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Destroying Blackness One Body At A Time: Examining The Mediated Representations Of Lynchings Past And Present

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DESTROYING BLACKNESS ONE BODY AT A TIME: EXAMINING THE
MEDIATED REPRESENTATIONS OF LYNCHINGS PAST AND PRESENT

By

BETHANY NELSON

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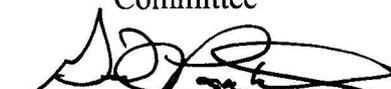
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MEDIATED REPRESENTATIONS OF LYNCHINGS PAST AND PRESENT

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in partial fulfillment of the requirements

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DEDICATION

This thesis is dedicated to my parents and significant other Savoy and Sam Willoughby and Dan and Trish Nelson and Joshua Hughes for their unwavering support.

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I would like to thank my professor, Dr. Kishonna Gray, for her guidance and ability to continually challenge me. Without her constant faith and support this project would not have been possible. I would also like to thank other committee members, Dr. Tyler Wall and Dr. Travis Linnemann, for their support and comments over the past year. I would also like to express a special thanks to my significant other, Joshua, for understanding my vision when no-one else did and his continuing desire to see me succeed. I would like to issue a note of thanks to Tommy and Karen Hughes of Athens, Tennessee. Finally, I would like to thank my three close friends, Jessica, Mike, and Jayden, for reminding me that no matter how dark things may seem, there is always a light at the end.

Abstract

This thesis explores the politics of racial violence in America. Lynchings have served as a means for controlling black communities since the end of the Civil War. For southerners, the model of the plantation economy had to be followed during industrialization in order to maintain social and economic hierarchies. This paper examines numerous aspects of lynching's and their legal justifications as foundational to modern police and vigilante killings. A critical race virtual ethnography was conducted to explore the similarities and differences between historical lynching's and the recent killings of black men in the media. I have outlined that there are many problematic similarities between historical and recent killings that highlight the racial violence that has plagued the United States. By looking specifically at two notable cases, Trayvon Martin and Michael Brown, a deeper insight can be gained into modern racial violence and its implications.

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CHAPTER I

Unsay the word *nigger*

Release the firer's finger from its trigger

Return the revolver to its quiet holster

Return the man to his home

-Reverse: A Lynching, Ansel Elkins

INTRODUCTION

When authorities returned Mr. Henry Smith to Paris, Texas in 1893 after he was accused of the murder of a three year old girl and fled to Arkansas, it was a foregone conclusion that he was going to die for the crime, regardless of guilt. The Dallas Morning News reported that the delivery of Mr. Smith had aroused passions from across northern Texas and Arkansas. After he was captured railroad companies had to increase the number of trains arriving to Paris to meet rising demand. Soon after the arrival of Mr. Smith authorities released him from their custody and into the hands of a mob that had prepared a special parade float for him. A plain float with only the word "JUSTICE" painted across the sides and topped with a single chair was waiting to hold Mr. Smith down while he was paraded through the town on the way to meet his fate.

Ten thousand men, women, and children followed the float through the streets of the town until it reached its destination. In a large field outside the town, thousands looked on with evident satisfaction as hot irons were placed on the soles of a man's feet. Once he began to quiver, the pokers made their way around his body until at last they reached his eyes before finally coming to rest as it was shoved down his throat. He was

then set on fire, and in an effort to save his life he threw himself from the float to the ground. The relief was short lived as he was thrown back into the flames where the next relief that he knew was death (Jett, 2013).

One hundred and nineteen years later in Sanford, Florida, an unarmed teen was walking home from a gas station when he was shot and killed by a local neighborhood watchman, George Zimmerman. Zimmerman followed the teen after phoning 9-1-1 to report a “suspicious” looking person even though he was instructed not to. No-one was around to see the events that transpired and Trayvon Martin lost his life. Later his killer was found not-guilty. Oprah Winfrey, day time television host and entrepreneur, stated, “Trayvon Martin, parallel to Emmett Till. Let me just tell you, in my mind, same thing.” (Mirkinson, 2013). Emmett Till, a fourteen year old teenager, was lynched in Mississippi in 1941 after he spoke to a married white woman. He was beaten in a barn, with one eye gouged out, before he was shot and thrown into the river with a cotton gin fan and barbed wire tied around his body. Once his body was recovered an open casket funeral was held, which lead to discussions regarding the barbarism of lynching and the failures of democracy, influencing the future of the Civil Rights Act. However, like Trayvon, the murderers were acquitted, with the case being reopened in 2004 by the Department of Justice.

Two years later a young man named Michael Brown was walking in Ferguson, Missouri with his friend Dorian Johnson. According to Dorian's account, the two boys were walking when a police car approached them and officer Darren Wilson told the boys, “Get the fuck on the sidewalk.” The boys informed the officer that they were

almost at their destination and continued to walk as the officer started to drive away. Suddenly Darren Wilson slammed on his brakes and asked the young men what they had said. He then attempted to fling open the door of his car which hit Michael and bounced back closed. Dorian reports that the officer then grabbed his friend by the throat. The officer then grabbed Michael by his shirt and as the young man tried to free himself Darren Wilson promised, "I'm gonna shoot you." After repeating the promise one last time, the first shot was fired. Blood began to pour from Michael and pool on the right side of his shirt. Dorian reports that the officer had a firm grasp of Michael until the shot was fired.

After the first shot was fired Michael and Dorian began to run. Michael, called Big Mike by those close to him, urged his friend to keep running. Once the pair had run three car lengths a second shot was fired, striking Michael in the back. Michael then turned with his hands in the air and shouted, "I don't have a gun, stop shooting!" By that point Darren and Michael were face to face but Darren kept shooting until he reduced Michael to a crumpled mass on the ground. Officers who later came to the scene did not even bother to get a statement from Dorian, and acted to justify the actions of Dorian, all the while leaving the body of a young black man lying in the street for more than four hours (Lee, 2014).

In the eyes of many who are critical of police use of violence in minority communities, these moments have acquired the label of 'lynching'. News outlets such as truth-out.org, and well known celebrities such as Oprah Winfrey, have come forward to discuss the similarities between lynching during Jim Crow and the recent deaths of black

men. Historically, lynching has meant to punish without formal legal process or authority, especially by hanging, for a perceived offense or as an act of bigotry. In the book *Lynching in America: Confronting the Legacy of Racial Terror* by Bryan Wagner also reminds us that lynching's were only committed as punishment for a past crime, but could be justified by stating a black man bumped into a white man or did not use the proper greeting (Equal Justice Initiative, 2014). Lynchings based on these justifications were used as a way to exert power over the black community and remind African Americans of their social location. In a contemporary context lynching can be viewed as punishment without legal process for a perceived offense or bigotry. While each act of violence is incredibly tragic, it is important to look at their differences and similarities to understand if the actions are best served under the same label. Historical lynching and modern day violence committed against black men, be it by the state or an armed vigilante, is crucial to understanding the experience in black communities. While the term lynching is certainly one that is saturated with historical images that are useful in the mobilization of communities, we must consider the usefulness of labeling modern deaths of black men by police or security personnel in this context.

