

Article

Archival Amnesty:

In Search of Black American Transitional and Restorative Justice

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ABSTRACT

Archives as memory institutions have a collective mandate to document and preserve a national cultural heritage. Recently, American archives and archivists have come under fire for pervasive homogeneity – for privileging, preserving, and reproducing a history that is predominantly white and further silencing the voices and histories of marginalized peoples and communities. This paper argues that as such, archives participate in a continuing amnesty that prevents transitional and restorative justice for black Americans in the United States. Using the history of lynching in America as a backdrop, this article explores the records and counter-narratives archives need to embrace, in order to support truth and reconciliation processes for black Americans in the age of #ArchivesForBlackLives.

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Power concedes nothing without a demand; it never has and never will.

- Frederick Douglass

INTRODUCTION

American culture is steeped in the social imaginary of Black death. Just over ten years ago, after Hurricane Katrina hit New Orleans, images of death on television and on the Internet proliferated. Depictions of bloated dead bodies floating in the overflowing waters of Lake Pontchartrain and the streets of the Lower 9th Ward—the bodies of those who died as a direct result of the American government’s sluggish response to the tragedy—were everywhere. Adding to the visual horror, these lifeless bodies were predominantly, and overwhelmingly, Black bodies: Lynching postcards at the turn of the 20th century; images of slain teens Emmett Till, Tamir Rice, and Trayvon Martin; on demand video of the deaths of Eric Garner, Alton Sterling, and Philando Castile. This is America.

In a moment when archival scholars seek to critically engage archival theory and practice, particularly compelling is the fact that although images and pictures are part and parcel of the archival multiverse, few visual records of Black death have found their way to archival repositories. Indeed, scholars who work on the history of lynching in the United States have found visual records to be scarce, at best.¹ Archives as memory institutions are collectively mandated to create, maintain, use, and make available records of a shared national history. Where then, is the evidence of this difficult past? What does it mean in the present that these images have not become part of the “official” American historical record? Why have American archives—through appraisal and other practices—extended amnesty to perpetrators of hate by refusing to document human rights abuses?

This paper introduces the concept of archival amnesty and interrogates the ways that American archivy, both in theory and in practice, implicitly endorses offenses against Black Americans. Paying particular attention to the relationships among documentary practices, transitional justice, and the violent deaths of Black Americans from the late 19th century through the New Civil Rights Era, I interrogate why deadly practices such as lynching have been underdocumented in American archives and argue that this intentional dearth of archival evidence is tantamount to a tacit provision of clemency. Engaging critical archival studies and employing contrasting notions of permanence and oblivion as conceptual frames, I grapple with the unrelenting intransience of Black death

¹ See, for example, Christopher Waldrep’s *Lynching in America: A History in Documents* (New York: NYU, 2006). Waldrep relies heavily on newspaper accounts because they remain the most robust existing archival records of American lynching.

in the American social imaginary against a backdrop of human resilience and self-determination.² At the same time, this paper is a call to action: it is a plea for practicing archivists to work actively and diligently against white supremacist bias by documenting white supremacist violence against Black Americans.

CRITICAL ARCHIVAL STUDIES

“Critical archival studies” is a term first proposed by archival scholar Ricky Punzalan in 2010. In 2016, archival scholar Michelle Caswell applied Horkheimer’s three-part definition of critical theory to archival studies, proposing a definition of critical archival studies that is “explanatory, practical, and normative.”³ Per Caswell, critical archival studies: “(1) Explains what is wrong with the current state of archival and recordkeeping practice and research and identifies who can change it and how; (2) Posits achievable goals for how archives and recordkeeping practices and research in archival studies can and should change; and (3) Provides norms and strategies and mechanisms for forming such critique.”⁴ In critical archival studies, the transformation of archival practice and research is the ultimate goal. Caswell further asserts that, “Critical archival studies, like critical theory in general, is unapologetically emancipatory in nature.”⁵

This paper engages critical archival studies in that it addresses gaps and vagaries in the historical record; embraces community-based, participatory, and embodied archivy as they create conditions of possibility for restorative justice; and names archival amnesty as one mechanism for conceptually framing and critiquing bias and exclusion in current archival theory and practice.

ARCHIVAL AMNESTY

Amnesty is typically associated with attaining social and restorative justice, securing and upholding human rights (e.g. Amnesty International), and providing asylum

² Archival permanence refers to “the inherent stability of material that allows it to resist degradation over time.” (See: Society of American Archivists, “Glossary of Archival and Records Terminology: Permanence,” accessed July 16, 2016.

<http://www2.archivists.org/glossary/terms/p/permanence#.V5pjtZOAoko>). Digital permanence is concerned with the factors that influence the permanence of digital data.

³ Michelle Caswell, “Owning Critical Archival Studies: A Plea.” Paper presented at the Archival Education and Research Institute, Kent State University, July 8 – 12, 2016. Retrieved from <http://escholarship.org/uc/item/75x090df>.

⁴ Ibid.

⁵ Ibid.

for political prisoners and other prisoners of conscience. Amnesty connotes the righting of wrongs, and is often invoked to create space for justice allowing, for example, those who stand against genocide and other war crimes to speak freely against their governments without fear of retribution or retaliation. At the same time, however, amnesty is also concept that raises questions about accountability. For example, amnesty has often been granted by national governments to avoid further bloodshed in the aftermath of war. In this sense, amnesty implies more than pardon or forgiveness; amnesty eliminates all legal remembrance of wrongdoing.

