

# THE BITTER TEARS OF JESSE OWENS

Anthony Paul Farley\*

*Even the philosopher is a larval subject of his own system.*<sup>1</sup>

*I'll fly away, Oh Glory  
I'll fly away (in the morning)  
When I die, Hallelujah, by and by,  
I'll fly away (I'll fly away).*<sup>2</sup>

## I. INTRODUCTION: SOME GLAD MORNING

Everybody knows that black people run fast.<sup>3</sup> Some glad morning when this life is over.<sup>4</sup> But what is a black?<sup>5</sup> I'll fly away.<sup>6</sup> How are they made?<sup>7</sup> To a home on God's celestial shore.<sup>8</sup> And how are they made to run?<sup>9</sup> I'll fly away.<sup>10</sup> More to the

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1. GILLES DELEUZE, DIFFERENCE AND REPETITION 119 (Paul Patton trans., 1995).

2. ALBERT BRUMLEY, *I'll Fly Away*, in AFRICAN AMERICAN HERITAGE HYMNAL: 575 HYMNS, SPIRITUALS AND GOSPEL SONGS 601, 601 (Delores Carpenter and Nolan E. Williams eds., 2001) [hereinafter *I'll Fly Away*]. Brumley, the story goes, a white farmer and musician, completed this hymn, one of the most recorded of all time, while picking cotton on his father's farm. ENCYCLOPEDIA OF AMERICAN GOSPEL MUSIC 54-55 (W.K. McNeil ed., 2005).

3. Anthony Paul Farley, *The Black Body as Fetish Object*, 76 OR. L. REV. 457 (1997). If segregation is a loneliness, and I am not alone in arguing that it is a loneliness, then black is the loneliness of the long distance runner. See also N.W.A., 100 MILES AND RUNNIN' (Ruthless Records 1990); PUBLIC ENEMY, FEAR OF A BLACK PLANET (Def Jam Recordings 1990).

4. *I'll Fly Away*, supra note 2.

5. Farley, supra note 3.

6. *I'll Fly Away*, supra note 2.

7. Blacks are made, not born. Blacks are also made to run, not born to run. An origin is not always an explanation, but in the case of those made to run the answer is to be found at the point of origin. The origin or starting line or zero degree of blackness is slavery. Slavery, primarily and not coincidentally, is the zero degree of capital, its beginning its end. The race ends at the beginning. Perhaps that is why blacks—from W.E.B. Du Bois to Cornell West—run so fast. W.E.B. DU BOIS, THE SOULS OF BLACK FOLK 2 (1903) ("That sky was bluest when I could beat my mates at examination time, or beat them at a foot-race . . ."); Irene and Clifton West, *Foreword* to CORNELL WEST, PROPHETIC THOUGHT IN POSTMODERN TIMES, at vii ("At the tender age of sixteen [Cornel West] had been accepted at Harvard after having been . . . first-place winner in the two-mile event track event of the All City Meet . . .").

8. *I'll Fly Away*, supra note 2.

9. Death gives them wings:

Some glad morning when this life is over/

I'll fly away/

To a home God's celestial shore/

I'll fly away.

. . . . And there is no darker death than slavery.

10. *Id.*

point, why are they in flight?<sup>11</sup> I'll fly away.<sup>12</sup> This essay is also written in flight.<sup>13</sup> When the shadows of this life have gone / I'll fly away.<sup>14</sup> But, as there is no "up" from slavery,<sup>15</sup> the recursion of this line of flight cannot be overstated. Like a bird from prison bars has flown / I'll fly away.<sup>16</sup> That is the point of this essay: the recursive nature of its line of flight cannot be overstated.<sup>17</sup>

*I'll fly away, Oh Glory  
I'll fly away (in the morning)  
When I die, Hallelujah, by and by,  
I'll fly away (I'll fly away).<sup>18</sup>*

The English "I" is always capitalized, as in "I'll fly away, Oh Glory!" or "I think, therefore I am," and so one is perpetually placing laurel leaves upon one's own head, upon the brow of the "Great I" who is always the victor of the most peculiar race, the one that is always won before it has begun.<sup>19</sup> If, as Thomas Ford, English translator of *The Communist Postscript*, writes, English, more than any other language, has taken up "the subordinate social function of language under capitalism,"<sup>20</sup> then this trick of the "I" is a most fitting portrait of capitalism. Capitalism, if it is anything at all, is a race that is always over and done long before it is run. The subject of capital has a certain power to occult or fold time so that its every race is always already won. Capital is fast.<sup>21</sup>

11. See DELEUZE, *supra* note 1, at 119. I have in mind here something akin to Deleuze's "dark precursor." White-over-black is a system. Is the thought of a way out, the line of flight of this essay, the larval wriggling of the system itself, or something more? In other words, are these words the system's dark precursor? Or are they something else?

12. *Id.*

13. See Anthony Paul Farley, *Thirteen Stories*, 15 *TOURO L. REV.* 543 (1999).

14. *I'll Fly Away*, *supra* note 2.

15. See BOOKER T. WASHINGTON, *UP FROM SLAVERY* (1901) (creating a black theology of progress through docility).

16. *I'll Fly Away*, *supra* note 2.

17. See GILLES DELEUZE & FELIX GUATTARI, *WHAT IS PHILOSOPHY?* 111-113 (Hugh Tomlinson & Graham Burchell trans., Columbia Univ. Press, 1994) (1991).

18. *I'll Fly Away*, *supra* note 2.

19. Homi Bhabha quotes Robert Southey, *Letters from England* (1808) on the "Great I": "A remarkable peculiarity is that they (the English) always write the personal pronoun I with a capital letter. May we not consider this Great I as an unintended proof of how much an Englishman thinks of his own consequence?" Homi K. Bhabha, *Signs Taken for Wonders: Questions of Ambivalence and Authority Under a Tree Outside Delhi, May 1817*, 12 *CRITICAL INQUIRY* 144, 144 (1985).

20. Thomas H. Ford, *Translator's Foreword* to BORIS GROYS, *THE COMMUNIST POSTSCRIPT*, at viii (Thomas H. Ford trans., 2009).

21. See ISTVAN MESZAROS, *THE CHALLENGE AND BURDEN OF HISTORICAL TIME* 43 (John B. Foster ed., 2008). Capital folds up or occults what Istvan Meszaros calls historical time:

The grave and in principle insurmountable problem for the capital system is that it superimposes on the unavoidable first-order mediations between humanity and nature a set of alienating second-order mediations, creating thereby an "eternalized" - and even by the greatest thinkers of the bourgeoisie in that way conceptualized - vicious circle from which there cannot be any escape by sharing capital's vantage point.

*Id.* at 35. "Capital," Meszaros argues, "must become blind to all dimensions of time other than that of exploitable surplus-labor and the corresponding labor-time." *Id.* Thus "all possible value and meaning potentially arising from historically created relations must be obliterated from capital's equations, other than those directly linked to the systemic imperative of capital-accumulation." *Id.* Owens's traumatology

This essay is about laurel wreaths and time. This is an essay about capitalist time and its seemingly endless victories over historical or human time. Jesse Owens, the most revered Olympian of them all, will tell the story. The Berlin Olympiad was to be a celebration of Aryan superiority, but Owens's spectacular performance turned the event against its meaning, or so the story goes. But there is another story—another side of the medal—and that is the story that this essay will deploy Owens to tell. The USA said Yes to Berlin and the Nazi Olympics, along with most nations of the world. Barcelona said No to the Nazi Olympics. Few recall the Popular Olympic Games of Barcelona of July 19-26, 1936. The Games of the Popular Olympics of Barcelona were to have been an antifascist rejection of the Nazi Olympics in Berlin.

## II. BARCELONA 1936

The Barcelona Popular Olympics did not take place:

On July 18, 1936, the day before the Games, the last rehearsal of the opening ceremony was run through at the Stadium on Montjuic. Many of the organizers, tired and nervous, chose to sleep in the stadium itself. They did not know then that July 19 would go down in history for entirely different reasons. Early that morning, a military uprising took place in Barcelona in concert with General Franco, and the Spanish Civil War had begun. The uprising left the 6000 athletes and 20000 visitors that had come from 23 countries for the Popular Olympic Games unable to believe what had happened. The fighting in the streets, in which some of the foreign athletes took part, led to the suspension of the Games.<sup>22</sup>

The forces of capital, spearheaded by General Francisco Franco, began what would eventually prove to be a successful coup against the Spanish Republic and its democratically-elected Popular Front. Barcelona and other cities defended the Republic, but they were overwhelmed by capital's global powers. George Orwell, who joined the international defense of the Republic in 1936, penned what may well be the best-known English-language history of the Civil War in Spain:

I had dropped more or less by chance into the only community of any size in Western Europe where political consciousness and disbelief in capitalism were more normal than their opposites. Up here in Aragon one was among tens of thousands of people . . . all living at the same level and mingling on terms of equality. In theory it was perfect equality, and even in practice it was not far from it. There is a sense in which it would be true to say that one was experiencing a foretaste of Socialism . . . Many of the normal motives of civilized life—snobbishness, money-grubbing, fear of

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is part of that blinding.

