

# **KILLING MEMORY**

## Roadside Memorial Removals and the Necropolitics of Affect

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**Abstract** This article explores affect and memory at roadside car crash memorials within the context of what Achille Mbembe calls “necropolitics”: the performance of power to determine who legitimately can kill both persons and the memory of persons. By analyzing the ritualized performance of compulsory compassion in news media stories about the actual or threatened removal of roadside memorials, I argue that there is an economy of power circulating in the practice of roadside memorialization, where some subjects are deemed legitimately memorable and some are not, where some subjects are legitimately allowed to memorialize their losses in public landscapes and others are not, and where anonymous drivers who drive by are supposed to feel a certain way about it all. Such a complex constellation of territorialized affect has significant consequences for understanding the politics of affect and memory in public landscapes.

**Keywords** roadside memorials; necropolitics; compulsory compassion; affective landscapes

In April of 2000, a Colorado state trooper noticed a pickup truck parked with its hazard lights on along the side of Interstate 70 near Denver. Inside the bed of the truck was a collection of withered flowers and wooden crosses. Loading it into the truck was Rodney Lyle Scott. Scott claimed to be “removing trash from the highway,” so the trooper noted his driver’s license and left him to his work (Associated Press 2002; Tiernan 2000; Tiernan 2001).

Before long, the family of Brian Rector, an eighteen-year-old who had died in a car crash a few years earlier, noticed that the

roadside memorial they had created on Interstate 70 had disappeared. Scott, identified from the trooper's records, was charged under a Colorado law making it a crime to "desecrate an object venerated by the public."

In April 2001, the case was acquitted, essentially ruling in Scott's favor. In announcing his decision, Judge Jeffrey Romero ruled that since the mourning family's appropriation of public space ultimately was unauthorized, the materials at the site technically were litter, not sacred objects of veneration. For Romero, no amount of grief could excuse the family's "adverse possession" of public property, and he resolved the case by reasserting the state's exclusive right to control which objects are allowed to be on the roadside right-of-way, regardless of their possible affect. As Romero argued in his decision: "There is no doubt that these [memorials] are placed there very lovingly, that it gives great comfort apparently to the people that have put them up. But this is a legal issue. This is not an emotional issue. And the fact of the matter is, technically, legally, that's abandoned property, and it doesn't matter whether it's a cross, a piece of wood... could be a bar of gold... it has nothing to do with the intrinsic value of it" (Freedom from Religion Foundation 2001).

The story of Rodney Scott and the Brian Rector memorial raises a number of questions pertinent to the study of roadside memorials within a larger conversation about the relationship between affect and landscape: Why would someone feel compelled to tear down a roadside memorial? What is the state's role in regulating roadside memorials? Why are roadside memorials outlawed in most states but encouraged in others? Why, in states where they are illegal, do people still build them and few state agencies

enforce their removal? What happens when states remove only some memorials and leave others? In short: What are the cultural politics of affect and memory at roadside memorials?

This article seeks to address this last question. My aim here is not to definitively characterize a singular cultural politics of roadside memorials but to analyze the discursive frameworks within which those politics are articulated in conflicts over the right to control memory and affect in public landscapes. My main focus is on news media stories that, like the Scott/Rector case, concern the actual or threatened removal of roadside memorials, because removal stories place the contours of the contemporary discourse surrounding roadside memorials in sharpest relief. As we will see, news stories covering memorial removals narrate a conflict between different subjects: mostly between mourners who want their memorials to remain and state officials responsible for enforcing bans of memorials, but also between mourners and private citizens who (like Rodney Scott) vandalize or remove roadside memorials without state authorization. It is important to note that, while these competing subjects are shown to disagree about who has the right to place or remove a memorial in the right-of-way, they all demonstrate a shared belief in the ability of the memorials to contain and communicate affect: both mourners and state officials act as if roadside memorials naturally place affect in the public landscape and communicate affect directly in an "obvious" way that must be respected, regardless of whether they believe memorials "belong" there or not. In short, what people are shown to disagree about is whether the memorials should be on public property, not whether they emplace affect in the landscape.