Following a precedent established by Abraham Lincoln, in 1868 President Andrew Johnson issued Proclamation 179 granting amnesty to those who had sided with the Confederacy during the American Civil War. The Proclamation restored all rights of property—with the exception of slaves—to Confederate land owners who swore renewed allegiance to the United States. At the same time, the Proclamation effectively pardoned all offenses enacted by whites against former slaves in the American South. When Johnson granted amnesty to the Confederacy he removed the possibility and necessity of accountability, thereby reinforcing the cultural and social supremacy of Southern whites. African Americans and other people of color in the American South saw no end to the predilections of slavery and the precarity of Black life. Arguably, Johnson's amnesty contributed to a political, cultural, and social environment that further normalized Black death in the Southern United States; Proclamation 179 sent the message that Southern whites could construct a "new normal" as they saw fit—with impunity and under the protection of the law. This new normal reinscribed the violence of slavery and established the jurisprudence of Lynch Law.

In the American South, from roughly 1880 to 1940, there was a deep, pervasive hatred and fear of American Blacks that motivated Southern white mobs to turn to Lynch Law as a means of social control. Lynch Law in the United States is a cultural term, rather than a legal one. Lynch Law(s) refer to violent "justice" administered by a mob outside the law. Although lynching is not unique to the United States, by the 19th century, the term "lynching" had become synonymous with American violence that was "sanctioned, endorsed, or carried out by a neighborhood or community acting outside the law;" typically, the leader of a lynch mob was dubbed "Judge Lynch," further mocking the channels of legal justice.⁶

The NAACP has four criteria by which lynching is identified: (1) There must be evidence that someone was killed; (2) The killing must have occurred illegally; (3) Three or more persons must have taken part in the killing; and (4) The killers must have claimed to be serving justice or tradition.⁷ Although most lynchings were carried out by hanging

⁶ Waldrep, *Lynching in America*, xvii.

⁷ Library of Congress, "Papers from the National Association for the Advancement of Colored People, Part 12 Selected Branch Files, 1913-1939 Series C, The Midwest," microfilm edition.

or shooting (or both), many were of a more gruesome nature such as burning at the stake, maiming, dismemberment, castration, and other brutal methods of physical torture. Lynching, a cruel combination of racism and sadism, was utilized primarily to sustain the caste system in the South. Many Southern whites believed that Blacks could only be controlled by fear. As such, lynching was seen as among the most effective means of control.⁸

By 1882, the *Chicago Tribune* was publishing an annual lynching tally, and lynching reports began to appear in newspapers on an almost daily basis. In April 1899, a Tennessee newspaper reported that “in the presence of nearly 2,000 people...Sam Hose, a negro, who committed two of the basest acts known to crime, was burned at the stake in a public road” after being “deprived of his ears, fingers, and other portions of his anatomy.” Hose pleaded “pitifully ... while the mutilation was going on, but stood the ordeal of fire with surprising fortitude.” Before Sam Hose’s body was cool, it was cut into pieces along with the tree upon which he died. The remains were “disposed of as souvenirs” along with Hose’s heart and liver. Those who were not able to obtain the remains paid those who were “extravagant sums” for pieces of Sam Hose. Small pieces went for 25 cents and “a bit of the liver crisply cooked sold for 10 cents.” As soon as Hose was dead, a struggle broke out among the crowd to secure the souvenirs: “those near the body were forced against it and had to fight for their freedom.”⁹

Thirty-five years after the murder of Sam Hose, 23-year-old Claude Neal was publicly lynched in Marianna, Florida in October 1934 after having “confessed” to murdering a childhood friend.¹⁰ Neal had been arrested in Florida and then moved to Escambia County, Alabama for his own safety. Public threats were made and word spread quickly that Neal would be lynched for his alleged crime. The Grand Jury report in the Claude Neal case reveals that Neal had “come to his death” in Jackson County, Florida after being forcibly removed—by persons unknown—from a county jail in Brewton, Alabama 175 miles away. The kidnapping of Claude Neal was a crime for which the perpetrators could have been federally prosecuted under the Lindbergh Law, which made kidnapping across state lines a federal crime. The FBI declined to investigate. The Grand Jury failed to find fault and subsequently asked to be dismissed. The lynching of Claude Neal signaled the end of an era for spectacle lynching. Nonetheless, invitations were sent to attend his lynching, photographs taken and later sold, and body parts (fingers and toes) exhibited as souvenirs. It is worth noting that this lynching, with its spectacle and

⁸ Robert A. Gibson, “The Negro Holocaust: Lynching and Race Riots in the United States, 1880-1950,” Yale-New Haven Teacher’s Institute, accessed July 12, 2016, <http://www.yale.edu/ynhti/curriculum/units/1979/2/79.02.04.x.html>.

⁹ “Burned at the Stake,” *The Commercial Appeal*, April 24, 1899.

¹⁰ According to reports, the sheriff from Escambia County, Alabama had questioned Neale twice and produced a confession signed with an X.

commodification, also worked toward another end; the NAACP used Claude Neal as an example of the horror of racial prejudice—they began to work to “capture the cultural power inherent in sensationalized, gruesomely voyeuristic stories and even more grisly pictures for the anti-lynching crusade.”¹¹

It was arguably new technologies such as high-speed printing presses, telephones, radio, and the telegraph, however, that eventually exposed the violence of isolated communities to national scrutiny.¹² Lynching itself became part of a new technological age: “Lynchers drove cars, spectators used cameras, out-of-town visitors arrived on specially chartered excursion trains, and the towns and counties in which these horrifying events happened had newspapers, telegraph offices, and even radio stations that announced times and locations of these upcoming violent spectacles.”¹³ New technologies also enabled the spread of violence, elevating lynching from a localized problem to a national concern. In the summer of 1955 fourteen-year-old Emmett Till’s mother sent him by train from Chicago to Mississippi to visit family. That August, Till was murdered by two white men, Roy Bryant and J.W. Milam who were acquitted of the crime, but later confessed, escaping justice by means of double-jeopardy laws. When Till was murdered his mother, Mamie Till, insisted on an open casket to demonstrate the horrors of lynching, famously saying, “I wanted the world to see what they did to my baby.” Thousands viewed Till’s body, and photographs circulated around the country. Because of the unprecedented attention the Till story received, Emmett Till became an emblem of inequality and injustice for Blacks in the American South.¹⁴ However, despite the plethora of evidence—photographs, postcards, telegraphs, audio recordings, dismembered body parts—that documents the era of American lynching and creates the possibility for transitional justice, very little of this past is represented in American archives.

