



# A Desire to End These Things

*An Analytical  
History of  
John L. Spivak's  
Photographic  
Portrayal of  
1930s  
Georgia  
Chain Gangs*

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If there was a hell on earth in the 1930s, then journalist John Louis Spivak depicted it with the novel *Georgia Nigger*. With journalistic reporting and photographs, Spivak attempted to sear into the national consciousness the brutality of Georgia chain gangs of the American South. Although muckraker Lincoln Steffens called Spivak (1897-1981) “the best of us,” among media historians Spivak is almost unknown. However, his chain gang photographs contributed to a shift in thinking about race and the morality of torture. Using historical methods and visual concepts, this inquiry fills a research gap by examining Spivak’s photography.





As investigative journalist and photographer John L. Spivak (1967) rode in a taxi from the train station for his first visit to a Georgia convict camp, he could see a prisoner undergo torture. “The convict was already lashed to one post by a rope wound tightly about his legs and thighs. His wrists were manacled and another rope was being tied to his handcuffs” (p. 175). With a Kodak dangling from a strap around his neck and with pockets “filled with rolls of film,” Spivak exited the taxi. Straightaway, he took pictures without permission. Then, a guard pointed a shotgun at Spivak. After an angry exchange, Spivak handed him an introductory letter from Georgia’s prison commissioner.

With that, the warden soon arrived. Although perplexed by Spivak’s presence, the warden allowed him to photograph the “stretching.” Spivak (1967) deceptively told the warden: “The purpose of a penal institution is to teach criminals the inadvisability of committing crimes...One of the best ways of showing that is to let them see photographically what they may expect in... punishment” (p. 176).

The composition, angle, and lighting of the “stretching” picture are not strong. Yet more than 75 years later the content remains electrifying. From that day in 1931, one still can see the prisoner’s torso, the rippled muscles of his shoulders and arms stretched to a near breaking point. Spivak (1932) entitled the picture “THE GEORGIA RACK,” saying “the ‘stretched’ convict is...left under the broiling sun. [Convicts] frequently lose consciousness within an hour” (unpaginated).

Elsewhere that day Spivak saw the rumbling “circus cage” on wheels used to transport and house convicts. To take photographs, he approached the cage with its dozen bunk beds and a zinc pot underneath to catch wastes from the toilet hole in the floor. The photograph is unremarkable, but it documents the remarkable. “While I was taking pictures,” Spivak (1967) wrote, “I held my breath in order to inhale as little of the stink as possible” (p. 178).

### Methods, Theories, Questions & Limits

This article highlights salient elements in the production, reception, and historical context of the visual and literary creation in Spivak’s odd amalgam of photography and fictional writing: a 1932 book entitled *Georgia Nigger*. This study examined Spivak manuscripts, correspondence, notes, news clippings, book reviews, prints, and other Spivak books, including those in special collections at the University of Texas and Syracuse University. While it is not possible to analyze here all of the Spivak chain gang photographs of 1931 and 1932, we focus on three (Figures 1, 3, and 4). Many theoretical frames could be employed, including

aesthetics theory, visual rhetoric, semiotics, reception theory, and historical documentary analysis.

For some scholars, “reading” an image is fraught with subjective peril. We follow an approach that marries Deborah Willis (2000) who speaks of “the most expressive power” (p. xviii) that emanates from an image and Roland Barthes’ (1981) “punctum:” the element in a photograph that strikes in your heart. Or the way, perhaps, someone holds her head or hands, or the look in someone’s eyes—into the camera or toward someone else within a picture (p. 47).

Additionally, scholarship by Alan Trachtenberg opens up Spivak’s images. Trachtenberg (1989) wrote, “It is not so much a new but clarifying light American photographs shed upon American reality” (p. 288). Trachtenberg asked: What conversation occurs within an image? What conversation does the image have with its historical setting, the viewer then, and now?

Both Trachtenberg and Shawn Michelle Smith (2007) have outlined an approach to these questions. Trachtenberg: “To read an image is to write upon it, to incorporate it into story. This is not to say that an image is a blank writing pad. There is something there to be seen, and we want to see it” (p. 45). Smith: “Photographs both exemplify and document social processes in flux... Even though they seem to offer a stable glimpse of the past, their meanings changes over time and according to who is viewing and to what ends” (Appel & Smith, p. 15).

Amid this ambiguity, Spivak’s photographs bear witness, albeit incompletely. “Our faith in the truth of a photograph rests on our belief that the lens is impartial, and will draw the subject as it is, neither nobler nor meaner,” John Szarkowski (2007) wrote. “This faith may be naïve and illusory...but it persists” (p. 12).

Likewise, Barbie Zelizer (1998) has explored this truthfulness dichotomy by speaking of historical photographs of violence as “tools of memory...markers of both truth-value and symbolism” (p.10). In analyzing an “atrocious aesthetic” (p. 204), Zelizer wrote “we find ourselves relying increasingly on visual memory to make sense of the past and present” (p. 202).

As Appel and Smith (2007) have analyzed lynching photographs, we consider the Spivak photographs “on a continuum with other pictures of torture” (p. 9). These images include those of Rodney King’s beating by Los Angeles police in 1992, and more recently pictures of prisoners detained by the United States government and then tortured, humiliated, and photographed at Abu Ghraib in Iraq (Gourevitch and Morris, 2008; Shane, et al, 2007). From warriors depicted as tortured in Mayan



paintings to Medieval portraits of martyred saints and up through contemporary photojournalism, Spivak's images provide a relevant perspective on how we might see anew and place into a context such pictures.

We address but cannot answer in detail here: How does Spivak the photographer look at subjects? How do subjects return the camera's gaze? What meanings do the images potentially possess?

The scholarship of ethnicity, race relations, and cultural history of the American South plays a role as we draw from Daniel (1972), Lichtenstein (1995), Litwack (1998), Oshinsky (1997), Patterson (1998), Wells-Barnett (1994), and Williamson (1984). Their scholarship infuses itself into our choices of concepts, words, and pictures.

