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Berkeley Journal of  
Religion and Theology

**Berkeley Journal of Religion and Theology**

**Volume 4, Issue 2**

ISSN 2380-7458

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Source: *Berkeley Journal of Religion and Theology* 4, no. 2 (2018): 53-81.

Published By: Graduate Theological Union © 2018

Online article published on: September 25, 2018

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## **A Gift from Death:**

### *Necropolitics and Handing Over in James Cameron's "A Time of Terror"*

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**ABSTRACT:** This paper presents a necropolitical reading of 1930 Marion, Indiana lynching survivor James Cameron's *A Time of Terror* that seeks to shed light on the U.S. American legal and extra-legal *tradition* in which the state *hands over* African-American men and boys to mobs and vigilantes in partial fulfillment of sovereign citizenship's ritual demands. In addition to Achille Mbembe's 2003 article "Necropolitics," this paper employs Giorgio Agamben's "Pilate and Jesus," in an exploration of the political-theological implications of state refusal to uphold the rule of law to secure African-American life against mob and vigilante violence. In particular, I explore the role feigned reluctance plays in the state's official response to the dictates of lynch mobs as the state complies with mobs' demand to enjoy free access to the lynching victim's body. By demonstrating similarities and continuities with the exercise of Lynch-Law in the colonial period and spectacle lynching in the nineteenth and twentieth centuries, this paper intends to make political and historical sense of the impunity, civic pride, and religious piety with which George Zimmerman reflected on his 2012 murder of Trayvon Martin in order to highlight where further theological and ethical reflection on social and legal traditions are needed.

*Berkeley Journal of Religion and Theology*, Vol. 4, no. 2

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It must be remembered that the white group of laborers, while they received a low wage, were compensated in part by a sort of public and psychological wage. The police were drawn from their ranks, and the courts, dependent upon their votes, treated them with such leniency as to encourage lawlessness.

— W.E.B. Dubois<sup>1</sup>

In the five years since Trayvon Martin was shot to death by volunteer neighborhood watch captain George Zimmerman, contentious public debate has ensued concerning the nature and justification of police and vigilante violence against African-Americans — especially men and boys. An unprecedented and diverse number of public figures have offered commentary via commercial and social media on patterns of state and quasi-state violence against African-American men and boys. In July 2013 sitting president Barack H. Obama responded to Zimmerman’s acquittal by reminding Americans that if Obama had a son he would look like Trayvon Martin. Notably, Obama did not compare Martin’s extra-judicial killing and Zimmerman’s subsequent acquittal to the United States’ history of extra-judicial killings unleashed on African-Americans. Nor did the president mention the traditional exonerations of White mobs that plagued Black economic, social and political life following emancipation. Instead, after Obama assured his audience that he did not “want to exaggerate,” he explained that African-Americans cannot help but view Martin’s killing and Zimmerman’s acquittal through the lens of Black males who see women in elevators clutching their purses and holding their breath, hear the sound of car doors locking as they pass, and receive extra surveillance in retail stores. Obama glossed “a history of racial disparities in the application of our criminal laws” that leaves African-Americans with “a *sense* [emphasis mine] that if a white male teen was involved in the same kind of scenario...both the outcome and the aftermath might have been different.” Then he asserted “the prosecution and the defense made their arguments. The juries were properly instructed...that reasonable doubt was

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<sup>1</sup> W.E.B. Du Bois, *The Black Reconstruction in America, 1869-1880* (New York: The Free Press, 1998), 700.

relevant, and they rendered a verdict. And once the jury has spoken, that's how our system works." Still, the aftermath of Zimmerman's acquittal troubled the president and the First Lady on behalf of young Black American men enough to make the President ask "is there more that we can do to give them the *sense* [emphasis mine] that their country cares about them and values them and is willing to invest in them?" Despite his unease, Obama remained optimistic that the progressive tone of conversations he hears between Malia, Sasha, and their friends portend "we're becoming a more perfect union."<sup>2</sup>

NFL quarterback Colin Kaepernick was less circumspect in 2016 when he told interviewers "cops are getting paid leave for killing people." The recent recipient of Amnesty International's Ambassador of Conscience Award began to kneel during pre-game performances of the "The Star-Spangled Banner" to express his growing awareness of the United States' tradition of impunity for police and security personnel killing Black men and boys shortly after the fatal 2016 police shooting of Philando Castile that occurred on the side of the road in Falcon Heights, Minnesota during a traffic stop with his partner Diamond Reynolds and her four-year-old daughter beside him in the car. Although Kaepernick's refusal to stand for the national anthem in light of the United States' history of racist police brutality and his statements on historical police impunity have been widely cited as the reason he remains a free agent to date, he has maintained since 2016 that career-ending consequences are something he is "prepared to handle" because he cannot "look in the mirror and see other people dying on the street...who should have the same opportunities that I've had and say, you know what...I can live with myself, because I can't if I just watch."<sup>3</sup>

While liberal sentiment continues to lean toward qualified sympathy for the deceased and frustrated embarrassment with the judicial system, there remains a lack of clarity concerning the history of such extra-judicial killings in terms of their political functions. Toward greater clarity, this

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<sup>2</sup> Barack H. Obama, "Remarks by the President on Trayvon Martin," The White House, July 19, 2013, accessed June 17, 2018, <http://obamawhitehouse.archives.gov/the-press-office/2013/07/19/remarks-president-trayvon-martin>.

<sup>3</sup> "Colin Kaepernick Explains Why He Won't Stand During National Anthem," YouTube video, 18:23, posted by KTVU, August 29, 2016, <http://www.youtube.com/watch?v=ka0446tibig&t=614s>.

article engages with Achille Mbembe's concept of *necropolitics* in a reading of *A Time of Terror* by James Cameron, the lone survivor of the 1930 Marion, Indiana triple lynching. This reading seeks to demonstrate lynching and the permission to enjoy it as a necropolitical strategy: the state exploits the gap between state and popular sovereignty by handing over Black men and boys to be murdered, thereby realizing the White working class's expectation of sovereignty and creating the appearance of state compliance with the will of the people.

In 2012 George Zimmerman was serving as the neighborhood watch coordinator for a gated community called Retreat at Twin Lakes that had experienced a string of robberies. During orientation, Wendy Dorival, the local police department's volunteer coordinator, was clear that the organization was supposed to be the police department's "eyes and ears" and not "the vigilante." The clear expectation was that suspicious activity should be reported to the police from the safety of a resident's vehicle or home.<sup>4</sup> According to transcripts from the 911 call Zimmerman placed from inside his truck on the night of February 26, 2012, Zimmerman reported that Martin looked "like he's up to no good, or he's on drugs or something. It's raining and he's just walking around, looking about." A few seconds later Zimmerman tells the operator that Martin is coming toward him with his hand in his waistband and then adds that something is in Martin's hands. After Zimmerman complains, "Fucking punks. These assholes, they always get away," the dispatcher asks whether Zimmerman is following Martin. When he answers "yes," the dispatcher warns, "We don't need you to do that." Zimmerman told the dispatcher that he would park his truck and wait for law enforcement, yet he continued to pursue Martin on foot. A struggle ensued and Zimmerman shot 17-year-old Martin to death.<sup>5</sup> Martin possessed only his cell phone, a bottle of tea, and a bag of candy. Zimmerman's privilege to arbitrarily accost, attack, and refuse legal orders

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<sup>4</sup> Campbell Robertson and John Schwartz, "Shooting Focuses Attention on a Program That Seeks to Avoid Guns," *New York Times*, March 22, 2012, acc. June 28, 2018, [https://www.nytimes.com/2012/03/23/us/trayvon-martin-death-spotlights-neighborhood-watch-groups.html?\\_r=1](https://www.nytimes.com/2012/03/23/us/trayvon-martin-death-spotlights-neighborhood-watch-groups.html?_r=1).