To fully compare historical and modern lynching we must first look at the history of lynching, extrajudicial acts of mob violence enacting justice as members of the mob deem fit, and literature that surrounds police violence, or violence enacted against citizens by bureaucrats in the name of justice and safety. This paper aims to do just that while examining not only the deaths of but also the mediated response to two of the most visible faces of violence against men of color in recent times, Trayvon Martin and Michael Brown. These two cases were chosen in particular due to the large media

coverage and the national debate that surrounded them. In examining media and user generated content (social media) that labeled their deaths as an act of lynching, we can gain a deeper understanding of the usefulness of viewing this extreme form of violence in the context of modern lynching.

CHAPTER II

LITERATURE REVIEW

In the United States, where whites outnumber blacks fivefold, a person of color is still three times more likely to die in a confrontation with police (Wilkerson, 2014). Between the years of 2005 and 2012 a black individual was killed every three or four days by the police (Johnson, Hoyer, Heath, 2014). This statistic is very reminiscent of a misremembered past in which African Americans were murdered for the most trivial of act, such as being accused of stealing a horse or making boastful remarks. Due to the similarities organizations such as the Malcolm X Grassroots Collective have created national demands for racial justice that call for the end of the Police Bill of Rights, policies of containment, and militarization of the police (MXGM, 2014). It is of great importance that scholars and activists understand the connections and similarities between lynchings and police or vigilante killings. Using the existing literature, it is important to begin understanding the similarities and differences between the killings of black men and women. To do this, a brief discussion on the effects of separation, the impacts of ritual and spectacle, expressed and latent reasons for killings, justifications, public response, and legal response to the killers will ensue.

Effects of Separation

During the time of slavery there was a logic in which classes (master and slave) lived in close proximity to one another and blacks were separated from whites in antebellum cities. The logic that lesser classes could be controlled in close proximity gave rise to segregation as a way to control workers that were key to industrialization

(Woodward 1988). Power relationships that were vertical before Appomattox became horizontal, but still served the same functions of separation and control. Southern public schools were segregated and marriage outside of one's race was criminal in nine of the eleven Southern states before 1884 (Cohen 1991). Additionally, legal exploitation led to conditions where intimidation and violence could grow unfettered.

To make matters of increasing violence worse, there was a massive increase in the amount of laws that sought to separate blacks during the 1890's. The Black Codes of southern states can provide great insight into the extent of the separation. The goal of these policies was to completely exclude black Americans from all facets of public life (Mathews, 2008). Black codes excluded black children from the now free public education, required blacks who sought employment to sign labor contracts where they agreed to work for a white "master, and anyone seen as a vagrant could be rented out to white landowners (CRF, 2015). This systematic and institutional racism served as a way to master the fabrication of elaborate boundaries that established whiteness as a form of purity and blackness as the impure example. In allowing states to pass and uphold these laws the United States effectively carved out places of lawlessness, where violence could be taken into the hands of whoever the "good" (white) members of the community decided (Kato, 2012). With black men and women effectively separated from what was seen as the good of society, it became easy to view them as a danger to well rounded society. Like other problems in society, many sought a way to eliminate blackness from their communities, or at least control them.

Spectacle and Ritual

When a lynching was committed, it was rarely done at night by a small group of men going unnoticed by the community; however, even when a person was killed under the cloak of darkness, it did not go unknown. The case of James Scales offers a glimpse into the ways that lynching was not simply an issue of unrestrained passions, but about a ritualistic collectivity that responded in quite calculated ways. While it was not done as a community event, the ritualism and calculation reached the same end result of control. On November 23, 1944, James Scales was lynched by a group of men on the grounds of the Tennessee State Training and Agricultural School for Colored Boys. Shortly after his arrival to the “school” James was named a trustee and he was given the responsibility of cooking for and building fires for the superintendents’ family who lived on the premises. Between 7:30 and 9:00 am on the twenty third of November a guard found the bodies of the superintendent’s wife and daughter murdered in their home (Cohen, 2014).

The men who found the bodies immediately suspected Scales to be guilty of the crime, despite the lack of motive, because he was one of the boys at the reformatory that had access to their home. Newspapers speculated on the possible motive but none was ever found to be concrete. Scales was supposed to build a fire for the family that morning, but was nowhere to be found. He had fled to reformatory and was picked up by Walter Hale and his uncle about six miles away. Inmates frequently left the school and local farmers knew that there was a standard reward for their return. The two men did not see anything suspicious about Scales but apprehended him and took him back to the school. Upon his arrival the men were convinced of his guilt and took him to the sheriff’s

office. A few hours later a group of men came into the jail and got him from his cell (Cohen, 2014).

Once the men got Scales back to the reformatory, a small group gathered to enact their vengeance. School officials were involved in the lynching. Once Scales was strung up in a tree, apparently a school employee came out and told them to stop, but took no action to ensure that the boy did not die. The men dropped the rope but shot Scales in the head several times. What makes this lynching similar to others is the spectacle portion of it. The body of James Scales was placed in the classrooms of the boys to teach them a lesson and inspire fear. In this way, while the newspapers did not print pictures, and people did not take mementos, the reasons for the spectacle of lynching, to inspire fear and keep a social order, were still maintained (Cohen, 2014).

In contrast, the example of the lynching of Mr. Smith provides us with a great way to view the ritualistic lynching of black men. It was done, not in a crazed fashion where the people who perpetrated the lynching were so overcome with their passions that they gave way to violence but in a ritualistic fashion. They were collective, controlled, and deliberate (Ohl & Potter, 2013). The importance of the ritual nature of a lynching was not that it created a static form of social solidarity, but instead it was a way that ritualized power relationships could be repeated. This ritual practice on black bodies confirmed and celebrated “white honor” against the fear of “chaos and disorder”. This required the constant renewal of performance that calmed the imagination (Wood, 2001). Wood writes that lynching was a performance and the photography “played a crucial role in this performative ritual and the social roles it produced” (Mathews 2008, p. 199). The

photography of the lynching added to the spectacle of the ritual and allowed for broad engagement far beyond the original location of the lynching. David Garland discusses the reach of the postcards that professional photographers would sell. The messages that they carried were as disturbing. An example Garland provided, “This was made in the court yard, In Center, Texas, he is a 16 year old Black boy, He killed Earl’s Grandma, She was Florence’s mother. Give this to Bud. From AuntMyrtle.” (Garland, 794). The commonplace nature of the comments that accompanied the image of Lige Daniel hung from an oak tree is startling, but provides a great deal of insight into the accepted nature of violent, ritualistic lynchings. It was also its own form of domestic terrorism because it served as a way to threaten black communities and provided whites with their own message of racial dominance (Ohl & Potter, 2013). As Mathews (2008) suggests, “For both witnesses and participants, the killing, together with all the accretions of ritual action associated with it, was a religious practice” (p. 33).