22. Xavier Pujadas & Carles Santacana, *The Popular Olympic Games, Barcelona 1936: Olympians and Antifascists*, 27 INT'L REV. FOR SOC. SPORT 139 (1992).

the boss, etc.—had simply ceased to exist. The ordinary class division of society had ceased to exist.<sup>23</sup>

Orwell presented this picture of Barcelona during the struggle between the Anarchists and the Fascists for the future:

The town had a gaunt untidy look, roads and buildings were in poor repair, the streets at night were dimly lit for fear of air-raids, the shops were mostly shabby and half-empty. Meat was scarce and milk practically unobtainable, there was a shortage of coal, sugar and petrol, and a really serious shortage of bread. Even at this period the bread-queues were often hundreds of yards long.<sup>24</sup>

Orwell recorded the fact of these hardships. He also recorded these joys:

Yet so far as one could judge the people were contented and hopeful . . . Above all, there was a belief in the revolution and the future, a feeling of having suddenly emerged into an era of equality and freedom. Human beings were trying to behave as human beings and not as cogs in the capitalist machine.<sup>25</sup>

### III. BERLIN 1936

The Berlin Olympic Games of 1936 and its Olympians, all of them, functioned as “cogs in the capitalist machine.”<sup>26</sup> Nazi Germany, Fascist Italy, and Stalinist USSR were all, like Owens’s USA, world-spanning “cogs in the capitalist machine.” This essay likens the Barcelona Popular Olympics of 1936 to another moment, Mexico City 1968, in which “human beings were trying to behave as human beings and not as cogs in the capitalist machine.”<sup>27</sup> It does so by looking at Jesse Owens’s role in both.

The fight between “human beings” and “the capitalist machine” was taking place even as Jesse Owens ran fast at the Berlin Olympics, the Nazi Olympics, of August 1-16, 1936: “This was in late December 1936, less than seven months ago as I write, and yet it is a period that has already receded into enormous distance . . . The Anarchists were still in virtual control of Catalonia and the revolution was still in full swing.”<sup>28</sup> Barcelona 1936 was “the only community of any size in Western Europe where political consciousness and disbelief in capitalism were more normal than their opposites.” Barcelona 1936 was a perfect stage for the “human beings” fight against “the capitalist machine”:

Up here in Aragon one was among tens of thousands of people . . . all living at the same level and mingling on terms of equality. In theory it was perfect equality, and even in practice it was not far

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23. GEORGE ORWELL, *HOMAGE TO CATALONIA* 104 (Indo-European Publishing, 2011) (1938).

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.*

from it. There is a sense in which it would be true to say that one was experiencing a foretaste of Socialism . . . . Many of the normal motives of civilized life—snobbishness, money-grubbing, fear of the boss, etc.—had simply ceased to exist. The ordinary class division of society had ceased to exist.<sup>29</sup>

Jesse Owens was a fast runner. One afternoon in 1935, in less time than it takes for a Hollywood motion picture to unwind, Owens set five world records in athletics.<sup>30</sup> The measure, “less time than it takes for a Hollywood motion picture to unwind,” is not chosen by accident. Hollywood is a broken clock and perhaps a perfect device with which to measure the destroyed time that capitalism falsely presents as real; “what people normally go to the cinema for is time: for time lost or spent or not yet had.”<sup>31</sup> Owens was possessed of and by a hard-won ability to fold time and to move across space in ways entirely “out of the order of nature.”<sup>32</sup> That is what he did in 1936.

Owens sped to four gold medals in 1936 at the Berlin Olympic Games. He stopped in 1968 to shed a bitter, bitter tear.<sup>33</sup> His tear, suspended in the timelessness of our collective unconscious, is also a lens. Nothing is forgotten or lost. The unconscious does not know time.<sup>34</sup> James Yates, author of *Mississippi to Madrid: Memoir of a Black American in the Abraham Lincoln Brigade*, a defender of the Spanish Republic and, like Owens, the son of a sharecropper, placed Owens’s medals in context: “[a]t the Berlin Olympics Jesse Owens won four gold medals, but down South we lost eight more lives to white lynch mobs. In the cities, North and South, thirty-six percent, more than one out of every three Black males, were unemployed.”<sup>35</sup>

White America’s champion, Owens, recalled the lynchings and the poverty, too: “And the hurt was soul shattering sometimes. It was rougher than a cancer because, once you had it, you couldn’t cut it out even for a single minute.”<sup>36</sup> Owens, whose last breath was taken by lung cancer, described the “soul shattering” nature of lynching in his book:

When in doubt about anything, murder a Negro . . . Only this time one of the men they hung had a wife who was eight months

29. *Id.*

30. On May 25, 1935, at 3:15pm, Owens ran the 100-yard dash in 9.4 seconds to tie the world record. At 3:25pm, Owens leaped 26’8 1/4” to set a world record that would last 25 years. At 3:34pm, Owens ran the 220-yard dash in 20.3 seconds, a world record. At 4:00pm, forty-five minutes after the first world record, Owens ran a world record 22.6 seconds in the 220-yard low hurdles.

31. ANDREI TARKOVSKY, *SCULPTING IN TIME: REFLECTIONS ON THE CINEMA 64* (Kitty Hunter-Blair, trans., Eighth Univ. of Tex. Press, 2003) (1986), *quoted in* TRINH T. MINH-HA, *WHEN THE MOON WAXES RED: REPRESENTATION, GENDER, AND CULTURAL POLITICS* 111 (1991).

32. JAMES BALDWIN, *My Dungeon Shook: Letter to My Nephew on the Eve of the 100th Anniversary of the Emancipation Proclamation*, in *THE FIRE NEXT TIME* 1, 9 (1993) (1962). [hereinafter *Letter to my Nephew*].

33. The title of this essay comes from Werner Fassbinder’s Thirteenth film, *The Bitter Tears of Petra von Kant* (1972), a chronicle of the collapse of a long-term S/M relationship, among other things.

34. Wilhelm Stekel, *Time in its Relationship to the Neurotic*, in *TWELVE ESSAYS ON SEX AND PSYCHOANALYSIS* 285, 299-300 (S.A. Tannenbaum trans. & ed., 1922) (1912).

35. JAMES YATES, *MISSISSIPPI TO MADRID: MEMOIR OF A BLACK AMERICAN IN THE ABRAHAM LINCOLN BRIGADE* 97 (1989).

36. JESSE OWENS, *BLACKTHINK: MY LIFE AS BLACK MAN AND WHITE MAN* 36 (1970).

pregnant and who just couldn't stand to see her husband taken away. She clawed at the shoes of the white men as they dragged him to the tree . . . So they strung her up, too. Only they didn't tighten the knot enough to kill her, just to dangle her above the fire they'd made so she'd slowly burn to death. Before she lost consciousness, her ready-to-be-born baby dropped into the flames. That wasn't the worst of it. As the baby fell into the fire, the white men ran to their homes to call their wives and their children. To watch it roast.<sup>37</sup>

But the lynchings and the poverty and the cruelty are not memories held by Owens. Rather, they are events that have taken possession of him—like burning cigarettes and lung cancer—in a peculiar way. Owens's traumata reappear in his memoir, bizarrely, as reasons to oppose, not support, the black power movement.

Owens's insight is a kind of blindness.<sup>38</sup> We are introduced to a husband ("one of the men they hung"<sup>39</sup>), a wife ("had a wife"<sup>40</sup>), a child-who-will-never-be ("who was eight months pregnant"<sup>41</sup>), and black power ("who just couldn't stand to see her husband taken away"<sup>42</sup>). The whites lynch a black husband and wife and the still-fetal form of their child-who-will-never-be and "as the baby [falls] into the fire, the white men [run] to their homes to call their wives and *their* children. To watch it roast."<sup>43</sup>

Owens is writing of himself as "the baby that fell into the fire."<sup>44</sup> "Father, can't you see me? I'm burning," is one of the most well-known sentences in the literature of psychoanalysis.<sup>45</sup> Freud wrote of a burnt child: A father had been at his child's sickbed night after night and day after day. The child died. The body was arranged with candles all round, an old man had been engaged to keep watch, and the father went to the adjoining room to lie down. The door was left open. The father awoke to a bright glare from the next room and, on entering that room, noticed the fact that the watchman had fallen asleep and that while the watchman slept one of the candles had fallen and burned one of the arms of his child's dead body.<sup>46</sup> Owens writes to the father from the situation of the dead child: "As the baby fell into the fire, the white men ran to their homes to call their wives and *their* children. To watch it roast."<sup>47</sup> Owens's writing bears witness to his own father, Henry Owens, who could not read. The flames that marked the burnt child also prevented Owens's father from reading.

Orwell's *Homage to Catalonia*, used throughout this essay, is particularly useful in attending to the burnt child. Owens himself used Orwell's work to paint a portrait of the burning South: "the whitethinking world my great-grandparents were

37. *Id.* at 37.

38. *See supra* note 21 (discussing blindness).

39. OWENS, *supra* note 36, at 37.

40. *Id.*

41. *Id.*

42. *Id.*

43. *Id.* (emphasis added).