<sup>5</sup> "Call #1: George Zimmerman calls to report a suspicious character," The George Zimmerman Trial: Critical Phone Calls, acc. June 21, 2018, <http://law2.umkc.edu/faculty/PROJECTS/FTRIALS/zimmerman1/zimcalls.html>.

to ignore Trayvon Martin reflects long-standing patterns in U.S. American legal history where Black men and boys are concerned.

In 1930 James Cameron was removed from his mother's home in Marion, Indiana's Black district by six officers and taken to police headquarters at two o'clock in the morning. In addition to police officers, the county sheriff, and a sergeant, a small crowd of white men and women were present for his interrogation in order to hand over information about Cameron to the public. Before the 16-year-old was taken to the county jail where he was locked in a cell block with 32 other adult men and one other boy, he was kicked, punched and slapped by law enforcement until he signed a confession that blamed his two friends for attempted murder and a rape that never took place. Before his scheduled lynching Cameron was visited by the mayor who was accompanied by an unidentified masked man who the other prisoners were certain represented the local KKK. Concerned citizens could not reach the mayor or the governor as Whites from across the region gathered to receive James Cameron and his friends from the hands of the local sheriff. The act of handing over James Cameron in 1930 to bloodthirsty, jubilant mobsters was well-rehearsed political theatre. Less apparent, however, is the necropolitical function extra-legal "handing over" performed. Upon closer examination the existential crisis facing postbellum Southern society — further complicated by southern and eastern European immigration — vested both the act of "handing over" and the public demand for the life of lynching victims with a necropolitical significance. This significance resembles the "incessant crisis"<sup>6</sup> of indecision Giorgio Agamben investigates in *Pilate and Jesus*. Agamben suggests Pilate's strategic refusal to adjudicate the conflict between Jesus and the Sanhedrin allowed him to appease the mob and postpone conflict with the Sanhedrin, his dereliction also rendered possible relationships between state and divine law obscure.<sup>7</sup> Similarly, the postbellum governors, mayors, sheriffs, judges, and police officers who handed over their duty to uphold the rule of law to working class mobs and out-of-town spectators not only exchanged Black life in order to exploit residual White working class grief over the Lost Cause. Derelict officials also obscured potential relationships

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<sup>6</sup> Giorgio Agamben, *Pilate and Jesus*, trans. Adam Kotsko (Stanford: Stanford University Press, 2015), 57.

<sup>7</sup> *Ibid.*, 57-8.

between politics, economic democracy, and human reconciliation following the Civil War. In the U.S. American context, therefore, the “new lynching hybrid” that was “part rustic self-governance, part cast oppression” which developed during the “abolitionist scare” successfully collapsed most relevant distinctions between Black life and racist law after 1830.<sup>8</sup> As I will demonstrate, “Lynch-Law” expanded and privileged the legal space in which the elected officials and citizen mobs benefitted from lynching. By extension, I will also interpret how James Cameron’s harrowing testimony of the citizen mob — supported by derelict and complicit state officials — reveals a pattern in which the racist demand for White sovereignty is appeased through the deaths of Black individuals, enabling vigilantes like George Zimmerman to take Black life on a whim while posturing as both legally justified and morally righteous.

## Securing the Sovereigns

In what sense are vigilante and quasi-state violence related to law? What is the link that ties racist lynch mobs to the rule of law? Giorgio Agamben identifies “the law of nature and the principle of the preservation of one’s own life” as “the innermost center of the political system,” stating that “the political system lives off it in the same way that the rule... lives off the exception.”<sup>9</sup> In this sense, the law of nature has an ambiguous relationship to violent power; violence and power are not considered inherently immoral but are considered essential in systems of social control. Here, Agamben draws upon *The Laws*, where the Greek poet-philosopher Pindar distinguished between

[The axiom according to which it is the strongest who rules] and the axiom that seems to be more important [...] the one that orders that he who knows and is intelligent should govern, and that the ignorant should therefore follow him. And you will not be able to say that this, wise Pindar, happens against nature, for it happens not by means of violence but in

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<sup>8</sup> Philip Dray, *At the Hands of Persons Unknown* (New York: Modern Library, 2003), 18.

<sup>9</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller Roazen (Stanford: Stanford University Press, 1998), 36.

accordance with nature, that is, in accordance with the power of law over those who accept it (69ob-c).<sup>10</sup>

In this presentation, it is difficult to distinguish between “the power” employed by “he who knows” and the power that comprises the primacy of “the strongest.” The emergent ethos is one in which violence by the strong against the weak is morally necessary for a healthy society. The principle of personal security leads to a mandate that dominant classes and groups should subordinate “the ignorant who should therefore follow.” The justified exploitation of strength is framed as an essential part of the so-called natural order of society. David Squires observes, “the Constitution reorganized power” by placing citizens “under the sign of a single entity—a sovereign people.”<sup>11</sup> Relying on the work of Ida B. Wells-Barnett, Squires argues that the United States’ federalist system produces what he calls “overlapping juridical fields,” wherein the federal government “abandons its obligation to protect” Black life by treating “mob violence as an issue that states had a right to resolve on their own terms.”<sup>12</sup> This creates ambiguous social-legal boundaries that dominant groups may then exploit. Paul Kahn observed “the concept of popular sovereignty<sup>13</sup> links the Constitution—and thus the rule of law—to revolution,” which not only “links law to exception” but also grounds the power of law in “the revolutionary self-formation of the popular sovereign.”<sup>14</sup> In *Sacred Violence: Torture, Terror, and Sovereignty* Kahn further explores the relationship between popular sovereignty and state violence, saying:

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<sup>10</sup> Ibid, 34.

<sup>11</sup> David Squires, “Outlawry: Ida B. Wells and Lynch Law,” *American Quarterly* 67, no 1 (2015): 146.

<sup>12</sup> Ibid, 145.

<sup>13</sup> It is worth noting the relationship between Black life and popular sovereignty as defined in (*Merriam-Webster Online*, s.v. “Popular Sovereignty,” accessed June 20, 2018, <https://www.merriam-webster.com/dictionary/popular%20sovereignty>): “1) a doctrine in political theory that government is created by and subject to the will of the people. 2) a pre-Civil War doctrine asserting the right of the people living in a newly organized territory to decide by vote of their territorial legislature whether or not slavery would be permitted there.” Considered together, both definitions expose a political crisis in American democracy in which racist Whites understand democracy to be the process by which White citizens decide on the status of Black life within geographies dominated by a White majority.

<sup>14</sup> Paul W. Kahn, *Political Theology: Four New Chapters on the Concept of Sovereignty* (New York: Columbia University Press, 2011), 7.