The expectations of all those involved were projected on to the victim, as if somehow their death would compensate for the problems in the community. In this way, the murder of the man was meant to sanctify something through inflicting torture and unspeakable pain on to someone. Those engaged in lynching believed that their actions had a much greater meaning. It was a way to teach a lesson that they saw of being of the utmost importance and it was a way that those involved could aspire to transcendence (Mathews, 2008). By sacrificing a black man for the sins of the community it was a way of purging evil, making the good “white” citizens feel closer to God.

Law Enforcement and Security Personnel as Modern Day Lynchers

Just as those who engaged in lynching believed that they were purging evil from their communities, police officers can be viewed in the same light, often describing the individuals that they contact, and kill, as thugs or assigning other negative stereotypes to their personhood. However, unlike lynching, violence that ends in death, from the state, is not ritualistic in nature. While the police do have a great deal of ritualism involved in their day to day professions, from training to uniforms and weaponry, the ritualistic nature of their jobs does not compare the ritual of lynching. Conversely, the argument could be made that nonlethal force by police is more ritualistic, instead of spur of the moment killings. In training, police are taught to use nonlethal force whenever possible, and as the case of Michael Brown highlights, this is not always done. While there is standard police training regarding the use of lethal weapons, there is little to suggest that these procedures are followed, aside from the reports of the officers themselves. However, one commonality between historical lynching and the modern day murder of black men by law enforcement or security personnel, is the spectacle. While it is important to note that many of the police and vigilante killings of black men go unknown, the ones that are brought to public attention are gawked upon by citizens, who do not recognize victims as deserving of full humanity. Even more problematic than the ritualistic nature of lynching's and the spectacle that is common in both lynching and recent killings is the expressed and latent reasons supporting the death of black men.

Reasons for Killings

During the pre-civil rights era, lynching was committed for a whole host of reasons ranging from cheating at a game of cards to the assumption that a white woman was raped or engaged in consensual sex with a black man. It seems that one simple step out of what white's conceived as acceptable behavior, could led to the death of that person of color. The cases were rarely prosecuted because it was seen as community enforcement of the law.

Hall (1983) situated lynching in patriarchal racial and gendered orders to display how displays of public violence relayed to everyone their location in public life. This means, that while the expressed reasons for lynching followed a trend regarding the law, the actual reason for the killings was to demonstrate to African Americans where they stood in the continuing perpetration of the plantation economy (Mathews, 2008). The objectification of the other was absolutely necessary for a lynching to occur. Viewing a whole segment of the population that was needed to continue the economy as less than human allowed for their labor to be controlled through violence. The white supremacy, that was a response to the threat of blackness, that was perpetrated through lynching served as a way to stifle the aspirations of African Americans (Broussard, 2011).

The patriarchal, racialized, social hierarchy did not simply appear at the time of reconstruction, but can be traced back to slavery. In 1712, Willie Lynch (2012) delivered a speech to the James River settlement in Virginia regarding the breaking of slaves, and ways in which owners could keep the body of the black man, but take his

mind. Lynch likened the slave to a horse, because neither is good in their natural state, and must be tamed. The taming of black bodies centered on the breaking of the male image. Black women would be witness to the tar and feathering and torture of the largest and most willful black man. This would show the slave woman that the men could not protect her and she would eventually come to be fully dependent on the owner and she would indoctrinate her children in the same way. This would eventually lead to stronger black women, with the male cowering in fear (Lynch, 2012). By breaking a slave, it constantly reinforced their location in the hierarchy and it was required to control the threat of blackness. The violence and breaking of will that was carried out through lynching and in today's modern forms of violence against black men holds on to the same notions presented to slave owners. Only by fear and violence can you assure that the labor force will stay compliant and remain in their inferior positions (Olzak, 1990). Ray Stannard Baker discussed the black community's reaction to lynching as an ever growing gap of hatred and fertile soil for future race issues (Wolf, 1992). Charles S. Johnson discussed the horror, fear, and dismay that bled into the communities. While there was anger within the community, the fear of future violence was enough to continue controlling them (Wolfe, 1992). While there are many reasons offered for the killing of black men throughout history, justifications add an additional dimension in understanding the social implications of their deaths.

Justification

When a lynching was committed many times people in the community would find their justification in lynch law, a constitutionally legitimate display and exercise of

public sovereignty (Wells-Barnett, 2009). One of the primary arguments for this was that the people could not take the law out of the hands of the courts because the people had created the courts. It was therefore, their right to take matters into their own hands and act as a community. Since people had created the law, when they acted on it they were not undermining it, but asserting it. This mentality meant two things for people who constituted lynch mobs. First, people who carried out the violent acts could see themselves as carrying out the law instead of violating it. Secondly, that the law could sometimes be better handled by community members instead of appointed personnel (Kato, 2012). The idea of lynch law can be trace back to slave patrols in the antebellum south, where any white man could be used to help stop a slave revolt (Kelley, 2001). The violence that is now a deep rooted part of culture, and was the foundation of lynch law, was not simply an understanding but a law in itself. Now that lynching is no longer seen as a legal option for the control of black men, new state justifications have been put in place to protect those who take lives. Sadly, it draw parallels a New Jim Crow as Alexander (2012) explains. Using the justice system as an example, our society still mirrors a racial caste system. Sadly, many individuals don't see it in our colorblind system where we cling to the notion that we have moved beyond race (Alexander, 2012). Instead of relying on lynch law, police officers are handed the tool of reasonable suspicion and officer safety. Officer safety and officer discretion are based on the concept of objective reasonability, which over time has become nearly indistinguishable from snap judgments made by officers in an anger filled or panicked moment. Courts in America will automatically default to the officer's perception of the events at the time, with no other standard holding them accountable. According to Walter Katz, a lawyer

who focuses on police oversight, “there is built-in leeway for police, and the very breadth of this leeway is why criminal charges against police are so rare” (Madar, 2014). In addition to this legal leeway, many agencies are tasked with self-regulation and oversight. This self-regulation leaves no space for any effective civilian oversight, and leaves a public agency completely shielded and removed from any transparency with the public. This allows the justification of officer safety to flow seamlessly through the courts.

In the case of vigilantism, many states have “stand your ground” laws that allow for people to use deadly force if they feel they, “designated as a potential victim from the power and control of another” (Wallace, 2006). The roots of this law come from the castle doctrine in English common law which allows for a person to protect his home from invasion and themselves from violence. However, this law becomes problematic when applied to public space with law enforcement given the final say in the reasonableness of the force (Wallace, 2006). With lynch law in the past, current controversy with stand your ground laws, combined with objective reasonability leading to the justification of the death of black men, it’s important to understand the role the media plays in shaping and guiding public opinion.