American archivy at the turn of the century was steeped in a centuries old historical manuscripts tradition shaped by private collectors and institutionalized in sites such as the Library of Congress. These early American archivists prized unique items and narrative accounts while subsequent archivists, influenced by European archival traditions, reveled in notions of provenance and original order. Here I would like to argue that lynching was a well-documented, pervasive, and ritual practice in the American South that left behind literal human traces in the nominal service of tradition and justice.

¹¹ Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940* (New York: Vintage Books, 1999), 222.

¹² Waldrep, *Lynching in America*, xvii.

¹³ Hale, *Making Whiteness*, 201.

¹⁴ For a thorough discussion of the Emmett Till case, please see: Mamie Till Mosely and Christopher Benson, *Death of Innocence: The Story of the Hate Crime that Changed America*. (New York: Random House, 2003).

Whether the approach was antiquarian or documentary, it could only have been intentional that early 20th century archivists actively collected neither lynching ephemera such as souvenir postcards, nor evidence of lynching in the official records of state governments.¹⁵ It is this intentional turn away from the suffering of human beings, this turn away from justice and toward maintaining the status quo that I am calling archival amnesty: American archivists' neglect in documenting violence against a marginalized group has real and lasting implications for restorative and transitional justice. Archives have the ability to demonstrate an unbroken chain of custody, a key aspect of testing the authenticity of records and of evidence. Without records and evidence, legal justice is elusive. By failing to create an official record of human rights abuses in the United States, American archivists have continued to extend Johnson's amnesty—a final and unconditional act of clemency and forgiveness—to perpetrators of violence against Black Americans. This century-long refusal to engage justice for Black Americans endures in present-day archivy in the United States.

Where are these lynching records now? Instead of inclusion by mandate or policy as historical records in archival repositories, the detritus of American lynching—cultural objects that are often conflated with individual persons—proliferate in online auction and sales sites such as EBay. (This is no small thing: online auctions have become sites for the modern-day auctioning of the Black corpus.)¹⁶ Today, the Library of Congress holds an extensive collection of National Association for the Advancement of Colored People (NAACP) materials in its Manuscript Division, including a handful of lynching photos that were part of the 1930s campaign to draw attention to the horrors of Lynch Law. In 1999, a private collector named James Allen donated a collection of lynching photographs to Emory University. Later, reportedly disappointed and uncomfortable with the level of care provided by Emory, Allen pulled the collection from the University's special collections division. The images have since been published as a coffee table book titled, *Without Sanctuary: Lynching Photography in America*. In speaking about his motivations for collecting the photos, Allen told the *Los Angeles Times*:

¹⁵ While a search of archival records returns a fairly high number of results for the term “lynching” (over 2000), many of these results pertain to people named Lynch. Those records that do document actual lynching practices tend to be single item “collections,” consisting of a single photograph, document, negative, or in a few exceptional cases, a single folder of archival materials.

¹⁶ Africans who were brought to the Americas during the slavery era were frequently auctioned upon arrival to white slave owners. That one can now purchase the body parts of lynched Black people online is a horrific repetition of centuries of deathly abuse. For a more thorough discussion of virtual auctions and Black bodies, see Michele White, *Buy It Now: Lessons From eBay*. (Durham, NC: Duke University Press), 2012. White argues that eBay reifies racism and impedes a critical understanding of both African American history and structural inequality by permitting the auctioning of Black Americana such as lynching souvenirs.

For every victim that lies pasted in some racist family's photo album or stored in a trunk with grandma and grandpa's Klan robe, or still pinned to the wall of a service station in some holdout sorry-ass little town—if we can acquire and place their photos in an accurate, respectful context, identify and record them for the first time, I feel some slight awareness of what is meant by resurrection.¹⁷

While Allen has been criticized for his motivations and for commercializing Black death in a \$60 coffee table book, his collection of lynching photographs is believed to be the largest collection in existence.

Apart from the NAACP collection at the Library of Congress; a collection of lynching materials in the NAACP collection at Tuskegee University in Tuskegee, Alabama; and the Jim Crow Museum of Racist Memorabilia at Ferris State University that uses “objects of intolerance to teach tolerance and social justice;” evidence of lynching in America in museum and archival collections is scarce.¹⁸ This scarcity of documentation understandably raises questions about the adequacy of the official American historical record. While in countries such as South Africa, Cambodia, Puerto Rico, El Salvador, and Canada archival records are used in seeking restorative justice by convened bodies such as truth and reconciliation commissions and war tribunals, in the United States the records that would aid in such transitional justice measures have not been captured or maintained by the national government. Although public calls have been issued for reparations to be paid to the descendants of slaves, Johnson’s amnesty proclamation set forth a national culture that has absolved the American South its transgressions, creating space for ongoing violence against Black and other minority groups. This amnesty is further augmented by the gaps and vagaries in the archival record: historically, the archival impulse reflected the insignificance of Black life and death in the social imaginary—as it does today. American archives, through appraisal and other practices, continue to extend the amnesty that was granted to Confederate slavers by inadequately collecting and maintaining the records that would make transitional and restorative justice possible in the US.

Attempts to address these historical gaps and vagaries have been few and only marginally successful. One such attempt is Project HAL (Historical American Lynching Data

¹⁷ J.R. Moehringer, “An Obsessive Quest to Make People See,” *The Los Angeles Times*, August 27, 2000, accessed July 24, 2016, <http://articles.latimes.com/2000/aug/27/news/mn-11152>.

