

London Review of Books

[Vol. 40 No. 19 · 11 October 2018](#)

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Lynched for Drinking from a White Man's Well

Thomas Laqueur

This April, the Equal Justice Initiative, a non-profit law firm in Montgomery, Alabama, opened a new museum and a memorial in the city, with the intention, as the Montgomery Advertiser put it, of encouraging people to remember 'the sordid history of slavery and lynching and try to reconcile the horrors of our past'. The Legacy Museum documents the history of slavery, while the National Memorial for Peace and Justice commemorates the black victims of lynching in the American South between 1877 and 1950. For almost two decades the EJI and its executive director, Bryan Stevenson, have been fighting against the racial inequities of the American criminal justice system, and their legal trench warfare has met with considerable success in the Supreme Court. This legal work continues. But in 2012 the organisation decided to devote resources to a new strategy, hoping to change the cultural narratives that sustain the injustices it had been fighting. In 2013 it published a report called *Slavery in America: The Montgomery Slave Trade*, followed two years later by the first of three reports under the title *Lynching in America*, which between them detailed eight hundred cases that had never been documented before.

The United States sometimes seems to be committed to amnesia, to forgetting its great national sin of chattel slavery and the violence, repression, endless injustices and humiliations that have sustained racial hierarchies since emancipation. Stevenson has said that, visiting Germany, he was struck by the number of memorials to the victims of the Holocaust: the Stolpersteine, or 'stumbling stones', set in the ground in their thousands to mark the names of the murdered in the places where they once lived; the Holocaust Memorial near the Brandenburg Gate and its subterranean museum; the thousands of other reminders all over the country of the evils done in the name of Germany – maps, monuments, plaques, preserved concentration camps. Similarly, the Apartheid Museum in South Africa bears witness to the racist system that dominated that country's history; monuments and plaques outside the constitutional court in Johannesburg recognise those who suffered.

There is no remotely comparable memorial culture in the United States to the legacy of slavery.

'Only through grappling with this difficult past can our country move in a different direction,' the Legacy Museum's brochure begins. But the past is not past in Montgomery. 'You are standing on a site where enslaved people were warehoused,' reads the sign stencilled on a brick wall as you enter the museum. The first exhibit is a holographic slave, about to be auctioned, who speaks to visitors from a small underground cage. In the final exhibit holographic prisoners in orange jumpsuits sit behind protective glass. The museum traces the line between slavery and contemporary incarceration in the US – one in three black men spend time in prison; the prison population grew 700 per cent between 1970 and 2005 as crime dropped; blacks are six times as likely to be in prison as whites – in the hope that the present will come to seem as morally outrageous as the past. The presumption of guilt and danger that burdens blacks, especially black men, has a long history.

After slavery comes what the museum calls 'Era 2: Racial Terror', characterised by lynching. Visitors can use touchscreens to light up interactive maps that display lynchings by geographic and chronological density: never fewer than one lynching a week for the half-century starting in the 1870s; more than three a week in the 1890s. The museum shows how the Black Codes passed by Southern states after the end of the Civil War to restrict the occupations, movements and wages of former slaves led to the rise of incarceration of blacks for petty crimes, partly as a result of their inability to pay fines for small infractions. It also documents the advent of black convict leasing, when prisoners were hired out to provide labour to private companies. It is not hard to see the present in that past, and some of the continuities are almost parodic. The notorious 19th-century Louisiana State Penitentiary is known as Angola after the sugar plantation on the same site which was worked by slaves before the Civil War; after the war it remained a sugar plantation but was worked instead by black convict labour. Those not needed on the plantation were hired out elsewhere. But unlike expensive privately owned slaves whose lives mattered, leased convicts were disposable. In bad years the death rate among leased prisoners was roughly equivalent to that in the labour camp part of Auschwitz. 'Era 3: Segregation Forever' documents the legal establishment of a racial purity regime as strict as any of its 20th-century European competitors. North Carolina required not only separate schools for black and white children but segregation of textbooks ('Books shall not be interchangeable

between the white and coloured schools, but shall continue to be used by the race first using them').