Killings in the Media

When looking at the prevalence of lynching in the news, between the years of 1836 and 1922 in the Library of Congress, lynching is mentioned in the printed news a staggering 583,763 times. Newspapers judged lynching based off of the level of community support and would often times legitimate killings by declaring, “We have never known the public to be so unanimous on any subject,” and “The unanimous verdict

of the people is well done” (Waldrep, 2008). However, what was not taken into these accounts is exactly how ‘the public’ was being defined. A Memphis newspaper championed lynching as a swift and merited punishment. “All” in these instances came to mean all whites, and it seemed that there were two court systems: one for whites and one for blacks (Waldrep, 2008). The dual system that existed in practice, but not by law, meant that the dominate perception, in this case that of white men, is the one that has been passed down through modern history, resulting in a case of historical amnesia regarding the realities of lynching in the United States. As now, the media is divisive, but lines were often drawn geographically, in addition to ideologically, with most lynchings occurring in the south.

Public Response and Public Support

As discussed above, those who committed the act of lynching received little to no public resistance or scrutiny from their local communities. Many whites in the community held the belief that the justice system could not effectively deal with the “animalistic nature” of members of the black community (Waldrep, 2008, p. 597.) After industrialization, national policing began to gain support from a new urban populous that favored bureaucratically applied deaths over mob violence. Political tensions between rural community members and their urban counterparts came to a head in 1949 when Georgia was the first state to record a lynching Bibb and Troup County Georgia became a focus of national news. The New York Herald Tribune reported,

“Last year there were...only two lynching’s in the entire country. Both significantly were in Georgia where white supremacy is a deliberate rallying cry for political advancement. This is a state where ragtail version of the Ku-Klux-Klan has again come to life, a new

and more subtle Talmadge is Governor, and a disturbing pattern of racial violence is developing” (Campney, 2011, p. 233).

While the rest of the country stared on in awe at the politics of rural Georgians, they seemed to overlook a pattern of police violence in the urban centers of the state.

However, many in the state felt that if they did not reform their ways reform would be imposed upon them and the economy would be impacted. During this time, blacks in Georgia (and other southern states) were still fearful to speak out, and many felt such pressure from the local community to keep silent.

An instance of lynching in Wilkinson County gained national attention due to the anti-lynching bill that was a part of President Truman’s civil rights program. The justice began an investigation of the lynching and the Georgia Bureau of Investigations began a cooperative investigation. Community leaders who had previously ignored lynching were now put under incredible pressure to follow the motions and at least appear to seek justice. National newspapers used the story as a way to denounce their southern counterparts and bring to light their race relations. They also used the case as a way to create a lesson in how racist violence undermines America’s moral superiority to the axis powers of WWII. The Philadelphia Inquirer reported in 1949,

“This display of inhumanity affects us all. If this nation is to fulfill its destiny, if it is to take its rightful place in world leadership, it must divest itself of the barbarism of racial and religious intolerance, of which lynching is the final expression” (Campney, 2011, p. 240).

Long gone were the days of local communities being the law, and the prosecution of lyncher’s was on the horizon due to national outrage. By 1963, during Hoover’s war on the KKK a national study reported that 56% of respondents, including southerners

avored federal police powers over previous models. This shift in national thinking laid the foundation that allowed for police violence and corruption to grow, seemingly unabated (Lersch & Mieczkowski, 2005). Like those who committed lynching in the past, police received little to no real scrutiny for their violent acts against citizens; furthermore, when scrutiny does exist, it is rarely enough to make any changes, especially large scale policy reform (Weitzer & Tuch, 2004). Given that there is no formal or effective civilian oversight of the police, it would be folly to assume that justice will be served when a life is taken by their hands.

Legal Response and Lynching

With lynching cases, the Supreme Court created a framework that freed itself of any culpability in regard to lynching by deliberately stopping short of total jurisdiction, but the Supreme Court did make sure to leave enough room that they could intervene if needed (Curriden & Phillips, 1999). By willfully binding its own hands the Supreme Court created an area where the law did not protect all lives, most notably black lives. These areas were allowed to carry on under the guise of the sovereign within a constitutional order. Race served as the main way that these zones of lawlessness could be defined which allowed for the court to focus much of its intention on containment. In short, the states had their own jurisdiction but the nation had jurisdiction over that jurisdiction (Kato, 2012).

The active policy of non-interference did not last long because between the years of 1940 and 1952 the FBI sent agents into the South to look into lynching cases (Dudziak, 2011). After the failure of prohibition the federal government had to find a way

to reassert itself above states' rights and investigating lynching was one way that they could do it. During the 1800's the power to control crime laid with local communities, meaning that what was criminal was defined by immediate and likeminded social networks (Waldrep, 2008). Some would rationalize lynching by saying it was lynch law which was seen as an expression of popular sovereignty (Curriden & Phillips, 1999). This means that people who made up the lynch mobs did not see themselves as going against the law but enacting it because it was a product of public opinion. When the justice system intervened, African Americans were slandered and white's in the community controlled the courthouse, the police, and were able to select juries that they knew would provide a conviction, regardless of guilt. Should the public assume that it was unanimous they could easily step out of the law and take it into their own hands.

National policing began after industrialization when a new urban class found themselves in need of order. However, after John Edgar Hoover became the director of the FBI he launched a national campaign to convince the public of the legitimacy of federal law enforcement (Waldrep, 2008). Hoover began a war perceived to be against the KKK and in the time unmasked corrupt local politicians and law enforcement, soon after even Southerners were saying that they favored federal enforcement and believed there should be a law against lynching (Waldrep, 2008). Given public support Congress passed an anti-lynching bill in 1922 (Waldrep, 2008).

Although there was legal support for anti-lynching, the public made it clear that they would not adhere to the new policy. For example, the department of Justice insisted at first that they could not police the new bill but in 1933 when a case in Alabama may

have involved police, the department took notice (Curriden & Phillips, 1999). However, years later they still refused to act when a lynch mob crossed state lines, and despite receiving hundreds of messages regarding their inaction, still had not determined if they had jurisdiction four years later (Curriden & Phillips, 1999). The Roosevelt administration faltered in areas of racial justice while the department still insisted that they were the most capable of policing the nation. The failure of the bill caused a shift in political thinking because it appeared that the government would not take care of its citizens if the state failed to do so. It wasn't until 1951 when lynching started to become fully prosecuted under the law (Waldrep, 2008). But as subsequent chapters will reveal, aspects lynching would evolve to reflect in the legal and justified acts of continued killing of unarmed Black men.

CHAPTER III

RESEARCH METHODS

It is important to understand how imagery and language use within media influences our perceptions of events. It's also equally important how the use of language and discourse surrounding deaths of black men can insinuate the rhetoric of lynching. The cases of Trayvon Martin and Mike Brown present a context of contemporary lynching. It is important to study how historical cases of lynching such as Emmett Till and others are mediated and framed in a particular way to tell a story of devaluing Black life. Case study and virtual ethnography allow for the framing of societal issues but also bring forth our already inherent beliefs about how we see events like Trayvon Martin and Mike Brown in such disparate and devaluing ways. As such, this research was guided by the following questions:

1. How does the mediated rhetoric of lynching infiltrate in the contemporary deaths of unarmed Black men?
2. How do the cases of Mike Brown and Trayvon Martin fit within the context of contemporary police killings?