Popular sovereignty is an intersubjective, transtemporal project of the creation of meaning. It is not, however, just any such project of meaning creation: political meaning is not art, and it is not just talk. Political meaning in the modern state has sustained a practice of sacrifice, of killing and being killed. This is not a necessary aspect of the political per se, but any explanation of the Western experience of the modern state as a manifestation of popular sovereignty must confront this fact.<sup>15</sup>

Building on Kahn's observation, I argue that state and quasi-state violence against African-American men and boys can be understood in part as one expression of popular sovereignty the state grants to police officers, security personnel, and vigilantes that allows them to end Black life with impunity on the pretext of feeling threatened. Sovereign power as "the power to decide on the exception to the law,"<sup>16</sup> therefore, resides in the center of the U. S. American political imaginary, accessible to both the state—which reserves to itself authority to determine when to authorize the legal use of violence, and to determine conditions of exception against authorizing violence—as well as to the citizen mob. This citizen mob, by various appeals to natural law and popular sovereignty, decides when extra-judicial violence is necessary to accomplish what it determines what the law will not or cannot.

Early twentieth-century political economist James E. Cutler traces the use of extra-legal violence in the United States under the term "Lynch-Law" during the early phases of the nation's colonization. Namely, in December of 1763, the complaints of Pennsylvanian settlers that "scalping parties... were laying waste the settlements with relentless fury," fell on the deaf ears of their pacifistic Quaker administrators. Consequently, the Scotch-Irish who had settled near present-day Harrisburg were "exasperated at the policy pursued by the Quakers toward the Indians."<sup>17</sup> A band of "Rangers" was formed to patrol the area. Later that month a settler "of influence and popularity among his associates" reported seeing

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<sup>15</sup> Paul W. Kahn, *Sacred Violence: Torture, Terror, and Sovereignty* (Ann Arbor: University of Michigan Press, 2008), 35.

<sup>16</sup> Agamben, *Homo Sacer*, 83.

<sup>17</sup> James E. Cutler, *Lynch-Law: An Investigation into the History of Lynching in the United States* (New York: Longmans, Green, and Co, 1905), 41.

a Native man suspected of murdering another Scotch-Irish settler. The settler rallied his fellow Rangers to pursue the man in the nearby settlement called Conestoga. While there, one Ranger identified a Conestoga man as “the savage who had killed [the Ranger’s] own mother.” Immediately the Ranger shot the man, while the rest of the Rangers proceeded to murder six Conestoga men remaining in the cabin. Several Conestogans survived and fled to nearby Lancaster, where they were given shelter in a jail. Upon hearing allegations that a Conestogan native under protection in the jail had killed a settler, the Rangers were “aroused” by “rage and resentment” toward the Quaker administration for their clemency, and gathered fifty more members who broke into the jail “and with the fury of a mob massacred every Indian contained therein, man, woman, and child.”<sup>18</sup>

Vigilante settlers typically justified “summary and extralegal measures” not only as responses to native efforts to repel colonizers, but also as responses to “immediate urgency” and “imminent danger”—such as Tory “conspiracies against patriots,” horse theft, and violations of embargoes against British imports.<sup>19</sup> In South Carolina, for example, “Regulators” were widely known and were said to “effectually [...] deny the jurisdiction of the court [...] [having] brought many under the lash, and are scourging and banishing the baser sort of people [...] with universal diligence.”<sup>20</sup> These Regulators insisted they would proceed in this way until “County Courts, as well as Circuit Courts, shall be rightly established, that they may enjoy, by that means, the rights and privileges of British subjects, which they think themselves now deprived of.”<sup>21</sup> It must be noted, however, that the Regulators were above all eager to assert that in their pursuit of liberty, “Government is not a protection, but an oppression; that they are not tried there by their Peers; and that the accumulated expenses of a law-suit, or prosecution, puts justice out of their power; by which means the honest man is not secure in his property, and villainy becomes rampant with impunity.”<sup>22</sup>

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<sup>18</sup> *Ibid.*, 42.

<sup>19</sup> *Ibid.*, 193, 27, 59.

<sup>20</sup> *Ibid.*, 57.

<sup>21</sup> *Ibid.*, 55.

<sup>22</sup> *Ibid.*, 58.

In this way, the frequent absence and perceived overreach of the pre-revolutionary state contributed to a Southern culture in which White citizens felt justified and obliged to employ extra-legal violence in response to a perceived crisis in the social order. In 1768, in the absence of circuit courts in South Carolina's Back Settlements about twelve hundred Regulators "inflicted corporal punishment on sundry persons without any regular condemnation." In "Lynch-Law" Cutler recalls Regulators who referred to their victims as "a Gang of Banditti, consisting of Mulattoes, Free Negroes, notorious Harborers of runaway slaves." In an effort to save face and take back the initiative, then-governor Lord Charles Greville Montague resolved to stamp out "abuses of this kind" and hastily promoted "a man of low character," to the rank of colonel to "enforce regular law among these self-constituted regulators." The new colonel's tenure reportedly involved "severe measures, which involved multitudes in great distress."<sup>23</sup> It is not clear whether the official appointed by Montague instituted excessively harsh corrections or that the new colonel's promotion was truly beyond the scope of his character and competence. What is clear, however, is that White settlers did not expect the state to hold them accountable for violence against Black people, especially human contraband. Although it is certainly possible that colonial officials responded incompetently and employed decidedly jarring retributive force for the sake of the Crown, it is just as likely the case that White settlers already deemed accountability for extra-legal violence against Black people unreasonable. Such logic served to justify mob violence against African-Americans from the Abolition movement through Reconstruction until the middle of the twentieth century as the prospect of Black citizenship disrupted the U.S. White perception of the natural order and their own shifting place within it.

## **Lynching and the Southern Lady**

Beginning in the colonization phase, Regulators felt they were part of a "holy brotherhood whose duty was to purge the community of its unruly members."<sup>24</sup> However, White women were soon to assert their claim to

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<sup>23</sup> Ibid, 55.

<sup>24</sup> Ibid, 81.

social and economic space in relation to mob violence against recently emancipated African-Americans during Reconstruction and beyond. “Lynchers,” according to Ashraf H. A. Rushdy, “uphold mores [...] inscribed more deeply than any other laws,” believing that “chivalry and the sanctity of home and hearth are to be protected,” with or without government sanction.<sup>25</sup> Unfortunately for African-Americans, nothing summarizes the general threat to White patriarchal structures like the prospect of Black rape. During the Civil War, White women faced new levels of vulnerability on plantations emptied of White male protectors conscripted to fight in the armies and militias. Ironically, as Rushdy points out, advocates of slavery were careful to note that Blacks were not generally accused of raping White women during the Civil War. In fact, White opponents of postbellum Black suffrage argued and believed that “rape [...] was the fatal product of new conditions brought about during ‘the period and process of Reconstruction.’”<sup>26</sup> Throughout the South, Reconstruction was widely considered a deleterious doctrine of the Union that foolishly promoted ideas that were harmful to society as a whole,

the main three being the “teaching that the Negro was the equal of the white, that the white man was his enemy, and that he must assert his equality.” These teachings took effect and manifested themselves first in the crime of rape when presumably Northern “members of the Negro militia ravished white women; in some instances in the presence of their families.” As a result of these “teachings” and this example from the conquering North, previously docile former slaves began to commit the hitherto unknown crime against white women.”<sup>27</sup>

Asserting Black equality was code for Black male suffrage. But that is not all equality signified. In her article, “Rebecca Latimer Felton and the Wife's Farm: The Class and Racial Politics of Gender Reform,” LeeAnn Whites remarks that what racists feared most of all “was not the myth of

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<sup>25</sup> Ashraf H. A. Rushdy, *American Lynching* (New Haven: Yale University Press, 2012.), 98.

