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Loss and Found: Barthes, Hidden Biography and Ethical Deficit in Alexander Gardner's 'Portrait of Lewis Payne'

Damian Sutton 

Abstract

The reconsideration of the symbolic landscape of the Civil War and Confederate iconography since events in Charleston, Charlottesville, and Minneapolis points toward a necessary reappraisal of Alexander Gardner's 1865 portrait of Lincoln conspirator Lewis Payne (real name Lewis Powell), and its use by Roland Barthes as an illustration for his seminal 1980 book *Camera Lucida*. Barthes uses the photograph to illustrate a conceptual shift from the *punctum*, as an individual affect for the viewer, to the *noeme*, or 'that-has-been' appreciable in all photographs. As a result of an emblematic approach using a combination of *motto*, *subscriptio*, and illustration, key details of the photograph are misrepresented, and key features of Powell's Confederate identity are erased. This study therefore explores the circumstances of the photograph's production, its precarious existence as an unprinted cast-off, and its eventual appreciation as a distinctive example of portraiture's power. Whereas in Civil War historiography Powell and this photograph are little more than footnotes, the debate around Confederate statues and symbols now begs the question of how the photograph should be contextualised in photography, media and cultural studies, where it has its greatest visibility by far.

Keywords: photography, Civil War, Lost Cause, Barthes, *punctum*, *noeme*

Introduction: A modern mythology of loss

It is perhaps a common assumption that a photographic portrait relies upon, and is enriched by, the viewer's knowledge of the biography of its subject. The strength of this assumption confronted me as I was writing on Alexander Gardner's 1865 photograph of Lewis Payne and its

treatment by Roland Barthes in his seminal *Camera Lucida* (2020 [1981], 116; Sutton 2022). In *Camera Lucida*, Barthes uses an emblematic mode of writing to discuss his illustrations: a combination of a title or *motto*, the picture, and an explanatory text or *subscriptio* (Grove 2016, 14). Yet in his description of the photograph he diverges significantly from the event it appears to record, and misses out important aspects of Payne's identity. The *motto* accompanying this photograph is 'He is dead and he is going to die ...' and the *subscriptio* is a short description of the sitter and his predicament (Figure 1):

In 1865, young Lewis Payne tried to assassinate Secretary of State W. H. Seward. Alexander Gardner photographed him in his

cell, where he was waiting to be hanged. The photograph is handsome, as is the boy: that is the *studium*. But the *punctum* is: *he is going to die*. I read at the same time: *This will be* and *this has been*; I observe with horror an anterior future of which death is the stake. By giving me the absolute past of the pose (aorist) the photograph tells me death in the future. What *pricks* me is the discovery of this equivalence. (2020, 115–117, emphasis in original)

The challenging aspect of this emblematic form is the reliance of the *punctum*, the equivalence of past and future presented in Payne's imminent, violent death, on the situational sentence Barthes

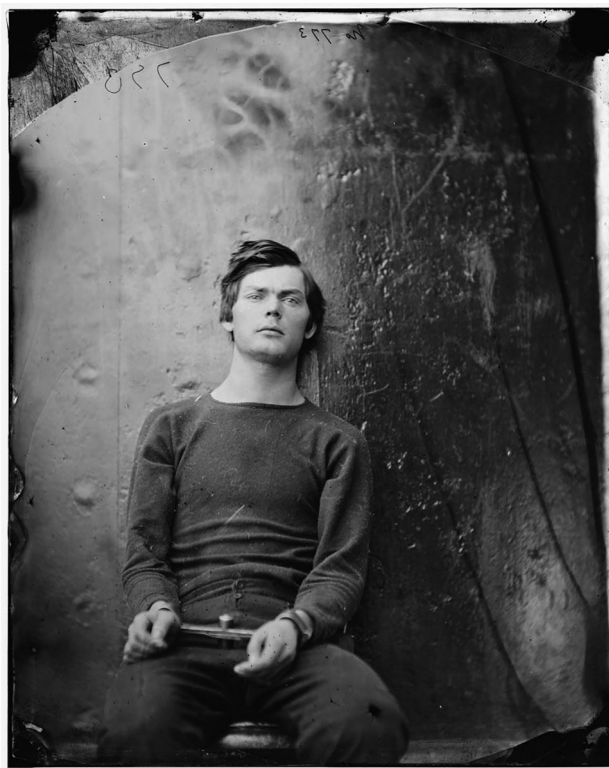


Figure 1. Alexander Gardner, 'Washington Navy Yard, D.C. Lewis Payne, in sweater, seated and manacled', 1865 [no. 773]. Wet collodion negative on glass, 7.5" × 9.75". Library of Congress, Prints and Photographs Division, LC-B817-7773.

provides. Payne, whose real name was Powell, was indeed hanged by the state, but later in that year and for his part in the wider conspiracy to assassinate President Abraham Lincoln in April 1865. This fact, and Powell's past as a Confederate soldier, means that *Camera Lucida* thus necessarily memorializes, without context, a one-time hero of the Confederacy who had committed to the independence of a nation, society, and economy built upon enslavement. In this article, I offer a critical and historical account of how this happened. Its relevance today is due in part to what has become known internationally as the Confederate monuments or statue(s) debate (Peacock 2021).

Literature review leads me to suspect that I am not the only scholar to have previously ignored, wilfully or blissfully, the inconvenient facts surrounding this photograph in the many years I have used it in teaching and research. The American Civil War, 1861–1865, forever looms large in US cultural and political imagination. Yet it should not be forgotten how iconography of the Confederacy, a breakaway state economically and culturally founded on enslavement, seeped into the modern international imagination through literature, film, television, and popular culture. This situation might have remained were it not for the need to rethink contemporary use of images of Confederates since at least 2015, when nine people were gunned down by a white supremacist in Charleston, South Carolina. International news coverage of the Charleston killings focused on how the perpetrator had posed in social media posts with the battle flag of the Confederacy, forcing discussion of this iconography into headlines (ABC News 2015; Nelson 2015). Ensuing civic protests brought to global attention a debate that had percolated in the United States for years about what to do with Confederate monuments and related iconography. Public debate escalated further when an ultra-right-wing organisation, Unite the Right, chose to protest at the proposed removal of a statue to General Robert E. Lee in Charlottesville, Virginia, in 2017. The event turned violent, resulting in the murder of a counter-

protestor. US President Donald Trump's comments that there was blame on both sides of the protest made the debate a global one as international news outlets were now obliged to explain why monuments to Confederate leaders were at the centre of such extraordinary civil and cultural unrest (Al Jazeera 2017; Munchi 2017).

It should at this point be noted that Lewis Powell was never a great general or politician, and he does not figure much in historical or modern neo-Confederate propaganda. As a Confederate soldier, however, Powell is nevertheless represented by the 700+ monuments, roads, plaques, and flags, etc. across the United States listed by the Southern Poverty Law Center as commemorating the regular soldier, women on the home front, and the idea of the Confederacy more generally (Southern Poverty Law Center 2019, data taken 01/02/2024). Whereas in Civil War historiography Powell and this photograph are little more than footnotes, the debate around such monuments and symbols now begs the question of how Gardner's photograph should be contextualised in photography, media and cultural studies, where it has its greatest visibility by far.

For decades unrest at monuments had simmered on US college campuses (Lennon 2019). The University of Texas at Austin was the first to remove their monument to Confederate President Jefferson Davis in 2016 (Sonner 2021, 71). A concerted debate amongst statue commissions then focused on the role offered in educating the public about the Lost Cause narrative which appeared to justify their creation. For at least one hundred years after the war's end, Confederates and later sympathetic historians and schoolteachers (led by the United Daughters of the Confederacy) sought to portray the Confederacy as a constitutionally defensible but militarily hopeless cause in the face of an industrialised, tyrannical United States. The war, they argued, was fought over states' rights, rather than the perpetuation of enslavement as a social and economic foundation of Southern life. Their success was astounding, supported in part by a

national interest in erecting monuments, and by a rhetoric of reconciliation that came especially from the administrations of Woodrow Wilson and Franklin Delano Roosevelt (Gallagher 2008, 39). If one were to argue that the Lost Cause is merely a parochial issue related to marble and bronze in American city parks, it must be countered that those administrations coincided with what perhaps are most influential Lost Cause texts, D. W. Griffith's film *Birth of a Nation* in 1915, based on Thomas Dixon's 1905 novel *The Clansman*, and Margaret Mitchell's 1936 novel *Gone with the Wind*. The monumental 1939 Hollywood adaptation of Mitchell's novel is, to this day, one of the most successful films of all time.

As George points out, the call to remove Confederate symbols, therefore, offered an appropriate moment to educate on and rebut the Lost Cause narrative (2024, 16; see also Clinton et al. 2017). The worldwide eruption of anger at the murder of George Floyd in 2020 at the hands of Minneapolis police served to concentrate minds. As Rooney and Wingate have written, '[f]or cities that did not reach a conclusive decision to remove Confederate monuments by June 2020, outrage over unabated racial injustice, sparked by the murder of George Floyd, made those decisions easier' (2021, 5). Over 400 high-profile monuments were removed altogether (over 700 remain in 2024) and the pressure to remove more continues. But I see the moment of 2016–2017 as instructive for scholars of photography and culture. There is no comparable physical action we can take to remove a photograph from public discourse: research and education may not be our best recourse, but it is our only one.