This study aims to fill a media history gap by placing into context Spivak's documentary photography. He made dozens of images inside Georgia chain gang camps and published nine, black-and-white photographs in his novel. He collected damning information through purloined records and interviews with officials and convicts. Spivak claimed those prisoners, primarily African-Americans, were beaten or worked to death (Stryker & Johnstone, 1940; Tucker, 1984). In an introductory way, we provide an analytical history of visual aspects of Spivak's *Georgia Nigger* project.

The research highlights Spivak's use of photographic negatives during extradition hearings for Georgia prison escapee Robert Burns whose story Hollywood told in the 1932 film *I Am a Fugitive from a Chain Gang*.

We explore Spivak's decisions that raise longstanding journalistic dilemmas of privacy rights versus the humanitarian reform impulse. In addition, this article considers the role the images played in response to the book's publication and serialization and the impact on public opinion and policies.

### Spivak, Who?

Among journalism and mass communication historians Spivak is almost unknown, but he should be known. Lincoln Steffens, godfather of muckraking journalists at the turn of the twentieth century, called Spivak (1897-1981) "the best of us." (Florinsky, 1936, pp. BR10, BR16).

Spivak (Figure 2) began as a socialist, was disillusioned, and became a thinly disguised communist (Goode, 1997; Gross, 1935). He was blacklisted during the McCarthy era and was jailed on charges of criminal libel ("Spivak is freed," 1940). Perhaps Spivak has been forgotten because he did not report exclusively for mainstream periodicals although he did work for



**Figure 1 (First Page): Georgia Chain Gang Convict, "Hogtied." University of Texas, Harry Ransom Center, Spivak Collection. Used with Permission. Figure 2 (Above): John L. Spivak, Early 1930s. Syracuse University Special Collections. Used with Permission.**

*Esquire*, the *New York Herald Tribune*, and *New York Sun*. In Berlin and Moscow he worked for the International News Service. When he wrote for better-known media, his day job tended to be routine while he transformed his investigative passions into books (Spivak, 1930, 1932, 1934, 1936, 1939, 1940).

Neglect, however, cannot be due to Spivak's absence from landmark cases. He wrote about corruption in New York City and Washington, D.C., and West Virginia coal strikes. He worked for Sacco and Vanzetti's defense team. He wrote about the Scottsboro "Boys" and federal committees investigating activities leading to McCarthyism (Lichtenstein, 1995).

For his chain gang project, Spivak, a white man who was Jewish, photographed government documents, prison camps, and torture. They were, he felt, necessary to supplement the first-person travails told by David Jackson, a fictional black Everyman convict.

### Spivak Travels South, Encounters Ethical Crossroads

One morning in 1930 in New York where Spivak lived, he read a "brief but shocking" newspaper article about North Carolina chain gangs. Spivak (1967) found it



troubling that convicts “were transported...in steel cages such as those used for wild animals” (p. 165). The journalist had completed his second book, *The Devil’s Brigade*, about the Hatfield-McCoy feud. Looking for another project, he journeyed not to North Carolina but to Georgia to report on chain gangs.

Before Spivak traveled south, he read studies about convicts, race relations, and the peonage system—an outgrowth of slavery linked by Daniel (1972) and Gorman (1997) with chain gangs (Figure 5). Although Spivak (1967) concluded few Southerners—black or white—worked as convict laborers, “the chain gang was always a sword over their [black Southerner’s] heads” (p. 169).

After he arrived in Georgia, Spivak went to the state prison commission in Atlanta. He explained to commissioner Vivian Stanley that he was researching a book on Georgia prisons. Although suspicious, Stanley allowed Spivak to look at prison records documenting punishment and convict deaths. “I knew there were two things I had to do—get photographs of [the reports] and visit the camps. America would not believe what I would say unless I could prove it with visual evidence” (Spivak, 1967, pp. 169-170). Spivak (1967) asked for permission to copy the records, expressing a feigned belief that if “potential criminals knew of the punishment facing them they would think twice before breaking the law” (p. 170). The commissioner, however, would not permit copying.

At an ethical crossroads, Spivak took a utilitarian approach. He decided public good would be served by his secretly photographing the documents. To do this, he stole them. His deception evokes a long list of journalists, including Pulitzer Prize-winners who traversed ethical borderlands in the name of the public’s right to know. In 1927, before Spivak made his Georgia photographs, photojournalist Thomas Howard hid a camera under his pant’s leg to record Ruth Snyder’s execution at Sing Sing (Hannigan, 1999). Nellie Bly feigned insanity to expose mental asylum abuses. Decades later, ABC television journalists used a “lipstick” camera to record Food Lion’s questionable meat handling practices. The *Wall Street Journal’s* Tony Horowitz worked undercover in a poultry-packing factory. Writers Ida Tarbell, Eugene Roberts Jr., and Upton Sinclair and television journalists from CBS’ “60 Minutes” and Chicago’s WLS engaged in deceptions (Weinberg, 1997). Lewis Hine, working not long before Spivak, deceptively obtained images aimed at child labor reform. When Hine photographed in coalmines and cotton mills, he “posed as a Bible salesman or a life insurance agent to gain entry, then slipped away before he could be discovered and beaten up” (Rasenberger, 2006).

In Atlanta for his project, Spivak (1967) bought a Kodak camera, film, “a board to which I could attach the documents to photograph them, and containers to mail the films to New York for my wife to have developed.” Spivak concluded that to have the negatives developed “anywhere in Georgia would invite disaster” (p. 170). Spivak noticed Stanley went to lunch from noon to 1 p.m. So Spivak took that opportunity to surreptitiously fold selected prison records into the day’s copy of the *Atlanta Constitution*. Newspaper under his arm during the lunch hour, Spivak hurried to his hotel. There he photographed documents in his rudimentary studio. Before Stanley returned from lunch, Spivak had grabbed a cup of coffee for his own repast, walked back to the prison commission office, and returned the purloined records.

Over the course of a week Spivak photographed more than thirty documents. In a practice Spivak (1940) later replicated in projects such as his work exposing deception by evangelist Father Charles E. Coughlin, he used the camera as a “photocopier”—a device invented in 1940 and not available until 1960 (<http://web.mit.edu/invent/iow/carlson.html>). Spivak’s camera became an investigative tool. The Georgia documents told stories of physical and emotional torture and questionable deaths of convicts.