It is an ambitious project, an attempt to shift the conscience of the United States and to make the EJI's litigation against systemic and individual injustices no longer necessary. The museum aims at redemption through narrative, a change of heart. Because Montgomery thrives on civil rights tourism it escapes the malevolent amnesia and racist interpretations of the past that remain current in some Southern towns. In Colfax, Louisiana, for example, a white mob enraged by the electoral victory of an alliance of black voters and white Republican supporters of Reconstruction murdered about 150 black men on Easter Sunday 1873. (The precise number is unknowable.) Three whites died. The Louisiana Historical Marker programme put up a plaque to mark the event in 1950, at the dawn of the black civil rights movement and the beginning of a new phase of Confederate commemoration. It reads: 'On this site occurred the Colfax Riot in which three white men and 150 Negroes were slain. This event on April 13, 1873, marked the end of the carpetbag misrule in the South.' This, of course, is racist doublespeak: the 'misrule' involved securing civil and economic rights for blacks; there was no 'riot'. The obfuscation cannot be innocent. A private marker placed in the Colfax cemetery in 1921 – at the tail end of the first major phase of Confederate commemorations – is more direct: 'Erected to the memory of the heroes ... Stephen Decatur Parish, James West Hadnot, Sidney Harris, who fell in the Colfax Riot fighting for White Supremacy, April 13, 1873.'

When EJI arrived in Montgomery there were more than fifty memorials of one sort or another to the glories of the Confederacy. They included a gold star on the steps of the state capitol, to mark the spot where Jefferson Davis – the president of the Confederate States between 1861 and 1865 – was inaugurated and the slave nation was formed. There were no reminders of the city's role as one of the most important centres of the Southern slave trade. In late 2013 the EJI dedicated the first of several plaques that referred to this history. One is in front of its offices: 'At this location, 122 Commerce Street, was a very large warehouse owned by John Murphey, who provided support to the slave traders in the city.' 'I would have preferred not to have the additional markers,' the mayor confessed, 'but I believe they are part of history.' He agreed to allow them, he said, because they would promote history tourism.

In 2014 readers of USA Today voted Montgomery the nation's top 'historic city'. But Old South nostalgia, not slavery, was the draw. The picture on the magazine's story shows a white carriage drawn by two white horses, with two happy white couples sitting in it, and a black man in plantation dress on the box, reins in hand. They appear in front of the brightly lit fountain that we now know from another of EJI's signs was the site of the city's biggest slave market. Tourists also come to visit places connected with the civil rights movement. The director of the Alabama Tourist Department rightly predicted that the fiftieth anniversary of the Selma march in 2015 would 'rain torrents of publicity' and permanently increase the number of visitors to the state. His department sees the city's past as comfortably over, and thinks visitors will view with satisfaction the progress that has been made. They suggest an itinerary. Day 1: starting in Birmingham, 'you will be enchanted by old and new exhibits that tell the story of a people and a movement.' Day 2: 'travel to Selma across the Edmund Pettus Bridge, where the civil rights march began in 1965 and where law enforcement personnel confronted voting rights marchers on Bloody Sunday.' That's one way of putting it. Day 3: 'in Montgomery, visit the Rosa Parks Museum and feel what it was like to be arrested for not moving to the back of the bus.' Unlikely. 'Stop for lunch in downtown Montgomery. Stand in the pulpit at Dexter Avenue King Memorial Baptist Church where Dr Martin Luther King Jr preached.'

My wife and I did stand in the pulpit where Dr King preached, and sat in the church office where he and his colleagues planned the bus boycott, and, at the insistence of our guide, had our pictures taken behind the lectern from which he preached one of his most famous sermons – 'How long? Not long ... The arc of the moral universe is long, but it bends toward justice' – on the state capitol steps just below the star marking where Jefferson Davis was inaugurated. At the end of the tour the guide led our group in singing 'We Shall Overcome'. Our small group was all black except for us. Standing where King had stood I felt something of what religious people might feel at a shrine.

Just down the street is the Civil Rights Memorial, designed by Maya Lin and installed in front of the Southern Poverty Law Centre, whose earlier headquarters were burned down by the Ku Klux Klan. Water plays over a flat polished stone surface on which are inscribed, in chronological order, twenty landmark events of the civil rights movement and the names of 41 martyrs to the cause. As at Lin's Vietnam Veterans Memorial in Washington, visitors can touch the names, disturbing the smoothness of the flowing water. (The water is intended as an allusion to the

King James Bible's version of Amos 5:24 in King's 'I have a dream' speech: 'we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.')

The Legacy Museum is a little further down the main street. It is, astonishingly, the first museum detailing the history of slavery in the United States. In contrast, a spectacular research centre and memorial has stood for 25 years on the National Mall in Washington, remembering a crime that the United States did not commit – the Holocaust. Two years ago the National Museum of African American History and Culture opened near it, an architecturally striking shrine to the history of African Americans in the US. Slavery and the slave trade have their place, but so does a sampling from the history of black culture – music, entrepreneurship, the press, the Harlem Renaissance. There are two small exhibits on lynching. It is balanced. And it leaves visitors feeling good. The top and most extensive floor represents an escape from the crimes of the past. Here is the customised red convertible Cadillac Eldorado that belonged to Chuck Berry; here too is Michael Jackson's fedora, Lightnin' Hopkins's guitar, Louis Armstrong's trumpet. There is a large temporary exhibition about Oprah Winfrey. 'She has a place in the museum with a long line of women who did extraordinary things in their time – Harriet Tubman, Sojourner Truth, Ida B. Wells, Maya Angelou – women who worked to redeem the soul of America,' the director writes. It is decidedly not a museum of slavery.