This article emerges from my wider research into the context of Civil War photography and the legacy of Barthes' treatment of the Gardner photograph. These are two research fields that only very rarely meet, and so I set out on the project with two research questions. The first, in the sphere of Civil War history, is to ask what historians need to know about how Gardner's photograph has

become part of our modern visual culture outside of their discipline. The second question is addressed in this article: what do scholars of Barthes and photographic culture need to know about the history of Gardner's photograph, its creation and dissemination? It may be convenient to remain in ignorance, wilful or blissful, but to do so perpetuates an ethical deficit that relates not only to Barthes' treatment of the photograph's subject, but also to the photograph's shifting significance.

(Not so) pure representation

It is immediately apparent what attracts Barthes to Gardner's photograph when he announces that 'the photograph is handsome, as is the boy.' His undoubtedly strong sexual attraction is part of the 'subtle *beyond*' that he also recognizes in a 1975 self-portrait by Robert Mapplethorpe, where '... the hand at the right degree of openness, the right density of abandonment ...' gives Barthes a *motto* that completes the emblem of 'the *kairos* of desire' (2020, 70–71). The comparison is ironic from our perspective: Mapplethorpe died in 1989, at the height of his career. Through this treatment of his chosen illustrations, Barthes moves away from the semiotic and structural analysis of photographs that he had previously practiced and instead focuses on the visceral impression photographs leave on him. He separates out the historically or artistically derived knowledge that can be understood as intention or context (the *studium*), from the ability of photographic details within the image to create individual affect for the viewer (the *punctum*). The *punctum* is an affect specific to the viewer, and is independent of any knowledge of the photograph's sitter, 'author', or context. The *punctum* exists for that viewer only and may or may not appear at all. Turning to Gardner's 'Portrait of Lewis Payne' allows Barthes to illustrate a new *punctum* 'which is no longer of form but of intensity, is Time, the lacerating emphasis of the *noème* ('*that-has-been*'), its pure representation' (115). The *noème* is something that Barthes senses in all photographs of people, so his argument needs to move from the specific to the

general, or conceptual: 'Whether or not the subject is already dead, every photograph is this catastrophe' (117). Apparently not quite realizing that he has already expressed this with the photograph of Mapplethorpe, Barthes provides both an obviously historical image and a piece of contextual information (*studium*) that emphasises the sitter's death in our past and his future; Payne is in his cell awaiting imminent execution.

The biographical *subscriptio* Barthes provides need only be expansive enough to create a sense of loss, as a feeling, to express the awful contingency created by imminent and inevitable death. We need to feel just enough uncomplicated loss at the subject's death in order not to be distracted from the generalizable expression of the *noeme*. His actual life is an encumbrance; we only need to know that, apparently, he deserves his imminent execution, and Barthes' use of the image relies to some extent on the obscurity of Payne in history in order to make the conceptual leap. Yet this absence of loss betrays the difference between the emblem (now of the *noeme*) and the lived, grievable life of its sitter, a difference that constitutes a substantial ethical deficit.

The ethical deficit I propose here has two dimensions: the first an indivisible dimension of detail, which can only be resolved through a sufficient judgment of the circumstances of the photograph based on available information; and the second an expansive dimension of meaning in which the use of photographic signification changes over time and according to circumstance. The ethical deficit is created by a contraction through elision in the first dimension and an erasure of signification in the second. Put another way, let us consider the ways in which anyone photographed is subject to an ethical deficit since it rests in the human encounter, even if no other human appears to be involved. Taking up Barthes' concept of '*that-has-been*' (translated as 'was there'), Azoulay emphasises the photograph's 'testimony to the moment of the photograph's eventuation' and that 'although the photograph may appear to be a distinctive object of the contemplative life (*vita contemplativa*), a moment in which all

movements have been eliminated, it is actually deeply embedded in the active life (*vita activa*)' (2008, 93–94). Detail is important: the 'was there' of the photograph is inherently unstable since for Azoulay 'it *wasn't* necessarily there in that way' (94). The *noeme* invites contemplation but should also invite curiosity, in order to form empathy and make judgments of one's own based on an understanding of what was happening when a photograph was taken. Butler (2016) in this manner uses the Gardner portrait to explore grievability, in an argument that rests on the fact that Payne is the subject of the photographer's (and our) gaze as a criminal, and that the acknowledgement of this and the invitation to judge him is fundamental as a 'precondition of a knowable human life' (98). Nevertheless, Butler does not go far beyond Barthes' description and remains fundamentally incurious as to who Payne was.

In *Camera Lucida*, desire allows for an equivalence between the doomed Payne and the vivacious (but, for us, doomed) Mapplethorpe. However, this cannot overcome the strange juxtaposition of a Confederate with Richard Avedon's portrait 'A. Phillip Randolph, Founder, Brotherhood of Sleeping Car Porters, New York City, April 8, 1976' (1976), in whose expression Barthes reads a kind of failure (132). Earlier, in discussing Avedon's 'William Casby, born in slavery, Algiers, Louisiana' (1963) Barthes asserts that photographs only signify through assuming a mask, a reading placed over the image by the viewer, by society, and so we read Casby's life through his visible signs of age and (presumably) his apparent bitterness. For Smith, this is a conceit Barthes uses to deflect from his own objectification: 'Barthes transfers the position of the objectified that he resists for himself to enslaved men and women.' (Smith 2009, 249) The mask of photographic meaning, here seen as paternalistic objectification, is a result of Barthes' use of the emblematic mode. For Olsavsky the outcome of this misdirection is clear, it 'shows how a photograph often circulates in the public sphere, and articulates with (and reinforces) existing forms of citizenship and domination based

upon white supremacy.' (2020) The photograph of Casby represents a trope of liberal image making since, as Olsavsky points out, the effect of the Avedon's title and Barthes's slightly trimmed version in *Camera Lucida* is to focus attention on enslavement when in fact Casby can hardly have been old enough to truly comprehend it. Any bitterness we read in Casby's face, the mask that in fact is not discussed, must surely be due to one hundred years of post-Civil War Reconstruction and Jim Crow, supplemented by monuments to the Confederacy and a culture steeped in the Lost Cause.

This apparent misdirection here and with the Gardner photograph of Payne, intended or not, makes the *noème* the focus of the argument, and subsequent scholars (including myself) have reinforced this over the years. The photograph appears in the original edition, *La chambre claire: note sur la photographie*, published by Cahiers du cinema, Gallimard and Le Seuil in 1980, as well as the version in English by Hill and Wang in 1981. Barthes' famous paragraph on the Gardner photograph is so frequently quoted by such a wide range of authors and critics across a great many scholarly fields that it has become an orthodoxy in and of itself: by example, it is a cipher for the poignancy of iconic images of significant people (Saxton 2020); for images of subjects close to or in the midst of death (Torlasco 2018; Smith 2020); for separation of eye and camera as a form of re-performance (Mulvey 2006, 2015); or for the photograph's paradoxical rendering of time (Rodowick 2009; Sutton 2022). Price, in 1994, established something of an orthodox interpretation used by many others since, ratifying the *studium* that Barthes provides:

[T]he completion of that photograph is the historical knowledge of who Lewis Paine [sic] was and what he had done, as well as the death sentence that had been passed and that shortly thereafter was executed. (96)

In some ways the photograph *performs* to our expectations of the image after reading this. The subject, Payne, appears to sit back against the dark

cell wall, slightly upright yet apparently resigned. He looks down at the camera. The surface of the wall shimmers, picked out by the soft light of a high window or skylight at top left. At bottom right of the image, reflected light produces a shadow cast by three ropes that fall menacingly near Payne's lithe body. He sits in fatigues, a woollen sailor's undershirt with a scything boat-neck collar. His hands rest on his thighs. The imposing manacles appear to bisect his body, and they catch the same soft, sculpting light that renders his broad neck and clean jaw luminescent, as if lit from within. He appears to grow out of the dank cell wall. With his hair swept aside he stares at us, as if asking whether we will also see his execution. The historical photographic process has a useful latency; this is not an instantaneous image. His gaze confirms what we already know – that by the time we see this image he is already dead.