¹⁸ See: “Jim Crow Museum of Racist Memorabilia,” <http://www.ferris.edu/jimcrow/>. The Equal Justice Initiative has also announced plans to build a museum and national lynching memorial, but the museum and memorial are still in planning stages. See: Equal Justice Initiative, “EJI Announces Plans to Build Museum and National Lynching Memorial,” <http://eji.org/news/eji-announces-plans-to-build-museum-and-national-lynching-memorial>.

Collection Project), which is run by scholars at the University of North Carolina, Wilmington. The goal of the project is to create a crowdsourced database of lynchings that occurred within the present borders of the United States. Data collected includes victim characteristics (name, age, gender, race/ethnicity/nationality, occupation, social status, and place of residence), incident characteristics (location, date, time, duration, alleged offenses, means of death, and other acts of punishment, torture, or mutilation), and mob characteristics (size, gender ratio, ages, race/ethnicity/nationality, occupation, social status, place of residence, apparent or known leader, and known lynching participants). The data from Project HAL is culled primarily from the NAACP lynching records at the Tuskegee Institute in Tuskegee, Alabama, one of three existing major sources of lynching statistics, along with the *Chicago Tribune* and the NAACP. The statistics in all three collections, however, are based primarily on newspaper accounts. Because of the geographical expanse of the American South, rural districts were not always in close contact with city newspapers; one can be certain that many lynchings escaped publicity in the press, leading to inevitable errors and inaccuracies in the available lynching statistics.¹⁹ Pamphlets written by Ida B. Wells-Barnett on the subject of lynching also comprise a substantial body of writing, reporting, and analysis on lynching. In particular, *A Red Record*, published in 1895, includes statistics and lynching records from 1892-1895. In *A Red Record* and other writings, Wells-Barnett concluded that appealing to reason and compassion would not ultimately lead to the criminalization of lynching—lynching was used as a mechanism for maintaining Southern order.²⁰

While the turn of the 20th century saw the lynching of Black people in Southern and border states become an institutionalized method of terrorizing Blacks and maintaining white supremacy, the 2010s have seen a resurgence of these terror tactics around the country. The term “high-tech lynching,” originally coined in 1991 by then Supreme Court nominee Clarence Thomas in reference to his perceptions of poor treatment during Congressional hearings to address accusations that he sexual harassed former colleague Anita Hill, has taken on new meaning in the digital present. As technology has again advanced, the American public can now watch Black men, women, and children be killed in the streets from the privacy of their own homes. With the widespread circulation of videos from cell phones, dash cams, body cams, as well as the mainstream news media, the deaths of Black men, women, and children now stream in Twitter feeds, autoplay in Facebook newsfeeds, and appear as clickbait in a multitude of digital environments.

¹⁹ Robert A. Gibson, “The Negro Holocaust: Lynching and Race Riots in the United States, 1880-1950,” Yale-New Haven Teacher’s Institute, accessed July 12, 2016, <http://www.yale.edu/ynhti/curriculum/units/1979/2/79.02.04.x.html>.

²⁰ See Ida B. Wells, *A Red Record: Tabulated Statistics and Alleged Causes of Lynchings in the United States, 1892-1893-1894*, (Chicago: 1895).

From the lynching photos collected by James Allen to the images of Katrina's dead to the current and ever-present digital records of Black people dying at the hands of the American police force, the United States has a robust visual history of atrocities being perpetrated on Black bodies. Lynching photograph collector James Allen had to scour flea markets and private collections for over a decade, however, to collect the 140+ lynching photographs and postcards that became the contents of *Without Sanctuary*. Accounts differ about what happened between Allen and Emory University's Special Collections department, the end result is the same, however: this collection of historical records currently falls outside the scope of archival access.²¹ In contrast, the bystander videos that captured the deaths of Eric Garner, Alton Sterling, Philando Castile, Tamir Rice, and so many others are freely available on YouTube. Whether shot by official photographers (lynching photographs), captured by news cameras and photojournalists (New Orleans), or documented by bystanders (Eric Garner's death and many others), these images have become part of our photographic and cultural history. Yet despite calls from the United Nations for Black American reparations, traditional archives frequently decline to collect these records as evidence of human rights abuses.²² How does this extension of archival amnesty to those who perpetrate violence against Black bodies impact a national narrative?

MASTER NARRATIVES

As has been argued by many archival scholars over the past two decades, archives are not neutral spaces, and archivy is not a neutral profession. Rather, archives are spaces rich with "tacit narratives of power and knowledge," of narratives that have been constructed by archival theory and that continue to be reinforced by archival practice.²³ Archivists appraise and make decisions about what will become part of the historical record. As archival scholar Terry Cook asserts in his 2011 article, "The Archive(s) is a Foreign Country: Historians, Archivists, and the Changing Archival Landscape":

As archivists appraise records, they are doing nothing less than determining what the future will know about its past: who will have a continuing voice and who will be silenced. Archivists thereby co-create the archive. Archival appraisal decides

²¹ The Allen/Littlefield Collection, also known as the *Without Sanctuary* collection of lynching postcards, is currently housed at the National Center for Civil and Human Rights in Atlanta, Georgia. As of the writing of this article, the collection is closed for research.

²² See United Nations Human Rights Council, "Report of the Working Group of Experts on People of African Descent on its mission to the United States of America," <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/183/30/PDF/G1618330.pdf?OpenElement>.

²³ Eric Ketelaar, "Tacit Narratives: The Meanings of Archives," *Archival Science* 1 (2001): 132.

which creators, functions, and activities generating records will be represented in archives, by defining, identifying, then selecting which documents and which media become archives in the first place.²⁴

Cook goes on to say that archival appraisal also determines “which records are to be destroyed, excluded from the archives and thus from all these subsequent archival processes and enhancements, thereby effectually removed from societal memory, from the ‘archive.’”²⁵ Just as archivists create “the archive,” so, too, do they influence what narratives and stories can and cannot emerge from the archives.