This naturalized shared belief in the power of roadside memorials to contain and communicate affect is produced within a larger cultural discourse of memory, landscape, and affect, which takes a particular form because it is also embedded in what John Urry calls the “system of automobility,” or what Foucault would call the “discourse” of automobility: a cultural logic of organizing bodies, objects, and processes toward some explicit and implicit cultural value—in this case automotive mobility—that produces subjects, objects, and practices, and organizes power/knowledge relations among them all (Urry 2004; Bednar 2011a). Foucault says that discourses are manifest in cultural “practices that systematically form the objects of which they speak,” as well as the subjects who are authorized to speak about them, where speaking includes a number of enunciations other than literal speech (1972: 49). Moreover, those practices and enunciations cohere into what Jonathan Potter calls an “interpretive repertoire,” within which public arguments about roadside memorials legitimately can be enunciated (quoted in Rose 2012: 218).

My job here is to map out those enunciations.<sup>1</sup> Therefore, after analyzing the discursive formation itself, the article performs a brief analysis of news coverage of state removals of vernacular road trauma shrines and official state memorial signs before ending with a more extensive analysis of a news story about the alleged vandalism of four crosses maintained by Mothers Against Drunk Driving (MADD). My purpose here is to establish how, despite the typical organization of media stories about memorial removals into a debate between grieving advocates for memorials on one side and state agencies responsible for regulating them on the other, the politics of public affect cut across and constrain this

discourse at a different scale. These politics reinforce the ritualized performance of what I call “compulsory compassion,” an affect that must be performed in order to legitimately participate as a subject in the mediated public debate about roadside memorials. Put simply, the only legitimate way to speak within and to this discourse is to show compassionate respect to the survivors who maintain the memorials, even when (and perhaps especially when) what you are saying is that the memorials are illegal and must be removed. Anyone who does not perform compulsory compassion, such as the alleged vandal in the final news story, is positioned as an object of discourse and as an external threat to subjects within the discourse.

### *Landscape, Affect, and Necropolitics*

While these news stories perform and reinforce the discourse of automobility, they also are shaped by other cultural dynamics, most notably contemporary discourses of landscape, affect, and necropolitics. W. J. T. Mitchell argues that understanding landscape means thinking of landscape as “a dynamic medium”—“as a process by which social and subjective identities are formed” (1994: 1). In short, analyzing landscape as a medium asks not just “what landscape ‘is’ or ‘means’ but what it does, how it works as a cultural practice” (1–2). As with any cultural practice, landscape as cultural practice involves an economy of power and control, where subjects compete with each other to assert the power to control the spaces they share. This is particularly the case for sites of traumatic death, where different stakeholders must negotiate among one another to shape which memories are materialized and how. As Kenneth Foote (2003) argues, the American landscape is “shadowed ground,” repeatedly inscribed, erased, and reinscribed

with acts of violence and tragedy, some of which are remembered extensively and many others of which are forgotten—either through intentional suppression or by the slow erosion of neglect. The difference between a tragedy publicly remembered or forgotten at a particular site is determined by the culture’s dominant regime of “necropolitics.”

Extending Foucault’s understanding of biopower, Achille Mbembe has developed the term *necropolitics* to describe the way decisions about who lives and dies are “inscribed in the order of power,” where some bodies and not others are deemed legitimately human and where some subjects and not others are empowered with “the capacity to dictate who may live and who must die” (2003: 12, 11). Mbembe argues that the power to define who can legitimately kill and be killed is the foundation of state sovereignty: “To exercise sovereignty is to exercise control over mortality and to define life as the deployment and manifestation of power” (12). But while Mbembe uses the concept of necropolitics explicitly to theorize the discursive production of actual bodies that kill and die, particularly within colonial spaces and the war on terror, the same thing happens with the memory of actual bodies of people who kill and die. This is true not only in colonial settings and in the war on terror but throughout contemporary regimes of public memory and forgetting, where there is a clear economy of power in which some subjects are deemed legitimately memorable and some are not, and where some subjects are legitimately allowed to memorialize their losses in public landscapes and others are not.