The modern look of the photograph, with Payne's direct gaze, the timeless fashion of his clothes, and the image's humanistic framing, may have been part of the attraction for Barthes when he came across the photograph in a 1977 special edition of the *Nouvel Observateur*, put together by a team led by curator Robert Delpire. This chance meeting of image and viewer is explored by Yacavone (2012, 2020), who laments that little attention is paid to the provenance of the images that Barthes uses (2020, 83–84). Yacavone tantalizes with the assertion that the portrait has 'fascinated scholars on photography before Barthes' (157). Yet before the feature in *Nouvel Observateur*, any critical or art historical reference to this particular photograph is hard to find. There is no byline for the image's caption in the *Nouvel Observateur*, but it seems immediately clear that Barthes draws heavily from it:

In the penitentiary he awaits the pale early morning, the end of all light. In the penitentiary he is frozen in his radical strangeness by Alexander Gardner [...]. During the Civil War, Gardner took part in the extraordinary collective reportage of Brady's collaborators (7,000 photos have

been preserved) [...] In violent photographic juxtaposition, Payne stands out with disturbing force from a wall scarred like healed stitches. His face washed by the night, his hair that cannot be tamed by tightly shackled hands, his look of clear tranquillity, beyond anger, meets the voyeur's gaze, his strong neck left bare by a collar that we dare not call the guillotine. His languid body will meet the drop on July 7, 1865. (Delpire et al 1977, 11. Author's translation)

Barthes contracts this to 'Gardner photographed him in his cell, where he was waiting to be hanged' which in turn becomes the *motto* 'He is dead and he is going to die ...' (2020, 116) and this contraction makes it an easy emblem to express the tragedy of 'people on the verge of death' (Nachtergaele 2018, 61). For many scholars, it might seem ethically inconvenient to think of *Lewis Payne* as anything more than a critical device to explore the inevitability of death. Yet to conduct critical inquiry empathetically is not to excuse the actions of those who commit acts of violence for a cause, but to understand the context, causes and consequences of such actions as a human tragedy – a tragedy for *Lewis Powell*.

Lewis Powell becomes Lewis Payne

Lewis Payne was born Lewis Thornton Powell in Alabama in April 1844. He took the alias 'Payne' from a chance meeting during the war, and under this alias he was captured, tried and executed. Gardner's photograph was taken a few days after Powell was apprehended after attacking Seward and at least a month before his trial. He must have, at the time, contemplated his execution as inevitable, but he also reportedly harboured some hopes that he would be exchanged as a prisoner of war. Had he been tried in a civil court, a possible sentence was between two- and fifteen-years' imprisonment for attempted murder, rather than the death penalty (Reed 2016, 160). Alternatively, anecdotal reports tell of romantic expectations of glory

and adulation for his part in the conspiracy ('Last Days of Payne' 1892).

Powell was born into a lower middle class Baptist family and into plantation society (Ownsbey 2015, 6; Prior 1964, 3). At the outbreak of war he was the first of his family to enlist, into the Confederate 2nd Florida Infantry, undoubtedly part of the *rage militaire* that swept the community as Southern states broke away from the Union in order to preserve their own economy of enslavement. He fought in the Peninsula Campaign and at Chancellorsville, and was likely in Pickett's Charge at Gettysburg in July 1863. Powell was injured in the wrist and captured and was shortly afterward working in a prison hospital as a POW nurse. Once moved to Baltimore, he escaped with the help of a local innamorata and found his way to Virginia, where he joined a guerrilla unit, Mosby's Rangers, until January 1865. Here he may have made contact with the nascent Confederate secret service. Drifting to Washington, he was arrested in March for severely beating an African American housemaid, and only released once he had taken the Oath of Allegiance. An alternative spelling, 'Paine', comes from this document, although it was not used regularly in contemporary accounts, and he also used the aliases 'Wood', 'Hall' and 'Mosby'.

In Washington, Powell fell in with actor John Wilkes Booth and was a key part of Booth's original cadre that included John Surratt, Sam Arnold, George Atzerodt, David Herold, and Michael O'Laughlen. The plan was initially to be a kidnapping of Lincoln, which was aborted, and there was talk of fire-raising and other incursions. By early April 1865, the group was frustrated and stuck in Washington, Arnold and O'Laughlen having dropped out. The Confederate capital at Richmond fell on 2nd-3rd April, and by 9th April Robert E. Lee's force had surrendered to General U.S. Grant's army at Appomattox. Booth resolved to murder Lincoln after he heard the President's speech on 11th April, in which he speculated on the possible extension of the franchise to African-American troops who had served in the army. When it became known that

Lincoln was to attend Ford's theatre on 14th April (Good Friday), the group met in the early evening to take instructions (Roscoe 1960 [1959], 95).

Powell was given the task of assassinating Secretary of State William H. Seward, Atzerodt would assassinate Vice President Andrew Johnson, and Booth would attack Lincoln at Ford's Theatre. During the evening of the 14th, Powell tricked his way into Seward's home, and after fighting with the politician's son and daughter, made it to Seward and viciously slashed at his victim. Powell then fought his way out of the house and into the night. Booth had, as we know, been successful, but Atzerodt had got drunk and cried off. Powell hid out in the parks of Washington until, destitute, he wandered into a routine search of Mary Surratt's boarding house very late on 17th April. Both were arrested and would eventually be tried alongside Arnold, Atzerodt, Herold, and O'Laughlen, theatre-hand Edman (Ned or Edward) Spangler, and Samuel Mudd, a doctor who had treated Booth when the assassin was on the run. Two others were caught in the sweep for conspirators: Hartman Richter, a cousin of Atzerodt, and Joao Celestino, a Portuguese ship's captain. Both were innocent.

The photograph in *Camera Lucida* is one of a series made by Gardner during the period Powell was held in detention in the US Navy dockyard in April 1865. After capture, Powell was taken on 18th April and held on the USS *Saugus*, one of two monitors that were acting as makeshift prisons. He was photographed in the outfit in which he was apprehended, in various poses and with handcuffs on and off (Elliott and Cauchon 2013, 13). His ball and chain are hidden behind a tarpaulin and a guard is photographed with him (Figure 2). Lowry describes these photographs as having a 'veiled sense of power' (2015, 191).

In May, after the trial had started, Gardner would go on to copyright five of the photographs of Powell from this session, likely after it became clear that Powell was the star of the trial. He titled these 'Payne, alias Wood, alias Hall. Arrested as an associate of Booth in the conspiracy', although in the

copyright ledger the six individual images are not listed and must be identified through material research ('Early Copyright Records, Ledger 10' 1985, 301–302). Could this sixth image be the portrait eventually used by Barthes?

Gardner himself was a Scottish emigrant who had been employed at photographer Mathew B. Brady's gallery in New York, first helping Brady make a commercial success of it, and later managing their gallery in Washington. Brady, Gardner, and their group of photographers and assistants went on to become pioneers of field photography, and are responsible for thousands of images of the war, with selections exhibited during and after the war as stereograph series, cartes de visite, and as gallery prints. Gardner was attached to the Army of the Potomac, and by April 1865 he had long since split from Brady and established his own Washington premises, enjoying a close relationship with the Whitehouse and War Department through Scottish contacts such as the detective Allan Pinkerton. Gardner's standing made him first choice to photograph the suspects, and a mythology arose that these were 'secret service negatives' (Miller 1910, 102).

Deck logs show that on 25th April Gardner returned to the monitors again and made portraits of the six prisoners then being held, seating them against the huge black turret of the *Saugus* (Elliott and Cauchon 2013a, 16). Monitors have long decks, exposed to the sun, and so were routinely fitted with an arrangement of canvas awnings that stretched from bow to stern. It is this awning that accounts for the soft light and deep shadows that we can see in the set of images, and the claustrophobic feeling of interiority from many of them. Brought up in turn, the prisoners were photographed by Gardner in two or three poses: some in profile and some head on, or $\frac{3}{4}$, looking into the middle distance. From 23rd April the prisoners had been hooded twenty-four hours a day with a canvas bag that would allow only breathing and eating (Paullin 1940, 272; Arnold 1943, 56; 'The Execution' 1865).

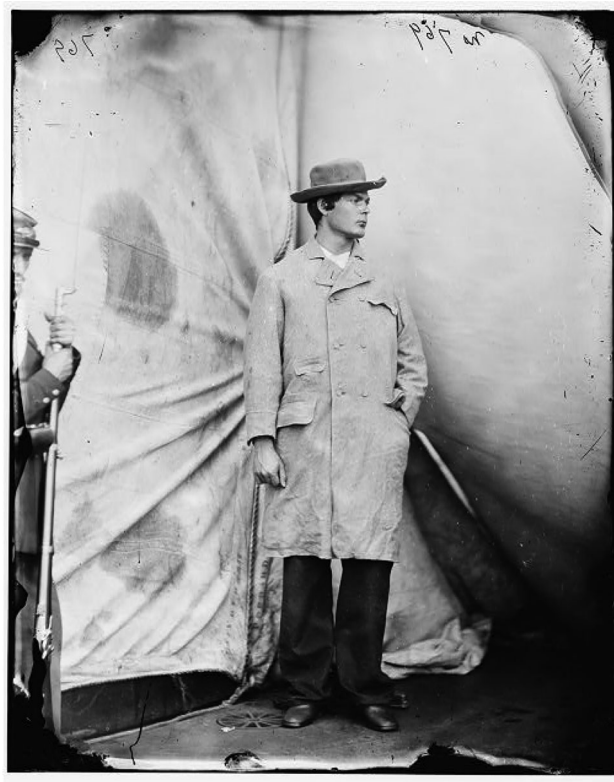


Figure 2. Alexander Gardner, 'Washington Navy Yard, District of Columbia. Lewis Payne, the conspirator who attacked Secretary Seward, standing in overcoat and hat', 1865 [no. 769]. Wet collodion on glass, 7.5" × 9.75". Library of Congress, Prints & Photographs Division, LC-B817-7769.