Archival scholar and educator Jeannette Bastian speaks to the privileging of master narratives in archives in her 2009 article “‘Play Mas’: Carnival in the Archives and the Archives in Carnival: Records and Community Identity in the U.S. Virgin Islands.” Bastian asserts that these master narratives were the archivist’s primary concern and that they satisfied existing archival mandates. The focus on post-colonialism in archival studies and other fields over the past several decades, however, has created a noticeable shift from the privileging of master narratives to a more inclusive paradigm which Bastian calls “expressions of marginalized identities.”²⁶ Bastian uses the record attributes of structure, content, and context in addition to Michael Buckland’s non-textual definition of a document to support the theoretical framework that allows for carnival—specifically “the cultural production elements of carnival”—to be a signifying object and therefore a document.²⁷ This argument suggests that the evidentiary nature of a document supersedes any prerequisites of materiality. Carnival is therefore presented as an archival “document” through the lens of a cultural production complete (or replete) with context, structure, and content. Furthering this argument, research on the relationship between archives and performed cultural heritage suggests that records can be embodied; which is to say that cultural memory endures in and is transmitted through human bodies and that archivists should consider new ways of thinking about archival permanence that do not privilege Western modes of recordkeeping and communication.²⁸ In so doing,

²⁴ Terry Cook, “The Archive(s) is a Foreign Country: Historians, Archivists, and the Changing Archival Landscape,” *The American Archivist* 74 (Fall/Winter 2011): 606.

²⁵ Cook, “The Archive(s) is a Foreign Country,” 606.

²⁶ Jeannette Bastian, “‘Play Mas’: Carnival in the Archives and the Archives in Carnival: Records and Community Identity in the U.S. Virgin Islands,” *Archival Science* 9 (2009): 114.

²⁷ See Michael K. Buckland “What is a Document,” *Journal of the American Society for Information Science* 48, no. 9 (1997): 804-809.

²⁸ See, for example, Tonia Sutherland, “Restaging the Record: Opportunities for Collaboration in Event-Based Archivy.” in *Annual Review of Cultural Heritage Informatics*, Samantha K. Hastings, ed. (AltaMira Press, 2015): 17-38; and Tonia Sutherland, “From (Archival) Page to (Virtual) Stage: The Virtual Vaudeville Prototype.” *The American Archivist* 79, no. 2 (Fall/Winter 2016): 166-190.

opportunities may arise to document Black and other marginalized communities by recognizing different modes of records creation and recordkeeping and working with communities to find the most suitable ways to document their cultural heritage.

Archival scholar Rebecka Sheffield's work is also useful here: Sheffield argues in her 2016 article "More than Acid-Free Folders: Extending the Concept of Preservation to Include the Stewardship of Unexplored Histories," that for the recovery of LGBTQ+ histories, "information professionals are pushed to reconsider our concept of preservation as something more than placing records into acid-free folders or migrating data to stave off obsolescence, but as a duty to steward unexplored histories."²⁹ Sheffield's "unexplored histories," is a useful framework within which to consider Bastian's expressions of marginalized identities; engaging the unexplored histories of marginalized Black Americans – those whose stories do not fit within the master narrative – is one beginning step to redressing the gaps and vagaries in the existing archival record.

Furthering the above assertion, in a recent essay titled, "A Black Power Method," N.D.B. Connolly, a history professor at Johns Hopkins University argues that:

*Who gets to become an archivist, how archives get organized, and even what counts as an archive have a profound racial impact on what endures as valued historical research. Expansive, digital archives can still be locked behind paywalls or library turnstiles at elite universities. Brick and mortar archives stand in racially segregated parts of town. In the most concrete ways possible, racial politics determine how we locate the past.*³⁰

Practicing archivists agree. In the spring of 2016 Rutgers University held a conference on Digital Blackness during which a session, *Archives for Black Lives*, featured a talk by Princeton University's digital archivist Jarrett M. Drake. Drake spoke about A People's Archive of Police Violence in Cleveland, an independent community-based archive that was established in the summer of 2015 after Cleveland police officer Michael Brelo was acquitted for his role in the 2012 killings of Malissa Williams and Timothy Russell.³¹ In his talk Drake described how he and other archivists arrived in Cleveland in August 2015— for the annual conference of the Society of American Archivists—where they mobilized

²⁹ Rebecka Sheffield, "More than Acid-Free Folders: Extending the Concept of Preservation to Include the Stewardship of Unexplored Histories," *Library Trends* 64, no. 3 (Winter 2016): 572-584.

³⁰ N.D.B. Connolly, "A Black Power Method," accessed 27 July 2016, <http://www.publicbooks.org/nonfiction/a-Black-power-method>.

³¹ This acquittal came on the heels of twelve-year-old Tamir Rice being shot and killed by a police officer in a public park in Cleveland in 2014, after which a Grand Jury declined to indict the two police officers involved.

dozens of archivists as well as financial resources to record oral histories on the streets of Cleveland. These oral histories were conducted with people who had directly experienced, witnessed, or been impacted by police violence. Drake holds that:

The unbearable whiteness and patriarchy of traditional archives demand that new archives for Black lives emerge and sustain themselves as spaces and sites for trauma, transcendence, and transformation. The state memorializes violence against Black bodies through the making of archives, but communities, organizers, scholars, librarians, and archivists can partner as equals to resist this second layer of violence and provide spaces for people to be held to account and for communities to heal.³²

In asserting the need for archives that address the needs of communities of color and other marginalized groups, Drake notes that “#ArchivesForBlackLives is at once a call to (1) question traditional archival authority, (2) disrupt the status quo of memory, and (3) decolonize conventional and mainstream approaches to information, knowledge, records and archives.”³³

