

Ideology, Space, and the Problem of Justice: The Lynching of Emmett Till

A dissertation presented to  
the faculty of  
the Scripps College of Communication of Ohio University

In partial fulfillment  
of the requirements for the degree  
Doctor of Philosophy

Pamela L. Royse

March 2011

© 2011 Pamela L. Royse. All Rights Reserved.

This dissertation titled  
Ideology, Space, and the Problem of Justice: The Lynching of Emmett Till

by  
PAMELA L. ROYSE

has been approved for  
the School of Communication Studies  
and the Scripps College of Communication by

---

Raymie E. McKerrow  
Professor of Communication Studies

---

Gregory J. Shepherd  
Dean, Scripps College of Communication

## ABSTRACT

ROYSE, PAMELA L., Ph.D., March 2011, Communication Studies

Ideology, Space, and the Problem of Justice: The Lynching of Emmett Till

Director of Dissertation: Raymie E. McKerrow

This dissertation examines the rhetoric generated by the death of Emmett Till in 1955. While many of the facts surrounding Till's death are still subject to question, most accounts of the incident agree that Till was kidnapped and murdered by two white men, Roy Bryant and J. W. Milam, while he was vacationing with relatives in Mississippi. The National Association for the Advancement of Colored People defined Till's death as a "lynching," a charge that Mississippi's white press opposed and disputed. In a region that perceived the Supreme Court's *Brown v. Board of Education* decisions (1954, 1955) as a threat to the foundation of Southern life, many white citizens viewed the "lynching" label as a ploy by the NAACP to incite racial animosity and dismantle segregation. As news coverage of the case continued, the debate over the crime turned ideological, redirecting public concern from the issue of justice to the preservation of state rights, segregation, and American democracy. This rhetoric influenced the outcome in the murder trial; attorneys for the defense justified their request for an acquittal on the grounds that it would thwart the threats of miscegenation and communism. Although the jury declined to convict Bryant and Milam, the acquittal ultimately increased the power of Till's story. To explain in Burkeian terminology, "Emmett Till" became a representative anecdote that symbolizes racial injustice. Consequently, Till's story inspired members of his generation to persevere in their struggle for civil rights. To this day, speakers invoke the story of Emmett Till as a rhetorical resource. Using critical exegesis, this dissertation traces the

emergence of the Till anecdote and accounts for its power by investigating three components of the rhetoric, including 1) the stakes involved in defining Till's death as a lynching; 2) the intersection of space and ideology that emerged in the rhetorical response to the incident; and 3) the longevity of Till's influence as a representative anecdote.

Approved: \_\_\_\_\_

Raymie E. McKerrow

Professor of Communication Studies

*In memory of Jerry Dudek*

*Because yellow tulips are perennial and always full of promise*

## ACKNOWLEDGEMENTS

As time closes on this chapter in my life and the end of the project draws near, I want to acknowledge the debt of appreciation I owe to so many at Ohio University. I will be forever grateful that the School of Interpersonal Communication provided the opportunity for me to pursue my Masters at the Chillicothe Campus. The education I received from each and every professor who taught in that program continues to shape, in no small way, the person and scholar I am today. Additionally, I owe several professors at the Athens campus a special debt of gratitude. I want to thank Dr. Scott Titsworth, for giving me the opportunity to serve as his assistant for the basic course. Dr. Titsworth, thank you for having faith in me. I will always remember our pedagogical discussions; if I am a good teacher, it is due to your encouragement and patience. I learned so much from my professors at Ohio University, and I thank you all. During my doctoral program, however, there were two courses that changed my life, and I want to thank these professors specifically. Dr. Raymie McKerrow, although I have told you this, I want to state it for the record: The class on post-Colonial rhetoric and whiteness was the most important and formative educational experience of my life. Dr. Judith Lee, your class on the rhetoric of race has had the most profound effect on my scholarship. You introduced me to the rhetorical storm that surrounded the Emmett Till case, and for that I am especially grateful. Both of these classes changed the way I think; they liberated my thinking from an intellectual straightjacket. I also want to acknowledge and thank the members of my dissertation committee: Dr. Julie White, who has consistently reminded me to probe the political implications of discourse; Dr. Jerry Miller, for encouraging me to stretch my methodological approach, and Dr. Roger Aden, who taught me early on that

“rhetoric is orientational,” and encouraged me to explore the intersection of speech and space. Thank you each for your encouragement and insight. I also thank Dr. McKerrow, Dr. Miller, and Dr. Aden for their encouragement, and especially, for believing in me when I didn’t believe in myself.

This dissertation has relied heavily on Dr. McKerrow’s ideas about space, time, and discourse. The process of researching and writing this dissertation has taught me much about these topics. I am thinking especially of Dr. McKerrow here, and I thank him for his encouragement throughout the process, and particularly for the gift of time. The process of completing this dissertation has also heightened my sense of irony. Given my emphasis on McKerrow’s theories, I find it especially ironic that time and space have not been given more serious consideration in other areas of our discipline. Perhaps more than anything, this experience has highlighted for me the particular threats that time and space pose to interpersonal relationships. Thus, in addition to thanks, I want to take this opportunity to express my regrets, as well as my hopes.

Miles and boundaries separate me—and have separated me for a while now, from those I love the most. My pursuit of education, and now my work, have removed me from both home and family. When I examine the costs exacted from my interpersonal relationships, I am forced to question whether this has been worth the sacrifice. My sisters, Deanna and Shari, perhaps best understand the depth of my regrets. If I had the power to tell the future back then, I’m not sure I would have embarked on this course. If I had the power to reverse time, and if it would buy me even a few more days with my mother, Shirley Royse, I would abandon this pursuit. I will live the rest of my life wondering if I could have made a difference, if only I had been home, instead of in

Pennsylvania. To my brother, Cliff, I regret that time and space keep me from seeing my nephew, Paul, more frequently. To my nieces and nephews, Zach, Johanna, Jocelyn, Clayton and Elijah, I regret that my choices distance me from your lives and families, as well. I am reminded that space-time is a thief, and that we never recover what it steals from us. I understand this intimately.

Other space-time ironies are positive, however. Despite the distance, perhaps even due to it, I have been blessed with the opportunity to know my father, Clifford Royse, a little better. Writing this makes me realize it's been a while since we talked. I'll call you, Dad, as soon as I am finished.



## TABLE OF CONTENTS

	Page
Abstract .....	iii
Dedication .....	v
Acknowledgments.....	vi
Chapter 1: Ideology, Space and the Problem of Justice.....	1
The Lynching of Emmett Till .....	1
Significance of the Verbal Rhetoric.....	7
The Rhetorical Significance of a Word .....	9
Space, Ideology, and the Failure of Justice.....	11
The Longevity of Rhetorical Salience .....	16
Chapter 2: Waging War Over the Word .....	22
The Contested Meaning of “Lynching” .....	22
It Would Appear from this Lynching: Power, Politics and the Act of Defining .....	24
The History of Lynching: American Revolution to the Civil War .....	28
Reconstruction and the Racialization of Lynching .....	31
Post-Reconstruction: Federalism and the Betrayal of Black Citizenship .....	43
The Racialization of the Meaning of Lynching .....	45
Discussion .....	49
Chapter 3: The Land of the Free and the Home of the Brave: Spatiality and Ideology ...	61
<i>Brown v. Board of Education</i> : A Threat to the Socio-Spatial Order of the South.....	63
The South as Heterotopia.....	65
The Territorial Nature of Discourse.....	71

The Nation as a Representation of Space.....	71
Reconstruction and the Remapping of the Nation's Representation of Space .....	72
Reaffirming Old Boundaries .....	81
The Post-Reconstruction South as a Space of Representation.....	86
Challenging the Heterotopian Order .....	91
White Resistance and the Ideological Context .....	97
Ideology and the Struggle for Spatial Control .....	101
Conclusion .....	116
Chapter 4: A Chapter in a Didactic Narrative: Till as Representative Anecdote .....	118
The Rhetorical Work of Representative Anecdotes .....	123
Till as a Representative Anecdote.....	126
A New Generation of Activists.....	127
Frames, Attitudes and Interpretation .....	131
A Transition from Fear to Resolve .....	143
Conclusion .....	150
Chapter 5: With Us Still.....	152
The Emmett Till Anecdote as a Contemporary Rhetorical Resource.....	152
The Memory of Injustice .....	155
The Promise of the Present Moment.....	166
The Struggle Continues.....	167
References.....	173
Endnotes.....	193

## IDEOLOGY, SPACE AND THE PROBLEM OF JUSTICE

### The Lynching of Emmett Till

Under cover of night in the early morning hours of August 28, 1955, Emmett Till, a 14-year-old black youth from Chicago, was kidnapped from his uncle's Mississippi cabin. While vacationing with relatives in the Delta, Till allegedly made improper advances toward Carolyn Bryant, the white woman tending the counter at Bryant's grocery.<sup>1</sup> Racial segregation was still the strict norm in 1950s rural Mississippi, and whatever Till innocently or intentionally did while making his purchase provoked the ire of Mrs. Bryant's husband and brother-in-law when they learned of the incident several days later. Till had stepped out of line, out of the "place" specifically delineated for blacks in Mississippi, and in retribution, he was viciously beaten and shot<sup>2</sup> by Roy Bryant and J. W. Milam. In 1955, the brutality of the crime shocked this nation and electrified the world; it continues to haunt us today as an exemplar of racial *injustice* that clashes with our political ideals of justice and equality.

Till's lynching occurred just three months after the Supreme Court's decision on relief in *Brown v. Board of Education* (1955), and only 15 months after the original decision (1954) decreed that segregated schools deprive black students of their rights to equal protection under the 14<sup>th</sup> Amendment. These rulings thoroughly compromised the "separate but equal" doctrine established in *Plessy v. Ferguson* (1896), and threatened to overturn the entire socio-spatial structure of Jim Crow throughout the south (Hutchinson, 1999). Many whites perceived the *Brown* decisions as the penultimate threat to the southern way of life, and even to white racial purity itself.<sup>3</sup> Only a decade earlier, Myrdal (1944) had argued that segregation was based on and rationalized by whites'

fears of miscegenation and intermarriage, and this fear had long permeated the culture of the South and of Mississippi and the Delta region especially. The *Brown* decisions appeared to have further exacerbated these fears, not only in the minds of Till's murderers, but in the mind of others involved in the trial, as well. For example, John Whitten, one of attorneys for the defense, revealed that the truth concerning Till's murder was never a factor in his decision to accept the case—he professed ignorance, and in fact, he preferred to remain unaware of his clients' culpability:

I don't know what happened. We never asked them. We defended them . . . you know why. . . . They were entitled to a defense; I defended them, but I didn't have to listen to them. . . . You and I both know the taboo; and we know what the Court decision has done to our people. (Huie, 2002/1959, p. 237)

Such disregard for the "truth," even if it be legally advisable nonetheless violates our moral sense of justice, perhaps because willful ignorance short circuits "the potential restorative power of truth-telling" (Herman, 1992, as cited in Minow, 1998, pp. 64; 65).

Furthermore, the import of the *Brown* decisions appears to have been present in the minds of Till's assailants; J. W. Milam alluded to the potential consequences of the *Brown* decisions when he allegedly confessed to Till's murder in an interview for *Look*:

As long as I live and I can do anything about it, niggers are gonna *stay in their place*. Niggers ain't gonna vote *where I live*. If they did, they'd control the government. *They ain't gonna go to school with my kids*. And when a nigger even *gets close* to mentioning sex with a white woman, he's tired o' livin'. (Huie, 1956/2002, p. 207; emphasis added)

In this excerpt, words and phrases that defend space are especially conspicuous: Words that delineate and racialize—that defend territory—express the perceived threat. If we accept Huie’s account as credible,<sup>4</sup> then it seems clear that Milam (and Bryant) perceived the imminent implosion of a familiar social and spatial order in the person of Emmett Till; furthermore, this might have been a mitigating factor in their decision to “make an example” of the “Chicago boy,” and put him in his place (Huie, p. 207).<sup>5</sup>

Even in death, however, Till’s body failed to stay in “place.” Although anchored with a 100-pound cotton gin fan, the battered corpse rolled down the Tallahatchie River to Pecan Point; a 17-year-old youth fishing in the river discovered it three days later. (Whitfield, 1988, p. 22; also see “Muddy River,” 1955/2002, p. 17). Tallahatchie County authorities recovered the body, and it was identified by Till’s uncle, Moses Wright. Till had been so badly beaten that Wright was only able to identify his body from a silver signet ring, engraved with the initials of Till’s father, Louis Till. Sheriff H. C. Strider ordered Wright to “get that body in the ground immediately” (Till-Mobley and Benson, 2003, p. 129), an action which later led *The Daily Worker* to insinuate, “The State of Mississippi tried to bury the evidence of its barbarism” (Hirsch, 2002/1955, p. 32). The hastily dug grave would not become Till’s final resting place, however, as his mother, Mamie Till Bradley, was determined to bring his body home to Chicago for a burial. After family members in Mississippi and the undertaker in Chicago made assurances that the casket would remain closed, Till’s body was packed into a wooden coffin and “locked up with the seal of the State of Mississippi, which couldn’t be broken” (Till-Mobley and Benson, p. 131). When the Chicago undertaker tried to explain that she could not view the body, Mrs. Bradley was insistent: She had not agreed to the State of Mississippi’s

terms. Mrs. Bradley wanted to examine the body to witness the abuse her son had suffered and she was determined to do so, even “if I had to take a hammer and open the box myself” (Till-Mobley and Benson p. 131).

When the undertaker finally relented and Mrs. Bradley was at last able to see the body, the sight was horrendous: Emmett Till had suffered unspeakable brutality in the last few hours of his life. Elaine Scary has written that physical pain resists language:

When one hears about another person’s physical pain, the events happening within the interior of that person’s body may seem to have the remote character of some deep subterranean fact, belonging to *an invisible geography* that, however portentous, *has no reality* because it has not yet manifested itself on the visible surface of the earth. (1985, p. 3, emphasis added)

The “inexpressibility” of pain creates political difficulty, and is in turn attended by a struggle to invent the means to express the pain. The difficulty in articulating her own pain and her son’s suffering, the historical lack of a “rhetorical space” (Code, 1995) in which to represent one’s grief and horror, and its proximity to the black American experience are perhaps all factors that compelled Mrs. Bradley’s subsequent decisions.

It was something I can’t explain. . . . It would be important for people to look at what had happened on a late Mississippi night when nobody was looking, to consider what might happen again if we didn’t look out. This would not be like so many other lynching cases, the hundreds, the thousands of cases where families would be forced to walk away and quietly bury their dead and their grief and their humiliation. (Till-Mobley & Benson, 2003, p. 139)

Mrs. Bradley then did the unthinkable—she made her private grief public and placed her son on display; she even permitted photographs of his disfigured body to be disseminated in the black press.

During the public visitation for Till, the *Daily Worker* reported that more than 50,000<sup>6</sup> people filed past the open casket:

They poured four abreast through the chapel, until 2 A.M. when the doors were finally closed. Strong young men were weeping openly and without shame; some were shaken with uncontrollable cries of grief; others fainted as they saw the mute evidence of the unspeakable barbarity of the white supremacist lynchers. (Hirsch, 1955/2002, p. 32)

From this report, it is clear that the sight of Till's body communicated his pain in ways that words could not. Indeed, as Harold and DeLuca (2005) have suggested,

The imagery of the Till case . . . became a crucial visual *vocabulary* that articulated the ineffable qualities of American racism in ways words simply could not do. . . . [T]he imagery of the case, and that of Till's corpse specifically, served as a political catalyst for black Americans in the then-fledgling civil rights movement" (p. 265).

The rhetorical force of Till's body is therefore undeniable.

In focusing on the imagery of Till's body, Harold and DeLuca (2005) seek to learn why the incident "evoked such a dramatic response" among black Americans (p. 274), and how it worked to mobilize civil rights activists. The image of his face, they argue, "haunted the nation individually and collectively, amplifying calls for justice" (p. 274). Yet today as I write these words, justice waits to be rendered in the Till case.<sup>7</sup>

We might ask, “Why did justice fail to respond to an argument this compelling?” Baker (2006) has attempted to answer this question by considering Till’s body as a visual spectacle. Following Till’s murder, his body was viewed by spectators situated in different contexts—e.g., the morgue, the funeral, and the courtroom. Baker argues that different “languages” correspond to the different contexts, causing the body to be translated in different ways. At the funeral, for example, the spectacle of Till’s body is translated emotionally, and in this emotional “language,” it argues forcefully against racism. In the context of the courtroom, however, the language of “justice” prevails; here, when the identity of the body is questioned, the emotional testament of Till’s pain and suffering is “delegitimized . . . by the legal requirements to prove the *corpus delicti*” (p. 120).

Certainly, Baker’s (2006) analysis implies a spatial dynamic, in that different rules of discourse adhere to the different spaces in which the body was viewed. I want to insist, however, that the spatiality of the Till rhetoric is even more complex and significant than just the space of the body or the space in which it is viewed. I want to insist that the problem of justice is fundamentally a problem of space. This dissertation will consider the Till tragedy as a “spatial story” (de Certeau, 1984), a narrative that blazed a bold trajectory through time and space, as well as the dimensions of materiality and symbolism. An analysis of the Till rhetoric will reveal that the then-extant discourse of justice provided a “rhetorical space” (Code, 1995) that was insufficient to accommodate the injustices suffered by Till and historically experienced by Black Americans. Furthermore, the rhetorical response to Till’s murder articulated a new “space of representation” (McKerrow, 1999), in which difference could be imagined, and



political change demanded. Consequently, Till's story remains a living narrative, and has become what Burke (1945/1969) might call a "representative anecdote."

### *Significance of the Verbal Rhetoric*

Both Harold and Deluca (2005) and Baker (2006) provide excellent analyses of the rhetorical effects produced by Till's body. The Till incident, however, was an extraordinarily complex "rhetorical situation" (Bitzer, 1968), and its rhetorical significance is certainly not limited to the visual images or spectacle of the body. In her memoirs, *Death of Innocence*, Mamie Till-Mobley writes that Till's murder and funeral triggered "what some began to call a new war between the North and the South, a new Civil War, *a war of words* that was anything but civil" (Till-Mobley and Benson, 2003, p. 145, emphasis added). Whitaker (2005) identifies two particular *statements*—one by Mrs. Bradley, and another by Roy Wilkins, executive secretary of the NAACP— that put the state of Mississippi and its white citizens on the defensive. In this opening salvo, Mrs. Bradley was *quoted* as having said: "'The state of Mississippi will have to pay for this'" ("Muddy River," 1955/2002, p. 18); according to Whitaker, Mrs. Bradley's remarks were widely interpreted as meaning that she blamed the entire state of Mississippi for Till's murder.<sup>8</sup> The NAACP also released a *statement* from its Executive Secretary, Roy Wilkins:

It would appear from this lynching that the state of Mississippi has decided to maintain white supremacy by murdering children. The killers of the boy felt free to lynch him because there is in the entire state no restraining influence of decency, not in the state capital, among the daily newspapers, the clergy nor any segment of the so-called better citizens (as quoted in Metress, 2002, p. 19).<sup>9</sup>

Thus, by the time Till's body was displayed to the public, Mississippi's white citizens were already in a defensive posture because of the epideictic blast from the North.<sup>10</sup>

Houck (2005) argues that these statements by Mrs. Bradley and Roy Wilkins swayed public opinion and reversed the direction of support in Mississippi; the state's white citizens and their local newspapers were originally sympathetic toward Till but shifted their support toward Bryant and Milam after the statements were published. As the climate in Mississippi changed, Houck argues, young Till was transformed—from innocent boy to threatening man—creating conditions that were conducive to an acquittal. Houck's findings are similar to those of Whitaker (2005), who documented that early in their reporting of the case, Mississippi's newspapers were "unanimous" in condemning the murder and urging prosecution (p. 196). Additionally, Whitaker states that "the local power structure in Tallahatchie County refused to support the accused men" (p. 196): This initial reluctance was revealed to him by Sheriff Strider, as well as the attorneys who eventually defended Bryant and Milam. Whitaker also argues that Wilkins' statement, which labeled the murder a "lynching" in which the entire state was complicit, drew the most adverse response from whites in Mississippi. While Mrs. Bradley's decisions to open the casket and hold a public visitation "vitally affected the outcome of the upcoming trial" (Whitaker, p. 198), "the chief action that precipitated the change was the statement that Wilkins had made to the press" (p. 199).

The previous discussion is not intended to refute the rhetorical significance of Till's body (e.g., Harold & Deluca, 2005; Baker, 2006); rather it is included to underscore the complexity of the rhetorical situation and to demonstrate that the verbal rhetoric in the Till case is also significant and worthy of study. That brings us then to the

question: What remains to be studied here from a rhetorical perspective? In short, further study of the Till rhetoric is justified in order to examine 1) why defining Till's murder a "lynching" ignited a rhetorical firestorm; 2) how justice, ideology, and space intersect in the discourse; and 3) the remarkable longevity of the story's rhetorical salience.

### *The Rhetorical Significance of a Word*

A study of the verbal rhetoric can illuminate the failure of justice that occurred in the Till case. Indeed, one of the distinguishing characteristics of the Till incident is that it produced a discourse in which competing ideas of justice conflicted. That the discourse featured "justice" is not unexpected, given that the rhetorical situation involved a controversial murder trial. Till's murder, however, mapped onto larger ideological agendas. In short, the interests of Southern whites cohered around a narrow, legalistic conceptualization of justice that was ideologically grounded in a notion of procedural due process. For the interests I label "black American," the agenda involved a broader conceptualization of justice that was ideologically grounded in the equal protection clause of the 14<sup>th</sup> Amendment. This "war of words" (Till-Mobley & Benson, 2003, p. 145) erupted following the statements by Mrs. Bradley and Roy Wilkins; Wilkins, in particular drew the ire of the southern press when he called the killing a "lynching." As a result, many white Mississippians perceived the statements as an accusation that their state had violated the equal protection clause of the 14<sup>th</sup> Amendment. In a region that was reeling from the decisions in *Brown v. Board of Education* (1954; 1955), the charge was interpreted as a call for federal intervention, and another challenge to racial segregation and the "southern way of life."<sup>11</sup> Cherished state and individual rights, which were

complicit with the right to (white) self-governance and the system of Jim Crow, were imperiled by the accusation that Mississippi had failed to assure equal protection. For black citizens, however, Till's murder underscored the broken promises of the 14<sup>th</sup> Amendment; as a result, the incident became emblematic of their continuing struggle for social equality. Because these competing ideas of justice embodied ideological and material interests, the conflict became so urgent that it swamped the body; as a result, the quest for retributive justice was largely evaded as Till's body became a foil in an ideological rant.

Chapter 2 considers the word "lynching"—why it sparked the confrontation and leveraged these ideological discourses. As a signifier, the word "lynching" has been a site of contested meaning. Since its origin in our nation's colonial era, the connotation of the word was manipulated by diverse interests in various attempts to justify and vilify the practice. In this chapter, I cite Christopher Waldrep (2002) liberally. Waldrep has written the most exhaustive study of lynching—a history of both the practice and the word. Rather than duplicate his efforts, my purpose in this chapter is to apply his insights to the Till rhetoric. That is, I use the history Waldrep has written, which documents how lynching evolved in practice and meaning, to gain insight on why Wilkins' use of the word triggered this particular rhetorical response and derailed the process of justice. To this end, I also employ Edward Schiappa's (2003) theory of definition. At its core, the practice of defining is rhetorical—an attempt to persuade. According to Schiappa, a rhetor's attempt to define a thing implies a proposition about it. A definition might be thought of as an abridged or condensed argument. When a speaker defines a thing, he or she is attempting to persuade us to view that thing in a particular way. Wilkins' wanted

Till's killing to be understood as something more than murder. In cases of murder, responsibility for the crime is pinned on the individual who committed it. In contrast, however, "lynching" had come to connote a racially motivated killing—an expression of white supremacy in which a community was complicit. Defining Till's death as "lynching" had political implications. Defining is thus an exercise of power, Schiappa explains, because its persuasion is trained on the construction of social reality, and thus produces material effects, social and political. Wilkins' was thus condemning Mississippi's system of white supremacy. Furthermore, Mississippi's white press was attuned to the implications of this definition; as a result, and to phrase it in Schiappa's terminology, a "definitional dispute" erupted. My purpose in Chapter 2, then, is to provide a better understanding of the political stakes enveloped in the rhetorical response to the death of Emmett Till. Ultimately, an understanding of the history of lynching—the evolution of the practice and the word—will strengthen our reading of this rhetoric.

### *Space, Ideology, and the Failure of Justice*

In Chapter 3, I continue to examine the failure of justice, but here insist that the spatiality associated with the Emmett Till discourse is worthy of investigation, as it provides an opportunity to examine the interplay of space and rhetoric. In the most elementary sense of *territory*, space figures centrally in the case. Till was murdered by J. W. Milam and Roy Bryant just three months after the Supreme Court announced its opinion on the question of relief in *Brown v. Board of Education II* (1955),<sup>12</sup> and as I suggested above, Milam and Bryant appeared to have perceived, embodied in Till, the threat to Mississippi's segregated social order which the court's opinion represented.<sup>13</sup> Recall, too, that the "war of words" had a territorial aspect; Mrs. Till-Mobley recalled it

as “a new war *between the North and the South*” (Till-Mobley & Benson, 2003, p. 145, emphasis added). The verbal rhetoric is also replete with spatial references that suggest territorial motives. To illustrate, the *Jackson Daily News* ran the following commentary following Till’s funeral:

In African jungles long ago, cunning witch doctors preached a similar doctrine. The Congo witch doctor was happiest when inciting his emotional followers to anger. . . .

When a fellow tribesman was slain by rivals, the witch doctor immediately sprang into action. He ordered the victim’s mangled body displayed for all to see. As infuriated tribesmen filed by, the dead one’s family sobbed and moaned.

Meanwhile the witch doctor screamed, raved and ranted. . . .

‘We must avenge our murdered brother’ the witch doctor would shriek. . . . We must punish the entire tribe of those who did this dreadful thing. Every man woman and child must pay. All are bad and all are guilty!’

That was years ago, in darkest Africa. Yet our nation has just heard almost identical utterances in the violent statement of NAACP’s Roy Wilkins.<sup>14</sup>

(Ethridge, 1955/2002a, p. 41)

References to “African jungles,” “the Congo,” and “darkest Africa” editorialized about the “spatial practices” (Lefebvre, 1991, as cited in McKerrow, 1999) witnessed during Till’s funeral. These comments drew on existing racial and political ideologies, and encouraged readers to distance themselves from the scene of the funeral. Characterized as the African jungle—and perhaps evoking the pre-political state of nature that is opposed to civilization in classic liberalism—the funeral scene represented a threat to “our nation”

and by extension, the southern way of life.<sup>15</sup> These references also reveal something of “how space [was] understood and managed” in everyday discourse (McKerrow, p. 279). By denoting the spectacle of the funeral as improper and politically dangerous, the spatial references in this commentary “implicate power and distance” (McKerrow, p. 279). The *Jackson Daily News* reminded readers what they already understood and practiced: “Rational” (white) individuals did not act or speak this way; such displays and talk were contrary to “southern” ways, a descent to the African jungle; such spectacles justified a defense of territory and the preservation of racial segregation in Mississippi.

In Chapter 3, however, I want to move beyond a discussion of territorial motives. Instead, I propose that a spatial view of our nation’s ideological foundation will increase our understanding of the Till rhetoric. The lens I will use for this examination comes from McKerrow’s (1999) work on space-time. McKerrow argues that because space and time are bound with power, it is important to examine their complex interaction with discourse. Space, in particular, is “complicit with discourse in the production of social structure or agency” (McKerrow, p. 275). To further the investigation of this topic, McKerrow proposes a heuristic framework, based in part on Lefebvre’s insights concerning the “production of space.” Lefebvre’s typology of spatiality, which includes *spatial practices*, *representations of space*, and *spaces of representation*, is especially useful for critiquing discourse because it expands our concept of space and turns our attention toward its production and discursive dimensions. To explain, in 1955, as Emmett Till boarded the Illinois Central for his journey south, white Mississippians were reeling from the Supreme Court’s opinion in *Brown v. Board of Education* (1954; 1955). In rejecting the notion that racially segregated schools could offer equality in education,

the *Brown* (1954) ruling compromised the South's entire place-based social order. This social order can be understood as a "heterotopia" (Foucault, 1997a), and is discursively constructed. It can be conceptualized as a space *of representation*, one that prescribed a strict order of racial segregation, and was built atop the nation's *representation of space*, which had been altered during Reconstruction in order to convey citizenship to the freedmen. To better understand the nature of these spaces as discursively produced, the bulk of this chapter traces the ideographs that surface in the Till rhetoric back in time to Reconstruction.

According to McGee (1980/2000), "ideographs" are words or terms spawned from a political philosophy that serve as an abbreviation of its ideology; that is, the political philosophy is summarized by a cluster or formation of ideographs. McGee theorized that new usages could enter the formation, but that the existing ideographs do not change. In a politically charged rhetorical exigency, such as the one that followed Till's murder, ideographs may clash in a struggle to dominate their ideological formation; McGee referred to this struggle as a "synchronic conflict." While the ideographs in the political formation do not change, per se, the synchronic conflict can alter the relationship between the ideographs. In the Till rhetoric, a synchronic conflict occurs in which the ideographs "due process" and "equal protection" struggle to dominate the ideological formation of "justice."

McGee also argued that ideographs are invested with meanings accrued throughout their history of use by a community; in this respect, he claimed, ideographs have a "diachronic structure." Due to their "diachronic structure," ideographs also perform important communal work. McGee argued that as members of a community



sharing a common ideology, we are “‘conditioned,’ not directly to belief and behavior, but to a vocabulary of concepts that function as guides, warrants, reasons, or excuses for behavior and belief” (p. 459). Inasmuch as ideology is a discourse used to socialize the members of an interpretive community, ideographs function persuasively as the “rhetoric of control” (McGee, 1980/2000, p. 459). To better understand why a synchronic conflict happened and how it influenced the outcome in the Till trial, it is necessary to trace the diachronic structure of these ideographs back to their original articulation. In essence, I am saying that the articulation of “equal protection” with “due process” in the 14<sup>th</sup> Amendment, along with “their concrete history as usages” (McGee, 1980/2000, p. 462), particularly through a series of Federal Court cases, set the stage for the rhetorical action we find in the Till case.

These ideographs figure prominently in the legislation and key legal cases, from the Reconstruction era to the mid-1950s. As they were contested in legal cases through time, they produced changes to the nation’s *representation of space*, and made possible a segregated *space of representation* that characterized Mississippi and the American South in 1955. Examining the historical thread of this formative discourse should allow us to better comprehend how the past was complicit with the positioning of African Americans in the 1950s. Specifically, this chapter will argue that the ideological fallout of Reconstruction re-inscribed, rather than erased, the spatial boundaries of nation and state, and consequently, the good intentions of the radical Republicans, as well as the federalist underpinnings of this nation prevented black Americans “from gaining first class citizenship” (Powell, “Press Release,” in *Metress*, p. 135).

## *The Longevity of Rhetorical Salience*

Chapter 4 of this dissertation examines the legacy of the Emmett Till story and its influence on the civil rights movement of the late 1950s and 1960s. It will argue that “Emmett Till” has materialized to become a “representative anecdote” for race relations in the United States. A representative anecdote functions as a “representative case” for a set of human experiences (Burke, 1945/1969, p. 59); it provides a linguistic “summation” of its subject (Burke, p. 60). Being linguistic as well as representative, the anecdote reduces an entire set of experiences to one case capable of standing for the whole. As a representative anecdote, “Emmett Till” incorporates a particular history of the injustices borne by black bodies in this nation; it compresses the history of lynching into one terrible and tragic story. My purpose is to examine the discursive implications of the Till anecdote. For black Americans, it has become representative of their experience of oppression, crystallizing the threat of living as a black American, a historical lack of justice, and the failed promise of equal protection. While whites do not share the black American experience of oppression, they nonetheless “participate” in the anecdote—that is, the anecdote positions whites, and perhaps whites position others with respect to it.

In this chapter, I am interested in the discursive implications of the Till anecdote. To this end, it may be helpful to review some of the thinking about this Burkeian concept. As Bryan Crable (2000) has observed, rhetorical scholars have used the representative anecdote as a “general descriptive term” (p. 319), as well as a critical method. In theorizing the concept, Burke (1945/1969) suggested that a representative anecdote “be used as a form in conformity with which the vocabulary is constructed” by critics employing his dramatistic perspective. Madsen (1993), who extended Burke’s ideas, has

argued that the representative anecdote is a method, not only for critics, but also for speakers, who might use the anecdote in the process of rhetorical invention to produce a representative discourse. According to Madsen, “the requirement of representation constrains the rhetor, becoming a normative criterion for the situation” (Madsen, p. 225).

In Chapter 4, I do not employ the Till representative anecdote as a method; rather, I want to examine the impact of the anecdote on a particular discourse community. To do so, I treat the anecdote as a rhetorical resource and focus on the rhetorical work it performs for that community. For this, I turn to the work of Mahan-Hays and Aden (2003), who have argued that “representative anecdote,” “equipment for living” and “frames” can be synthesized under the “sixth element” of the Burkeian pentad, the element of “attitude” (p. 34). Mahan-Hays and Aden argue that because a representative anecdote reduces and provides a summation for human experience, it equips us for living by prescribing an attitude of acceptance, rejection, or transition. As equipment for living, representative anecdotes are rhetorical resources that influence the entire discourse community. When rhetors invoke the story of Emmett Till, it produces discursive implications. For example, the use of the anecdote, whether in formal or vernacular talk, suggests normative criteria that enable and constrain speech, and in the process, the anecdote prescribes an attitude that frames listeners’ interpretations and responses.

To examine its discursive implications, Chapter 4 will examine how the Till anecdote influenced the generation of civil rights activists who came of age in the 1960s. Till’s death profoundly influenced the generation of civil rights activists who were closest to Till’s age when he was murdered. These activists, through their involvement with the Student Non-violent Coordinating Committee (SNCC), redirected the struggle for civil

rights and broke with the strategies of legalism and gradualism, which were favored by the NAACP and the Southern Christian Leadership Conference (SCLC). What is most significant about the Till anecdote, I argue, is that it equipped this generation with a necessary attitude for engaging their struggle.

In Burkeian theory, attitude corresponds to the concept of “frames.” Frames are based on broad poetic categories—epic, tragedy, comedy, elegy, satire, burlesque, the grotesque, and the didactic—and Burke (1937/1959) theorized that each frame supplied symbolic resources that helped people interpret and respond to their circumstances. Burke also theorized that certain frames or poetic categories tended to arise in response to the needs of a particular culture or era. The poetic category provides a frame of interpretation; we take cues from the frame to help us to make sense of a situation. Although the poetic categories provide different frames of interpretation, they can be sorted into three types corresponding to acceptance, rejection, and transition. According to Mahan-Hays and Aden (2003), these types correspond to the concept of *attitude*, and in turn, attitude tells us how to interpret the story. Thus, I am arguing that one legacy of Emmett Till, and a key discursive implication of the Till anecdote, rests in the attitude it prescribes for those who hear and participate in it. Chapter 4 thus devotes a significant amount of its discussion to the identification and analysis of the frame it takes. I argue that the Till anecdote must be understood as a chapter in a larger story—a crisis or turning point in a didactic narrative. As such the frame is transitional, and it provides an attitude to assist with transitioning. As a crisis point, Till’s death aroused fear among members of his peer generation, and they became dissatisfied with the pace of social and political change. In the aftermath of Till’s death, however, these activists became

resolved to work for change. What is therefore significant about the Till anecdote is that it equipped this generation of activists with an attitude that informed and emboldened their efforts to transform American society, and to make this transition.

In Chapter 5, I continue to examine the Till story as a representative anecdote, but here turn the focus toward its continued use as a rhetorical resource in more contemporary discourse. The texts I look at are drawn from newspaper coverage of the O. J. Simpson trials and the murder of Matthew Shepherd in the 1990s, and conclude with news coverage of the inauguration of President Barrack Obama in 2009. This concluding chapter differs from the summary conclusion typically used to close many dissertations and theses; my resistance to this type of closure is intentional. As this examination demonstrates, the Till anecdote continues to wield persuasive influence; his name continues to be invoked—in arguments about injustice and in acts of remembrance—and the story is still being written. In lieu of a summary type of closing, this chapter will discuss the continued rhetorical impact of the Till anecdote.

Continued references to “Emmett Till” illustrate four characteristics. First, the story of Emmett Till endures as an archetype of injustice. We used the story of Emmett Till to explain the racial dynamics of O. J. Simpson’s murder trial and his subsequent acquittal. We invoked Till’s name again to make sense of the murder of Matthew Shepherd. Second, this examination demonstrates that the memory of Till’s lynching endures. Till’s death terrorized black Americans, and it was the horror of this crime that tied it to the history of abuse endured by black Americans. Martha Minow (1998) has argued that such memories remain largely unaccounted for in our existing justice systems. We have been slow to recognize the harm inflicted by the memory of terror, and

because our existing justice systems are focused on punishing the guilty individual, we are reluctant to acknowledge any collective responsibility for injustice, Minow claims. This chapter briefly considers the impact of such memory on justice. Third, the continuing influence of Till's story illustrates the discursive construction of memory and history. Davis Houck and Matthew Grindy (2008) recently took up the issue of collective memory and the civil rights movement. They have argued that our memory of the civil rights era—and therefore, our history—is actively being modified; they are concerned that as more attention is given to the Till incident, the sacrifices and contributions of other civil rights heroes may be diminished, and even forgotten. This chapter briefly considers that a representative anecdote, because it reduces, reflects and deflects some part of experience, may also be complicit in the construction of memory and history. Finally, Chapter 5 will examine how the Till anecdote transmits cultural memory and important lessons about the past to subsequent generations. For this task, I look at texts from late 2008 and early 2009, in which the Till anecdote is invoked in the rhetoric that celebrates Barack Obama's election and inauguration. I conclude that a significant element of the anecdote's discursive impact rests in the attitude the story prescribes. In short, the Till story is part of a larger, didactically framed narrative. Till is used in the rhetoric that celebrates the 44<sup>th</sup> president as a reminder that this nation's transition is not yet complete.

The story of Emmett Till did not end with a sad trial in Tallahatchie County, nor has its rhetorical force faded following the Civil Rights movement. As “a lens through which we view race in America,” Till's story occupies a place in the nation's collective memory, and it remains an index by which we gauge injustice (Metress, 2002, p. 348). It

is an ever-present reminder of our past and our failure to make good on the American promises of justice and equality. “In the end, then, Emmett Till is not ‘there’ in the past. He is here in the present. Here because we both need him to be and cannot prevent him from being” (Metress, p. 348). In this way, Till’s story defies our logic of space and time.

## CHAPTER 2: WAGING WAR OVER THE WORD

### The Contested Meaning of “Lynching”

A “war of words” (Till-Mobley and Benson, 2003, p. 145) erupted following a statement made by Roy Wilkins, of the National Association for the Advancement of Colored People (NAACP), which claimed the murder of Emmett Till was a “lynching” (in Metress, 2002, p. 19). White Mississippians who read Wilkins’ charge alongside Mrs. Bradley’s statement that “Mississippi will have to pay for this” (“Muddy River,” 1955/2002, p. 18),<sup>16</sup> perceived the comments as an allegation that their entire state was responsible for the murder, and had violated the 14<sup>th</sup> Amendment’s equal protection guarantee. Wilkins’ statement drew a curious rejoinder about the meaning of “lynching,” and in the wake of *Brown v. Board of Education* (1954, 1955), his claim quickly entangled with ideologies articulated in the 14<sup>th</sup> Amendment, as well as discourses on American federalism. For black Americans, Till’s lynching was evidence that the 14<sup>th</sup> Amendment’s guarantee of “equal protection” had yet to be fulfilled, and that federal intervention was needed in states like Mississippi. Indeed, Southern whites who understood the NAACP’s purposes interpreted the charge of “lynching” as a call for federal intervention—one they feared would usurp state rights, and eventually undermine segregation and Southern custom. This chapter considers the word “lynching”—why it sparked the confrontation and leveraged these particular discursive resources.