With roadside memorials, this move from bodies to memories is more than simply a metaphor, however. As I have argued more extensively elsewhere, privately produced

roadside shrines develop, live, and die according to the logics of trauma, affect, mourning, and memory, which are all radically uncontained and unique to particular situations (Bednar 2009, 2011a, 2011b, forthcoming). Once built, roadside shrines take on a life of their own, serving as a proxy for the lost victim, keeping them alive socially long enough for the grieving process to run its course. Left unregulated or undisturbed, road trauma shrines exist for as long as they are necessary in the mediation of the trauma they both mark and negotiate. Some last for days; some last for years. Some shrines are intentionally removed by mourners, but most shrines simply live their lives until they decay or disperse, giving the shrine the privilege of dying a more “natural” death than the people they memorialize. Recognizing this dynamic is key for understanding how mourners respond to the removal of a memorial by someone other than themselves. Because a memorial “keeps memory alive,” the external destruction of the memorial is experienced as a retraumatization. Although on one level, the two things—the loss of a loved one in a violent car crash and the loss of a materialized representation of that person in a roadside memorial removal—are clearly not the same, they are both experienced as intense, unexpected, arbitrary, and unwanted: a killing of a materialized memory instead of a body, but a killing nonetheless.

Mbembe’s concept of necropolitics is important for the study of landscape, memory, and affect because it helps conceptualize the way that decisions to either encourage or deny territorialized affect are political acts with clear political consequences. Mbembe writes that “sovereignty means the capacity to define who matters and who does not, who is *disposable* and who is not” (2003: 27;

emphasis in original). Applied to the regulation of memorial objects within territories explicitly controlled by the state, we can paraphrase Mbembe to say: to exercise necropolitical sovereignty over memory in public landscapes involves deploying and displaying the power to control those spaces to facilitate some acts of remembrance and to obstruct or deny others. In such a regime, some subjects will be remembered and some will be disposed of. Likewise, some private subjects will be allowed to memorialize their loss and others will not, and some memorial practices not originated by the state but seen as congruent with state objectives will be tolerated and some will not.

You wouldn't know it from driving by the many private roadside memorials in the United States today, but in most states it is explicitly illegal to maintain one in the public right-of-way (Dickinson and Hoffman 2010). In these cases, state agencies assert a sovereign right to regulate crash memorials as unauthorized intrusions on the public landscape that they control on behalf of citizens in the name of "public safety." Despite these official bans, however, memorial removals are rare. Indeed, many states have legislation banning private shrines but explicit nonenforcement policies. For example, in 2003, after the Virginia legislature passed a ban but did not fund its enforcement, the Virginia DOT adopted a policy of what they call "compassionate tolerance" toward private roadside memorials (Madigan 2003).

Partially in response to the continuing desire of citizens to memorialize road trauma in the right-of-way, many states have developed official ways of articulating crash memorials to larger public safety efforts to control "impaired driving," particularly driving while intoxicated (DWI) or driving

under the influence (DUI). For example, several states now offer survivors the option of purchasing an official state-produced sign that memorializes crash victims (see fig. 1).<sup>2</sup> Most of these states do so while also banning vernacular road trauma shrines, reserving official state signs as the only legal way for individuals to memorialize road trauma in the public right-of-way.<sup>3</sup> These memorials have clear governmental motives and effects and are situated within larger dynamics of power, knowledge, and control of both mobility and citizen access to public roads as well as the larger discourse of safety (see Packer 2008).<sup>4</sup>

In between these official state signs and private vernacular shrines are others that are officially endorsed by states but produced and maintained by nongovernmental organizations. The most prominent example is the MADD memorial cross program (see fig. 2). MADD uses roadside memorials not only to commemorate victims of drunk driving but to forward their larger political goal of changing cultural ideas and practices involving drinking and driving (see Lerner 2011). MADD has lobbied to secure their right to maintain these crosses as an exception to state policies banning other roadside memorials in a number of states, establishing for their crosses a special status in the necropolitics of memory and affect within automobility (Everett 2000: 93).