44. *Id.*

45. SIGMUND FREUD, *THE INTERPRETATION OF DREAMS* 513-14 (1900).

46. *Id.*

47. OWENS, *supra* note 36, at 37.

born into made George Orwell's crimethinking Nineteen Eighty-Four seem mild. My own father was actually afraid to touch a book!"<sup>48</sup> Owens's father was "actually afraid to touch a book"<sup>49</sup> because: "his parents and their parents had never been allowed to own a book, to say nothing of learning to read one. Slaves had been beaten to death for having books hidden in their homes."<sup>50</sup>

Trauma is transgenerational. The burnt child continually burns itself in the form of its betrayed comrades. It burns itself again and again. Stig Dagerman writes: "It is not true that a burnt child avoids the fire. It is drawn to the fire like a moth to a candle. It knows it will be burned if it comes close. But it comes too close."<sup>51</sup> Owens, alarmingly, followed *The Tortures of Henry Owens* with a chapter entitled "Equality is Here," in which he dismisses all that had happened to "the Henry Owenses" of the gallant South:

[T]heir story is only one chapter. It is only one chapter because that torture is over. The memory may still be painful, it may even be burned into the psyche of many a little colored boy and girl who skip gaily to school today. But, by god, it's only a memory. And most of them have a school to skip to.<sup>52</sup>

Memories that burn ("it may even be burned into the psyche"<sup>53</sup>) are not merely memories, they are repetitions.

White readers gave overwhelmingly positive reviews to *Blackthink*, a book which did not sell well, and which was greeted with cold silence by its black readers. The black readers, unlike the white readers, and unlike Owens, may have understood that just as every shut eye ain't asleep, every goodbye ain't gone.<sup>54</sup> The blacks may have understood Owens's "only a memory" to be a meaningless phrase. Nothing is forgotten or lost. The unconscious is outside of time.<sup>55</sup>

For Jesse Owens, as for the Roberts Court, the "whitethink" that tortured Henry Owens and many thousands gone is, through a strange and perverse reversal, the same as the "blackthink" that resists and refuses that same torture. Trauma is immortal. What cannot be borne is not lost. It is remembered, reborn, but only in the mode of repetition, and, once again, unbearable.

The Olympic hero who remembers lynching, illiteracy, and innumeracy is shattered, burst apart. No one survives slavery. The thoughts of *Blackthink* are, therefore, thoughts without a thinker. Owens is a diaspora. One fragment of the Owens diaspora wrote:

Believe it or not, most black men today start just about equal with the white. We may not begin with a well-off set of parents, and we may have to fight harder to make that equality work. But we can

48. *Id.* at 39.

49. *Id.*

50. *Id.*

51. STIG DAGERMAN, BRÄNT BARN 3 (1948).

52. OWENS, *supra* note 36, at 43.

53. *Id.*

54. Corinthians 15:51-52 (King James).

55. OWENS, *supra* note 36, at 43.

make it work. Because now we have the one all-important gift of opportunity.<sup>56</sup>

Opportunity thus becomes a god, the “all-important gift” that will “make it work,” and, unbeknownst to Owens, a liar, perhaps the god of liars. As another fragment of the Owens diaspora contrapuntally observed: after all the parades a stubborn material fact remained: “No one had offered me a job.”<sup>57</sup> “I had jumped farther and run faster than any man ever had before, and it left me with next to nothing.”<sup>58</sup> His ability to fold time did not extend past the athletics stadium. The fragment of Owens understanding itself to be “next to nothing” was correct. That nothing, a black hole, holds the fragments of the Owens diaspora, and the rest of us, in its accretion disk, spinning down and out, forever.<sup>59</sup>

#### IV. DOING THEORY IN A REACTIONARY SITUATION

In the *The Defiant Ones* (1958), Hollywood film stars Sidney Poitier and Tony Curtis play two fugitives who are literally chained together.<sup>60</sup> The white one is an anti-black racist, the black one is not; in Hollywood that makes them equals.<sup>61</sup> Hollywood, like the Supreme Court of the United States of America, weds the one, the racist white one, to the other one, the not-racist black one. The two become one and soon their union produces a most potent policy image.<sup>62</sup> This impossible integration of opposites is why “welcome mats” and “no trespassing signs” are so often read as one and the same. The integration of opposites is what allows the pretended ignorance of Chief Justice Roberts of the United States Supreme Court to pass as wisdom: “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race.”<sup>63</sup>

*The Defiant Ones*, like the Roberts Court, presents its audience with two fugitives, black and white, who can escape prison only by first escaping American history. They must escape America’s history of race. But there is no escape from history. There is only the foredoomed and therefore endlessly repeated attempt to escape responsibility. Jesse Owens, under the heading, *The Tortures of Henry Owens*, wrote of this doom: “[n]o one called me nigger until I was seven. That was because an Alabama sharecropper’s child in the First World War years almost never saw the white man who owned his every breath. Owned.”<sup>64</sup>

Owens, sometime after he is reduced to racing as an animal among animals, begins smoking, a practice that will kill him with lung cancer. As he searches for his last breath he may understand his smoking as repetition, as death-wish, as the return

56. *Id.* at 43-44.

57. *Id.* at 46.

58. *Id.* at 48.

59. Anthony Paul Farley, *Shattered: Afterword for Defining Race*, 72 ALB. L. REV. 1053 (2009).

60. THE DEFIANT ONES (United Artists 1958).

61. See Anthony Paul Farley, *Lilies of the Field: A Critique of Adjudication*, 22 CARDOZO L. REV. 1013 (discussing the policy image).

62. *Id.*

63. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 748 (2007) (Roberts, J., concurring).

64. OWENS, *supra* note 36, at 29.

of the burnt child to the fire, and as the return of the dead child to the plantation. We must recall Owens's recollection of "the white man," almost never visible, "who owned his every breath,"<sup>65</sup> and the fact that "the hurt was soul-shattering"<sup>66</sup> and "rougher than a cancer"<sup>67</sup> in order to understand how bitterly the Olympian whose laurels were but a "new kind of slavery"<sup>68</sup> will weep, will have wept, will weep again and again, world without end.

Ownership ("Owned"<sup>69</sup>) does not vanish when the cat-and-mouse game of so-called free labor begins. Slavery to segregation to legal equality is white-over-black to white-over-black to white-over-black. Slavery is white-over-black and vice versa, and so are the other two. The child of the sharecropper who was the child of the slave is a slave: the dispossessed sharecropper working for "the white man" who "owned his every breath" is dispossessed after slavery by slavery. This eternal afterlife of slavery is the production of a commodity, the free worker, by means of commodities, the slaves:

In theory, the Emancipation Proclamation had been a wonderful thing. But in 1915 in Alabama it was only a theory. The Negro had been set free - free to work eighteen hours a day, free to see all his labor add up to a debt at the year's end, free to be chained to the land he tilled but could never own any more than if he were still a slave.<sup>70</sup>

Slavery is death, only death, and that continually. Theory ("In theory, the Emancipation Proclamation . . ."<sup>71</sup>) is class war on the terrain of philosophy.<sup>72</sup> What does that class war look like when it is waged against the already-dead? *Parents Involved in Community Schools v. Seattle School District No. 1*, is bloated, like a corpse.<sup>73</sup> The debate is limited in the way maggots are limited.<sup>74</sup> The debate never leaves the flesh of whatever it was that remained after the Middle Passage. The tightest expression of the limit can be seen in Justice Roberts's fear-filled and otherwise empty sentence: "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race."<sup>75</sup> James Baldwin, 100 years after the so-

65. *Id.*

66. *Id.* at 36.

67. *Id.*

68. *Id.* at 50.

69. *Id.* Frantz Fanon wrote of this experience of ownership in the colonized situation:

There is not occupation of territory, on the one hand, and independence of persons on the other. It is the country as a whole, its history, its daily pulsation, that are contested, disfigured, in the hope of a final destruction. Under these conditions the individual's breathing is an observed, an occupied breathing. It is a combat breathing.

FRANTZ FANON, *Algeria Unveiled*, in *A DYING COLONIALISM* 65 (English translation by Monthly Review Press, 1965).

70. OWENS, *supra* note 36, at 29.

71. *Id.*

72. Althusser famously observed, "Philosophy represents the class struggle in theory." See LOUIS ALTHUSSER, *Philosophy as a Revolutionary Weapon*, in *LENIN AND PHILOSOPHY AND OTHER ESSAYS* (Ben Brewster trans., 1971).

73. *Parents Involved*, *supra* note 63.