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About half a mile from the Legacy Museum in Montgomery – past the site of the city's busiest slave market, past the Jefferson Davis Apartments, past the Hank Williams museum, which houses his 1963 blue Cadillac convertible and 17 of his suits, not far from the Rosa Parks Museum with her distinctive glasses on display – is the six-acre site of the National Memorial for Peace and Justice. It is a memorial to the victims of the more than four thousand documented 'racial terror lynchings' of blacks by whites. Lynching – charivari at its most violent, a murderous popular enforcement of majority community values – has nowhere else in the world been employed for as long or as often as in the United States. There are incidences of it in some Central American countries with weak governments; it is now on the rise in India. But it is indigenous here. Before the Civil War whites were the primary victims, especially but not exclusively in the relatively lawless west. After it, close to 75 per cent of lynchings were in the deep South; more than 90 per cent of the victims were black.

There were other lynchings, of course: mobs murdered an unknown number of Mexicans – in the thousands – by hanging, burning and shooting, particularly in the south-western states. Foreigners were often victims. In 1891 a huge mob lynched 11 Italian Americans in New Orleans because some of them had been acquitted in a murder trial; in 1899 five Sicilians, all from one village, were lynched in the tiny town of Tallulah, Louisiana for allegedly murdering a prominent local doctor. They hadn't. There were scores of lynchings of Chinese in California. All these are even more profoundly forgotten than the lynchings of blacks in the South. Whites were also lynched: Wobblies in the labour wars in the north-west in 1919; Leo Frank, a Jew wrongly convicted of murder, in Marietta, Georgia in 1915.

But the story of African Americans constitutes a special case. No other post-slave society turned to terror lynching to maintain white racial dominance. At the memorial's threshold is a sculpture, by the Ghanaian artist Kwame Akoto-Bamfo, representing slavery. Seven near-naked life-size figures – men, women, children, infants – are shackled. An eighth, empty set of shackles represents one of their number who has already been sold. As the Legacy Museum argues, terror lynching is a continuation of the antebellum regime and a link to the present. Under a large open pavilion eight hundred steel columns hang from rope-like rods, all the same powdery reddish-brown rusty colour as the shackles in the slavery statue. Each of them bears the names of those murdered in one of eight hundred counties. Outside, eight hundred coffin-like replicas of the columns lie on the ground as if they held the remains of victims of a natural disaster or terror attack. They are waiting to be claimed by counties throughout the South and returned to them as memorials. Like other gatherings of names – the Vietnam Memorial, Yad Vashem, the Menin Gate and the names in memorial books like Serge Klarsfeld's *French Children of the Holocaust* – this abstraction of large numbers, the numerical sublime, demands attention. These dead. These specific, enumerated dead. Elbert Williams, lynched in Brownsville, Tennessee in 1940 for working to register black votes – and so on by the thousand.

Between the hanging columns and the field of coffin-like memorials visitors pass a coffer containing dirt from various lynching sites, a wall with water flowing over it dedicated to the 'unknown victims of lynching', blocks of poetry and panels that give the pretexts for selected lynching, a hodgepodge of offences, large and small, against the niceties of racial domination: Henry Bedford lynched for 'talking disrespectfully to a young white man'; Jesse Thornton for 'addressing a white police officer without the title "mister"'; Malcom Wright for 'yielding too little of the

roadway to a white man as he passed in his wagon'. Anthony Crawford rejected a 'white merchant's bid for cottonseed'. Mary Turner was 'lynched with her unborn child [it was cut from her belly and murdered] for complaining about the lynching of her husband, Hayes Turner'. There were 11 more lynchings in the rampage that followed.