<sup>26</sup> *Ibid*, 105.

<sup>27</sup> Thomas Nelson Page, *The Negro: The Southerner's Problem* (New York: Charles Scribner's Sons, 1904), 84, 9, 111, 99, 88, quoted in Rushdy, “Discourse,” 105.

the black man as beast, but of the black man, empowered.”<sup>28</sup> Rebecca Latimer Felton, the first female senator in the United States, advocated for White female farmers and often scolded White men for failing to protect White women, local farming interests in general, and for under-paying female family members working on farms.<sup>29</sup> She also believed that in extending suffrage to Black men, White men ensured that more Black men would have to be lynched. In *Southern Horrors: Women and the Politics of Rape and Lynching*, Crystal N. Feimster notes that Felton’s intention was not to call for *more* Black men to be lynched, but instead to shame White men into improving conditions for White women and girls. Nevertheless, associating rape with Black men for merely exercising their rights as citizens and participating in the economy is a clear manifestation of nineteenth-century necropolitics. Felton stated:

When you take the Negro into your embrace on election day to control his vote and to use liquor to befuddle his understanding and make him believe he is a man and your brother, when you honey snuggle him at the polls and make him familiar with dirty tricks in politics, so long will lynchings prevail because the cause will grow and increase with every election.

Feimster correctly asserts that Felton’s intent is to shame White men into promoting the interests of poor White women by disrupting Black male suffrage. Felton said “[B]lack men outraged [...] by their unjust treatment at the polls, were more inclined to commit crimes of theft, rape, and murder.” White men, according to Felton, also increased the need for lynching by allowing Black men to become “‘obnoxious’ through education and more likely to ‘get even’ with whites — by raping white women.”<sup>30</sup> Felton further chided White men, saying that they might as well “lynch, a thousand times per week if necessary,” suggesting that lynching was the natural result of White men failing to secure “poor White women with

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<sup>28</sup> LeeAnn Whites, “Rebecca Latimer Felton and the Wife’s Farm: The Class and Racial Politics of Gender Reform,” *The Georgia Historical Quarterly* 76, no. 2 (1992): 19.

<sup>29</sup> *Ibid.*, 18.

<sup>30</sup> Crystal N. Feimster, *Southern Horrors: Women and the Politics of Rape and Lynching* (Cambridge: Harvard University Press, 2009), 188.

economic opportunity.”<sup>31</sup> As White women learned to use the politics of Black death in their own struggle with White men, women of dubious racial standing also stood to benefit socially from the way extra-judicial lynching and Black rape functioned in the social imaginary. Feimster states that White women of the lower classes had “the most to gain from a lynching” as they were “often elevated” after the fact “by the press to the status of prominent and respectable lady” and were then “offered all the indemnities of white womanhood.”<sup>32</sup>

*In Lynching to Belong*, Cynthia Skove Nevels tells the story of an Italian immigrant named Fannie Palazzo farming in Brazos County, Texas in 1896. “Sicilian, and with a husband in the lunatic asylum” Nevels says, “Palazzo had two strikes against her, racial and social.” Palazzo asked her brother to report that she had been raped by Jim Reddick, who farmed on a plot of land next to hers. Reddick was not immediately lynched but placed in jail to await trial. Nevels offers that the people of Bryan “did not seem convinced – either of Reddick’s guilt or of Palazzo’s status as a vulnerable White woman whose rape threatened the White supremacist social order.” At least eight eyewitnesses provided reasonable alibis that placed Reddick miles away throughout the night. The local court noted in the appeals process that Palazzo’s testimony “‘was recently fabricated’ and had the appearance of been given “‘under the influence of improper motives.’”

Nevels indicates that the local paper *Bryan Eagle* prefaced Palazzo’s testimony with, “‘This is the woman’s version of the affair,’” which was, according to Nevels, a public suggestion that multiple accounts existed, something almost never implied “in other local stories of rape and assault.”<sup>33</sup> For example, later that summer George Johnson and Louis Whitehead were accused of attempting to crawl through an open window one evening to rape Dr. R. H. Wilson’s twelve-year-old-daughter. The two men, who worked on Wilson’s hundred-acre farm, reported for work the morning after the alleged assault. Dr. Wilson accosted the men and whipped them

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<sup>31</sup> Ibid, 126-7.

<sup>32</sup> Crystal N. Feimster, “Ladies and Lynching: The Gendered Discourse of Mob Violence in the New South, 1880-1930” (Dissertation, Princeton University, 2000), 125.

<sup>33</sup> Cynthia Skove Nevels, *Lynching to Belong: Claiming Whiteness through Racial Violence* (College Station: Texas A&M University Press, 2007), 88-9.

until he was satisfied they had paid the price for their alleged attempt. Wilson refused his wife's demands that he shoot them on spot and sent a message to the sheriff requesting an arrest. The two men fled only to be captured the next day. They were then lynched — along with Jim Reddick — by a mob of three hundred White citizens.<sup>34</sup>

This time, *The Bryan Eagle* offered typical triumphant rhetoric, calling the triple lynching “a fearful lesson of the swift and terrible retribution which overtakes the fiend in human form who places himself outside the pale of human sympathy and must take the consequences of his own acts when the indignant and outraged people cry out for vengeance.” Against this backdrop, Nevels emphasizes the political function of this lynching, observing that “in that brutal moment, as the bodies of the three men lay side by side, their anonymous and contorted faces turned upward to the passing crowds, the status of Fannie Palazzo and Mrs. Wilson and her daughter [...] surely became fused in the minds of onlookers. The purity of Brazos County's white women—all of them—had been redeemed.”<sup>35</sup>

### **“We Want Cameron! We Want Cameron!”**

Only a handful of African-Americans survived White mob attacks. Even fewer produced written testimony of the horror. *A Time of Terror* is James Cameron's eye-witness account of his own lynching when he was just a 16-year-old-boy living in Marion, Indiana, “where there was little room for foolish Black boys.”<sup>36</sup>

On the night Cameron was arrested, he and two older friends, Thomas Shipp and Abram Smith, set out for a night of fun, which included an impromptu attempt at armed robbery. But as he attempted to rob his first victim—young Claude Deeter—Cameron realized Deeter was a regular customer at his shoeshine stand. Cameron recounts that he renounced the gang on the spot and fled to his home on foot. While he was still miles from his mother's house, Cameron heard three gunshots as he fled through moonlit cornfields.

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<sup>34</sup> Ibid, 90.

<sup>35</sup> Ibid, 93

<sup>36</sup> James Cameron, *A Time of Terror: A Survivor's Story* (Baltimore: Black Classic Press, 1994), 15.