Gardner returned a third and final time on 27th April to photograph David Herold and Joao Celestino. Herold had been ferried to the monitors with the body of Booth, who had been cornered and killed by Union troops in Virginia. For over one hundred years it has been assumed that Gardner was assisted during this time by Timothy H. O'Sullivan, who would later be lauded as a significant figure in landscape and ethnographic photography. This is based on a 1901 historical account by Oldroyd in which he assumes O'Sullivan took part, and which has been used as a key source ever since (79; see also Katz 1991, 162). However, it seems unlikely that O'Sullivan, Gardner's most experienced photographer, would have still been on assisting

duties. Frassanito, in his research on photography during the last days of the Confederacy, places O'Sullivan in Virginia in late April (1983, 420). The matter is resolved in a discovery by Elliott and Cauchon of an 1891 letter circulated in newspapers nationwide, from Gardner's son Lawrence, recalling the events of 27th April 1865:

We had for two or three days previous been engaged in making photographs of the different prisoners who had been arrested as suspects in relation to the assassination of President Lincoln. I had been assisting my father, Alexander Gardner, and I accompanied him on that occasion. [...]

After reaching the yard we were ferried out to the Monitor, which lay in the stream. On the vessel's deck on a carpenter's bench, and covered by a tarpaulin lay the body of Booth. (Wilkes Booth's Body, 7; Elliott and Cauchon 2013b, 6-8)

Lawrence Gardner's account lays to rest any doubt about who took the photographs, given the complex history of attribution amongst the Gardner group. Up to this point it had been possible to argue that the images had in fact been taken by the talented O'Sullivan, not least because of the stark difference in setting between the sessions on 18th, 25th and 27th of the month. The fact that the *Saugus* sessions on the 25th feel more intimate, more considered in terms of delineation of character, points towards artistic intent. However, it is perhaps as likely that the use of the turret as background was a matter of convenience. The photographs of Herold and Celestino are made against a plain canvas background, and two negatives (O'Laughlen and Atzerodt) have the background removed by masking the collodion. Both suggest that the darker photographs were comparatively difficult to work with. The conclusion to this quirky mystery of who took the photographs has some irony: up to this point it was possible to argue that *all* aspects of Barthes' description – 'Alexander Gardner photographed him in his cell, where he was waiting to be hanged' – were wrong.

According to Lawrence Gardner, the condition of Booth's corpse made photographing it impossible, and so they took the opportunity to photograph the last two suspects. By the time the photographers were ferried back to the dock at the Washington Navy Yard on 27th April, they had an array of government photographs that also had outstanding commercial value.

773: Detention photograph of conspirator Lewis Powell, also known as Lewis Payne

Having established the background to Powell and the photographs of him in custody, I want to turn our attention to what contemporary sources and

materials can tell us about what is actually depicted in the photographs and how this might have been understood at the time. All but three of the known photographs from the monitors survive as negatives to this day. The surviving negatives in the Library of Congress collection are inscribed by Gardner's gallery with a number on the collodion and varnish, adopted with few exceptions by the Library of Congress cataloguers, so that, for example, the negative chosen by Delpire and Barthes is inscribed 773, and is accessioned with the call number LC-B817-7773. No contemporaneous prints of the negative of 773 appear to be held in the Library of Congress collection, and when the item is requested by scholars and publishers it is either for a print from this negative or from a digital intermediary. The rhythm created by the sequence of photographs from the monitors has led more than one scholar to describe them as prototypical mugshots, or as an early example of a rogue's gallery (Katz 1991, 164; Pistor 2017, 138; Taylor 2012; Cauchon and Elliott 2013a). This seems inappropriate since these were not habitual criminals or recidivists who needed to be apprehended. It is also perhaps inappropriate to describe them as portraits since there is no sense of consent or contract between photographer and sitter. The plainest description is that they are detention photographs, perhaps to aid in identifying suspects or, as with Booth, to attempt to demonstrate that the perpetrators were in custody. Since photographers in the field were routinely expected to cover their own costs, Gardner's involvement as War Department photographer likely came with the expectation that he could exploit them commercially.

Gardner circulated with colleagues at *Harper's Weekly* a variety of reference images of each of the conspirators to reach trial. This followed a collaborative practice established through the war years, and which was well refined by 1865. One of the photographs of Powell shortly after capture, 769 (Figure 2), was used for the huge illustration on the front cover of the issue for 27th May ('Lewis Payne The Assassin' 1865; Figure 3). Although the *carte de*

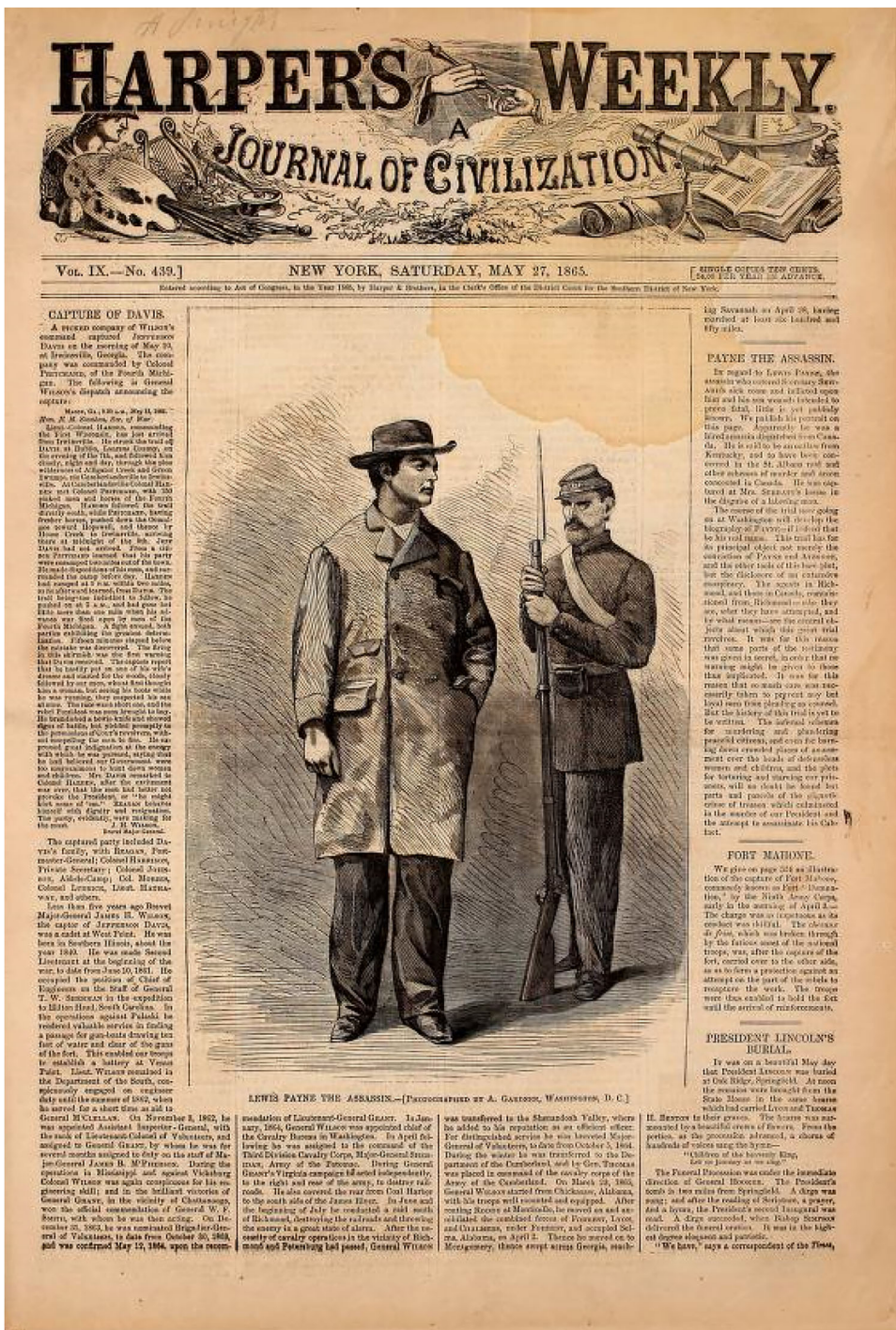


Figure 3. Harper's Weekly, 27th May 1865. Courtesy of Archive.org.