An appendix entitled “Illustrations” included nineteen documents and eight photographs of chain gang life, one picture per page, spread over 24 pages in *Georgia Nigger*, a 241-page book. Additionally, a hogtied convict served as the frontispiece. The novel’s text and prison documents engaged in a conversation with pictures of keepers and kept, letters from convicts, a coroner’s jury report, and a report of an escaped convict, age 17, who drowned in a river (Spivak, 1932, unpaginated).

One document, an “Official Whipping Report from Georgia Penitentiary,” listed dozens of whipped prisoners (Figure 6).

First hand, Spivak wanted to see prisons and punishments. He finally persuaded commissioner Stanley to allow him to visit the camps. Because Stanley kept postponing Spivak’s request for a letter of introduction, Spivak typed the letter and put it on Stanley’s desk for signing. [The appendix displayed a copy of the September 24, 1930 letter “To All Wardens.” Signed by Stanley, it introduced Spivak as someone “making a study of convict camps” and asked that he be extended “all co-operation and courtesy” (Spivak, 1932, unpaginated)].

Purposely, Spivak went hundreds of miles south of Atlanta to visit his first camp near the Florida border. He wanted to avoid the chance one prison might report





to another camp suspicions about him. The more isolated the camps, he reasoned, the less likely they would be in contact (Figure 9).

### What Three Images Can Tell Us

In introducing *Georgia Nigger* with a “postscript,” Spivak wrote that although it was fiction, “some of the scenes described are so utterly incredible that I feel an appendix of pictures and documents are necessary...The pictures I personally took...and the documents are but a few of the many gathering dust in the State Capitol in Atlanta” (unpaginated).

This section examines three Spivak photographs: a convict with an iron halter (Figure 3); a prisoner in his bunk (Figure 4); and a hogtied prisoner (Figure 1). A picture can denote much; it can connote even more interrelated layers of meanings. “The meaning of whatever has been is open to debate, shaped by who and how and when and why one looks,” Smith (2007) wrote as she invoked Barthes (Apel & Smith, p. 15).

When Spivak went to Georgia, Jim Crow laws and racial violence overshadowed life. After accelerating around 1880 and claiming as many as 4,000 blacks, lynching by whites against blacks subsided by 1915. With its cries of death to the “black beast rapists,” the Atlanta race riots of 1906 still reverberated. (Patterson, 1998; Williamson, 1984; Wells-Barnett, 1991). Richard Wright (1941) in *12 Million Black Voices* provides context for the year 1915: D.W. Griffith’s “Birth of a Nation” film reprised Thomas Dixon’s *Clansman*. In Georgia the Ku Klux Klan burned a cross atop Stone Mountain, and 56 Georgia blacks were lynched that year. After dissipating in the late 19<sup>th</sup> Century, the Ku Klux Klan nationally surged again by the 1920s.

Violence spurred the “Great Migration” of blacks to northern industrial cities, lessening the pool of manual laborers in the South. This exodus made the convict “leasing system” even more attractive to farmers who needed hands that county sheriffs supplied in exchange for bail money. Peonage labor, sharecropping, and chain gangs replaced the antebellum plantation culture based on slavery. The new system exploited agrarian whites and blacks whose crime was often no more than impoverishment and failing to fulfill work contracts with farmers.

#### *Convict in Iron Halter* (Figure 3)

An iron collar rings the neck of a prisoner in stripes. In the glare of Georgia sunshine, he sits on bare, wooden steps of an open-air building with slated sides. A metal chain hooked to the halter snakes down his torso and wraps around one thigh. Linked by a chain, manacles circle his ankles above worn work boots. He is a big man, head shaved.

With arms resting on thighs, he interlaces his fingers. He stares into the camera, not smiling. He reveals as little as possible. Yet he returns the photographer’s gaze. It is a gaze of survival, a mask of survival photographed by a white man in an era when black men of the American South still called white men “cap’n”—an honorific representing a “captain” in the Confederacy of the Civil War, and in an era when blacks legally were not permitted to walk on the same sidewalk as whites or to use the same drinking fountain, restrooms or lunch counters—let alone cast an election ballot (Litwack, 1998; Oshinsky, 1998; Williamson, 1984).

Franz Fanon (1967) articulated this concept of the “masks” a black man, woman or child wears to survive psychologically in a “white” world. Folklorist Lawrence W. Levine (2007) gave expression to “double-consciousness” as articulated by W.E.B Du Bois. Levine quoted a song long sung in the African American community:

Got one mind for white folks to see.  
‘Nother for what I know is me.

He don’t know, he don’t know my mind. (p. xxvii)

On the back of a “Halter” print, Spivak wrote: “Chained by neck and feet to iron cage. Muscogee County, Ga., near Columbus, Ga. This convict had had the iron collar around his neck for 2 months, and was forced to lie in his bunk all the time except during working hours, where he was chained doubly and ‘left under the gun’” (Figure 7).

In the 1930s, this image appeared in newspapers and magazines, and in book publicity. With the photograph, the communistic *Daily Worker* headlined one such advertisement: “For the first time—the inside story of torture in the South! The Truth about the Barbarous Chain Gang System.”

Convict images were rare. Spivak’s photograph functioned as precursor to many that would follow, including those by Margaret Bourke-White, Doris Ulmann, Bayard Wootten, Jack Delano, Carl Mydans, in the 1930s and 1940s, and later by Danny Lyon in the 1960s and 1970s.

To look at the halter photograph is to see an individual picture and to see an image that, using a Trachtenberg (1980) concept, “must be recognized as exercising a powerful kind of persuasion as a carrier of ideological messages” (p. xiii).

Trachtenberg (1989) wrote about what may happen when contemporary viewer’s look into the eyes of photographer J.T. Zealy’s subjects, enslaved Africans of 1856. There is a “potentially subversive power...





allowing [their subjects'] eyes...to speak directly to ours" (p. 56).

When Spivak made this photograph, images circulated throughout the world that showed the bodies of two African American men surrounded by a mob of white men, women, and children. Made famous by the photograph that became iconic, the killing took place not in Georgia but in Marion, Indiana (Apel and Smith, 2007).