The MADD memorial crosses are white Roman crosses with a rectangular red plastic placard fixed where the two pieces of the cross intersect. The placards all contain the following text: In Loving Memory of / [name] / Born [date] & Killed at / This Location [date] / By a Drunk Driver. Most MADD memorial crosses stand alone on the roadside, but many, like state memorial signs, are the location of ongoing shrine work (see fig. 2). Unlike official state memorial signs, which usually contain an explicit public



**Figure 1** Robert M. Bednar, Sign/shrine, NM-518 North, near Las Vegas, New Mexico, USA, December 2010. Photograph courtesy of the author

safety message targeted at anonymous drivers, such as “Drive Safely” or “Don’t Drink and Drive,” the MADD crosses are focused entirely on remembering the victim and are even more direct in their description of the cause of the trauma they mark.<sup>5</sup> The grammar of the inscription reinforces the fact that, in this form, victims are the subjects of a necropolitical discourse and perpetrators are the objects: instead of saying that “a drunk driver killed a person,” the crosses say that the “victim was killed by a drunk driver.” In short, a MADD cross marks the spot where a person—one who is explicitly named as someone legitimately

worthy of being remembered—was killed by a *type* of person, an object, with no name other than “drunk driver.”

As this example makes clear, the necropolitics of road trauma in contemporary societies explicitly determine who can be legitimately remembered and how, and, in policy and in practice, such a regime implicitly (and often explicitly) favors victims over perpetrators. In terms of Mbembe’s argument, we would say that such a discourse discredits perpetrators because they have illegitimately challenged the state’s sovereignty with an improper and unauthorized decision about who should kill.

By reinforcing the sovereign right not only to ban private memorials in general and to authorize only memorials that commemorate victims of impaired driving, the discourse actively denies perpetrators any place within the economy of public landscape memory other than their role as perpetrators, while victims can be celebrated and grieved as full persons. The discourse also produces victims' survivors as subjects who are legitimate in their grief, while, at the same time, denying perpetrators and their survivors a legitimate place within economies of public grief and memorialization. Finally, in the current necropolitical regime within automobility, not only is there is no public space for memorializing perpetrators, but there is also none for those ordinary citizens who die in accidents that just "happen." That excludes from the category of legitimately memorable in death not only those defined as perpetrators of impaired-driving accidents but also those who are simply the victims of more literal "accidents" due to careless or inattentive driving, misjudgments, "acts of God," or simply bad luck, who also are never recuperated within official memorial programs or advocacy memorials.<sup>6</sup>

In short, the decision to discourage or encourage the memorialization of lost bodies is a governmental prerogative with political origins and consequences, whether acted upon intentionally in the case of state-sponsored memorialization programs, through enforced exceptions for some kinds of memorials and not others, or through "compassionate tolerance," as is the case with the common phenomenon of nonenforcement of roadside memorial bans. Of course, the opposite is also true: whether done by a state official or a "vandal," removing an existing memorial is clearly a necropolitical act, as well.

### ***Roadside Memorial Removals and the Culture of "Public Feelings"***

Roadside memorials are places of feeling—landscapes where affect collects and is encountered.<sup>7</sup> However, to say that affect is collected and encountered in a landscape is not the same as defining which varieties of affect are collected, encountered, and performed there, and how they are communicated to witnesses, if at all. Roadside memorials are like touchstones—powerfully affective to most, but in unpredictable, undetermined, and uncontained ways, and in different ways to different people. Affect itself is always radically uncontained and only obliquely related to the cultural frames of reference we use to make sense of it. Patricia Clough argues that affectivity is "a substrate of potential bodily responses, often autonomic responses, in excess of consciousness" (2007: 2). This is particularly the case in the experience of affect associated with death, that ultimate apotheosis and negation of affect, and even more the case with the way death is placed. As Avril Maddrell and James D. Sidaway argue, "experiences of death, dying and mourning are mediated through the intersections of the body, culture, society and state, and often make a deep impression on *sense of self*, private and public identity, as well as *sense of place* in the built and natural environment" (2010: 2; emphasis in original).

In *Death, Memory, and Material Culture* (2001), Elizabeth Hallam and Jenny Hockey argue that material memory objects, sites, and practices are "attempts to counter loss caused by death, making connections with the absent individuals and bringing them into the present" (181). Critical to this process is the territorialization of affect at what Greg Dickinson, Carole Blair, and Brian Ott (2010) call "places of public memory."