74. DELEUZE, *supra* note 1.

75. *Parents Involved*, *supra* note 63, at 748.

called Emancipation, observed:

[T]he danger, in the minds of most white Americans, is the loss of identity. Try to imagine how you would feel if you woke up one morning to find the sun shining and all the stars aflame. You would be frightened because it is out of the order of nature.<sup>76</sup>

Raceblindness is a type of hysteria. To “imagine how you would feel if you woke up one morning to find the sun shining and all the stars aflame” one has only to think about the Roberts Court. The hysterics of the Court are haunted by reminiscences.<sup>77</sup> The history they cannot bear inhabits them as repetition. “[T]he danger, in the minds of most white Americans, is the loss of identity.”<sup>78</sup>

The white one identifies itself through the cruelties heaped upon the shoulders of the black one. Atlas shrugs and the stars begin to fall:

Any upheaval in the universe is terrifying because it so profoundly attacks one’s sense of one’s own reality. Well, the black man has functioned in the white man’s world as a fixed star, as an immovable pillar: and as he moves out of his place, heaven and earth are shaken to their foundations.<sup>79</sup>

But that is just the surface of the dream. Oh, how glad and happy when we meet / I’ll fly away.<sup>80</sup> The white one is also a slave. I’ll fly away, Oh glory.<sup>81</sup> Slavery is death, death only, and that continually. I’ll fly away.<sup>82</sup> The white one also labors under the eternal sovereignty of death. No more cold iron shackles on my feet / I’ll fly away.<sup>83</sup> The whites who washed ashore from the Mayflower to the present were slaves. I’ll fly away, Oh Glory.<sup>84</sup> No one missed them. I’ll fly away.<sup>85</sup> No one misses them. Just a few more weary days and then / I’ll fly away.<sup>86</sup> They were not missed. To a land where joy will never end / I’ll fly away.<sup>87</sup> They are not missed. I’ll fly away, Oh glory.<sup>88</sup> They were dead before they got on the boat:

*I’ll fly away, Oh Glory*

*I’ll fly away (in the morning)*

*When I die, Hallelujah, by and by,*

*I’ll fly away (I’ll fly away).<sup>89</sup>*

Those who left Europe for America were slaves, the wretched of the earth,

76. BALDWIN, *supra* note 32.

77. JOSEF BREUER AND SIGMUND FREUD, *STUDIES ON HYSTERIA* 7, 221 (Standard Edition).

78. Baldwin, *supra* note 32, at 9.

79. BALDWIN, *supra* note 32. See *also*, Anthony Paul Farley, *When the Stars Begin to Fall*, 1 COLUM. J. OF RACE & L. 226 (2012).

80. I’ll Fly Away, *supra* note 2.

81. *Id.*

82. *Id.*

83. *Id.*

84. *Id.*

85. *Id.*

86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.*

too. The white ones were the criminals, the untouchables, the sociopaths, the unskilled, the dispossessed, the diseased, the uncouth, the poor who were also poor in spirit, the unwanted. The whites signed themselves into slavery in order to get to America. That was the price of the ticket. But the whites never paid the price. They made the blacks pay it. The whites made themselves white and “free” by making others black. The blacks became the slaves of slaves. The blacks were slaves of slaves because the whites were not really free—they were delusional. Delusions are never free, neither are the citizens of such delusions. The whites, using the slaves of slaves as a mirror, became what they had made of them, nothing but repetition, less than nothing.

Black abjection is the price of white forgetting. The whites forgot. But forgetting is always active, just as memory is always unruly. Forgetting is but memory in the mode of repetition. The repetitions are not life. The death that produces and reproduces blackness is memory in the mode of repetition. Life is the composition of our choices and repetitions are not choices. The whites are not alive. Neither are the blacks. Slavery is an always-fatal injury. No one survives slavery: “Whenever my mother was feeling low, she filled in the bits and pieces that told you what existence, you couldn’t call it life—was like for her parents and grandparents.”<sup>90</sup>

The injury is always fatal. The whites are therefore condemned to endlessly repeat the injury in order to run from the truth of their own demise. I’ll fly away, Oh Glory! The weight of these necessarily repeated torments is unbearable. This unbearable weight tears a hole in the universe. What may once have been human now falls, forever. What may once have been human now falls out of the order of nature forever and ever.

The white one identifies with the black one—with the black one being nothing—and thus the white one becomes less than nothing. The hole, black just like the being that falls forever through it, dreams, and when it dreams it dreams in paradox. The singularity dreams of being less-than-nothing, and less than that, and less:

Then there are the nights (and they seem to come more after the good moments because that’s when you relax and the fears can really rise to the surface) when you’re grabbed from sleep at 3:30 A.M. with the thought you didn’t know you even had anymore, but which has actually haunted a secret part of you since childhood.

God, why couldn’t I have been born like THEM? It’s an emotion that shakes and demeans you.<sup>91</sup>

So the black hole dreams of being less than nothing, just like the white one. If to dream it is to be it, then the singularity, the Middle Passage-shaped hole in the universe that is the black, is less than nothing. The black one is nothing - nothing but loss –just like the white one. They mirror each other, and that makes them less than nothing. Recall that “the danger, in the minds of most white Americans, is the loss of

90. OWENS, *supra* note 36, at 38 (Owens also wrote: “My father only talked about things once or twice, but that was enough to give me the picture.”).

91. OWENS, *supra* note 36, at 20-21.

identity.”<sup>92</sup>

The collapsar, having given up the ghost, dreams of being white, but by so dreaming dreams of being even less than the nothing it already is, and as it dreams of being even less it becomes even less, and so does its twin, the white one, forever. Owens, faster than the shadows of forgotten ancestors, dreamt of death, dreaming and never dreaming that he dreamt of a death he had already died, knowing and never knowing that his tormentors dreamt the very same dream. The blacks, the ones like track star Jesse Owens (“God, why couldn’t I have been born like THEM?”<sup>93</sup>), want to be white.<sup>94</sup> The whites also dream dreams of being white, which they are not, save in dreams. What is more, per Baldwin, whites, just like Jesse Owens, cannot imagine that there are those who do not wish to be white: “White Americans, however, bless their generous little hearts, are quite unable to imagine that there can be anyone, anywhere, who does not wish to be White, and are probably the most abject victims of history the world has ever seen, or will ever know.”<sup>95</sup>

“[T]he danger, in the minds of most white Americans, is the loss of identity.”<sup>96</sup> American history presents in *The Defiant Ones* as the fugitives’ fear of each other; the racist white one fears the black one and the black one fears the racism of the white one. Sidney Poitier and Tony Curtis seemingly manage their fears and our history. They almost manage to outrun the hounds.<sup>97</sup> Almost. Owens, after being used by the Olympic Committee, finding himself with nothing, sells that nothing into slavery: “So I sold myself into a new kind of slavery. I was no longer a proud man who had won four Olympic gold medals. I was a spectacle, a freak who made his living by competing—dishonestly—against dumb animals.”<sup>98</sup>

Just before the credits roll, the two fugitives, *The Defiant Ones*, run for a train that will take them to freedom, a freedom train. The black one runs fast enough to get on board (“everybody knows that blacks run fast”). The white one fails to catch hold of the black one’s outstretched hand. The two star-crossed men are bound by love, just as the filmmakers dreamed that the entire nation might one day be. Love hurts.<sup>99</sup>

Love on the spectacle’s terms means that the black one jumps off the train to face certain death with the white one. The final reel leaves the audience reeling in black and white. As death comes to call, the black one holds the exhausted white one in his arms and defiantly sings “Long Gone.”<sup>100</sup>

92. BALDWIN, *supra* note 32.

93. OWENS, *supra* note 36, at 20-21.

94. FRANTZ FANON, BLACK SKIN, WHITE MASKS xii (Charles L. Markmann trans., 1952).

95. JAMES BALDWIN, THE EVIDENCE OF THINGS NOT SEEN 23 (1985).

96. BALDWIN, *supra* note 34.

97. Francis Thompson, The Hound of Heaven, in THE OXFORD BOOK OF ENGLISH MYSTICAL VERSE (D. H. S. Nicholson & A. H. E. Lee, eds., The Clarendon Press 1917) (The hounds pursue with deliberate speed.).

98. OWENS, *supra* note 36, at 50.

99. JOHANN WOLFGANG VON GOETHE, THE SORROWS OF YOUNG WERTHER (Marcelle Clements trans., 2005) (1774).

100. W.C. HANDY, Long Gone John (from Bowling Green) (a song about a fugitive who successfully outruns the long arm of the law).

## V. DAPHNE &amp; APOLLO

Owens's memories of 1936 are disorienting:

We'd won a lot of races for our team. I myself had set four world's records the spring before. We were good enough to compete alongside the white athletes, but often not good enough to take showers with them afterward or to ride with them on the way to the meets.<sup>101</sup>

They do not break bread together:

We'd never eaten with the white athletes in three years at college, let alone on the road much. At Ohio State, which was one of the more progressive schools, we took our meals in the one ramshackle house where all Negroes lived. If you were colored and you didn't take your meals there, you didn't eat.<sup>102</sup>

The colorline cuts time wide open: "The experience of driving to Indianapolis on that February Friday in 1936 will always be a scar"<sup>103</sup>:

'I don't want money to feed no niggers!' he bellowed. Then suddenly his arms were inside the car too, jerking at the plates of food. 'You give me those!' He lunged, his hands grabbing the plates from us, the silverware and food spilling over our clothes and the seats. Dave wouldn't let go of his and the man flailed out in insane anger, reaching halfway into the auto and hitting down on the plate again and again with his big fist until not a thing was left on it.<sup>104</sup>

"I don't want money to feed no niggers!"<sup>105</sup> Owens's immortal injury, his ripped-apart "February Friday in 1936," looks a lot like his Olympic medals: "They were sunny side up, I recall, and the yellows looked like liquid steaming gold as we passed them out among us and started to dig in."<sup>106</sup> The "liquid steaming gold" of the "sunny-side-up" eggs appear as his Olympic gold medals: "People say it was degrading for an Olympic champion to run against a horse, but what was I supposed to do? I had four gold medals, but you can't eat four gold medals."<sup>107</sup>

"I don't want money to feed no niggers!"<sup>108</sup> The slave is a commodity, an object of property, not a subject. The black one's appearance as anything but object is a metaphysical affront to the white one—an affront that appears to be entirely "out of the order of nature."<sup>109</sup> But Owens, and this may be the tragedy of the object, actually wants to win the heart of the man who "bellows" "I don't want money to

101. OWENS, *supra* note 36, at 15-16.

102. *Id.* at 16.