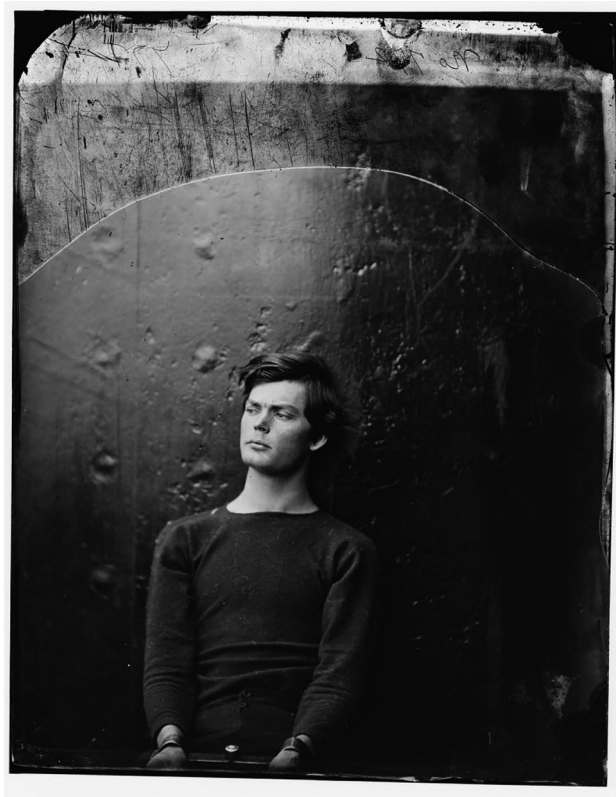


Figure 4. Negative 772, as inscribed onto the plate. This is the image used extensively by Gardner and in later publications. Alexander Gardner, 'Washington Navy Yard, District of Columbia. Lewis Payne, in sweater, seated and manacled', 1865 [no. 772]. Wet collodion negative on glass, 7.5" × 9.75". Library of Congress, Prints & Photographs Division, LC-B817-7772.

visite version is cropped to Powell's body, the sketch artist at *Harper's* must have had access to a full print from the negative, prompted them to include the guard who is just creeping into frame. In the final woodcut he has switched sides and looks to be based on a fuller appearance in one of the other photographs (negative 776)

Gardner also appears to have provided to *Harper's* a print of negative 772, Powell looking away from the camera at in $\frac{3}{4}$ profile, which they used on 1st and 22nd July in a composite ('The Conspirators and the Conspiracy'; 'Lewis Payne'). This was also used as the basis for the illustration of the official trial account produced by court reporter Benn Pitman

(1865). No. 772 is also the sixth photograph that Gardner appears to have copyrighted under the 'Alias Wood ...' entry (Figures 5 and 6).

Given the treatment of the conspirators even in those early days, and especially for innocent detainees such as Richter and Celestino, it is perhaps difficult to understand why the photographs are not immediately read as images of fear, incomprehension, or even relief from the suffocating pressure of the canvas hood. Atzerodt and Spangler, their dress marking them out as the working-class men they are, lean forward towards the camera. In one image, Spangler appears as if in idle conversation. Arnold, O'Laughlen and Richter are smartly dressed,

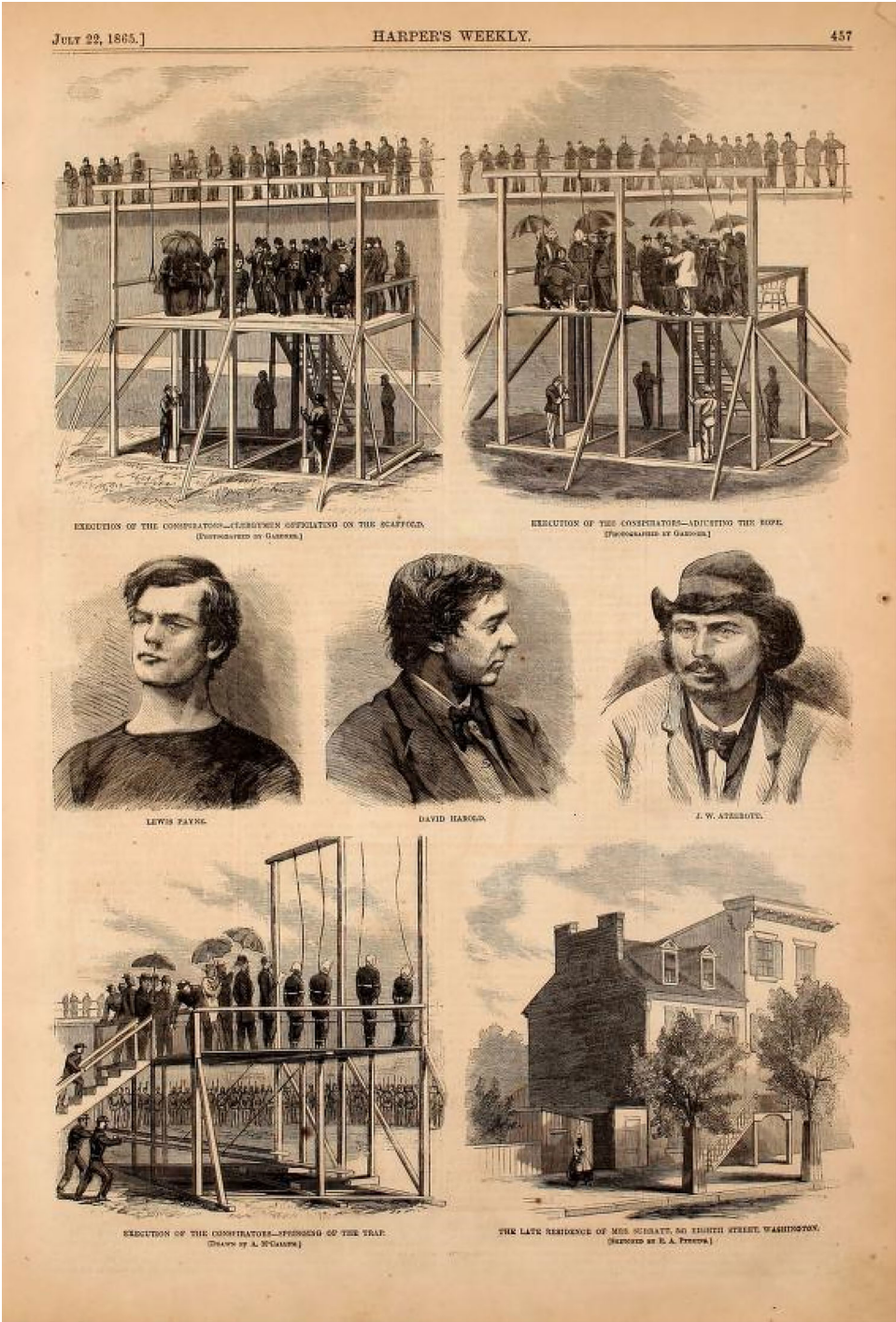


Figure 5. Harper's Weekly, 22nd July 1865, p. 457. Courtesy of Archive.org.

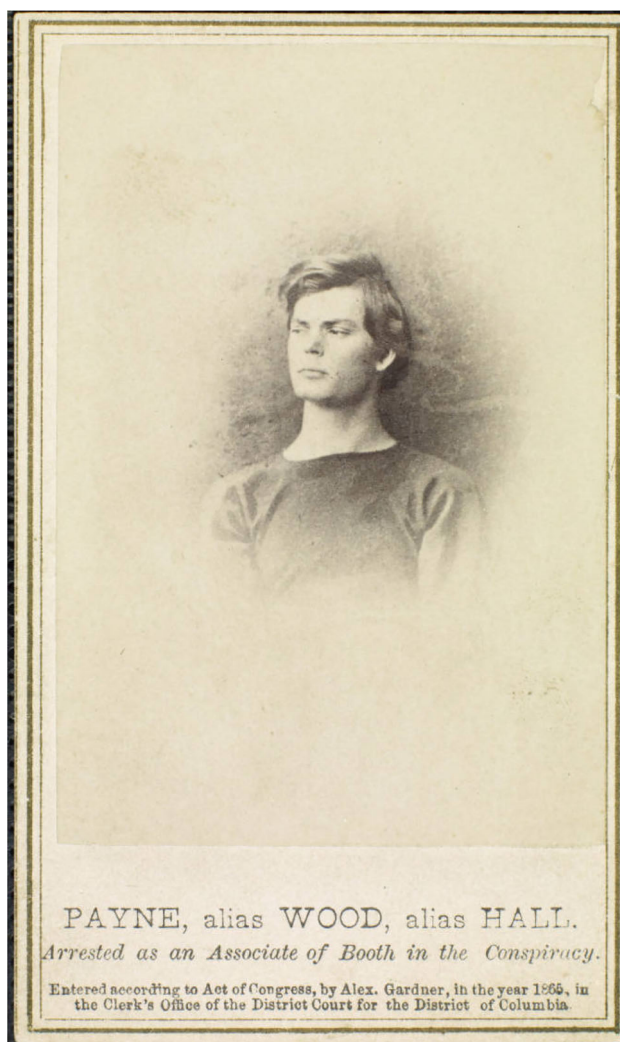


Figure 6. Alexander Gardner, 'Payne, alias Wood, alias Hall, Arrested as an Associate of Booth in the Conspiracy', 1865. Albumen print [carte-de-visite], 4" by 2.5" photCL 511 (6), The Huntington Library, San Marino, California.

demonstrating a stark difference in wealth and class to their fellow inmates, whilst Richter and O'Laughlen seem relaxed (Richter markedly so). Powell, by this time, had been given sailor's fatigues and so appears distinctly out of place, and it is a common refrain that the photographs are strikingly modern by comparison (Swanson and Weinberg 2001: 15; Sacasas 2022; Pistor 2017: 135).