**Figure 2** Robert M. Bednar, MADD crosses incorporated into larger shrine, Airport Blvd. at MLK Blvd., Austin, Texas, USA, February 2010. Photograph courtesy of the author

Places of public memory are “implacably material” and rooted in a particular geography, topography, and architectural context. The contemporary landscape is embedded with affective objects and spaces built by ordinary people to memorialize ordinary lives. They are part of a larger trend in contemporary society toward an increase in vernacular (as opposed to institutional) memorial practices in the everyday built environment, as well as an increase in the spatial and temporal separation of memorial practices from the material disposal of bodies (see Kellaher and Worpole 2010; see also Santino 2006).

Regardless of any state claim of sovereignty on the right to control road trauma memorialization in the public right-of-way, roadside memorials proliferate, at least implicitly defying state authority to regulate and control them and materializing what Jennifer Clark and Majella Franzmann (2006) call roadside memorial builders’ claim to “authority from grief.” As Clark and Franzmann argue, a “roadside memorial is a private expression of grief that turns a public space into sacred space; its sacredness [is] directly constructed and controlled by people who would ordinarily make no claim to civil or religious authority”



(595–96). Claiming authority from grief “enables ordinary, law-abiding citizens to take authority in their own hands and challenge, even disregard or openly defy, elements of the normal, official process of dealing with the dead, physically, spiritually, and emotionally” (582).

Such claims take shape within a larger culture characterized by publics formed around what Ann Cvetkovich (2007) calls “public feelings,” where more and more people claim the authority to speak to, and in, the mediated public sphere from a place of grief and trauma (see also Berlant 1997; Warner 2002).<sup>8</sup> Like other suffering subjects visible in the mediated public sphere, roadside memorial builders speak to and from a culture that, as Erika Doss argues, has shifted “toward public feeling as a source of knowledge” (2010: 50). Often, trauma is claimed as what Jill Bennett (2005) calls “primary experience”—as the source of a truth claim based on an authentic voice born of trauma that has a certain authority to speak. In this, trauma as truth claim is allied with other contemporary modes of public affect, where personal experience forms the basis for a nonnegotiable claim to authority (Bennett 2005: 6).

In states where vernacular memorials are banned, memorials last as long as the state allows them to last, and this time period, even when explained to mourners, tends to feel more arbitrary than what they would consider the “natural” life span of a private shrine, which is generally figured as a powerful affective force beyond the control of any specific person or organization. For some mourners, a memorial might stay too long—for others, not long enough. The removal stories covered by the news media almost always show mourners who consider the state’s time frame to be too short, which places the two different kinds of authority most pertinent to roadside

memorials—authority from grief and necropolitical state sovereignty—on a collision course.

This collision is at the heart of news coverage of regulatory controversies over the official removal of roadside memorials. These stories often create a sympathetic portrait of mourners victimized twice: first by the loss of their loved one in a crash, and then by the insensitivity of the state as it denies them their asserted right to grieve in public. There are two main iterations of the state vs. citizen roadside memorial removal story: cases in which the state enforces a ban by removing a vernacular shrine and cases in which the state enforces the time limits for its official signs.<sup>9</sup> In both iterations, the news stories usually privilege the mourner’s “authority from grief,” which aligns viewers and readers with grieving survivors and not with the state that regulates them. The outcome is a particular politics of affect that pits the manifestly personal needs of grieving survivors, who are represented as being “like us,” against the manifestly arbitrary and bureaucratic needs of state departments of transportation, who are not.

However, although mourners take an adversarial relationship to law or policy, private roadside memorials themselves are politically relatively mute. They assert an authority to grieve but are rarely attached to some explicit political goal beyond that. This distinction becomes clear when compared to more demonstrative examples of the political potential of roadside memorials: the memorial crosses built and maintained by MADD, and the phenomenon of “ghost bikes,” a variety of politically explicit “grassroots memorial” focused not only on commemorating cyclists killed in car crashes but also protesting the differential of power between cyclists and drivers within contemporary car culture



**Figure 3** Robert M. Bednar, Ghost Bike, Loop 360 at Bee Cave Road, Austin, Texas, USA, November 2012. Photograph courtesy of the author

(Margry and Sánchez-Carretero 2011; Dobler 2011) (see fig. 3). In general, however, while some roadside memorials generate movements to change road conditions, most only mobilize political action when threatened with removal. And, importantly, when they are threatened, the political action is apparently not focused on any larger goal beyond reasserting the right to grieve in public at a particular spot, which further reinforces the fact that, for most roadside memorial builders, authority from grief is an end in itself.