Methodology

To properly examine the contemporary discourse of lynching in the context of Mike Brown and Trayvon Martin, the researcher chose to employ virtual ethnography and case study. Ethnographic research is defined as a research methodology that has been developed for the study of cultures and culture sense-making (Eriksson & Kovalainen, 2008, p. 137). Here, the researcher gains a native point of view called emic perspective

which allows for an unbiased look into how that culture operates without imposing the researchers own conceptual framework on the empirical world that is being studied (Eriksson & Kovalainen p. 137). What distinguishes ethnographic research from other methods of qualitative inquiry is the commitment to analyzing culture or parts of culture from the point of view of cultural insiders. This allows ethnographers to generate and build theories of culture- or explanations of how people think, believe, and behave- situated in local time and space (LeCompte & Schensul, 2010).

Specifically, this research employs virtual ethnography in examining the mediated content online of the deaths of Trayvon Martin and Mike Brown. There are certain conditions that must be met to conduct a virtual ethnography. First, Hine (2000) discusses how the ethnographer must involve themselves in online activities of a community so as to immerse themselves in the equivalent of day to day activities. As Markham noted,

...I found myself struggling to force our interaction to fit into my made-for-face-to-face interview protocol template. ...it seems I wanted to simply to add online interaction to my research procedures; but the more I talked with Beth, the more I realized that merely incorporating online interaction into my research efforts as a tool to collect texts wasn't working very smoothly...this wasn't just a tool to study the context, it was the context of the study. (Markham 1998: pg. 89)

Markham discovered that to understand the community she was watching meant that she had to participate online, learn the language and skills to navigate the environment, engage in building relationships to better understand the process of building emotional connections and life online. Another issue that Hine (2000) also touches on is the relevance of offline behavior to online behavior touching on the reality and authenticity

of online interactions returning us to a premise grounding the privileged place of face-to-face ethnography.

Virtual spaces are simultaneously technological and cultural phenomenon and must be examined. What makes the cases of these two unarmed Black men even more intriguing is the manifestation of real world inequalities into virtual spaces. So the rhetoric deployed functions as a recreation of Jim Crow era style politics. So by examining mediated constructions of the deaths of Mike Brown and Trayvon Martin, the researcher comparatively makes connections between Jim Crow era lynching and colorblind era murders of unarmed Black men.

This type of critical race ethnography sees the examination of how language and speech create experiences for mainstream audiences of racialized bodies. As a critical ethnographer, therefore, I bring my critical value orientation and epistemology to ethnographic research. Critical ethnography, according to Madison (2012), begins with an “ethical responsibility to address processes of unfairness or injustice within the particular lived domain” (p. 5). Such an approach attempts to disrupt the status quo by questioning received wisdom and unsettling assumptions by highlighting relations of power (Jones, 2010).

Site of Study

The architecture of online communities is set up in a way that provides a constant stream of news information for its readers. According to a study done in 2014 by Pew Research Center, 50% of all Facebook users see six or more news topics on the site per day (Matsa and Mitchell, 2014). Similarly, Pew found that 57% of all adult Americans,

and 73% of those 12 to 17 use the site (Ibid). With a staggering number of Americans being exposed to the news through Facebook a virtual ethnography of various news outlets available of Facebook can provide a good deal of insight into recent killings of black men.

While virtual ethnography finds its basis in traditional forms of ethnography, it varies because the researcher is not embedded in a physical location, but instead an online space, where groups of people come together with no respect to actual physical location (Hine 2000). Following field connections through Facebook, two cases were selected for a case study to compare recent killings of black men to modern day lynching: Michael Brown and Trayvon Martin. The two cases were selected for several reasons: first, the ease of access to information; secondly, there is a breadth of social commentary on both killings; third, both cases have been called examples of modern lynching by alternative news sources; fourth, while different, each case highlights the dangers of justifications used in the killing of black men; and finally, the wealth of information on the two cases allowed for a rich comparison to historical extra-judicial killings.

Once the two case studies had been identified, articles were identified by news articles were compiled by visiting popular news sites on Facebook such as: Huffington Post, Revolution News, Yahoo News, Fox News, and The Guardian. Michael Brown posts were of course more recent, so for information about Trayvon Martin the websites themselves were visited. Using historical information as a framework, similarities and differences between recent extra-judicial killings and lynching were explored.

Analysis

To analyze the content generated from the news articles, critical discourse analysis was implemented. Critical approaches to discourse analysis allow us to focus on more than social construction. Critical approaches to discourse analysis require us to analyze the power dynamic and see how language connects with the social as the primary domain of ideology (Germond-Duret, 2012). This approach is significant in tackling issues related to domination and subordination of a group on another. This project highlights how a particular discourse serves “dominant actors to maintain domination” (Germond-Duret 2012, 138).

Additionally, thematic analysis was employed. As Flick (2009) explains, thematic analysis provides the opportunity to compare social units and remain sensitive to the contents of individual cases. Further, and more importantly to qualitative analysis, it does not reduce text to numerical data. Additionally, in analyzing qualitative material, thematic analysis must follow formalized procedures that go beyond one’s own interpretation. To ensure this, an inductive coding scheme must be created to ensure consistency.

To develop the coding scheme to compare modern day deaths of unarmed Black men at the hands of security and law enforcement personnel, the following coding categories were utilized. Instances of these within the media stories were used to gain a better understanding of how modern murders reflect the historical discourse and practice of lynching. The full coding scheme can be viewed in Table 1.

Table 1: Coding Scheme	
Category	Type of stories sought
Continued Separation and Isolation	Segregated neighborhoods; white policing of black communities; blacks have lack of political power
Spectacle and Ritual	Continuing the tradition of over police saturation in Black community; mediated spectacle
Dual systems of justice	Unfair laws, policies, or practices in black community
Public support	Public justification for the death of the individual; lack of support for Black Lives Matter and other associated movements

Table 1: Coding Scheme Used in This Study

CHAPTER IV

FINDINGS

The findings from the virtual ethnography and case studies show that there are striking similarities between lynching's and recent killings of black men. To highlight the similarities, the findings of the case study are explained through the lens provided by historical research. The findings below are discussed in relation to the historical data gathered as part of the literature review.

Effects of Separation

Black men have historically been disenfranchised in all facets of American society. For many neo-Marxist and Weberian scholars, coercion and violence from the state is a primary way for maintaining order (Jacobs & O'Brien, 1998). In this view, the privileged members of society benefit greatly from the existing power structures while many black and poor citizens receive far less. Given this, it is expected that police violence will be much higher in areas where there is a greater income margin and the threat of an unruly underclass is greater. According to Blalock, dominate populations will be more threatened if the underclass in an area is made up of a racial minority (Jacob & O'Brien, 1998). To support this idea, Liska, Lawrence, and Sanchirico found that, when crime rates were held as a constant, cities with a larger percentage of black individuals in the lower class, had a greater fear of crime than cities that had fewer people of color as cited in Jacob & O'Brien, 1998. This fear of crime means that it can be harsher law enforcement measures can be expected in cities that are largely divided by race and class. Having the groups separated by informal laws and practices now, compared to historical

laws that were openly racist, it still seems that the same result is present. Black men are killed far more frequently than white men for the same or lesser crimes.