I begin by outlining the rhetorical confrontation that occurred when Wilkins labeled the crime a “lynching,” in order to lay a framework to discuss the political implications of this particular definition. I will then move back in time, to the American Revolution, to summarize the origins of “lynching” in the United States. From there, I



will proceed chronologically, in order to describe critical shifts in the practice and meaning of lynching, which appear to inform the response to Till's murder. Christopher Waldrep (2002) has argued that the meaning of "lynching" was manipulated throughout the history of the United States. Consequently, its connotation has fluctuated, from positive and patriotic, to positively shameful. In its history of usage, the word and its meaning have been leveraged by American settlers, appropriated by Abolitionists, and shaped by western vigilantes. In the late 1800s, the practice of "lynching" became racialized, and the word developed a negative connotation. In the first half of the 20<sup>th</sup> century, lynching retained a negative connotation, but various anti-lynching activists, including Jessie Daniel Ames and the Association of Southern Women for the Prevention of Lynching (ASWPL), the Tuskegee Institute, and the NAACP, actively disputed its meaning.

Throughout our nation's history, the discursive trajectory of "lynching" has paralleled, and at times intersected the discourses of American federalism; its course has also crossed the ideological trace of the Fourteenth Amendment's "due process" and "equal protection" clauses. These discursive threads were already woven into the context of Till's murder, due to its proximity to *Brown v Board of Education* (1954; 1955). Thus, when Wilkins defined the murder as a "lynching," his accusation snagged these threads, pulling their history and prompting the rhetorical conflict.

After discussing the history of lynching, I return to the rhetorical conflict that followed Till's murder. An understanding of the history of "lynching" provides contextual clues for reading the rhetoric and illuminates the power Wilkins wielded in defining the murder as lynching. By the end of this chapter, we should have better insight

into why Wilkins labeled the murder a lynching, and why the southern white press so vigorously challenged his definition. Knowing more about the history of lynching lets us understand why Till's murder engendered such intense ideological debate, and attunes us to the power of discourse to position subjects. This knowledge provides a contextual backdrop for the next chapter.

*"It Would Appear from this Lynching": Power, Politics and the Act of Defining*

To examine why Till's murder sparked such intense rhetoric, I want to first consider why it erupted with Roy Wilkins' attempt to *define* it as "lynching." Certainly, it would be easy to attribute the southern white response to racism; after all, Wilkins, who made the charge, was a black man, and the executive secretary of the NAACP. The easy assumption, however, is shortsighted for at least two reasons. First, it fails to consider what is at stake in the act of defining the murder; second, it dismisses the importance of "lynching" as a signifier.

The act of defining implicates power and politics. The NAACP's effort to label the murder as a "lynching" was fraught with power in its condemnation of Mississippi's white supremacist system. In response, Mississippi's white press quickly engaged what Schiappa (2003) would call a "definitional dispute," rebutting Wilkins' claim while seeking to reassert rhetorical control over the situation. According to Schiappa, definitions imply propositions that assert facts, which become fundamental in constructing our social reality. Defining is therefore an exercise of power, he explains, because when we define a thing, we try to produce agreement concerning our social reality, and this involves the force of persuasion. In rejecting the NAACP's "persuasion," Mississippi's white press suggested that it perceived political consequences to the reality

Wilkins wanted to construct. That is, if Mississippians had agreed that Till's murder was a "lynching," it might have produced political consequences that dominant whites found unacceptable, including federal intervention in the case.

According to Schiappa (2003), the act of defining can be approached from two "theoretical" perspectives. Furthermore, in a definitional dispute, such as the one that occurred in the Till case, the theoretical perspectives typically conflict. Wilkins posited "lynching" as a "fact of essence" (Schiappa, p. 6); that is, he made a claim that Till's murder was, in reality, a lynching. The *Jackson Daily News* rejected his claim by using a different theoretical approach, questioning "lynching" as a "fact of usage" (Schiappa, pp. 6-7). The paper recounted the murder of Willard Mentor, a black factory worker who was beaten and brutalized by 4 white youths in New York City, to highlight inconsistencies in the ways that lynching was categorized:

Just how [Wilkins] terms the murder a lynching when NAACP and Tuskegee Institute declined to label the New York City murder as a lynching is not made clear. What does come clear, by implication, is that anytime a Negro is murdered by whites in Mississippi, it will be considered a lynching by the NAACP.

(Designed to Inflamm, 1955/2002, p. 21)

By arguing that the NAACP applied the label inconsistently, the *Jackson Daily News* implied that Wilkins' did not know the meaning of "lynching," and furthermore, that he deliberately misused the word to incite racial animosity.

The political consequences come into sharper focus when we realize that this definitional dispute also implied an argument about the jurisdiction of the case. By labeling Till's murder a "lynching," and insisting that "there is in the entire state no

restraining influence of decency” (in *Metress*, 2002, p. 19), Wilkins asserted not only that Mississippi had failed to assure equal protection for black Americans, but also that the state was morally deficient and incapable of doing so. When the local white press took Mrs. Bradley’s statement out of context and quoted her as saying, “Mississippi will have to pay for this,”<sup>17</sup> it was read in conjunction with the NAACP’s statement as a blanket indictment of the state, and perceived as a call for federal intervention, to assure the constitutional guarantee of equal protection.<sup>18</sup> Thus, Wilkins’ use of the word “lynching,” as a veiled call for federal involvement, challenged the tradition of state rights and summoned the ideologies of “due process” and “equal protection” that spring into conflict in the response to Till’s murder.

Mississippi’s white press—particularly the *Jackson Daily News*—responded to the jurisdictional challenge with three rhetorical strategies. First, it defended the actions of local law enforcement agents and the state government. Comparing Till’s murder to that of Willard Menter, in New York, the *Jackson Daily News* claimed that the NAACP was using the Till incident “to inflame the nation against the South in general and Mississippi in particular” (“Designed to Inflame,” 2002/1955, p. 21). The *Daily News* argued that the Leflore County Sheriff, George Smith, had faithfully discharged his duties under the law, just as the Brooklyn police did in the Menter case. Furthermore, the highest echelon of Mississippi’s government, Governor Hugh White, himself, had “ordered district attorneys from two counties to investigate the crime,” vowing that “Mississippi ‘will not tolerate’ such actions” (“Designed to Inflame,” p. 21). Overall, the paper reported, “Mississippi law officers are doing all they can to bring the guilty parties to justice” (p. 22).

At this point in its coverage, the *Jackson Daily News* used a second rhetorical ploy, that of projecting guilt onto a “scapegoat” (Burke, 1969/1945), in order to clear the state’s white citizens of any complicity the word “lynching” implied. Far from comprising a community that sanctioned lynching, “the people of Mississippi deplored this evil act” (“Designed to Inflamm,” p. 21). By dissociating “intelligent Mississippians” from the “depraved mind or minds” who committed the crime and “who should be removed from society by due course of law” (“Designed to Inflamm,” p. 21), the *Daily News* renounced the “lynching” label, purified Mississippi’s political and legal systems, and insisted that its white citizens were capable of rendering justice. “Justice will be done in this case—in a Mississippi court, by a Mississippi judge and jury. It will be done not on account of NAACP pressure, but in spite of it” (Ethridge, 2002/1955b, p. 24).

Using a third strategy, the Jackson newspaper also sought to demonstrate that the NAACP and Mrs. Bradley were speaking irrationally. Tom Ethridge (2002/1955b), whose “Mississippi Notebook” column was regularly published in the *Jackson Daily News*, compared Till’s murder to the rape and murder of “little 17 year old Joanne Pushis” by a “negro giant” in Chicago (p. 23). Taking umbrage with Wilkins’ statement, Ethridge then wrote:

Headline-hungry NAACP leaders have said, “Mississippi has decided to maintain white supremacy by murdering children.” This is unfair and untrue. By the same warped logic, the Joanne Pushis slaying justifies the assertion that Negroes have decided to assert their equality by raping and murdering white women. (p. 24)

Furthermore, Ethridge argued, if Mississippi was to be held responsible for the crimes of individuals, the same standard should be applied to Chicago. By this warped logic,

Ethridge concluded, Till's own mother "is equally to blame for the fiendish murder of little Joanne Pushis" (p. 24).

To summarize, white Mississippians perceived Wilkins' attempt to label Till's murder a "lynching" as an attempt to incite racial animosity, and a bid for federal intervention. Even tacit agreement with the definition would have implied that Mississippi's white community in some way sanctioned the murder, an admission that the state did indeed fail to provide equal protection. This could have opened the door to federal prosecution of the case, an area typically administered by the states. In a post-*Brown* environment, federal involvement would also send a signal that jeopardized the state's stance on racial segregation. Mississippi's white press insisted that Till's murder was not a lynching, but an unfortunate crime committed by aberrant individuals. Local law enforcement, as well as the state, responded just as authorities would do in any other locale. To suggest otherwise was unreasonable and worked against justice. Mississippi was capable of rendering justice, if only the "outside agitators" would remain reasonable and rational (e.g., Ethridge, 1955/2002a, p. 41; also see "Muddy River," 1955/2002, p. 18).

#### *The History of Lynching: American Revolution to the Civil War*

It seems clear that Mississippi's white press was attuned to the rhetorical power of the lynching label, and it perceived the political consequences to defining the murder as lynching. I want to turn now to the *meaning* of "lynching," in order to consider how the word accrued its power and import. I begin in this section by briefly examining the early history of "lynching," from its origin in the American Revolution, to roughly, the Civil War.

According to Christopher Waldrep (2002), the definition of “lynching” was never firmly fixed; rather, the word was contested and manipulated to serve a number of contexts and interests, including those of the NAACP.<sup>19</sup> As a result, the connotation also fluctuated, being at times positive, and at times negative. In the account provided by Waldrep, the word itself originated during the American Revolution, when either Colonel Charles Lynch of the Virginia militia or a Virginia farmer named William Lynch, acted outside the law to squelch an insurgent conspiracy.<sup>20</sup> Although Charles Lynch tried to respect the insurgents’ due process rights by conducting “state-like” proceedings in his makeshift court, “from its beginnings, lynching talk prompted tensions between those impatient to control what they defined as a crime and those determined to protect the rights of accused persons” (Waldrep, p. 4). Nonetheless, given that the incident occurred during war, “lynch law” assumed something of a patriotic connotation.

The meaning of “lynching” began to shift as the practice followed the growth and expansion of the nation.<sup>21</sup> During the antebellum, Abolitionists appropriated the word to refer to communal or mob violence in the south.<sup>22</sup> Regarded as political troublemakers by the south, the Abolitionists had suffered such violence, and they recognized the rhetorical potential of the word when they first heard it (Waldrep, 2002). Arguing that southern “lynch law” denied due process and threatened the nation’s constitutional foundation, the Abolitionists used the word to “position themselves as American patriots, stalwart defenders of order,” flipping its connotation to negative (Waldrep, p. 39). On the western frontier, a more positive view of “lynching” prevailed, in part because any semblance of law and order often depended on citizen vigilance. An especially persuasive justification for lynching developed circa 1855-1856, during a campaign by the San

San Francisco Vigilance Committee.<sup>23</sup> According to Waldrep (2002), the vigilantes argued that when criminals had corrupted the city, its government and the law, the people had a right under popular sovereignty to revolt and reassert control. Furthermore, the San Francisco Vigilance Committee argued that actions of popular sovereignty—such as community-sanctioned lynching—*complemented*, rather than undermined the U.S. Constitution.<sup>24</sup> This argument—and the fact that it was well received—appealed to Southerners, who had similarly justified violence against the Abolitionists on the basis of popular sovereignty (Waldrep). In particular, the San Francisco argument rebutted the Abolitionists’ complaints that lynching denied due process and violated the Constitution. Southern whites “endorsed” the San Francisco argument, believing that “when a neighborhood or community endorsed violence, then that violence became legitimate” (Waldrep, p. 60).<sup>25</sup>

The San Francisco justification had a long-lasting impact on the nation’s thinking about lynching, an impact that extended beyond the Civil War era. As mob violence surged in the 1870s and 1880s, newspapers borrowed and expanded upon elements of the San Francisco argument to construct a standard “lynching narrative” that provided a “template” for reporting it (Waldrep, 2002, p. 85). According to Waldrep, newspapers also used the narrative to gauge the legitimacy of mob violence, measuring it against several criteria. First, the crime had to be “shocking,” such that it provoked an “uncontrollable hunger for vengeance” in the community (p. 88). The crime also had to have occurred “where the courts did not function effectively” (p. 88). Finally, if the crime met these criteria and “the public unanimously supported mob action, then popular sovereignty justified lynching” (p. 88).



To sum up, from the American Revolution to the eve of the Civil War, “lynching” referred to extralegal punishment, administered by mobs and approved by the immediate community. When it originated, lynching was justified as an expedient measure in wartime, and because Lynch thwarted an enemy insurrection, the term also became tinged with patriotism. With the growth of the nation, “lynch law” spread and as it became more familiar to the public, appeals to “popular sovereignty” were used to justify its practice. As “lynching,” “Lynch law,” and “Judge Lynch” became more familiar, different groups appropriated the words, investing them with meaning and different connotations. With western vigilantism, a persuasive justification of lynching entered the American scene, leading to the development of a lynching narrative in the late 1800s. It is significant that from its earliest history, lynching raised concerns about “due process” and constitutionality. As the next section discusses, lynching became further enmeshed with these concerns as the nation negotiated Reconstruction.

#### *Reconstruction and the Racialization of Lynching*

From the American Revolution to the Civil War, the connotation of lynching was not particularly racialized. This tipping point occurred during Reconstruction, an era that also marks the junction where ideologies from the 14<sup>th</sup> Amendment, and concerns about constitutional federalism became entangled with lynching. Although juggling this number of discursive balls complicates the discussion, it is necessary to advance our understanding of the Till texts.

*Factors leading to federal military occupation of the South.* From its inception, Reconstruction was fraught with difficulty. At its heart rested questions about black emancipation, and eventually, the prospect of black equality.<sup>26</sup> Additionally, the

Reconstruction Amendments and related legislation appeared to increase the scope of national government, raising concerns about nationalism, which threatened the federalist traditions of dual sovereignty and state rights. In response to these perceptions, southern whites greeted Reconstruction with formidable resistance. To illustrate, consider the post-war situation as it existed in Mississippi, as well as the events that led to military occupation in that state.

When evaluating the reactions of white Mississippians to the possibility of black equality, it is surely important to consider that following the Civil War, Mississippi suffered “an original period of pure anarchy” (Peirce, 1974, p. 167). Peirce describes the situation:

When the war ended, hundreds of thousands of freedmen roamed the state, thinking that emancipation meant they need work no more. . . . Before the war it had been illegal to teach slaves how to read or write; now 95 percent of them were illiterate, and few had any idea of citizenship or responsibility. The badly outnumbered whites recoiled in horror at the prospect of Negro equality. (p. 167)

Peirce also argues that following the war, widespread poverty in Mississippi further impeded racial progress. Economic recovery was slow and compounded by a lack of federal investment in the state. For example, “between 1865 and 1875, the federal government spent \$21 million on public works in Massachusetts and New York but only a paltry \$185,000 in Mississippi and Arkansas” (p. 168). As the state’s economy lagged, so did the fortunes of its citizens; Mississippians’ “per capita wealth was only 26 percent of what it was in the Northern states” (p. 168). As a result, “the Mississippi government economized brutally, perpetuating illiteracy by spending only \$2 a head on

schoolchildren (compared to \$20 in Massachusetts)” (p. 168). The economic situation intensified the racial divide; in the midst of their economic plight, “white Mississippians could never dispel from their minds the specter of the majority blacks rising up to gain power, perhaps through federal intervention” (Peirce, p. 168).

To reassert order and white superiority, Mississippi, along with several other southern states, adopted Black Codes. Mississippi passed its Black Code in November 1865—seven months after the end of the Civil War (Willis, 2001). The Black Codes effectively re-enslaved black persons by allowing communities to declare unemployed black adults as vagrant, and subjecting them to forcible “hire” by whoever paid the vagrancy fine (Peirce, 1974). Additionally, the children of families that could not or would not care for them were subjected to indenture (Peirce). The Black Codes drew the ire of Congress, especially the Radical Republicans who were ascending in power at the time. In response, Congress enacted a flurry of legislation—much of it passed over the veto of President Andrew Johnson—designed to impose Reconstruction through federal military occupation of the South.

*Legislating Reconstruction.* As the mechanism for readmitting southern states to the Union, the legislation enacting Reconstruction was convoluted. According to the Freedmen and Southern Society Project’s *Chronology of Emancipation* (2007), President Lincoln and the Congress anticipated and discussed a process for readmitting Confederate states to the Union in 1863. Lincoln announced his Proclamation of Amnesty and Reconstruction in December of that year, and a number of congressional measures followed, beginning with the Wade-Davis Reconstruction Bill in 1864. According to the National Archives and Records Administration (n.d.; hereafter referred

to as NARA), Lincoln's proposal was more lenient than that prescribed by the Wade-Davis Bill. Lincoln's proposal required Confederate states to recognize their slaves' freedom, and then allowed a state government to reorganize after 10 percent of its white men submitted loyalty oaths. By comparison, the Wade-Davis plan demanded loyalty oaths from 50 percent of a state's white men, and the state was required to allow black men to vote.<sup>27</sup> Although Congress passed the bill, Lincoln effectively vetoed the measure by refusing to sign. According to NARA, "Lincoln continued to advocate tolerance and speed in plans for the reconstruction of the Union in opposition to the Congress." While the Wade-Davis Bill was never enacted, NARA states that its stricter measures eventually came to shape Reconstruction policy following Lincoln's death in April 1865.

A spate of legislative enactments followed the Wade-Davis Bill. As the war was drawing to a close in March 1865, the Freedmen's Bureau Act was approved to provide relief services to freedmen and refugees (clothing, fuel, and temporary shelter, for example), and to manage the distribution of abandoned lands within the Confederate states. By December 1865, the Thirteenth Amendment was ratified, outlawing slavery.<sup>28</sup> The following year, radical Republicans in Congress began to solidify their power and overturned several measures that President Johnson had vetoed. In April 1866, citizenship rights were extended to the freedmen by the Civil Rights Act (1866), which was passed over Johnson's veto. Two months later, Congress approved Article 14; however, when former Confederate states refused to ratify what would become the Fourteenth Amendment, Congress then passed a series of bills to force compliance. The First Reconstruction Act was passed on March 2, 1867, again overturning Johnson's veto; this act established military occupation throughout the South until new state governments

could be constituted and voting rights extended to the freedmen.<sup>29</sup> To supplement the First Reconstruction Act, Congress quickly passed second and third acts, again over Johnson's vetoes. The Second Reconstruction Act, passed on March 23, 1867, authorized the commanding general in each military district to administer loyalty oaths, register qualified voters, and organize constitutional conventions in order to draft new state constitutions and transition to new state governments. The Third Reconstruction Act, passed on July 19, 1867, empowered the military commander in each district to remove and replace any existing officials who obstructed Reconstruction efforts. A Fourth Reconstruction Act followed on March 11, 1868, which clarified voting procedures for ratifying the new state constitutions; this act stipulated that the election results would be determined by a majority of actual *votes*—that is, ratification of a new constitution did not depend on having a majority of registered *voters*. In July 1868, the Fourteenth Amendment to the U.S. Constitution was certified, and conveyed U.S. and State citizenship and rights to “all persons born or naturalized in the United States.” Section 1 of Amendment XIV articulates the “due process” and “equal protection” ideographs and states in part:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

According to information posted online by the Martin Luther King, Jr. National Historic Site, 28 of the 37 states had ratified the Fourteenth Amendment when it was certified; a number of the former Confederate states where martial law was enforced ratified it later.

Mississippi ratified the 14<sup>th</sup> Amendment in January 1870.<sup>30</sup> Finally, in March 1870, during the presidency of Ulysses S. Grant, the Fifteen Amendment was ratified, providing black citizens the right to vote.

To a people vested in the tradition of dual sovereignty and the primacy of state rights, the Reconstruction measures surely sent a message. It might best be stated in the same words uttered in the closing arguments of the Till murder trial. John Whitten, attorney for the defense said, ““There are people in the United States who want to destroy the way of life of Southern people”” (Johnson, 1955/2002, p. 100). In 1870, to many Southern whites, it must have seemed that their destroyers controlled the U.S. Congress.

*The rise of organized resistance.* Reconstruction, federal occupation, the prospect of black equality, and radical Republicanism combined to spark resistance among southern whites that gave rise to the Ku Klux Klan. According to *A Chronology of Reconstruction Efforts* (Willis, 2001), the Ku Klux Klan was founded at Pulaski, Tennessee, in June 1866. The organization began as a social club for Confederate veterans, but within the year, became political, being “directly opposed to Republican Leadership and black equality” (Willis, April 1867 section). By December 1867, members had taken to “nightriding” as a tactic to intimidate blacks (Willis, December 1867 section). In 1868, however, the Klan’s Grand Wizard, Nathan Bedford Forrest, denied the Klan’s racial motivations, claiming its real targets were radical politicians (Willis, August 1868 section).

As the Klan became more political, it used terrorist tactics to hinder Reconstruction and prohibit black citizens from exercising their rights. According to Waldrep (2002), the situation forced the nation to reassess the legitimacy of lynch-like

violence as it struggled to label the Klan's behavior. Despite the resemblance, Klan violence was not called lynching because the group did not enjoy broad-based, community support (Waldrep). Additionally, to deny the Klan any popular legitimacy the word "lynching" might confer, Reconstruction era Republicans referred to Klan violence as "outrage" (Waldrep, see pp. 78-84). Furthermore, the struggle to define Klan violence became political, as both "Republicans and Conservatives articulated, negotiated and enforced competing claims for public support and popular sovereignty" (Waldrep, p. 67).

*Federalism.* The rise of the Ku Klux Klan and the reluctance of Republicans to label Klan violence as "lynching" coincided with renewed concerns about American federalism. Federalism is a philosophy of government that prescribes a shared system of powers between national and state governments.<sup>31</sup> The system that operated from this nation's founding and throughout much of the 1800s was dual sovereignty, under which the central government held executive, legislative and judicial authority within a limited sphere, as specified by the Constitution.<sup>32</sup> At the same time, the states retained power in different spheres, each within its respective territory and distinct from the sphere in which the nation governed. Dual sovereignty benefited the states—they could cooperate rather than duplicate efforts on mutual concerns, such as protection from a foreign attack. At the same time, the separation of powers checked against the possibility that the central government might consolidate power.

In time, the delineation of authorities under dual sovereignty posed difficulties that required judicial interpretation. Ambiguities inherent in the conceptualization of the federalist agreement, and shifting contextual factors in the nation's early history, underscore the discursive nature of the Constitution and of sovereign powers. According

to Scheiber (1992), in the early years of nation building, dialectical tensions of nationalism and decentralization shaped the federal system. Federalism raised questions about whether the states were superior or subordinate to the nation; whether state rights provided immunity from national oversight and correction; and whether individual states were obligated, as members of the Union, to enforce the constitutional rights of other states against their will.<sup>33</sup> The issue of slavery further complicated these issues. Because many citizens of the founding states held slaves, Article IV of the Constitution originally recognized a right of property in slavery.<sup>34</sup> Free states, however, often refused to abide by the fugitive slave clause, in effect leaving its enforcement to the central government.<sup>35</sup> Additionally, when questions concerning federalism and sovereignty came before the Court, its decisions often impinged on the slavery issue (Scheiber, 1992).

Furthermore, the conflict between northern abolitionists and pro-slavery southerners took shape against this dialectical tension. Southerners believed that abolitionists were “slave-stealing thieves,” and that when the law was unable to deal with such “criminals” (that is, when free states refused to respect Article IV and ignored the property rights enjoyed in slave-holding states), then recourse to popular sovereignty—including the lynching of abolitionists—was justified (Waldrep, 2002, p. 40). The abolitionists, however, argued that pro-slavery lynch mobs, as well as the states that shielded them, flouted the authority of the national government and endangered the nation’s Constitution. As tensions escalated, another question was pressed to the fore: Did a state have the right to withdraw from the Union if it determined that the central government had failed to live up to its obligations under the compact? In 1860, these difficulties reached a crisis point when South Carolina became the first state to secede



from the Union.<sup>36</sup> Several states followed South Carolina, and within the year, the nation was at war. By the end of the war, the question of secession had been determined, but the issues of national authority and state rights continued to circulate as the nation struggled to reunify.

Constitutional scholars and legal historians—as well as the Justices of the Supreme Court—have long debated whether the 39<sup>th</sup> Congress intended to increase its authority through the Reconstruction Amendments and enforcement legislation. Earl Maltz (as cited in Wilson, 2002) has argued that the Republicans in power at the time were politically diverse and that to pass legislation, the radical bloc had to compromise with the party's more conservative members. The need to compromise, he has claimed, more than likely moderated any radical impulse to restructure the division of powers. To the contrary, Robert Kaczorowski (as cited in Wilson, 2002) has argued that the Republicans did intend to increase congressional authority. Kaczorowski (1989) has also argued that the framers of the Civil Rights Act of 1866 wanted to protect black Americans from the discriminatory actions of individuals. However, Congress also realized that discrimination was occurring at the hands of state officials who were carrying out their duties under the aegis of state laws, and furthermore, the sovereign immunity of states insulated these officials from civil suit (Kaczorowski). To circumvent this obstacle, hold state officials accountable, and encourage compliance with the law, the Civil Rights Act of 1866 “criminalized violations of civil rights committed under color of law or custom” (Kaczorowski, p. 583). Thus, Kaczorowski has concluded, the Civil Rights Act of 1866 did effectively increase the scope of congressional authority by placing state officials within the reach of the federal justice system. Kirt Wilson (2002)

has argued that the intentions of Congress fluctuated with the exigencies of Reconstruction,<sup>37</sup> and therefore, we would do best to understand their intentions as discursively constructed. According to Wilson, we might never know with certainty whether Congress desired to uphold the system of dual federalism, or whether it intended to expand its authority. Internally, the Republican Party disagreed and “never united behind the equalitarian principles of the radicals” (Wilson, p. 155). Nonetheless, Wilson has found evidence to support Kaczorowski’s (1989) contention that the Radical Republicans interpreted the Reconstruction Amendments as altering the system of federalism and increasing congressional power. “They believed that the Thirteenth Amendment entailed a positive duty for Congress to guarantee the complete freedom of black Americans. Thus Congress had the right to pass intrusive legislation to secure that freedom” (Wilson, p. 158).

Given this interpretation of Amendment XIII, the Radical Republicans viewed “nation” as commensurate with “community”; therefore, “according to the most determined Republicans, a crime against a citizen’s civil rights in the most obscure Southern hamlet outraged the entire republic” (Waldrep, 2002, pp. 67-68). As the Ku Klux Klan grew more violent, Republicans passed enforcement measures in 1870 and 1871. To protect the voting rights of black citizens, the Civil Rights Act of 1870 (also called the Enforcement Act) made it a felony for private citizens to obstruct voting, and assigned jurisdiction for any cases that might arise to the federal district courts. The Civil Rights Act of 1871 (also known as the Ku Klux Klan Act) was passed to respond to the violence of groups like the Ku Klux Klan. When a state was unable, or if it refused to protect the rights of “any portion or class of people” during an insurrection, the failure

would be considered “a denial by such State of the equal protection of the laws” (“Civil Rights Act,” 1871, Section 3). The Ku Klux Klan Act also authorized the President of the United States to take military action in order to suppress the violence and insurrection (Section 3). It defined when the violence and insurrection would be considered “a rebellion against the government of the United States,” and instructed the President to issue a proclamation “commanding such insurgents to disperse” (Section 4). Following the proclamation, the President could then “suspend the privileges of the writ of habeas corpus,”<sup>38</sup> to the end that such rebellion may be overthrown” (Section 4).

In contrast to the Radical Republicans, political Conservatives and Southern Democrats who were vested in the preservation of federalism and state rights, continued to view “community” as “local” (Waldrep, 2002). Corresponding to this view, these politicians tended to subscribe to the idea of popular sovereignty—that violence was legitimated when the local (white) community sanctioned it—even if “‘outsiders’ from other states or black ‘outsiders’ from within their own states” disapproved (Waldrep, p. 68).

*“Outrage” vs. “lynching.”* In the midst of this political instability, the Ku Klux Klan “aspired to be seen as lynchers” (Waldrep, 2002, p. 68). To justify their violence, the group claimed popular sovereignty and used arguments similar to those of the San Francisco Vigilance Committee (Waldrep). Like the San Francisco vigilantes, the Klan also claimed its actions were necessary to protect (white) women. More significantly, Waldrep has argued, the Klan appropriated the *appearance* of western-style lynching, hanging their victim from a tree or other makeshift gallows, and labeling the offense with a sign fixed to the victim’s body. Despite appearances, there were key differences

between western vigilantism and Klan violence. Western-style lynching “implied a killing by a coherent community,” which typically involved a “town meeting and communal trial followed by consensus and, often, an orderly execution” (Waldrep, p. 68). By comparison, the Reconstruction-era Klan never achieved true community support or consensus; rather, according to Waldrep, replicating the western *style* was a deliberate strategy to create the appearance that the community sanctioned their violence.

Although the Reconstruction-era Klan never enjoyed unified support, it seems fair to say that their communities condoned the organization and its activities, and that this was a likely factor in the racialization of lynching. Jacqueline Goldsby (2006), who has explored what she calls the “cultural logic” of lynching and its public consumption,<sup>39</sup> has identified the Reconstruction era as marking a fundamental change in the practice of lynching. Prior to the Civil War, mobs and vigilantes resorted to “Lynch law” in an attempt to be “statelike” in their “aspirations to govern” (Goldsby, p. 16). With the emergence of the Reconstruction-era Ku Klux Klan, she has argued, the terror of lynching was directed increasingly at black Americans, and its punishments became more brutal.

Additionally, while southern white communities might not have endorsed the Klan’s violence, they nonetheless benefited from a parasitic relationship with the organization. According to Goldsby (2006), Klan violence hastened the restoration of political control to Southern Democrats, which in turn perpetuated the terror directed toward black Americans, and facilitated the resurgence of the Klan in later years. Thus, whether we refer to it as vigilantism, outrage, or lynching, the Klan’s program of violence and intimidation began the racialization of lynching, and certainly, the silence of

white communities enabled the Klan's terror tactics to morph into an instrument of racial oppression.

*Post-Reconstruction: Federalism and the Betrayal of Black Citizenship*

Although Reconstruction marked the beginning of the racialization of lynching, Goldsby (2006) has cautioned that we should not think of it as a “southern” phenomenon, nor should we attribute its racialization to the restoration of political control throughout the former rebel states to Southern Democrats. According to Goldsby, multiple forces converged during early modernity to enable the practice of lynching as we now think of it. Consequently, the nation shares responsibility for the escalation of lynch-type violence. As Reconstruction ended with the election of President Rutherford B. Hayes in 1877, the laws and mechanisms designed to protect black citizens were weakened by a series of federal court cases that tested the limitations of the Fourteenth Amendment and the constitutionality of the Civil Rights Act of 1875. These cases—the *Slaughterhouse Cases* (1873); *U.S. v. Cruikshank* (1876); the *Civil Rights Cases* (1883); and *Plessy v. Ferguson* (1896)—were pivotal in shaping a “symbiotic relationship between racism and federalism” that thwarted efforts to pass national anti-lynching legislation in the early 1900s (Ferrell, 1986, p. 4). I discuss these cases further in Chapter 3, but in general, they reaffirmed the tradition of dual federalism by 1) strictly differentiating the rights of U.S. citizenship from state citizenship (*Slaughterhouse Cases*, 1873; *U.S. v. Cruikshank*, 1876); 2) restricting the enforcement authority of the federal government (*Slaughterhouse Cases*, 1873; *U.S. v. Cruikshank*, 1876); 3) restricting the scope of the 14<sup>th</sup> Amendment's due process and equal protection clauses to cases in which states infringed upon the federal rights of citizens (*U.S. v. Cruikshank*, 1876); and 4) nullifying the Civil Rights

Act of 1875, which made it nearly impossible for the federal government to protect black Americans from discrimination (*Civil Rights Cases*, 1883). The restriction of federal enforcement authority, and the reduction in the scope of “due process” and “equal protection” allowed a climate of extra-legal violence against black Americans to persist. *Plessy v. Ferguson* (1896) sealed this line of legislation. In his opinion, Justice Harlan Brown reasoned that the purpose of the 14<sup>th</sup> Amendment “was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality.”

In her study of the Dyer Anti-Lynching Bill (which failed to pass in 1922), Claudine Ferrell (1986) attributed the nation’s reluctance to enact anti-lynching legislation to the Supreme Court’s reaffirmation of federalism, and its articulation of dual citizenship. A national anti-lynching bill would have compromised state rights and local rule, and would have undermined a set of relationships the Court had constructed in its opinions following the Civil War and Reconstruction—relationships between the nation and states, between citizens and their governments, and between individual citizens (Ferrell). “With racism, these relationships redefined ‘equal protection’ and ‘due process of the law.’ They indicate that Americans saw a conflict, perhaps inevitable and unsolvable, between biracial America and egalitarian America. They help explain why emancipation did not bring equality” (p. 4). As southern whites regained power at the end of Reconstruction, these cases enabled them to reassert ideological and spatial control; as a result, black Americans found their lives increasingly jeopardized, their rights and opportunities circumscribed. Consequently, “African Americans were

terrorized and murdered with impunity because they had been excluded from the legal and moral frameworks that defined national citizenship at the end of the nineteenth century” (Goldsby, 2006, p. 17). Neil Peirce (1974) summarized how this situation unfolded in Mississippi: Reconstruction effectively ran from 1867 to 1875, when Bourbon whites regained control of the state government. By the 1890s, Mississippi had a new constitution, and the Jim Crow laws in force denied the state’s black citizens virtually all of their civil and political rights.

*The Racialization of the Meaning of “Lynching”*

Although lynch-type violence had become racialized during Reconstruction, the *meaning* of lynching had not yet taken on a racial connotation. According to Waldrep (2002), the terminologies used to refer to Klan violence were disputed, and Republicans of the era referred to the violence as “outrage,” in order to deny it the popular legitimacy that “lynching” implied. Furthermore, social changes throughout the 1870s and 1880s exacerbated extralegal violence, and became so prevalent that newspapers devised a standard “lynching narrative” to report it (Waldrep, p. 85). The lynching narrative expressed mainstream American thought at the time: In principle, lynching was to be criticized, but depending on circumstances, it might be justified (Waldrep). Throughout this period, black newspapers continued to view white-on-black outrage “as a continuation of Ku Klux Klan violence, *vigilance* rather than *lynching*” (Waldrep, p. 97). Furthermore, many black Americans appeared to accept this view—that lynching was horrible, but perhaps the victim deserved his or her fate;<sup>40</sup> however, “black outrage at whites’ violence escalated around 1891,” and black Americans began to reject this view (Waldrep, p. 109). Although lynch-like violence had increased across the culture—for

example, Mexican and Italian immigrants were among the groups victimized—the criticisms of black American activists and journalists “centered on mobs’ racial prejudice rather than a blanket condemnation of mob attacks” (Waldrep, p. 109).

Near the turn of the century, several additional factors served to racialize the meaning of lynching. In 1893, the anti-lynching activist Ida B. Wells publicized the problem during her tour of England; her strategy was to “embarrass white Americans” into acknowledging the racist dimensions of lynching (Waldrep, 2002, p. 110). Accounts of white-on-black violence increased in Northern newspapers, as well. Waldrep discusses several theories for the increased reportage. One theory proposes a vicious circle: As black Americans resisted white efforts to impose racial segregation and restrict voting, their resistance fueled more white-on-black violence. A second theory posits that the public consumption of “spectacle lynchings” racialized Americans’ perceptions of the violence. A third theory suggests that politics motivated the reporting of southern lynchings. For example, during Reconstruction, the *New York Times*, a Republican paper, downplayed reports of southern lynchings, in order to deflect attention from Republican policies. After losing control of the federal government in the late 1870s, then regaining power in 1888, Republicans wanted to pass additional legislation to protect black Americans; thus, “they had new political reasons for telling voters just how violent white Southerners could be” (Waldrep, p. 112). About this time, the *Chicago Tribune*, also a Republican paper, began collecting statistical data on lynching. All of these factors, Waldrep has argued, combined to racialize the meaning of “lynching” as a primarily southern, white-on-black problem.



Although the connotation of “lynching” had been racialized by the early 20<sup>th</sup> century, the definition would be again disputed, ironically by the organizations trying to prevent it. According to Waldrep (2002), antilynching activists—Jessie Daniel Ames and the Association of Southern Women for the Prevention of Lynching (ASWPL), the Tuskegee Institute, and the NAACP—were influenced by Ida B. Wells, and like her, they distinguished lynching from murder by 1) its racial violence, and 2) its community support. Consistent with this view, the ASWPL sought a solution to the problem in community reform. The organization reasoned that if white communities no longer tolerated it, lynching would cease. According to Waldrep, the ASWPL wanted to create the impression that lynching was no longer tolerated; to do so, they tried to demonstrate that lynching incidents were declining. Like the Tuskegee Institute, Ames and the ASWPL “assumed, then insisted, that lynching could be precisely defined” (Waldrep, p. 127). A precise definition would, of course, best serve their purposes; it would produce more accurate data, and allow the organization to quantitatively measure progress in their campaign for a “lynch free year” (Waldrep, 2002, p. 127).

The NAACP originally adhered to the “traditional definition of lynching of murder sanctioned by the community” (Waldrep, 2002, p. 134). This definition shaped the NAACP’s methodology for tabulating lynching statistics, and informed its model anti-lynching legislation. By the late 1920s, however, the NAACP began to broaden its understanding of “lynching.” According to Waldrep, this shift in thinking likely resulted from a combination of factors. First, the organization faced competition from the American Communist Party and the International Labor Defense for members. Second, the Associated Negro Press and the Communist League of Struggle for Negro Rights

pressed the NAACP to include other types of race-murder as lynching. Additionally, the NAACP felt the pressure of Communist organizations, which advocated holding individual perpetrators responsible for lynching.<sup>41</sup> Furthermore, when the public perceived a decline in lynching, it jeopardized the NAACP's fund raising efforts (see discussion in Waldrep, p. 149), and ironically, placed the goal and strategies of the ASWPL at odds with the interests of the NAACP. Finally, the NAACP's mission focused more broadly on discrimination, and according to Waldrep, this might have contributed to the organization's departure from the traditional lynching definition:

While [the Tuskegee Institute and the ASWPL] looked forward to the day they could declare victory over lynching, the NAACP challenged a long-term, deeply rooted enemy. NAACP founders expected their organization to be permanent. If lynching ended, the NAACP would face an intractable foe, white racism, without its most effective propaganda tool. (p. 137)

Eventually, the NAACP came to view lynching as a symptom of a larger, systemic problem, and for the organization, "lynching became the symbol of racism" (Waldrep, p. 137).

In 1940, the Tuskegee Institute, Jessie Daniel Ames, and the NAACP attempted to come to a common definition of lynching. At the summit conference called for this purpose, a tentative compromise was reached, stipulating that an incident would not be classified as a lynching unless there was "a dead body" that had "met death illegally" at the hands of "a group"<sup>42</sup> acting "under pretext of service to justice, race, or tradition" (Waldrep, 2002, p. 149). The compromise, however, was short-lived. After the conference, the Tuskegee Institute and the NAACP were still unable (or unwilling) to

reconcile their data and Ames eventually rejected the definition as too broad. If “lynching” now included every murder in which the killers operated “under pretext of service to justice, race, or tradition,” then many more “racially motivated killings” would be added to the official count (Waldrep, p. 149). Lynching violence would officially escalate, rather than decline.

### *Discussion*

In labeling Till’s murder a “lynching,” Wilkins defined it corresponding to the expanded sense of the word the NAACP had advocated since at least 1940, when stakeholders in the fight against lynching met to discuss a common definition. Mississippi’s white press quickly criticized Wilkins’ use of the word as both inaccurate, and serving only to create further racial animosity. It was, perhaps, a new usage, what Schiappa (2003) might call a “novel definition.” Speakers use “novel definitions” to challenge the dominant understanding of a term; rhetorically, it functions as an attempt “to change other people’s understanding and linguistic behavior away from the conventional patterns and toward new behaviors and understanding” (Schiappa, p. 31). In the expanded sense advocated by the NAACP, defining Till’s murder as a “lynching” amplified its racial motivation. Till was not simply murdered; he was the most recent victim of insidious racism that had long terrorized black Americans in their pursuit of equality. Corresponding to this expanded connotation, the word “lynching” helped to make Till an archetype—it perfected his victimage and made it representative of the history of injustices suffered by black Americans. Wilkins’ accusations also challenged the dominant understanding of what constituted mob action and community endorsement. Instead, Wilkins declared the lynching to be symptomatic of the larger problem of racism: “The state of Mississippi,”

he declared, “has decided to maintain white supremacy by murdering children” (in Metress, 2002, p. 19). Furthermore, Wilkins did not single out a community or lynch mob in the traditional sense; rather, he claimed that the state of Mississippi—an entire society steeped in white supremacy—was depraved. The candidates for governor did not kidnap Till; nonetheless, the *Chicago Defender* charged, Till’s blood was “on the hands of the five candidates . . . who campaigned on an anti-Negro platform,” because “they charged the atmosphere of the state for acts of violence” (Blood on their Hands, 1955/2002, p. 25). It was this pervasive attitude of racism that set the stage for Till’s murder. It was the problem of racism that Wilkins sought to cure.