Whether the state is removing a private shrine to enforce a ban or an official state memorial sign at the end of its scheduled existence, most protesting families characterize the state decision to remove their memorials as a revictimization or a retraumatization: “like reliving some of the horror” of the original crash, as one reporter hyperbolically put it (Pelt 2012; see also Morgan 2012; Hernandez 2009). In television coverage specifically, mourners are identified in terms of their relationship to the victim and are usually interviewed on site

at the shrine, sympathetically conveying their feelings and pointing at physical objects that the camera shows us directly. In contrast, state officials are usually pictured in or in front of their office, showing that their authority is derived from their office and not their embodied affective claim or their relational connection to the shrine. This has the effect of abstracting their appeal, as well, ensuring that viewers stay aligned with the mourners. Ultimately, however, while these stories align viewers with mourners, they ask viewers for little more than empathy. As is common in the news media's framing of personal tragedy, viewers are reminded of their duty to care for grieving subjects but not encouraged to act on their behalf or in alliance with them.<sup>10</sup> This stance is not that different from the one taken by most experts and reporters in these stories, who show that they "feel for" the mourners but do not express interest in doing anything themselves to change their material conditions.

Because these news stories are constrained by the discourse within which they are produced, they narrate a surface conflict between the bureaucratic control of public landscapes and the refusal of a mourner to comply with those controls because they curtail what the mourner asserts is a more primary right. However, both the bureaucrats and the mourners enunciate from within the necropolitical discourse of road trauma, memory, and affect, which generates taken-for-granted discursive positions (grieving family member, compassionate but firm state spokesperson, expert, reporter) within an interpretive repertoire that provides foundation for the explicit statements, which are themselves organized as a narrativized, binarized, and personalized conflict that remains entirely self-contained within the discourse itself.

### ***MADD and the Politics of Righteous Indignation***

As we have seen, the dominant response to the removal of a roadside memorial is to see it as a doubling of the initial trauma of the crash mediated by the memorial. That doubling of trauma figures even more strongly in media coverage of the alleged vandalism of a MADD memorial, which is presumed to be in place legitimately and indefinitely. Unlike official state memorial signs, which often have a definite time limit, and vernacular road trauma shrines, which have a precarious existence, MADD crosses are installed with the presumption that they will be there indefinitely. As fixtures on the roadside, their removal is even more disruptive.

I would now like to turn to an analysis of one such news story titled "No Respect for the Dead" (see video clip in "Roadside Memorial for Victims" 2012).<sup>11</sup> The story covers a recent instance in which family members discovered that four MADD memorial crosses that had been in place for years in Austin, Texas, were damaged, leaving four short, white, wooden stubs (see figs. 4–5). While news stories about official state removals of roadside memorials narrate a conflict between opposing but equally legitimate groups—mourning families vs. state agencies—and usually only subtly privilege mourners over bureaucrats, this news story about the vandalism of a memorial makes no attempt to balance its framing at all. The anchor and reporter are righteously indignant about what they presume is not only a crime against property but a crime against common sense. The story charts out a world where "us" and "them" are clearly separated: it creates an "Other" of the presumed perpetrator—someone who is not only disrespectful but does things that do not make sense—while gathering viewers into a collective that



**Figure 4** Robert M. Bednar, Damaged MADD crosses, MoPac Expressway North, North of Parmer Lane, Austin, Texas, USA, November 2012. Photograph courtesy of the author

would perform that condemnation and also show compassion for the victims' families. It distances viewers from the person or persons who presumably vandalized the crosses and aligns viewers with the victims of both events: the crash and the vandalism. It builds a sympathetic portrait of the four people killed in the crash and their grieving families. Along the way, it creates slippage between the two types of victimization: trauma at the hands of a drunk driver and trauma at the hands of a vandal.