A study conducted by Jacobs and O'Brien found that poverty rates and the number of police employed per 100,000 people had no impact on police killings, but that racial inequality had a positive correlation with the use of deadly force against black Americans. The separation between blacks and whites today still impacts this community in ways that are very similar to that of Jim Crow era policies. This can still be seen in the media and reporting since the high profile killing of Michael Brown. The Huffington Post reported

“Due to an unfortunate stain on our history, Black men are so often rendered inferior in all totality, demonized by the myth of the brute, Black rapist, or the uneducated thug deserving of death. And while these Black men- whether they are North American or from across the globe- hold the tremendous burden of being feared and spurned by society” (Martis, 2014).

People of color still do not have the political influence that they need to curb violence, be it from police or the white vigilantism from Reconstruction to the passing of the Civil Rights Act (Jacobs & O'Brien, 1998). As Michelle Alexander argues, many young black men who are no longer valuable in the global economy are warehoused in prisons as a form of control, and once they are released they are seen as second class citizens because of their criminal records (Alexander, 2010). By controlling black bodies through the judicial system they are kept in political subjugation, lacking the political, social, or economic power needed to end the racial violence directed at their communities. Another writer at the Huffington Post, when writing about racism in America, touched on the continuing disenfranchisement.

“A major roadblock to this is the tendency to otherize and dehumanize convicts, which all too often translates into dehumanizing people of color as a whole. So while reforming our prison system from the perspective of self-interest and economic concern, in the end this comes down to an issue of enemy-love.” (Flood, 2015).

While useful, this excerpt highlights an additional problem of race discussions in the United States. Many well-meaning liberals, who try to discuss problems of racism fall into the historical trap of referring to a whole population of people as others, in the case of the news we can see this continuation through language describing black men as prisoners before anything else. This leads to a similar area of lawlessness that was established by the Supreme Court and the active policy of non-interference predating the Civil Rights Act. However, where the areas of lawlessness were once filled with white vigilantes, it is now filled individuals representing the law, but acting with full discretion. Given the areas of lawlessness that existed during Jim Crow and their current counterparts, it is useful to understand similarities and differences within those areas.

Spectacle and Ritual

While the spectacle and ritualistic nature of lynching was used as a tool for control, extrajudicial and police killings in recent years rarely receive the same level of attention. It is actually the exception instead of the rule that we discuss when looking at modern case studies, not in the nature of the killing, but in the attention that is paid to it. While the exact time that Trayvon Martin was left in the streets is unknown, it is clear that when Michael Brown was murdered he was left in the street for four hours. As his body lay there and tweets came to fill the internet, it seemed almost as a reminder to the community members of their social location. One user sent out the tweet with a photo:

[#WaitForRR06 @TheePharoah](#) Its blood all over the street, niggas protesting nshit. There is police tape all over my building. I am stuck in here omg

Figure 1 accompanied the tweet from @ThreePharoah and showed that just as the bodies of men who were lynched in the past, the corpse of Michael Brown represented much more than the life that was lost, but instead the value of black life and the location of black men in our society. No concern was given for the family in the treatment of the body, and given the actions of the police; it would seem that they did not view Michael as a man, but merely as thug, whose corpse did not even deserve respect. The message that was sent to the community, and the nation, was rather clear with images like those in Figure 2 appearing on televisions and in newspapers across the nation.

Another way that spectacle is similar to the days of lynching is the role that the media plays. In addition to lynching photography, newspapers played a large role in spreading the message of the lynching far beyond the communities where they happened. Depending on the editor of the paper, those committing the act of lynching would either appear as moral citizens who could not simply trust the government to serve justice or, less frequently, as uneducated rural community members who could not live a civilized life. Now the media has a way of painting the police as heroes and the victims are somehow deserving of a premature and violent death. One does not have to search far to find evidence of this trend with headlines ranging from “Ferguson Cop Has No Temper, Is 'Struggling' With Shooting, Friend Says” from ABCNews to” Darren Wilson And George Zimmerman Described Mike Brown and Trayvon Martin The Same Way” from



Figure 1 Ries, B. (2014, August 15). *This Person Live-Tweeted Michael Brown's Killing*. Retrieved May 5, 2015, from <http://mashable.com/2014/08/15/live-tweet-michael-brown-killing-ferguson/>



Figure 2: Ries, B. (2014, August 15). *This Person Live-Tweeted Michael Brown's Killing*. Retrieved May 5, 2015, from <http://mashable.com/2014/08/15/live-tweet-michael-brown-killing-ferguson/>

Think Progress. Each article highlights the fact that, as with lynching, the media response plays a large role in determining how the public will view an event.

This trend continues into areas of social media, with individuals creating and sharing content that either serve to glorify or vilify the police and their actions, as well as paint the victims of the violence as deserving of it or not. The

images that are created highlight the rift between those who view the victims as deserving of violence and those who support the men who

killed them. Figure 3 represents the kind of user generated content that serves as a means for social media reproduction of violence and the divides it creates in American society. An article published in Fox News offered a conservative view point,

"He didn't really want to talk much about it," Shepard, also 28, said of Brown's death. "But I can tell you for sure it was not racially motivated. He's not the type of person to harbor any hate for anybody. He was always nice, respectable and well-mannered, a gentleman. He doesn't have anything bad to say about anybody, ever. He's very genuine." (Ferguson shooting, 2014).

When we juxtapose this with an article from NewsOne that reported,

"In a single interview Darren Wilson appears no less the monster many of us have pegged him to be, based on his actions and the ridiculous testimony he gave the grand jury in defense of it. If anything, we're only more angered by the defiance he continued to display in his interview with ABC News' George Stephanopoulos." (Arceneaux, 2014).

It becomes clear that the narratives provided by the images on social media go much further than images that were placed on lynching post cards, which depicted the violence



Figure 3: Ken, P. [PhxKen]. (2014, Aug 17). NARRATIVES!!!! BECAUSE FACTS ARE BORING!!!! <http://t.co/VcjRWia3Ao> Just Like #Ferguson [Tweet]. Retrieved from <https://twitter.com/phxken/status/500848328171462657>

and reinforced the social location of those in the black community, user generated content and shared content bring the light various ways of thinking, while filling the same role as the post cards of the past. What is most striking about shareable content on the internet is that is can be used to send a message to a community that far extends beyond the geographical boundaries.

When the photo of a dead Michael Brown was tweeted, it sent shock waves through a community. While violence is something that may be common for some in communities of color, the photo, harkened backs to the days of postcards and spectacle, instead of remaining hidden from those not directly impacted by the violence.