In image 773, Powell sits back against the turret in a manner not unlike the descriptions of his demeanour in the early stages of the trial, when he was described by different correspondents as having 'his head thrown back against the wall and gazing at the reader' on 17th May, and 'self-poised as ever, [sitting] erect with head thrown back against the wall' on 27th May ('Trial of the Conspirators' 1865,

2; 'The Conspiracy Trials' 1865, 2). His defence counsel, William Doster, noted how 'he would sit bolt upright with the back of his head against the wall; his two manacled hands spread out on his knees, staring straight forward at the crowd behind the president of the court' (1915, 265).

The photographs on the monitors generally observe their subjects, as if we watch them in social life, and this fits neatly with naturalistic descriptions of courtroom demeanour they accompanied in newspapers. No. 773 must be understood in this context. Such an accusing gaze, returned to the observer, is unlikely to have struck Northern publishers as appropriate behaviour for Powell – an assassin, an enemy, a traitor. Powell's languid stare may belie an emotional numbing, the aftermath of an explosive, frantic rage. It may mask a boiling torment, or drifting, wasting yearning for self-destruction that appeared to make his journey to the gallows inevitable. Whilst Powell was often depicted as calculating, taciturn, and even heroic by contemporary newspapers, close-quarters experience of Powell suggests a conflicted and troubled young man. Powell's counsel at trial, William Doster, clearly intuited as much, especially with regard to the stress brought on by a sustained period on the battlefield. However, he got no help from the doctors he put on the stand in Powell's defence, and he himself struggled to recognise Powell's demeanour as anything other than reflecting a mind of the 'lowest order, very little above the brute, and his moral faculties equally low' (Doster 1915, 265). The subject did, however, cut quite a gladiatorial figure in the dock, being later described by observers as having a 'clean-cut robustness' with a face that was 'sphinx-like', with a 'coldly calculating, daredevil disposition, whom fate has decreed to reckless deeds and now to death' (Bates 1907, 378). With Powell's guilt almost certain, since there were plenty of eyewitnesses and substantial evidence, Doster was forced to try a plea for moral insanity, a plea for his life, ironically predicated somewhat on his client's apparent wish to die. Powell was a suicide risk as noted

by several observers, and an order came early that he should be 'secured to prevent self-destruction' (Paullin 1940, 273). As Sommerville points out in her study of Confederate veterans, the population was generally sympathetic to soldiers who fell at their own hand, seeing them as victims of the war, and insanity was instead seen as caused by other factors such as heredity (2018, 41–44). Mental ill-health could not be inferred as coming from combat experience. Doster's appeal to insanity was rejected almost outright, and in the end his closing argument leans heavily on Powell as an 'unfortunate victim of Southern fanaticism', a schooling from which he could not have escaped (Pitman 1865, 312).

Powell's behaviour has over time been understood as characteristic of post-traumatic stress disorder and useful for modern research. Hendin and Haas (1984, 26) use Powell's case to argue that 'establishing the presence of posttraumatic stress in combat veterans of early wars would also provide the impetus for historians and biographers to re-examine the seemingly inexplicable behaviour of individuals who experienced extensive combat' (see also Dean 1997). Doster's defence of Powell did hint strongly at a condition we might now understand as PTSD, but to contemporary observers his demeanour in court and in prison – at one point taciturn, another jocular, another tearful – merely enhanced the sense of deep mystery about his character that observers struggled to comprehend:

During the trial he was sullen and indifferent, and displayed wonderful control over his feelings [...] No one near Payne in the court room could look at him long, for as soon as he was conscious that he was being stared at, he would turn his sharp piercing eyes upon the starrer, who would immediately look elsewhere with an uneasy sensation. ('Lewis Payne. Seward's Would-be Assassin' 1887)

The shifting nature of Powell's observable psychological state is reflected in the sequence of

photographs of which 773 is perhaps central. When Powell was brought for this (his second) photographic session he was, according to at least one account, clearly distressed. Assistant Secretary of War Major Thomas Eckert, of the telegraph office, had been assigned to Powell to obtain a confession, and chose a strategy at odds with the techniques of punishment suggested by Powell's incarceration. Bates (1907, 380) recounts:

One day the provost marshal in command tried to have a picture taken of Payne, who moved his head from side to side to hide his face. The officer, angered by his failure, struck at Payne's arm with a sword or cane. Eckert told the officer he had no authority for striking a prisoner, or even for taking his picture. In this he was upheld by Secretary Stanton [...] At the next meeting of the two, Payne said that the remark to the officer who struck him was the first sympathetic expression he had heard for many months.

It is tempting to think of image no. 773, Powell looking at the camera, as the very next photograph taken. There is one distinctive clue that appears when all the *Saugus* images in the Library of Congress collection are viewed together (Figures 7 and 8). An approximate order for the photographs can be created by comparing the position of rivets and scars, and some of the highlights and shadows, on the turret between each pair of portraits. Two plates are made of Atzerodt, and the camera adjusted slightly – possibly a separate session. Then, for O'Laughlen, Richter, Spangler, and one of Arnold, the framing is almost exactly the same for each image. There are minor variations as prisoners sit forward or lean back against the turret, due to the narrow depth field when photographing under canvas. For the second photograph of Arnold, the camera has moved, and stays in this position for three of the photographs of Powell. The lens is approximately 4'-5' from the ground and the 7.5" × 9.75" negative frames the subject in the bottom half

of the plate only, with subject's crown roughly at the centre line. Yet for no. 773 the camera is further forward and lower, and so Powell fills the frame with his head in the top half, and the bench and his manacles are more clearly visible. This sequence suggests that Powell was brought up last and unhooded, that he resisted as described (requiring additional plates, and captured in the blurred image 774) and, after the scuffle, the camera is repositioned to capture just one last image on an extra plate, hurriedly prepared.

Powell clearly acquiesced just enough for Gardner to produce the images he really needed – 772 (the copyrighted image), and 777 (Powell in profile). These can be traced in contemporary prints, such as is Arnold A. Rand's *Album of the Lincoln Conspiracy* in 1866, which is held by the George Eastman Museum. Furthermore, with 772 copyrighted and used to some apparent success commercially, with many books using it for illustration, Gardner likely had very little need for a last image that was oddly framed and of questionable value. Examining the negative in the Library of Congress, there is a clear difference in quality between it and the series photographed earlier when Powell was apprehended (Figure 9). Where the negatives from the first session have varnish evenly applied, with strong tonal range helped by a bright day and possibly redevelopment to improve the image, the negative for 773 is considerably inferior. Its varnish has picked up more dust, by comparison, suggesting poor handling by the gallery or later archivists, and there are visible signs of faltering preparation, such as a patch of apparent mottling in the collodion.

With images prepared for commercial exploitation and used to illustrate the growing number of historical accounts, 773 – Powell seated and looking directly at the camera – was effectively redundant and may have seemed to Gardner to be something of a dud. There are no prints that can be definitively confirmed to exist from 1865 or immediately after, and although absence of evidence is not evidence of absence, it would be hard to imagine no



Figure 7. The USS *Saugus* portraits of the other prisoners taken 25th April 1865: George Atzerodt, Michael O’Laughlen, Hartman Richter, Edman Spangler, Samuel Arnold. All elements Library of Congress, Prints & Photographs Division. Composite by Author. A third photograph of O’Laughlin exists only as a print in the collection of the Huntington (Taylor 2015).



Figure 8. The USS *Saugus* portraits, taken 25th April 1865 of Powell/Payne. All elements Library of Congress, Prints & Photographs Division. Composite by Author.

reproductions surviving had it been circulated. The absence of contemporary hand-drawn or woodcuts derived from negative 773 further suggests that no prints were circulated to newspapers and that the image may never have been printed by Gardner’s studio at all.

Lost and found, or just found?