In "A HALTER FOR THE NECK," the iron collar suggests the noose of lynch mob, and a "subversive power" emanates from the photograph. *Convict in Bunk* (Figure 4)

His dark-skinned face, with eyes closed, peers against the flat, crossed, metal slats of a rolling, "circus wagon." Imprisoned, a nameless black man seems passive at the moment of the photograph. This is Spivak's Chain Gang Everyman.

Even as a close-up view, the photograph exudes anonymity, invisibility, Otherness; Spivak's captions did not provide names except for wardens. Spivak used the novel form, he said, as a way to protect the real-life convicts from being singled out and harmed, owing to notoriety. Spivak (1932) wrote: "There were thirteen men in the cage with David – nine Negroes and five whites – sprawled on thin mattresses covering the iron bunks...in...three-decker tiers." (pp. 1-2).

In contrast to the feeling of passivity in the picture, though, the "official whipping report" (Figure 6) offered a different view: chain gang rebellion. Reasons for whippings included "not working," "fighting," "playing off sick," "fussing," "impudent talk," and "cursing." Whether with the antebellum lash or post-bellum lash, white men beat caged black men and continued to do so.

#### *Hogtied Convict* (Front Page)

At ground level, the camera's eye looks into the face of a prisoner, hogtied and on hard-packed dirt. Ropes bind his hands, legs; straps wrap his legs. A pickaxe shoved between his arms and the backs of his knees tightens the punishment. With discomfort, his close-shorn head rests on the dirt. He wears torn, black-and-white convict stripes. In the background, out of focus, a man watches this cautionary scene from a barracks steps.

Under magnification, the photograph of a hogtied convict reveals a mound of fire ants. Spivak's caption explained that guards placed the prisoner there. Spivak (1967) spelled out: "Red ants were crawling over him. His body twitched spasmodically" (p. 179). Serving as a "spectacle to power" referenced by Perlmutter (1999, p.

206) in writing about war images, this photograph made Spivak's words even more powerful.

We cannot see what happened before or after. Who tied up the convict? What did they say: the keeper, the kept, Spivak the photographer? Photo historian Barbara Norfleet (1979) has noted: "Photographs are better at raising questions than at answering them" (p. 5).

The shackles, the torture, the stripes of the convicts—symbolically black and white—reflect what cultural historian Joel Williamson (1984) has called the racially-based "rage for order" in the American South. Yet, as Williamson has detailed, socially constructed racial order did not hold; boundaries of racial, ethnic, and cultural identity were more permeable than the dominant, white conservatives had designed.

With his racialized pictures, Spivak does not ask: Does the punishment fit the crime? Instead, Spivak visually addresses the systemic issue of convict leasing, torture, and racial, class, and gender construction as an economic and social divider and manipulator.

"Visualizing atrocity," Zelizer (1998) wrote, "lends perspective, positions boundaries, and concretizes standards of appropriate behavior in a so-called civilized world" (p. 238). Yet she cautioned: photography can normalize atrocity (p. 212). "How do we offset the voyeurism and habituation that takes over our act of remembering when they are distanced from responsibility?" (p. 239)

Spivak's journalistic practice reflects the 1930s documentary era. German picture magazines influenced the development of image-centric periodicals such as *LIFE* in the United States. Walter Lippmann in 1922, speaking of photographs as testaments, wrote: "Photographs have the kind of authority over the imagination today, which the printed word had yesterday, and the spoken word before that. They seem utterly real" (p. 61).

Over recent decades the proliferation of violent images in the press and their use for ideological purposes have changed their meaning from what they once were during Spivak's time. In *Regarding the Pain of Others*, Sontag (2003) makes this argument by saying: "Atrocity photographs were scarce in the winter of 1936-37: the depiction of war's horrors ... seemed almost like clandestine knowledge. Our situation is altogether different. The ultra-familiar, ultra-celebrated image—of an agony, of ruin—is an unavoidable feature of our camera-mediated knowledge" (p. 23-24). Sontag addresses lynching photographs, saying: "The display of these pictures makes us spectators, too." She cites critics of such displays that complain the images





perpetuate victimization of blacks, encourage voyeurism, and “numb the mind” (pp. 91-93).

At the same time, in the 1930s and to this day, images of racial violence have been used counter-hegemonically—by the National Association for the Advancement of Colored People, by the Student Nonviolent Coordinating Committee, and by curators of exhibitions of racial violence such as those in *Without Sanctuary* (2000).

As Trachtenberg (1989) said of Civil War photographs that “bear witness to real events” (p. 73), Spivak’s photography “takes us back to the original moment when light fell upon these surfaces, these bodies” (p. 74). “They make starkly visible what is usually hidden within the cultural ideals of American selfhood and identity—the weighted distinctions of race, gender, and social class which contradict the republican credo of equality” (p. 60).

The Spivak photographs reveal a systematic violation of human rights. They also function as expressions of Spivak’s ideology.

Michel Foucault (1979) puzzled over the role of the gaze employed by photography in society and its institutions and how it helped powerful agencies to function, such as police or immigration officials taking pictures to document a person’s appearance. Foucault found this a problematic societal shift, moving from a time when a criminal, or even an ordinary individual, did not have a photographic record of him or herself, to a time when everyone did. He called this the formation of an “ignoble” societal archive. He blamed reformers such as Jacob Riis who wanted to “clean up” the New York slums as well he blamed eugenics advocates such as Sir Francis Galton (p. 191). John Tagg (1988) observed: “Like the state, the camera is never neutral. The representations it produces are highly coded, and the power it wields is never its own. As a means of record, it arrives on the scene vested with a particular authority to arrest, picture and transform daily life” (p. 64).

Informed by Barthes (1979) who questioned “shock photos” that depicted Guatemalan repression as leaving no room for emotion or thinking, we suggest it is important to understand documentary practice when Spivak was working in the early 1930s. Cara Finnegan (2003) reminds us that photographers utilized then “a range of material practices in which visual remedies were often positioned as the cure for—or at least the mode for diagnosis of—what ailed the nation (p. xi)... The camera...became the tool of those who sought to visualize social facts, to show the truth of what was happening” (p. xiv).