Cameron was interrogated for hours at the police station in town by at least eight police officers accusing him of murder and rape. They took turns beating Cameron in and out of consciousness. During the course of the beatings, Sheriff Campbell declared, ““The woman said you did it and that’s good enough for me.””<sup>37</sup> Eleven months later, the robbery victim Mary Ball rejected the suggestion of rape and testified in court that, “No one held her hands. She was not raped. No attempt was made to rape her.”<sup>38</sup> Neither is there evidence to suggest she initially claimed to have been raped. Nevertheless, the logistic possibility of rape summoned the will of the people to demand with confidence that the state hand over three Black lives to atone for the fictitious rape of a White woman. During interrogation, Sheriff Campbell demanded Cameron sign a statement of confession. Cameron picked up the paper and was immediately slapped by an officer who clarified, ““The sheriff didn’t say read it, he said sign it!””<sup>39</sup> Twenty-four hours later Tommy and Abe dangled from two tree limbs, as a rope was prepared for Cameron.

Decades prior to this triple lynching in Marion, Ida B. Wells-Barnett condemned “the old thread-bare lie that Negro men rape white women.”<sup>40</sup> In an infamous editorial which provoked a lynch mob to search for her, Wells-Barnett warned that “if Southern White men are not careful, they will overreach themselves and [...] a conclusion will then be reached which will be very damaging to the moral reputation of their women.”<sup>41</sup> The implication that White women were frequently in sexual pursuit of Black men, or were in danger of seeming to be so, enraged her detractors. However “thread-bare” the cultural specter of Black rape had already become, in 1930 and well beyond a rape accusation retained the power to justify what Agamben calls “exceptional measures.”<sup>42</sup>

Drawing on Agamben’s parallel insight into the biopolitics of concentration camps, Mbembe argues that concentration camps represent an inversion of the normal dynamic of power: “the state of exception

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<sup>37</sup> Ibid, 32.

<sup>38</sup> Ibid, 146.

<sup>39</sup> Ibid, 33

<sup>40</sup> Ida B. Wells Barnett, *The Collected Works of Ida B. Wells-Barnett: The Complete Works* (Oxford, UK: Pergamon Media, 2015), 74.

<sup>41</sup> Ibid, 77.

<sup>42</sup> Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005), 25.



ceases to be a temporal suspension of state law” and “acquires a permanent spatial arrangement that remains continually outside the normal state of law.”<sup>43</sup> The camp is a legal space designated by law that holds inmates outside of the law through law’s own force. With the violent and premature ending of Reconstruction policies, in the terror of the lynching era, especially the Marion lynching, we see that the law is similarly withdrawn in perpetuity from Black life. During Reconstruction, Black men and boys faced the possibility of lynching as a basic fact of life. The decision to exempt Black men and boys from lynching resided in White hands, while the state — as a function of its legitimacy — must continue to hand over the decision to kill to citizens outside of law, to White citizens who believe themselves to be in alignment with a higher law. When Cameron states that the city of Marion had “little room for foolish black boys” and that “blacks *allowed* [emphasis mine] to live in Marion [...] had their places selected for them by the White power structure and were expected to stay in them,” he is describing a necropolitical regime that effectively eliminates any distinction between Black life and the Jim Crow regime. Because the Jim Crow code of honor vested all Whites with the responsibility and the privilege to kill Black citizens who step out of their assigned social position, every space where African- Americans lived in Marion was riddled with “the bone-dry knowledge [...] that once the boundary was crossed, anything might happen to the trespasser.”<sup>44</sup> The politics of death were universally present within Cameron’s social world wherever White and Black life potentially and actually overlapped. The threat of death was ever present both internally, as an inner voice of preservation, and externally, as a social voice of warning, always demanding compliance with Jim Crow.

## **From Sovereign to Sovereign**

According to *A Time of Terror*, on the day Cameron and his friends were to be lynched, Dr. Baily, the town’s only Black doctor made several unsuccessful attempts to contact Governor Leslie to request the presence of troops to keep Cameron, Tommy, and Abe out of the hands of the impending lynch mob. Newspapers and radio broadcasts heralded the

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<sup>43</sup> Achille Mbembe, “Necropolitics,” *Public Culture* 15, no. 1 (2003): 13.

<sup>44</sup> Cameron, *A Time of Terror*, 15-6.

impending lynching throughout the region, but the governor could not be reached by either Whites or Blacks expressing concern. “For some reason,” Cameron mused, “the lines to the statehouse and the governor’s mansion were blocked.”<sup>45</sup>

Official absence and bureaucratic silence facilitated the handing of Black men and boys over to what had already become a spirited tradition. In his 1929 undercover account of lynching culture, Walter White — who, while acting as Secretary of the NAACP, also investigated the Marion Lynching<sup>46</sup> — took advantage of his very light complexion in order to peer into the heart of racist mob violence. White recounts the story of three White elementary school girls who, while on their way to school, gleefully asked whether he “was going to the place where ‘the niggers’ had been killed [...] almost as joyously as though the memory were of Christmas morning or the circus.” The girls then took turns telling him of “the fun we had burning the niggers.”<sup>47</sup> White later provided Indiana’s Attorney General with names of 27 people who participated in the Marion lynching, which failed to produce a single indictment.<sup>48</sup>

Feimster affirms that part of the increasingly “festive atmosphere”<sup>49</sup> surrounding mob lynching was the consequence of increased female presence and participation. “Spectacle lynchings,” according to Feimster, “were more like holiday events than the crucifixions they actually were.”<sup>50</sup> At the 1921 Texas lynching of Philip Gathers, the lynch mob “cut off [Gathers’s] fingers and toes and passed them out to the women as keepsakes.”<sup>51</sup> In the 1929 lynching of Charlie Sheppard, Feimster retells a journalist’s account in which the enthusiastic “screams of the women” inspired one man to spring to the top of the burning pyre to “straddle” Sheppard and “cut his ears off with a pocket knife” as “some hundred or more women in the crowd cheered” watching Sheppard soaked with fuel and set aflame.<sup>52</sup>

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<sup>45</sup> *Ibid.*, 50.

<sup>46</sup> Ira Wasserman, *How the Media Packaged Lynching, 1850-1940* (New York: Edwin Mellen Press, 2006), 214.

<sup>47</sup> Walter White, *Rope and Faggot: A Biography of Judge Lynch* (New York: Alfred A. Knopf, 1929) 3.

<sup>48</sup> *Ibid.*, 214.

<sup>49</sup> Feimster, “Ladies and Lynching,” 154.

<sup>50</sup> *Ibid.*, 155.

<sup>51</sup> *Ibid.*, 157.

<sup>52</sup> *Ibid.*, 138.