The NAACP’s beliefs about the realities of black American life were also embedded in Wilkins’ definition. As Schiappa (2003) has explained, our definitions imply our “theories” about the world. The use of the word “lynching” to define Till’s murder is thus telling—it indicated how “life in our democracy” was experienced by many black Americans (“Blood on their Hands,” 1955/2002, p. 25). Wilkins did not hesitate to elaborate on his theory: “There is in the entire state no restraining influence of decency, not in the state capital, among the daily newspapers, the clergy nor any segment of the so-called better citizens” (in Metress, p. 19). In Mississippi’s socio-political environment, “the killers of the boy felt free to lynch him” (in Metress, p. 19). As Wilkins perceived it, Till’s murder—occurring on the heels of the decision on relief in *Brown v. Board of Education* (1955)—signaled that white Mississippians were intent on maintaining segregation, and that some whites would kill black Americans and their children to do so. Commensurate with his theory, Wilkins’ definition implied a call for federal intervention. The call was made explicit by the *Chicago Defender*, even before

the trial and acquittal: “A federal anti-lynching law must be passed and in addition, it should be made a federal offense to interfere with or attack any religious or racial group in elections” (“Blood on their Hands” p. 26). The call for federal intervention was echoed by the *Daily Worker*, a communist paper, which added: “If the states cannot cope with these criminals, the federal government must” (Hirsch, 1955/2002, p. 33). Additionally, given the NAACP’s lengthy campaign for a federal anti-lynching law, it seems accurate to conclude that the label of “lynching” carried with it an argument for federal intervention in Mississippi.

A strict definition, which understood lynching as community-sanctioned race murder, saw the solution in terms of fixing the community. This narrow definition, which was advocated by the ASWPL and the Tuskegee Institute, would have kept the solution local—beyond the reach of the federal government. It might have alleviated the symptoms of the illness, but it stopped short of the cure the NAACP pursued. With a looser definition, the NAACP gained a rhetorical device that was flexible and responsive to changes in the context. The definition matched the NAACP’s emphasis on social equality, it supported continued calls for federal intervention, and it demanded that the nation make good on its promise of “equal protection.” In this sample from its post-trial rhetoric, the *Chicago Defender* followed the lead of the NAACP:

And the Negro in Money can and must register and vote. And the federal government, starting with the White House that has been so negligent in the past in these matters, must be prodded into making it possible for the Negro to exercise this one right—the right to vote. (“What You Can Do,” 1955/2002, p. 128).

Understanding the complexity of meaning contained within this one word helps us appreciate why the rhetorical response to Till's murder digressed from the issue of retributive justice, and why the rhetoric seems to forsake Till as the murdered victim. As prescribed by a connotation that posits lynching as symptomatic of the larger problem of racism, the *Chicago Defender* criticized the failure of the federal government, claiming that as usual, "the Department of Justice seems more devoted to exploring its lawbooks for reasons why it can't offer protection of a Negro's life or rights" ("What You Can Do," p. 127). Congressman Adam Clayton Powell, Jr. (1955/2002) released a press release claiming "the recent wave of lynching in Mississippi is a terror campaign, organized by the entrenched white leadership to keep Negroes from voting, and from gaining first class citizenship" (p. 135). Powell's sentiments were echoed by Langston Hughes (1955/2002), who saw Till's murder as part of a pattern of "intimidation" (p. 125), designed to dissuade black citizens from voting: "Because nobody wants to die, thousands of Negroes stayed away from the polls at the last election in Mississippi—for fear of their lives if they tried to vote" (p. 125). The situation was all the more ironic and unjust, Hughes argued, because the federal government refused to investigate lynching. In these samples from the post-trial rhetoric we find that Till's individuality is de-emphasized; his death becomes part of the wave of lynching, his trampled rights become representative of the rights of all black Americans, who are intimidated "to the point where they are afraid to exercise the democratic right of the ballot" (Hughes, p. 125). In death, Till was made consubstantial with black America; indeed, he became, as Clenora Hudson-Weems (2000) has observed, the "Sacrificial Lamb of the Civil Rights Movement." Defining his death as a "lynching," in the NAACP's expanded connotation,

annexed Till's story, making it a key part of a larger narrative that chronicles the long struggle of black Americans to achieve civil rights.

That the response of the black American press and opinion leaders centered on the problem of civil rights indicates the degree to which the NAACP's definition held sway among this community. However, Southern whites also understood what was at stake in defining Till's death as a lynching.

It seems plausible that southern whites, including Mississippi's white opinion leaders, had been conditioned by the conventional definition of lynching, especially since these were favored by the ASWPL and the Tuskegee Institute. These organizations were southern institutions, and they chose to pursue their work within the social system that existed in the south (Waldrep, 2002; also see Powell, 1995, with respect to the ASWPL). According to Waldrep, Jessie Daniel Ames believed the "basic structure" of southern society was sound; as a consequence, the ASWPL did not challenge the system of racial segregation, per se. The organization simply wanted lynching to cease. Similarly, in its educational mission, Tuskegee had long embraced the philosophies of self sufficiency and economic uplift espoused by its founder, Booker T. Washington. Washington, at least publicly, did not agitate for social integration or social equality; he was an "accommodationist" who believed that "the agitation of questions of social equality is the extremist folly" (Gates & Oliver, 1999, p. 167). Tuskegee's philosophy, which reflected that of Washington, stressed working within the South's existing social norms. It seems likely that southern whites would benefit from a limited definition, for reasons similar to those of the ASWPL. A narrow definition of lynching was more precise and would create the impression that the practice was declining; this would cast the region in a more

favorable light. In terms of public relations, Mississippi would have the most to gain from a restricted definition: According to Tuskegee's official records, 538 black persons—a sixth of the nation's total victims—were lynched in the state between 1883 and 1959 (cited in Peirce, 1974, p. 169). Mississippi led the nation in lynching, and therefore, it should not be surprising that the state's white press and opinion leaders would be sensitive to Wilkins' accusations. In contrast, by a more precise and narrow definition, Emmett Till's murder *was* just a murder, committed by depraved individuals who should be cut off from the majority of Mississippians, who were rational and reasonable. Additionally, being seen as rational and reasonable might lend credence to the notion that ““we have a workable way of life”” (Huie, 1959/2002, p. 241; quote attributed to Defense Attorney J. J. Breland).

Peirce (1974) has argued that Mississippians remained politically isolated from the national mainstream well into the 1950s. He describes that isolation, noting that

No major Presidential candidate had been there since Henry Clay. The only bookstore in Jackson was run by the Baptist Church and sold religious titles only; at Oxford, the state's supposed center of learning, there was not a single regular bookstore. (p. 172).

This political isolation had several consequences, including intense pressure to conform to local norms, a fear that government was being increasingly centralized, and a dogged veneration of state rights (Lord, 1950, as cited in Peirce, pp. 172-173). By the summer of 1955, however, many white Mississippians felt their socio-political environment—and their way of life—were under assault. According to Peirce, the mortar that blasted Mississippians from their political isolation was *Brown v. Board of Education* (1954;



1955). In response to the Supreme Court's decisions, Mississippi reacted quickly to defend segregation. To demonstrate the "equality" of its segregated schools, Mississippi began to "equalize its expenditures between the two races in order to stave off an unfavorable court decision" (Peirce, p. 173).<sup>43</sup>

Mississippi also responded to the assault on racial segregation with the formation of the Citizen's Council movement. According to Peirce (1974), the movement originated in 1954, at Indianola, in the state's Delta region where the Till incident later occurred. McMillen (1971) has attributed the founding of the organization to Robert B. Patterson, who first learned about the threat posed by *Brown v. Board of Education* in 1953, while the case was still pending. Patterson circulated a personal letter detailing his thoughts, and urged his friends to "stand together forever firm against communism and mongrelization" (Martin, 1957, as cited in McMillen, p. 17). Initially, Patterson's efforts sputtered; they picked up speed following the court's initial decision, especially after Thomas P. Brady urged whites throughout the South to establish resistance organizations. In his "Black Monday" speech, Brady, then a Circuit Court Judge, also proposed other radical measures, including

the popular election of Supreme Court justices, a youth indoctrination program on the 'TRUTH ABOUT COMMUNISM' and the 'FACTS OF ETHNOLOGY,' the creation of a forty-ninth state as the Negro's exclusive domain, and, if necessary, the abolition of public schools. (McMillen, p. 18).

Inspired by Brady, Patterson followed through and organized the first white Citizens' Council in July 1954. The movement grew rapidly; within a year, it boasted nearly

60,000 members, “all Mississippi community leaders intent on preventing any Negro inroads into ‘the Southern way of life’” (Peirce, p. 174).

From the beginning of the Citizens’ Council Movement, Brady stressed that the organization should eschew any likeness to the Ku Klux Klan; according to McMillen (1971), Brady even envisioned that the movement might become a third political party. Peirce (1974) has concurred with McMillen, adding that the Councils “screened their membership to exclude those ‘with the Ku Klux mentality’” (p. 174). Nonetheless, Peirce has argued, “by their very presence and rhetoric” the Citizens’ Councils created an environment that was hostile to black Americans (p. 174). Additionally, while the movement took pains to distinguish itself from the Ku Klux Klan, the Citizens’ Councils actually displayed an uncanny resemblance to the San Francisco Vigilance Committee. A comparison of the two groups will further develop Peirce’s argument, and help up to understand better why Wilkins’ “lynching” charge ignited the rhetorical firestorm.

The similarities between the San Francisco Vigilance Committee and the Citizens’ Councils are remarkable and worthy of note, as they shed additional light on contentions that the recent governor’s campaign, and the activities of the Citizens’ Councils had primed Mississippi for Till’s murder.<sup>44</sup> Both organizations emerged when citizens perceived their governments and the administration of law to be corrupt. Corruption in San Francisco’s local government had allowed lawlessness to take root, endangering citizens’ lives and property of the citizens, as well as the safety of women. In Mississippi’s political isolation, whites with fervor for state rights judged the federal government, led by a corrupt court, to be teetering on the edge of communism. *Brown v. Board of Education* (1954) was proof that the federal courts would trample on the

constitutional rights of the states. As J. J. Breland, a defense attorney in the Till murder trial reportedly said, “‘It’s those boys on the Supreme Court who want to go the unnatural and unconstitutional way’” (Huie, 1959/2002, p. 241).

Mississippi’s white citizens feared that *Brown v. Board of Education* (1954; 1955) would welcome the twin specters of communism and miscegenation. According to Peirce (1974), the fear that racial equality was part of a Soviet plot to destroy the fabric of American life and society was promoted by the Citizens’ Councils. In the cold war context of the 1950s, the message proved to be persuasive to its audience.<sup>45</sup> In Mississippi, as had occurred in San Francisco, the gravity of the situation seemed to demand that “the people” take responsibility to reassert control.<sup>46</sup> Indeed, the spirit of popular sovereignty used to justify the San Francisco Vigilance Committee’s activities also seems to have been present in Mississippi’s Citizens’ Council movement.

As one early guide for Council organization observed, “the incentive and will to organize a Citizens’ Council must come from within the community itself.” But because Council organizers also believed that “the more complacency and apathy that the townspeople showed, the greater the need for an organization,” they did not hesitate to send in outside representatives to stimulate community “incentive and will.” (McMillen, 1971, p. 20)

Waldrep (2002) has argued that the Reconstruction-era Ku Klux Klan wanted their activities to be perceived as lynching because it desperately wanted to “be the *people*,” justified on the basis of popular sovereignty, as the Vigilance Committee had been in San Francisco. As the excerpt above from McMillen suggests, the Citizens’ Councils, like the

Reconstruction-era Klan and the San Francisco Vigilance Committee, desired the backing of the community.

Echoes of the San Francisco justification, as well as the lynching narrative based on it, can be heard in many responses to Till's murder. To recall, according to Waldrep (2002), the narrative stipulated that lynching was "justified" by "popular sovereignty" if 1) the crime was "shocking" enough to raise the community's desire for "vengeance"; 2) if it appeared that the courts "did not function effectively" and were thus unable to deal with the crime; and 3) if the action was supported by the public (p. 88). For example, Till's actions at the Bryant's store were perceived by some Southerners as a "shocking" infraction of South's interracial taboos. In a letter to the *Memphis Commercial Appeal*, W.A. Tyson wrote:

The same day that the newspapers carried the story about the kidnap-murder of young Till, they also had stories about four Negro men charged with rape, their victims white women.

Not one time has any pro-Negro agitator found anything wrong with the provocation that caused the disappearance of young Till. Their silence seems to endorse adultery, fornication, seduction, and rape, and kindred crimes, and to make a hero-martyr out of Till in his effort to indulge himself. (1955/2002, p. 148)

In another letter to the Memphis paper, an "Observer" from Greenville, Mississippi, speculated that the Till case provoked a desire for vengeance among white Mississippians:

[I]n spite of an unprecedented number of murders and rapes of white people by the black . . . the white people of this state have exercised remarkable patience and restraint.

The Till incident was nothing more than spontaneous combustion generated by such criminal attacks upon a long-suffering people, and the Negroes have no one but themselves to blame for what happened. (1955/2002, p. 151)

Note that in mentioning that whites had long suffered such crimes, the Greenville “Observer,” also implied that the courts’ had failed to deal effectively with the problem.

Most significantly, J. W. Milam rationalized his actions, much as a lynching would have been justified in the 19<sup>th</sup> century. Milam claimed that initially, his intention was to whip and frighten Till, but when scare tactics didn’t work, he decided Till was “so full of that poison he was hopeless” (Huie, 1956/2002, p. 206), and that more drastic measures were therefore warranted. Furthermore, Till’s purported “crime,” of making improper advances toward Mrs. Bryant at the store, was one the Southern white community found especially shocking and repugnant. In speaking with Huie, Milam elaborated upon this “crime,” amplifying southern fears of racial integration and miscegenation, and thus ensuring that Till’s shocking actions would alarm the white community. According to Milam, Till asserted “‘I’m as good as you are. I’ve had white women. My grandmother was a white woman’” (Huie, 1956/2002, p. 207). Hearing this, Milam “‘decided it was time a few people got put on notice’” (Huie, 1956/2002, p. 207). He then vowed, “Niggers ain’t gonna vote where I live. If they did, they’d control the government. They ain’t gonna go to school with my kids.” The veiled reference to *Brown v. Board of Education* (1954; 1955), implied that the federal government—its Supreme

Court, at least—was corrupt, or in danger of becoming so. Most importantly, Milam perceived that his actions were supported by the white community, that they “assumed [Milam and Bryant] had indeed killed the young Negro” (Huie, 1957/2002, pp. 209-210). In his original article for *Look*, Huie (1956/2002) also concluded that the majority of white Mississippians either approved or condoned the killing. Although a year later Milam found himself ostracized by the very community that had “‘swarmed’ to his defense” during the trial, he steadfastly “assumed that the ‘community,’ including most responsible whites in Mississippi, had approved the killing” (Huie, 1957/2002, pp. 212, 210). Finally, there is something of a nod to the patriotic connotation present in the origins of lynching: Milam mentioned that after the trial, before the Huie’s first story in *Look*, “‘I got letters from all over the country congratulating me on my ‘fine Americanism’” (Huie, 1957/2002).

We can conclude that the questions raised by the legislation that enacted Reconstruction—questions about black equality, federalism and nationalism—were again raised by *Brown v. Board of Education* (1954; 1955). Both Reconstruction and the *Brown* decisions were met by organized white resistance: Reconstruction gave rise to the first incarnation of the Ku Klux Klan; *Brown* gave rise to the White Citizen’s Councils. Furthermore, despite the Citizens’ Councils’ stated rejection of the Ku Klux Klan and Klan-type violence, the elements that spurred the San Francisco vigilantes to lynch Charles Cora and James Casey—a perception of governmental corruption, and the spirit of popular sovereignty—were present in Mississippi, and helped to structure the rhetorical milieu in which Till was murdered. Without these elements, lynching could not be justified, and it was these elements that Wilkins’ definition omitted.

## CHAPTER 3: THE LAND OF THE FREE AND THE HOME OF THE BRAVE:

### SPATIALITY AND IDEOLOGY

In the previous chapter, I examined the political implications of the word “lynching,” as Roy Wilkins used it to define the murder of Emmett Till. The choice of this word not only defined the crime, it also articulated positions and delineated space. By uttering the word, “lynching,” Wilkins declared not only his stance as the rhetor; he also indicated the position of the rhetorical community for whom he spoke. In particular, his rhetoric highlighted the position of black Americans as in perpetual danger and in need of federal protection so they might exercise their rights as United States citizens. At the same time, Wilkins’ defined white Mississippians as a community that, at least tacitly, approved Till’s lynching, and in fact stood to benefit from it because such violence helped to maintain white supremacy. In 1955, many whites opposed federal intervention; indeed, the development in Mississippi of the White Citizens’ Council movement was an attempt to marshal this opposition in response to *Brown v. Board of Education* (1954). By defining Till’s murder a “lynching,” however, Wilkins delineated Mississippi’s white opposition as extralegal, as outside the Constitution and laws of the United States. This chapter continues to look at the Till rhetoric through a spatial lens. It argues, in part, that a spatial view of our nation’s ideological foundation is necessary to better understand the rhetorical response to Till’s murder.

In this chapter, I begin by discussing the context of Till’s murder. When Till made his trip to Mississippi in the summer of 1955, the socio-spatial order of the South generally and Mississippi specifically had been threatened by the Supreme Court’s decisions in *Brown v. Board of Education* (1954; 1955). The socio-spatial order that

characterized the South in 1955 can be conceptualized as a “heterotopia” (Foucault, 1997a). This heterotopian order should be understood as discursively constructed space, and to facilitate this understanding I spend some time conceptualizing it using Lefebvre’s (1991) terminologies of spatial production, as they are reflected in McKerrow’s (1999) ideas about space, time, discourse and power. I am especially concerned with understanding this heterotopian order as a *space of representation*, one that prescribed a strict order of racial segregation and was built atop a national *representation of space*, which had been altered during Reconstruction in order to convey American citizenship to the freedmen. To better understand the nature of these spaces as discursively produced, the bulk of this chapter traces the ideographs that surface in the Till rhetoric back in time to Reconstruction. These ideographs figure prominently in the legislation and key legal cases of the era. As they were contested in legal cases through time, they produced changes to the *representation of space*, and made possible a segregated *space of representation* that characterized Mississippi and the American South in 1955. Examining the historical thread of this formative discourse should allow us to better comprehend how the past was complicit with the positioning of African Americans in the 1950s. Specifically, this chapter will argue that the ideological fallout of Reconstruction re-inscribed, rather than erased, the spatial boundaries of nation and state, and consequently, the good intentions of the radical Republicans, as well as the federalist underpinnings of this nation prevented black Americans “from gaining first class citizenship” (Powell, “Press Release,” in *Metress*, p. 135).



*Brown v. Board of Education: A Threat to the Socio-Spatial Order of the South*

Several years prior to the U.S. Supreme Court's decision in *Brown v. Board of Education* (1954), the state of Mississippi was trying to shore up the cornerstone of the state's separate-but-equal infrastructure. According to McMillen (1971), Mississippi devised a program to equalize black and white education in 1953, thinking their demonstration of "good faith" would demonstrate that separate could be equal, and thus sway the high court to support continued segregation. The plan called for parity in teacher salaries, school transportation, buildings, and black students' educational opportunities; however, the state never appropriated funds for equalization, but elected to wait for the Court's decision on the desegregation cases instead. Mississippi's legislature also planned for contingencies, just in case the court's decision favored desegregation; in 1954, Mississippi founded a Legal Education Advisory Committee (LEAC), which would take the lead in planning resistance to any federal desegregation order (McMillen, 1971, p. 16).

The court's opinion in *Brown I* (1954)—that separate educational facilities were inherently unequal—further goaded Mississippi's white citizens. Persuaded that the salvation of the nation, southern custom, and the white race depended on resistance to the Court's ruling, white Mississippians responded to the call of Circuit Judge Thomas P. Brady, and began organizing white Citizens' Council chapters across the state (McMillen, 1971). A year later, when the Court ordered that desegregation proceed with "all deliberate speed" (*Brown v. Board of Education*, 1955), white resistance had been galvanized. Across the nation, both whites and blacks perceived the significance of the

*Brown* rulings: The U.S. Supreme Court had ruptured the South's old order based on race and place.

The court announced its decision on relief (*Brown II*) on May 31, 1955; within a month, the NAACP's Mississippi offices petitioned local school boards to desegregate. Each petition, however, only accelerated white resistance and spurred the growth of the Citizens' Council movement (McMillen, 1971, pp. 28-30). Prior to receiving a petition from the NAACP, many communities, like Clarksdale, Mississippi, had been wary of organizing a Citizen's Council, fearing it would "agitate" local blacks (McMillen, p. 31). Nonetheless, a council was organized "within a few days" of the NAACP's petition to desegregate the Clarksdale schools (McMillen, p. 30). In Jackson, where a Citizen's Council already existed, membership increased dramatically with receipt of the NAACP's petition: The Jackson Citizen's Council, which existed before the NAACP began petitioning, numbered some three hundred members in mid-July 1955; the NAACP petitioned to desegregate Jackson's public schools on July 26, 1955. Membership in the local Council increased exponentially, exceeding 1,000 members within a two-week span following the NAACP's request. Judge Robert L. Carter, who as General Counsel to the NAACP helped to argue *Brown v. Board of Education* (1954; 1955) before the U.S. Supreme Court, has since stated that the Court's instruction to desegregate with "all deliberate speed," was vague and problematic. In a 1968 article published in the *Michigan Law Review*, Carter argued that this phrase left the timeframe indeterminate; as a result, it failed to encourage white compliance, and instead "aroused the hope that resistance to the constitutional imperative would succeed" (as cited in Bell, 2004b, p. 95).

By late summer 1955, when Emmett Till made his fateful journey south, white Mississippians were united in defiance of the Supreme Court and determined to preserve their social order. In order to highlight the positioning of bodies within this society, we should understand this socio-spatial order as a *heterotopia*.

### The South as Heterotopia

The socio-spatial arrangement of the South in the 1950s derives in part from the region's slavery and plantation history. For this chapter, however, I am concerned with the racially segregated society that was institutionalized throughout the South following Reconstruction. I use the word "heterotopia" to refer to this segregated society in order to ground my discussion in Foucault's (1997a; 1997b) ideas about space and power. Foucault treated "heterotopias" rather descriptively, defining them as "counter-arrangements," or places that are "absolutely *other* with respect to all the arrangements that they reflect" (1997a, p. 352, emphasis in original). As *places* set aside for that which is "absolutely other," heterotopias order society. I use the word "places" deliberately, to emphasize a sense of occupied space, and to draw attention to the function of "positioning" that heterotopias perform. McKerrow (1999) compares heterotopias to Lefebvre's (1991) "*spaces of representation*" and offers an additional understanding that I find instructive. McKerrow argues that access to heterotopian spaces is regulated, "in that they require 'a certain permission' to enter" (Foucault, 1986, as cited in McKerrow, p. 282). In as much as they police the individual's presence and actions within its space, heterotopias are power mechanisms (McKerrow). Elaborating on McKerrow's example—the psychiatric asylum—can help to clarify the concept. As places set aside to accommodate patients with mental illness, the asylum helped to preserve societal order

by providing for the removal of the mentally ill from the community. An asylum commitment defined patients as deviating from society's norms, thus positioning them as "other." As this example demonstrates, heterotopias help to order society in two potential ways. First, they provide a place or "counter-arrangement" that segregates the other from the larger space of society. Second, the act of segregation positions individuals, defining them as "other," which serves a normative function. In the decades following Reconstruction, the South institutionalized racial segregation in a similar fashion. Individual communities and states, especially those throughout the South, enacted Jim Crow legislation, and built an elaborate infrastructure of "counter-arrangements" that governed virtually all aspects of daily life in order to control and coerce the "other," the black American.

Heterotopias are, in essence, a "spatial technology." Foucault (1997b) observed that "spatial technologies"—infrastructure including utilities, transportation systems, and even architecture—evolved as societies perceived a need to govern. In that heterotopias are set aside for "crisis" and "deviance" (Foucault, 1997a), they serve as socio-spatial infrastructure. The heterotopian society of the South evolved in like manner, responding to a series of crises that threatened white political control and the "southern way of life." The "period of pure anarchy" that immediately followed the Civil War (Peirce, 1974, p. 167), the invalidation of the Black Codes by federal law and military occupation, the increasing consolidation of power by a Republican-controlled Congress, and the prospect of black equality combined to perpetuate the region's political and social chaos. To the most conservative southern whites, restoration of a place-based social order would best serve governance and ensure the continuation of white political control and social

supremacy. As radical Republicans struggled to impose racial equality across the nation, however, a “modified rhetoric of place” emerged during Congressional debates over the bill that would become the Civil Rights Act of 1875 (Wilson, 2002). Moderate Democrats conceived this new “rhetoric of place” in an attempt to bridge the conservatives’ antebellum ideas about race and place with a limited view of black equality. By differentiating *types* of equality, Wilson explains, the moderate Democrats were able to argue that black Americans enjoyed *legal* and *political* equality by virtue of Amendments XIV and XV. However, the Democrats argued, the Constitution did not grant social equality to the freedmen. “They maintained that African Americans *were* entitled to equal privileges, but they sustained the fundamental belief that blacks were ‘other’; therefore, they occupied a distinct place in society” (Wilson, p. 108). The Democrats also argued that race reflected a divine “natural order” (Wilson, p. 109), one that mandated racial separation and the preservation of white supremacy and social control. Although the Republicans managed to shuttle the Civil Rights bill to passage, the Democrats’ rhetoric of place gained purchase throughout the post-Reconstruction South. According to Wilson, “the real victory . . . belonged to the moderate Democrats who refined the notion of place into a new discourse that sustained the conservatives’ regional power” (pp. 183-184). By distinguishing three types of equality, moderate Democrats were able to leverage “place” as a spatial technology, a maneuver that eventually led to formal segregation—a heterotopian order regulated by law and custom—to contain the chaos of southern society.

The work of C. Vann Woodward (1955/2001) is especially instructive with respect to the forces that allowed the “rhetoric of place” (Wilson, 2002) to materialize as

segregation. According to Woodward, racial segregation in the south developed only after the institutionalization of Jim Crow, around 1890. Although the idea of “place” was rooted in slavery, the institution fostered racial proximity as a practical matter. Slavery required white supervision of black workers; by contrast, the strict segregation of Jim Crow was actually at odds with the place practices of slavery (Woodward). Furthermore, Woodward has argued that until the late 1800s, the extreme racism we associate with Jim Crow was restrained by three forces. First, the liberal attitudes of the north—reflected in “the press, the courts, and the government”—shaped the nation’s position on race and served as an external check (Woodward, p. 69). Additionally “the prestige and influence of the Southern conservatives, as well as the idealism and zeal of the Southern radicals” dampened racism internally, which provided the second and third restraints (Woodward, p. 69). Time eventually eroded Northern opinion, and its influence over national policy. The Compromise of 1877, and the formal end to Reconstruction, weakened Northern resolve (Woodward). Additionally, as the nation embarked on a program of imperialist expansion, the liberal sentiments of the North began to shift:

The doctrines of Anglo-Saxon superiority by which Professor John W. Burgess of Columbia University, Captain Alfred T. Mahan of the United States Navy, and Senator Albert Beveridge of Indiana justified and rationalized American imperialism in the Philippines, Hawaii, and Cuba differed in no essentials from the race theories by which Senator Benjamin R. Tillman of South Carolina and Senator James K. Vardaman of Mississippi justified white supremacy in the South. The Boston Evening *Transcript* of 14 January, 1899 admitted that Southern race policy was ‘now the policy of the Administration of the very party

which carried the country into and through a civil war to free the slave.’ And *The New York Times* of 10 May 1900 reported editorially that ‘Northern men . . . no longer denounce the suppression of the Negro vote [in the South] as it used to be denounced in the reconstruction days. The necessity of it under the supreme law of self-preservation is candidly recognized.’” (Woodward, pp. 72-73)

Many of the key decisions of the U. S. Supreme Court between 1873 and 1898, including those I examine later in this chapter, reflect these changes in Northern sentiment.

Woodward (1955/2001) has also argued that the agrarian depression of the 1880s and 1890s marked a critical turning point in southern life; with respect to my heterotopian thesis, this crisis is especially significant. The agrarian depression constituted a grave threat to the hegemony of southern conservatives, and this contributed to making segregation both socially and politically expedient. Economic turmoil gave rise to the Populist Party, which originally united poor whites and blacks in a potentially powerful alliance. Faced with the prospect of losing political control, conservative elites responded to the populist challenge by fanning racial hatred, “rais[ing] the cry of ‘Negro domination’ and white supremacy,” and echoing the tactics they had used to regain control of their states at the end of Reconstruction (Woodward, p. 79). In the throes of Reconstruction, the conservatives incited racial hatred as a tactic to unite southern whites against outsiders—the radicals and carpetbaggers. Having redeemed their states, the conservatives then placated the freedmen by using their power “to tame the extremists into moderation” (Woodward, p. 79). In responding to the populist crisis, however, conservatives aligned their cause against fellow southerners—the poor whites—whom they accused of using black votes against white interests, all the while seeking to do the

same themselves (Woodward). Eventually, poor whites became attuned to this hypocrisy; as a result, conservatives lost their moral authority, which compromised their ability to moderate racism (Woodward).

As the “rhetoric of place” (Wilson, 2002) took root and flourished throughout the post-Reconstruction South, a complex set of “counter-arrangements” emerged. As a “spatial technology” replete with the infrastructure to enforce racial segregation, Jim Crow laws effectively voided the nation’s promises of equality to the freedmen. This heterotopian arrangement, and the discourse that articulated it, persisted throughout much of the 20<sup>th</sup> century. It prescribed the code and conduct of interracial interactions, ostracizing black Americans as it insulated whites from the reach of federal intervention. From the late 1800s, until *Brown v. Board of Education* signaled its impending demise in 1954, challenges to racial segregation were waged in the federal courts. These cases contested long-standing assumptions about race, place, and position, and we should rightfully recognize their nature as territorial. The cases that culminated in *Brown v. Board of Education* (1954; 1955) were based on arguments grounded in the ideographs of the Fourteenth Amendment—equal protection, due process, and privileges and immunities. In a sense, the articulation and contestation of these ideographs regulated this heterotopian arrangement; the ideology is central to the production of space, as well as the white domination that positioned black Americans as second-class citizens. By examining the particular ideographs that conflict in the Till rhetoric through an historical and spatial lens, we will gain additional insight into how the intentions of the radical Republicans, and the federalist underpinnings of this nation, were complicit with the South in positioning of African Americans as “other.” From this vantage, we can better



understand the lynching of Emmett Till, not as a singular tragedy or travesty, not as a discrete point in time, but as coterminous with the nation's past.

### The Territorial Nature of the Discourse

The rhetoric that erupts in the Emmett Till case echoes the ideologies that circulated throughout the nation during Reconstruction. The articulation of particular ideographs in Reconstruction-era legislation altered the spatial configuration of the United States, especially the extant relationship of the federal government to the states. As the legislation of Reconstruction was contested in the federal courts, ideologies conflicted and the spatial configuration responded. These discourses—the legislation and court cases—are therefore territorial in nature, in that they produce space and position individuals. To appreciate the territorial effects of these discourses, we should first review the nature of spatial production. For this task, I turn now to Lefebvre's (1991) terminologies of spatial production. In this section, I will argue that a *space of representation*—in this case, a segregated social order—was superimposed over the nation's *representation of space*, which was reconfigured following the Civil War in an attempt to accommodate black freedmen within the political space of American citizenship.

### *The Nation as a Representation of Space*

The underlying *representation of space* I am concerned with derives from our country's federalist tradition; as a dimension of spatiality, we might think of it as a master plan—space as “officially” conceptualized or articulated. For example, city planners map the territory of a city, designating its commercial and industrial spaces and delineating the boundaries of its residential districts and neighborhoods. The planning process

determines the spaces in which particular activities can occur, and where people belong in the city. I want to treat the nation similarly, as a *representation of space*; that is, the territory of our nation is currently comprised of 50 states, and the boundaries drawn within the territory determine what exists, and where. The boundaries—for example, the one between Ohio and Pennsylvania—position us. The boundaries designate our state of residency, and delineate governmental authorities. If I live in New Castle, I am a Pennsylvanian, not an Ohioan. The New Castle police department will respond when I call with an emergency rather than the police from Youngstown, Ohio. In an election, I am eligible to vote in Pennsylvania, but not in Ohio. In a larger sense, the official discourses of our country—the Articles of Confederation, the Federalist Papers, the Constitution, and many of the decisions and opinions of the Supreme Court—map the space of the United States: These discourses articulate, inscribe, and reaffirm a system of dual federalism. This particular *representation of space* delineated sovereignty. For example, dual federalism originally vested the primary oversight of civil rights with the states. By vantage of this representation, we are situated as citizens and positioned in two places simultaneously. That is, we are constituted as citizens of the United States, as well as of the individual state in which we reside. With respect to the exercise of sovereignty, we are subject to the laws of our state as well as those of this nation. The nation grants us one set of rights as its citizens, while our state grants another.

#### *Reconstruction and the Re-mapping of the Nation's Representation of Space*

Following the Civil War, the nation's original *representation of space* was reconfigured. We can understand the process by which this occurred by reference to a framework of discursive spatial practices, outlined by McKerrow (1999). This framework

is derived from the work of Harvey (1990), and is based on four subdivisions that are used to analyze space; the subdivisions include *access*, *appropriation*, *domination*, and *production* (see McKerrow, 1999, p. 276 for an overview). McKerrow conceptualizes Harvey's subdivisions as discursive practices, and he relates these to Lefebvre's spatial typologies (*spatial practices*, *representations of space*, and *spaces of representation*). Thus, when I say that the nation's *representation of space* was reconfigured, I am referring to a remapping of social and political space that occurred via the discourses of Reconstruction—its key legislation, which included constitutional Amendments XIII, XIV and XV, and the other acts passed by Congress passed to secure and enforce the citizenship rights of black Americans. Inasmuch as Reconstruction's legislative agenda articulates a new *representation of the space*, it operated as a discursive practice in the *production* of space. By this I mean that the Reconstruction Amendments, especially Amendment 14, “visualize space anew” (McKerrow, p. 279); government takes on a centrist or nationalist flavor at the expense of traditional state rights—at least temporarily. Other legislation of the era operated discursively to *dominate* space. The Civil Rights Act of 1875, for example, stated that

[A]ll persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

In other words, the Civil Rights Act of 1875 articulated “where one is allowed to be,” (McKerrow, p. 279). It made claims “on what will constitute habitable space,” (McKerrow, p. 279), and specified who may inhabit it. The act thus operated to *dominate* space.

Harvey’s (1990) subdivisions (as discussed in McKerrow, 1999) help to clarify how the Reconstruction Amendments remapped the nation’s *representation of space* following the Civil War. Amendment XIII permanently abolished slavery within the United States, and was an act of *domination*. That is, it articulated a new rule concerning habitable space: It declared that no one would ever again inhabit this nation as a slave. Amendment XV established the franchise rights of black citizens, and granted Congress legislative power to enforce this right. It, too, reflects discursive *domination* of space, declaring the right of freedmen to inhabit a particular civic space—the voting booth.

Amendment XIV is the source of several ideographs that inform the Till rhetoric,<sup>47</sup> including “due process,” “privileges and immunities,” and “equal protection.” Ideographs are a type of ideological short hand, consisting of words and terms that encapsulate a political ideology or philosophy. McGee (1980/2000) has described ideographs as “slogans” that summarize an ideological stance (p. 458), and has further stated that “ideographs are one-term sums of an *orientation* . . .” (p. 460). When we invoke an ideograph, we declare a *position* or stance, which links the concept to this chapter’s focus on space. In the court cases I discuss below, the ideographs from Amendment XIV conduct spatial action—they are used to *access*, *appropriate*, *dominate* and *produce* the spatiality of our nation and its constituent states. Following Reconstruction, the ideographs are employed as a “structuring principle” in a series of

legal challenges (McGee, p. 463); these cases culminate in *Brown v. Board of Education* (1954). In response to the particulars of each case, the meaning of the ideographs “expands and contracts” (McGee, p. 462). In the later decades of the 1800s, the ideographs were challenged in a series of court cases that lead to the Supreme Court’s decision in *Plessy v. Ferguson* (1896). As the meaning of the ideographs contracted in this line of litigation, the nation reaffirmed its commitment to dual federalism, and reverted to its original spatial configuration. After the turn of the century, a second legal trajectory was plotted, which culminated in *Brown v. Board of Education* (1954; 1955). This line of litigation, engineered by the NAACP, again featured the ideographs of the 14<sup>th</sup> Amendment. As the meaning of the ideographs expanded, the legal basis of segregation was gradually undermined.

The ideographs of the Amendment XIV regulated the spatial dynamics of our nation; therefore, I want to discuss their original articulation at more length, and further consider how they altered the nation’s original *representation of space* following the Civil War.

The 14<sup>th</sup> Amendment contains five sections. The first section conveyed U.S. and State citizenship to “all persons born or naturalized in the United States,” and included clauses guaranteeing “privileges and immunities,” “due process,” and “equal protection.” The affirmation of “due process” in Amendment XIV differs slightly in wording from the due process clause of Amendment V. The Fifth Amendment juxtaposes “due process” to the requirement of grand jury indictment, and the prohibition on double jeopardy in criminal prosecution. Amendment V restrains the federal government, which may not deprive citizens of “life, liberty, or property, without due process of law.” The Fifth

Amendment thus reflects the grounding of our nation's original *representation of space* in the doctrine of dual federalism; "due process" restricts the arm of federal government to protect individual rights. The 14<sup>th</sup> Amendment expanded the definition of "due process" by binding the states, as well. It then sealed the guarantee with an "equal protection" clause, in effect injecting a new ideograph into the cluster of ideographs that summarize the rights of citizenship. Section 1 of this amendment states in part:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Amendment XIV also contained provisions to bring the southern states to task—it specified how their representatives were to be apportioned, invalidated their war debts, and spelled out qualifications for their elected officials. Section 3 of the amendment states that no state or federal elected official "shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof." To summarize, Amendment XIV altered key ideological commitments of the United States and demanded that the states abide by these, as well.

The 14<sup>th</sup> Amendment injected a new definition of "due process," what McGee (1980/2000) might call a "new usage" (p. 465). The amendment also mandated "equal protection," and prohibited "insurrection and rebellion." At the time of their articulation, these ideographs operated "rhetorically, as forces" (McGee, p. 464). In this case, the ideographs altered the nation's original *representation of space*, discursively *producing* space, and extending federal power in the realm of civil rights. The 14<sup>th</sup> Amendment also

made claims about the nature of habitable space; by securing “due process” and the “privileges and immunities” of citizenship at both the national and state level, it positioned black Americans as politically (if not socially) equal to whites. The 14<sup>th</sup> Amendment thus functioned to *dominate* the spatial configuration. In addition, by extending “due process” to state actions, the amendment provided a means to *appropriate* space. *Appropriation* within a *representation of space* involves the use of “symbolic codes [that] allow one to name personal and social space” (McKerrow, 1999, p. 279). “Due process” is such a code, one we invoke or enact in our legal system. We demand and follow due process of law in order to protect individual rights and personal liberties. “Due process” *appropriates* a space of protection that shields the individual from the abuses of government and its legal actions. Indeed, Congress included “due process” in the 14<sup>th</sup> Amendment to create an additional buffer to protect the nation’s new citizens. “Equal protection,” a second ideograph from Amendment XIV, *appropriated* space, as well, and became an especially relevant code to black Americans. “Equal protection” also functioned to *access* space. Within a *representation of space*, *accessibility* involves the discursive “measurement of distance,” which “indicates how far or how near objects are in space” (McKerrow, p. 279). “Equal protection” was intended to ensure the freedmen’s *access* to the privileges and immunities of citizenship. The necessity of such a guarantee indicates that Congress recognized a problem with distance and place. At the close of the Civil War, the freedmen were positioned at considerable length from U.S. citizenship. The framers of the 14<sup>th</sup> Amendment included the “equal protection” clause to bridge that distance, to make it possible for black Americans to exercise their citizenship rights. Furthermore, the clause implied the possibility of federal intervention, if the states failed

to assure equal protection of the laws for black citizens. Thus, in the 1950s, “equal protection” was a plea for federal intervention, and a reminder that the nation’s black citizens still occupied a place that was removed from “first class citizenship” (Powell, 1955/2002, p. 135).