By failing to consistently collect this visual evidence as an intentional counter-narrative, American archives have effectively created a master narrative of normativity around Black death. In the silences of the gaps and vagaries that created the need for a social movement around #ArchivesForBlackLives, is the knowledge that tickets were sold to lynchings, that the mood of white mobs was exuberant—men cheering, women preening, children frolicking around the corpse as if it were a maypole...[that] special excursion trains carried people to lynchings from farms and outlying areas, [and that] some lynchings were staged like theater, the victims dressed in costumes to deepen their degradation.³⁴

This master narrative further obfuscates the fact that lynchings didn't disappear with the NAACP's efforts to establish anti-lynching laws in the 1930s or with the Civil Rights movement of the 1960s, but rather took new forms. Echoes of lynching can be found everywhere, from death penalty policies to the current epidemic of police brutality. The amnesty granted by Proclamation 179 and sustained by archival disregard for the narratives and counter-narratives of Black Americans has created the space for new and continued violence against Black bodies. Instead of truth and reconciliation, this archival

³² Jarrett M. Drake, “#ArchivesForBlackLives: Building a Community Archives of Police Violence in Cleveland,” <https://medium.com/on-archivy/archivesforBlacklives-building-a-community-archives-of-police-violence-in-cleveland-93615d777289#5ef4n9jgy>.

³³ Drake, “#ArchivesForBlackLives,” <https://medium.com/on-archivy/archivesforBlacklives-building-a-community-archives-of-police-violence-in-cleveland-93615d777289#5ef4n9jgy>.

³⁴ Moehringer, “An Obsessive Quest,” <http://articles.latimes.com/2000/aug/27/news/mn-11152>.

amnesty has limited the ability of Black Americans to seek and receive transitional and restorative justice.

PERMANENCE AND OBLIVION

While it may be argued that maintaining records of lynching and other sufferings revisits and re-inflicts trauma, archival scholar Marika Cifor's work on affect and archives challenges that assertion. Cifor argues that "[e]xamining the arrangement and description of hate mail and messages, archival collecting around hate crimes, and documenting and describing ... self-hatred demonstrates that hatred is a useful lens for examining and deconstructing normative power and its affective circulations and structures."³⁵ While Cifor is specifically referring to LGBTQ archives and collections, the same argument holds true for archival collections that document the history of hatred toward and within American communities of color. Thinking alongside Cifor, I would like to suggest that within the critical framework of archival amnesty, permanence and oblivion are key modes of engaging with records of trauma, particularly those that reify hate.

In archival theory and practice, permanence refers to "the inherent stability of material that allows it to resist degradation over time."³⁶ The idea of permanence, like many other American archival practices, standards, and traditions, is distinctly Western in that permanence assumes an inherent materiality in records and recordkeeping practices that does not align with non-Western record making and recordkeeping traditions. It does not, for example, allow for creation, maintenance, and use of oral records or performed records, the use of which are common in African American and other Black American communities. This strict adherence to the materiality of records, the de-legitimization of alternate forms of recordkeeping, and the standards of permanence inevitably leads to oblivion; those records that resist traditional American archivy are relegated to the discarded past, unable to be resurrected and used to support claims of human rights abuses.³⁷ In this way, archives again reinscribe the amnesty granted by Proclamation 179: there are limited records that document past abuses, these

³⁵ Marika Cifor, "Aligning Bodies: Collecting, Arranging, and Describing Hatred for a Critical Queer Archives," *Library Trends* 64, no. 4 (Spring 2016): 756-775.

³⁶ Society of American Archivists, "Glossary of Archival and Records Terminology: Permanence," <http://www2.archivists.org/glossary/terms/p/permanence#.V5pjtZOA0ko>

³⁷ While cultural heritage such as oral traditions survive despite formal archival intervention, I have argued that oral and other traditions are among the list of intangible cultural heritage elements that UNESCO has defined as being in need of safeguarding. There is a growing recognition that these forms of cultural heritage do not survive without intentionality. Too frequently, the legitimacy of oral records/traditions is called into question by the primacy of permanence.

abuses have been “forgiven,” and these abuses continue to resurface in new and more abhorrent forms as calls for redress and recourse remain unanswered.

These states of oblivion provide a mechanism for recognizing that archival amnesty has occurred. When archival amnesty prevails, the relegation of justice to a state of oblivion is tripartite: (1) there is an historical pattern of failure to document violence against a community; (2) if such documentation existed, it would both constitute a claim for restorative justice and serve as a deterrent against future violence; and (3) without such documentation, transitional or restorative justice remains perpetually elusive. Archival amnesty is also frequently characterized by the resilience of the community upon whom harm has been inflicted. There has been a growing interest in community-based and participatory archives, due in large part to an increasing recognition that people and communities need to be empowered to make decisions about how their histories are documented and preserved. The participatory archive approach is particularly valuable in communities that institutional archives have traditionally under- or misrepresented; and also in communities where state and other institutional records have historically enabled discrimination, exploitation, and violence.

TRUTH AND RECONCILIATION

In the United States, the first truth commission was established in Greensboro, NC after members of the American Nazi Party and the Ku Klux Klan were acquitted of murder and other charges in the deaths of five Greensboro residents. The Greensboro Truth and Reconciliation Project sought to promote healing based on a careful and honest examination of the roles individuals, organizations, groups, and institutions had played in the Greensboro Massacre. The Greensboro Truth and Reconciliation Commission (GTRC), an independent body without legal jurisdiction, spent over two years hearing testimonies, reviewing documents and other records, and hosting public forums across the city, resulting in a 529-paged report that included 29 (non-legally binding) recommendations for change in the City of Greensboro.

The activities of the GTRC are documented in the Greensboro Truth and Reconciliation Collection in the Bennett College Archives in the Thomas F. Holgate Library at Bennett College for Women in Greensboro, NC. Comprising 329 linear feet and covering the period from November 1979 – May 2008, the collection contains documents concerning the fatal clash between members of the Communist Workers Party (CWP) and members of the Ku Klux Klan and the Nazi Party that occurred on November 3, 1979, as well as the subsequent investigation and findings of the GTRC. This collection includes correspondence, hearing transcripts, court documents, newspaper clippings, pamphlets, posters, audio/visual material and photographs, manuscripts, and other materials documenting the November incident.