The anchor sets up the story dramatically, saying, "Our Top Story tonight: No Respect for the Dead. Someone has *desecrated* roadside memorials for victims of drunk drivers." As he says this, a photograph of a set of four damaged crosses next to him appears with the caption, "WHO WOULD DO THIS?" in all caps. The archived web version of the story makes the frame of the piece more explicit: "In the place of one heinous crime is another." To

equate the vandalism of four crosses to the death of four people is problematic, to say the least, but to call even the drunk-driving death a "heinous crime" is problematic as well, reflecting an implicit acceptance of MADD's victim/perpetrator necropolitical discourse discussed above.

This discourse continues to operate as the story unfolds, further solidifying the presumed similarity between the figures of the "drunk driver" and the "vandal" as objects of the discourse operating in the story. When the reporter comes on and points to the broken crosses, it is clear that she presumes our affective response: we are supposed to be dismayed. The reporter narrates the story of the crash from within the car: the two couples are innocently going about their business, when, out of nowhere, they are hit by an out-of-control external force—a drunk driver whose name is not ever uttered aloud in the story, and someone clearly identified as being as



**Figure 5** Robert M. Bednar, Damaged MADD crosses, Close-up, MoPac Expressway North, North of Parmer Lane, Austin, Texas, USA, November 2012. Photograph courtesy of the author

guilty as the two couples were innocent. The segment closes with a split screen featuring both the reporter and anchor; the anchor is shown shaking his head while the reporter looks directly into the camera, pursing her lips, shaking her head a bit, and blinking, as she says: “And Mike, it sure is sad.” The anchor replies: “It certainly is. I hope somebody comes forward with some information.”

The story asks for somebody to come forward, but it is clearly not an invitation for the perpetrator to come forward to explain himself or herself. While the other people represented in the story, from reporters and anchors to interviewed family members and supporters, are all presented as sympathetic and reasonable, even as they express extreme emotions, the “vandal” is figured as an object for the discourse to speak about, but never to be listened to. The perpetrator of the crime of vandalism is external to viewers, just as

the drunk driver was to the four victims in the car that night. The story mobilizes affect to interpellate viewers both as righteously indignant witnesses to the story and as possible eyewitnesses of this “heinous crime” of vandalism; in doing so, it reveals a necropolitical discourse of roadside memorialization that not only produces (some) performances of compassion but naturalizes them by marking the failure to perform compulsory compassion as inexcusable and, in fact, incomprehensible within the naturalized discourse of the news story, which further naturalizes the discourse itself.

#### ***“Who Would Do This?”***

I have shown how the vandalism news story aligns viewers with the victims by placing viewers inside their world twice: first as victims of a drunk driver, and then as victims of a “desecration.” This makes the story not that much different from news stories

about state removals, which also conflate the trauma of the accident with the trauma of the removal, but here the frame places viewers in a much more extreme position in relation to the removal. Within this placement, the only response offered is righteous indignation, which is not only a moral response but a presumed affective response. Viewers are “supposed to feel” outraged (where “supposed” means both presumed by others and compelled internally). And throughout, the images of the broken crosses are presented as if they are self-evidently poignant, which serves as the foundation both for the segment’s compulsory compassion and its righteous indignation: how could someone possibly desecrate something like this? The story does not expect an answer to this provocation. It’s as if the required response is to do just as the anchor and reporter do: shake your head in disbelief, pronounce it sad, and move on to the next story.

However, while there is no way to imagine someone “who would do this” within the frame of the story, anyone familiar with roadside memorials would know that there are many potential candidates. The most obvious here is someone like Rodney Scott, who not only “would do” something like this but actually did do something like this. Throughout his trial, Scott maintained that he was within his rights to remove the memorial because he was offended by its presence, which he saw as an unwelcome intrusion on his own sense of well-being as a passer-by: “I had gone through a lot of personal turmoil myself,” Scott said. “I didn’t appreciate somebody else throwing their hurt and sorrow out there for the public view, as if it was more important than someone else’s hurt or losses” (quoted in Doss 2010: 86–87). Critics, like Scott, of roadside memorials may understand mourners’ desire to grieve in

public and may take it for granted that roadside memorials contain and communicate affect, but they do not accept the claim that survivors’ “authority from grief” trumps their own desire not to witness public grieving and, possibly, their desire not to be compelled to feel a particular emotion.<sup>12</sup>