Despite the appearance of complete social abandon, lynching required protocols to mediate certain political implications, both for those taking the life of the lynched victim and for the state officials who handed over their responsibility for Black life to the lynch mob. In *Making Whiteness*, Elizabeth Hale summarizes “the well-choreographed spectacle” which

opened with a chase or a jail attack, followed rapidly by the mob identification of the captured African American by the alleged white victim or the victim’s relatives, announcement of the upcoming event to draw the crowds and the selection and preparation of the site. The main event began with a period of mutilation — often including emasculation — and torture to extract confession and entertain the crowd, and built to a climax of slow burning, hanging, and/or shooting to complete the killing. The finale consisted of frenzied souvenir gathering and display of the body and the collected parts.<sup>53</sup>

Media were complicit in this spectacle, convoking the public through telegraph wires, front page articles, and radio broadcasts “that announced the times and locations” to inform potential spectators, some of whom arrived on “specially chartered excursion trains.”<sup>54</sup> Freelance photographers shot and developed photographs for lynching postcards that were sold and distributed nationwide. Publishing companies produced commemorative literature complete with formal portraits of the offended White family, the attending crowd, and lynching victim’s civilian captors.<sup>55</sup>

In their own way, members of the media filled a priestly role. Media did far more than announce, record, and direct traffic to lynching sites. Members of the media, especially the press, evaluated state compliance with lynching protocols, enforced the moral and political rules for interpreting group violence, and mediated a national conversation between lynching participants and vocal critics of violent vigilantism. An anonymous tract — *The Facts in the Case of the Horrible Murder of Little*

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<sup>53</sup> Grace E. Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940* (New York: Pantheon Books, 1998), 203-4.

<sup>54</sup> *Ibid.*, 201.

<sup>55</sup> *The Facts in the Case of the Horrible Murder of Little Myrtle Vance and its Fearful Expiation at Paris, Texas, February 1<sup>st</sup>, 1893*, (Paris, TX: P. L. James, 1893), 2, 5, 12, 51.

*Myrtle Vance and Its Fearful Expiation at Paris, Texas, February 1<sup>st</sup>, 1893* — documents how male members of the Vance family tortured and burned to death Henry Smith, a mentally impaired Black man accused of murdering and raping a three-year-old. The details of the nearly two-hundred page document shed valuable light on the political significance of killing, securing permission to kill, and facilitating the opportunity to kill by mixing narration with repurposed excerpts taken from *Paris Daily News* reports and other local sources.

According to a *Paris Daily News* editorial published on February 3, 1893, two days before Smith’s lynching, his captors apprehended him in Arkansas and forced him onto a Texarkana train to Paris, Texas. The writer notes that a “guard of men [...] picked here by a committee of citizens” escorted Smith to the train station, where a gathered crowd of roughly five thousand men who were waiting for Smith only managed “a sight of him through the car windows.” Lynching protocol required that citizens — “Messrs. Bywaters and Sturgeon, Messrs. J.L. White, H. B. Holman, Joe Robinson, Jos. T. Hicks, and a colored man named Noby Robertson, [Smith] being identified at Clow by the latter” — who were chosen by their peers hand over Smith and secure his safe arrival.<sup>56</sup> Because the state failed to protect Myrtle Vance, protocol forbade police from taking part in Smith’s transport. Police officers did, however, have one role in the affair. Because “the Texarkana people would have made short work of him then and there” a city official separated the Texarkanans from Smith’s person, even subduing a man threatening “to make a gun play,” securing the Black victim to guarantee that the citizens of Paris would not be unduly deprived of their entertainment. As Smith finally arrived in Paris, his captors made the following announcement to the expecting mob:

“Fellow-citizens: There is not an officer upon this train in charge of the prisoner. They are simply citizens of this county, and do not propose to resist with our lives anything this people do. We cannot afford to do it, because we are not officers, and we see that our people are quiet, that they are law-abiding and are all right. We have nothing to do now but surrender our prisoner to the people of Lamar County. As I

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<sup>56</sup>Ibid, 51.

said to you before, we are simply citizens; and I say once more, there is not an officer on this train, and no officer has had anything to do with this matter. The prisoner has confessed to his guilt before a number of witnesses. We now surrender him to you. Let us all keep quiet and orderly.”<sup>57</sup>

*The Fact in the Case* records Texas Governor J.S. Hogg’s official wire correspondences to the county attorney and to the local sheriffs, issued four hours before citizens of Paris tortured and burned Smith in the open air. Governor Hogg commended local officials for “‘having Smith arrested’” and implored them to do all they could to “‘keep Smith safe from mob violence’” until the courts proved him guilty. Officials replied that they had “‘no support’” and were “‘helpless.’” As Smith arrived in Paris, Hogg sent another wire demanding that “‘those in charge of the prisoner [are] not to bring him to Paris.’” Hogg continued to wire in vain, saying, “‘By all means protect the majesty of the law and the honor of Texas and your people from committing murder.’” Officials wired back a response estimating the mob size to be between five and ten thousand strong. Assistant County Attorney E. A. M. Cuiston then reported: “‘All is over: death by hot iron torture—diabolical affair.’”<sup>58</sup>

Responses from local and regional press collected in *The Facts in the Case* illuminate the governor’s sincerity, his timing, and his heretical official recommendation. The day after Smith’s lynching, as “‘pieces of bone and splinters of the scaffold’” circulated throughout the county as “‘mementos,’” Hogg wired local officials with orders to prosecute the dispersed mob. Local response unanimously affirmed that the “‘governor’s reported intention to prosecute the participants is not in accord with even a very small minority of public sentiment.’”<sup>59</sup> Others insisted that his directive “‘is looked upon as a joke,’” and that “‘It is not believed that he means it.’” One writer understood the governor “‘as winking at the whole affair,’” while another determined with satisfaction that “‘the best people in this county took a prominent part in all that was done,’” and had “‘spent their time and money to capture Smith, and all they did was done conscientiously.’”<sup>60</sup>

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<sup>57</sup> Ibid, 53.

<sup>58</sup> Ibid, 76.

<sup>59</sup> Ibid, 74.

<sup>60</sup> Ibid, 78-82.

In “Necropolitics,” Mbembe writes that “it is the death of the other, his or her presence as a corpse, that makes the survivor feel unique. And each enemy killed makes the survivor feel more secure.”<sup>61</sup> In the necropolitics of lynching, the tradition of handing over African-American men and boys became a political delicacy, an empowering indulgence in human sacrifice from which a wide range of White political candidates, sheriffs, European immigrants, women’s and farmer’s rights advocates, and even judges stood to benefit. Henry Ward Beecher, former abolitionist and prominent liberal New York minister, won wide praise after Reconstruction as an irenic voice in postbellum reconciliation efforts by counseling Northerners not to “be disappointed or startled” over news accounts “of shocking barbarities committed upon these [freed people],” but instead to have “patience with Southern men [...] and [...] Southern opinions as they have been, until the great normal, industrial, and moral laws shall work such gradual changes as shall enable them to pass from the old to the new.”<sup>62</sup> In refusing to pass theological judgment on the use of killing to maintain the socio-political and economic status quo of White supremacy, Beecher in this way participated in surrendering African-Americans to die while securing his own legacy as a post-war peacemaker.

In *Pilate and Jesus*, Agamben analyzes the tradition of “handing over” of the New Testament, in which a local mob instigated by the Sanhedrin hands Jesus over to Pilate, demanding that Jesus, in turn, be handed over to the mob. In *Black Reconstruction*, W.E.B. Du Bois similarly demonstrates that state and class interests colluded to offer White laborers the privileges of Whiteness in exchange for low wages. In 1920 DuBois also drew parallels to the Black-American experience in his short story *Pontius Pilate*,<sup>63</sup> which compares fake rape charges — which facilitated anti-Black and anticommunist hysteria in twentieth-century Mississippi — to the charge of treason brought to Pilate against Jesus. Agamben, drawing on both Greek and Vulgate New Testaments respectively, renders *paredoken* and *tradidit* as “he handed over,”<sup>64</sup> and

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<sup>61</sup> Mbembe, “Necropolitics,” 36.