103. *Id.*

104. OWENS, *supra* note 36, at 17.

105. *Id.*

106. *Id.*

107. "You can't eat gold medals" brings yet another link to the roadside encounter of 1935.

108. OWENS, *supra* note 36, at 17.

109. BALDWIN, *supra* note 32.

feed no niggers!”<sup>110</sup>

One recalls Daphne and Apollo. Eros, slighted by Apollo, pierces the god with his arrow. Apollo, now love-struck, pursues the nymph Daphne, daughter of the river god Peneus. Daphne, having sworn to keep her virginity, flees. But Apollo—hound of heaven—is faster:

[H]e accelerates, and runs as swiftly as a Gallic hound  
 chasing a rabbit through and open field;  
 the one seeks shelter, the other, prey —  
 he clings to her, is just about to spring,  
 with his long muzzle straining at her heels,  
 while she, not knowing if she’s been caught,  
 in one swift burst, eludes those snapping jaws,  
 no longer the anticipated feast;  
 so he in hope and she in terror race.<sup>111</sup>

Before Daphne is caught she prays to Peneus to be transformed (“Help me dear father! If your waters hold any divinity, transform me and destroy that beauty by which I have too well pleased!”<sup>112</sup>). Her prayer is answered and she becomes a laurel tree: “a heavy numbness seized her limbs, thin bark closed over her breast, her hair turned into leaves, her arms into branches, her feet so swift a moment ago stuck fast in slow-growing roots, her face was lost in the canopy. Only her shining beauty was left.”<sup>113</sup> Apollo, now filled with sorrow and love, touched the tree’s branches, hugged the tree’s trunk, and caressed the tree’s leaves (“Apollo loves this one too and with a right hand placed on the trunk feels that her heart still trembles under the new bark.”<sup>114</sup>) Daphne would not be his wife, but she would be his tree. Apollo would forever wear her leaves in his hair. Daphne, like Apollo, would live forever young. And champions would always be crowned, like Apollo, like the Olympians, with the leaves of the laurel that never fall but stay, always, lush and green. Love for the class that owns your breath is impossible.

As with Daphne’s race from Apollo, “the final ‘second’—the longest slice of time in the world for an athlete - is the last half of the race, when you really bear down and see what you’re made of. It seems to take an eternity, yet is all over before you can think what’s happening. Before I knew what was happening, I felt that sweeter-than-sweet tug of the finish line tape against my chest.”<sup>115</sup> The line, the finish of the race, in combination with Owens’s sentence about crossing it, has an erotic quality: “thin bark closed over her breast . . .” feels like “that sweeter-than-sweet tug of the finish line tape against [his] chest.”<sup>116</sup> Like Daphne, Owens was bound—as if by an oath—to not give in to temptation:

110. OWENS, *supra* note 36, at 17.

111. OVID, *METAMORPHOSES*, BOOK ONE 22 (Charles Martin ed. & trans., 2010).

112. *Id.* at 23.

113. *Id.*

114. *Id.*

115. JESSE OWENS, *I HAVE CHANGED* 31 (1972).

116. *Id.* (Owens invites gender bending—and comparisons to lynching—in an even more graphic way when he tells readers that every time he “ran his balls off” he earned the admiration of the man who had refused to serve “niggers.”)

‘No, Dave, no!’ I whispered . . . ‘O.K.,’ he said bitterly. ‘What’s one more time?’ The man gave a little sneer . . . just enough to tell us he figured he’d won, and walked back into the restaurant with his spoils - six half-empty plates - in his hands. There were tears in Dave Albritton’s eyes when he turned to get back in the car, tears of anger and I think of grief, too. ‘Now we can eat from the floor,’ he said, turning away from me. ‘That’s the way it’s supposed to be isn’t it?’ For an instant I wavered. For a second or two, just like every other time it happened, I wanted to let go the way I did when I was running or jumping, really let go, stride into that restaurant and pull that s.o.b. from behind his oh-so-safe little counter and hammer him with all the anger that was in each one of us. But I didn’t.<sup>117</sup>

Like Daphne, Owens’ chastity (“I wanted to let go . . . really let go . . . but I didn’t.”) is forever.<sup>118</sup> Owens maintains his chastity, a chastity which seems not so much strategic as erotic, a psychic holding place for his desire to be white, white like Daphne. Daphne appeals to her father for help in maintaining her virginity (“Father bring help! O Rivers, if you have divinity, destroy my shape by which I’ve pleased too much, by changing [it]!”<sup>119</sup>). Owens makes the same appeal. Jesse Owens appeals to his father Henry Owens as a way to make himself white: The torture of his father by a white power that owned even the air they all breathed is the memory that Owens deploys to turn against the black power movement and by turning against it turn himself white –what, other than the power that calls itself white, necessitates and also opposes black power? Owens, chased and running fast, is rendered white and remains chaste through a prayer to his father. If the black soul has “grown deep like a river,” then it must be that river is the one that Owens calls upon to “destroy [his] shape by which [he’s] pleased too much, by changing it.” Owens calls out for the destruction of his shape and he is changed, he is changed and adorned, like Daphne, with leaves of the god who pursued.<sup>120</sup>

## VI. COLLABORATOR

Owens refers to Tommie Smith as a good “boy” (“Tommie is a high class boy”<sup>121</sup>), but he views John Carlos as a bad boy, and goes so far as to fold 1968 into

117. OWENS, *supra* note 36, at 18 (Dave Albritton attended high school and university with Owens. Albritton tied the world record for the high jump at the USA Olympic Trials in 1936 and went on to win the silver medal in that event at the Olympic Games in Berlin.)

118. Owens connects chastity and conformity by denouncing the radicals and then quoting Myrdal on the “puritanism” of the black middle class:

Gunnar Myrdal, the Swedish sociologist who prophesied America’s race crisis a generation ago in *An American Dilemma*, feels a black revolution is unlikely because most blacks recognized underneath it all that “the fundamental thing about Negroes is that they are Americans.” As a matter of fact, Myrdal believes that “the Negro middle class is more puritan than the white middle class.”

OWENS, *supra* note 36, at 84.

119. OVID, *supra* note 111, at 23.

120. Apollo Cunomaglus might be thought of as the bridge from Daphne to the hound of heaven. FRANCIS THOMPSON, *THE HOUND OF HEAVEN* (Nabu Press: 2010) (1893).

121. OWENS, *supra* note 36, at 79.

1936 by calling their upraised black-gloved fists “Nazi salutes.”<sup>122</sup> What is a collaborator? They are possessed by and of “a tendency to ratify events simply because they have occurred.”<sup>123</sup> The “honest” participants in that tendency “are here confusing the need, in so far as they are scholars, to submit to the facts, with a certain inclination, insofar as they are moral agents, to approve these facts morally.”<sup>124</sup> Baldwin wrote of collaborators like Owens:

Now if I, as a black man, profoundly believe that I deserve my history and deserve to be treated as I am, then I must also, fatally, believe that white people deserve their history and deserve the power and the glory which their testimony and the evidence of my own senses assure me that they have.<sup>125</sup>

Property, being property, cannot own property. It seems simple, but it is not: “*I don’t want money to feed no niggers!*”<sup>126</sup> It is not at all simple. The collaborator ratifies events morally simply because the events have occurred.

Owens was a collaborator. He was broken early, long before he set his records. No one survives slavery. What remained of Owens was only a broken record, a repetition. What, after all, is a collaborator if not a repetition?<sup>127</sup> The repetition exhibits itself as collaboration, as the “tendency to ratify events simply because they have occurred.”<sup>128</sup> Each repetition, each ratification of the event “simply because” it has occurred, is another death. Repetition is not life, it is death, and no one recovers from death.

Orwell wrote:

2 + 2 = 5

They can’t get inside you,’ she had said. But they could get inside you. ‘What happens to you here is for ever,’ O’Brien had said. That was a true word. There were things, your own acts, from which you could not recover.<sup>129</sup>

“Each generation, in the dark, must discover and then fulfill or betray its mission.”<sup>130</sup> Owens stays in the dark, and he does so in order to “ratify” his father’s torture “simply because it occurred.”<sup>131</sup> “Leaving this for the North was taking a chance on the unknown, and the unknown could only be worse. That’s why it took an earthquake to pry Negroes like us loose from the cotton fields. There was always the possibility of a too terrible past rising up again to haunt us.”<sup>132</sup> Owens continues: “I admire my papa fiercely for the decision he made, but you couldn’t say it was any

122. OWENS, *supra* note 36, at 79.

123. JEAN-PAUL SARTRE, *What is a Collaborator?*, in *THE AFTERMATH OF WAR* 41, 53 (Chris Turner trans., Seagull Books 2008) (1945).