Although the 14<sup>th</sup> Amendment appears to have opened the door to federal intrusion into state-administered areas, constitutional scholars debate whether Congress actually intended to do so. Benedict (1974), for example, has argued that a majority of Reconstruction-era Republicans were constitutional conservatives, guided by their understanding of federalism. At the same time, most Republicans favored a stricter process for readmitting rebel states to the Union—this point is what led Congress to break with President Johnson in 1866 (Benedict). Johnson’s plan would have restored these states to the Union more quickly, whereupon the federalist relationship would have resumed. According to Benedict, Republicans in Congress wanted to protect those southerners (black and white) who had remained loyal to the Union during the war. If the rebel states were readmitted according to Johnson’s plan, the resumption of a federalist relationship would have restrained federal power and reduced the ability of Congress to protect the loyalists. For Benedict, this proved that Congress understood and respected the limitations of federal power. Benedict also believed that the notion of increasing federal power gained support only when the South continued to resist. Even then, many Republicans viewed their expanded power as a temporary measure, necessary to respond to the continued violence (Benedict). Once the insurgency subsided and the Union was restored, these Republicans expected to reinstate the federalist relationship (Benedict).



Benedict (1974) has acknowledged that Republicans of the Reconstruction era were splintered—a mix of conservatives, radicals, and moderates. The diversity of these Republicans leads other scholars to somewhat different conclusions. Earl Maltz (1990; 1987, as cited in Wilson, 2002), for example, has argued that the party’s diversity made political compromise essential; he doubts that much legislation would have passed otherwise. According to Maltz, the need to compromise actually tempered the legislation passed during Reconstruction, and this moderating effect offset any Radical desire to expand federal power.

Still other scholars have argued that Congress *did* intend to expand federal authority. Kaczorowski (2005) has stated that from a legal standpoint, Reconstruction legislation was no less than “revolutionary” in that it granted oversight of individuals’ rights to the nation (p. xxiv). For Kaczorowski, the bold legislative agenda passed during Reconstruction is proof that Congress intended to establish federal jurisdiction over civil rights. This was a radical departure from constitutional federalism, under which the states administered civil rights; additionally, this change “required judicial acceptance of legal theories that affirmed the primacy of national authority to enforce and protect fundamental rights” (Kaczorowski, p. xxiv). With respect to the Fourteenth Amendment specifically, Warsoff (1938, as cited in Leek, 1945) has argued that the era’s most radical Republicans intended to attach the entire Bill of Rights to the states via the due process clause. Furthermore, John A. Bingham, who is most often credited with writing the amendment’s first section, apparently “supplemented the due process clause,” tying it to the equal protection and privileges and immunities clauses in order to discourage “a

restrictive interpretation by the courts” (Leek, 1945, p. 189). Similarly, Kaczorowski (2005) has argued that

The framers of the Fourteenth Amendment defined . . . individual liberty more precisely as the status and rights of United States citizenship. They believed citizenship rights included the generic rights to life, liberty, and property, and rights incident thereto, such as rights guaranteed in the Bill of Rights, and that these constitutional guarantees delegated to Congress plenary power to secure and enforce them. The Fourteenth Amendment also guaranteed to each inhabitant of the United States due process of law and the equal protection of the law to ensure their personal safety and personal freedom. (pp. xiii – xiv)

When southern states refused to ratify the 14<sup>th</sup> Amendment, the federal government imposed law and order in the rebel territory through military occupation. Following the war, southern whites lost their rights of property in slavery and saw their state governments invalidated; stipulations were placed on whom they could elect to office, once their new state constitutions were ratified. If Amendment XIV failed to communicate change, military occupation surely made the message clear: Congress had reconfigured the old boundaries of federalism, tipping the balance of power—at least temporarily—to favor the nation and its Republican government. To whites who had supported the Confederacy, Reconstruction must have seemed like chaos. The pressure to ratify the new constitutional amendments, federal demands for new state constitutions, and the indignity of martial law constituted an assault on the sanctity of home rule and states’ rights. The changes instituted during Reconstruction to the nation’s *representation of space* were short lived, however. By the end of the 1800s, the old boundaries of dual

federalism had been reaffirmed, and with it, a heterotopian society of strict racial segregation became entrenched throughout the South. Indeed, the chaos of Reconstruction would prefigure a second crisis, midway into the following century, when the Supreme Court's decision in *Brown v. Board of Education* (1954) invalidated school segregation.

### *Reaffirming Old Boundaries*

To borrow a term from Lucaites and Condit (1990/2000), the ideology of “State’s rights” was “revivified” with the reaffirmation of American federalism in the years following Reconstruction. To illustrate this, I will briefly trace the 14<sup>th</sup> Amendment’s ideographs through four key Supreme Court cases. These cases tested the limits of the amendment, and, at least temporarily, contained its sweep and effectiveness. This legislation re-inscribed the old boundaries of dual federalism by delineating state and federal responsibilities, and curtailing the reach of federal authority. These cases culminated in *Plessy v. Ferguson* (1896), which sanctioned a separate-but-equal doctrine, and enabled the production of a racial heterotopia throughout the South.

The first significant test of Amendment XIV, the *Slaughterhouse Cases* (1873), came as a surprise while Congress was weighing a Civil Rights Bill. The *Slaughterhouse Cases* involved an association of butchers—all white men—who claimed that the incorporation of a central slaughterhouse in New Orleans constituted a state infringement upon their right to labor, and therefore violated the privileges and immunities clause in Section 1. According to Benedict (1999), the *Slaughterhouse Cases* drew attention to contradictions in the Republican philosophy that informed the 14<sup>th</sup> Amendment: While desiring to ensure citizenship rights for black Americans, Congress did not want the

federal government to assume authority that had traditionally belonged to the states.<sup>48</sup> In drafting the amendment, the Republicans in power tried to negotiate this contradiction. According to Benedict, they reasoned that the federal government should intervene only when states violated or failed to protect the civil rights of U.S. citizens. The men who framed the amendment never anticipated a claim based on a right to labor (Benedict). While the butchers' association lost the case, the Court's 5 to 4 opinion made a critical distinction between the rights of U.S. citizens, and the rights a state might grant. This notion of dual citizenship curtailed the scope of the privileges and immunities clause and restricted federal enforcement authority. In explaining the consequences of the Slaughterhouse opinion, Claudine Ferrell (1986) has observed an irony: Although Justice Samuel F. Miller affirmed the importance of the 14<sup>th</sup> Amendment and acknowledged its primary benefit to black citizens, the opinion he wrote gutted this potential.<sup>49</sup> As a result, Congress found it increasingly difficult to intervene in the states or to exercise constitutional authority in civil rights issues (Ferrell). In particular, the notion of dual citizenship "meant federal civil rights statutes based on the Fourteenth Amendment had to be based on either state or private denial of one of the few rights of national citizenship or on state denial of equal protection or due process rights" (Ferrell, p. 18). One consequence then, was the restriction of national citizenship rights (Ferrell). Additionally, Ferrell has argued that the opinion thwarted efforts to pass a federal anti-lynching bill. At a minimum, the *Slaughterhouse Cases* exposed the 14<sup>th</sup> Amendment's vulnerabilities. Whether it intended to do so or not, the opinion communicated a message that the Court was favorably disposed toward state rule (Ferrell). The opinion thus marked the beginning of a shift back to a *representation of space* based on dual federalism.

The second case, *U.S. v. Cruikshank* (1876), involved an appeal by three white men who were convicted following the Colfax Massacre<sup>50</sup> of conspiring to deprive black men of their constitutional rights. Their appeal claimed that the indictments were flawed because they did not specify that the rights in question were federal rights. In its opinion, the Court agreed that the indictments were lacking. According to Salyer (1999), the *Cruikshank* opinion upheld the distinction between federal and state citizenship that was articulated in the *Slaughterhouse Cases* (1873), and restricted the 14<sup>th</sup> Amendment's due process and equal protection clauses to cases in which states infringed upon the federal rights of citizens. In other words, the federal government would not guarantee due process or equal protection when an individual violated another person's rights. In essence, the appeal challenged the rules of the nation's new *representation of space* and undermined the federal government's *domination* of that space. Additionally, by affirming the distinction between federal and state citizenship, *Cruikshank* placed citizens in two positions at once. For black Americans, dual citizenship was an especially precarious position, closed off, in part, from federal protection.

The *Civil Rights Cases* of 1883 challenged the 14<sup>th</sup> Amendment's equal protection clause and tested the constitutionality of the Civil Rights Act of 1875, which Congress enacted in order to desegregate public facilities, such as transportation and hotels. The majority opinion, written by Justice Joseph P. Bradley, acknowledged that the 14<sup>th</sup> Amendment covered acts of discrimination by states: If a state's law resulted in racial discrimination, or if a state official engaged in racial discrimination, the federal government might intervene. However, Bradley argued, the restrictions imposed by Congress in the Civil Rights Act of 1875 were "repugnant to the Tenth Amendment of

the Constitution, which declares that powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people” (*Civil Rights Cases*, 1883). According to Cottrol (1999), this opinion limited federal authority in guaranteeing equal protection, and undermined the practical objectives of Amendment XIV.<sup>51</sup> Bradley’s reference to the Tenth Amendment makes the *Civil Rights Cases* spatially significant; the ruling reaffirmed the original boundaries between state and nation, and *reproduced a representation of space* that was consistent with the nation’s founding doctrines of dual federalism. The ruling restricted the reach of Congress: Any federal legislation that impinged on individual behavior would be unconstitutional, and a violation of states’ rights. In reaffirming the traditional boundaries, the opinion prohibited federal intervention in most civil rights matters; the spatial consequence was a nullification of the nation’s claims on “what will constitute habitable space” (McKerrow, 1999, p. 279). With their own *domination* reaffirmed, and the knowledge that federal enforcement had been effectively constrained, southern states began to *appropriate* space, passing Jim Crow laws and instituting a segregated society. By enabling whites to discriminate against blacks, the *Civil Rights* ruling also limited the mobility of black Americans—it restricted their *access* to space—and thus made it possible for whites to *produce a space of representation* and construct a heterotopian society.

*Plessy v. Ferguson* (1896) was a test case to challenge the constitutionality of Jim Crow laws under the 13<sup>th</sup> and 14<sup>th</sup> Amendments. The case involved a Louisiana law that required railroads to provide segregated cars, and compelled passengers to remain segregated while traveling. In its ruling, the Court upheld Louisiana’s law and decreed

that racial separation did not necessarily imply racial inferiority. Justice Henry B. Brown, who wrote the majority opinion for the court, believed that laws were ineffective against a society's entrenched customs (Pratt, 1999). Furthermore, to support his opinion, Brown compared racial segregation in rail accommodations and racial segregation in education. For example,

We cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the Fourteenth Amendment than the acts of Congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of state legislatures. (*Plessy v. Ferguson*, 1896)

According to Pratt, “the enduring effect of Brown’s analogy was to place the Court’s imprimatur on a considerably expanded field in which segregation was justified” (p. 240). In justifying segregation, *Plessy v. Ferguson* reified racial borders throughout the South.

To summarize, although Amendment XIV appeared to expand national authority in the realm of civil rights, this change was short lived. By the end of the century, the nation had reverted to a *representation of space* based on the original concept of dual federalism. Through a series of federal court cases, the old boundaries between state and nation were reaffirmed. The reaffirmation of dual federalism made the “equal protection” guarantee something of an empty promise, and it enabled the production of a *space of representation* that privileged states’ rights and home rule.

### *The Post-Reconstruction South as a Space of Representation*

Although Amendment XIV was eventually ratified following the Civil War,<sup>52</sup> southern whites reasserted spatial and ideological control<sup>53</sup> when they redeemed their states and regained power, circa 1877. With the end of Reconstruction, a caste system based on race and place began to emerge in the South. In Mississippi, Democrats—led by the white elites who still controlled the cotton plantations—gained political control of the state with the close of Reconstruction. For several years, the Democrats maintained political and social stability through intimidation, and under their regime, the state’s “‘good’ Negroes were allowed considerable leeway—access to public accommodations, voting, holding minor offices, and the like” (Peirce, 1974, p. 168). However, pervasive poverty led to economic instability, and as a result, southern whites continued to live in “fear of a black political revolt” (Peirce, p. 169). The rise of the Populist Party only compounded the anxieties of white elites.

The Populist Party emerged in the South as a political movement of poor black and white farmers who united during the agrarian depression of the late 1880s. Alarmed by the potential power of this collaboration, southern Democrats coerced black citizens “to vote Democratic or face retaliation” (Bell, 2004b, p. 41). The strong-arm tactics revealed the strength of the Democrats’ resistance to any political opposition, and underscored the potential power of the black vote. White Populists quickly calculated the cost: Competition over black votes could increase black influence at the expense of white political power. Fearing the Democrats might next retaliate against poor white voters, the white Populists joined forces with the Democrats to strip black citizens of their voting rights in what Derrick Bell (2004b) has called “the Southern Disenfranchisement



Compromise” (pp. 41-44). Peirce (1974) has discussed the disenfranchisement of Mississippi’s black voters more specifically. The Reconstruction-era constitution, thrust upon the state during federal occupation, had long offended white Mississippians’ “sense of pride and ‘Southern rightness’” (Peirce, p. 169). Furthermore, following Reconstruction, the Democrats had corrupted Mississippi’s election system through intimidation, violence, vote buying, and other types of fraud (Peirce, pp. 168-169). In 1890, Mississippi drafted a new constitution to incorporate a legal mechanism to preserve its white citizens’ political advantage. Designed to skirt the 15<sup>th</sup> Amendment, Mississippi’s new constitution restricted black voting by charging a poll tax, increasing residency and registration requirements, and requiring voters to pass a literacy test.<sup>54</sup> Concurrent with these new voting requirements, the state enacted Jim Crow laws to segregate public facilities. Although white elites supported the voting restrictions, which helped maintain Democratic political control, they actually resisted Jim Crow legislation for a brief time.<sup>55</sup> C. Vann Woodward, perhaps the most eminent historian on the South, argued that poor whites were the driving force behind Jim Crow. “It took a lot of ritual and Jim Crow to bolster the creed of white supremacy in the bosom of a white man working for black man’s wages” (Woodward, 1951, as cited in Bernstein, 1963, p. 202; also cited in Bell, 2004b, p. 44). Having shared the same political and economic concerns with black citizens just a few years earlier, poor whites had since developed a sense of diminishing social status. To mark their white superiority, they demanded racial segregation. Barton Bernstein<sup>56</sup> (1963) explains further:

For the poor white, caste would protect class. Jim Crow was designed as an ‘annoying oppression,’ contrary to the *Plessy* opinion. Separation of the two races would constitute a constant and visible affirmation of the continuing inferiority of blacks to whites. (p. 202)

In 1896, the Supreme Court decision in *Plessy v. Ferguson* upheld the notion of “separate-but-equal.” A heterotopia was thus instantiated; complete with an infrastructure and social code to segregate the races physically, it assured even the poorest whites that they were socially superior to blacks.

In this way, the southern states overlaid a segregated *space of representation* upon the nation’s *representation of space*. According to Lefebvre (1991), we actually inhabit or “live” within *spaces of representation*. This level of spatiality is built on top of a *representation of space*; for example, the homes, apartments and condominiums we live in are built upon spaces designated by a city’s master plan as residential. We shop at the new mall, located within the commercial zone, or we might work at a factory, which occupies ground in the city’s industrial park. *Spaces of representation* share an important characteristic of heterotopias: They are not *public*. As Foucault (1986, cited in McKerrow, 1999) has stated and McKerrow has emphasized, access to these spaces is by “permission”—they are ““not freely accessible”” (p. 282). For example, I may only (lawfully) enter the mall during its business hours. If I want to shop there at 1 a.m., however, I will find the entrance locked. Similarly, it required ““a certain permission to enter”” segregated spaces throughout the South. A strict code of conduct or “custom” evolved to regulate access and maintain racial separation. For example, a black person

might use the sidewalk, but would be expected to step off or even cross the street when a white person was using it.

Within a *space of representation*, objects take on symbolic significance and communicate to us as we traverse the space. Aden, Pearson, and Sell (2007) provide the example of a McDonald's restaurant, which illustrates the differences between *representations of space* and *spaces of representation*, how these levels of spatiality intersect, and how they "communicate." A McDonald's is built within a city's *representation of space*—within the city's commercial district—and located on a street at a particular address that has been designated by the city. Within McDonald's *space of representation*, however, "everything from its golden arches, standardized menu, and uniformed employees *communicates* meaning to those who live in, or enter its space" (p. 3, emphasis added). It is thus useful to think of these levels of spatiality as having a discursive nature. Shields (1999; also cited in Aden, et al., 2007) has described *representations of space* as "discourses on space" (Shields, p. 161); a zoning plan, for example, is a city's official discourse on its space—it articulates its space. As a "discourse on space," the nation's revised *representation of space*, as articulated in the Reconstruction Amendments and related civil rights legislation, remapped the boundaries between state and nation and their respective authorities. The amendments positioned the freedmen as American citizens, proclaiming that they rightfully belonged within its borders. In contrast, a *space of representation* is the "discourse of space" (Shields, 1999, p. 161; also cited in Aden, et al., 2007). An upscale residential community, for example, communicates its exclusiveness when we pass through the iron gate at its entrance. In similar fashion, being forced to sit in the black coach on the East Louisiana Railway

communicated a condition of “servitude” to Homer Plessy, pinning upon his person a “badge of slavery” (*Plessy v. Ferguson*, 1896). In other words, the objects within a *space of representation* “speak” to us as we experience the space—in this way, the space communicates a discourse.

The discourse communicated by a *space of representation* can also be analyzed using David Harvey’s subdivision of spatial practices (McKerrow, 1999; see p. 281 for an overview); the categories of *access*, *appropriation*, *domination*, and *production* apply here, as well. Consider then, the symbolic significance of the railing in the Sumner courtroom, as it was adapted to *dominate* space. Within a *space of representation*, the practice of *domination* involves “reference to monuments or other spaces dedicated to repression or other symbolization that distances, separates, or creates traditions that control the populace” (McKerrow, p. 281). Sheriff H.C. Strider used the railing, an architectural feature typically used to separate those involved with the trial from public spectators, to segregate members of the press by race. Strider provided preferential seating for 22 white reporters “inside the rail where they could easily hear the proceedings” (Wilson, 1955/2002, “Jim Crow Press,” p. 48). In a display of spatial *domination*, Strider set up a card table with four chairs *behind* the railing for black reporters. “We don’t mix down here, and don’t intend to start now,” Strider declared. (Wilson, p. 48). Except for her testimony on the witness stand, Mrs. Bradley also sat at the card table when she attended the trial. Seated behind the rail and segregated from the proceedings, Mrs. Bradley’s placement was more than ironic. The racially segregated *space of representation* that was overlaid on the nation’s *representation of space* made Mrs. Bradley a spectator to the process of justice. This particular production of space was

*dominated* by white Mississippians. It is not surprising, then, that Mrs. Bradley's detailed testimony confirming the identity of her son, Emmett,<sup>57</sup> was discounted in favor of Sheriff Strider's statement "that the body was bloated beyond recognition and that he was unable to determine whether the body was that of a white man or Negro" ("Sheriff Strider's Testimony," 1955/2002, p. 98).

### *Challenging the Heterotopian Order*

By 1900, the nation's *representation of space* had reverted to its original configuration based on dual federalism. Ideologically and spatially, whites controlled the American South. Black American leaders and advocates, most notably the National Association for the Advancement of Colored People (NAACP), systematically set about the task of reversing the Supreme Court's opinion in *Plessy v. Ferguson* (1896). This reversal occurs through a series of test cases that challenged the constitutionality of segregation under the 14<sup>th</sup> Amendment. Each of the cases I discuss above reshaped the nation's *representation of space*. The cases I present below, however, impacted the *space of representation*; each challenged the legal basis of segregation, and chipped away at the heterotopian foundation of the South. These cases include: *Missouri ex rel. Gaines v. Canada* (1938); *Shelley v. Kraemer* (1948); *McLaurin v. Oklahoma State Board of Regents* (1950); and *Sweatt v. Painter* (1950). Each case tested the validity of *Plessy's* separate-but-equal doctrine, and each prevailed on an appeal to "equal protection." This line of litigation culminated in the Court's decisions on *Brown v. Board of Education* (1954; 1955).

The first significant case in the NAACP's efforts to undermine the separate-but-equal doctrine was *Missouri ex rel. Gaines v. Canada* (1938; also see Burns, 1999b).

When Lloyd Gaines, a black student, sought admission to Missouri's all-white law school, the state, offered to pay his tuition at an out-of-state law school.<sup>58</sup> This was done in accordance with Missouri statute, which construed the equal protection clause as an obligation to provide comparable training. Attorneys for Gaines argued that a Missouri law degree offered advantages<sup>59</sup> that could not be obtained from an out-of-state institution; this was particularly true if the student planned to eventually practice in Missouri. The Court agreed that Missouri's laws had created a privilege available to whites but denied to blacks; it found the state in violation of the equal protection clause, and affirmed Gaines' right to be educated within the state. The provision of comparable education in another state failed to meet the Court's test of separate-but-equal: A state must assure equal protection to citizens within its own jurisdiction and boundaries. Although it stopped short of renouncing segregation, the Court's opinion made it clear that *Plessy's* separate-but-equal doctrine had limitations.

In *Shelly v. Kraemer* (1948), a second assault on the separate-but-equal doctrine, the Court considered the issue of property covenants that restricted the sale and ownership of real estate on the basis of race. Here the Court agreed that state enforcement of such covenants denied the equal protection of laws to black citizens, and thus violated the 14<sup>th</sup> Amendment. According to Allen (1999), the Court viewed state enforcement of racial covenants as constituting a *policy* of segregation: "By invalidating enforcement of racial covenants, it destroyed one of the most formidable instruments yet devised to effectuate discrimination" (p. 284). In this case, the Court considered only the validity of judicial enforcement, which left the status of similar voluntary and private agreements unexamined.

The Court announced its opinions in *McLaurin v. Oklahoma State Regents for Higher Education* and *Sweatt v. Painter* on June 5, 1950. Both cases concerned the provision of higher education to black Americans and involved questions concerning the 14<sup>th</sup> Amendment's guarantee of equal protection under the law. When forced by a federal district court to admit George McLaurin, an African American student, to its graduate program in Education, the University of Oklahoma tried to comply with both the federal order and Oklahoma laws. The university maintained in-house segregation by designating separate seating for black students in its classrooms, dining facilities, and library. Consequently, "McLaurin found himself enshrouded in the segregationist equivalent of a plastic bubble" (Burns, 1999a, p. 185). The Court held that the University of Oklahoma had treated McLaurin differently than its white students, and thus had violated the 14<sup>th</sup> Amendment's equal protection clause. According to Burns, the Court maintained its distinction between state and individual action in *McLaurin*: Although the 14<sup>th</sup> Amendment does not pertain to how one might be treated by individuals, equal protection does apply to states, and states are not to treat individuals differently on the basis of race.

In *Sweatt v. Painter* (1950), the court clarified its thinking about what conditions might constitute separate-but-equal (Burns, 1999c). Having denied Herman Sweatt admission to its law school, the University of Texas attempted to establish an accredited black law school while Sweatt's case made its way through the courts. In its unanimous decision, the U.S. Supreme Court ruled that the schools would still be unequal—for example, the factors that contributed to the reputation and prestige of the existing white school would not be present in the new black school. According to Burns (1999a; 1999c), the *McLaurin* and *Sweatt* decisions signaled the futility of *Plessy*'s separate-but-equal

standard: The test of equality in regard to state-supported higher education could not be met with separate facilities. “By implication, the principle was not achievable in any area of public life. . . . statutory segregation was doomed, whether by piecemeal dismemberment or one sweeping judicial thrust” (Burns, 1999c, p. 298).

*Brown v. Board of Education* (1954) registered as a judicial earthquake, with the Court finally addressing the core question posed by *Plessy v. Ferguson* (1896): Can separate be equal? Although *Brown v. Board of Education* challenged school segregation specifically, its consequences extended potentially to the entire fabric of American society, and thus threatened to expose the fiction of separate-but-equal in southern life. In its opinion, the Court broke from its tradition of narrowly interpreting the letter of the law. In determining school parity, it was no longer sufficient to measure only tangible factors—public schools must also consider the *social* effects of segregation. Separate would never be equal in education; thus, segregation in public education violated the 14<sup>th</sup> Amendment’s equal protection clause, and was unconstitutional.

Anticipating aftershocks from its 1954 decision, the court issued a separate opinion on relief the following year. In *Brown II*, however, the Court offered no clear-cut remedy or concrete guidance on how to achieve educational equity; local schools were left to develop and implement their own desegregation plans. The ruling acknowledged that questions would arise during the process of desegregation, and affirmed that local courts should decide those questions, embracing “practical flexibility” to develop equitable solutions. According to Hutchinson (1999), “if *Brown I* contained moral clarity without explicit doctrinal foundation, *Brown II*—rendered one year later—lacked both” (p. 35). Hutchinson also observed that the NAACP urged that desegregation proceed



quickly; however, the Court feared “hostility and even violence if NAACP views were adopted” (p. 35).

The line of litigation that culminated in *Brown v. Board of Education* (1954) includes *Missouri ex rel. Gaines v. Canada* (1938), *Shelly v. Kraemer* (1948), *McLaurin v. Oklahoma State Regents for Higher Education* (1950), and *Sweatt v. Painter* (1950); each of these challenged the *production* of a segregated *space of representation*. In each case, the vehicle of production is different. The state of Missouri attempted to construct a separate-but-equal space by paying Lloyd Gaines’ tuition at an out-of-state law school (*Missouri ex rel. Gaines v. Canada*, 1938). White property owners, with enforcement assistance from their states,<sup>60</sup> maintained segregated (separate-but-equal) neighborhoods by incorporating white-only restrictions in their property deeds (*Shelly v. Kramer*, 1948). The University of Oklahoma, in an in-house effort to engineer separate-but-equal space, segregated seating in its classrooms, dining halls, and libraries (*McLaurin v. Oklahoma State Regents for Higher Education*, 1950). The state of Texas, in a last-ditch attempt to demonstrate that separate could be equal, built a new, accredited law school for black students (*Sweatt v. Painter*, 1950). In the end, *Brown v. Board of Education* (1954) affirmed the futility of even the most sincere efforts to equalize separate facilities—segregated schools created social differences, which in turn produced inequality. Each of these cases prevailed on a challenge based on the equal protection clause of the 14<sup>th</sup> Amendment; progressively, each case chipped away the foundation of this space of representation: the doctrine of separate-but-equal, which had been institutionalized by *Plessy v. Ferguson* (1896).

As applied to *spaces of representation*, spatial *production* occurs “through the creation of imaginary spaces held by desire, or in constructing mythological or fictional spaces wherein escape from domination is possible” (Harvey, 1990, as cited in McKerrow, 1999, p. 281). McKerrow provides the example of a novel to illustrate a *space of representation*; we experience this type of space when we read romances or science fiction (p. 281). Given this example, a *space of representation* seems harmless, perhaps liberating, and quite appealing. In struggling to give birth to this chapter, it sounds positively delightful, as I would welcome an escape from the tyranny of writing right now. *Spaces of representation* have a potential dark side, however: They can be exclusionary, which is why McKerrow also equates them with heterotopias. We might therefore experience a *space of representation* as oppressive, serving to control our presence and actions within it (McKerrow). We can readily acknowledge that the segregated South, with its elaborate code prescribing interracial interactions, was an oppressive space. For black Americans, misunderstanding the code or violating custom could result in death. Therefore, if I say that the segregated states were “mythological or fictional,” spaces, many readers would be hard pressed to understand. Furthermore, if I claim this particular *space of representation* enabled an “escape from domination,” still more readers would shake their heads in disagreement and disbelief. The segregated South, after all, did exist; the bodies that suffered the pain and oppression of this social system were real. Segregation was one of the most unjust chapters of American history. Segregation, however, was grounded in myth—the bald fiction of separate-but-equal. Furthermore, the southern whites who produced this *space of representation*, this heterotopia, were motivated by desire—the desire to assure their racial superiority and to

escape the domination of the federal government. The doctrine of separate-but-equal sustained a way of life that allowed southern states, under the political control of white citizens, to escape federal mandates related to the Reconstruction Amendments. In other words, separate-but-equal was a fiction that served (white) states' rights—at least until *Brown v. Board of Education* (1954) signaled its end.

I would be remiss if I did not acknowledge Derrick Bell's criticisms of *Brown v. Board of Education* (2004a, 2004b), particularly his concerns that the decision failed to serve the educational interests of most black Americans. In particular, Bell (2004a) has faulted the opinion as being rooted in the goal of "integration idealism" as opposed to real "educational equity" (p. 45). As a consequence, civil rights activists measured compliance with *Brown II* (1955) by determining whether black and white students were fairly represented within a school's population (Bell, 2004a). However, Bell has argued, "racial balance" is not a "guarantee of effective schooling," (2004a, p. 45). In retrospect, he has suggested that a court order to force *educational equity* may have served Black Americans better (Bell, 2004a, 2004b). Bell's critique is compelling, and is not inconsistent with my claim that the "separate-but equal" ideal was a myth. In essence, Bell is saying that "integration idealism" is also a myth. The myth of "separate-but-equal," the code of the space of representation, was supplanted by "integration idealism," a myth grounded in the *representation of space*.

#### *White Resistance and the Ideological Context*

In the 1950s, Southern whites were content with the fiction of separate-but-equal, and quite convinced that "a Negro who bears respect for established custom here is safer and happier here than he would be anywhere in the world" (Observer, 1955/2002, p.

151). The White Citizens' Councils, organized following the Supreme Court's 1954 decision to resist school desegregation, officially claimed that both whites and blacks "prefer segregation" (Irish, 1960, p. 413). Given that the separate-but-equal myth had served them well, it is not surprising that whites would hope to preserve it. The key rhetorical strategy they employed for this purpose was to characterize *Brown v. Board of Education* (1954) as an "attack on states' rights" (Bell, 2004a p. 95). In the aftermath of the Court's decision, influential organizations, including the Southern States Industrial Council, promoted the idea that "the cornerstone of our constitutional government is 'states rights'" (Irish, 1960). In March 1956, ten months after the Court's decision on relief (*Brown II*, 1955), 100 Southern Congressmen protested the *Brown* decisions by issuing a "Declaration of Constitutional Principles." Their "Declaration" charged that the U.S. Supreme Court had exceeded its power, violating "'the reserved rights of the states'" (Irish, p. 417). In Mississippi, Judge Thomas P. Brady, a former Dixiecrat who later became a justice of that state's Supreme Court, called *Brown v. Board of Education* (1954) "unconstitutional" (McMillen, 1971, p. 17). In his "Black Monday" speech, Brady grieved the Court's decision and exhorted whites to resist it; his call to action provided impetus for the White Citizens' Council movement (McMillen). The Association of Citizens' Councils adopted "Black Monday" as a founding document, and published it in paperback. Marian Irish (1960) offers this description of the book:

The front cover puts it plainly: 'Segregation or Amalgamation . . . America has its choice.' The cover-back warns us graphically, 'Lest we forget, integration of the races and destruction of White America is one of Communist Russia's

objectives.’ [The graphic part is the picture of a clenched fist, tattooed with the hammer and sickle, striking at states’ rights!]]” (p. 413)

The Cold War thus contributed rhetorical fodder to the White Citizens’ Councils, particularly the ideographs “democracy” (or alternately “Americanism”) and “communism.” According to the journalist, David Halberstam (1956), the White Citizens’ Council promoted itself as “a democratic organization fighting against ‘totalitarian’ coercion from outside. ‘The Citizens Council movement,’ says a booklet, ‘is the modern version of the old time town meeting, called to meet any crisis by expressing the will of the people’” (p. 294). Quick to respond to any challenge, the Councils labeled any organization that disagreed with their goals or tactics—from the NAACP to progressive churches—as “un-American” or “Communist-front” (Irish, p. 413). These strategies suggest that southern whites had been primed by the cold war context, and that they feared an expansion of federal power. The rhetorical strategies also reveal spatial motives—the territorial interests—that inspired their resistance: Whites needed to preserve the primacy of states’ rights in order to maintain the fiction of separate-but-equal on which their way of life depended. Finally, the rhetorical strategies also affirm that the ideographs of “democracy” and “communism” were actively circulating in the local context when Till visited Mississippi. These ideographs motivated white resistance to *Brown v. Board of Education*—they were active and available to be used in the process of rhetorical invention.

Several additional factors should be considered in assessing the context of Till’s murder, as well. As I discuss in the Chapter 2, the NAACP’s anti-lynching efforts had crossed purposes with the Association of Southern Women for the Prevention of

Lynching and the Tuskegee Institute. To end lynching, the ASWPL and Tuskegee worked within an understanding of southern culture and its resistance to change. That is, they worked within the *space of representation*—they acknowledged its rules. Neither Tuskegee nor the ASWPL posed a threat to the southern way of life or its politics. By contrast, the NAACP construed lynching more broadly, and worked within the *representation of space* for change at the national level. The NAACP had long sought an anti-lynching bill, which, if passed, would have threatened the federalist balance between nation and state by making federal intervention in lynching cases the law of the land. Additionally, the NAACP had pursued the legal strategy used to reverse the Plessy decision. Their lawsuits featured the ideographs of “equal protection” and “due process,” which also informed the national and local discourse.

To summarize, the Supreme Court’s opinions from 1938 to 1955 had threatened the statutory basis of segregation throughout American society. Additionally, the Cold War had heightened fears throughout the nation that American-style democracy was imperiled by the specter of communism. In a state that had remained culturally isolated from the rest of the nation, the Supreme Court’s decisions in *Brown v. Board of Education* (1954, 1955) were mortar shells that blasted Mississippians from their political isolation, and likely exacerbated their fears about communism (Pierce, 1974). All of these factors primed southern whites to view *Brown v. Board of Education* (1954, 1955) as unconstitutional—an attack, not only on segregation, but also on states’ rights and home rule. Many southern whites construed integration as part of a Communist agenda, and perceived the Court’s opinions as *prima facie* evidence that even the highest echelons of federal government were susceptible to Communist infiltration. The over-arching context

of Till's murder was thus conducive to a reading that produced a "synchronic conflict" of ideographs that pitted "due process" against "equal protection," and "democracy" against "communism."

*Ideology and the Struggle for Power and Spatial Control*

The murder of Emmett Till inaugurated and sustained the Civil Rights movement of the 1950s and 1960s; it inspires black and white Americans still today. The brutality of the crime continues to shock us, and reading the account from the safe distance of 50 years leaves us feeling unsettled. The tenor of the rhetoric is uncompromisingly political, and somehow, disquieting.

The Till discourse is striking in its ideological references. An ideographic pairing, "equal protection" and "due process," structured the rhetorical response; this is modified by a second pair of ideographs, "democracy" and "communism," which circulated in the temporal context. Within each pair, the ideographs are dialectically related—the terms exist in tension or oppose one another. Speakers employed the ideographs in a dialectical struggle to direct power and manipulate the spatial configuration—the federalist relationship between nation and state. As I have stated in Chapter 2, the word "lynching" is intertwined with the "equal protection" ideograph. As a key provision of the 14<sup>th</sup> Amendment, "equal protection" is part of the discourse that rearticulated the nation's *representation of space* following the Civil War. As an ideograph, "equal protection" gained resonance with black Americans, in part because it structured the line of litigation used to challenge the separate-but-equal doctrine of *Plessy v. Ferguson* (1896). Accordingly, when Roy Wilkins called the crime a "lynching," it called into play the ideographs that structured the responses to Till's murder. Wilkins' statement—reported

in the southern press on September 1, 1955, the day after Till's body was discovered—was an accusation that Mississippi had failed to provide equal protection of the laws to black citizens—even to black children. “It would appear from this lynching that the State of Mississippi has decided to maintain white supremacy by murdering children,” Wilkins claimed (“Muddy River,” 1955/2002, p. 18). “The killers of the boy felt free to lynch him because there is in the entire state no restraining influence of decency . . . ,” he further argued (from the NAACP's official statement on the killing, as cited in Metress, 2002, p. 19). The conclusion to be drawn was that the NAACP had accused Mississippi of failing to fulfill its 14<sup>th</sup> Amendment obligations, and was incapable of doing so. A call for federal intervention was implied in Wilkins' remarks.

Over the next several days, external news coverage exacerbated the situation. The *Chicago Defender* elaborated on the State of Mississippi's complicity: “The blood of ‘Bo’ Till is on the hands of the five candidates for governor of Mississippi who campaigned on an anti-Negro platform in recent elections. They charged the atmosphere of the state for acts of violence” (“Blood on Their Hands,” 1955/2002, p. 25). The *Defender* explicitly called on the federal government to act:

It is up to the administration in Washington to begin action once and for all to end the crime of lynching that has degraded our nation. Full justice must be meted out to the two men now being held for this dastardly crime. A federal anti-lynching law must be passed and in addition, it should be made a federal offense to interfere with or attack any religious or racial group in elections. (“Blood on Their Hands,” 1955/2002, p. 26).



Furthermore, Mrs. Bradley invoked “equal protection” as she spoke to the crowd at the visitation for her son:

I’m not bitter against all white people. Many good white people will help me, I know, but I do want these lynchers of my boy punished. And it’s the Federal government’s job to punish Mississippi for its refusal to protect colored people. (Hirsch, 1955/2002, p. 32).

Collectively the rhetoric of Wilkins, the *Chicago Defender*, and Mrs. Bradley had spatial implications. Their words were an attempt to produce a spatial configuration that was more conducive to the needs of black Americans, specifically, one in which the *representation of space* (the nation) dominated and assumed priority over the *space of representation* (the state and local community). Their words advocated a return, of sorts, to the spatial configuration that existed during Reconstruction.

The response of Mississippi’s white press indicates that locally, Wilkins’ statement was understood as an attempt to leverage the “equal protection” clause of Amendment XIV, and a call for federal intervention. In addition to questioning the NAACP’s definition of “lynching,” which I discuss in Chapter 2, Mississippi’s white press used other rhetorical strategies to counter the accusations. Immediately after Wilkins’ statement, the state’s white newspapers tried to demonstrate that Mississippi treated black Americans with equality under the law. The *Jackson Daily News* compared the Till case to the murder of Willard Menter in New York City. The Leflore County sheriff, George Smith, had arrested Milam and Bryant and was treating the case with the same diligence the Brooklyn police were according the Menter case: “Sheriff Smith took exactly the same action as the Brooklyn Police Department after being notified of the

crime. He did his sworn duty, as any law enforcement officer is expected to do” (“Designed to Inflamm,” 1955/2002, p. 21). Additionally, Mississippi’s governor, Hugh White, had ordered the district attorneys from two counties to investigate.<sup>61</sup> “The governor said Mississippi ‘will not tolerate’ such actions,” the paper reported; furthermore, all “responsible” Mississippians were united in condemning the crime (“Designed to Inflamm,” 1955/2002, p. 21). Mississippi was doing its best to apply the law equally, and on par with other states: “Mississippi law officers are doing all they can to bring the guilty parties to justice. There is nothing but contempt in the hearts of all right-minded Mississippians for those who committed this evil crime” (“Designed to Inflamm,” 1955/2002, p. 22). Furthermore, the state and local communities were providing “equal protection” of the laws, even as the NAACP was seeking to “inflamm the nation against the South in general and Mississippi in particular” (“Designed to Inflamm,” 1955/2002, p. 21). In other words, if local law enforcement officers were doing their duty, if they responded to the crime as any competent officer of the law should, then they were applying the law equally and without prejudice; therefore, Mississippi was providing “equal protection.” This line of reasoning reflects a restricted definition of “equality,” derived from the Reconstruction-era; it is the residue of what Wilson (2002) has called the “rhetoric of place,” and it echoed the moderate democrats’ insistence that the 14<sup>th</sup> Amendment granted black citizens legal and political equality, but not social equality.