<sup>62</sup> Edward J. Blum, *Reforging the White Republic: Race, Religion, and American Nationalism, 1865-1898* (Baton Rouge: Louisiana State University Press, 2005), 88.

<sup>63</sup> W.E.B. Du Bois, “Pontius Pilate,” *The Crisis*, December 1920, 53.

<sup>64</sup> Agamben, *Jesus and Pilate*, 26.

*paradosis* as “handing over [...] in the metaphorical sense of teaching or doctrine that has been handed down.”<sup>65</sup> Agamben notes that although Pilate’s position neither requires nor qualifies him to assume jurisdiction over religious matters, Pilate “seems to be convinced that a king of the Jews is in some way politically problematic,” evidenced by his reply, “then you are a king,” in responses to Jesus’s self-disclosure that “his kingdom is not from this world” (John 18.36-37). From the perspective of Roman law, Jesus’s kingdom declaration might have been perceived as “a crime that calls the authority of Rome into question,” further justifying the use of capital punishment, “which,” Agamben notes, “the Jews demanded.”<sup>66</sup> It was clearly within Pilate’s political interests to prevent a popular uprising, or even the appearance of the possibility of an uprising. Just as the above-mentioned state officials — who carry the power to hold trials and render judgment — failed to fulfill their duty to the state, Pilate does not fulfill the duties of his office. Even though Jesus is questioned by Pilate before he is handed over to the mob, there was neither “the verification of the facts nor the pronouncement of a clear sentence” one would expect from a legal Roman trial or hearing. Citing Italian jurist Giovanni Rosaldi, Agamben argues that “from the point of view of law, ‘Jesus of Nazareth was not condemned, but murdered: his sacrifice was not an injustice, but a homicide.’”<sup>67</sup> Agamben also relies on Pietro De Francisci, historian of Roman law, to conclude that Roman standards required that magistrates not be swayed by “*vores populi*” but should “punish vigorously” anyone organizing “seditious violence.”<sup>68</sup>

Ultimately, however, Pilate’s handing over of Jesus to the mob reflects an ancient tendency of necropolitical expediency that persists in modernity. The necropolitics of “handing over” is more than the authority to decide when sanctioned death is justified by the interests of the state. It also includes the calculated practice of temporarily and informally granting that authority to mobs and mob organizers rather than observing official protocols. Such strategies are necropolitical in nature, drawing not just one or two deaths into the calculus of political self-interest, but facilitating the

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<sup>65</sup> Ibid, 28.

<sup>66</sup> Ibid, 31.

<sup>67</sup> Ibid, 32.

<sup>68</sup> Ibid, 33.

deaths of entire groups across generations. Agamben recognizes that Pilate fills a *traditional* role from the perspective of the Gospels' theologies, despite the fact that Pilate is a more *historical* figure in the New Testament compared with theologically rendered personages. Along with Karl Barth, Agamben acknowledges that Jesus is cognizant of the role his betrayal and arrest play in the divine economy. Pilate, Agamben notes, is a Roman magistrate responsible for rendering a judgment and, as such, is "not inscribed into the economy of salvation as a passive instrument but as a real character in a historical drama."<sup>69</sup> Jesus was "handed over" by God to humanity. Judas "handed over" Jesus to the Sanhedrin. The Sanhedrin "handed over" Jesus to Pilate. And Pilate "handed over" Jesus to the mob.<sup>70</sup> Pilate, therefore, wary of the potential political consequences of mob violence instigated "by all indications not Jesus but the Sanhedrin,"<sup>71</sup> cowers from his responsibility to put Jesus on trial. Agamben is convinced that here, "historical character and theological persona, juridical trial and eschatological crisis coincide without remainder,"<sup>72</sup> suggesting that if Pilate had fulfilled his role as judge he would have transcended history by interrupting the series of handovers. Instead, Pilate himself became a theological figure by handing over his historical and political responsibility and endured as a historical figure by succumbing to his "theological function."<sup>73</sup>

## The Handover

"Suddenly I heard a roar," James Cameron recalls, "Something like a cheer, as Sheriff Jacob Campbell emerged from the front door of the jail with his two pearl-handled revolvers strapped around his waist." He gestured for silenced and announced, "these are my prisoners [...] Go home!" Cameron describes the missing "note of sincerity in his voice." Unswayed, the mob continued to demand satisfaction, shouting "'We want those niggers — now!'" Seeing that their demands were fruitless, they attempted to burn the jail to the ground to force the prisoners out. Cameron and the other

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<sup>69</sup> Ibid, 30.

<sup>70</sup> Ibid, 26-8.

<sup>71</sup> Ibid, 33.

<sup>72</sup> Ibid, 35.

<sup>73</sup> Ibid, 35.



inmates hurried from window to window as men with five-gallon cans doused the stone outer-walls with gasoline and lit their matches. The mob unsuccessfully repeated their pyrrhic attempt until they ran out of fuel, and then began attacking the stone and brickwork around the jail door with a sledgehammer. While the inmates were in a state of anxious frenzy, Cameron was shocked, terrorized, and heartbroken to observe Patrolman Neeley, “one of the friendliest cops on the force [...] still being friendly, swinging his feet, laughing and talking with members of the mob nearest him” and “a few faces from homes near my own neighborhood [...] customers whose shoes I had shined many times [...] boys and girls I had gone to school with [...] neighbors whose lawns I had mowed and whose cars I had polished.”<sup>74</sup> First, Cameron witnessed “the blood thirsty crowd come to life” as Tommy was dragged out of the jail and exposed to the mob. “10 to 15 thousand people were trying to hit him all at once” until “in a matter of seconds, Tommy was a bloody mass and bore no resemblance to any human being,” Cameron writes. Nevertheless, “the mob kept on beating him just the same,” until they finally hanged Tommy’s lifeless corpse in a tree. The mob exerted itself with Abe as well who was hanged next to Tommy’s corpse “swaying in the breeze.”<sup>75</sup>

Still inside the jail he endured the mob’s chanting, “We want Cameron! We want Cameron!” until “viselike” hands dragged him out of the jail and pulled him through a gauntlet of “more fists, more clubs, more bricks and rocks.” Preteens managed to get near enough, Cameron writes, to “bite and scratch me on the legs” while all he could hear was “the thunderous shout: Nigger! Nigger! Nigger... as if that was the only word in the English language.”<sup>76</sup> When the mob placed the rope around Cameron’s neck he thought about his mother and her prayers and about Jesus’s words to the man who was hanged next to him. After Cameron prayed for himself he writes that he “stopped thinking,” and embraced his death, “glad to be leaving a world filled with so many false and deceitful people.”<sup>77</sup> No one is certain why the mob stopped short of hanging Cameron. Once source had Cameron admitting he was a train robber and not a murderer and rapist,

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<sup>74</sup> Cameron, *A Time of Terror*, 52-56.

<sup>75</sup> *Ibid.*, 60-3.

<sup>76</sup> *Ibid.*, 72.