124. *Id.*

125. James Baldwin, *The White Man’s Guilt*, EBONY, Aug. 1965, at 47.

126. OWENS, *supra* note 36, at 17.

127. SARTRE, *supra* note 123, at 41, 53.

128. *Id.*

129. GEORGE ORWELL, NINETEEN EIGHTY-FOUR 624 (1949).

130. FRANTZ FANON, *THE WRETCHED OF THE EARTH* (Constance Farrington trans., 1963).

131. SARTRE, *supra* note 123, at 41, 53.

132. OWENS, *supra* note 36, at 41.

more than what his father or grandfather did. Just to survive, in body and spirit, was an accomplishment for them.”<sup>133</sup> The ratification comes when Owens judges the future against the past:

I’ve tried to make something of my life, but when I put it against what Henry Owens did, it doesn’t seem like much, considering the opportunity I had. And when I put what most of today’s blackthinkers, with their opportunities, have accomplished against what Henry Owens accomplished, it comes out near zero.<sup>134</sup>

The generations that had to live as animals find their animality ratified by Owens. To go further, to demand more than the “opportunity,” the opportunity that placed Owens up against animals, would be to demand something that history did not provide the previous generations. Some things are forever:

One day, before he went to his summer seat, he called a man to him, stripped and whipped him so that blood ran from his body like water thrown on him in cupfuls, and when the man had stepped from the place where he had been tied, the blood ran out of his shoes. He said to the man, ‘You will remember me now, sir, as long as your life.’ The man answered, ‘Yes, master, I will.’<sup>135</sup>

Owens folds all time into the trauma horizon he labels: “Henry Owens Tortures.” Owens does so through his desperate equation: blackthink = whitethink. As with  $2 + 2 = 5$ , this is what is desired of him—those who owned his breath. By substituting black for white, blackthink = whitethink, Owens is free to remember the unbearable past (“You will remember me now, sir, as long as your life.” The man answered, “Yes, master, I will.”<sup>136</sup>), but he is free to take hold of the unbearable past only in the mode of repetition, for that is the only way it can be borne. But repetition is not memory and the unbearable cannot be borne. Owens is free to rage against the evils that literally produced his forebears only after substituting black for white. “Yes, master, I will,”<sup>137</sup> is not a victory, it is a funeral. Owens substitutes black for white with the claim that things have improved and by making his father’s tortures the zero point, the point beyond which we cannot go, the point beyond which black accomplishments, even his own, amount to little (“doesn’t seem like much”<sup>138</sup>) or nothing (“comes out near zero”<sup>139</sup>).

The logic of capital is inescapable. A mark is made or found on the body. The mark is used to separate those who are to have from those who are to have-not. Separation along the mark is accomplished through millions of murders. Their name is Legion—Manifest Destiny, Middle Passage, White Man’s Burden, Operation Infinite Justice—but they are never forgotten. The memory is unbearable. These mass murders are the birth of capital. Slavery, recall, is death, death only, and that

133. *Id.*

134. *Id.*

135. GARGI BHATTACHARYYA, *TALES OF DARK-SKINNED WOMEN: RACE, GENDER AND GLOBAL CULTURE* 175 (2003) (quoting JACOB STROYER, *MY LIFE IN THE SOUTH* (1968)).

136. *Id.*

137. *Id.*

138. OWENS, *supra* note 36, at 41.

139. *Id.*

continually. The mass of these deaths is too great to be borne. A hole is torn in the world and everything falls through it, forever. No one survives. But nothing is forgotten. The fragments recall the unbearable event, primitive accumulation, in the mode of repetition, as they fall, forever and faster and faster.

## VII. MEXICO CITY 1968

Blacks emerged as fast runners on the international scene in 1968. The Games of the XIX Olympiad were held in Mexico City that year. Black athletes had planned a U.S. boycott. They were refusing the “obligatory historical grin.”<sup>140</sup> It was to be a strike against the role they had been allotted in the production of the American spectacle. It was also to be a strike against the inclusion of Apartheid South Africa and Rhodesia. The Olympic Project for Human Rights was the not-remembered name of the movement that produced the black power Olympics. These Olympians were black power made visible, even a few of the white ones. In Baldwin’s words:

The Black Panthers made themselves visible - made themselves targets if you like - in order to hip the black community to the presence of a force in its midst, a force working toward the health and liberation of the community. It was a force which set itself in opposition to that force which uses people as things and which grinds down men and women and children, not only in the ghetto, into an unrecognizable powder.<sup>141</sup>

C.L.R. James famously remarked: “What do they know of cricket who only cricket know?” To understand the Mexico City Olympic Games and the Berlin Olympic Games as games only is to fail to understand anything at all. The Olympic Project for Human Rights was black power situated within “the argument of ballet.” But Owens folded time back to an endless moment before black could be thought beautiful and worked tirelessly against these Olympians.

Jesse Owens’s performance in 1936 at the Games of the XI Olympiad in Berlin had been hailed as a triumph of the American will over the “one people, one nation, one leader” of the 1,000-year Reich. But it was no triumph for Jesse Owens. After the Olympics, he was reduced to bare life,<sup>142</sup> actually running against horses for money: “‘Look, a Negro!’ . . . I could no longer laugh because I knew there were legends, stories, history, and above all historicity, which I had learned about from

140. JAMES BALDWIN, *Of the Sorrow Songs: The Cross of Redemption*, in *THE CROSS OF REDEMPTION: UNCOLLECTED WRITINGS* 118, 124 (Randall Kenan ed., 2010).

141. JAMES BALDWIN, *NO NAME IN THE STREET*, reprinted in *THE PRICE OF THE TICKET: COLLECTED NONFICTION, 1948-1985* 449, 537 (1985).

142. This reduction of the spectacular Owens to a pure animality has everything to do with his continuing significance as a policy image, as an enduring sign and vehicle for late 20th and, now, 21st century neoliberal power. Jesse Owens is always used to clothe modern power in some sort of egalitarian legitimacy. This is no wonder. If we follow Agamben’s line, the use, over and over again, of Owens as the cloak of legitimacy for varied strategies and tactics of modern powers and principalities, despite and because of the fact that he, crowned with laurels, was also reduced to an animal, should not surprise us. Agamben has famously argued that “the production of a biopolitical body is the original act of sovereign power.” GEORGIO AGAMBEN, *HOMO SACER: SOVEREIGN POWER AND BARE LIFE* 6 (Daniel Heller-Roazen trans., Stanford Univ. Press 1998).

Jaspers. Then, assailed at various points, the corporeal schema crumbled, its place taken by a racial epidermal schema."<sup>143</sup> "Look, a Negro!"<sup>144</sup> wins all the footraces over the so-called master race. "Look, a Negro!"<sup>145</sup> makes friends with the white ones on his team and with a white one of the other team. "Look, a Negro!"<sup>146</sup> Hitler refuses to shake its hand. Now watch it run as an animal against other animals: "People say it was degrading for an Olympic champion to run against a horse, but what was I supposed to do? I had four gold medals, but you can't eat four gold medals."<sup>147</sup>

Later, after reading *Soul On Ice*, Owens would look to black power for a way to understand himself: "Eldridge Cleaver made me wonder if sometimes, though winning for the world, I wasn't running a hateful race away from part of myself."<sup>148</sup> Owens was "running a hateful race" away from himself, but he failed to reach escape velocity. Owens, in the end, never reached the event horizon of the black void in which he was raised:

'Fair?' the assistant had replied. 'What does fair have to do with you?' My father was an example, he said. If he could 'get the best' of Clannon [the man for whom Owens's father was a sharecropper], the others might think they could too. 'And what about my family?' my father had shot back, finally beginning to lose forty-two years of control. 'We work hard. I want my sons to amount to more than I have!' 'Your sons will never amount to anything - just be grateful if they survive!' the man had shouted back.<sup>149</sup>

The hounds of history kept young Owens back.<sup>150</sup>

Owens praised the Rev. Martin Luther King Jr. but he was, it seems, unaware that King supported Tommie Smith, John Carlos, and the entire Olympic Project for Human Rights. King, joining the OPHR cause at an OPHR press conference on December 14, 1967, praised the "outstanding athletes [some of whom he noted, were white] who have the courage and the . . . determination to make it clear that they will not participate in the 1968 Olympics in Mexico City unless something is done about these terrible evils and injustices."<sup>151</sup>

"Look, a Negro!"<sup>152</sup> Roosevelt refuses to shake its hand. Owens returned to New York and a ticker tape parade, but it had to ride the freight elevator—just like an animal or a box of crackers—to attend the reception held in its honor at the famed

143. FANON, *supra* note 94, at 93.

144. *Id.*

145. *Id.*

146. *Id.*

147. OWENS, *supra* note 36, at 17 ("You can't eat gold medals" brings yet another link to the Owens Diaspora: "I don't want money to feed no niggers!").

148. JESSE OWENS, *I HAVE CHANGED* 40 (1972).

149. OWENS, *supra* note 36, at 28.

150. *Id.* at 33 ("And if they ever went so far as to try to take their loved ones and run, every white owner had a passel of 'nigger hounds' just for the purpose of tracking them down and cornering them like the animals they were felt to be.").

151. DOUGLAS HARTMANN, *RACE, CULTURE, AND THE REVOLT OF THE BLACK ATHLETE: THE 1968 OLYMPIC PROTESTS AND THEIR AFTERMATH* 96 (2003).