The southern white press also countered calls for “equal protection” by referring to “due process.” During the discovery and indictment phase of the case, Mississippians agreed that the crime was a travesty and the murderers should be punished (Whitaker,

2005; Houck, 2005). To prove their state's diligence and sincerity, the *Jackson Daily News* and the *Greenwood Morning Star* pointed to the vigor of the ongoing investigation, and the fact that Milam and Bryant were in jail awaiting swift trial ("Designed to Inflamm," 1955/2002; Ethridge, 1955/2002b; "Meddling in Local Case," 1955/2002). Even the journalist Tom Ethridge (1955/2002b), whose views were unapologetically pro-segregation, agreed on these points: "Like every other responsible, law-abiding Mississippian, we are anxious to see justice done, fully and quickly" (p. 24). However, Mississippi was a society governed by laws, and the state's "intelligent" citizens nonetheless understood that the criminals "should be removed from society by due course of law" ("Designed to Inflamm," 1955/2002, p. 21). As the NAACP increased its pressure and calls for federal intervention, Mississippi's white press began to complain of interference from outsiders and agitators ("Bad News," 1955/2002, p. 40; "Designed to Inflamm," 1955/2002, p. 21; Ethridge, 1955/2002a, p. 24; Ethridge, 1955/2002b, pp. 41, 42; "Lynching Post-Facto," 1955/2002, pp. 38, 39; "Meddling in Local Case," 1955/2002, pp. 27, 28; "Muddy River," 1955/2002, p. 18.) The state's white press insisted that Mississippi would administer the trial, and threaded references to "due process" procedures throughout their arguments. Ethridge (1955/2002b) was particularly adamant. In a column for the *Jackson Daily News*, he compared the disposition of the Till case in Mississippi, to that of Joanne Pushis, a white girl who was murdered in Chicago by a black man:

The state of Illinois will try Joanne's killer by its own orderly and established procedures. Likewise, the State of Mississippi will try Emmett Till's slayers without regard to outside interference. Justice will be done in this case—in a

Mississippi court, by a Mississippi judge and jury. It will be done not on account of NAACP pressure, but in spite of it. (p. 24)

Ethridge insisted the crimes were equivalent because both involved interracial violence. The state of Illinois, in accordance with its due process procedures, would try the man who murdered Joanne Pushis. In equivalent fashion, Mississippi would its follow due process procedures to prosecute the killers of Emmett Till. Not only would Mississippi apply its laws in a fashion equivalent to Illinois, it would do so despite the NAACP's inferences that Mississippians had failed to assure equal protection for black citizens. Readers were to conclude, then, that Mississippi was equal to Illinois. Both states applied their laws in equivalent fashion, with due process procedures respected in Mississippi, just as they were in Illinois. Therefore, with procedures being equivalent, Mississippi was providing the equal protection of its laws.

When Mississippi's white press assured its readers that the killers were in jail awaiting "a speedy trial" (Ethridge, 1955/2002b, p. 22), when it referred to the "due course of law," "established procedures," and insisted that "justice will be done," it articulated a definition of "due process" that was procedural, rather than substantive. An emphasis on "procedural due process" appears to be based, in part, on the Fifth Amendment to the U.S. Constitution, where the "due process" is juxtaposed to other clauses concerning procedures, such as criminal indictment, double jeopardy, and the prohibition of self-incrimination. Traditionally, the federal courts have interpreted the Fifth Amendment's due process clause as "procedural due process," reflecting their concern with whether legal processes—a court proceeding, for example—were fair and just, respecting the rights of the individual ("Fifth Amendment," 2002, p. 1437). The

Fifth Amendment, however, “binds the Federal Government” (“Fifth Amendment,” 2002, p. 1437), and therefore operates as a discursive rule of the *representation of space*. In its rhetoric, Mississippi’s white press insisted that the murder be tried in the courts of their state, “by a “Mississippi judge and jury.” Their rhetoric thus shifted the discussion of justice to the *space of representation*. In other words, Mississippi’s newspapers were insisting that Milam and Bryant were entitled to procedural due process from their state courts. A brief look at Mississippi’s state constitution is therefore in order.

The exact phrase, “due process,” first appeared in Mississippi’s 1968 constitution, written during Reconstruction, following the nation’s ratification of Amendment 14. Article I, Section 2 of this constitution simply states, “No person shall be deprived of life, liberty, or property, except by due process of law”; this same wording is found in Article 3, Section 14 of Mississippi’s current constitution, which was adopted in 1890. Mississippi’s original constitution, dated 1817, did not contain the phrase “due process,” but nonetheless articulated, as citizen rights, the various *procedures* we associate with due process in Article I, Section 10. This statement of procedural rights is carried forward, with some revisions,<sup>62</sup> in the state’s subsequent constitutions, dated 1832 (Article I, Section 10); 1868 (Article I, Section 7); and 1890 (Article 3, Section 26). In each version, the wording of a right to a “speedy and public trial,” and the phrase “due course of law” is preserved intact. Mississippi’s newspapers were quoting and paraphrasing their state constitution when they referred to due process procedures.

The territorial stakes come into sharper focus when we realize that the procedural due process references from Mississippi’s constitution were used to rebut the NAACP’s talk about lynching and equal protection. Mississippi’s white press insisted that the

discursive rules of the *space of representation* superseded those of the *representation of space*. The civil rights provided by the state—and the sovereignty of the state in administering those rights—took precedence. An argument for the superiority of states' rights was embedded in the assurances that Mississippi would provide justice and try the case fairly; furthermore, such was the “American concept of justice” (Ethridge (1955/2002a p. 42). In contrast, Roy Wilkins' rhetoric—which pinned responsibility for Till's “lynching” on the entire state and focused the attention of the outside world on Mississippi—was an attempt to “replace American concepts of justice with those of the African Congo in centuries past” (Ethridge, p. 41). The rhetoric in Mississippi drew a boundary; it defined the crime as murder, asserted the state's sovereignty, and declared discursive rules that positioned Roy Wilkins, Mrs. Bradley, and the NAACP as foreign to, if not completely outside this space. White Mississippians were intent on defending this line against “outside agitators” (Ethridge, p. 41; also see “Muddy River,” 1955/2002, p. 18); “Meddling in Local Case,” 1955/2002, p. 28), as well as “Communists or [other] persons who [had] become unwitting victims of the Communist plan to stir up trouble where possible” (“Meddling in Local Case,” 1955/2002, p. 28). The issue of states' rights bubbled just below the surface of their due process talk, and in the Cold War context of the 1950s, underscored regional fears that the United States was susceptible to “‘totalitarian’ coercion from outside” (Halberstam, 1956, p. 294). In this way, a second ideological strain, which opposed “democracy” to “communism,” was invoked to modify the discourse, and further clarify the lines of opposition.

In the 1950s, at the height of the Cold War, communism was perceived as a significant threat to liberal democracy, and ideographs related to “communism” and

“democracy” arose in southern white, national mainstream, and black American responses to the incident. The prevalence of these ideographs is certainly indicative of the era’s political angst, but their usages vary among the different discourse communities served by each type of press. In the black American newspapers, “democracy” and “communism” are used satirically, to emphasize the irony of being a black citizen in the United States. Shortly after Till’s body was recovered from the Tallahatchie River, the *Chicago Defender*, one of the nation’s leading black American newspapers, lamented that Till’s lynching “points out to the world the ugliest aspects of life in *our Democracy*” (“Blood on Their Hands,” 1955/ 2005, p. 25, emphasis added). The same article spells out these “aspects,” and in the process, reveals much about the rhetorical positioning of black Americans in 1955. The *Defender* reminded readers that Emmett Till, Lamar Smith, and the Reverend George Lee—all of whom were lynched or murdered in Mississippi that year—were the latest victims in “the long line of martyrs in the fight for first class citizenship for the Negro in America” (“Blood on Their Hands, p. 26). The article juxtaposes Mississippi’s *space of representation* and the nation’s *representation of space*. The *Defender* reminded its readers that Mississippi had been primed for violence by “the five candidates for governor . . . who campaigned on an anti-Negro platform in recent elections” (p. 25). The paper further accused “these racist rabble-rousers” with “the lynching” of the nation’s “reputation for decency and respect for law and order in the eyes of the entire world” (p. 26). For the solution to this travesty, the *Chicago Defender* looked to the nation—the nation must act to ensure justice, it must strengthen the rules of the representation of space in order to assure equal protection within the space of representation.

It is up to the administration in Washington to begin action once and for all to end the crime of lynching that has degraded our nation. Full justice must be meted out to the two men now being held for this dastardly crime. A federal anti-lynching law must be passed and in addition, it should be made a federal offense to interfere with or attack any religious or racial group in elections. (“Blood on Their Hands,” p. 26)

In other words, the *Chicago Defender* advocated increased federal authority—a return to the type of spatial configuration and political balance that existed during Reconstruction.

Following the acquittal of Milam and Bryant, the *Chicago Defender* also published commentary by Langston Hughes (1955/2002). Hughes pointed out that although the House Committee on Un-American Activities and the Senate Permanent Committee on Investigations aggressively probed the lives of black citizens who were suspected of communist ties, Congress nonetheless refused to investigate lynching as an un-American activity, despite the fact that the violence had been used to dissuade black Americans from voting. Of this irony, Hughes concluded:

Senator Eastland from Mississippi might well consider calling such an investigation now while public interest is high. *It ought to be even easier to catch lynchers than it is Communists* especially in Mississippi, where they have no respect for the legal age. (p. 126, emphasis added)

The satirical tone emphasized the sense of positioning, of being located at the periphery of American life, where even the most “distinguished colored Americans” were required to “double [swear] their allegiance to democratic ideals” before Congress (Hughes, p. 126). All the while, black Americans were caught between the *representation of space*,



with its promise of equality, and the *space of representation*, and the lived reality of Jim Crow.

In contrast, the use of “communism” and “democracy” in the national mainstream press reflected the exigencies of the Cold War. Here the response tended to be moderate, and the ideographs were cited to voice concern that the incident would undermine the appeal and credibility of liberal democracy in a rapidly changing world. Although a southern newspaper, the *Atlanta Constitution* was representative of this mainstream response: The damage done to the reputations of the United States and the South must be repaired. “What will Mississippi and Sumner do about it so the Communists of Russia and of China may not say that in our country the law means one thing for one person and another thing for another[?]” (“The State of Mississippi Still Carries,” 1955/2002, pp. 119-120). The *Christian Century* perhaps best summarized the over-riding political concern of the national mainstream press:

The ‘outside interference’ which Mississippians deplored—letters demanding conviction on threat of retaliation—are standard operating procedure for communist agitators who want for their propaganda exactly the opposite of their demand. The gullible community fell for it hook, line and sinker, stampeding to give the communists what they were finagling for. And to publicists all over the world who are eager to explain the promise there is in liberal democracy, the community gave the back of its hand. (“Double Murder in Mississippi,” 1955/2002, p. 131)

In Mississippi’s press, however, the use of the “communism” and “democracy” ideographs reveal a certain provincialism. Thanks, in part, to the rapid mobilization of

resistance by the White Citizens' Councils, any opposition to segregation was subject to being tarred as "Communist." From its inception, the Citizens' Councils had appropriated the ideographs "democracy" and "communism" for its rhetorical arsenal. Indeed, pro-segregation whites were inclined to view any threat to states' rights—and any hint of increased federal authority—as evidence that communists had infiltrated the very soul of the United States. Two months after Bryant and Milam were acquitted, Senator James Eastland addressed a Mississippi conference of Citizens Councils. There Eastland claimed that *Brown v. Board of Education* (1954; 1955) had "responded to a radical pro-Communist political movement in this country" (Eastland, 1955; reprinted by the Citizens Councils of Mississippi, as cited in Irish, 1960, p. 418). To underscore the depth to which communists had penetrated American life, Eastland listed suspect organizations, including "the NAACP, the National Council of Churches of Christ, church groups, labor unions, liberals, and such foundations as Ford, Carnegie, and Rockefeller" (Irish, 1960, p. 418).

In the South, pro-segregation whites believed that communists and their sympathizers—including the NAACP—had used Till's murder as a means to agitate against the South and segregation. Concerns that the murder would be used by "outsiders trying to create a false impression" first arose during the discovery and indictment phase of the case by the *Greenwood Morning Star*, which warned readers "that the agitation is inspired by Communists or by persons who have become unwitting victims of the Communist plan to stir up trouble where possible" ("Meddling in Local Case Creates Problems," 1955/2002, p. 28). Even the most moderate paper in Mississippi, the *Delta Democrat-Times*, emphasized that "admitted Communists," who had been involved in

Till's funeral, inspired the "circus tent" atmosphere that surrounded the case ("Whose Circus?," 1955/2002, p. 137). The paper praised the Sumner court for "retain[ing] dignity" in the face of difficult circumstances and went on to argue that justice had been compromised by the agitation of outsiders.

It is certain that one injustice set this off, but one cannot but be impressed by the delight [that] the Communists and the NAACP alike took in it. Together they have set forth a mushrooming counter justice against innocent and guilty alike that is making it very difficult for decent people in Mississippi to act in the course of righting the original wrong. ("Whose Circus?," p. 138)

The most extreme responses were apt to read evidence of a communist conspiracy into the incident. Two months after the trial, the American Anti-Communist Militia (1955/2002) circulated a flyer which claimed the entire incident was a conspiratorial collaboration among communists, Jews, and the NAACP. The Militia, which was headquartered in Kansas City, Missouri, charged that communists had exploited the incident. Playing off rumors that disputed the identity of Till's body, the flyer stated that the NAACP had hidden Till in California, where his mother was then visiting, and where "numerous reliable sources" had reported seeing him alive (p. 200). The flyer concluded that "the suspicion of patriotic Americans . . . is now justified in that it was generally assumed from the start, this entire incident was a hoax created by the Jewish inspired NAACP to implement racial hatred" (p. 200). According to the Militia, the fact that the information revealed in the flyer would never be publicly broadcast verified their claims; after all, "the same Jews who sponsor the NAACP and plan to destroy America either

own or control practically every means of communication, the press, radio and television and current magazines” (p. 200).

Conspiracy theories amplified the threat to Southern life, and cast white Southerners as the last bastion of defense against the communist enemy. In a letter to the *Memphis Commercial Appeal*, Mrs. H. D. Scherck (1955/2002) insisted that Till’s murder was engineered by communists, and that the entire incident unfolded like the plot to Don Mankiewicz’s novel, *Trial*. Scherck theorizes that before Till made his trip to Mississippi, a communist party member “planted ideas which he knew would explode in some way” (p. 147), and furthermore, Till, Milam and Bryant each reacted to the plan, just as the communists had anticipated. When Milam and Bryant released Till unharmed, “some communist agent” murdered Till, creating “another martyr” to use in their quest to provoke racial hatred (p. 147). According to Scherck, Mrs. Bradley was duped into “working up sympathy and dollars for ‘the cause’” (p. 147). Furthermore, the NAACP was in league with the communists:

How does the NAACP know all about the murder in less than hours after it happens? They are ready with prepared statements, carefully worded in the most vilifying and inciting language which communist experts with years of experience can produce. (Scherck, p. 147)

Stressing that the South had been singled out for special aggravation by the communists, Scherck concluded by warning other readers, “Until these undercover communist workers are apprehended and the NAACP is stripped of its front, the South will suffer more tragedies of this kind. It will happen again and again” (p. 148).

For evidence that white Southerners saw themselves as protectors of American democracy and the last line of defense against communism, we need only examine coverage of the trial, where the “democracy” and “communism” ideographs were used in arguments for the defense. Toward the conclusion of the trial, attorneys for the defense nurtured local rumors that the body that had been recovered from the Tallahatchie River was a “plant.” To rebut Mrs. Bradley’s positive identification of the body, the Tallahatchie County Sheriff, H. C. Strider testified that when the body was pulled from the river, it was decomposed to the point that he couldn’t positively identify its race; furthermore, Strider estimated that the body had been dead 10 to 15 days when it was found (see “Judge Sends Jury,” 1955/2002, p. 91; “Sheriff Strider’s Testimony,” 1955/2002, p. 98). Additionally, a local physician who saw Till’s body after it had been recovered, testified that the body he examined had been dead 8 to 10 days (see “Judge Sends Jury,” 1955/2002, p. 92). Strider’s testimony was further supported by that of H. D. Malone, who embalmed Till’s body in Mississippi. Malone estimated the body had been dead approximately 10 days (see “Judge Sends Jury,” 1955/2002, p. 92). Till had only been missing three days when his body was recovered; thus the key strategy of the defense was to raise doubt about the identity of the corpse.

In his closing summation, John W. Whitten, Jr. spun an alternative version of events, one that emphasized conspiracy. According to Kempton’s (1955/2002c) report in the *New York Post*, Whitten allowed that Milam and Bryant might have taken Till from his uncle’s cabin, but they released him after questioning. Whitten then implicated Till’s uncle, Moses Wright. Wright, he conjectured, contacted his friend in the NAACP, who convinced the two to place Till’s signet ring on a corpse. The corpse was then planted in

the Tallahatchie River. When it was recovered, it was mistaken for the body of Emmett Till (Kempton). Whitten understood what would motivate his audience. To make the story more plausible to them, he then drew their attention to the proximity of the threat:

‘There are people in the United States,’ Whitten told the jury, ‘who want to defy the customs of the South . . . and would commit perhaps any crime known to man in order to widen the gap. These people are not all in Gary and Chicago; they are in Jackson and Vicksburg; and if Mose Wright knows one he didn’t have to go far to find him. And they include some of the most astute students of psychology known anywhere. They include doctors and undertakers and they have ready access to a corpse which could meet their purpose.’ (Kempton, p. 108).

Whitten concluded his summation by reminding the members of the “‘Anglo-Saxon” jury that they possessed “‘the courage”” to acquit the two brothers (Kempton, p. 108).

If Whitten stopped short of implying the jurors had a patriotic duty to acquit, a second attorney for the defense, J.W. Kellum, clarified their responsibilities to God, nation, and family. Calling the jury “‘a peerage of democracy,”” Kellum reminded the members that they were “‘the custodians of American civilization”” (Kempton, 2002/1955c, p. 110). “‘I want you to tell me where under God’s shining sun is the land of the free and the home of the brave if you don’t turn these boys loose; your forefathers will absolutely turn over in their graves”” (Kempton, p. 110).

### *Conclusion*

In conclusion, the use of the ideographs, “equal protection” and “due process” direct power, and leverage the discursive rules of space. “Equal protection” asserted the priority of the *representation of space* and its discursive rules; “due process, as it was

pulled from the Fifth Amendment and the Mississippi Constitution, asserted the dominance of the *space of representation*, and privileged its discursive rules. Within both spaces, the ideographs “democracy” and “communism” were used to declare and characterize positions. As used by southern whites, “communism” banished black Americans, particularly those supportive of the NAACP and racial desegregation, to the outer limits of the region’s political life. The communists, and their sympathizers—the NAACP, and indeed, anyone who might oppose states’ rights and desegregation—are not true Americans. From the perspective within this particular *space of representation*, a good many citizens of the United States were being taken in by the communist lie. The Communists, their sympathizers, and these unwitting dupes were all threats to true American democracy. American democracy was, and would forever be grounded in the doctrines of federalism and states’ rights; the land of the free and the home of the brave would never impose racial integration on unwilling states and their citizens. Our sensitivity to the territorial aspects of the Till case is heightened by examining it through a spatial lens, and we are better able to appreciate the vigor of this rhetoric. Although the verdict in the murder trial was inexcusable, understanding the territorial implications makes it easier, perhaps, to understand why the custodians of American civilization ultimately acquitted J. W. Milam and Roy Bryant.

## CHAPTER 4: A CHAPTER IN A DIDACTIC NARRATIVE:

### TILL AS REPRESENTATIVE ANECDOTE

To this point, I have looked to the past for clues that might illuminate our understanding of the Till rhetoric. In Chapter 2, I explored the implications of Roy Wilkins' efforts to define Till's death as a lynching. Inherently rhetorical, the act of defining is an effort to speak a thing or situation into being. Defining solicits communal agreement about what a thing will be; it is a joint construction by which the rhetor and the audience establish the thing as real, and invest it with particular qualities and characteristics. One of the defining characteristics of "lynching," one that distinguishes it from "murder" is that a group or community generally approves of and permits a lynching. Till's mother believed that the culture of the south made southern society complicit in her son's death, which led her to define the crime as "lynching" (Till-Mobley & Benson, 2003). Furthermore, when Roy Wilkins labeled Till's death as a "lynching," he also claimed that white Mississippians were complicit because the state's determination to maintain segregation amounted to their tacit approval of the crime. The response of the region's white newspapers indicated that the press and its readers understood the political implications of defining the crime as "lynching." Throughout Mississippi, Wilkins' remarks were interpreted as a call for federal intervention, and a challenge to the state's sovereignty. The perceived threat was amplified by the Supreme Court's decisions in *Brown v. Board of Education* (1954; 1955). In disputing the constitutionality of school segregation, the opinions of the nation's highest court endangered the entire foundation of southern life; as a consequence, Southern whites



were alert to any new development that might tip the balance of power further in favor of the federal government.

Wilkins' remarks were decidedly tactical. In employing the label of lynching, Wilkins' sought to leverage power—to pit the nation's authority against the autonomy of the State of Mississippi. As indicated in Chapter 3, the dialectical struggle between nation and state is rooted in the doctrines of dual federalism. Our understanding of this dialectic is enhanced by taking a spatial perspective. Following the Civil War, during the processes of granting citizenship to the freedmen and reunification, the nation's *representation of space* was reconfigured. The rules of the space were changed, skewing the federalist balance, which further empowered Congress as it struggled with the tasks of reunification and Reconstruction. The nation retained this advantage for a brief time, but by the end of the 19<sup>th</sup> century, a series of federal court decisions had reaffirmed the primacy of the states' authority under federalism. The revalidation of states' rights facilitated change within the *space of representation*. Following the Supreme Court's opinion in *Plessy v. Ferguson* (1896), a heterotopian society flourished, institutionalizing strict racial segregation throughout the South, especially.

This chapter moves away from the past, and into the present, to consider Till's story as a "representative anecdote." Kenneth Burke (1945/1969) described the representative anecdote as providing a "representative case" for a particular set of human experiences (p. 59), a linguistic "summation" (p. 60) of its subject. To be representative, the case identified as the anecdote must be a reduction with sufficient scope—a case that is capable of standing in for the entire lot of experiences. When I claim that Till's story is a representative anecdote, I mean that it performs this type of summation; his story

stands as *the* “representative case” that summarizes and symbolizes the injustice and oppression suffered by black Americans.

When a speaker utters the words “Emmett Till,” it invokes collective memory; the name recalls not only Till’s tragedy, but also the sacrifices of the civil rights martyrs and the historic suffering of black Americans. Upon hearing his name, the listener reflects upon a variety of injustices, some of which are beyond what is factually known to have been inflicted upon Till, himself. Christopher Metress (2002) has commented on the “misrememberings” he finds in the various stories that circulate about Till’s murder; that is, there are discrepancies between the known facts and individual memories of the incident. For example, some stories recall that Bryant and Milam castrated Till,<sup>63</sup> a rumor that was discredited by Mrs. Bradley, who examined her son’s body in Chicago (Till-Mobley and Benson, 2003). Other versions of the story dispute the fact that Till was shot, claiming instead that his killers drilled a hole through his skull with a brace and bit.<sup>64</sup> In trying to reconcile these discrepancies, Metress was compelled to acknowledge the discursive nature of history: “Memory . . . does not come after history. It is, instead, the very stuff of history, the narrative material out of which history emerges” (p. 10). These discrepancies, however, support what I am saying: The Emmett Till story has come to symbolize a wide variety of abuses and injustices endured historically by black Americans. The story of Emmett Till is a representative anecdote, and its power is due in part to such “misrememberings,” which invest it with symbolic significance. Thus, the very name, “Emmett Till” summarizes a particular history of injustice and oppression. A speaker’s reference to “Emmett Till” activates this history and summons it into the present.

As Bryan Crable (2000) has observed, the concept of the representative anecdote has been used or proposed in rhetorical scholarship as a type of Burkeian methodology, for example, by Brummett (1984a, 1984b) and Madsen (1993). Other scholars, including Tonn, Endress, and Diamond (1993), Aune (1994), Lucaites (1997), and Japp (1999), have adopted the concept as a “general descriptive term” in rhetorical analyses (Crable, p. 319). Burke (1945/1969), himself suggested that a representative anecdote “be used as a form in conformity with which the vocabulary is constructed,” presumably by a rhetorical critic applying his dramatistic perspective. Working from this presumption, Brummett (1984a; 1985) has applied the representative anecdote to media texts, such as films, to analyze how this type of “literature” serves media consumers as “equipment for living” (the concept of “literature as equipment for living” is discussed by Burke, 1941, pp. 235-262). Madsen (1993) has argued that a representative anecdote should be a prerequisite for any critical application of Burke’s pentad. Additionally, Madsen argues that the representative anecdote is useful to speakers; employed in the process of rhetorical invention, the anecdote can help speakers produce a representative discourse: “The requirement of representation constrains the rhetor, becoming a normative criterion for the situation” (p. 225, emphasis added). Crable (2000), however, argues that Burke was not prescribing a critical method in his discussion of the representative anecdote; rather Burke was justifying dramatism as a superior approach to the study of human motives. According to Crable, Burke believed that to produce a fair and useful critique, a critic’s assumptions and vocabulary must adequately reflect reality, and that dramatism offered the best means for doing this. Crable concludes, then, that Burke’s discussion on the representative anecdote was an argument, not a prescription.

In this chapter, however, I examine the Till story as a representative anecdote used in discourse as a rhetorical resource. A good number of the texts I examine are vernacular in origin. By “vernacular,” I simply mean that the texts come from everyday sources, such as newspapers. Other texts include interviews with civil rights leaders, and although some of these are published in scholarly journals, they nonetheless are expressed in vernacular language. As opposed to formal or official discourse, vernacular rhetoric is voiced in common language, rather than a technical or scientific parlance. A vernacular rhetor has probably not read Madsen (1993), and therefore, we cannot assume that he or she uses the anecdote with the express intention of rhetorical *invention*, or with producing a *representative discourse*. Nonetheless, his or her discourse may be representative, and the decision to call on the representative anecdote may influence his or her choice of vocabulary as well as the tone of the discourse; the representative anecdote may thus constrain the rhetor. It seems unlikely that a vernacular speaker would know any of Madsen’s requirements—for example, that an anecdote must possess sufficient scope. Nonetheless, the story of “Emmett Till” possesses synecdoche: His death condensed the horror and pain of racially motivated lynching to an essence and became the singular event that defined “lynching” in the black American experience. Similarly, a vernacular rhetor would be unaware that a representative anecdote must be grounded in the text; a theoretical anecdote, Madsen has argued, is too abstract—it will misrepresent the text and produce an analysis that can’t be disconfirmed. Despite the amount of speculation that has been interwoven in Till’s story, the incident—and the pain, suffering, fear, horror, and anger it produced—were real, not theoretical. Furthermore, the incident comprised a significant chapter in black American history, and

in this sense of “text,” it is grounded. Finally, none of this discussion should be read to suggest that a representative anecdote is used accidentally or haphazardly in vernacular discourse. Indeed, when a rhetor invokes “Emmett Till,” whether in official or vernacular discourse, the utterance is purposeful, and it performs work that is rhetorically significant.

### The Rhetorical Work of Representative Anecdotes

The nature of the rhetorical work performed by a representative anecdote is at least two-fold. First, a representative anecdote *reflects* reality. Madsen (1993) has argued that an anecdote must meet the requirement of reflection to be considered representative; if the anecdote lacks sufficient scope, it is inadequate. Crable (2000) has elaborated on what it means for an anecdote to adequately reflect reality. Given that all language is symbolic, any terminology, to some degree, is removed from the reality it purports to represent. Our words fail to apprehend the thing in its entirety, and for that reason, any communication is at best partial. Thus, when a rhetor chooses words, he or she is selecting some aspect of reality, and that selection of reality is reflected for our attention. At the same time, however, our words deflect or deemphasize some other aspect of reality. It is, perhaps, like looking in a mirror. As we face the mirror, the front of our head—our face—is reflected; the back of our head remains obscured. According to Crable, “it is the difference between representation and deflection that allows [Burke] to judge the adequacy” of a chosen terminology (p. 322). Because language simultaneously reflects and deflects, it is easy to understand that some selections are more “faithful” than others in representing reality (Burke, 1945/1969, p. 59). With respect to the representative anecdote, language also performs a reduction; the whole is reduced to a

part, the entirety of reality is reduced to an essential element. The black American experience of lynching, for example, is reduced to one powerful incident—the story of “Emmett Till.” According to Crable, the key to whether an anecdote is representative turns on the reduction that results from our selection. If the reduction is a “simplification” (Crable, p. 324), the terminology will deflect, rather than represent reality; too much of the whole will escape our scrutiny, and we should judge the anecdote to be inadequate. If our selection produces a more faithful reflection of reality, if it “conforms more adequately to its subject” (Crable, p. 325), then the reduction will result in a “simplicity” that makes the subject easier to apprehend—more “manageable” (Crable, p. 324). In this case, we can judge it to be adequate and representative.

The second way in which a representative anecdote performs rhetorically is in its influence on the participating discourse community. Here I am especially concerned with how a representative anecdote prescribes an “attitude” for the community that hears and interprets it. Mahan-Hays and Aden (2003) have argued that several of Burke’s concepts, including “representative anecdote,” “equipment for living” and “frames” can be synthesized under the “sixth element” of Burke’s pentad, the element of “attitude” (p. 34). From their reading of Burke’s (1937/1959) book, *Attitudes toward History*, and his 1968 discussion of “Dramatism” in the *International Encyclopedia of the Social Sciences*, Mahan-Hays and Aden propose that we understand “attitude” as a “state of mind,” the “incipient action” that informs the rhetorical act (p. 34). That is, in addition to reflecting some aspect of reality, the symbols we choose also reflect our state of mind: “The act of selecting one symbol over another locks the speaker’s attitude into the language” (Brock, 1995, as cited in Mahan-Hays & Aden, p. 35). Furthermore, Mahan-Hays and Aden

suggest that we understand “attitude” as a “strategy of interpretation” and a “cognitive activity” that disposes us “to respond . . . in a particular way” (p. 35). As incipient act, cognitive activity, and interpretive strategy, attitudes are “reflected in one’s symbol usage” (Mahan-Hays and Aden, p. 35). If attitude is understood in this way, like dominoes, the other Burkeian concepts fall into line. Human beings tell stories, and our stories serve us as equipment for living. Some stories, such as the lynching of Emmett Till, encapsulate an experience that has been repeated often enough that it is in some way representative of the social world; these stories become representative anecdotes. These stories tend to take a particular frame—of acceptance, rejection, or transition. Representative anecdotes thus reduce and provide a summation for particular experience, and, as Mahan-Hays and Aden argue, the framing of an anecdote prescribes an attitude (of acceptance, rejection, or transition), which tells us how to interpret the message, and equips us for living. Reconceptualizing Burke’s ideas in this way affords the critic an opportunity to make criticism more “socio-cultural,” to examine the rhetorical positioning of subjects—“what Wander calls ‘rhetorical contextualization’” (1996, as cited in Mahan-Hays & Aden, p. 33). “By identifying how a representative anecdote may provide a particular type of equipment for living, we are able to describe how—and in what way(s)—rhetoric positions while it circulates” (Mahan-Hays & Aden, 2003, p. 36).

Because they provide equipment for living, representative anecdotes are rhetorical resources that influence the entire discourse community. Thus, when speakers invoke “Emmett Till,” they impose normative criteria that enable and constrain speech; they select and reflect some part of reality that is significant to them and the community; and they prescribe an attitude that frames their listeners’ interpretations and responses.

Now that we understand a little more about representative anecdotes in general and how these relate to the issue of space, I want to move on to discuss the lynching of Emmett Till as a specific anecdote.

*Till as a Representative Anecdote*

Till is a representative anecdote that summarizes the lynching of black Americans in the U.S. As an anecdote, it is comprehensive—it possesses sufficient scope to represent its subject in several ways. Till’s story crystallizes the physical dangers of living as a black American, the threat of being lynched, and the failure of the legal system to provide justice and convict the perpetrators. White Americans do not share the black American experience of oppression; nonetheless, they may participate in the anecdote, inasmuch as they are positioned by rhetors who invoke the name of Emmett Till. This chapter looks at the influence of Till’s murder on the civil rights movement of the 1950s and 1960s. I will argue that Till’s story must be understood as a chapter in a larger narrative that chronicles the transition of black Americans and their struggle for equality. As the “spark” that ignited the civil rights movement, Till’s death proved especially influential to the generation of black American activists who were closest to Till in age; these men and women helped to shape the movement through their involvement with the Student Non-violent Coordinating Committee (SNCC) during the 1960s. In examining the memoirs of several activists, we will learn that Till’s story created a crisis that caused this generation to break from the movement’s previous strategies, and enabled new tactics of resistance. I will begin by providing some background about the generation of civil rights activists who came of age in the early 1960s.



## A New Generation of Activists

Approximately five years after Till's murder, in February, 1960, a new generation of black civil rights activists—college students at the time—changed the movement's game plan. Four students from North Carolina Agriculture and Technical College—Ezell Blair, Franklin McCain, David Richmond, and Joseph McNeil—integrated a lunch counter at the Greensboro Woolworth's store. Although they were denied service, the students refused to surrender their seats, and returned to their vigil the next day. The sit-ins marked an important change in the course of the Civil Rights movement. This form of protest employed direct action tactics; by contrast, up to that time most civil rights organizations, including the Southern Christian Leadership Conference (SCLC), tended to follow the lead of the NAACP, which sought to undermine the legality of racial segregation through a strategy of legalism and gradualism (McWhorter, 2001). This is not to say that direct action tactics were novel to the new generation of activists; as early as 1942, members of the Southern Negro Youth Congress had taken direct action in an attempt to desegregate Birmingham's streetcars (McWhorter, p. 90-91). An NAACP attorney, Arthur Shores, brought suit in the case, "but it never amounted to the intended legal challenge to segregation" (McWhorter, p. 91). The desegregation of buses in Montgomery, Alabama—the first civil rights victory following Till's death—was a result of the NAACP's litigation. It is true that Rosa Parks acted with some degree of premeditation when she refused to give up her seat in the event that precipitated the lawsuit. Parks was immersed in the civil rights movement and well versed in its goals and methods. At a time when the NAACP was "looking for a solid citizen to front a constitutional challenge to bus segregation" (McWhorter, p. 91), Parks was secretary to

E.D. Nixon, one of the NAACP's leaders in Montgomery. Furthermore, in the summer of 1955, Parks attended a workshop at the Highlander Folk School, which was designed to develop grassroots leadership for an "offensive against segregation" (McWhorter, p. 93). Parks, however, did not actually attempt to integrate the bus on which she was riding; she was seated in the section of the bus that was designated for black passengers. When the driver ordered her to give her seat to a white passenger, Parks "slid over from her aisle seat to the window" (McWhorter, p. 90). Park's arrest nonetheless served to mobilize Montgomery's black citizens in a bus boycott. The boycott, however, was not the decisive factor in desegregating Montgomery's bus system. Desegregation was actually achieved through federal litigation, which was assisted by the NAACP. Parks was actually excluded as a plaintiff in *Browder v. Gayle* (1956), which was filed on behalf of four other black women. Although no one can dispute the significance of this victory in the civil rights movement, it is important to recognize that it had one limitation: While Montgomery's buses were desegregated, the majority of public transportation throughout the South remained segregated (McWhorter, p. 113).

By contrast, and although grounded in the philosophy of non-violent resistance, direct action tactics were intended to "provoke [the] oppressor" (McWhorter, 2001, p. 113). In the Greensboro sit-ins, the student activists were committed to non-violence, but intent on breaking Jim Crow. If taking a seat at the whites-only counter prompted white outrage, their objectives would still be served. That is, the response converted their enemies into "essential witnesses for freedom, their wickedness often more eloquent than the victim's virtue" (McWhorter, p. 129).

The most renowned of the civil rights leaders, Martin Luther King, Jr., was slow to enjoin direct action tactics himself (McWhorter, 2001). The pace of gradual change, however, seemed protracted and unacceptable to other leaders in the movement, especially Fred Shuttlesworth, the pastor of Bethel Baptist Church in Birmingham, Alabama. It was Shuttlesworth, in the late 1950s, who actually “pioneered the still avant-garde tactics of direct action” that a new generation of activists would embrace in the 1960s (McWhorter, p. 129). According to McWhorter, when Shuttlesworth learned about the student sit-ins at Greensboro, he recognized it as “the sort of mass action he had futilely been urging on Martin Luther King for nearly three years” (p. 149). Shuttlesworth christened the students’ protests “the new dimension of the movement” (McWhorter, p. 150).

The sit-ins were also significant because they marked the emergence of a new generation of civil rights activists. As youth, they brought new energy and possibility to the movement:

As direct-action troops they had distinct advantages over their elders: no job to lose, no family to support. And they had not forgotten that twirling upon a stool at a soda fountain—something they had seen only white children do—had once seemed the joyous essence of freedom. (McWhorter, 2001, p. 149)

Within a matter of weeks, the sit-ins had spread throughout the south, and the numbers of students involved in the movement increased exponentially. Like Fred Shuttlesworth, the students were impatient with the slow pace of change. They were ready to act. In April of 1960, following the sit-ins at Greensboro, a group of youth activists convened at Shaw University to discuss if and how their efforts should be formalized. At the conference,

these students decided to break with the hierarchy of the SCLC, and organized themselves more loosely and democratically as SNCC, the Student Non-violent Coordinating Committee. This generation, through direct action, would change the nature of racial relations throughout the United States.

These youth were Till's contemporaries—if Till had not been murdered, he may well have sat at a lunch counter with them. In a rhetorical sense, however, Till was present: The new generation of black activists, those who were closest to Till in age, identified with him. As John Lewis, a former SNCC leader, and currently a U.S. Congressman from Georgia's 5<sup>th</sup> District has stated, the Till incident “galvanized the country. A lot of us young black students in the South later on, we weren't sitting in just for ourselves—we were sitting in for Emmett Till. We went on Freedom Rides for Emmett Till” (Metress, 2002, p. 3). Till's story equipped this generation to engage the struggle for civil rights on new terms. It did so by prescribing an attitude that prepared them for the challenge. Recall that in connecting the dots among various Burkeian concepts, Mahan-Hays and Aden (2003) argued that “attitude” is a “state of mind” that conditions one's rhetorical response (p. 34), and that a representative anecdote prescribes an attitude for the rhetorical community in which it finds a hearing. The attitude recommended by a representative anecdote encourages those who hear it to think about an exigency in a particular way. That is, a representative anecdote suggests an interpretive context for those who find themselves in particular circumstances, and the attitude the anecdote prescribes conditions their responses. The story of Till's killing became a representative anecdote for this generation of black American Activists. The incident shaped their attitude—not only to Till's death, but to the broader social and

political circumstances that contained it. As John Lewis stated, Till's death "galvanized" them. This attitude infuses the Till's anecdote with power and is retained when speakers invoke the name of Emmett Till today. To discuss the matter of attitude further, and to explain more about how Till's story equipped these young men and women for the struggle they would engage, I turn now to Kenneth Burke and a discussion of frames.

### Frames, Attitudes and Interpretation

According to Burke (1937/1959), the stories that inform our lives take various frames of interpretation. Frames are based on "various literary categories" or "great poetic forms," which provide resources for "symbolic adjustment" (Burke, p. 34). That is to say, we ascribe "meanings, attitudes [and] character" in accordance with the frame, which facilitates our interpretation of the story (Burke, p. 34). We make sense of a tragedy and a comedy in different ways, for example. Burke also believed that particular frames serve specific cultural needs, that the different frames provide distinctive symbolic resources, with the result that each frame offers different equipment for living. In Burke's conceptualization, a particular frame arises in response to the developments and changes occurring within a society's culture. Burke identified frames that correspond to eight literary categories, which include epic, tragedy, comedy, elegy, satire, burlesque, grotesque, and didactic. Additionally, he summarized these categories according to three general types as frames of acceptance, rejection and transition. More recently, Mahan-Hays and Aden (2003) have argued that frames of acceptance, rejection and transition correspond to attitudes, which instruct us how to interpret events and cope with circumstances. With respect to my topic, I am claiming that Till's story, as a representative anecdote, takes a particular frame, and that the generation of civil rights

activists who came of age in the late 1950s and early 1960s interpreted the story consistent with its frame. Furthermore, the Till anecdote equipped this new generation of civil rights activists with an attitude that helped them interpret the events of their day and helped to condition their response to the struggle they engaged. Thus I am saying that a significant key concerning the Till representative anecdote resides in its frame of interpretation; to properly identify it, I will consider each of the three general categories and their literary forms briefly.