Clearly Spivak’s photographs were not simply a contribution to the ignoble archive. He wanted to “clean up” an unholy alliance between state and capital and its Frankenstein, the convict lease system. As an insurrectionist journalist he challenged the “collective representation” referred to in Durkheimian sociology, which Barthes (1977) argues “can be read in the anonymous utterances of the press, advertising, mass consumer goods” (p. 165). Recently, however, a growing number of historians have argued that treating evidence of past atrocities as mere texts, open to a virtually infinite number of possible interpretations, could result in “the killing of history” (Windschuttle, 1996).

Spivak photographs do function, however, as “monuments” to peonage and to a rage for racial order in the nineteenth and early twentieth century.

**Hollywood Connection:  
Spivak Photographs Help Fugitive**

A few months before Spivak’s book came out, Robert Burns’ *I Am a Fugitive from a Georgia Chain Gang* was published. It eclipsed *Georgia Nigger*, becoming the basis for a movie that won two 1933 Academy Awards. Burns, a World War One veteran, had fallen on hard times, been an accomplice in a “four-dollar” Atlanta restaurant robbery, and landed on the chain gang for a six- to ten-year sentence. After his first chain gang escape, Burns established himself as a Chicago magazine editor under a pseudonym, but his wife betrayed his secret. Using duplicity, Georgia officials placed Burns back on the chain gang. Again, he escaped. As a white Northerner on the run after two escapes, Burns wrote his chain gang account in a way that perhaps connected better with many white Americans. When Burns’ book was published, he was still on the lam. Georgia officials pressed to extradite him to Georgia from his New Jersey home. A hearing was held in New Jersey. The story made national headlines as New Jersey authorities called Spivak to testify for Burns about chain gang brutality.

To counter Georgia officials’ charges of photographic fakery, Spivak (1967) produced his negatives. The New Jersey governor and other officials held the negatives up to lights, pronounced them authentic, and declined the extradition request (pp. 182-190).

Spivak’s book and photographs commingled with the impact of Burns’ book and the Hollywood movie, contributing to “imbuing the obscure with the aura of spectacle” (Hardt & Brennan, 1999, p. 18). The topic of penal injustice moved to America’s front page and nightstand reading tables around the world, nurturing the seeds of the civil rights movement (Lichtenstein, 2008).





**Publication: Book, Articles & Photographs in Newspapers, Magazines**

Besides being released by a New York publisher, Spivak's book was published in England and translated into French, Russian, and German. This elevated Spivak's stature in international left-wing circles (Lichtenstein, 2008). Spivak toured the country giving talks, soliciting publishers, and showing the photographs. Midwestern newspapers catering to white audiences, including the *Des Moines (Iowa) Tribune* and *Milwaukee (Wisconsin) Journal*, ran excerpts with photographs. This extended the book's reach via the popular press. The *Daily Worker*, a communist newspaper at a time when political radicalism thrived amidst economic discontent after the 1929 stock market crash, serialized the novel with photographs.

However, Robert Abbott, publisher of the African American newspaper the *Chicago Defender*, declined to endorse or publish Spivak's efforts. Another editor, Tom Davin of Hearst's *International* and *Cosmopolitan*, in a letter told Spivak the material was "a little too strong for us...[but] I don't think you will have any trouble getting it into *Liberty* or *Colliers*."

Beyond the initial publications, Spivak's text and images have surfaced on occasion. Cruise lines heiress and activist Nancy Cunard published a 1934 book celebrating black culture and illuminating its tribulations and included "Flashes from Georgia chain gangs." For a compact disc, *Prison Blues* (2007), North Carolina harmonica player Neal Pattman reproduced those Spivak images and text.

Recently, the Spivak photographs resurfaced in Douglas A. Blackmon's book about convict leasing, *Slavery by Another Name*. A *Wall Street Journal* adaptation (Blackmon, 2008a) and the book's website feature Spivak's photographs (Blackmon, 2008b). "The evidence moldering in county courthouses and the National Archives," wrote Blackmon (2008c, p. 402), "compels us to confront the extinguished past, to recognize the terrible contours of the record, to teach our children the truth of a terror that pervaded much of American life, to celebrate its end, to lift any shame on those who could not evade it."

**Press, Public Respond to 'Monstrous Photographs'**

Spivak (1967) summarized the response to *Georgia Nigger* this way: "When the official punishment records and photographs...were syndicated in various states, including Georgia, there was a sharp reaction" (p. 179).

National periodicals compared Spivak's book with *Uncle Tom's Cabin*. Howard University's Sterling Brown (1933) called it "an indictment of peonage, and convict-labor... powerful enough to shame all the rhapsodists of

the folk-Negro's happy state" (p. 202-203). Long before winning a Pulitzer, Bruce Catton (1932) wrote: "Negro slavery, apparently, didn't end with the Civil War" (Negro slavery). Reviews repeated the theme of nationally syndicated Lewis Gannett (1932) who wrote: "Monstrous photographs add... to the [story's] emotional conviction." Describing the book as having the "weight...of a sociological investigation," the *New York Times* said "official documents, punishment records and photographs" bolster Spivak's case (Miss Latimer's, p. BR7).

Some Georgia newspapers considered Spivak's photographs troubling. The Macon newspaper (1932) lifted publisher publicity saying: "Evidence that Georgia officials torture its chain gang convicts with devices similar to the Spanish Inquisition, is offered in the form of photographs and...documents" (Georgia torture, p. 1).

In Europe, the London *Times Literary Supplement* (1934) referred to photographs that "[go] far to confirm the good faith of the author" in a nation whose "Constitution contains a clause prohibiting...cruel and unusual punishment" (Negro peonage). The American Civil Liberties Union concluded Spivak's photographs revealed Eighth Amendment violations.

Although Spivak received mixed reaction from African American publishers and leaders, a significant endorsement came from Harlem Renaissance writer Countee Cullen. In a letter he said he wished the book "might be put in the hands of all people with even half an interest in their fellowmen." George Schuyler (1932) in *Opportunity* decried "Cracker cruelty" in "the adopted state" of President Roosevelt whose vacation home was in Warm Springs, Georgia (pp. 388-389). Walter White, executive secretary of the National Association for the Advancement of Colored People, called it "the most devastating exposé" (Lichtenstein, 2008).