Historical accounts and primary sources allow us to trace the negatives from hand to hand well into the twentieth century. Gardner’s practice was well established in 1865, but after a few years, widespread interest in photographs from the Civil War



Figure 9. Examining the negatives of 773 and 769 in the Library of Congress. Photograph by author.

waned, and the business of storing the substantial number of delicate glass plate negatives seemed expensive. Indeed, some original negatives were rendered for their glass and silver content between the end of the war and 1900 (Katz 1991, 277). In 1869 Gardner petitioned Congress to purchase and preserve his collection of negatives, but this was unsuccessful. The sheer proliferation of cartes de visite, stereocard series, and print copies may have made the need for retaining the originals seem less pressing. Gardner retired in 1878 and died in 1882, when his collection of 2000 negatives was subsumed into a larger collection of Brady duplicate negatives purchased by Civil War veterans Arnold A. Rand and Albert Ordway from one of Brady's creditors, the publisher E. and H. T. Anthony and Company (Taft 1964 [1938], 238–244). After another attempt by Ordway and Rand to sell the collection to Congress, it was sold to John C. Taylor, another veteran and enthusiast from Connecticut. Operating as Taylor and Huntington and later The War Photograph and Exhibition Company, Taylor gave lectures and offered prints for sale and

projection equipment, advertising portraits of the conspirators in 1886 ('The Assassination of President Lincoln'). In 1907 Taylor sold the entire negative collection to Connecticut Magazine editor Edward Bailey Eaton, who produced a brief 135-page visual survey, *Original Photographs Taken on the Battlefields During the Civil War of the United States* with a catalogue of '7000 negatives' that lists all the Gardner portraits in sequence using the fuller call number, e.g. L7773 (1907, 3, 119). The only photograph of any of the prisoners displayed in the book is one from their execution in July 1865 (110). Eaton's Patriot Publishing Company, based in Massachusetts, worked with Francis Trevelyan Miller to produce *The Portrait Life of Lincoln* (1910) which made extensive use of the Brady and Gardner collection. The portrait of Powell used in this book is 772, the copyrighted *Saugus* portrait. Miller then worked on a hugely popular ten-volume *The Photographic History of the Civil War* (1911), produced with Patriot and the New York Review of Reviews Company, that remains in reprint to his day. Volume seven of this work includes one of the

portraits of Powell (771) taken shortly after his capture (211). Library of Congress, Milhollen, and Mugridge (1961, vi) note that Eaton may have produced as many as six different publications with Patriot, although only the above mentioned appear in bibliographic searches. During this time Patriot appear to have produced a contact print from the negative of 773 (Swanson and Weinberg 2001, 58). It is a dark and brooding print, of relatively poor quality, and may have been produced as a reference copy for the publishers (it is stamped on verso). It became part of Daniel R. Weinberg's Lincoln Conspirators Collection, donated to the Indiana Historical Society in 2004. Another print of 773, without any markings and possibly from Patriot, had been sold by a private collector to the Gilder Lehman Institute in 2000.

Patriot was dissolved in 1926 and the negatives placed in storage with the Phelps Publishing Company. Around this time, Lincolniana collector Frederick Hill Meserve produced a small number of privately printed collections of portraits from the period, including one that closely mirrors Miller's 1910 overview, and which includes a print (possibly re-photographed) of negatives 772 and 775, Powell in his coat and hat (1915). Kunhardt and Kunhardt, daughter and grandson of Meserve, use the same images for their 1965 book *Twenty Days* (35, 201). It seems likely that one of the Patriot publications, volume seven of Miller's *The Photographic History of the Civil War* (1911), is a source for Camille Recht's *Die Alte Photographie*, which includes what appears to be a rephotograph of the portrait of Powell – negative 771 – in his own clothes (1931, 99). The caption in Miller's *The Photographic History* reads 'Lewis Powell, or "Payne," shortly before he was hanged for conspiring against President Lincoln's life. This simple but determined lad, with his sullen, defiant look, has just been captured for a crime that meant death [...] The evil written on Payne's countenance tells its own story of the nature of the man' (1911, 210). In his foreword for Recht's book, Iwan Goll praises the photograph as an early example of reportage, but he stretches the photographic

imagination even further than Miller by describing Powell's serene and superior gaze as actually fixed on the gallows in front of him (1931, xv). In a closed loop of criticism observed by Yacavone, Recht's book is an inspiration for Walter Benjamin and later Delpire, who uses illustrations from Recht to further illustrate Benjamin's 'Little History of Photography', as 'Les analphabètes de l'avenir', (Delpire et al. 1977, 7–20; Yacavone 2020, 157). We can thus trace the lineage of this description – 'shortly before he was hanged' – from Miller to Goll, from Goll to *Nouvel Observateur*, and from *Nouvel Observateur* to Barthes. However, it does not quite explain why 773 is chosen for the magazine, rather than the photograph used in Recht's album.

When Eaton died in 1942, Phelps bought up the negative collection and sold it to the Library of Congress for the cost of the unpaid storage (Library of Congress, Milhollen, and Mugridge 1961, vi; Milhollen 1980 [1944], 36). Roy Meredith was able to make use of the collection for his [1974] 1946 biography of Brady, one of the first, but treats the (effectively separate) Gardner collection as that of his former employer, even to the point of crediting Brady with obviously independent Gardner photographs of the execution (1973). In 1954, an additional acquisition of Brady negatives from the Brady-Handy collection prompted the Library of Congress to begin a comprehensive catalogue of the archive by Hirst Milhollen (Division Specialist in Photography) and Donald Mugridge (Division Specialist in American History). At the same time, historians James and Gertrude Horan secured exclusive access to the collection for their work on an illustrated biography of Brady, produced with the significant assistance of Milhollen. The author's introduction describes how the Horans were given permission by heirs to the Brady-Handy family, with some exclusivity rights, to examine the collection including images of 'the Lincoln conspirators, their ferocity clear in their faces' (1955, xiv). The photograph they chose for their illustration of Payne/Powell is from negative 773 (Figure 10). Horan notes, 'one cannot say positively that any particular

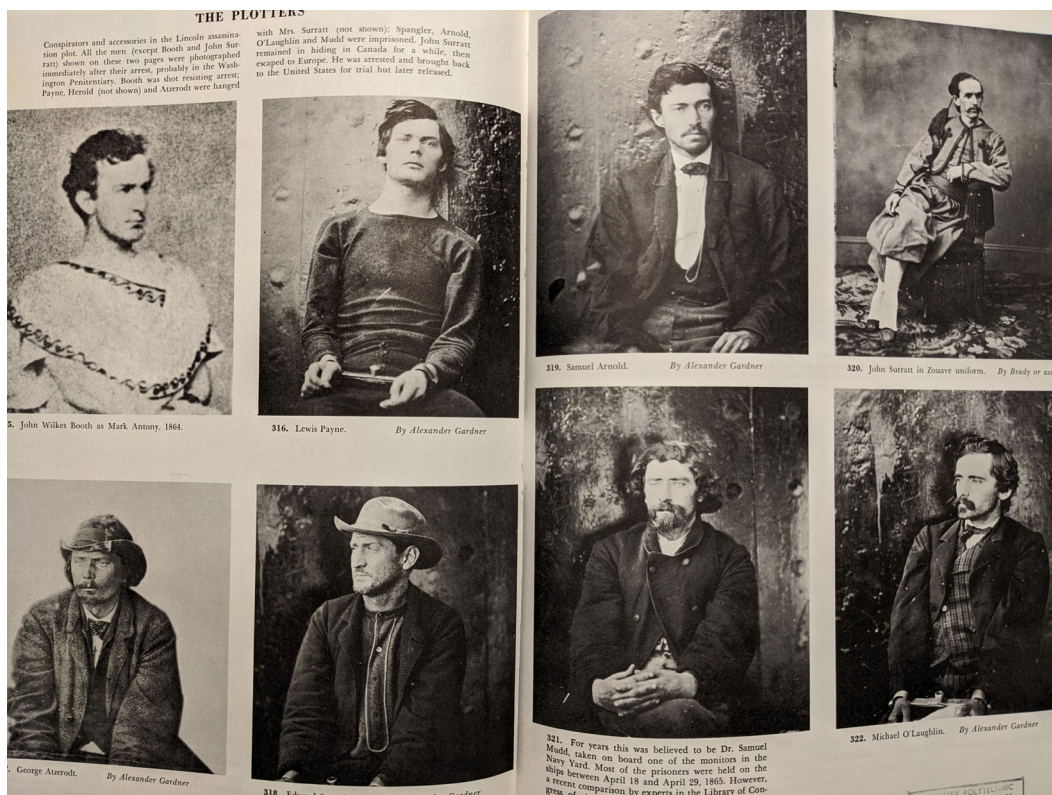


Figure 10. Double-page spread of portraits of the conspirators in James and Gertrude Horan's 1955 survey of Mathew B. Brady's photography, including substantial work credited to Gardner. Research suggests that this is the first time the photograph was published in any form. Reproduced with permission of the Horan Estate.

print was never published, and if we describe a photograph as unpublished or as never having been circulated simply means, in these terms, that we have not yet encountered it' (1955, xvii). Nevertheless, the bibliographic research carried out suggests that Horan's book is the first confirmed publication of the photograph since it was taken in 1865.

Horan's book is a likely research source for further requests by publishers and museums. These can be tracked to a certain degree through the request logs at the Library of Congress, of which most are still available. For instance, 773 next appears in *American Heritage* magazine, for a feature by Philip Van Doren Stern on the prisoner Joao Celestino (1957, 57). Also in 1957 Stanley Kimmel,

in *Mr Lincoln's Washington*, chose 775, Powell in his overcoat and slouch hat (159), whilst Theodore Roscoe's extensive narrative history of the conspiracy includes portraits of the conspirators that again closely follow the selection in Horan. Like Kimmel, however, Roscoe chooses an image from the first session after Powell's capture, negative 776 (1960 [1959], 46–47).