Suspicion that a black man had murdered a white was probably the single most frequent pretext: an existential threat to the racial order. The EJI does not feature such cases on the memorial's walls but documents them in its research, ghastly precursors of the miscarriages of justice and disproportionate punishments against which it is fighting today. A local paper in Texas informed its readers on 6 May 1922 that, after a thrilling manhunt, 'three coloured men were burned here at dawn for the murder of Eula Ausley, pretty 17-year-old schoolgirl.' The men – McKinley Curry, Johnny Cornish and Mose Jones – inconveniently delayed the proceedings by insisting on their innocence, which made 'third degree' methods necessary. These failed to force a confession. The crowd of five hundred waited. The men's bodies were mutilated while they were still alive, the article continues, so that 'no organ of the negroes was allowed to remain protruding.' Jones was roped and dragged back and forth over burning coals until he was dead. Curry was drenched in oil and set on fire. As the flames rose he chanted 'O Lord, I'm a comin'' so loudly he could be heard all over town. Later that day the sheriff announced that two white men – brothers – had been detained in connection with the murder and that tracks from the scene of the crime led to their house.

American labour struggles of the 19th and early 20th centuries were violent enough, but those that involved black workers were much worse. These efforts at union organisation, largely forgotten until now, threatened not only capitalist profits but the racial order. 'Hundreds of black women and children were lynched in the Elaine massacre in Phillips County, Arkansas, in 1919,' a plaque on the wall of the memorial reads; there were 257 'unknown' victims, according to the hanging column (we will never know the exact number). A local planter and real estate developer told the Arkansas Gazette after the killings that the efforts by the Progressive Farmers and Household Union of America to unionise sharecroppers constituted 'a deliberately planned insurrection of the Negroes against the whites', masterminded by an organisation established 'for the purpose of banding Negroes together for the killing of white people'.

Roughly 25 per cent of lynchings were on the pretext of rape of a white woman, and many more on the excuse of some supposed contact with one. 'Thomas Miles, Sr ... lynched in Shreveport, Louisiana for allegedly writing a note to a white woman'; 'David Walker, his wife and five children lynched in Hickman, Kentucky, in 1908 after Mr Walker was accused of using inappropriate language with a white woman.' 'Warren Powell, 14', lynched in 1899 for 'frightening' a white girl. Henry Patterson for asking a white woman for a drink. Henry Scott, a Pullman porter, thrown off his train and lynched for insulting a white woman. An investigation showed that she was furious because he had asked her to wait until he finished making up another white woman's berth. Actual sexual relations, even if consensual, met with explosive violence. W.E.B. Du Bois wrote that he was moved to activism by reading about the torture and immolation of Sam Hose in Georgia in 1899; after his death some of his body parts were displayed in local stores. Hose had been accused of killing his employer and raping his employer's wife, but a later investigation showed that the death was an accident and the rape a fabrication.

'Every Negro lynched is called a "big burly, black brute",' wrote the editors of a black paper in Wilmington, North Carolina in 1898, 'when in fact many ... were sufficiently attractive for white girls of culture and refinement to fall in love with them, as is well known to all.' A few months later the newspaper's offices were burned down and its owners narrowly escaped with their lives; they, along with two thousand other blacks, were forced to flee. The so-called Wilmington Insurrection was, in fact, a coup; whites, furious at the victory of a mixed-race coalition in a local election, started a rampage. At least thirty blacks – the EJI puts the number at sixty – were murdered. 'North Carolina is a WHITE MAN'S STATE and WHITE MEN will rule it,' the local paper announced. 'No other party will ever dare to attempt to establish negro rule here.'

The rape pretext, like all the others, can be linked to slavery: a metonym for the white fear of blacks in revolt. In her 1911 memoirs, Rebecca Latimer Felton, a leading Southern advocate of women's rights but an inveterate racist, made the link blindingly obvious: 'Southern fathers and husbands', she wrote, remembered the fear of slave insurrections during the Civil War, and were 'desperate as to remedies'. 'It is the secret of lynching instead of a legal remedy. It was "born in the blood and bred in the bone", and a resultant of domestic slavery in the Southern states.'

So, what is to be learned from the EJI's work in Montgomery? In the first place, the convenient power of forgetting. Most of this story is well documented, unlike the Nazi murders of the Holocaust or the disappeared in Argentina or apartheid South Africa. No one sent postcards from Auschwitz with pictures of the extermination process as they did of lynchings; pogroms were not announced in newspaper headlines. The documentation of the terror memorialised in Montgomery goes back almost to its beginning, in the work of the Tuskegee Institute in Alabama and the NAACP. There were at least twenty congressional hearings in decades of failed efforts at passing federal anti-lynching laws, from the 1880s on. The Nazis in the 1930s were amazed that the state could allow such uncontrolled popular violence to go on in full view. Some lynchings were secret, but many were held in public and seemed deliberately to flout state authority. '3000 will Burn Negro,' blared the New Orleans Statesman on 26 June 1919. 'Negro Jerky and Sullen as Burning Hour Nears', reads the header of one article; the hour of the lynching is announced in another. Tens if not hundreds of thousands of people witnessed or took part in lynchings.

