader of the Civil Rights movement, the work of the anti-lynching movement returned to the social consciousness of those who chose to attend the exhibition.

Significantly, photographs of lynching placed in the space of galleries like the one that housed the *Art Commentary on Lynching* had such a compelling effect on members of the Senate as to motivate an apology for that body's past inaction. The display of lynching images in the *Art Commentary on Lynching*, 70 years prior in an art gallery was so controversial that the First Lady, Eleanor Roosevelt, attended the exhibition privately, so as not to draw attention to her support for anti-lynching legislation for fear that her presence would imply her husband's support of the bill.<sup>422</sup> *Without Sanctuary*, on the other hand drew this response from Landrieu, "The impact of the pictures was overwhelming and proved to be a very educational and emotional experience for me."<sup>423</sup> Consider that Landrieu's home state of Louisiana was one of the most

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<sup>421</sup> S. Res. 39 "Apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation." 109th Congress 1st Session.

<sup>422</sup> Thomas Dyja, *Walter White: The Dilemma of Black Identity in America*. Chicago, IL: Ivan R. Lee. (2008). p.145.

<sup>423</sup> Shawn Michelle Smith in Dora Apel and Shawn Michelle Smith, *Lynching Photographs* Los Angeles, CA: University of California Press. (2007). p. 39.

active lynching states tallying 391 lynchings in the years from 1882-1968.<sup>424</sup> The image vernacular of racial violence had changed such that a politician from a state with a poor race record wanted to make public her condemnation of the racial violence of the past.

That the experience of viewing lynching photographs was an educational one for Landrieu and others who visited *Without Sanctuary* is telling. The aim of the anti-lynching movement had been to educate people on the subject of racism and racial violence in hopes that an educated and informed public would not allow such violence to continue. I have argued that one of the main strategies employed to educate people in this matter was the re-appropriation of lynching photographs, and it would seem that the strategy was successful over the course of time. Walter White advocated the position that ending lynching was a matter of education. In *Rope and Faggot*, White notes that the price of lynching included the intolerance for education and intellectualism in areas where lynching was perpetrated, and that the solution to this problem was the systematic education and elevation of the minds of the prejudiced.<sup>425</sup> White also noted that the progress in some of these areas, namely the South, was, "sometimes so slow as to be imperceptible."<sup>426</sup> The response to *Without Sanctuary* indicated that, even if imperceptibly slow, the country had learned many lessons about lynching and race over the decades since the peak of the anti-lynching movement. Or at the very least, many members of the Senate had learned the lessons well enough to apologize for being past failures to protect citizens of the United States under the equal protections provided under the 14th amendment to the Constitution.

The apology acknowledges that we live with the specter of lynching; images of lynching are painful and piercing to look at because their repurposing asks viewers to consider the

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<sup>424</sup> Zangrando, p. 5.

<sup>425</sup> White, pp. 155-163, pp. 179-181.

<sup>426</sup> White, p. 171.



conditions of the not so distant past that made possible thousands of these spectacle murders. Congressman John Lewis in a forward to the book companion of the exhibition suggests that the book and the exhibition, *Without Sanctuary* brought, "to life one of the darkest and sickest periods in American history."<sup>427</sup> The vivid deaths in lynching photographs makes viewers uneasy. W.J.T. Mitchell's reaction is telling when he describes the contents of the exhibition saying there is, "a great deal to mortify, astonish, and shame anyone who thinks America's race problem is behind us." Mitchell suggests that because their subject matter is so extreme the photographs might need to protection from "idle curiosity and disrespect."<sup>428</sup> Mitchell posits an almost reverent position in regard to the photographs that illustrates the power of the images and the intrusion of them into our present space and time.