152. FANON, *supra* note 94, at 93.

Waldorf-Astoria. The broken pieces of Owens—treated like an animal in the USA—wrote: “Hitler treated me as if I were some kind of animal.”<sup>153</sup>

Look away from the Olimpiada Popular scheduled to take place from July 19-26, 1936, in Barcelona, Spain. After the election, the Popular Front, understanding the Berlin Olympics to be a celebration of the so-called master race, decided to boycott the Nazi Olympics and stage an alternative, democratic games in Barcelona. The Popular Olympics did not take place. The enemies of the Republic attacked on July 19th, the day the Popular Olympics were to have begun. It was the beginning of the second war to end all wars. Franco, aided by Nazi Germany and Fascist Italy, overcame Spanish democracy, but not until 1939. Francisco Franco, Caudillo de España, por la gracia de Dio, as he would call himself, ruled Spain until 1975. But in 1936 the matter was still open.

Berlin 1936 was a celebration of whiteness as the worldwide master race. Jesse Owens’s flight played, and still plays, a vital role in that celebration. Owens’s speed folds 1936 into the present. The pleasure of his speed was and remains a key aspect of the policy image or spectacle that occults lived history and organizes the incoherence of law.<sup>154</sup> Mexico City 1968, to the extent that the black athletes of the U.S. made it so, was an attempt to halt the production of spectacle through a strike. Jesse Owens speed played a role in that too.

The revolt of the black athletes of 1968 shocked the world. The revolutionary athletes turned against the spectacle that they had been deployed to serve. Tommie Smith and John Carlos, teammates at Speed City, as the San Jose State University track and field team, perhaps the best university team ever assembled, was known in those days, understood their role. Smith put it clearly, “On the track you’re Tommie Smith, the fastest man in the world, but off it you are just another nigger.”<sup>155</sup> Smith and Carlos were removed from the Olympic team and banned from the Olympic Village for their black-gloved human rights protest atop the medal stand. Jesse Owens was brought in to convince the other athletes to submit and not protest. Owens was also brought in to denounce all those who did protest. The black athletes of 1968 laughed at the man who, offered bitter bread in 1936, had come to 1968, to argue against revolution.

In 1936, Avery Brundage, as President of the Amateur Athletic Association, argued vociferously for USA participation in the Nazi Olympics in Berlin. Brundage praised the Nazi regime at a Madison Square Garden rally after the 1936 Olympic Games. Brundage’s bigotry had a sexual component, he opposed women’s participation in the Olympics as competitors. Brundage saw his reputation decline after 1941. But by 1968, as President of the International Olympic Committee, Brundage, who had not objected to Nazi salutes in Berlin 1936, did object to the human rights protest of 1968. Brundage, as IOC President, had Smith and Carlos banned from the Olympic Village and removed from the USA Olympic team. All of this was accomplished by Brundage and his enablers in the name of equality. According to Brundage:

153. OWENS, *supra* note 36, at 110.

154. The spectacle, I have also called it the policy image, is that which orchestrates the otherwise random clash of tooth and talon that is presented under the sign of law.

155. HARTMANN, *supra* note 151, at 50.

The Olympics is the one enterprise that has protected the rights of all people. The basic philosophy of the movement is no discrimination of any kind - racial, political, religious or anything else. It is the one great enterprise that has been fundamentally against all forms of discrimination. When starters mark the line, all are equal.<sup>156</sup>

Blacks were less than nothing in the United States of 1936. The nation Jesse Owens represented wanted to have nothing to do with blacks. Tragically, wanting nothing meant actually wanting nothing from the blacks, and that is the worst kind of wanting. Blacks were and are meant to actually radiate nothingness.<sup>157</sup> Everything was segregated and everywhere in the U.S. was a dangerous place for a black to be. Blacks were everywhere and always treated as if they themselves were supposed to be dead. A black was not supposed to be anything. In other words, the black was supposed to not be. To be was to be white. To be anything else was to be dead. The death that blacks were made to inhabit was made worse than death by the general system of necrophiliac longing for the black undead presence. Hannah Arendt was right. The dead are in danger. The fulfillment of necrophiliac longing for the black undead presence was the sum and substance of American legality of the 1930s. Having given up the ghost,<sup>158</sup> these forms of bare life,<sup>159</sup> these black bodies, were, in a perverse way, unburdened, as in the words of the slave spiritual, "Gonna lay down my burden...." Zombies are fast runners.<sup>160</sup>

"A country that lives, draws its substance from the exploitation of other peoples, makes those peoples inferior," and it does so successfully.<sup>161</sup> It is therefore pointless to look for improvements to this or that individual symptom or set of symptoms of racism. The search for progress in this or that measurable area of the so-called "race relations" of an exploitative system is itself part of the system's time-folding game and an attempt to evade the truth that the exploiter will always make an inferior of its host. Where there are haves and have-nots there is also always a mark on the body. Where there are haves and have-nots there is also always a mark on the body and violence to systematically bring the mark to our attention. Where there are haves and have-nots there are always efforts to measure the progress or regress of the bearers of the mark that are of necessity carefully limited to the assumption that the fact of haves and have-nots is an unalterable law of nature or nature's god.

Werner Fassbinder's thirteenth film, *The Bitter Tears of Petra Van Kant*, deals with sadism, masochism, and the flight from memory. The Owens story is a story of bitter tears, sadism, masochism, and the flight from memory. What if we are just parasites buried deep within a corpse of the Middle Passage? What if we

156. HARTMANN, *supra* note 151, at 64 (quoting Avery Brundage).

157. BLONDIE, *Fade Away and Radiate*, on PARALLEL LINES (Chrysalis Records 1978) ("My dream is on the screen. / Fade away and radiate.").

158. Anthony Paul Farley, *The Apogee of the Commodity*, 53 DEPAUL L. REV. 1229 (2004).

159. AGAMBEN, *supra* note 142, at 6.

160. Fast zombies have been the subject of popular films, including 28 DAYS LATER (20th Century Fox 2002) (Danny Boyle dir.); 28 WEEKS LATER (20th Century Fox 2007) (Juan Carlos Fresnadillo dir.); RESIDENT EVIL (Sony Pictures 2002) (Paul W.S. Anderson dir.); and DAWN OF THE DEAD (Universal 2004) (Zack Snyder dir.).

161. FRANTZ FANON, *Racism and Culture*, in TOWARD THE AFRICAN REVOLUTION 31, 40-41 (Haakon Chevalier trans., Grove Press 1988) (1964).

imagine, as we burrow in, circling deeper and deeper into the body of the forever dead, that we are flying away? "Further up and further in!"<sup>162</sup> What if we, the parasites, having already consumed the life of the unwilling host, are now imagining our blind wriggling to be a flight to glory?

Albert Brumley, the shapenotes singer who wrote *I'll Fly Away*, was the son of a sharecropper, just like Owens, but white, unlike Owens. One day Brumley was out in the fields picking cotton and humming "The Prisoner's Song" when he decided that it would be a wonderful gospel song. Three years later, 1932, he published *I'll Fly Away*, a shapenotes gospel standard, oft identified as a slave spiritual, doubtless because of its debt to the cotton fields and the feeling of indebtedness.

The policy image is that which shapes the legal result. Legal rules are not sugarplum fairies. They do not dance out our books and into the world. The legal rule's grip on anything is someone's grip. There is no rule of law. There are those who rule other people and deny that they rule other people by calling their rule the rule of law. The rules themselves cannot and do not point in any direction whatsoever. The readers of the tea leaves, however, go in the direction that they themselves have been aimed. Slavery was the great death event. We all fall in that direction, blind to other paths.

The policy image occults. Jesse Owens is a shining star in the story of racial equality. Avery Brundage, Nazi sympathizer in 1936 and opponent of the Olympic Project for Human Rights in 1968, had a fondness for John Galsworthy's sport ideology:

Sport, which keeps the flag of idealism flying, is perhaps the most saving grace in the world at the moment, with its spirit of rules kept and regard for the adversary, whether the fight is going on for or against. When if ever, the spirit of sport, which is the spirit of fair play, reigns over international affairs, the cat force which rules there now, will slink away and human life emerge for the first time from the jungle.<sup>163</sup>

This policy image is form of magic that is entirely consistent with the slavery suffered by the Owens family, a slavery Owens himself would horrifically champion.

The policy image called Jesse Owens occults other possibilities. The merely juridical equality his portion of the spectacle champions did not help him, and cannot help anyone. Law, fairplay, equality are words on a page. If you need them, the system will not let you have them, not without a struggle. Owens was racing against animals after the 1936 Olympics in Berlin. Owens himself worked tirelessly against the black power movement at the 1968 Olympics in Mexico City.

The blacks drove him away. The blacks reminded Jesse Owens that his hat-in-hand attitude won him medals, but every medal has another side. In the end, as the young blacks reminded Owens, he was racing against animals. Jesse Owens left in tears.