Du Bois's observation that 'the slave went free; stood a brief moment in the sun; then moved back again toward slavery' is scholarly orthodoxy. And yet what we see in Montgomery still comes as a surprise. We find it hard fully to take in the reality of the 'strange fruit' of the Billie Holiday song. One can read a huge amount about the Holocaust and yet, when confronted with the face of a woman looking up at her killers from a pit full of naked bodies, still be taken aback. One feels the same seeing children in a lynching postcard eating ice cream; a body bearing the scrawled sign 'This nigger tried to vote'; or the wedding ring worn by a black woman who hangs from a tree in front of a great crowd while horses graze in the background.

In a 1909 article called 'Lynching, Our National Crime', Ida B. Wells identified another, unassimilable strangeness: 'No other nation, civilised or savage, burns its criminals,' she writes. 'Only under that Stars and Stripes is the human holocaust possible.' Europe had not seen public burnings since the Spanish Inquisition and the burning of heretics after the Reformation. Racial terror was more than instrumental: the hundreds of carnivalesque burnings and hangings were ritually constitutive of the white South, a holocaust in its Old Testament sense. Lynchings were sometimes responses to primitive fears of the sort we usually connect to the early modern European witchcraft trials and medieval pogroms: Charlotte Harris was lynched in Rockingham County, Virginia 'after a white man's barn burned

down'; three people were lynched because the white family for whom they were working claimed to have been poisoned; seven black people were lynched near Screamer, Alabama for drinking from a white person's well.

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The scale of the terror and its consequences are incompatible with its place in public consciousness. Far fewer people died in the Kishinev Pogroms of 1903 – which shook the world, changed Western immigration policies, and became until the Holocaust emblematic of the vulnerability of Jews in the diaspora – than were killed in the Elaine massacre in a tiny Arkansas town that no one has ever heard of. The deaths in Colfax exceed the number of Jews killed on Kristallnacht. Of course, most lynchings were individual murders, the bodies left hanging and riddled with bullets. But they happened in their thousands: it was still a reign of terror.

The public assertion of facts and their placing in the landscape matters. The Legacy Museum is built on the site of a slave warehouse; earth from lynching sites sits in jars among other exhibits. It is hard to escape the enormity of the crimes the EJI documents, and for which no one was ever punished. All this narrative work has been carried out in the hope that the recognition of past wrongs and moral blindness will make those in the present not only recognise our complicity in this history but also the continuity of past and present. The black man lynched for 'standing around' in a white neighbourhood in 1892 or the man lynched after being accused of vagrancy in Garyville, Louisiana in 1917 ought to remind us of Trayvon Martin, the 17-year-old shot in 2012 in Sanford, Florida by a neighbourhood watch volunteer who thought he looked out of place in a white neighborhood, or of Eric Garner, choked and killed on Staten Island in 2014 by police who were arresting him for selling untaxed cigarettes. These are not lynchings but they are the offspring of the forces that sustained lynching and of an unequal criminal justice system.

The EJI thinks that when the counties in which lynchings took place claim the duplicate memorials – many have expressed an interest in doing so next year – a moral reckoning will begin. In a few places outside the South this has started. Duluth, Minnesota, where three black circus workers were lynched in 1920 for a rape that never happened is a hopeful case: statues commemorating the dead were installed in 2003. But in Jonesboro, Arkansas the proposal made by Gary Edwards, who teaches at the local university, to put up a plaque recognising a 1920 lynching has met with resistance. He suggested in a local newspaper that a production at the

local arts centre of *A Raisin in the Sun* – a play by a black playwright with an all-black cast about the travails of a black family in Chicago in the 1950s – might be an occasion to remember a lynching that took place almost a century ago. The mayor was not in favour, and it seems unlikely that Jonesboro will be keen to claim the EJI's memorial, which lists four more lynchings in the county.

My sense is that Bryan Stevenson's real hope for what he calls 'narrative work' is a sort of Christian piercing of the heart by whatever passes for the holy spirit these days: something like the conversions of old. In his book *Just Mercy* (2014) he tells the story of a racist prison guard who had consistently given him and his client a hard time before suddenly becoming sympathetic after hearing in court about the boy's suffering in foster home after foster home. 'I came up in foster care,' the guard confessed. He thought no one had had it as bad as he had. The guard spoke of his anger, and Stevenson told him that the bad things that happen to us do not define who we are. No one is as bad as their worst moments. One would like to believe that remembering a difficult history can change hearts, but this does not seem like a hopeful moment in the United States for mastering a past of racial injustice.