Since Greensboro, only one other truth commission has formed in the United States: the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission (MWTRC). The MWTRC has a mandate to investigate and document an era in Maine's history when Native children were remanded to foster care in distressingly high numbers, violating the federal Indian Child Welfare Act. The MWTRC is the first government-endorsed truth commission in the United States and it is also, as Eduardo Gonzalez of the International Center for Transitional Justice asserts, addressing issues of "marginalization, and discrimination ... [casting] light on race relations in the state of Maine."³⁸

In the years since Hurricane Katrina, the murder of Trayvon Martin in Sanford, Florida and the killing of Michael Brown in Ferguson, MO—among so many others including Korryn Gaines, Freddie Gray, Mya Hall, Alexia Christian, and Sandra Bland—the United States has seen Black American communities calling for truth and reconciliation processes to address a deeply divisive history of violent racism and to forge a path to a more inclusive future.³⁹ In September 2014, *The Black Scholar* issued a joint call with several other African American scholarly publications for a special issue on reparations. The call asked scholars to contribute to a conversation on items to include in a Ten-Point Program for Reparations for African Americans. Modeled after the Caribbean nations' (CARICOM) Ten-Point Program, the call recognized this failure of documentary history and specifically addressed the need for cultural institutions such as museums and research centers that expose "crime[s] against humanity and affirm [Black] people's humanity."⁴⁰

In the United States, as with other countries, for reparations or truth and reconciliation to occur, the nation would be compelled to tell a version of history from slavery to lynchings to the New Civil Rights Movement that includes the voices and experiences of Black Americans and other communities silenced by archival amnesty; this history is one that I have argued would necessitate a robust reliance on records as evidence of past abuses. The GTRC had significant trouble documenting the incident in Greensboro; in the end, the commission relied heavily on interviews, eventually collecting

³⁸ Bennett Collins and Alison M. S. Watson, "Examining the Potential for an American Truth and Reconciliation Commission," Carnegie Council for Ethics in International Affairs, accessed July 28, 2016, http://www.carnegiecouncil.org/publications/ethics_online/0102.

³⁹ In the quest for reparations, it has been suggested that because the United States Census does not track descent from slaves or slave owners and relies on self-reported racial categories, proving with any authority that one is owed reparations would be difficult – again, suggesting a failure of records to support claims for restorative justice. For more on reparations and the issues around claims and eligibility, see: William Darity, Jr. and Dania Frank, "The Economics of Reparations," *The American Economic Review* 93, no. 2 (May 2003): 326-329. See also, Ta'Nehisi Coates, "The Case for Reparations," <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

⁴⁰ See "Ten-Point Program for Reparations for African Americans in the United States," *The Black Scholar* 44, no. 3 (2014): 68-70.

145 oral statements that have become part of the enduring historical record documented in the Bennett College Archives. If the United States was, indeed, going to undertake a national process of truth and reconciliation (or reparations, as the United Nations has suggested), what records would be required to furnish evidence of past abuses?⁴¹ As with archival images from the history of lynching in the southern United States, one must ask if these records exist. While evidence of the horrors of lynching and the devastation of Hurricane Katrina can be quickly found in online image searches, ownership of these records lies in private hands, not archival repositories.⁴²

Recently, American archives and archivists have come under renewed fire for the pervasive homogeneity associated with archival amnesty—a homogeneity that privileges, preserves, and reproduces a history that is predominantly white and that silences the voices and histories of marginalized peoples and communities. The Twitter hashtag #ArchivesSoWhite, created by Princeton archivist Jarrett M. Drake, has emerged in step with growing social and political tensions in the United States over the past several years. #ArchivesSoWhite calls attention to concerns about representation, the centering of master narratives, and what Drake has called “the unbearable whiteness and patriarchy” of traditional archives.⁴³ Calls have been issued to create digital archives that hold records and artifacts of Black history, because existing collections lack the diversity and pluralism that would allow for truth and reconciliation to occur in the United States. Several key efforts are underway.

In the face of mounting ethical and human rights concerns about the obfuscation of anti-Black racism, the potential for erasure through institutional archival amnesty, and the alarming increase in police violence in Black communities, collaborations among LIS practitioners, professional archivists, and community-based archivists have emerged to begin the work of collecting stories and documenting violence and injustice in vulnerable communities. These documentation efforts are also an attempt to create an historical record, eliminating the possibility of erasure and enabling the possibility of justice. One notable example of this collaborative work is the creation of a digital archive,

⁴¹ In August 2016, the United Nations (UN) Working Group of Experts on People of African Descent submitted a report to the UN Council on Human Rights asserting that the United States should initiate reparatory justice to address the current and historical treatment of Black Americans.

⁴² This is not to suggest that archival repositories hold no records of Hurricane Katrina. The Roy Rosenzweig Center for History and New Media (CHNM) at George Mason University and the University of New Orleans organized the Hurricane Digital Memory Bank (HDMB) in 2005 in partnership with many national and Gulf Coast area organizations and individuals. See: <http://hurricanearchive.org/>.

⁴³ Jarrett M. Drake, “#ArchivesForBlackLives: Building a Community Archives of Police Violence in Cleveland,” <https://medium.com/on-archivy/archivesforBlacklives-building-a-community-archives-of-police-violence-in-cleveland-93615d777289#.5ef4n9jgy>.