*Frames of acceptance.* Frames of acceptance correspond to the literary forms of epic, tragedy and comedy, which equip us in different ways to accept our situation and tolerate its limitations. The epic story “‘accepts’ the rigors of war” (Burke, 1937/1959, p. 35). It encourages our “identification” with a hero or heroine (Burke, p. 36), and praises the “individual sacrifice” he or she makes for the good of the community (p. 35). Burke linked tragedy to the Grecian development of “the *forensic*, as exemplified in the law courts and in parliamentary procedure” (p. 38). Tragic plays dramatize some type of trial: “We get in one piece the offence, the sentence, and the expiation” (Burke, p. 38). As a frame of acceptance, tragedy encourages “one to ‘resign’ himself to a sense of his limitations” (Burke, p. 39). Comedy, which Burke believed to be the most charitable and advantageous frame, fosters a “dramatic irony” that is instructive and revealing (p. 40). Comedy treats its characters as “*mistaken*” rather than “*vicious*”; it grants that on occasion, we can all be mistaken, and acknowledges “that every insight contains its own special kind of blindness” (Burke, p. 41). Comedy allows the audience to witness “the operations of errors that the characters of the play cannot see” (Burke, p. 41). Comedy teaches its lesson by causing the audience to realize the irony of a dramatic situation; the

audience is then humbled by the new-found knowledge “that when intelligence means *wisdom* . . . it requires fear, resignation, the sense of limits, as an important ingredient” (Burke, pp. 41-42).

If we try to place the Till anecdote into a frame of acceptance, I would argue that neither comedy nor tragedy offer a good fit. William Bradford Huie’s (1956/2002) account, which “dominated the remembrance of Emmett Till for nearly fifty years” (Tell, 2008, p. 156), was written in a comic frame, however. In Huie’s original and follow-up stories (1956/2002; 1957/2002), the characterizations of Bryant and Milam (and arguably, of Emmett Till) were charitable. In a later work, Huie (1959/2002) elaborated on his investigation and revealed his personal motivations, which further reflected his choice of the comic frame for his reporting. Huie (1959/2002) did not regard Milam and Bryant as vicious; rather, he felt the case “involved human beings who needed knowing” (p. 235). Furthermore, Huie stated, “I believe that progress in human relations is possible only after understanding” (1959/2002, pp. 235-236). Huie’s use of a comic frame adds further weight to Dave Tell’s (2008) thesis, as well. Tell has observed that Huie wrote his 1956 report in “the modern confessional form” (p. 159). Ironically, however, the stylistic conventions of the confessional form “distanced the story of Till’s murder from its teller [and] denied the historical link between confession and culpability” (Tell, p. 159). Thus the confessional form, which distances the act from the agent, fits well in a comic frame, where the goal is to understand others “not as *vicious*, but as *mistaken*” (Burke, 1937/1959, p. 41). Huie’s reporting aside, it does not appear that black Americans subscribed to the comic frame in their interpretation of Till’s story. Huie (1959/2002), of course, wrote from his perspective as a southern white man: “I was the first man to

confront Milam and Bryant who wanted the truth, and who knew enough about them and their society to assume I'd get it" (p. 236). Huie already understood men like Milam and Bryant, and he wrote to help his readers understand the complex characters of the story, and to shed light on the society in which the crime occurred. This would account for his charitable impulse, and illustrates how the comic frame provides its distinctive resources for symbolic adjustment.

By contrast, black Americans viewed Milam and Bryant as vicious. In an interview with the *Chicago Defender*, Mamie Till Bradley (1956) recalled her reactions when she saw the broken body of her son: "No sane, decent person could do that to another, only somebody possessed by the devil" (p. 227). Similarly, Till's murder caused Anne Moody (1968/2002), to recall a story she heard as a child, of an "Evil Spirit" that mysteriously killed black Americans (p. 251). Eight years later, when Till was lynched, Moody wrote that she had finally "learn[ed] what that spirit was" (p. 251). A comic frame could not provide the symbolic resources or equipment for living that would have been helpful to black Americans in the 1950s. That is, *understanding* the white other as "mistaken" would not redress the persecution endured by black Americans, nor would it change the cause and material circumstances of their oppression. Furthermore, although we might be tempted to assign a tragic frame to Till's murder, his story did not encourage the resignation and acceptance of limitations that Burke associated with tragedy. In her memoirs, Till's mother explained why she decided to make the funeral and visitation public: "This would not be like so many other lynching cases, the hundreds, the thousands of cases where families would be forced to walk away and quietly bury their dead and their grief and their humiliation" (Till-Mobley & Benson, 2003, p. 139). Till's



mother was determined to counter resignation among black Americans with her son's story.

Till's story does have good correspondence with the epic frame. Certainly, as the last quote in the paragraph above demonstrates, Till's mother advocated the public memory she wanted for her son. She was determined that in death, he would not become just another lynching victim. In a story she gave to Ethel Payne, which was serialized in the *Chicago Defender*, Mrs. Bradley (1956/2002) reported having a conversation with a "Voice" and "Presence" (p. 233), shortly after receiving the news that her son was dead:

The presence said to me, 'Mamie, it was ordained from the beginning of time that Emmett Louis Till would die a violent death. You should be grateful to be the mother of a boy who died blameless like Christ. Bo Till will never be forgotten.'  
(p. 232)

Indeed, black Americans remember Emmett Till with Christ-like reverence: His mother was "called upon to sacrifice her only-begotten son," who now sits among "the sacred pantheon of murdered martyrs" (Dyson, 1991/2002, p. 267; pp. 268-269). It is also true that black Americans—particularly those of Till's own generation who became civil rights activists in the 1960s—identified with Till. However, it is the basis of their identification with Till that makes placement within an epic frame more of a squeeze. According to Young (2008), these youth experienced Till's murder as a "near miss" (p. 40); they realized that they, too, could become a victim of racial violence. Therefore, although Till's murder and legacy inspired many who became activists in the 1960s, it does not appear that they identified with Till as a hero; rather, Till was a martyr. We might counter that Till's story, like any good epic, equipped this generation for

struggle—his death may have compelled them to accept the fact they would have to act in order to create change. Nonetheless (and allowing for Burke’s contentions that 1) none of the frames are pure, and 2) it is difficult to cleanly separate acceptance from rejection), Till’s story seems to prescribe an attitude that is something other than acceptance. For the generation that experienced the incident as a “near miss,” Till’s story, as a representative anecdote, symbolized personal vulnerability. Furthermore, the story seems to have signaled that the situation and its limitations were intolerable.

*Frames of rejection.* Frames of rejection include the literary forms of elegy, satire, and burlesque. Elegy features the “technique of complaint” (Burke, 1937/1959, p. 44). According to Burke, elegy provides an often paradoxical sense of rejection; complaining becomes a coping strategy, allowing us to denounce the world while we remain living in it. Elegy is thus “a way of ‘accepting’ life even while symbolizing its ‘rejection’” (Burke, p. 44). In satire, the speaker’s technique of rejection involves attacking “*in others* the weaknesses and temptations that are really *within himself*” (Burke, p. 49). Satire is directed externally, at the behavior and psyche of another, using imagery conjured within the speaker’s own psyche. Because the speaker suffers the same weaknesses and temptations, he or she is able to imagine and project it upon another. However, because the speaker suffers the same weaknesses and temptations, he or she is left ill-equipped for “making peace with the state of things” (Burke, p. 52). The frame provided by the literary form of burlesque distorts the problem even further, as it is characterized by a singular focus on “the externals of behavior,” and excludes any consideration of the victim’s psyche (Burke, p. 54). As Burke described it, burlesque ignores the complexity of a situation in favor of its most rudimentary elements, which the speaker then reduces to an

absurd level of abstraction. The burlesque speaker “is heartless. He converts every ‘perhaps’ into a ‘positively.’ He deliberately suppresses any consideration of the ‘mitigating circumstances’ that would put his subject in a better light. . . . hilariously, he converts a manner into a mannerism” (Burke, p. 55). As a consequence, the burlesque frame grants only a partial, impoverished view of reality; therefore, if we are to use it effectively, Burke argued, we must be able to discern between the caricature drawn within this frame, and a more accurate representation of reality.

Ironically, as much as Till’s story might appear to inspire an attitude of rejection among black Americans, there is no clear fit with the frames in this category. Till’s story does not suggest simple parody; to the contrary, given the intersection of race, class, gender, and region that converge in the narrative, it appears to accommodate complexity. It therefore does not fit a burlesque frame. Similarly, the story is not framed as satire, as it does not lead black Americans to reject internal weaknesses or temptations by attacking another. As for elegy, this frame seems too passive, and the reaction Till’s story inspired surpasses mere complaint. Indeed, the story prescribed a proactive response, particularly among the members of Till’s own generation who became activists in the 1960s.

*Transitional frames.* Burke (1937/1959) identified two additional literary categories, the grotesque and didactic, which he categorized as “transitional.”

Transitional frames provide “the materials that allow us to conceive order in a world undergoing change” (Wolin, 2001, p. 101). According to Burke, stories framed in the grotesque help us to live with incongruity by facilitating a turn toward mysticism and subjective interpretation. The grotesque arises as a literary form in times of cultural confusion, when the “objective” or “public frame” of interpretation becomes “broken”

(Burke, p. 60). When the public frame is broken, interpretations no longer appear to be objective and incongruities are emphasized; in place of the “objective” or “public” frame, “subjective” interpretations increase in significance, and these are marked by “the stressing of symbolic ingredients in human acts” (Burke, p. 60). “The incongruity of the grotesque-mystical comes to a focus in the oxymoron: one hears silence, people’s loneliness, feels distance, and sees in the dark” (Burke, p. 59). In preparing us for cultural transition, the grotesque frame often results in a “call for a revolutionary shift in our attitude towards the symbols of authority” (Burke, p. 61); more often than not, however, it produces passivity, and does little to help us transcend our confusing situation. As Ross Wolin (2001) has explained, the grotesque frame “offers little positive direction for change and even tends to avoid the realities of daily living” (p. 105). On one hand, we might argue that the Till incident highlighted an incongruity. The context and manner of his murder created an exigency that highlighted the incompatibilities between the status of black Americans and the Constitutional promises contained in Amendments XIII, XIV, and XV. However, the reactions to Till’s murder, particularly with members of his peer generation, do not correspond to the grotesque response. Till’s death inspired activism. Rosa Park’s refusal to surrender her seat, as well as the direct integration tactics of the young adults who assumed the mantle of civil rights activism in 1960s, were concrete actions—not the mystical, subjective, or passive responses we would associate with the grotesque.

In contrast to the passivity of the grotesque, the didactic is “active,” a characteristic that caused Burke (1937/1959) to relate this frame to “propaganda, rhetoric, [and] ‘applied’ art” (p. 75). The didactic encourages transcendence, and stories in this

frame exhibit a Hegelian dialectic pattern. That is, the plot of a didactic story features a dialectic tension in which one idea (thesis) is opposed by another idea (antithesis), which is resolved by reconciling the opposites (synthesis). During difficult cultural transitions, when the synthesis of opposing ideas or events becomes especially confusing, the didact might try to simplify elements of the problem. For example, he or she might try “to avoid the confusions of synthesis by a schematic decision to label certain people ‘friends’ or ‘enemies’” (Burke, p. 79). This simplification—the elementary categorization of people as either good or bad—serves as a theory or philosophy for the didact, who then “tries to coach his ‘human’ attitude in accordance with his philosophy” (Burke, p. 80). The didact’s theory or philosophy helps him or her to make sense of the world and provides a method by which he or she can “‘reconcile opposites’ by a concept of ‘higher synthesis’” (p. 80). In addition to categorizing people, the didact may simplify other elements, such as the history of a situation, in order to manage his or her confusion. Thus, the didactic frame also carries a significant risk: “Oversimplifications of character and history, can, by the opposition, be discounted as ‘sentimentality’” (Burke, p. 79). This accounts for the “didactic – sentimental – transcendental” pattern that frequently recurs in didactic literature (Burke, p. 83). Burke illustrates this pattern and its consequent problem of sentimentality in his analyses of Hesiod’s poem, *Works and Days*, and the T. S. Eliot play, *Murder in the Cathedral*.

*A crisis point in a didactic narrative.* The didactic, I argue, is the correct frame through which to view the Emmett Till anecdote. Although the story has strong epic elements, it is important to view it in proper context, as one chapter in a larger narrative that chronicles the transition of black Americans from slavery to full American

citizenship. In this larger, didactic narrative, we have the thesis (the idea of black American equality), the antithesis (racial segregation), and the attempted synthesis (symbolized by the rulings in *Brown v. Board of Education*, 1954; 1955). The Emmett Till anecdote records the crisis or turning point in a didactic narrative, and its pattern of development is comparable to that explicated by Burke (1937/1959) in his analysis of *Works and Days*.

To elaborate, in the years following Reconstruction, white Americans were enabled to discriminate—politically, socially, and economically—against black Americans. Much like Hesiod and his brother, who quarreled over their father’s will, this situation led to a “‘negation’ of the fraternal ties” (Burke, 1937/1959, p. 81), with the result that Black Americans were denied many of the citizenship rights, privileges and opportunities that were available to whites. Put another way, the promises made to the nation’s black citizens in the Reconstruction Amendments were progressively negated by various legal challenges that made their way through the federal courts, as well as by the practices of many white citizens. This negation culminated in *Plessy v. Ferguson* (1896), the Supreme Court decision that ushered in the Jim Crow era, and in effect relegated black Americans to the status of second-class citizens. In the early 1900s, the NAACP initiated its efforts to “‘negate the negation’” (Burke, p. 81). In a pattern that resembled Hesiod’s attempt to forgive his brother, the NAACP sought transcendence by working to secure full citizenship rights for black Americans. Using a strategy of legalism and gradualism, the NAACP began a systematic effort to undermine the legal foundation of racial segregation. At the same time, it pursued federal anti-lynching and civil rights legislation in an attempt to strengthen the government’s capacity to provide and enforce

equal protection. Finally, with the Supreme Court's rulings in *Brown v. Board of Education* (1954; 1955), it appeared that black Americans would at last be able (like Hesiod and his brother) to "enter a *new* partnership" (Burke, p. 81) with white Americans. However, the promise of a new partnership was rejected—especially in the South—and again echoing the pattern found in the relationship between Hesiod and his brother. Till's murder and the acquittal of his killers became the crisis that symbolized the South's refusal to enter into a new partnership with black Americans. To make this rejection even more explicit, recall that J. W. Milam reportedly vowed that black children "ain't gonna go to school with my kids," and that he decided "to make an example" of Till, "just so everybody can know how me and my folks stand" (Huie, 1956/2002, p. 207).

When we view the incident as a crisis point in a didactic cycle, we can better understand why Emmett Till, as the *individual* victim, became "lost" in the black American rhetorical response. We can hear the dialectic struggle between thesis and antithesis in the words of the *Chicago Defender*: "The President has steadfastly considered any effort to *protect the Negro* in the United States from those who would *ignore him as a citizen*, as 'extraneous'" ("What You Can Do," 1955/2002, p. 128, emphasis added). This dialectical tension was also expressed by readers of various black American newspapers in letters to the editor. Writing to the *Baltimore Afro-American*, Emma Anderson (1955/2002), of Philadelphia, commented on the irony of Milam and Bryant's acquittal. The verdict might be helpful, she wrote, because it brought world attention to the problem. "It makes a *hollow mockery* out of the loud contentions of Southern officials that colored citizens are granted *equal justice* in America" (Anderson,

1955/2002, p. 144). Perhaps most poignant were these words by Melvin Lee (1955/2002), published in the *Cleveland Call and Post*: “The *rope and faggot* have been our destiny. *Equality and justice* for millions have been an *idle dream*, and the southern hospitality we hear so much of surely was *not meant for us*” (p. 146). In these examples, the thesis is expressed in ideological terms drawn from the Reconstruction Amendments, especially Amendment XIV; the antithesis is expressed in a variety of terms that oppose those ideals. In contrast to the promises of equality, justice and protection, black Americans were ignored as citizens. They experienced justice as a hollow mockery, often as the consequence of “tyranny and lynch laws” (Lee, p. 145), and too often ending with the rope and faggot. These examples make it clear that Till was not simply an individual black youth who was murdered by two white men; rather, he was subsumed in the extant relationship between black and white Americans. Emmett Till became a part of the whole—one with every black American who had been lynched at the hands of whites—and because of the persistent threat, potentially one with every black American. Read from the perspective of a didactic frame, Till’s story is placed in its proper context, a chapter in a larger narrative. As a part of the whole, Till’s story belongs to all black Americans, a representative anecdote that symbolized the discrimination and oppression suffered by black Americans.

For black Americans, Till’s murder became the crisis that signaled the rejection of the attempted synthesis that had been symbolized by *Brown v. Board of Education* (1954; 1955). According to Andrew Lewis (2009), Till’s murder “punctured the optimism” of black American youth (p. 24). He quotes John Lewis, a former leader in the Student Nonviolent Coordinating Committee (SNCC), and currently a U.S. Congressman



representing Georgia's 5<sup>th</sup> District, who was 14 years old at the time of Till's murder: "It didn't seem that the Supreme Court mattered. It didn't seem that the American principles . . . I read in beat-up civics books mattered . . . They didn't matter to the men who killed Emmett Till" (p. 24). In other words, members of Till's peer generation interpreted his story as proof that the partnership promised by *Brown v. Board*—the promise of racial equality—had been rejected, and furthermore, that they might become victims of racial violence, as well. The realization made them impatient with the pace of progress, and it equipped them, ultimately, to take action in order to force change. A change in tactics, as well as society, would first necessitate a change in attitude, however.

#### *A Transition from Fear to Resolve*

*The danger of being black American.* The lynching of Emmett Till—the crime, trial, and media coverage—profoundly impacted the attitudes and convictions of his contemporaries. As a representative anecdote that symbolized both the rejection of racial equality and the persistent threat of violence to black Americans, the Till incident prescribed attitudes that conditioned the responses of Till's peer generation in their struggle for civil rights. The crime itself instilled fear in the minds of young black Americans, and for many, the Till anecdote reinforced the lessons their parents taught them about "survival in a hostile land" (Golphin, 2008, p. 125). Till's murder amplified the "sense of danger" Ivory Phillips' parents had tried to cultivate in order to protect him: "'It was more in the sense of making sure you don't step out of line, you understand where your place is, but not being targeted'" (Golphin, p. 126). Similarly, Curtis Rivers reported that the incident reinforced his mother's warnings about "mess[ing] with white women" (Golphin, p. 127).

In the back of your mind you knew that this kid from Chicago had gone to Money, Mississippi . . . and he had supposedly whistled at a white woman, made comments at a white woman. So that was the impression that I was left with – don't make eye contact with white women and stuff like that. (Golphin, 127)

Vincent Golphin has argued that for many black Americans of the era, this fear remains “unresolved” (p. 125). Bonnie Jones, who lived in Mississippi when the murder occurred, was left with lingering fears, rooted in the concern that her brother might meet a fate similar to Till's:

I was just so afraid. My brother, Joe, was the same age [as Till] and I thought the same thing would happen to him. . . .

They mutilated him [Till] while he was alive, and we never heard of that before.

They had drug people, shot and killed them, but I don't think no one suffered as bad as the Emmett Till case.

The fear and pain will never go away. (Golphin, pp. 130-131)

In addition to experiencing fear, many black Americans of this generation were racialized further by the incident. Harvey Young (2008), for example, claims that Till's lynching made black American youth more cognizant of their blackness, and with that, were made aware of their personable vulnerability to violence. In an essay that examines the impact of Emmett Till on the formation of the Black Panther Party, Young argues that these factors motivated the politics of black youth in the 1960s. As one possible explanation, we might look to the media's coverage of the case. Harold and DeLuca (2005) have argued that the incident's visual rhetoric—especially the images of Till's battered body—expressed the ugly nature of racism so forcefully that it fueled the then-

struggling civil rights movement. Like Harold and DeLuca, Young attributes the effect to the incident's visual media coverage, which enabled viewers "to fully visualize racial injustice" (p. 25). Furthermore, Young argues that seeing Till's image invited black Americans to imagine the violence of his murder and to participate in his suffering—to imagine that it might well have been them; as a consequence, Till's contemporaries experienced the tragedy as a "near miss" (p. 40).

The comments and observations of civil rights activists support and elaborate Young's argument. Myrlie Evers-Williams (1967/2002) recalled that Till was not the first black American to be lynched, yet his death inspired a surfeit of media coverage, while the others did not. During the summer of 1955, George Lee and Lamar Smith, two Civil Rights activists, were killed, also in Mississippi. The difference in public reaction, Evers-Williams explained, was that Lee and Smith's deaths were predictable. Civil rights activism was dangerous work, and the two men "had been murdered for doing what everyone knew Negroes were murdered for doing" (pp. 249-250). By contrast, Till was innocent, "a fourteen-year-old boy who had certainly done nothing more than act fresh" (Evers-Williams, p. 250). Till's story thus became the potential story "of every Negro in Mississippi. For it was the proof that even youth was no defense against the ultimate terror . . ." (Evers-Williams, p. 250).

Civil rights activists who were raised in the South have frequently expressed their experience of Till's murder as a "near miss." Anne Moody (1968/2002), who lived in Mississippi at the time, referred to it as "a new fear known to me," greater than all her other fears, which included "hunger, hell, and the Devil. . . . I didn't know what one had to do or not do as a Negro not to be killed. Probably just being a Negro period was

enough” (pp. 254-255). John Lewis, who grew up in Alabama, recalled thinking “that it could have been me . . . at the bottom of the river” (Lewis, 2009, p. 24). Terrence Roberts, who would become one of nine students to integrate Little Rock Central High School, in 1957, recently revealed that after learning of Till’s murder, “I thought to myself that what happened to Emmett could end up being my fate as well if I didn’t obey the rules of segregation. I really didn’t like the sound of that” (Reid, 2010, para. 15). Bob Mants, who helped to lead the 1965 march on “Bloody Sunday,”<sup>65</sup> credited Till’s murder as the formative event that led to him to join SNCC at the young age of 16: “He was two years older than I was at the time, and it has had the most profound effect on my life. . . . I still get emotional about Emmett Till and what happened to him” (“*Mants an Important Figure*,” 2010, p. 2).

Quite possibly, Till’s murder made an even more enduring impact on northern black youth. Certainly, the incident provoked feelings of fear and vulnerability in the North, just as it did in the South. Julian Bond, who attended an integrated private school in Pennsylvania in 1955, stated that as a result of Till’s murder, “I felt vulnerable for the first time in my life,” and that he felt “this could easily happen to me—for no reason at all” (Lewis, 2009, p. 24). However, the socio-economic advantages of life in the North may have intensified the shock experienced by northern black youth. According to Andrew Lewis, by the 1950s, more black American families in the North, including the families of several SNCC leaders, were beginning to enjoy the perks of middle-class life. These parents tried to “insulate” their families from racism by cultivating an “illusion of safety” for their children (Lewis, p. 25). Diane Nash, who grew up in Chicago, recalled that her parents shielded her from the Till incident by restricting her access to the

infamous photographs; nonetheless, “the story hung over her home and neighborhood, shattering the illusion that middle-class blacks in the North were insulated from southern racism” (Lewis, p. 25). Stokely Carmichael’s experience was in some ways similar to that of Diane Nash. In the Bronx, Carmichael lived in a predominantly white neighborhood where he attended church and enjoyed friendships with his neighbors. Carmichael later recalled that in his neighborhood, the Till incident was not discussed; he first learned about it from the talk at a Harlem barbershop. Shortly after Till’s murder, however, Carmichael’s mother voiced concern about his friendships with white children, and seeing her son walking with a group of whites—both boys and girls—made her fear for her son’s safety. “With increasing anxiety, she told him to forget about white women like ‘a bullfrog forgot his tail’” (Carmichael and Thelwell, 2003, as cited in Lewis, p. 25).

To summarize, Till’s lynching profoundly affected black American youth. It heightened their sense of personal vulnerability: The violence Till suffered became a possibility in their own lives. As a representative anecdote, it emphasizes the potential and persistent threat of racial violence, and impacts the members of its discourse community. The Till story also appears to have altered black Americans’ perceptions of space and positioning in American society. As Andrew Lewis (2009) explained, “It scared them, “erasing the *distance* between the violence of Jim Crow and their lives, pushing the nominal gains of *Brown* to the side” (p. 25, emphasis added). We can read the evidence of this effect most clearly in the words of Kareem Abdul-Jabbar (1996/2002):

The murder shocked me. I began thinking of myself as a black person for the first time, not just a person. And I grew more distrustful and wary. I remember

thinking, ‘They killed him because of his color.’ In a way, I lost my childish innocence. *I felt like I was living in Transylvania*; all of a sudden, the color of my skin represented danger. From then on, I was always aware . . . that I could be hurt or even killed just for being black. (p. 277, emphasis added)

This effect of the lynching might best be described as a psychic dislocation.

If the violence Till suffered increased a sense of fear and vulnerability, the trial and subsequent acquittal of Milam and Bryant inspired outrage and the desire for action. Chester Himes (1955/2002), who had been following Murray Kempton’s coverage of the trial, wrote the following in a letter to the *New York Post*:

You are a Negro in New York. You read of the Mississippi lynching and the trial in an impotent fury. One moment you would like to beat the lynchers to a bloody pulp. That makes you as bad as they. The next minute, you wish you could find the one thing to say that would rally national indignation into the action which would stop this forever. (p. 117)

Himes’ words reflect the complex emotions wrought by the incident, and demonstrate a didactic pattern of interpretation. Himes juxtaposed his sense of vulnerability to his feelings of anger: He read the coverage “in an impotent fury.” The news provoked his outrage and a desire for action: He felt like beating Milam and Bryant “to a bloody pulp.” In keeping with the didactic frame, however, Himes recognized that a violent response would be ironic: His actions would be no less reprehensible than those of the killers. Himes is faced with a quandary: The situation demands a response—demands action, yet he does not want to be “as bad as they.” He wants another path, some way to transcend: He wishes he could say something “that would rally national indignation into the action

that would stop this forever.” Till’s story—the lynching and the trial, propelled other black Americans of his peer generation through this same cycle. Cleveland Sellers (1973/2002) recalled that after Bryant and Milam were acquitted, black Americans experienced the same combination of anger and vulnerability: “Blacks across the county were outraged, but powerless to do anything. . . . I couldn’t get over the fact that the men who were accused of killing him had not been punished at all” (p. 263). Sellers, who was twelve years old when the lynching occurred, would become a SNCC activist as a young adult.

It seems likely that this failure of justice served to highlight the ironies of legalism and gradualism; in the South, especially, whites maintained legal sway, and the pace of change proved too slow. As a consequence, this new generation of activists chose to supplant the methods of their elders with direct action—a choice that carried significant risk of personal injury, and perhaps death. Mamie Fortune Osborne (2008) recently interviewed David Jordan, a civil rights veteran and Mississippi State Senator, who attended the murder trial in 1955. A student at Mississippi Vocational College at the time, Jordan observed the palpable fears of black witnesses, individuals who were known and respected in the local community, as they took the stand to testify. In contrast, Jordan stated, Milam and Bryant received “royal-like” treatment (Osborne, p. 141), and to add insult to injury, “the jury was talking and everybody was having a good time” while the court was recessed (Osborne, p. 141). The disparate treatment of blacks and whites in the Sumner courtroom angered Jordan and fueled his activism. After the trial, the killers’ “confession” in *Look* magazine only further galvanized black resistance; “even those of

us who grew up in the racial discrimination were ready to die. We were just that angry” (Osborne, p. 144).

With time, this generation, and their tactics became more radical, a turn which Young (2008) has cited as proof that the impact of Till’s murder endured. As he has explained, the Till incident marked the beginning of the media’s sustained coverage of the Civil Rights movement. Much of this coverage reported on white violence that was directed toward black Americans, which was at odds with the Movement’s official philosophy of nonviolence; this dissonance “eventually exhausted the patience of Till’s contemporaries” and fostered black militancy in the 1960s (Young, p. 35).

### *Conclusion*

The lynching of Emmett Till produced fear and a sense of vulnerability among black Americans in the 1950s and 60s. With the trial and verdict, fear yielded to anger. Fear underscored the fact that change was needed and had been too long coming. Anger provided the impetus for action. Moreover, the incident provided an attitude to meet the needs of living in a time of cultural transition. Given the presence and moralistic bent of a didactic frame, we might label this attitude “righteousness,” and recognize that it “galvanized a people perched on the fragile border between heroism and fear to courageously pursue meaningful and complete equality” (Dyson, 1991/2002, p. 268). As a representative anecdote, the story of Emmett Till retains its rhetorical power. Speakers today continue to invoke his name, summoning not only the incident itself, but an entire history of lynching and racial injustice, and the memories of fear and outrage. Till’s story equipped a generation with an attitude appropriate for transition; it provided a path for transcendence, and the resolve needed to walk it. When speakers invoke his story today,



they cite not merely an event in history. They recall fear, feelings of vulnerability, and outrage, all of which are meant to guide our interpretation. They speak Emmett Till into the present, and by his presence, they remind us that the transition is not yet complete.

## CHAPTER 5: WITH US STILL

### The Emmett Till Anecdote as a Contemporary Rhetorical Resource

Since I began this investigation, the story of Emmett Till continues to circulate in the American imagination and national news. Part of this interest is driven by the publication of several major works in the last decade, including Mamie Till-Mobley's memoir (Till-Mobley and Benson, 2003), and a compilation of primary documents by Christopher Metress (2002). In 2005, Keith Beauchamp released a documentary that suggested others were involved in the crime; this prompted the U.S. Department of Justice, in cooperation with the Mississippi District Attorney, to open a new investigation. Although the federal statute of limitations had expired, the FBI assisted the Mississippi District Attorney with recommendations for additional state prosecutions in the case (U.S. Department of Justice, 2004). As part of their investigation, Till's body was exhumed in 2005; an autopsy confirmed the body's identity, documented numerous fractures, and determined that in addition to the beatings he suffered, Till had been shot to death (Federal Bureau of Investigation, 2006). The Mississippi District Attorney sought manslaughter charges against Carolyn Bryant Donham in 2007, but based on the evidence presented, a Leflore County grand jury declined to indict ("Miss. Grand Jury," 2007). Thus the longevity of interest in Till's story is a testament to frustration: Like the 1955 acquittal of Milam and Bryant, the recent federal investigation failed to produce any meaningful resolution. Nor have the civil rights achievements of the 1950s and 1960s lessened the impact of the incident; rather, Till's memory, and the past it represents, is nurtured in the memoirs of the movement's activists. Emmett Till continues to live

through the narrative that summarizes an important chapter in our nation's history, and the passing of time has compounded the rhetorical force of his story.

"Emmett Till" has become a representative anecdote. According to Davis Houck and Matthew Grindy (2008), Till's story remains most familiar to black Americans, including many who still recall the graphic photographs published in several black American newspapers and magazines in the mid-1950s. The photos ensured that subsequent generations of black Americans would learn the story as "a cautionary trope," cited by the elders in their households (Houck and Grindy, p. 31). Over the last two decades, the name of "Emmett Till" has become more familiar to white Americans, too. The story surfaces periodically as a trope for injustice—we use his name in making sense of injustice when it occurs in the present. We were outraged when Aaron McKinney and Russell Henderson beat Matthew Shepard, tied him to a fence and left him hanging to die. We called Shepard's murder a "lynching" (Scruggs, 1998, p. 1B), and then invoked the name of "Emmett Till" to try to understand why it happened:

God, I think, sent us Matthew Shepard. The same way He sent Emmett Till of Chicago. . . . Yes, I think when He hears the increasing drumbeat of intolerance and hate, He dispatches to us a sign hanging like Till in 1955 from a tree in Mississippi . . . or Matthew Shepard lashed to a Laramie split-rail fence. (Johnson, 1998, p. 6A)

That Johnson's factual information is in error is also revealing. He equates lynching to hanging, reflecting an understanding that is grounded in the practices of western vigilantes and the Reconstruction-era Klan. Till was not hung from a tree, but Johnson's

confusion on these facts does suggest that Till's story has come to represent lynching more generally.

Till's story has become a symbol of our nation's racial discord and its continued presence in our rhetoric reveals much about our notions of justice. When a predominantly black American jury acquitted O. J. Simpson of murder, comparisons to the Emmett Till murder trial reminded us that our legal system is imperfect and that as a nation, we are far from unified in our ideas about what is "just." One Canadian paper observed that "not since the 1955 acquittal of the killers of Emmett Till . . . has American justice been so glaringly shoved aside by racial solidarity" (Frum, 1995, p. 11). We were reminded, too, that incidents of historical injustice—the lynching of black Americans by white mobs, the too-hasty convictions of black men accused of sundry crimes by all-white juries, and the dragging death of James Byrd by three whites in Jasper, Texas—were compounded by the easy acquittals of white men like Roy Bryant and J. W. Milam. In 1995, following a long and dramatic criminal trial, a good number of black Americans across the country cheered Simpson's acquittal by a Los Angeles jury. When reporters for the *Boston Globe* interviewed local black citizens for their reactions, one respondent raised the story of Emmett Till to make his point.

"Black people were not cheering the death of two white people," began Harmeed Abdullah, a 50-year-old clinical social worker. . . . "Black people were laughing at a system that for 300 years, 400 years has excluded them," he said. . . .

Abdullah asked if whites who didn't understand why blacks cheered remember the South of the 1950s—the South whose victims included Emmett Till, a Chicago boy brutally murdered, supposedly for whistling at a white woman while visiting

relatives in Mississippi. . . . ‘With Emmett—a whistle and he dies,’ Abdullah said. ‘No one is brought to justice.’ (Saunders and Scales, 1995, Metro/Region Section, p. 1)

In 1997, however, a predominantly white crowd cheered when a Santa Monica civil court found Simpson liable for the wrongful deaths of Ronald Goldman and Nicole Brown Simpson. Journalists speculated anew about the racial dynamics, and one columnist called again on the story of Emmett Till to place the reactions into perspective:

Most Americans should remember the case of Emmett Till, the black Chicago youth who was all of 14 when two Mississippi white men beat him to death for supposedly getting fresh with a white woman.

An all-white jury acquitted both men, who then went on to admit their guilt and get paid to provide all the ghastly details of how they murdered Till in a story for *Look* magazine. That, and not Simpson's acquittal for murder in his criminal trial, was the low point in the American judicial system. If that case didn't polarize the races, nothing will. (Kane, 1997, p. 13)

These examples illustrate different uses of the anecdote, but nonetheless demonstrate that Till's story endures as a powerful archetype of injustice.

### *The Memory of Injustice*

As a *representative* anecdote, Till's story is integral to the memory of historical injustices suffered by black Americans. Black Americans experienced Till's death as a lynching; they felt terror, anguish, and the breadth of emotions a lynching was intended to generate. As I have argued in Chapter 2, when J. W. Milam described his actions to William Bradford Huie (1956/2002, 1957/2002), his story resembled the lynching

narrative of the late 1800s. When he made the decision to kill Emmett Till, he did so with the intention of sending a message warning black Americans to stay in their place. Furthermore, Milam believed that the whites in his local community—indeed, that many whites across the nation—approved of his actions (Huie, 1957/2002). Certainly, Mrs. Bradley’s decision to show Emmett’s body to the world reshaped this message, redirecting attention to the persecution of black Americans in the South. Nonetheless, the ferocity of Milam and Bryant’s message was recorded on Till’s body, and the abuse he suffered inflicted fear and psychological distress on the black American community. Milam and Bryant’s actions inscribed terror, and terror made this crime more than just a murder.

The elements of terror and memory are threads that connect Emmett Till to the larger history of persecutions that were used to restrict the liberty and rights of black Americans. Some skeptics might argue that whatever happened between Emmett Till and Carolyn Bryant to precipitate his murder really was not strictly a matter of constitutional liberty or citizenship rights. However, as Huie (1959/2002) has indicated, Milam was not driven to kill by what Emmett said or did in the Bryant’s store; rather, Till purportedly boasted of having sex with a white girl in Chicago (p. 243; also see Huie, 1955/2002, pp 207-208). The truth of this claim has been challenged since its initial publication in 1956. Shortly after Bryant and Milam’s “confession” appeared in *Look*, Mrs. Bradley (1956/2002) told readers of the *Chicago Defender* that “Roy Bryant and J. W. Milam went to great pains to manufacture those lies about Bo in order to try and justify the crime they committed” (p. 233). More recently, Beauchamp (2005) has suggested that the “confession” was contrived. Houck and Grindy (2008), who concur with Beauchamp, say

that Milam and Bryant “bamboozled” Huie and “hoodwinked” *Look* magazine (p. 151). Furthermore, the brothers’ “confession” was consistent with a justifiable homicide defense, which was likely the original strategy planned by their attorneys (Houck and Grindy, pp. 11; 72-106; 151). Whether the “confession” is true or not, it nonetheless appears plausible that to men like Bryant and Milam, Emmett Till embodied the specter of miscegenation. As Wilson (2002) has demonstrated, this fear had been used to limit black equality since the early 1870s, when proposals for a Civil Rights bill were debated in Congress. Furthermore, *Brown v. Board of Education* (1954; 1955) shaped the context of the crime, and this ties the incident to the broader issue of civil rights. Milam’s rationale for killing Till alluded to the *Brown* decisions, as well; he intended to warn black Americans to “stay in their place” (Huie, 1956/2002, p.207). This part of the “confession” was corroborated by Milam and Bryant’s defense attorneys. Both John Whitten and J. J. Breland believed the killing was aroused by the *Brown* decisions (see Huie, 1959/2003, pp. 237; 241). Breland maintained that Milam and Bryant “wouldn’t have killed him, except for Black Monday. The Supreme Court of the United States is responsible for the murder of Emmett Till” (Huie, 1959/2002, p. 241). Though the logic is somewhat convoluted, a black youth’s attraction to a white woman was related to the political issues of racial equality and citizenship: School desegregation was the penultimate step toward the realization of racial equality; whites feared, however, that integrated schools would increase inter-racial familiarity, which would lead to miscegenation. The fear of black equality had long pervaded the southern white imagination, and the specter of miscegenation became the ultimate justification for the

lynching of black men. The memory of this particular persecution has been both painful and lasting.

The memory of injustice is communicated from one generation to the next through stories like the Till anecdote. In general, the memory of injustice complicates the matter of retributive justice. Martha Minow (1998) has argued that the standard avenues of retributive justice are limited when responding to systematic or mass persecution, in part because they are unable to account for the particular harm created by memory of terror. To explain this limitation, consider that our government was founded on Lockean liberal ideals. If we were to map a cluster of ideographs based on liberalism's philosophical commitments, the legend would list terms such as "representation," "impartiality," "autonomy," "rationality," "equality," "freedom," "fairness," "individual," "rights," "justice," and "due process." Taking the 14<sup>th</sup> Amendment into account, we would add "equal protection" to the mix. Liberalism, of course, values the liberty of the individual. With liberty, however, comes a corresponding responsibility. In fact, it is liberalism's ideological commitment to the individual that helps to stabilize our society politically; in matter of justice, we channel blame toward and seek retribution from the individual perpetrators of crimes. That is, we hold the individual responsible for transgressions—not his or her community. Accordingly, we do not attach responsibility for a crime to members of a subsequent generation; a child is not held to account for his parents' or grandparents' transgressions. In cases of mass persecution or injustice, "the emphasis on individual responsibility offers an avenue away from the cycles of blame that lead to revenge, recrimination, and ethnic and national conflicts" (Minow, p. 40). At



the same time, our emphasis on individual responsibility can inhibit discourse and make us slow to acknowledge when we bear collective responsibility for systemic injustice.

In 1955, when Mississippi's white press denied Till's death was a lynching, its rhetoric was consistent with the ideology of liberalism: The papers insisted the state would prosecute the suspect individuals in accordance with due process procedures. The central claim of Houck and Grindy (2008) is consistent with this observation, too.

Although the state's white newspapers were not of one mind, their coverage of the Till story set a "discursive trajectory" that shaped local opinion and influenced the justice process (Houck and Grindy, p. 7). In particular, the pre-trial coverage planted doubt among local whites that a murder had taken place, and as a consequence, "[j]ustice . . . was increasingly linked to an acquittal rather than a conviction, especially on the charge of murder (Houck and Grindy, p. 46). Additionally, white Mississippians "conflated" the actions of the NAACP and Mrs. Bradley (Houck and Grindy, p. 63). Mrs. Bradley made the decision to display Till's body herself, but in the minds of southern whites, the viewing was a fundraising and propaganda event sponsored by the NAACP (Houck and Grindy, see p. 63). As a result, white Mississippians began to conclude that "the Till case was merely a pretext and proxy for an attack on the South's way of life" (Houck and Grindy, p. 63). Similarly, when Mrs. Bradley and the NAACP charged that Mississippi was responsible for Till's death, it was perceived as an accusation that the state's citizens and institutions—collectively—had failed to provide equal protection. In a region bent on maintaining racial segregation, the situation was read as a threat to the spatial order, and to state and local control. Understanding this, it is not surprising that "due process" was bandied by the press. While the right of "due process" protects individuals from the

excesses of government interference, it also shifts the locus of responsibility for the crime to the individual. By deflecting attention from the community, society, or system, it serves a stabilizing purpose. The effect on the justice process was stated perfectly by the *Christian Century*: “[T]he structure of justice was correct but the context of justice was not, so that, as always happens in such situations, justice died with all its formalities in perfect order” (“Double Murder,” 1955/2002, p. 131).