Hirschfield and Simon (2010) conducted an analysis of newspaper content regarding killings by the police. They report that the victims of police violence are blamed with moral failings and seen as dangerous and irredeemable while police are painted as innocent protectors of the community. The same can be said of young men like Trayvon that were murdered by individuals who acted under the guise of community and self-protection. In an Ohio news report, the narrative of self-protection was used as the main focus of an article. The paper stated,

“I have no doubt George feared for his life in the situation he was in at the time,” the juror said. The juror was not impressed by the testimony of Rachel Jeantel, who was talking with Martin by cellphone moments before he was fatally shot by Zimmerman. “I didn’t think it was very credible, but I felt very sorry for her,” the juror said. “She didn’t want to be there” (Juror, 2013).

Both Trayvon and Michael had all of their flaws on display for the entire country, while Darren Wilson and George Zimmerman were painted to be the most upstanding of men (Hirschfield & Simon, 2010.) This analysis of the murderer's ties in closely to expressed reasons for the killings.

Reasons for Killings

When comparing historical lynching to contemporary killing of black men by police, similar reasons are provided for the killings of black men. In the case of Michael Brown, Darren Wilson argued that he felt that he was in immediate physical danger and that Michael had been breaking the law (Case: State of Missouri vs Darren Wilson, 2014). His death was then painted as his own fault for stepping out of the boundaries set forth for him. The Washington Post ran a story in which comedian Bill Maher stated,

"I'm sorry, but Michael Brown's people say he is a gentle giant," he said. "Well, we saw that video of when he was in that 7-Eleven. No, he wasn't a gentle giant. He was committing a robbery, and he pushed that guy. He was acting like a thug, not like a gentle giant." (Chasmar, 2014).

With Trayvon Martin, George Zimmerman painted himself to be a man acting on behalf of community safety. Comparing other lynching examples, Zimmerman stepped outside the law himself by taking the life of Trayvon, but was seen as acting in a way that upheld the law instead of defied it. The reasons, while having different names, seem to be the same across the span of historical lynching's and modern killings. Reports that a black man may have stepped outside of the law is enough to end his life and bypass the ritualistic nature of the justice system. Fox News reported that Zimmerman told the 911 dispatcher that he spoke to

"This guy looks like he is up to no good — he is on drugs or something." (News Guide 2012).

This initial observation on the part of Zimmerman provided a way to frame Trayvon as a problem in the community that had to be dealt with, just as those who were lynched in the past had been. Later, during the trial, special prosecutor Angela Corey told the media,

"We do not prosecute by public pressure or by petition." (Associated Press, 2012).

Her sentiments highlight how the expressed reasons for the killing of Trayvon Martin were seen as valuable, while the media and public had already judge him based on unfounded assumptions from his murderer.

The latent reason for lynching may be applied to police and vigilante killings of black men today. While it may not serve to continue a true plantation economy, the killings of black men, coupled with the lack of consequences for the people who have killed them, reminds black Americans that they are not as deserving of protection as their white counterparts (Jacobs & O'Brian, 1998). Somehow, the basic right to life is not even protected within the communities because they are seen as the other. Even when blacks and their allies protest the lack of justice for the murders of young men, their actions are not viewed as a constitutional right, but as a form of violence that must be dealt with. The continued commodification of a population lends itself to the idea that any assertion of black self-respect is dangerous and should be quelled. This indicates that, just as in Jim Crow, when a black man steps out of the designated social hierarchy he is viewed as dangerous. The continued control of black men through violence, at the hands of state

actors or individuals acting on state doctrines, is achieving the same end as lynching, a perpetuation of the existing social order.

Justification

Justifications in the killings of black men are incredibly problematic. In the case of vigilante killings, safety cloaked in the name of the law for the killers provides a clean slate. When police officers are involved the state has a vested interest in making sure their street level personnel are protected from scrutiny. In the case of Trayvon Martin, the justification was simply that George Zimmerman was protecting himself when he got in a physical altercation with the young man. While on the face of the argument, it would seem reasonable that a person is allowed to protect themselves, what is often overlooked is that Zimmerman pursued Martin after being instructed not to because he did not want him to “get away” (Live Feed, 2010). In this case, as historical lynching, George Zimmerman took the law into his own hands. However, he was able to justify his end actions by saying that he was protecting himself. Had he done as he was instructed, and not stalked Trayvon, the altercation would have never happened. A young black man appeared in a neighborhood that Zimmerman did not think he belonged in; Trayvon had stepped outside of the societal boundaries simply by walking home, and Zimmerman took the law into his own hands. The justification used, while different than the traditional notions of community sovereignty, runs along the same vein because the crime was still rooted in the decision to personally act on the law.

Michael Brown’s killing draws on a justification that better relates to that of historical lynching. While lynching’s were seen as a way to take state power back into the

hands of citizens, police killings rely more on their ability to call on state power as a justification of violence. In his testimony, Darren Wilson argued that his personal safety was at stake. He had engaged with Michael Brown as a representative of the state, which legitimized his actions immediately, and that Brown had threatened him. Wilson described the encounter as,

“when I grabbed him, the only way I can describe it is I felt like a five-year-old holding on to Hulk Hogan.” (Case: State of Missouri vs Darren Wilson, 2014).

With Michael not being there, we cannot hear his account of the events that transpired, and even with many holes found in the arguments presented to the court, Darren Wilson was still not arraigned due to his position as a state actor, and the justification of officer safety. The relationship of the media in framing both Wilson and Zimmerman played a significant role in how people viewed them.

Killings in the Media

In more recent history, it seems that the reality of lynching has been falsified in many ways, causing a bout of historical amnesia among many Americans. Even though historical newspapers highlight the realities of lynching it seems that modern memory is determined to erase the normative view many had of racial violence. While many young people learn generalities of racial violence in high school civics courses, the primary representation of the reality of the events is left for Hollywood to portray. In many films, such as *A Time to Kill* (Schumacher, 1997) and *O Brother Where Art Thou* (Cohen, 2001) perceptions of those carrying out lynching as members of a hate group are reinforced. There is a strict definition between the ones who defend the good and those who commit acts of violence, and lynching participants are shown as crazed individuals who cannot

control their violent urges. These false images of those engaged in lynching practices play a great deal in the current normative thinking in the United States regarding vigilante violence and police violence. In recent cases killers have defaulted to a defender of the good who acted in a moment of turmoil. The actions they take are framed as a need to control the supposed violent actions of the uncontrollable victim. In other cases, even those who believe someone may be innocent can view them as a person who carried racial bias and acted in anger. In keeping with the idea of separation and othering, the media tends to focus on cases of black men and women as the recipients of police violence. Dr. Katheryn Russell explains that by making the problem an issue restricted to the black community and the blacks as solely to blame it limits the discussion of police power and further marginalizes the issue (Russell, 2001). What is most interesting about the idea of police power being viewed as a black issue as a way to further hide it from public debate, is that the stigma and repression of black communities is still so embedded that it can fully negate the experiences of all people by framing the topic as a black issue. These justifications for state and vigilante killings relate directly to how Americans view those who have historically taken black lives (Ohl & Potter, 2013).