The book's effects on American society was not perhaps what Spivak intended – a cycle that began with exposé resulted in pressure for reform, national political pressure on policymakers, publicized hearings, new policies, initial monitoring of the policies, and a return to the status quo after the public spotlight moved to other issues (Lichtenstein, 1995).

When Spivak wrote *Georgia Nigger*, more than 8,000 worked on the state's chain gangs. Three-quarters were African Americans (Lichtenstein, 1995.) For most people contact with chain gangs was limited to a glimpse of men in stripes working with shovels, pickaxes, and sling blades. Brutality and torturous conditions were not public knowledge. Spivak's words and pictures changed that.





The book caused uproar in the Georgia legislature—and some curbs on the brutality. However, the state “outlawed corporal punishment and ended all use of shackles...and chains” not until 1946 (Lichtenstein, 1995, p. 657). Threatening to have Spivak indicted, commissioner Stanley accused him of paying convicts and wardens, and posing as a federal agent. Spivak (1967) denied that. “Yet I photographed [a warden] in the act of breaking a convict on the Georgia rack—virtually pulling his arms out of their sockets.” One Georgia politician lent Spivak support. Former Georgia governor Hugh M. Dorsey said, “We stand indicted as a people before the world” (p. 180-181).

### Blackness & Whiteness

Critics of Spivak have questioned whether a white man could speak for African Americans (Perreault, 2001). In the nineteenth century, Frederick Douglass said: “Negroes can never have impartial portraits at the hands of white artists...” (Willis, 2000, p. xvii). Reflecting Douglass’ argument, white photographer Doris Ulmann who documented the American South complained in 1929 that she had trouble taking pictures of African Americans: “These negroes are so strange that it is almost impossible to photograph them...because they are so very self-conscious” (Cotton, 1998, p. 43).

Even though blacks and whites were subject to peonage in Georgia, blacks made up the majority of chain gangs and were overseen by whites. Although Spivak was culturally a Jew and an outsider as a northerner, and in a minority, every picture he took must be understood in this way: His whiteness gave him entry into a world in which light skin color conferred privilege, authority, and power. Throughout *Georgia Nigger* he used dialect: black and “Georgia cracker.” It is difficult to imagine how anyone other than a white man could have done what Spivak did. However, unlike many white, Progressive-era muckrakers before him—excepting Ray Stannard Baker—Spivak faced racial brutality head-on (Shapiro, 1970).

After the book’s publication, reviewer Ben N. Asikiwe (1933) wrote that although the book represented “a challenge to the humanitarians of the twentieth century as *Uncle Tom’s Cabin* was to the nineteenth...the author suffers from superciliousness. He never forgets that he is Nordic. It is noticeable that he spells Negro in small letters and cracker in capitals. This inconsistency is questionable” (p. 219).

### Spivak Use of the ‘N’ Word

Editors of the *Daily Worker* battled with Spivak over the use of the book’s title in their publication. The communist newspaper placed an editor’s note with the series, saying: Spivak was “not sympathetic to the white ruling class term [‘nigger’] but used it in order to bring

forth the degrading system which operates against the Negroes” (“Georgia Nigger shows,” 1932). The term was in widespread use including in Rawlings’ (1938) Pulitzer Prize novel, *The Yearling*. Black dialect appeared in mainstream white periodicals and African American ones, as H.L. Mencken (1944) illustrated. Starting in 1915, the National Association for the Advancement of Colored People campaigned against the use of lower case “n” in the word Negro and met with some success. In March 1930 the *New York Times* revised its policy of using a lower case “n.” Still, decades passed before some periodicals uppercased “N” in Negro. As Randall Kennedy (2002) pointed out, black dialect with non-standard English, and racially charged language including the word “nigger” represent a centuries old cultural and linguistic struggle freighted with stereotypes. Spivak’s book sits in the middle of that.

### End Satisfies Means?

Spivak’s photography presented logistical, bureaucratic, and ethical problems. Without permission he removed and photographed government documents. He would not have received permission to photograph them if he had asked. Likely, what he did was illegal; he could have become a convict himself. To make the photographs, he jeopardized his mission. He succeeded in photographing the camps because he pretended to support punishment. Spivak justified his actions by saying he dealt with a corrupt system; law enforcement would not stop the abuse since the state’s criminal justice system instigated it. His methods pose a Kantian question: Does the end justify the means?

From the development of ethics by the American Society of Newspaper Editors and Sigma Delta Chi in the 1920s, news organizations have created codes. Often these say a senior editor must approve of deception and there must be an overriding public interest. Ethics scholar Elliott (1989) wrote that “there is...something strangely inconsistent about journalists deceiving people...Deception occurs every time that a reporter feigns ignorance to encourage a source to open up” (p. 144). Elliott outlines four journalistic deceptions, from least to most: primary lack of identification of the journalist, passive misrepresentation, active misrepresentation, and masquerading. Spivak engaged in passive misrepresentation when his purpose was unclear to those he photographed or interviewed; active misrepresentation occurred when he appeared sympathetic of punishment. At times Spivak told guards: Don’t mind the camera.

There was, nonetheless, pragmatism to his deception. If lashings are bad, then to make this public might result in societal pressure to cause its prohibition. The gaze of Spivak’s camera reflects that of a Foucauldian panopticon, an all-seeing eye (Foucault, 1979, p. 195-

228). In Spivak's case, the eye abhorred what it saw and sought change.

To ethical questions raised by Spivak's strategies: Was there justification? Spivak answered "yes." Journalistic practice from the late 19<sup>th</sup> century forward suggests deception sometimes is justified—to enliven the "marketplace of ideas" or to affect social change. Weinberg (1997) said: "For more than 100 years, journalists have regularly misrepresented themselves to overcome otherwise restricted access to information in order to obtain information regarding socially significant matters." Beyond that, horrific images have shifted national discourse—body bags of U.S. military troops stacked into helicopters in Vietnam or photographs from Iraq (Green, et al, 2006).

Frederick Wiseman's *Tiutuc Follies*, banned for two decades in Massachusetts, serves as a comparison. The images from Bridgewater State Hospital were not collaborative; the camera depicted criminally insane, naked mental patients subjected to humiliating treatment in the 1960s. Massachusetts Atty. Gen. Elliot Richardson argued, in the manner of Georgia commissioner Stanley, that Wiseman was deceptive, that the camera invaded the privacy of guards and guarded. The documentary combined, however, with societal forces to curb abuses and change mental health approaches nationwide (Grant, 1992).