Mississippi did prosecute Milam and Bryant for murder, and news accounts of the day indicate that the prosecution and presiding judge took their jobs seriously and tried to ensure a fair trial (e.g., see Wilson, 1955/2002, p. 49; Kempton, 1955/2002b, p. 64; Kempton, 1955/2002a, p. 87; Hicks, 1955/2002, p. 112). While the trial might have promised some slim possibility of retributive justice—the potential of a criminal conviction in lieu of Till’s life—it offered no compensation for the harm and pain experienced by other members of the community and its subsequent generations. A criminal trial is particularly ill-equipped to respond to the terror a community may experience in the wake of the crime. Till’s death was experienced as a lynching by the black American community, and trying Milam and Bryant for murder did not redress that harm.

An especially heinous crime—especially when imbricated in a history of persecution—can scar entire communities. The result, as Minow (1998) has discussed, is often blame and revenge. A “rape revenge crime” occurred in Memphis during the height of coverage in the Till case; the four black perpetrators reportedly cited the Till murder as their rationale for the crime (Houck and Grindy, 2008, p. 87). The Memphis incident provoked the *Delta Democrat-Times*—the most moderate of Mississippi’s papers—to

blame the NAACP: “Since the group was so willing to blame all white Mississippians for the death of Emmett Till, is it now ‘ready to take the blame for inciting these four young Negroes to commit rape? It certainly is logical’” (Houck and Grindy, p. 87).

Houck and Grindy make the point that local newspapers exacerbated the racial tensions that provoked revenge, and “frequently portrayed the southern black person as an uncivilized savage eager to act out his predatory ways against unsuspecting white womanhood” (p. 87).

Nor was the Memphis incident a singular consequence. In Chapter 4, I cite a number of civil rights activists who have spoken of the terror, distress and anger that Till’s death created. The harm inflicted by the Till incident is eloquently expressed by Eldridge Cleaver (1968/2002). Cleaver was serving sentence in a California prison when he first learned about Till’s death. He came across a magazine with Carolyn Bryant’s picture, and found himself attracted to her.

Here was a woman who had caused the death of a black, possibly because, when he looked at her, he also felt the same tensions of lust and desire in his chest. . . .

It was all unacceptable to me. . . . I flew into a rage at myself, at America, at white women, at the history that had placed those tensions of lust and desire in my chest. (p. 258).

Shortly afterward, Cleaver experienced a “nervous breakdown” (p. 258). As a result of his anger, he “became a rapist,” first “practicing on black girls in the ghetto,” and eventually targeting white women (p. 260).

Rape was an insurrectionary act. . . . I was very resentful over the historical fact of how the white man has used the black woman. I felt I was getting revenge. From

the site of the act of rape, consternation spreads outwardly in concentric circles. I

wanted to send waves of consternation throughout the white race. (p. 260)

Cleaver's words illustrate that when we ignore the far-reaching impact of an injustice on the victim's community, the consequences return to us.

If persecuted communities are to heal, their societies "must seek a route between too much memory and too much forgetting" (Minow, 1998, p. 118). While the act of remembering injustice can be productive and powerful, too much memory can keep communities at odds and prohibit healing (Minow). On the other hand, ignoring or forgetting past wrongs—too much forgetting—can compound the original injustice, effectively silencing victims and making it harder for them to recover (Minow). To walk the line between memory and forgetting, we need to acknowledge that our past—what we remember and what we forget of it—shapes both the present and the future (Minow, p. 119). In other words, we need to acknowledge that memory, like history, is discursively constructed and constitutive of social reality.

Houck and Grindy (2008) argue that Emmett Till is being written into history in ways that modify the nation's collective memory of the civil rights movement. Over the past two decades, Till has become an object of scholarly and governmental inquiry, as well as the subject of numerous public memorials (Houck and Grindy). In tandem with our renewed interest, we have designated Till as the "'spark' or 'catalyst' for the civil rights movement" (Houck and Grindy, p. 155). Using Till's murder to mark the start of the movement, they reason, is more a matter of punctuation than historical fact. If we were so inclined, we might argue instead that the movement began with *Brown v. Board* (1954), or even earlier, with the founding of the NAACP. The Till incident, however,

makes a compelling introduction to the civil rights story: “*Brown* was but text; Emmett was flesh and blood” (Houck and Grindy, p. 155). Our desire to recognize Till in this manner is significant, however, because it indicates a change in attitude and the belated desire to see justice prevail. “[B]y elevating Emmett Till to the status of founding cause we redeem an injustice, we right an awful wrong (Houck and Grindy, p. 155). At the same time, they insist, we are shaping national memory in ways that may diminish the contributions and sacrifices of others. For example, over the past decade, several pieces of legislation have been named for Emmett Till. Such “symbolic namings” memorialize their namesake, but also “‘stand in’ for others who might have suffered a similar fate” (Houck and Grindy, p. 156). In the latter respect, symbolic namings resemble a representative anecdote—they reduce the whole to a part. Houck and Grindy are concerned, however, that symbolic namings net a “very partial representation of a complicated history” (p. 156). For example, the Unresolved Crimes Section within the Civil Rights Division of the U.S. Department of Justice was created by the *Emmett Till Unresolved Civil Rights Crime Act* of 2007. While the purpose of the act and the desire to memorial Till are noble, Houck and Grindy question whether the symbolic naming mutes the sacrifices of other civil rights martyrs and victims, even as it extends the hope of justice.

We should also consider that remembering and forgetting are implicated in other rhetorical actions and resources. For example, memory is implicated in the meaning of words and the act of defining. To build on what Schiappa (2003) has written, consider that the denotation of a word, as well as its connotation derives from its past use; a definition “remembers” this prior usage—it records this memory. Furthermore, when a

definition is disputed, it may challenge this memory. In this way, the definitional dispute that arose when Roy Wilkins used the word “lynching” can be thought of as being based on competing memories of the past. Wilkins compared Till’s death to the past injustices suffered by black Americans; he observed similarities and judged the crime to be a lynching. Conversely, by trying to restrict the definition, the Southern white press tried to edit this memory by erasing certain categories from the word’s definition.

Memory and forgetting are also implicated in the work a representative anecdote performs. To briefly review, a representative anecdote reduces the whole of an experience to one part. The Emmett Till story, for example, reduces a history of injustice, particularly that of lynching, to this one incident. To be representative, the anecdote must reflect the reality it represents adequately. No reflection, however, is perfect; due to the nature of language, some part of the whole will be deflected. Memory, like a representative anecdote, is discursive in nature, and to flesh out this comparison, we can consider that reduction, reflection, and deflection are central to the acts of remembering and forgetting. Remembering certainly reflects, and likely reduces some aspect or event of the past; forgetting deflects the thing or event, and may be implicated in its reduction. A representative anecdote, such as the story of Emmett Till, reflects what the community deems important to remember, and deflects what it feels is less important. What is deflected might be forgotten over time, even though the anecdote continues to be used.

As a representative anecdote, the story of Emmett Till helps to preserve community memory and convey important cultural knowledge. When speakers invoke the anecdote, they summon the incident and the history it represents into the present. Members of the community who already know the story participate in it, and with the

retelling, the memory and lessons of the past are transmitted to a new generation. A prime example of this usage of the Till anecdote occurred in late 2008 and early 2009, with the election and inauguration of our nation's 44<sup>th</sup> president.

On Tuesday, November 4, 2008, history was made when Barrack Obama became the first African American to be elected President of the United States. Following an intensely partisan campaign, Obama defeated the Republican candidate, John McCain, taking 53 percent of the popular vote (66,682,230 votes) and 365 electoral votes ("CNN Election Center," 2008). Support for the candidates was split along racial lines. Exit polls by CNN indicated that a majority of minority voters supported Obama, while McCain received a majority of white votes. Support for Obama was highest among black Americans, and CNN estimated that 95 percent of their votes went to Obama. Although 55 percent of white voters supported McCain, a good number of whites voted for Obama. According to statistics reported by CNN, total minority voters comprised only 27 percent of the electorate; thus it is fair to say that white support for Obama was substantial, and helped to elect him. Given its historical significance, we might be led to interpret Obama's election as a sign that the U.S. has finally transcended the racial problems of its past. The rhetoric that celebrated Obama's election and inauguration suggests another interpretation, however. To summarize, the rhetoric that celebrates the election and inauguration of President Barrack Obama exhibits the Hegelian dialectic pattern that corresponds to the didactic frame that contains the Till anecdote. A thesis, expressed as the promise of the present moment and symbolized by the inauguration of the nation's first African American President, is contrasted to its antithesis, which is expressed as the

pain of racism and symbolized by the Till anecdote. An analysis of this rhetoric reveals that the black American community has not yet perceived the transition it seeks.

### *The Promise of the Present Moment*

The inauguration of Barrack Obama took place on Tuesday, January 20, 2009. Because the election was an historic achievement, and because the inauguration coincided with Martin Luther King Day (January 19, 2009), the events gave rise to thoughtful commentary in the media, which used the opportunity to reflect on the struggle for civil rights and to summarize what the election meant in this light. In this rhetoric, Obama's presidency is greeted with anticipation. His election is characterized in terms of "achievement," "miracle," and "healing," and reflect "optimism" and "hope" for the future.

The election of our first black American president is greeted as "a crowning achievement" (Leon, 2008, para. 19), as well as "a sublime achievement on the part of our nation" (Griffin, 2009, para. 5).<sup>66</sup> The rhetoric makes clear that a larger community shares in this achievement—the victory was not Obama's alone. Obama won states from every region of the country, including the southern state of Virginia—a fact that attests to "[t]he triumph of a people and nation" (Hatch, 2008, para. 3). The community that shares in the achievement encompasses past generations and includes the nation's "founding fathers and mothers, and all the fallen slaves, civil rights workers, activists, victims and protestors"; Obama's election is "the prize of their heroic labors" (Early, 2009, p. 2). While grounded in the past, this achievement is described in optimistic terms that express a sense of forward momentum and progress. For Jack Rosenthal (2009), former editor at the *New York Times* and a veteran of the Kennedy and Johnson administrations,



“Obama’s election epitomizes a remarkable evolution” (para. 4). In an analogy to the Industrial Revolution, the Obama presidency is predicted to be “a quantum leap forward that will change everything” (Croisdale, 2008, para. 9). Progress and momentum extend the effects of this achievement to the future, and beyond national borders, as well. In an essay for the *Birmingham Post*, which is circulated in Great Britain, the historian Anthony Painter (2009) observed that Obama’s election has inspired children of color in locations as diverse as Birmingham, England; Gaza City; Nairobi; and Seoul. As a result, “they mirror what we see in the White House. The daughters will dare to dream. They will dare to aspire” (paras. 31-33). For black Americans, especially, the election of Barack Obama was no less than a “mighty American miracle” (Early, 2009, p. 1). As a “contemporary of epic of biblical proportions,” it was comparable to “the parting of the Red Sea and the falling walls of Jericho in our lifetimes” (Hatch, 2008, para. 3). In San Jose, California, the election night victory inspired church-like rejoicing in the news room of the *Mercury News*. “There were high-fives, hugs, and hallelujahs” when the paper’s staff realized that “the nation . . . had freed itself from 232 years in social, racial, intellectual and political shackles” (p. 1). From the “therapeutic images” broadcast on election night (Croisdale, 2008, para. 5), this miracle was experienced by some as the beginning of a healing process. David Early (2009) recalled that on election night, tears stung his eyes as he reflected on the injustice endured by blacks in our nation. “But what I felt, shockingly, wasn’t rage. It was an unexpected healing of the heart” (p. 1).

### *The Struggle Continues*

The rhetoric I have discussed thus far celebrates the election and inauguration of President Obama and might appear to signal that our nation has transcended its racial

history. A black American has been elected to the highest political office in the land, and this is cause for celebration. This achievement is tempered by memories of pain and sorrow, however, and the rhetoric insists that the struggle for justice must continue.

“[L]et’s not foolishly think an Obama win erases centuries of racism in America” (Dean, 2009, para. 3). Congressman and former SNCC leader John Lewis (2009) explained that, “politics was not our ultimate goal, but just one mighty step on the pathway of peace” (para. 14). In this discourse, each expression of optimism or hope is qualified to acknowledge that the nation has not yet arrived at its anticipated destination. One Mississippian wrote, ““Hope is what this election has brought—hope that this country can change and become one” (Frison, 2008). At a Martin Luther King, Jr. Day celebration in Medford, Oregon, the keynote speaker, John Luther Dolan, paraphrased the words of W. E. B. Du Bois: “‘To be a great nation,’ Dolan said, ‘we must solve the problem of the color line. Now that Barack Obama is our president I’m optimistic” (Achen, 2009, para. 12). To quote Lewis once again:

We still have not reached the day when ‘justice rolls down like waters and righteousness like a mighty stream.’ That was King’s dream. . . . The election of Barack Obama is not the final resting place, but it is a major down payment on the fulfillment of that dream. (para. 15)

There is recognition, too, that King’s dream will not be realized without continued effort. Many black Americans died in the fight for civil rights, and the cause is still relevant today. To quote the Reverend Charles Steele, president of the Southern Christian Leadership Conference, “[T]he struggle is not over—the struggle has just begun” (Keefe, 2009). To summarize, the optimism expressed about Obama’s presidency does not

convey forgiveness, nor does it suggest that the problems of the past have been transcended. “Optimism” does, however, allow us to “celebrate” the achievement in which we share, provided we “then get back to the unfinished work” (Hatch, 2008, para. 8).

In these same texts, the sacrifice of Emmett Till serves to counterbalance the achievement of Obama’s election. These references to Till are clustered with words that describe and indicate lingering memories of pain. Till is remembered as one who suffered, as one of the “martyrs who gave their lives as America struggled to live up to the fundamental precepts, upon which America was founded” (Leon, 2008, para. 18). Till is depicted, with Jacques Pierre Brissot, John Brown, W. E. B. Du Bois, Martin King, Jr., and Harriet Tubman, as having “stood bravely against the horrors of slavery and racism” (Croisdale,<sup>67</sup> 2008, para. 19). Having died a martyr’s death, he is now among the “cloud of unseen witnesses” surrounding Obama at his inauguration (Strachan, 2009, para. 26).

The pain of the Till incident is described in physical and psychological terms. On the eve of Obama’s inauguration, Till’s death is described as an “agony” and recalled as “one of the worst moments” of our nation’s past (Griffin, 2009, para. 4, 5). The physicality of this pain is even more pronounced when writers recalled the Till incident in historical perspective. A week before the inauguration, David Early (2009) placed the killing of Emmett Till among “the agonies” of the past—pain-filled memories that also include the 1963 bombing of Birmingham’s 16<sup>th</sup> Street Baptist Church; the 1964 murders of Mickey Schwerner, James Chaney, and Andrew Goodman in Neshoba County, Mississippi; and the 1968 assassination of Martin Luther King, Jr., in Memphis. These tragedies comprise Early’s personal experience of the civil rights movement; they cap the

“brutal” history of Jim Crow and the sacrifices of the unnamed black Americans who were “crushed” by segregation, their “opportunities forever lost in blood” (Early, p. 2).

Psychologically, the memory of pain may be difficult to express. “Even to speak, to grope for words to describe horrific events, is to pretend to negate their unspeakable qualities and effects” (Minow, 1998, p. 5). Nonetheless, pain that is unspeakable deserves a hearing; furthermore, change and healing may demand it. Congressman John Lewis (2009) has stated that the world had to witness “unspeakable demonstrations of hatred”—such as the “murder and mutilation of Emmett Till”—before this nation could elect an Obama (para. 10). Of course, I am not suggesting that unspeakable pain *must* precede change; rather, I am arguing that when injustice occurs, the victim deserves the opportunity to speak about the pain. Speaking about injustice may be therapeutic for the victim; furthermore, hearing the painful effects may prove ultimately redemptive for the perpetrator.

In these texts, commentators struggle to make sense of the pain and suffering of the past by using rhetorical devices to “reconcile opposites” and achieve a “higher synthesis” (See Burke, (1937/1959, p. 80). This demonstrates a continued presence of the didactic frame, which I discuss in chapter 4, and serves to incorporate the story of Obama into the community’s larger narrative. The remarks of Congressman Lewis, which I cite in the paragraph above, reflect didactic sense-making. Saying that the world had to witness “unspeakable demonstrations of hatred” before this nation could elect a black American to the presidency expresses a didactic philosophy and provides a method for reconciling the injustice of the past with the achievement of the present. Other commentators subscribe to variations on this philosophy, as well. One writer

characterized Till's murder and the assassination of Martin Luther King, Jr., using biblical terminology. These events were "tribulations" long endured by black Americans (Hatch, 2008, para. 2). This particular choice of wording is evocative of the tribulations suffered by the disciples and church of Christ; the use of the term suggests that Black Americans had to suffer tribulations before they could enter the Kingdom of God.<sup>68</sup> Furthermore, Till and King represent the "rejected stories"<sup>69</sup> God has used to form "the chief corner stone of a new building" (Hatch, para. 3). In still other examples, the historical suffering of black Americans—represented by Emmett Till—is reconciled by reframing the injustice as the "price" paid for the present achievement. These comments remind the community that "the road to the White House was has been a long and bloodied road," paved by the bodies of martyrs "who paid the price, many the ultimate sacrifice, blacks like . . . Emmett Till" (Strachan, 2009, para. 26, 12). Or it encourages the community to read the present and future in a context that includes the past: "So, as we talk about change, let us not forget that this day, this time did not come without a price . . ." (Frison, 2008, para. 8). Recalling the story of Emmett Till and interpreting it as a "price" encourages the community to reframe its history in keeping with a didactic frame to enable a "higher synthesis" (1937/1959, p. 80).

The Emmett Till anecdote, then, provides a context for interpreting Obama's victory, and an outlet for voicing the memory of pain. In addition to preserving specific memories injustice, the anecdote communicates the community's ideological values. "Equal protection," "equality" and specific ideals of "justice" are central to the Till anecdote and are pivotal to the larger black American narrative. The use of the Till anecdote in the rhetoric that celebrates President Obama continues to interpellate

members of the community—it argues that the work of civil rights is not finished, that the struggle continues. Accordingly, it prescribes an attitude of transition and the rhetorical resources for making sense of the present.

Perhaps more than anything, the story of Emmett Till reminds us that freedom has a cost, and that the price of racial equality has been especially dear. The reminder of this cost—the continued presence of Emmett Till in our rhetoric—is proof that “the death of Emmett Till . . . was not in vain” (Painter, 2009, para. 13). It was what Mrs. Bradley hoped for that sad day when she met her son’s body at the Illinois Central train station: “Darling, you have not died in vain[;] your life has been sacrificed for something” (Colin & Elliott, 1955/2002, p. 30).

## References

- Abdul-Jabbar, K. (2002). From *Black profiles in courage*. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 276-278). Charlottesville: University of Virginia Press. (Original work published 1996)
- Achen, P. (2009, January 19). King day, Obama's day connect. *Mail Tribune*. Retrieved from:  
<http://www.mailtribune.com/apps/pbcs.dll/article?AID=/20090119/NEWS/901190306>
- Aden, R. C., Pearson, P., & Sell, L. (2007, November). *Townies: Representing others and defining social spaces*. Paper presented at the annual conference of the National Communication Association, Chicago, IL.
- Allen, F. A. (1999). Shelly v. Kraemer. In K. L. Hall (Ed.), *The Oxford guide to United States Supreme Court decisions* (pp. 283-284). New York: Oxford University Press.
- American Anti-Communist Militia (2002). Emmett Till is alive. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 199-200). Charlottesville: University of Virginia Press. (Handbill distributed in November, 1955)
- Anderson, E. (2002). [Letter to the editor of the *Baltimore Afro-American*]. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (p. 144). Charlottesville: University of Virginia Press. (Original work published 1955, October 1)
- Articles of Confederation. (1781). Retrieved October 29, 2007 from Yale Law School, Avalon Project Web site: <http://www.yale.edu/lawweb/avalon/artconf.htm>

- Aune, J. A. (1994). *Rhetoric and Marxism*. Boulder, CO: Westview Press.
- Bad news for NAACP. (2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (p. 40). Charlottesville: University of Virginia Press.  
(Original work published 1955, September 8)
- Baker, C. (2006). Emmett Till, justice, and the task of recognition. *The Journal of American Culture*, 29, 111-124.
- Beauchamp, K. (Director). (2005). The untold story of Emmett Louis Till [Motion Picture]. United States: THINKfilm
- Bell, D. (2004a, May/June). Brown Reconsidered: Was Educational Equity, Rather Than Integration Idealism, The Appropriate Goal? *The Crisis*, 111, 44-46.
- Bell, D. (2004b). Silent covenants: *Brown v. Board of Education* and the unfulfilled hopes for racial reform. New York: Oxford University Press.
- Benedict, M. L. (1974). Preserving the Constitution: The conservative basis of radical Reconstruction. *The Journal of American History*, 61(1), 65-90.
- Benedict, M. L. (1999). Slaughterhouse cases. In K. L. Hall (Ed.), *The Oxford guide to United States Supreme Court decisions* (pp. 286-289). New York: Oxford University Press.
- Bernstein, B. J. (1963). Plessy v. Ferguson: Conservative sociological jurisprudence. *Journal of Negro History*, 48, 196-205.
- Bitzer, L. F. (2000). The rhetorical situation. In C. Burgchardt, (Ed.), *Readings in rhetorical criticism* (2<sup>nd</sup> ed., pp. 60-68). State College, PA: Strata. (Original work published in 1968)



- Blood on their hands. (2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 25-26). Charlottesville: University of Virginia Press. (Original work published 1955, September 10)
- Bradley, M. T. (as told to Payne, E.). (2002). From Mamie Bradley's untold story. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 226-235). Charlottesville: University of Virginia Press. (Original work published 1956, April - June)
- Browder v. Gayle*, 352 U.S. 903 (1956).
- Brown v. Board of Education*, 347 U.S. 483 (1954).
- Brown v. Board of Education*, 349 U.S. 294 (1955).
- Brummett, B. (1984a). Burke's representative anecdote as a method in media criticism. *Critical Studies in Mass Communication*, 1, 161-176.
- Brummett, B. (1984b). The representative anecdote as Burkean method, applied to evangelical rhetoric. *Southern Speech Communication Journal*, 50, 1-23.
- Brummett, B. (1985). Electric literature as equipment for living: Haunted house films. *Critical Studies in Mass Communication*, 2, 247-261.
- Burke, K. (1959). *Attitudes toward history*. 2<sup>nd</sup> ed. Los Altos, CA: Hermes. (Original work published 1937)
- Burke, K. (1968). Dramatism. In D. L. Sills (Ed.), *International encyclopedia of the social sciences*, vol. 7 (pp. 445-451). New York: Macmillan.
- Burke, K. (1969). *A grammar of motives*. Berkeley: University of California Press. (Original work published 1945)

- Burke, K. (1973). *The philosophy of literary form*. 3<sup>rd</sup> ed. Berkeley: University of California Press. Original published in 1941
- Burns, A. M., III. (1999a). *McLaurin v. Oklahoma state regents for higher education*. In K. L. Hall (Ed.), *The Oxford guide to United States Supreme Court decisions* (p. 185). New York: Oxford University Press.
- Burns, A. M., III. (1999b). *Missouri ex rel. Gaines v. Canada*. In K. L. Hall (Ed.), *The Oxford guide to United States Supreme Court decisions* (pp. 195-196). New York: Oxford University Press.
- Burns, A. M., III. (1999c). *Sweatt v. Painter*. In K. L. Hall (Ed.), *The Oxford guide to United States Supreme Court decisions* (pp. 195-196). New York: Oxford University Press.
- Civil Rights Act of 1866*, 14 Stat. 27 (1866).
- Civil Rights Act of 1870* [The Enforcement Act], 16 Stat. 140 (1870).
- Civil Rights Act of 1871* [The Ku Klux Klan Act], 17 Stat. 13 (1871).
- Civil Rights Act of 1875*, 18 Stat. 335 (1875).
- Civil Rights Cases*, 109 U.S. 3 (1883).
- Cleaver, E. (2002). *From Soul on ice*. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 257-262). Charlottesville: University of Virginia Press. (Original work published 1968)
- CNN election center 2008*. (2008, November 4). Retrieved from:  
<http://www.cnn.com/ELECTION/2008/results/main.results/>
- Code, L. (1995). *Rhetorical space: Essays on gendered locations*. New York: Routledge.

- Collin, M. S., & Elliott, R. (2002). Mother waits in vain for her “Bo.” In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 30-31). (Original work published 1955, September 10)
- Cottrol, R. J. (1999). Civil rights cases. In K. L. Hall (Ed.), *The Oxford guide to United States Supreme Court decisions* (pp. 55-56). New York: Oxford University Press.
- Crable, B. (2000). Burke’s perspective on perspectives: Grounding dramatism in the representative anecdote. *Quarterly Journal of Speech*, 86, 318-333.
- Croisdale, F. T. (2008, November 11). Our first black president shows just how far we all have come. *Niagara Falls Reporter*. Retrieved from: <http://www.niagarafallsreporter.com/croisdale299.html>
- Dean, T. (2008, November 11). One big step closer to the promised land. *Wednesday Journal*. Retrieved from: <http://www.wednesdayjournalonline.com/main.asp?Search=1&ArticleID=12912&SectionID=3&SubSectionID=3&S=1>
- de Certeau, M. (1984). *The practice of everyday life* (S. F. Rendall, Trans.). Berkeley: University of California Press.
- Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union. (1860). Retrieved October 29, 2007 from Yale Law School, Avalon Project Web site: <http://www.yale.edu/lawweb/avalon/csa/scarsec.htm>
- Designed to inflame. (2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 19-22). Charlottesville: University of Virginia Press. (Original work published 1955, September 2)

- Double murder in Mississippi. (2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 130-131). Charlottesville: University of Virginia Press. (Original work published 1955, October 1)
- Dyson, M. E. (2002). Remembering Emmett Till. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 266-270). Charlottesville: University of Virginia Press. (Remarks delivered during a street dedication, Chicago, IL, 1991)
- Early, D. E. (2009, January 13). A reflection: To be black in America on Obama's inauguration day. *Marin Independent Journal*. Retrieved from: [http://www.marinij.com/ci\\_11445766?source+most\\_emailed](http://www.marinij.com/ci_11445766?source+most_emailed)
- End the racist conspiracy! (2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 26-27). Charlottesville: University of Virginia Press. (Original work published 1955, September 8)
- Ethridge, T. (2002a). Mississippi notebook: Our people have behaved mighty well. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 40-42). Charlottesville: University of Virginia Press. (Original work published 1955, September 1)
- Ethridge, T. (2002b). Mississippi notebook: Our state a target for hate campaign. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 22-24). Charlottesville: University of Virginia Press. (Original work published 1955, September 4)

- Evers-Williams, M. (2002). From *For us, the living*. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 247-250). Charlottesville: University of Virginia Press. (Original work published 1967)
- Ferrell, C. L. (1986). *Nightmare and dream: Anti-lynching in Congress, 1917-1922*. New York: Garland Publishing.
- Fifth Amendment: Rights of persons*. (2002). Retrieved July 19, 2009 via GPO Access: <http://www.gpoaccess.gov/constitution/pdf2002/023.pdf>
- First Reconstruction Act*, 14 Stat. 428 (1867).
- Foucault, M. (1997a). Of other spaces: Utopias and heterotopias. In N. Leach (Ed.), *Rethinking architecture: A reader in cultural theory* (pp. 350-355). London: Routledge.
- Foucault, M. (1997b). Space, knowledge and power. In N. Leach (Ed.), *Rethinking architecture: A reader in cultural theory* (pp. 367-380). London: Routledge.
- Fourth Reconstruction Act*, 15 Stat. 25 (1868).
- Freedmen's Bureau Act*, 13 Stat. 507 (1866).
- Freedmen and Southern Society Project. (2007, February 15). *Chronology of emancipation during the Civil War*. Retrieved October 29, 2007 from the University of Maryland, Department of History Web site: <http://www.history.umd.edu/Freedmen/chronol.htm>
- Frison, H. (2008, December 2008). We all should embrace change. Hattiesburg American. Retrieved from: <http://www.hattiesburgamerican.com> [This item is now archived and available for a fee.]

- Frum, D. (1995, October 7). O. J.'s freedom has a price. *The Toronto Sun*, p. 11  
[Editorial/Opinion section]. Retrieved from LexisNexis.
- Gates, H. L., Jr., & Oliver, T. H. (Eds.). (1999). *The souls of black folk* (Critical ed.).  
New York: Norton.
- Goldsby, J. (2006). A sign of the times: Lynching and its cultural logic. In *A spectacular secret: Lynching in American life and literature*, pp. 12-42. Chicago: University of Chicago Press.
- Golphin, V. A. (2008). Emmett Till and the force of American memory. *Southern Quarterly*, 45(4), 125-131.
- Griffin, A. (2009, January 20). Labor of joy: State poet's narrative poem celebrates Obama inaugural. *The Hartford Courant*. Retrieved from:  
[http://articles.courant.com/2009-0120/news/inauguralpoet0120.art\\_1\\_poem-poet-laureate-marilyn-nelson](http://articles.courant.com/2009-0120/news/inauguralpoet0120.art_1_poem-poet-laureate-marilyn-nelson)
- Halberstam, D. (1956, October). The white Citizens Councils: Respectable means for unrespectable ends. *Commentary*, 22, 293-302.
- Harold, C., & DeLuca, K. M. (2005). Behold the corpse: Violent images and the case of Emmett Till. *Rhetoric & Public Affairs*, 8, 263-286.
- Harvey, D. (1990). *The condition of postmodernity: An enquiry into the origins of cultural change*. Cambridge, MA: Blackwell.
- Hatch, M. (2008, December 30). America must begin to see itself as one household. *Austin Weekly News*. Retrieved from:  
<http://www.austinweeklynews.com/main.asp?Search=1&ArticleID=2067&SectionID=3&SubSectionID=3&S=1>

- Hicks, J. L. (2000). Mississippi jungle law frees slayers of child. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 111-113). Charlottesville: University of Virginia Press. (Original work published 1955, October 1)
- Himes, C. (2002). [Letter to the editor of the *New York Post*]. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (p. 117). Charlottesville: (Original published 1955, September 25)
- Hirsch, C. (2002). 50,000 mourn at bier of lynched Negro child. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 31-34). Charlottesville: University of Virginia Press. (Original work published 1955, September 10)
- Houck, D. W. (2005). Killing Emmett. *Rhetoric & Public Affairs*, 8, 225-262.
- Houck, D. W., & Grindy, M. A. (2008). *Emmett Till and the Mississippi press*. Jackson: University of Mississippi Press.
- Hudson-Weems, C. (2000). *Emmett Till: The sacrificial lamb of the civil rights movement* (3rd Rev. ed.). Troy, MI: Bedford Publishers.
- Hughes, L. (2002). Langston Hughes wonders why no lynching probes. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 124-126). Charlottesville: University of Virginia Press. (Original work published 1955, October 1)
- Huie, W. B. (2002). From *Wolf whistle and other stories*. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 235-247). Charlottesville: University of Virginia Press. (Original work published 1959)

- Huie, W. B. (2002). The shocking story of approved killing in Mississippi. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 200-208). Charlottesville: University of Virginia Press. (Original work published 1956, January 24)
- Huie, W. B. (2002). What's happened to the Emmett Till killers? In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 208-213). Charlottesville: University of Virginia Press. (Original work published 1957, January 22)
- Hutchinson, D. J. (1999). Brown v. Board of Education. In K. L. Hall (Ed.), *The Oxford guide to United States Supreme Court decisions* (pp. 34-36). New York: Oxford University Press.
- Irish, M. D. (1960). Political thought and political behavior in the South. *The Western Political Quarterly*, 13, 406-420.
- Japp, P. M. (1990). Can this marriage be saved?: Reclaiming Burke for feminist scholarship. In B. L. Brock (Ed.), *Kenneth Burke and the 21<sup>st</sup> century* (pp. 113-130). Albany: State University of New York Press.
- Johnson, B. (1998, October 14). Student's death holds lesson for us. *Rocky Mountain News*, p. 6A. Retrieved from LexisNexis.
- Johnson, S. (2002). Jury hears defense and prosecution arguments as testimony ends in kidnap-slaying case. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 99-101). Charlottesville: University of Virginia Press. (Associated Press article reprinted from the *Greenwood Commonwealth*, 1955, September 23)



Judge sends jury out of courtroom during testimony of defendant Roy Bryant's wife.

(2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 89-92). Charlottesville: University of Virginia Press. (Original work published 1955, September 23)

Kaczorowski, R. J. (1989). The enforcement provisions of the Civil Rights Act of 1866: A legislative history in light of *Runyon v. McCrary*. *The Yale Law Journal*, 98, 565-595. Retrieved July 1, 2007 from JSTOR Archives database.

Kaczorowski, R. J. (2005). *The politics of judicial interpretation: The federal courts, Department of Justice, and civil rights, 1866-1876*. New York: Fordham University Press.

Kane, G. (1997, February 12). Are things ever as bad as the media say? *The Tampa Tribune*, p. 13 [Nation/World section]. Retrieved from LexisNexis.

Keefe, B. (2009, January 20). Fight for civil rights continues. *The Atlanta Journal-Constitution*. Retrieved from: <http://www.ajc.com> [This item is now archived and available for a fee.]

Kempton, M. (2002a). The future. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 84-87). Charlottesville: University of Virginia Press. (Original work published 1955, September 23)

Kempton, M. (2002b). Heart of darkness. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 62-65). (Original work published 1955, September 21)

Kempton, M. (2002c). 2 face trial as "whistle" kidnappers—due to post bond and go home. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative*

- (pp. 102-111). Charlottesville: University of Virginia Press. (Original work published 1955, September 24)
- Lee, M. E. (2002). [Letter to the editor of the *Cleveland Call and Post*]. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 145-146). Charlottesville: University of Virginia Press. (Original work published 1955, October 22)
- Leek, J. H. (1945). Due process: Fifth and Fourteenth Amendments. *Political Science Quarterly*, 60, 188-204.
- Lefebvre, H. (1991). *The production of space* (D. N. Smith, Trans.). Cambridge, MA: Blackwell.
- Leon, Wilmer J., III. (2008, November 5). America's struggle in context. Retrieved from: <http://www.truth-out.org/110508S>
- Lewis, A. B. (2009). *The shadows of youth: The remarkable journey of the civil rights generation*. New York: Hill and Wang.
- Lewis, J. (2009). The warriors of peace. *Newsweek* 153(4-A), 103-106. Retrieved from EBSCOhost.
- Lucaites, J. L. (1997). Visualizing "the people": Individualism vs. collectivism in *Let Us Now Praise Famous Men*. *Quarterly Journal of Speech*, 83, 269-288.
- Lucaites, J. L., & Condit, C. M. (2000). Reconstructing <equality>: Culturetypal and counter-cultural rhetorics in the martyred black vision. In C. Burghardt, (Ed.), *Readings in rhetorical criticism* (2<sup>nd</sup> ed., pp. 471-491). State College, PA: Strata. (Original work published in 1990)

- Lynching post-facto. (2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 38-39). Charlottesville: University of Virginia Press.  
(Original work published 1955, September 6)
- Madsen, A. (1993). Burke's representative anecdote as a critical method. In J. W. Chesebro (Ed.), *Extensions of the Burkeian System* (pp. 208-229). Tuscaloosa: University of Alabama Press.
- Mahan-Hays, S. E., & Aden, R. C. (2003). Kenneth Burke's "Attitude" at the crossroads of rhetorical and cultural studies: A proposal and case study illustration. *Western Journal of Communication*, 67, 32-55.
- Mants an important figure in civil rights movement. (2010, April 15). *Montgomery Advertiser*. Retrieved from  
<http://www.montgomeryadvertiser.com/article/20100415/NEWS02/4150343/1009/Mants-an-important-figure-in-civil-rights-movement> [This page is no longer available. The article also can be accessed through <http://www.mail-archive.com/sixties-l@googlegroups.com/msg04470.html>]
- Martin Luther King, Jr., National Historic Site. (1997). *14<sup>th</sup> Amendment to the U.S. Constitution*. Retrieved October 29, 2007. from  
<http://www.nps.gov/archive/malu/documents/amend14.htm>
- McGee, M. C. (2000). The "ideograph": A link between rhetoric and ideology. In C. Burgchardt, (Ed.), *Readings in rhetorical criticism* (2<sup>nd</sup> ed., pp. 455-470). State College, PA: Strata. (Original work published in 1980)
- McKerrow, R. E. (1999). Space and time in the postmodern polity. *Western Journal of Communication*, 63, 271-290.

- McLaurin v. Oklahoma State Regents for Higher Education*, 339 U.S. 637 (1950).
- McMillen, N. R. (1971). *The citizens' council: Organized resistance to the second reconstruction, 1954-64*. Urbana: University of Illinois Press.
- McMillen, N. R. (1990). *Dark journey: Black Mississippians in the age of Jim Crow*. Urbana: University of Illinois Press.
- McWhorter, D. (2001). *Carry me home: Birmingham, Alabama – The climatic battle of the civil rights revolution*. New York: Simon and Schuster.
- Meddling in local case creates problems. (2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 27-28). Charlottesville: University of Virginia Press. (Original work published 1955, September 6)
- Metress, C. (Ed.). (2002). *The lynching of Emmett Till: A documentary narrative*. Charlottesville: University of Virginia Press.
- Mills, C. W. (1997). *The racial contract*. Ithaca, NY: Cornell University Press.
- Minow, M. (1998). Trials. In *Between vengeance and forgiveness: Facing history after genocide and mass violence* (pp. 25-51). Boston: Beacon Press.
- Miss. Grand jury won't issue Till indictment. (2007, February 27). Retrieved from: <http://www.msnbc.msn.com/id/17363966/>
- Missouri ex rel. Gaines v. Canada*, 305 U. S. 337 (1938).
- Moody, A. (2002). From *Coming of age in Mississippi*. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 250-257). Charlottesville: University of Virginia Press. (Original work published 1968)

- Muddy river gives up body of brutally slain negro boy. (2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 16-19). Charlottesville: University of Virginia Press. (Original work published 1955, September 1)
- Myrdal, G. (1944). *An American dilemma: The Negro problem and American democracy*. New York: Harper & Brothers.
- Observer. (2002). [Letter to the editor of the *Memphis Commercial Appeal*]. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 150-151). Charlottesville: University of Virginia Press. (Original work published 1955, October 16)
- Osborne, M. F. (2008). An Interview with David Jordan on Emmett Till. *Southern Quarterly*, 45(4), 125-131.
- Painter, A. (2009, January 26). What Barack Obama's inauguration meant. *Birmingham Post*. Retrieved from LexisNexis.
- Peirce, N. R. (1974). Mississippi: Hope at last. In *The deep south states of America: People, politics, and power in the seven deep south states* (pp. 162-234). New York: W. W. Norton & Company.
- Plessy v. Ferguson*, 163 U.S. 537 (1896).
- Powell, Jr., A. C. (2002). Press Release: Office of Honorable Adam Clayton Powell, Jr. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 133-136). Charlottesville: University of Virginia Press. (Original release dated 1955, October 11)

- Powell, K. A. (1995). The Association of Southern Women for the Prevention of Lynching: Strategies of a movement in the comic frame. *Communication Quarterly*. 43, 86-99.
- Pratt, W. F., Jr. (1999). Plessy v. Ferguson. In K. L. Hall (Ed.), *The Oxford guide to United States Supreme Court decisions* (pp. 239-240). New York: Oxford University Press.
- Prigg v. Pennsylvania*, 41 U.S. 539 (1842).
- Publius. (1787). The Union as a safeguard against domestic faction and insurrection [The federalist papers: No. 9; attributed to A. Hamilton]. Retrieved October 29, 2007 from Yale Law School, Avalon Project Web site:  
<http://www.yale.edu/lawweb/avalon/federal/fed09.htm>
- Publius (1788). The alleged danger from the powers of the Union to the state governments considered [The Federalist Papers: No. 45; attributed to J. Madison]. Retrieved October 29, 2007 from Yale Law School, Avalon Project Web site:  
<http://www.yale.edu/lawweb/avalon/federal/fed45.htm>
- Reid, M. (2010, March 31). Original member of the Little Rock 9 visits St. Francis students. *Medford Transcript*. Retrieved from:  
<http://www.wickedlocal.com/medford/news/education/x1664784043/Original-member-of-the-Little-Rock-9-visits-St-Francis-students>
- Rosenthal, J. (2009, January 18). Echoes of the new frontier. *The New York Times*. Retrieved from LexisNexis.