Documenting Ferguson, that documents the social and cultural impact of the death of teenager Michael Brown in Ferguson, Missouri in 2014, as well as the protest movement that grew out of these events to become the national movement for social change and social justice known as #BlackLivesMatter.⁴⁴

#BlackLivesMatter, a chapter-based national organization, was founded in 2012 by Patrisse Cullors, Opal Tometi, and Alicia Garza. #BlackLivesMatter was conceived after seventeen-year-old Trayvon Martin was murdered in Sanford, Florida. Martin's killer, George Zimmerman, was subsequently acquitted, and like Emmett Till before him, pictures of Martin's dead body became part of the American social imaginary—one of spectacle and the commodification of Black death.⁴⁵ #BlackLivesMatter is "a call to action and a response to the virulent anti-Black racism that permeates [American] society."⁴⁶ #BlackLivesMatter seeks to broaden the conversation around state violence to include all of the ways Black people are intentionally left powerless at the hands of the state and are deprived of human rights and dignity. Black Lives Matter goes beyond extrajudicial killings of Black people by police and vigilantes. The organization

...centers those that have been marginalized within [previous] Black liberation movements [and] is a tactic to (re)build the Black liberation movement... #BlackLivesMatter is working for a world where Black lives are no longer systematically and intentionally targeted for demise. [They] have put sweat equity and love for Black people into creating a political project—taking the hashtag off of social media and into the streets. The call for Black lives to matter is a rallying cry for ALL Black lives striving for liberation.⁴⁷

Similarly, in May 2015, the African American Policy Forum, the Center for Intersectionality and Social Policy Studies at Columbia Law School, and over twenty local sponsoring organizations hosted *#SayHerName: A Vigil in Memory of Black Women and Girls Killed by the Police* at Union Square in New York City. Family members of Black women killed by police from across the country were united in vigil: the families of Alberta Spruill, Rekia Boyd, Shantel Davis, Shelley Frey, Kayla Moore, Kyam Livingston, Miriam Carey, Michelle Cusseaux, and Tanisha Anderson attended and were supported by hundreds of attendees, activists, and stakeholders. #SayHerName documents stories of

⁴⁴ See Washington University in St. Louis, "Documenting Ferguson," <http://digital.wustl.edu/ferguson/>.

⁴⁵ For a full discussion of Trayvon Martin, spectacle, and Black death, see: Safiya Umoja Noble, "Teaching Trayvon: Race, Media, and the Politics of Spectacle," *The Black Scholar* 44, No. 1 (Spring 2014): 12-29.

⁴⁶ Black Lives Matter, "About Us," <http://blacklivesmatter.com/about/>.

⁴⁷ Ibid.

Black women who have been killed by police, foregrounding forms of police brutality experienced disproportionately by women of color. In addition to stories of Black women who have been killed by police and who have experienced gendered forms of police violence, #SayHerName provides “analytical frames for understanding their experiences and broadens dominant conceptions of who experiences state violence and what it looks like.”⁴⁸

Finally, Documenting the Now, or DocNow, is a collaborative effort among the University of Maryland, University of California at Riverside, and Washington University in St. Louis. Funded by a grant from the Mellon Foundation, DocNow is both a “tool and a community developed around supporting the ethical collection, use, and preservation of social media content.”⁴⁹ Led by community lead, Bergis Jules, archivist at the University of California, Riverside, the DocNow digital project brings together archivists, academics, and activists to create ethical standards for curating social media data related to social justice movements such as #BlackLivesMatter and #SayHerName.

These efforts to subvert archival amnesty by creating an historical record and a counter-narrative speak to the agency Black Americans have found in responding to violence and racism vis-à-vis new and emerging digital technologies. There is, however, more work to be done to better understand the myriad phenomena of race, death, and digital media. For example, future work around race, death, and digital culture might specifically consider the ways that users subvert structural decisions around spectatorship and sponsorship on social media and in search engines like Google, bringing surveillance and sousveillance into the discussion.⁵⁰

CONCLUSION

In 2016, in the midst of what has been termed both the Second Summer of Death and the New Civil Rights Movement, issues of representation and accountability in archival records and repositories have become even more essential. A century after the heyday of lynching in the United States, Black Americans continue to be murdered without remorse or recourse. In the face of ongoing injustice, archivists must ensure that archives are places that elevate human rights and social justice rather than places of oblivion, providing amnesty, forgiveness, and safe haven to those who perpetrate crimes

⁴⁸ See the African American Policy Forum, “#SayHerName,” <http://www.aapf.org/sayhername/>.

⁴⁹ Documenting the Now, “DocNow,” <http://www.docnow.io/>.

⁵⁰ For a discussion on surveillance and Blackness, see Simone Browne, *Dark Matters: On the Surveillance of Blackness*, (Durham, NC: Duke University Press) 2015. For more on sousveillance and Blackness see Mia Fischer and K. Mohrman, “Black Deaths Matter? Sousveillance and the Invisibility of Black Life.” *Ada: A Journal of Gender, New Media, and Technology* 10 (2016). doi: 10.7264/N3F47MDV.

against vulnerable communities. Through the lens of critical archival studies and the critical concept of archival amnesty, I have asked and answered questions in this paper such as: what does it mean for someone who holds Blackness as “Otherness” to make decisions about creating, maintaining, using, and sharing records about Black Americans?; how have these archival practices contributed to a constructed normativity around how Americans experience Black death?; and what narratives and counter-narratives around Black death can emerge from the historical record and how do these narratives inform tolerances around the death of Black Americans in the present?

Archival amnesty is a critical concept via which a framework for replacing White supremacist bias with anti-racist activism in archival repositories is possible. In contrast to existing scholarship on archival appraisal, the concept of amnesty frames appraisal decisions as intentional and issues a call-out charge to archivists to work against white supremacist bias. By refusing to accept that gaps and vagaries in the historical record are accidental or coincidental, but are instead an extension of clemency and amnesty, archivists can better address these gaps and vagaries—archivists and critical archival scholars must first name the problem, and then work collectively with marginalized and vulnerable communities to correct it. Although it is too often the case that even with documentary evidence justice is elusive, we can be relatively certain that without any records of human rights abuses or evidence that can be used in the service of justice, the righting of wrongs such as violence against the Black body will never be achieved.

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