### Spivak's Photography

Although his subjects did not appear to co-create the images, Spivak's photographs were powerful for their times (Tucker, 1984) and "will remain forever an indelible testament to human cruelty" (Lichtenstein, 1995, p. 658). As a photographer, Spivak was in the right place at the right time. Composition, lighting, camera angles were okay; prints sometimes were cropped (Figure 8). Yet the content catapults some photographs into the exceptional. Spivak made visible an extension of centuries-old enslavement.

That Spivak came from the urban northeast factors into assessing his photography. Gordon (2007) analyzed the work of Farm Security Administration photographers from urban backgrounds this way: "Because they saw rural society with eyes unhabituated to agricultural vistas, they took nothing for granted, and because they needed to learn, they were better able to teach others" (p. 699). Spivak fits into the vein of what Gordon described as "the vibrant grass-roots social movement... artists, writers, dancers, and actors" (p. 698).

To understand the 1930s context of publishing images of imprisonment and punishment in Georgia, consider that FSA photographers were told not to make racial segregation visible. This meant "no references to racial

oppression, no images of racial inequality or abuse of blacks." Citing Nicholas Natanson (1992), Gordon wrote that the FSA photographs "did not include chain gangs, child labor, inferior black public facilities" (p. 723-724). Yet Spivak did; he made chain gang brutality visible.

### Conclusion: Visual Evidence from Risky Ethical Choices

Ambiguity enshrouds elements of Spivak's photographs of Jim Crow Georgia of the 1930s. With missing data about the communication process or the social-cultural milieu, traditional historians acknowledged empiricism's limitations long before post-modernists' critiques. Journalism historian David Nord (2003) pointed out that many contemporary historians prefer to look at text (and by extension, visual images) in "social, economic, religious, and political context ... some (historians)...explored the contexts of production ... (while) others stressed the contexts of reception ... (a text's) meaning lies not in the text itself but in the social contexts in which it was written, published, and read" (p. 367). Like examining pottery shards in an archeological dig, we have found some but not all the pieces to reconstruct Spivak's chain gang world. We remain mindful of Walter Benjamin's (1969) concept: "Every image of the past that is not recognized by the present as one of its own concerns threatens to disappear irretrievably" (p. 255).

As with other ideologically-motivated documentarians of the 1930s, Spivak tried to tell the truth as he saw it and took risks to make photographs substantiating his claims about brutality in a criminal justice system linked to racial, economic, social, and cultural systems. That Spivak embedded most of the photographs as appendix was perhaps a way to jar the reader: "See, this story I've told is *true*." Spivak's postscript (1932) suggested he had confidence readers would respond:

"I do not believe that the overwhelming proportion of intelligent and humane citizens of the south approves these conditions. In those representative southerners, white and black, with whom I discussed my investigations and showed the pictures and documents, I found a sense of startled horror and a desire to end these things" (pp. 241-243).

He not only provided information, he persuaded in a way that provided evidence (Rothstein, 1986). It is a photographic tradition, dating as early as the 1859 when London abolitionists published *Mission to the Fugitives Slaves in Canada*. The publication included articles but

“vivid verbal descriptions were not sufficient...to ensure...the philanthropic audience understood the effect of slavery on those enslaved...a photograph was needed.” Thus was taken a “Photographic Portrait of Colored School Children” (Collins, p. 123-126).

This study suggests some ways for further research on Spivak and on historical and contemporary photography of crime and punishment, prisoners in literal and figurative chains. What images are made or not made? Why? How do they frame racial, ethnic, gender, and class identity and power relationships, including governmental restrictions on information?

In the tradition of journalists and fictional writers Dreiser, Crane, and Sinclair and muckrakers Tarbell and Wells-Barnett, Spivak extended the craft of literary journalism by integrating fictional text with real-life photographs of diabolical punishment. Yet the scholarship of journalism and communication historians has ignored Spivak, one of the foremost progressive journalists of the 20<sup>th</sup> century.

It is doubtful Spivak thought of himself primarily as a photographer, since he built his reputation mainly through the written word. However, he showed an intuitive sense for what communicated visually. He adopted the perspective of the chain gang convict in his portrayal of torture. His images of “hogtied” prisoners, for example, employed a “from above” perspective in long and medium shots, but he took close-ups from ground level where the convicts were. To capture an empathic shot, he got his clothes dirty so his viewers might respond.

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***Figure 3: Georgia Convict Chained with Iron Neck Collar and Halter. University of Texas, Harry Ransom Center. Used with Permission.***





***Figure 4: Convict in Bunk in Cage on Wheels.  
University of Texas, Harry Ransom Center,  
Spivak Collection. Used with Permission.***





***Figure 5: Convicts With Shackles (Left) and Spikes (Right). University of Texas, Harry Ransom Center, Spivak Collection. Used with Permission.***





Official Whipping Report from Georgia Penitentiary.