<sup>77</sup> *Ibid.*, 73.

stating that the mob freed him on that account.<sup>78</sup> Cameron recalls an “echo-like voice that seemed to come from some far away place...sweet, clear, but unlike anything I had ever heard...” that said, “Take this boy back. He had nothing to do with any raping or killing!” Moments later, he felt “hands that had unmercifully beaten me remove the rope.” The mob quickly dispersed. Cameron returned to the jail.<sup>79</sup>

## Conclusion

Shortly after George Zimmerman was acquitted for the murder of Trayvon Martin, his attorney recorded an interview inviting Zimmerman to reflect. When asked, “That evening in Sanford, did you do anything wrong?” Zimmerman answered, “No sir.” The second question was, “Do you have a clean conscience?” Zimmerman’s reply was, “Yes sir.” But when asked, “Do you wish it had turned out differently?” Zimmerman answered at length, saying:

I believe that the American judicial system failed in the sense that I should not have even gone to trial. But I do believe the jury process succeeded and ultimately justice was served and I was acquitted and I am a free man. Obviously, if there was a different outcome I would feel differently, but right now, the way things turned out, I am satisfied—and, again, with the Department of Justice definitively concluding there is no charge to be leveled against me—I feel like the Justice Department worked.

Next, the interviewer asked, “How about the actual event itself? Do you wish it had turned out different?” Zimmerman replied:

On different perspectives—me as a Christian—I believe that God does everything for a purpose and he had his plans and for me to second guess them would be hypocritical, almost blasphemous. However, as an individual, I’ve done a lot of soul-searching and the conclusion that many professionals have conveyed to me and I’ve come to adopt is that only in a

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<sup>78</sup> Wasserman, *How the Media Packaged Lynching*, 213.

<sup>79</sup> Cameron, *A Time of Terror*, 74-5.

true life or death scenario can you have mental clearness— that you cannot feel guilty for surviving.<sup>80</sup>

Zimmerman’s attack on Trayvon Martin, his acquittal, his remorselessness, and his self-justifying theology result from a necropolitical frame around Black life that brands Black men and boys as legal to kill. In the form of acquittal, the state gave Zimmerman a gift, “the freedom from response to the gaze of the other and the responsibility to explain oneself.”<sup>81</sup> The necropolitical spirit of U.S. American culture emanates out of a deracinated popular sovereignty that continues to be manifest and entrenched—not in democratic justice or equality against state-sponsored oligarchy, but in constitutional permission to carry guns and legislated permission to kill while standing one’s ground.

In his groundbreaking work, *The Cross and the Lynching Tree*, liberation theologian James H. Cone — incredulous that White theologians in the U.S. merely overlooked such a conspicuous parallel — proposed an inherent theological relationship in the U.S. American context between the lynching of Black men and women and the biblical story of Jesus’ crucifixion. Cone notes that as spectacle lynching was on the wane in the 1950s the criminal justice system was conducting its own “legal lynchings” to intimidate, terrorize, and murder blacks.” According to Cone, “whites could kill blacks, knowing that a jury of their peers would free them” and “convict and execute any black who dared to challenge the white way of life.”<sup>82</sup> Borrowing a term from Judith Butler, the certainty of Zimmerman’s acquittal, therefore, renews a racist joy over Black life’s “radical ungrievability,”<sup>83</sup> just as Travon Martin’s postmortem life in media was subjected shamelessly to what Kelley Brown Douglas refers to as “crucifying caricatures.”<sup>84</sup>

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<sup>80</sup> “George Zimmerman on Killing Trayvon Martin and the Public’s Response,” YouTube video, 04:44, posted by Gunscom, Mar. 23, 2015, [http://youtu.be/AB\\_iRe0f7Bk](http://youtu.be/AB_iRe0f7Bk).

<sup>81</sup> Jacques Derrida, *The Gift of Death*, trans. David Willis (University of Chicago Press: Chicago, 1995), 3.

<sup>82</sup> James Cone, *The Cross and the Lynching Tree* (Maryknoll: Orbis Books, 2011), 49.

<sup>83</sup> Judith Butler, *Frames of War: When is Life Grievable?* (New York: Verso, 2009), 197. Kindle.

<sup>84</sup> Kelly Brown Douglas, *Stand Your Ground: Black Bodies and the Justice of God* (Maryknoll: Orbis Books, 2015), 3794. Kindle.

In the legal acquittal of Zimmerman, as well as in *A Time of Terror* and Mbembe's "Necropolitics," we are confronted with the "subjugation of life to the power of death"<sup>85</sup>—not only in the youthfulness of the Marion victims and the feigned heroism and false precarity of the perpetrators, but also in the generalized misuse of democracy and the physical destruction of Black life, which has been justified in advance by the ordinary processes of U.S. American law; de facto White permission to kill Blacks continues, and is on full display.

In his reading of Hegel on the relation between "death and the 'becoming subject,'" Mbembe touches on what may be at stake in the relationship between continued permission to kill Black people and the relative depreciation of mere Whiteness. Although the so-called "browning of America" bodes less well for the descendants of Black people enslaved, incarcerated, and lynched in the United States than for other non-White groups, global demographic shifts and the dominance of global financial capital signal a relative downturn for United States citizens who have grown accustomed to or were looking forward to enjoying the surplus value of being "free, white and 21."<sup>86</sup> Mbembe interprets Hegel's concept of death as a "bipartite negation" in which the human first distinguishes between itself and nature, struggles to transform nature into objects for human use, and thereby creates a world. In order for humans to truly become a subject and enter into the "incessant movement of history" the human must not be "frightened of death" and "spare itself destruction," but must instead "uphold the life of the Spirit" which "assumes death and lives with it."<sup>87</sup> Hegel wrote that the "life of Spirit" does not struggle to remain "untouched by devastation" but rather "endures [death] and maintains itself in it," obtaining "its truth only when, in utter dismemberment, it finds itself."<sup>88</sup> By "dismemberment" Hegel points to the experience of consciousness in which the parts of which concepts are

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<sup>85</sup> Mbembe, "Necropolitics," 39.

<sup>86</sup> Archaic 19<sup>th</sup> century U.S. American term expressing the privilege of being beholden to no one. The term likely articulates feelings related to newly acquired social status of White male citizens whose suffrage rights were guaranteed after 1828 regardless of property ownership. "Voting rights in the United States," *Wikipedia*, last modified on June 21, 2018, [https://en.wikipedia.org/wiki/Voting\\_rights\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/Voting_rights_in_the_United_States).

<sup>87</sup> Mbembe, "Necropolitics," 14.

<sup>88</sup> G.W.F. Hegel, *Phenomenology of Spirit*. trans. A.V. Miller (Oxford: Clarendon Press, 1977), 19.

composed are no longer adequate to grasp reality and thereby must be dismantled so that truth can emerge from among the previous unity's individual components. By extension, moving beyond state permission to dismember Black corpses and destroy Black life and into a future free from each form of racist violence requires that human beings accustomed to the benefits of anti-Blackness learn to expect and endure the inevitable death and dismemberment of socio-political ideas that promise Whiteness a privileged place in history. Perhaps learning to live with the necessary and unavoidable disintegration of one's worldview and privileges will yield the courage necessary to reject the death-dealing sovereignty of necropower, wean the living off the perks of necropolitical death, and make space for the next possible reality.

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