The next request, in 1961, may have been to create the print accessioned by the Gilder Lehrman Institute of American History, and a 1962 request after that is from Hugh Edwards at the Art Institute of Chicago. Edwards did not exhibit or accession the photographs, as confirmed by the Institute, but by far the most significant appearance of 773 at this time occurred is in John Szarkowski's 1964

exhibition *The Photographer's Eye* at the Museum of Modern Art in New York, and its accompanying book (2007 [1966]). Szarkowski may have got his print off Hugh Edwards, with whom he had a good working relationship. Szarkowski credits the photograph to Mathew B. Brady, and so we can discount this as source for Delpire's detailed caption in *Nouvel Observateur*. The inclusion in Szarkowski's exhibition does, however, mark the point at which the photograph is first appreciated well outside of Civil War scholarship, and as part of photography's history as an art form. After this, the Library of Congress ledgers reveal a clutch of five different requests in 1966–1967 for sets of portraits of the conspirators, including requests from *Scholastic Magazine* and the Department of the Interior Museum, and in each case the image requested for Payne is the more widely known negative 772.

Unfortunately, the ledgers for the 1970s do not record the call number for requested images and entries become indistinct, possibly due to staff cut-backs. Only one request for images of the Lincoln assassins could be found for the decade, and only one request from 'Editeur, Delpire' for other, unrelated images in 1977. This period would also cover any request from Cahiers du cinema, Gallimard, Le Seuil, or Hill & Wang. Barbara Nagelsmith, who assisted on the special edition of the *Nouvel Observateur*, recounts in correspondence that Delpire would put aside images that he thought might be useful, and that she would do further research where required, calling up the negative from the Library of Congress. The quality of reproduction in the original publication of *Camera Lucida* is substandard, suggesting that it comes from a copy-stand negative. Later reprints of *Camera Lucida* appear to be facsimiles of the original imprint with no sourcing of new copy.

This brings the bibliographic search up to the point at which the portrait of Payne/Powell appears in the *Nouvel Observateur* in 1977. As Yacavone points out, our own access to huge, digitized collections (that indeed have made this research possible) means that it is easy to forget that in the 1960s and

1970s photographic illustrations for books and articles were often drawn from the same pool of images (2012, 21). At around the same time Ben Maddow and Constance O'Sullivan were presumably working on their *Faces: A Narrative History of the Portrait in Photography*, which includes 773 and which also came out in 1977 (99). They credit the Horan publication in particular, demonstrating Yacavone's thesis. It seems reasonable now to assume that Delpire encountered the story of Payne in Recht and Goll, and possibly consulted Eaton (1907) or Milhollen (1944), since both give the size of the collection as 7,000 negatives and this number is repeated in the *Nouvel Observateur* (Milhollen and Mugridge's catalogue introduction later give the size as 7,500 (1961, vi)). Delpire may have seen the photograph in the Horan biography or the Szarkowski exhibition but, if he did not, it is a tantalising possibility that the wrong photograph was called up from the Library of Congress archive, since many of the images in the archive have near identical titles.

Conclusion: Loss, and Lost Cause

Since we can now trace the scholarly connections between the photograph's first appearance in publication in 1955 and Barthes' emblematic use of it in *Camera Lucida*, the question remains of how we account for the lack of curiosity that Barthes exhibits. Can answering this also accommodate our own lack of curiosity over the years? The evocative elucidation of the photograph in *Nouvel Observateur* is drawn from Goll and Miller, and not drawn from especially close examination of the photograph's history. Barthes' tightly constructed emblem turns this into something extraordinarily affecting. Yet the identities of the conspirators and their motivations have been well known since the 1860s. In the academic literature, additions or corrections to the details that Barthes uses *Camera Lucida* are extremely rare and largely perfunctory. See, for example, James Elkins' dismissal of facts about the photograph's circumstances as a 'mass of unimportant detail' (2009, 175–176). Even Batchen, writing

about Barthes' choice of illustrations, writes off the Gardner photograph as photojournalism of a 'political assassin' (2009, 263). The principal conceit that Payne is awaiting his imminent execution has no basis in fact, and yet this has not been addressed in scholarship. Maybe – to use an aphorism from tabloid journalism – some stories are just too good to check.

How can we account for this? Both Mavor and Smith, in separate essays collected in Geoffrey Batchen's (2009) volume *Photography Degree Zero*, have addressed the situated writing that Barthes practiced, able as he was to critique capitalism and colonialism in popular culture and yet remain blind and incurious to how he was so deeply informed by these in his choice of illustrations. Mavor writes of Barthes' 'racist tendencies' in his reading of a photograph by James Van der Zee, and of his awkwardness in handling the visual trope of the 'solacing Mammy', before going on to admit to her own horrified recall of similar racist caricatures in branded breakfast syrup served to her in her childhood (212). The anecdote is a powerful illustration of how caricatures from the Old South and Jim Crow went unquestioned by otherwise worldly academic scholars until their own particular moment of realisation, should that ever occur. In case we should scoff at the childlike ignorance of previous generations of scholars, it is worth pointing out that as late as 2016 the centre-left UK newspaper *The Guardian* featured Mitchell's novel of *Gone with the Wind* as one of its 'books to give you hope', whilst the film version of *Gone with the Wind* is still regularly screened on UK terrestrial television, most recently on Channel 5 during the 2023 Christmas holiday.

Throughout the twentieth and into the twenty-first century then, Lost Cause iconography and tropes have become unremarkable to a white visual culture, so much so that Gardner's photograph of a Confederate in custody is as unremarkable as a statue in a public park – just out of eyeline, walked past as just another part of the landscape. However, should this mean that we forgive Barthes his lack of academic curiosity, even if we acknowledge that

there is a compelling case to incorporate the history of the photograph and some of the history of Lost Cause apologetics into writing and teaching about *Camera Lucida*? The book is not a Lost Cause text, but it is caught in a moment at which scholarship was only just starting to shift. The first major scholarly intervention was Otterweis' *The Myth of the Lost Cause, 1865-1900* in 1973, wherein texts such as *Gone with the Wind* (novel and film) are utterly implicated in the widespread acceptance of the Lost Cause version of history, especially of a Southern society built around gentility and chivalry, a timocracy in which enslavement was seen as benign paternalism (146–147). The subject remained within military and Civil War history disciplines arguably until Foster's *Ghosts of the Confederacy* in 1987. Ken Burns PBS television series, *The Civil War*, written by Rick Burns and Geoffrey C. Ward, continued to tread a fine line between the emerging new scholarship dismantling Lost Cause myths, represented through contributions from new political and social historians such as Barbara Fields, and romantic views of the Confederacy from novelist Shelby Foote. Ultimately it may only be through recent writing in the field of popular history and political commentary, such as Churchwell's *The Wrath to Come* (2023), that the Lost Cause, once an issue that seemed only academic or provincial in import, can be come to be properly understood as a poisonous seam of popular culture internationally.

There are now new opportunities for understanding more about the life of Powell, his place in history as Payne, and the photograph's delicate interweaving into the visual culture of the Lost Cause. In a chapter on Sally Mann's revisiting Civil War battlefields, Smith notes that '[t]he Civil War haunts Gardner's photograph of Powell, and as one looks at the image of Powell it is hard not to recall Gardner's photographs of all the bodies left dead' (2020, 59). The overwhelming power of Barthes' emblem – illustration, *motto*, and *subscriptio* – still erases the photograph's contextual significance by forcing the comparison with photographs of Lincoln, or from battles such as Antietam and Cold

Harbor. What does it mean to be haunted, if haunting is *merely* the reminder of death? Butler, in exploring Susan Sontag's exhortation to 'Let the atrocious images haunt us' argues that this 'suggests that there are conditions in which we can refuse to be haunted ... If we are not haunted, there is no loss, there has been no life that was lost' (2016, 97). We might argue that Barthes' is an accidental memorialisation of a Confederate. However, to reduce the photograph of Lewis Payne the 'political assassin' to a simple meditation on the inevitability of death, perhaps given a little urgency by a fragment of narrative or frisson of desire, suggests the very refusal of which Butler speaks. I would argue that it is high time to let the image *actually* haunt us, to understand better the loss of someone, Lewis Powell, who was a soldier and victim of the war and the state, but also someone who was an enslaver and an embodiment (as Lewis Payne) of the kind of rage from which the Lost Cause stemmed. This haunting can start in the seminar room and the studio, as well as in wider constituencies of readers and audiences. In this article I have aimed to demonstrate a more complete understanding of how the photograph was made and how it reached Barthes, and how this is central to new approaches to the politics of race embedded far deeper into visual culture than perhaps we have previously appreciated. I have demonstrated that in fact the photograph was never lost, but only found, and we have been denied the sense of loss that is necessary for a portrait to be a device for comprehending complex lives, events, and the shifting of meaning and significance.

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