Owens's speed, his ability to fold time, removes the prize from our eyes. Owens's utterly unnatural speed did not carry him or anyone else to freedom, but it

162. C.S. LEWIS, *THE CHRONICLES OF NARNIA: THE LAST BATTLE* 207 (1956).

163. HARTMANN, *supra* note 151, at 78.

does block, or occult, alternatives to capital and its law.<sup>164</sup> Who thinks about the 1936 Popular Olympics of Barcelona? Who thinks about equality as more than the incoherence of “opportunity?” Who thinks about the vision of justice that was right before the eyes of Tommie Smith and John Carlos at the awards ceremony for the 200m at the 1968 Mexico Olympic Games? Owens’ efforts against black power in 1968 mirrored his efforts in 1936. In 1968, the architect of the Olympic Project for Human Rights, Harry Edwards, put it bluntly: “Is it not time for black people to stand up as men and women and refuse to be utilized as performing animals for a little dog food?”<sup>165</sup> Both efforts substitute spectacle for our ability to see what life without the rule of capital might be. Anarchist Spain looked like this in 1936:

Every shop and cafe had an inscription saying that it had been collectivised; even the bootblacks had been collectivized and their boxes painted red and black. Waiters and shop-walkers looked you in the face and treated you as an equal. Servile and even ceremonial forms of speech had temporarily disappeared. Nobody said ‘Senor’ or ‘Don’ or even ‘Usted’; everyone called everyone else ‘Comrade’ or ‘Thou’, and said ‘Salud!’ instead of ‘Buenos dias’. Tipping had been forbidden by law since the time of Primo de Rivera; almost my first experience was receiving a lecture from a hotel manager for trying to tip a lift-boy. There were no private motor-cars, they had all been commandeered, and the trams and taxis and much of the other transport were painted red and black. The revolutionary posters were everywhere, flaming from the walls in clean reds and blues that made the few remaining advertisements look like daubs of mud. Down the Ramblas, the wide central artery of the town where crowds of people streamed constantly to and fro, the loud-speakers were bellowing revolutionary songs all day and far into the night. All this was queer and moving. There was much in this that I did not understand, in some ways I did not even like it, but I recognized it immediately as a state of affairs worth fighting for.<sup>166</sup>

In a Chicago barbershop, after the publication of *Blackthink*, Owens accidentally overhears the other patrons identify him as antiblack. Owens, realizing that the accusation is true, at least in part, recants, but only in part and almost completely ineffectively, with a new book called *I Have Changed*.<sup>167</sup> Pity he did not visit the Barcelona barbershops of 1936:

164. Avery Brundage was Chair of the Amateur Athletic Union, the governing body for USA Track and Field during the debate over US participation in the Nazi Olympics. In 1941, with World War II raging, Brundage, who had worked hard for Berlin, was forced out of the AAU because of his Berlin efforts. But in 1968 it was Brundage, as President of the International Olympic Committee, who used his authority to force Tommie Smith and John Carlos out of the Olympic Village.

165. HARTMANN, *supra* note 151, at 85 (quoting Harry Edwards).

166. ORWELL, *supra* note 23.

167. OWENS, *supra* note 36. Interestingly, the website for the Jesse Owens Museum references JESSE OWENS, BLACKTHINK but does not reference JESSE OWENS, I HAVE CHANGED. See *Jesse Owens Biography: After Berlin*, JESSEOWENSMUSEUM.ORG, [http://www.jesseowensmuseum.org/?page\\_id=110](http://www.jesseowensmuseum.org/?page_id=110) (last visited Jan. 27, 2011)).

In the barbers' shops were Anarchist notices (the barbers were mostly Anarchists) solemnly explaining that barbers were no longer slaves. In the streets were coloured posters appealing to prostitutes to stop being prostitutes. To anyone from the hard-boiled, sneering civilization of the English-speaking races there was something rather pathetic in the literalness with which these idealistic Spaniards took the hackneyed phrase of revolution. At that time revolutionary ballads of the naivest kind, all about the proletarian brotherhood and the wickedness of Mussolini, were being sold on the streets for a few centimes each. I have often seen an illiterate militiaman buy one of these ballads, laboriously spell out the words, and then, when he had got the hang of it, begin singing it to an appropriate tune.<sup>168</sup>

Music like this is never naive, as Orwell and Baldwin both recognized. Owens also recognized this fact, albeit only in part and only belatedly:

For the music began in captivity, and is still, absolutely, created in captivity. So much for the European vanity, which imagines that with the single word "history" it controls the "past," defines the "present," and therefore cannot but suppose that the future will prove to be as willing to be brought into captivity as the slaves they imagine themselves to have discovered, as the "nigger" they had no choice but to invent. Be careful of inventions: the invention describes you and will certainly betray you.<sup>169</sup>

A never-delivered letter from NAACP President Walter White to Jesse Owens dated 4 December 1935 paints a picture of the situation. White's letter asks Owens to boycott the 1936 Olympics. Participation, the letter argues, would strengthen the forces of prejudice. Participation would also dishearten the forces opposed to prejudice, which White viewed as in the process of learning more and more about the links between prejudice against one group and prejudice against others. Worst of all, participation would squander an opportunity: "The very preeminence of American Negro athletes gives them an unparalleled opportunity to strike a blow at racial bigotry."<sup>170</sup> White made the "moral issue" clear:

But the moral issue involved is . . . far greater than immediate or future benefit to the Negro as a race. If the Hitlers and Mussolinis of the world are successful it is inevitable that dictatorships based on prejudice will spread throughout the world, as indeed they are now spreading. Defeat of dictators before they become too firmly entrenched would, on the other hand, deter nations which through fear or other unworthy emotions are tending toward dictatorships. Let me make this quite concrete. . . [A]nti-Negro prejudices are

168. ORWELL, *supra* note 23.

169. BALDWIN, *supra* note 136, at 118, 123.

170. Letter from Walter White, President (Executive Secretary), NAACP, to Jesse Owens (Dec. 4, 1935) (marked "did not send"), available at <http://myloc.gov/Exhibitions/naacp/greatdepression/ExhibitObjects/WalterWhitetoJesseOwens.aspx> (last visited Apr. 11, 2011).

growing alarmingly throughout the United States. Should efforts toward recovery fail, there is no telling where America will go. There are some people who believe a proletariat dictatorship will come. I do not believe that will happen and the course of history clearly indicates it is not likely to happen. Instead, it is more probable that we would have a fascist dictatorship. It is also historically true that such reactionary dictatorships pick out the most vulnerable group as its first victims. In the United States it would be the Negro who would be made the chief and first sufferer, just as the Jews have been made the scapegoats of Hitlerism in Nazi Germany.<sup>171</sup>

Proletariat power is not, per White, the balance of forces that America would discover if unsettled by the experience of the Great Depression. Fascist dictatorship was a much more likely place for unsettled white America to find footing in the event of a collapse of the New Deal. Fascists would make blacks the very first sacrifice. This political fact, for White, meant that blacks, like Owens and White, had to take care, lest by carelessness they allow the philosophy of Fascism to take hold. "Insofar as there exists, in the Hegelian-Marxist phrase, a 'world-historical process,' the Olympics have emerged as its privileged expression and celebration."<sup>172</sup> In 1936, there was "no telling where America [would] go."<sup>173</sup> To support the Nazi Olympics would be an impossible and irresponsible refusal of the situation of the black athlete of 1936. The letter, it seems, was never sent. But we can be confident, by the confidence of the text, that it did in fact arrive—what is a confidence if not something that has in fact always already been shared?

### VIII. CONCLUSION: BURNING

In Deleuze and Guattari there is a discussion of Peguy's two approaches to the event.<sup>174</sup> One "consists in going over the course of the event, in recording its effectuation in history, its conditioning and deterioration in history."<sup>175</sup> This is the attitude of Sartre's collaborator and the core of the policy image constellated of the Owens diaspora. The other approach, the one taken by this essay, "consists in reassembling the event, installing oneself in it as a becoming, becoming young again and aging in it, both at the same time, going through all its components or singularities."<sup>176</sup> Owens's ability to fold time with his body on the track, his attempt to fold time in *Blackthink*, and his inadvertent repetition of the same fold in *I Have Changed* all have to do with the conflict between the present and the actual.

The collaborator chooses the present over the actual, dismissing the latter as nothing at all. If "the present is what we are and, thereby, what we are already ceasing to be" and the "actual is not what we are but, rather, what we become, what

171. *Id.*

172. HARTMANN, *supra* note 151, at 15, (quoting JOHN J. MACALOON, *Olympic Games and the Theory of Spectacle in Modern Societies*, in RITE, DRAMA, FESTIVAL, SPECTACLE: REHEARSALS TOWARDS A THEORY OF CULTURAL PERFORMANCE (John J. MacAloon ed., 1984)).

173. Letter from Walter White to Jesse Owens, *supra* note 169 (marked "did not send").

174. DELEUZE, *supra* note 17, at 111-13.

175. *Id.* at 111.

176. *Id.*

we are in the process of becoming - that is to say, the Other, our becoming-other” then the Owens policy image may be thought of as a device with which to return the user always to the present. In other words, the Owens policy image forecloses the actual through its endless return to the present.

Jesse Owens was a fast runner. The actual is not a “utopian prefiguration of a future that is still part of our history.” Rather, it is “the now of our becoming.”<sup>177</sup> This essay is neither 1936 nor 1968. This essay is a departure. This essay is an exploration of the now of our becoming.

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177. *Id.* at 112.