Camp, Clarke County,

For the Month of August 1910

DATE	NAME OF CONVICT	INCHES	RECORD	
			RESTRICTED	CAUSE
Aug. 1	Will Cleveland	1		Fighting
" 1	George Heard	1		Fighting
" 1	James Mapp	1		Fighting
" 1	Andrew Roseman	1		Fighting
" 5	John Howard	+		Not working
" 5	Eugene Heard	+		Not working
" 5	Clifford Clarke	+		Not working
" 5	Edward Willis	+		Not working
" 5	Sam Fuller	+		Not working
" 5	James Freeman	+		Not working
" 5	A.M. Franklin	+		Not working
" 5	Carlton Brittain	+		Not working
" 5	Johnny Cleveland	+		Not working
" 5	Jahmie Harris	+		Not working
" 5	James Mapp	+		Not working
" 5	Joe Stephens	+		Not working
" 6	Eugene Heard	1		Playing off sick by Dr. Pullilove's orders.
" 6	Crip Brittain	1		Playing off sick by Dr. Pullilove's orders.
" 9	John Howard	1		Not working
" 9	Louis Geyer	1		Not working
" 9	Joe Duggers	1		Not working
" 12	Robert Williamson	1		Not working
" 12	Walter Jackson	1		Not working
" 12	Crip Brittain	1		Not working
" 12	James Freeman	1		Not working
" 12	Clifford Clarke	1		Not working
" 12	Johnny Cleveland	1		Not working
" 12	Jahmie Harris	1		Not working
" 12	John Geyer	1		Not working
" 13	W.D. Whitehead	1		Not working
" 13	A.M. Franklin	1		Not working
" 16	Jahmie Gates	1		Cursing
" 16	Louis Geyer	1		Cursing
" 16	John Howard	1		Cursing
" 17	Andrew Roseman	1		Having dice
" 17	Will Cleveland	1		Insolent talk to guard.
" 19	George Smith	1		Pushing
" 19	Jahmie Harris	1		Pushing
" 19	Robert Gehrms	1		Fighting
" 19	Walter Jackson	1		Fighting
" 19	Paul Ellis	1		Insolent talk to guard.
" 19	Jahmie Gates	1		Insolent talk to guard.
" 19	Robert Gehrms	1		Cutting prisoner
" 19	Joe Stephens	1		Disobeying orders of Night Guard
" 20	A. M. Franklin	1		Not working
" 20	James Mapp	1		Not working
" 20	Sam Fuller	1		Not working
" 20	Walter Jackson	1		Not working
" 20	James Mapp	1		Not working
" 20	James Mapp	1		Not working

The above is a correct list of offenses who have been punished by whipping at said Camp for the month of August 1910.

(Camp) R. L. Gault  
Deputy Warden.

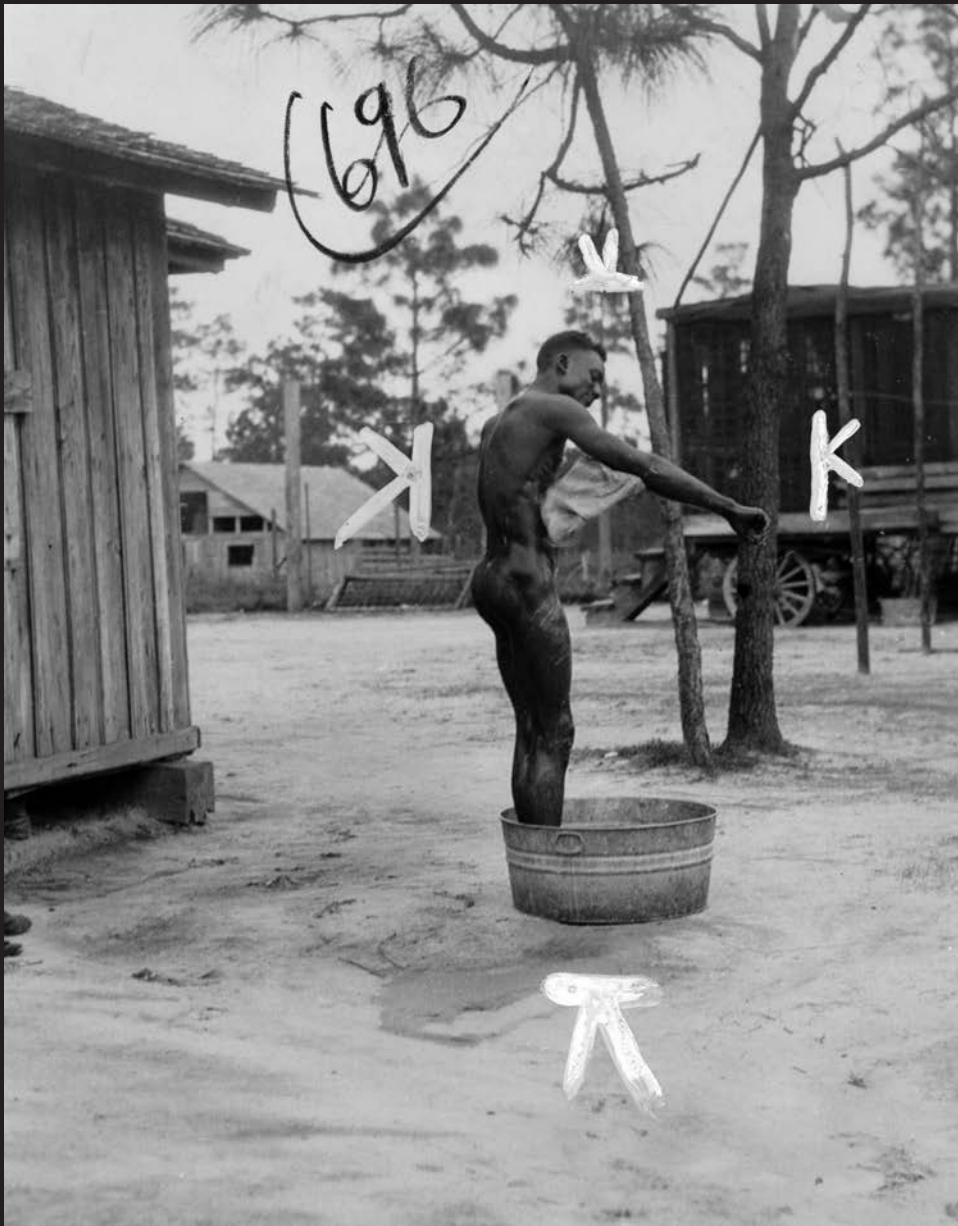
Figure 6: Official Whipping Report from Georgia Penitentiary From Georgia Nigger "Illustrations." Used with Permission.

P-12A

chained by neck and feet to iron cage:  
Muscoogie county, Ga.  
near Columbus, Ga.

This convict had had the iron collar around his neck for 2 months, and was forced to lie in his bunk all the time except during working hours, when he was chained doubly and "left under the gun"

Figure 7: Caption Information in Spivak's Handwriting. University of Texas, Harry Ransom Center, Spivak Collection. Used with Permission.



**Figure 8: Twice-a-Month Bath, With Picture Cropping Marks. University of Texas, Harry Ransom Center, Spivak Collection. Used with Permission.**





***Figure 9: Rural Georgia, Circa 1931. University of Texas, Harry Ransom Center, Spivak Collection. Used with Permission.***