- Ross, M. A. (1998). Justice Miller's reconstruction: The *Slaughterhouse Cases*, health codes, and civil rights in New Orleans, 1861-1873. *The Journal of Southern History*, 64, 649-676.
- Salyer, L. E. (1999). United States v. Cruikshank. In K. L. Hall (Ed.), *The Oxford guide to United States Supreme Court decisions* (p. 67). New York: Oxford University Press.
- Saunders, M., & Scales, A. (1995). Blacks on Simpson: Community speaks with many voices. *The Boston Globe*, p. 1 [Metro section]. Retrieved from LexisNexis.
- Scarry, E. (1985). *The body in pain: The making and remaking of the world*. Oxford, England: Oxford University Press.
- Scheiber, H. N. (1992). Federalism. In K. L. Hall (Ed.), *The Oxford Companion to the Supreme Court of the United States* (pp. 278-286). New York: Oxford University Press.
- Scherck, H. D. [Mrs.]. (2002). [Letter to the editor of the *Memphis Commercial Appeal*]. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 147-148). Charlottesville: University of Virginia Press. (Original work published 1955, September 25)
- Schiappa, E. (2003). *Defining reality: Definitions and the politics of meaning*. Carbondale and Edwardsville, IL: Southern Illinois University Press.
- Scruggs, A. E. (1998, October 14). A lynching for any reason is lynching. *The Plain Dealer*, p. 1B. Retrieved from LexisNexis.
- Second Reconstruction Act*, 15 Stat. 2 (1867).

Sellers, C. (with Terrell, R.). (2002). From *The river of no return: The autobiography of a black militant and the life and death of SNCC*. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 262-264). Charlottesville: University of Virginia Press. (Original work published 1973)

*Shelley v. Kraemer*, 334 U.S. 1 (1948).

Sheriff Strider's testimony raises doubt body in river was Till youth. (2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 97-99). Charlottesville: University of Virginia Press. (Original work published 1955, September 23)

Shields, R. (1999). *Lefebvre, love and struggle: Spatial dialectics*. London: Routledge.

*Slaughterhouse Cases*, 83 U.S. 36 (1873).

Strachan, E. (2009 January 17). Barack Obama: Surrounded by a cloud of witnesses. *The Daily Observer*. Retrieved from: <http://www.thedailyobserver.ca/ArticleDisplay.aspx?archive=true&e=1392494>

*Sweatt v. Painter*, 339 U.S. 629 (1950).

Tell, D. (2008). The "shocking story" of Emmett Till and the politics of confession. *Quarterly Journal of Speech*, 94, 156-178.

The state of Mississippi still carries the burden. (2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 119-120). Charlottesville: University of Virginia Press. (Original work published 1955, October 1)

*Third Reconstruction Act*, 15 Stat. 14 (1867).

Till-Mobley, M., & Benson, C. (2003). *Death of innocence: The story of the hate crime that changed America*. New York: Random House.



- Tonn, M. B., Endress, V. A., & Diamond, J. N. (1993). Hunting and heritage on trial: A dramatistic debate over tragedy, tradition, and territory. *Quarterly Journal of Speech*, 79, 165-181.
- Tyson, W. A. (2002). [Letter to the editor of the *Memphis Commercial Appeal*]. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (p.148). Charlottesville: University of Virginia Press. (Original work published 1955, September 25)
- United States Department of Justice. (2004, May 4). *Justice department to investigate 1955 Emmett Till murder*. [Press release]. Retrieved from [http://www.justice.gov/opa/pr/2004/May/04\\_crt\\_311.htm](http://www.justice.gov/opa/pr/2004/May/04_crt_311.htm)
- United States National Archives and Records Administration (n.d.). Wade-Davis bill (1864). Retrieved October 23, 2007 from <http://www.ourdocuments.gov/doc.php?doc=37>
- U.S. v. Cruikshank*, 92 U.S. 542 (1875).
- Waldrep, C. (2002). *The many face of Judge Lynch: Extralegal violence and punishment in America*. New York: Palgrave Macmillan.
- What you can do about the disgrace in Sumner. (2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 127-128). Charlottesville: University of Virginia Press. (Original work published 1955, October 1)
- Whitfield, S. J. (1988). *A death in the Delta: The story of Emmett Till*. New York: The Free Press.
- Whitaker, H. S. (2005). A case study in Southern justice: The murder and trial of Emmett Till. *Rhetoric & Public Affairs*, 8, 189-224.

Whose circus? (2002). In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 124-126), Charlottesville: University of Virginia Press. (Original work published 1955, October 1)

Willis, J. C. (2001, September 5). *A chronology of Reconstruction efforts*. Retrieved October 1, 2007, from <http://itw.sewanee.edu/reconstruction/html/chronology.html>

Wilson, K. H. (2002). *The reconstruction desegregation debate: The politics of equality and the rhetoric of place, 1870-1875*. East Lansing: Michigan State University Press.

Wilson, L. A. (2002). Jim Crow press at Till trial. In C. Metress (Ed.), *The lynching of Emmett Till: A documentary narrative* (pp. 48-50). Charlottesville: University of Virginia Press. (Original work published 1955, September 24)

Wolin, R. (2001). *The rhetorical imagination of Kenneth Burke*. Columbia: University of South Carolina Press.

Woodward, C. V. (2001). *The strange career of Jim Crow* (Commemorative ed.). New York: Oxford University Press. (Original work published 1955)

Young, H. (2008). A new fear known to me: Emmett Till's influence and the Black Panther party. *Southern Quarterly*, 45(4), 125-131.

## Endnotes

<sup>1</sup> Newspapers initially reported that Till “whistled” at the woman, Carolyn Bryant. In later reports, during and after the trial, Till was alleged to have physically touched Mrs. Bryant while asking her for a date. In her court testimony, which was ruled inadmissible, Mrs. Bryant apparently stated that Till grabbed her hand, and put his hands on her waist or hips (the details differ between publications). She also stated that he used lewd language, which she refused to repeat for the judge.

<sup>2</sup> In their interview with Huie (2002/1956), Milam and Bryant admitted to killing Till. Milam claimed that Till was alive, up to the time he was shot. However, in her memoir, *Death of Innocence*, Till’s mother, Mamie Till-Mobley (formerly Mamie Till Bradley) suggests that Emmett was dead before he was shot. She recalls when she examined the body to verify it was Emmett, and states that his head had been cut “from ear to ear” and that “the back of his head was loose from the front part of his face. ‘Did they have to shoot him,’” she asked. “‘I mean, he had to be dead by then’” (Till-Mobley & Benson, 2003, p. 136). Additionally, the Certificate of Death completed by Sheriff Strider on September 1, 1955 indicated the fatal injury occurred by “Gun Shot or Ax” (see photo of the certificate in Till-Mobley & Benson, n.p.).

<sup>3</sup> In his overview “the ideology of lynching,” Whitfield (1988, pp. 1-14) provides an excellent discussion that helps to contextualize southern whites’ fears concerning intermarriage and miscegenation.

<sup>4</sup> According to Metress (2002), Huie's account of Till's lynching is "both influential and controversial" (p. 201); additionally, Huie has been criticized because he paid Milam and Bryant for the story (see p. 200).

<sup>5</sup> The decision on *Brown v. Board* is alluded to in some of the other texts compiled by Metress (2002), as well.

<sup>6</sup> Till-Mobley and Benson (2003) stated that "as many as one hundred thousand people" attended the 4-day visitation (p. 141).

<sup>7</sup> On March 16, 2006, the Federal Bureau of Investigation announced it had concluded its investigation on the Till murder, which had been opened in May, 2004. That investigation upheld the earlier position of the U. S. Department of Justice, that the statute of limitations had expired, thus barring federal prosecution in the case. A criminal investigation continued in Mississippi, and in 2007, The Mississippi District Attorney sought a manslaughter charge against Carolyn Bryant Donham. The Leflore County grand jury declined to indict, citing insufficient evidence.

<sup>8</sup> According to Whitaker (2005), some newspapers quoted Mrs. Bradley out of context by omitting the referent in the statement. As a result, it read as if she blamed the entire state of Mississippi. "She said that she would seek legal aid to assist officers in convicting the killers of her son" (p. 197); she expected the state to pay for this legal aid.

<sup>9</sup> Whitaker (2005) also observes that the *Jackson Daily News* quoted Wilkins out of context by omitting the qualifying words ("It would appear that the state of . . .") from his statement (see p. 222, note 29).

<sup>10</sup> According to Whitaker (2005), the statements by Mrs. Bradley and Wilkins were published in Mississippi newspapers on the same day, Thursday, September 1, 1955. On the following day, September 2, Mrs. Bradley decided to hold the funeral with an open casket. The funeral was originally scheduled for Saturday, September 3, but burial was delayed until Tuesday, September 6 to accommodate public viewing (see p. 198).

<sup>11</sup> *Brown v. Board of Education I* (1954) prevailed on a challenge to the 14<sup>th</sup> Amendment. The opinion states “that segregated public schools are not ‘equal’ and cannot be made ‘equal, and that hence [children of the minority group] are deprived of the equal protection of the laws.”

<sup>12</sup> The opinion in *Brown v. Board of Education II* (1955) was announced on May 21, 1955; Till was abducted and murdered August 28, 1955.

<sup>13</sup> Although Whitfield (1988) cautions that a “direct link” between the *Brown* decisions and Till’s murder cannot be proved, he nonetheless recognizes that Till’s murder occurred in this larger context. Huie’s reports (2002/1956; 2002/1959), which I cite earlier in this chapter, quoted Milam and Whitten and certainly suggest that Till’s murderers and others involved in the trial understood the consequences of the Court’s decisions. Additionally, Huie (2002/1959) quoted J. J. Breland, who led the defense for Bryant and Milam: “They shouldn’t have killed him. . . . And they wouldn’t have killed him except for Black Monday. The Supreme Court of the United States is responsible for the murder of Emmett Till” (Huie, 2002/1959, p. 241).

<sup>14</sup> Although I have used an example from the *Jackson Daily News* for illustration, it should be noted that spatializing referents also pepper the black American rhetoric that

issued from the Till case, and are used to categorize Mississippi as “uncivilized.”

Following Bryant and Milam’s acquittal, for example, the *Cleveland Call and Post* published a summary of the trial, “Mississippi Jungle Law Frees Slayers of Child” (Hicks, 1955/2002). In arguing that justice failed because “the masses of people in Mississippi” were not yet ready for “enlightened democracy,” Hicks writes: “There is still the law of the jungle and the jungle is still far darker and many times greater than the small island of light in the state” (p. 113).

<sup>15</sup> My analysis in this section is influenced by my reading of *The Racial Contract* (Mills, 1997). Mill’s argues that classic contract theory is in fact a racial contract. In his work, Mill’s also treats the subject of space seriously with respect to its relationship to race. According to Mills, in classic contract theory it is presumed that *all* men undergo a “social metamorphosis” from the state of nature to civil society (p. 12); in the Racial Contract, the metamorphosis takes the form of classifying humanity into white and non-white. In the Racial Contract, the state of nature is a “*nonpolitical state . . . of nonwhite men*” (p. 13), as opposed to a pre-political state.

<sup>16</sup> The statements by Wilkins and Bradley were made the same day, and reported in the same news article, for example, by the Memphis Commercial Appeal (e.g., “Muddy River,” 1955/2002, p. 18). According to Whitaker (2005), most readers likely attributed Mrs. Bradley’s comment to her grief. They perceived Wilkins’ comments, however, as “propaganda,” which “drew bitter responses throughout the state” (p. 197).

<sup>17</sup> According to Whitaker (2005), several newspapers, including the *Jackson Daily News*, quoted Mrs. Bradley out of context. The *Memphis Commercial Appeal* came close to

reporting her comments accurately, but still separated the quote from its referent by placing the quote in a different paragraph, which left her comments open to another interpretation:

Mamie Bradley, mother of the victim, said in Chicago she would seek legal aid to help convict the slayers of her son. His body will be returned to Chicago.

‘The state of Mississippi will have to pay for this,’ she said. ‘I don’t understand it. No matter what the boy did it wasn’t worth killing him. I would expect that down there if the boy did something wrong he might come back to me beaten up. But they didn’t even give me that,’ she sobbed” (“Muddy River,” 2002/1955, p. 18).

According to Whitaker, Mrs. Bradley was actually referring to the state paying for legal aid she was seeking to assist the prosecution.

<sup>18</sup> References to “constitutional guarantees” crop up especially in the reactions of the black American press to the verdict. For example, the Chicago Defender commented:

How long must we wait for the Federal Government to act? Whenever a crisis arises involving our lives or our rights we look to Washington hopefully for help. It seldom comes.

For too long it has been the device, as it was in the Till case, for the President to refer such matters to the Department of Justice.

And usually, the Department of Justice seems more devoted to exploring its lawbooks for reasons why it can’t offer protection of a Negro’s life or rights.

(“What You Can Do,” 2002/1955, p. 127)

In some cases, the references appear to demonstrate an understanding of the 14<sup>th</sup> Amendment that is mediated by the Declaration of Independence. The *Cleveland Call and Post* also reported:

An all-white male jury of sharecroppers demonstrated here Friday that the constitutional guarantees of 'Life, Liberty, and the Pursuit of Happiness' do not apply to Negro citizens of their state.

The mockery of the sacred constitutional guarantees was made by the 12 sharecroppers in 65 short minutes of deliberation in the outmoded, antiquated Sumner, Mississippi courtroom where they returned a verdict of 'not guilty' against two white men charged with the August 28 killing of 14-year-old Emmett (Bobo) Till. (Hicks, 2002/1955, p. 111)

These appear to pull on an understanding of the 14<sup>th</sup> Amendment that was articulated by Radical Republicans during Reconstruction, particularly by Massachusetts Congressman Charles Sumner, who repeatedly introduced a Civil Rights bill, from 1870 until his death in 1874. In tracing the discursive origins of the *Civil Right Act of 1875*, Kirt Wilson (2002) identifies Sumner as instrumental in articulating a "politics of equality" that advocated desegregation and promoted a broad understanding of racial equality in economic, political and social terms. According to Wilson, Sumner was influenced by Enlightenment Philosophy, and believed in participatory democracy and transcendental truth. In his arguments for Civil Rights, Wilson notes that Sumner chose an interesting rhetoric strategy, a dialectic pairing that opposed equality and slavery. According to Wilson, Sumner also paired the Declaration of Independence with the Constitution as the



foundational texts of the nation; this articulation allowed him to argue that “equality” was the nation’s principle value and ideal. According to Wilson, Sumner reasoned that equality before the law was the most fundamental right of citizens, and therefore, anything other than perfect equality was slavery. In the debates over the bill that would eventually become the *Civil Rights Act of 1875*, the desegregation component was weakened especially by the removal of the school desegregation clause; nonetheless, “it had a powerful symbolic presence within the African American community” (C. Vann Woodward, paraphrased in Wilson, p. 45).

<sup>19</sup> Waldrep (2002) discusses the failure of anti-lynching activist Jessie Daniel Ames, the Tuskegee Institute, and the NAACP to agree on a common definition of “lynching” (pp. 127-150). He argues that the NAACP, in particular, understood the power of “lynching” as a signifier, and argued to keep the definition as broad as possible to maintain its rhetorical flexibility. At a summit in December 1940, anti-lynching activists met at the Tuskegee Institute to discuss adhering to a common definition. Arthur Raper, on behalf of the NAACP, “warned the conference not to ‘drive lynching out of the picture by definition.’ Implicit in his warning was the concern that such a powerful rhetorical device as the lynching label should not be sacrificed on the altar of science” (p. 148). Furthermore,

“In 1953, Marguerite Cartwright wrote in the NAACP’s journal that ‘lynching has become a symbol and should be so understood.’ . . . With startling candor, she admitted that reports of declines in lynchings threatened NAACP fund raising. “I was once refused an NAACP contribution by a wealthy acquaintance as he cited

the decline in lynching,” Cartwright complained. Instead of a ‘technical and doctrinaire’ definition, Cartwright urged, lynching should be understood as a “technique of racial exploitation—economic, cultural, and political.””(p. 149)

<sup>20</sup> “Lynching” appears to have entered U.S. vernacular during the American Revolution, as a term used by Virginia colonists to refer to the extralegal punishments imposed on enemies and traitors to the American cause (Waldrep, 2002). Beyond this, the source is disputed, with one account attributing the word to a Colonel Charles Lynch of the Virginia militia, and an alternate story crediting a Pittsylvania County farmer, William Lynch. In either case, Lynch was said to have acted outside the law in squelching a plot by Tory insurgents. In the case of Charles Lynch, the immediacy of the threat, the distance to the court at Williamsburg, and perhaps, suspicions about the legal system prompted his decision to try the insurgents in a makeshift “court” (Waldrep, 2002). These accounts highlight a paradox that pits exigency against due process. Thus, Waldrep argues, the context of the original lynching—in response to insurgent threats during the American Revolution—is significant because the perpetrators could justify lynching as necessary, thus making their actions not only expedient, but patriotic.

<sup>21</sup> According to Waldrep, some Virginians migrated as the nation expanded, and they carried their stories about lynching with them. As long as talk of “lynching” remained confined to the discourse community that sanctioned its practice, he explains, the connotation of “lynching” remained relatively positive. The terms “lynching” and “Lynch law” did not become commonplace until newspapers became affordable and more widely circulated, he states. The pivotal incident that made lynching widely known occurred in

1835, at Vicksburg, Mississippi, when a mob hanged five gamblers who apparently shot and killed Dr. Hugh S. Bodley during a confrontation with the local militia. Waldrep also argues that several contextual factors are important to consider with respect to the Vicksburg incident and the emerging understanding of “lynching.” First, the Vicksburg incident occurred at a point in time when cities were beginning to view gambling as a vice, and a segment of the public applauded Vicksburg’s initiative. Second, the lynching occurred at the height of Jacksonian Democracy. Vicksburg vividly illustrated Whig concerns about popular democracy, and provided the party a powerful political response, in the form of a powerful appeal to law, order, and constitutionality. Waldrep also observes that a young Abraham Lincoln, then a lawyer in Springfield, Illinois, provided “the most effective response” to the violence at Vicksburg (p. 36). “He understood that the only way Whigs could combat Jackson’s man-of-the-people appeal was with a law-and-order message” (p. 37). Lincoln remarks were “persuasive because he articulated the thoughts of many ordinary Americans, especially Whigs” (p. 37). Finally, a third contextual factor that is important to consider is the Abolitionist activism of the day.

<sup>22</sup> While the Vicksburg lynching was not racially motivated, Waldrep (2002) argues that the Abolitionists’ perceptions toward it were shaped by its proximity to another incident in Madison County, Mississippi. In this incident, locals acting to suppress a potential insurrection killed the slaves and the white sympathizers they believed were involved in the plan. Viewed contemporaneously with the Madison County incident, Northern abolitionists could argue that Vicksburg killings were “part of a larger pattern of lawlessness” in the South (p. 38).

<sup>23</sup> According to Waldrep (2002), the fervor of the San Francisco Vigilance Committee escalated when James P. Casey shot James King, the editor of the *San Francisco Evening Bulletin*. A mob organized, proceeded to the jail and demanded that two prisoners, Casey, and Charles Cora (who was being held for another murder), be handed over for hanging. The *San Francisco Evening Bulletin*, in November of 1855, had responded to the Cora case by urging its readers to reorganize the Vigilance Committee (p. 52). This group had been active in 1851 as a merchants' night watch, but disbanded after it hung four men in 1851; these men were John Jenkins, James Stuart, Samuel Whittaker, and Robert McKenzie (pp. 51-52). After the lynching of Cora and Casey, Governor J. Neely Johnson declared an insurrection and sent troops to restore order; the committee, however, continued its vigilance campaign. According to Waldrep, Governor Johnson lost the battle in the press; the vigilantes were adept at using the press to garner public support for their activities. Furthermore, Waldrep argues, the committee recognized that to gain control of the city, they would need to justify their activities to the entire nation.

<sup>24</sup> Waldrep (2002) explains further and provides the following sampling of the rhetoric from San Francisco to illustrate his claim:

On June 19, 1856, an orator named William Durr told a cheering crowd of San Franciscans that while Americans owe their Constitution reverence and obedience, "the right to revolutionize is reserved to us." Durr asserted popular sovereignty at the local level, insisting on "the privilege of so regulating our local affairs that our lives and property will be made safe through the correct

administration of the law under the Constitution” (p. 57; Durr’s remarks were published in the *New York Herald*, July 15, 1856).

<sup>25</sup> In addition, Waldrep (2002) explains, some proponents of the San Francisco Vigilance Committee argued that vigilance was necessary to safeguard the city’s women; he observes that Southern whites would later make a similar argument, claiming that lynching was justified to protect white women from black men.

<sup>26</sup> Emancipation should not be confused with equality. Emancipation meant that the slaves would be freed, but emancipation did not confer citizenship rights to the freedmen. According to the Freedmen and Southern Society Project’s *Chronology of Emancipation during the Civil War* (2007), the Lincoln administration in 1862 repeatedly advocated a program of gradual emancipation, with compensation to slave owners. Additionally, Lincoln’s proposal would have relocated freed slaves to other countries, including Liberia and Haiti. To understand something of the economic impact of emancipation, consider that in Mississippi alone, “white plantation owners lost ownership of 437,000 slaves, whose value was more than \$218 million” (Peirce, 1974, p. 166).

<sup>27</sup> According to *A Chronology of Reconstruction Efforts* (Willis, 2001), President Lincoln first voiced public support of “limited black suffrage” in his last speech, April 11, 1865. This speech occurred 2 days after General Lee surrendered at Appomattox (April 9); Lincoln would be assassinated 3 days later, on April 14, 1865.

<sup>28</sup> According to *A Chronology of Reconstruction Efforts* (Willis, 2001), the Thirteenth Amendment was ratified on December 6, 1865, less than two weeks after Mississippi enacted its Black Code on November 25, 1865.

<sup>29</sup> The states that were subject to the Reconstruction Acts included Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas and Arkansas.

<sup>30</sup> The states under martial law all ratified the 14<sup>th</sup> Amendment during Reconstruction, although some did so after the Secretary of State certified the amendment. Alabama and Georgia ratified the amendment in July 1868; Virginia in October 1869; Mississippi and Texas followed suit in 1870. Additionally, several states continued to resist ratification: Delaware did not ratify the amendment until 1901; Maryland and California ratified it in 1959; and Kentucky finally ratified it in 1976 (Martin Luther King, Jr. National Historic Site, 1997).

<sup>31</sup> Article II of the *Articles of Confederation* expressed our nation's original arrangement in these terms: "Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled."

<sup>32</sup> In *The Federalist Papers*, written in 1787 and 1788 to muster support for the proposed Constitution that would strengthen the central government, James Madison, Alexander Hamilton and John Jay attempted on occasion to address the sharing of sovereign powers. In *The Federalist Papers: No. 9*, Hamilton described the Union as "an association of states, or a confederacy," and assured readers that the central government would not supplant those of the individual states:

The proposed Constitution, far from implying an abolition of the State governments, makes them constituent parts of the national sovereignty, by

allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of sovereign power. (Publius, 1787)

Furthermore, in *The Federalist Papers: No. 45*, Madison explained that the federal government would grant authority limited to “war, peace, negotiation, and foreign commerce” (Publius, 1788). The states would continue to govern “all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement and prosperity of the State” (Publius, 1788).

<sup>33</sup> Article IV, Section 1 of the U.S. Constitution pledges “Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state.”

<sup>34</sup> Article IV, Section 2 of the Constitution specifies:

No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom *such service or labour may be due*.

<sup>35</sup> For further illumination of this issue, see *Prigg v. Pennsylvania*, (1842). This landmark case concerned a fugitive slave who was kidnapped in Pennsylvania and forcibly returned to her owner in Maryland. At the time, Pennsylvania had a law that prohibited the kidnapping of fugitive slaves; Prigg was convicted of kidnapping under this law. On appeal, the Court determined that legislation concerning runaway slaves was the sole domain of the federal government; states could not constitutionally enact laws in this area. Technically, the decision reinforced the property rights of slave owners. However,

the opinion also stated that the federal government could not force individual states to comply with fugitive slave laws. The decision thus further exacerbated tensions between the free and slave-holding states.

<sup>36</sup> South Carolina's *Declaration of Secession* (1860) claimed that the refusal of non-slaveholding states to comply with the fugitive slave clause had irreparably broken the Union compact.

<sup>37</sup> Throughout Reconstruction, Congress was forced to respond to the exigencies of rebuilding the nation, and with each exigency, Congress increases the exercise of its authority. When former Rebel states respond to their defeat and the prospect of black emancipation by enacting Black Codes, Congress replies by passing the Civil Rights Act of 1866. When President Johnson vetoed this act, along with a reauthorization of the Freedmen's Bureau Act, Congress responded by overturning his vetoes. When former Confederate states refused to ratify Amendment 14, Congress passed the Reconstruction Acts in 1867 and 1868—again over Johnson's vetoes—to establish military occupation and impose new constitutions and governments in those states. Finally, in response to Klan insurgencies, Congress passed the Civil Rights Acts of 1870 and 1871 to enforce the voting rights of black Americans and deal with the increasing violence from insurgents.

<sup>38</sup> A writ of habeas corpus requires a suspect to be brought to court to determine whether there is reason to detain him or her. In theory, it guards against wrongful imprisonment.

<sup>39</sup> Goldsby (2006) argues that we oversimplify when we view lynching as a primarily southern phenomenon perpetuated by its racism. She chooses instead to focus on the



“cultural logic” that accompanied the emergence of modernity in our nation, and allowed the practice to continue. By focusing on cultural forces, she more clearly implicates the nation in the history of African American lynching. One compelling argument in her study concerns how the technologies of modernity enabled the national consumption of lynching; she examines both literary works and lynching photography to develop her case and to demonstrate that cultural forces that accompanied the arrival of modernity in our nation shaped the practice of lynching.

<sup>40</sup> Waldrep (2002) cites the writings of Ida B. Wells to support his argument that Black Americans at one subscribed to a similar narrative view concerning lynching:

Before 1892, Wells wrote later, she “accepted the idea meant to be conveyed—that although lynching was irregular and contrary to law and order, unreasoning anger over the terrible crime of rape led to the lynching.” Perhaps, Wells, added, “the brute deserved death anyhow” (pp. 85-86; the quoted material is from p. 64 of Wells, I. B. [1970]. *Crusade for justice: The autobiography of Ida B. Wells*, (A. M. Duster, Ed.). Chicago: University of Chicago Press. [p. 64]).

Wells’ change of consciousness occurred around 1892, following the lynching of her friends in an incident in Memphis. According to Waldrep, some black journalists were protesting racial violence in the 1870s and 1880s, but most avoided labeling it as “lynching.” One exception, Waldrep notes, was T. Thomas Fortune, in his paper, the *New York Globe*. By at least 1883, Fortune was decrying “Southern ‘lynch law’” and insisting that white-on-black racial violence should be called “lynching” (Waldrep, p. 98). Furthermore, Fortune argued that violent resistance was justified because “whites

themselves had created the logic of black violent resistance to oppression,” and furthermore, “the Supreme Court had decided the federal government had no role in protecting citizens’ rights” (Waldrep, p. 98). In 1892, Following the lynching of her friends, Wells was forced to flee Memphis in 1892 as the result of an editorial she published concerning another lynching that occurred near Memphis in Tunica County, Mississippi; she went to New York and became a writer for Fortune’s paper, the *New York Age* (Waldrep, p. 110).

<sup>41</sup> According to Waldrep (2002), the Associated Negro Press and the Communist League of Struggle for Negro Rights wanted to classify labor violence as lynching. The NAACP did not originally count labor violence in its annual tally of lynching because labor violence typically occurred at the hands of individuals, rather than “a mobilized populace” (p. 136). The Communist League of Struggle for Negro Rights argued that “assassinations of black railroad workers must be counted as lynchings . . . because the killers acted on behalf of organized white elites” (p. 137).

<sup>42</sup> Waldrep (2002) states that the stakeholders left the meaning of “group” undefined because they could not agree on the number of persons that constituted a group.

<sup>43</sup> Peirce (1974) reported that in 1950, Mississippi’s school expenditures demonstrated significant race-based disparities in per-pupil expenditures and teacher salaries. While the state spent \$78.70 per year for each white child, the amount spent for each black child was \$23.83. The average salary for a teacher in a white school was \$1,865 annually; in comparison, black teachers averaged just \$918 per year (see p. 173; Peirce did not specify the source of this data).

<sup>44</sup> For example, a *Chicago Defender* article stated:

The blood of “Bo” Till is on the hands of the five candidates for governor of Mississippi who campaigned on an anti-Negro platform in the recent elections. They charged the atmosphere of the state for acts of violence. We accuse the racist rabble-rousers with contributing directly to the murder of “Bo” Till and the lynching of American reputation for decency and respect for law and order in the eyes of the entire world. (“Blood on their Hands,” 1955/2002, pp. 25-26)

The article followed with a plea for federal intervention and an anti-lynching law.

The *Daily Worker* stated:

“The racist conspiracy which set the stage for [Till’s] murder and those of two other negroes, is still abroad in Mississippi and elsewhere . . . New Klan-like groups are still being formed. White-collared and well-tailored members of these groups are continuing to fan racial passions. . . . These organized merchants of hate have declared the U.S. Supreme Court to be ‘subversive,’ and are in open rebellion against federally constituted authority” (“End the Racist Conspiracy,” pp. 26-27).

<sup>45</sup> To defend against this communist onslaught, and to reinforce the segregation of schools, thought to be the first line of defense against miscegenation, Mississippi adopted an interposition resolution in 1956, which declared the state to be sovereign and thus exempt from the Supreme Court’s decisions (Peirce, 1974).

<sup>46</sup> Peirce (1974) has also suggested that the Citizens’ Councils were financially enmeshed with Mississippi’s government. For example, the State Sovereignty Commission, an

organization charged with formulating strategies to avert school integration, was later found to be passing state dollars to the Councils; “before the practice was stopped, almost \$200,000 of taxpayers’ money had flowed to the white-collar bigots” (p. 175).

<sup>47</sup> In the history of Civil Rights, Amendment XV is frequently centered because black citizens were so often denied their franchise rights by numerous means, including literacy tests, poll taxes, the primary election process, and various intimidations. My focus on Amendment XIV is not meant to discount the significance of that lived experience.

<sup>48</sup> Benedict’s (1999) comments on the *Slaughterhouse Cases* (1873) reflect his opinions concerning the motives and intentions of the Reconstruction era Republicans (e.g., see Benedict, 1974, as cited earlier in this chapter).

<sup>49</sup> Michael Ross (1998), who problematizes much of the criticism that has been directed toward the opinion and its author, Justice Samuel Miller, provides an interesting critique of the *Slaughterhouse Cases* (1873). In particular, Ross takes issue with critics who charge that Miller was both racist, and constitutionally conservative. Ross acknowledges that the effects of the opinion were deleterious to black citizens; however, he believes that Miller could not have foreseen the consequences when he rendered the Court’s opinion. Ross considers the context of the *Slaughterhouse Cases*, and concludes that they originated as a protest against Louisiana’s biracial government, a fact that Miller’s critics often overlook. According to Ross, understanding the context of the cases gives us better insight into Miller’s motives:

With one opinion, Miller hoped to preserve the federal system while providing protection for black civil rights. He wanted to support the biracial Reconstruction

government in Louisiana and uphold the ability of states to adopt economic and health regulations that affected personal property. And he wanted to prevent the Supreme Court, with its conservative judges like Stephen J. Field, from becoming perpetual censors of state regulations. (p. 676)

Although ultimately, the *Slaughterhouse* opinion was appropriated by Southern Democrats to justify segregation and states' rights, Ross argues that this was not what Miller or the Court intended.

<sup>50</sup> According to Salyer (1999), more than 100 black men were massacred in 1873 following an election dispute in Louisiana.

<sup>51</sup> Claudine Ferrell (1986) analyzes the *Civil Rights Cases* (1883) in her study of the Dyer Anti-Lynching Bill. She notes that Justice John Marshall Harlan, who wrote a dissent to the opinion, offered a different view of the 14<sup>th</sup> Amendment. Harlan “argued that the Fourteenth Amendment applied to federal protection of civil liberties threatened by racial discrimination . . . . The states had the same power they always had, but Congress could enforce the newly created right of national citizenship, i.e., freedom from racially-based discrimination in regard to civil rights” (Ferrell, p. 24). Had the dissenting view prevailed, she muses, efforts to secure federal anti-lynching legislation might well have met with success.

<sup>52</sup> According to the Martin Luther King, Jr. National Historic Site (1997), all of the states that were occupied by Federal troops eventually ratified the 14<sup>th</sup> Amendment. Several did so during Military Reconstruction, following the amendment's certification in 1868. The state of Mississippi ratified it in 1870.

<sup>53</sup> According to Pierce (1974), in Mississippi, “white Democrats broke Reconstruction by sheer intimidation of white Republicans and Negroes” (p. 168).

<sup>54</sup> Mississippi’s voting requirements were targeted at preventing the black vote.

According to Pierce (1974), the white Democrats in political power felt the poll tax would “prove a greater barrier” to poor blacks, than to poor whites (p. 169). The Democrats further restricted black voting by requiring voters to maintain residency (two years in state, with one year in the election district), on the assumption that blacks were more transient than whites. The literacy test was perhaps the most notorious mechanism for controlling the black franchise. In Mississippi, voters were required “to read any section of the state constitution, or understand it when read to them, and then be able to interpret its meaning” (p. 169). The local registrar, “inevitably a white person” (p. 169), administered and determined whether the voter was literate.

<sup>55</sup> McMillen (1990) observes that in Mississippi, as opposed to other Southern states, segregation was predominantly regulated by local custom:

[W]hile the state’s canon of racial exclusion or separation could hardly have been more complete, it was in substantial part informal. In Mississippi, as elsewhere in the region, there was a pronounced movement after 1890 from a system of de facto to one of de jure segregation. Perhaps more than any other state, Mississippi, as Joel Williamson has written, was ‘thoroughly and deeply radicalized’ by turn-of-the-century Negrophobia: ‘To be a Mississippian . . . was ipso facto to be a radical [Negrophobe] or else to be alone in one’s racial views’”

Yet this radical distemper was never fully institutionalized and the process of formally transcribing custom into law was fitfully pursued and never finished. Indeed Mississippi seems to have had *fewer* Jim Crow laws during the entire segregation period than most southern states. (p. 9)

Additionally, customs were community specific; consequently, “to avoid trouble with the dominant race they had to know that what one community or one individual permitted, others might proscribe” (McMillen, p. 12).

<sup>56</sup> Bernstein (1963) specifically examines the influence of social science on the majority opinion in *Plessy v. Ferguson*. In particular, emergent science of the day found a receptive audience among those intent on justifying white supremacy. Bernstein argues that sociological theories informed the *Plessy* opinion. For proof, he turns to the word of Justice Brown, who wrote the majority opinion:

*Legislation is powerless to eradicate racial instincts, or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one cannot be inferior to the other civilly [163 U.S. 537, 552] or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane.” (Plessy v. Ferguson, 1896; emphasis added)*

Bernstein argues that “the vague theory of ‘racial instincts,’ requiring the separation of the races, provided the ‘scientific’ means for justifying the Southern system of white superiority which had been threatened by the abolition of slavery” (p. 202). In all, he

concludes that the scientific thought then in vogue, including Darwin's work, and various studies that purported to demonstrate the physiological and intellectual inferiority of black persons, influenced the landmark opinion.

<sup>57</sup> For example, Kempton (1955/2002a) reported that

[Mrs. Bradley] turned to that white jury and tried to reach them. 'I looked at the ears, the forehead, the nose, the lips, the chin'—she ran through the catalog very slowly and precisely—'I knew definitely that was my boy, beyond the shadow of a doubt.' (p. 85)

<sup>58</sup> At the time, Missouri had no black law school, but purportedly planned to establish one at Lincoln University as it gradually developed.

<sup>59</sup> The Court's opinion summarized the advantages as including "opportunities for the particular study of Missouri law and for the observation of the local courts, and also . . . the prestige of the Missouri law school among the citizens of the State, his prospective clients" (*Missouri ex rel. Gaines v. Canada*, 1938).

<sup>60</sup> The opinion in *Shelly v. Kraemer* (1948) concerns two related cases from different states. Both *Shelly v. Kraemer* and *McGhee v. Sipes* tested the constitutionality of restrictive covenants. *Shelly v. Kraemer* originated in St. Louis, Missouri; *McGhee v. Sipes* involved property in Detroit, Michigan.

<sup>61</sup> Till was abducted in Leflore County; his body was recovered in Tallahatchie County, which was eventually granted jurisdiction in the murder trial.



<sup>62</sup> The wording of this clause is changed slightly with each subsequent articulation; the changes are indicated in italics. The original version, from Article I, Section 10 of Mississippi's 1817 constitution reads:

That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation, to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and, in all prosecutions by indictment or information, a speedy public trial, by an impartial jury of the county; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, but by due course of law.

Article I, Section 10 of the 1832 Constitution states:

That in all criminal prosecutions the accused hath a right to be heard, by himself or counsel, *or both*; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have a compulsory process for obtaining witnesses in his favor; and in all prosecutions, by indictment or information, a speedy *and* public trial by an impartial jury of the county *where the offence was committed*; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, but by due course of law (emphasis added).

In Article I, Section 7 of the 1868, the word "hath" was changed to "shall have." It reads:

In all criminal prosecutions the accused shall have a right to be heard by himself, or counsel, or both; to demand the nature and cause of the accusation; to be

confronted by the witnesses against him; to have a compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county where the offense was committed; and he shall not be compelled to give evidence against himself.

The most significant change, which altered the content of this provision, occurred in Article III, Section 26 of the 1890 constitution:

In criminal prosecutions the accused shall have a right to be heard by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county where the offense was committed; and he shall not be compelled to give evidence against himself; *but in prosecutions for rape, adultery, fornication, sodomy or the crime against nature the court may, in its discretion, exclude from the courtroom all persons except such as are necessary in the conduct of the trial* (emphasis added).

<sup>63</sup> Metress (2002) cites Audre Lorde's poem, "Afterimages," and Endesha Ida Mae Holland's "Memories of the Mississippi Delta" as examples that "remember" Till as being castrated (see pp. 4-6). Lorde's poem is included in Metress's compilation, pp. 323-327.

<sup>64</sup> As examples that recall a hole being drilled in Till's head, Metress (2002) cites Bob Blauner's interview with Howard Spence, who was a field secretary for the NAACP at

the time of Till's murder, and James Hick's letter to J. Edgar Hoover, of the FBI, published in the *Washington Afro-American* in November, 1955 (see pp. 6-9). Hick's letter is included in *Metress*, pp. 194-199.

<sup>65</sup> On March 7, 1965, a group of 600 marchers were met on the Edmund Pettus Bridge, in Selma, by state and county law officers who "used tear gas, billy clubs, cattle prods, and other violent means" to halt the march ("*Mants an Important Figure*," 2010, p. 1). The march was intended to go from Selma, to the state capitol in Montgomery, in an effort to publicize the need for equal voting rights. The violence of "Bloody Sunday" was broadcast to the nation, and accelerated the passage of the Voting Rights Act of 1965.

<sup>66</sup> The phrase, "sublime achievement" appears in an article about the Marilyn Nelson, who was discussing a poem she wrote for *The Hartford Courant* to commemorate the inauguration. The phrase, "sublime achievement" is not attributed as a direct quote from Nelson, however.)

<sup>67</sup> Frank Thomas Croisdale is white, and is listed by the *Niagara Falls Reporter* as a contributing editor. In this op-ed, he writes about growing up in a neighborhood that became racially integrated. He reflects on his neighbor who was the first black American to purchase a home in that neighborhood in 1979.

<sup>68</sup> An informative comparison to biblical "tribulation" is Acts 14:22: "Confirming the souls of the disciples, and exhorting them to continue in the faith, and that we must through much tribulation enter into the kingdom of God." The scripture cited here is King James Version.

<sup>69</sup> Although Hatch used the word “stories,” he appears to refer to Mark 12:10, which quotes Christ as saying, “And have ye not read this scripture; THE STONE WHICH THE BUILDERS REJECTED IS BECOME THE HEAD OF THE CORNER.” Psalm 118:22 reads, “the stone which the builders refused is become the head stone of the corner.” Both scriptures cited are King James Version.