Sen. Allen would say during an address about the apology, "Thankfully, justice in our nation has moved forward and left such despicable acts to history, but this story can never be complete without an acknowledgement from this body that it failed to protect individual freedoms and rights. This apology is long overdue and I'm pleased that the Senate will finally extend one to thousands of victims, their families, and their ancestors."<sup>429</sup> The photographs of lynching were used to facilitate public action within the Senate with a binding resolution because they were repurposed and drawn out of the "hooded archive." The public display of lynching photographs inspired the vast majority of senators to sign an apology admitting to the folly of the filibusters that had taken place on the very same floor. Ironically, Senator Tom Delay of Texas,

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<sup>427</sup> James Allen, Hilton Als, Congressman John Lewis, and Leon Litwack. *Without Sanctuary: Lynching Photography in America*. Santa Fe, NM: Twin Palms. (2000). p.7.

<sup>428</sup> WJT Mitchell, *What Do Pictures Want? The Lives and Loves of Images*. Chicago: Chicago University Press. (2005). p.142.

<sup>429</sup> <http://landrieu.senate.gov/priorities/Resolution-Apologizing-for-Lynching.cfm> Retrieved February 15, 2011.

like Conally, before him still objected to a Senate measure addressing lynching by abstaining from signing the resolution.

There were those who doubted the purpose or the wisdom of displaying such an exhibition. Hilton Als, a contributor to the book form of *Without Sanctuary*, laments the photographs and the compilation of them searching for, "the usefulness of this project, which escapes me, but doesn't preclude me from writing about it."<sup>430</sup> The usefulness of viewing these images is a question that has historical and rhetorical significance. The photographs in *Without Sanctuary* in Lewis's terms, "bring it to life" and make it real to the contemporary viewer. In essence, *Without Sanctuary* gave the historical photographic object a chance to speak, a truly ekphrastic moment. Consider the following explanation of ekphrasis from James A.W. Heffernan, "We do well to remember the root meaning of ekphrasis: 'speaking out' or 'telling in full.' To recall this meaning is to recognize that besides the representational friction and the turning of fixed forms into narrative, ekphrasis entails prosopopeia, or the rhetorical technique of envoicing a silent object."<sup>431</sup> The friction of representation, as well as the voicing of the static and silent object is critically important because it voices not only the photograph, but the abject victim. The photograph in the museum setting gives voice to a people and events that have been left out of history books, avoided in polite conversation, and shakes viewers of them out the cultural, "amnesia," sometimes associated with lynching.<sup>432</sup> These voiced photographs have an unmistakable message about the history of race in this country.

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<sup>430</sup> Allen, et al. p. 38.

<sup>431</sup> James A.W. Heffernan. *Museum of Words: The Poetics of Ekphrasis from Homer to Ashberry*. Chicago: University of Chicago. (1993).

<sup>432</sup> Rice, p. 40.

The message is that the protocols of viewing race violence in the United States evolved over time. The image vernacular of white supremacy allowed and promoted the spectacle lynching of African Americans, and within this image vernacular the taking and distribution of lynching photographs was encouraged as a means of viewing communal conventions of race. Over time, these photographs were carefully crafted as tools of protest by African Americans and liberal Anglo Americans who wished to condemn the model of citizenship promoted through white supremacist ideology and within the image vernacular of race violence. Photographs were sources of rhetorical invention for those in the anti-lynching movement. In many cases, the images served as the point from which arguments could proceed. The arguments and persuasive appeals against lynching functioned rhetorically by repurposing images of lynching, thereby repurposing and re-contextualizing lynching scenes. The repurposing of the lynching scene made available the critique of the portions of the population who had refused to abide by the terms of the 13th, 14th, and 15th Amendments to the Constitution. The critiques leveled in the anti-lynching movement through the use of lynching photographs and imagery were powerful in part because they put on display the most egregious violations of the rights of African Americans. These critiques highlighted the fallibility of the white supremacist way of looking at racial violence in the public sphere. The work of the anti-lynching movement is significant because it offers examples of how protests challenged the dominance of the white supremacist image vernacular and made images of racial violence, as a celebration of white supremacy, socially unacceptable in the public sphere.

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