Public Response and Public Support

Many people who supported both Darren Wilson and George Zimmerman put blind faith in the state and its abilities to police delinquents of society. The notion of a transparent, benevolent government fueled the idea that all wrong doers will meet their justice. However, one does not have to look far to see how this concept fails. Eric Holder, the Attorney General, has a dismal record of transparency, ranging back to his

career as attorney general of the District of Columbia (Boyard, 2014.) This record should have left no surprise that no action was taken against Darren Wilson after the killing of Michael Brown. Just as in historic examples of lynching, the local police did not intervene or punish the killer's actions. However, unlike the majority of lynching examples, the nation was fully divided over the death of Michael. As with the winds of change that blew through Wilkinson County, Georgia in the mid-twentieth century, it seemed as though the death of Michael might be a launching point for policy change and equal protection under and from the law.

After the non-indictment of Darren Wilson, protests erupted across the nation. The sentiments of national newspapers seemed to carry forward with the same disdain for racial violence that existed in the Jim Crow south. Many headlines such as, "Down Outright Murder: A Complete Guide to the Shooting of Michael Brown by Darren Wilson" and "A New Strain of Racism for the Newest Americans" began to appear only weeks after many discussed how the death of Michael Brown was justified. Clear ideological lines were being drawn, just as in the past of Jim Crow era lynching. However, this time the lines could not be drawn with geographical but with ideological sentiments. Many argued that the spectacle of the courts had served justice, while others felt that the system was greatly lacking in citizen protection. The thin blue line that separated law abiding Americans and the other had been protected, and many saw the killing as a sin well worth its consequences (Gamson and McEvoy, 1970.) In the case of Trayvon Martin, the violence, while deplorable, could be accounted for by blaming one lone man who "stood his ground" or carried some racial bias.

Many took to the national stage condemning his murder as a lynching, but the killing was not deeply rooted in state power, and therefore did not foster a social movement. Advocates for the victim took the opportunity to discuss racism and violence in modern America, but a protest would have not had a direct target. Despite the efforts and creative energy of Alicia Garza in her creation of the campaign Black Lives Matter after the death of Trayvon Martin, the movement was high jacked by the main stream media and used as a point of entertainment, appearing in the show Law and Order SVU, and even used in discussions about Paula Dean style racism. Soon, campaigns profited off the energy of black men and women and their allies, by adopting the slogan and a tailoring it to their own agenda's (brown lives matter, all lives matter, ect...). While imitation can be seen as a form of flattery, the conversation became limited to extrajudicial killings of black men and women, instead of the original purpose which was to go beyond the narrow nationalism that exists within many African American communities (Garza, 2014).

However, with the case of Michael Brown, members of the black community and their allies took to the streets to demonstrate that “black lives matter” due to their continued disenfranchisement and lack of access inside the current system (Gamson and McEvoy, 1970). While the movement “Black Lives Matter” is an

“ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise. It is an affirmation of Black folks’ contributions to this society, our humanity, and our resilience in the face of deadly oppression.” (Garza, 2014).

It was used as a way to voice outrage at continued subjugation of black communities through violence as a means to control black bodies. The black lives matter protests show

a shifting mindset from that of the 1960's when state power was to be trusted as a way to level the playing field and end discrimination. Instead, it highlights that police violence goes against the grain of widely held social norms, and over time, there is hope that, like lynching in the past, that violence will be overcome. However, there is little hope that police will show self-constraint based off public opinion (Gamson and McEvoy, 1970).

Legal Response

Given that the police are not likely to fall in line with public opinion, many people will look to the courts and the law to see their concerns met. Sadly, the action taken against police violence has been even more frustrating than the action that was done in response to lynching. To date, there is no real way to hold the police accountable and get an indictment for a murder that they commit. As the law stands today an officer can kill someone if they believe that it is reasonably necessary in order to apprehend a suspect. The statute resulted in a 1985 case, *Tennessee v. Garner*. The problem with this law is that courts always refer back to knowledge of the officer at the time, and take it at face value. Even when there is oppositional testimony, such as in the case of Michael Brown, the officer is believed over others. Since the officer acts as a representative of the state, it would be counterintuitive to allow their 'expert opinion' to be overridden by those who may have seen the situation differently. This means that it is nearly impossible to indict an officer because the state sees their opinion as the authority in the situation.

In cases such as the one for Trayvon Martin, the law is less clear and relies on social capital more than anything it seems. While stand your ground laws may seem reasonable at face value, it hardly makes sense when we look past the surface of it. In the

case of Trayvon, he was not there to speak his part, so the only person whose account could really be taken is that of his killer. Given the continued slander of black men in our country, a jury may rely on mediated notions of black men making it easier for them to assume the worse in that individual. So it is easy for a jury to see black men as not having full value within society.

With the current system, it becomes difficult to prove *mens rea* or criminal intent with lynching, police, violence, and vigilante actions. Our society has provided an outlet for those who have murdered black men under the false pretense of security. As with those who committed lynching in the past, there are spaces for legal lawlessness where some lives are valued and others are not.

CHAPTER V

CONCLUSION

The argument presented in this paper shows that there are striking similarities between historical lynching's and recent police and vigilante killings. However, with lynchings and instances of historical misremembrance, academics must be careful when discussing modern killings as a form of lynching. While police and vigilante killings do serve as a form of violent social control, by calling recent events lynching we run the risk of misremembering modern history, unless scholars are mindful of the social context. By specifically looking at the themes of continued separation and isolation, spectacle and ritual, dual systems of justice, and public support, it becomes apparent that we are not part of a post racial society. In fact, by supporting a discourse of post-racism, a new, more sinister form of racism has room to grow. While many who support Darren Wilson and George Zimmerman will argue that race did not impact the decisions that were made, but looking at the parallels that exist between the cases and lynching's in the antebellum south the post-racist arguments does not hold water.

Moving forward, there is a wealth of information to explore. A great deal of knowledge can be added to the field by looking at other instances of violence against black men, such as Eric Gardner and Tamir Rice. Additional information can be added by exploring the aspects of social class, sexuality, and geography on instances of police violence and vigilante killings. The legal justifications that get a great deal of leeway to police officers can be expounded upon, which would help to serve policy analysts and add to the discussions occurring regarding policing, transparency, and governance.

When discussing the death of black men in America today, it is of the utmost importance that we situate it in the historical context that gave rise to modern policy and practice. This exploration of the mediated representations of black men sheds light on how key elements regarding lynchings: effects of separation, the impacts of ritual and spectacle, expressed and latent reasons for killings, justifications, public response, and legal response. Moving forward, it is worth considering how referring to police killings as lynchings plays into lynchings as extrajudicial, illegal killings and what this means about policing as an institution, and how people view the police as individuals. By considering police killings to be lynching's, it requires us to question current power structures, laws, and how we define criminality in general. While this daunting task may seem unmanageable, it is of the utmost importance that we turn a critical gaze to the politics of policing so that future lynching's can be avoided, and we can pay proper tribute to the black man and women who have had their lives stolen, be it through vigilantes or agents of the state.

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