Of course, making an argument and supporting someone else’s action are not the same thing, just as both are not the same thing as doing something yourself to remove memorials from public landscapes. The more prevalent method is to challenge roadside memorials through litigation, which is the tactic of several advocacy groups, including Freedom from Religion and American Atheists. But while these groups focus their work in the courts, there are other organizations and individuals that advocate direct action to remove memorials from the roadside. Most prominent here are Austin Cline, an atheist activist, and the organization called Atheist Activist. Cline has a web page on About.com that encourages atheists to remove roadside memorials and provides instruction on how to do it.<sup>13</sup> Atheist Activist takes an even more explicit approach, including links to online retailers selling the tools necessary to cut down roadside memorials.<sup>14</sup> And at the bottom of the Atheist Activist “How To” page is a link to a website run by another person, Jason Curless, who clearly does not buy into compulsory compassion: for over ten years, Curless has worked to ridicule roadside memorials on his porkjerky.com website, titled “Roadside Crosses: God’s Way of Saying ‘A Shitty Driver Was Here.’”<sup>15</sup> Finally, there are critics of MADD, specifically, who advocate removing MADD crosses as part of their larger criticism of what they see as MADD’s dominance of the cultural discussion about drinking and driving in the United States—particularly the way they mobilize affect in advocating for their



**Figure 6** Robert M. Bednar, restored MADD crosses, MoPac Expressway North, North of Parmer Lane, Austin, Texas, USA, December 2012. Photograph courtesy of the author

goals.<sup>16</sup> My point is not to accuse these individuals and groups of vandalizing the Austin MADD crosses but to denaturalize a discourse that makes such an act appear to be incomprehensible. For all of these critics of roadside memorials, who are not included within the dominant interpretive repertoire about roadside memorials, it would not be difficult to imagine an answer to the question: “Who Would Do This?”

### **Conclusion**

Just weeks after their initial destruction, the four Austin MADD crosses were rebuilt by MADD and reinstalled by family members while the news camera rolled. Their quick restoration revealed the most persistent truth in the necropolitics of roadside memorialization in the contemporary United States: that while both private shrines and state memorial signs are subject to removal by state agencies, MADD memorial crosses endure (see fig. 6).<sup>17</sup> This indicates that their special status as sanctioned

memorials within the current regime of necropolitics of memory and affect in American automobility allows them to continue to have a dominant public presence. Replacing broken, rotten, or vandalized MADD crosses and maintaining the crosses indefinitely thus not only “keeps memory alive” in the public landscapes of automobility but also keeps MADD’s presence as a cultural force alive there, ensuring MADD’s ongoing influence in the necropolitics of affect and memory within automobility.

MADD crosses will thus become further naturalized not only as part of the American public landscape, but as part of the materialization of the necropolitical discourse of compulsory compassion, where some who are killed in and by automobiles are presumed to be legitimately memorable and others are not, where some survivors are allowed to legitimately grieve and memorialize their loved ones and others are

not, and where the rest of us who drive by are supposed to feel a certain way about it all.

### Notes

1. A detailed analysis of the interpretive repertoire within which media coverage of roadside memorials operates is beyond the scope of this article. A good place to see the range of enunciations is in the *New York Times* blog *Room for Debate*, in which an entry titled "Should Roadside Memorials Be Banned?" on July 12, 2009, generated 370 comments in less than twenty-four hours before being closed down.
2. For example, the Texas Department of Transportation has a Memorial Sign Program that allows survivors of victims of "impaired driving" fatalities to pay \$300 to have an official "Please Don't Drink and Drive" sign installed at the site of a fatal crash for a period of two years. The survivors must apply to be considered for such a sign, and program guidelines require that the people who will be memorialized are "victims" of impaired driving and not perpetrators; indeed, the guidelines explicitly stipulate that "an impaired driver is not eligible for a Memorial Sign." See Texas Department of Transportation, "Memorial Sign Program—Victims of Impaired Driving," [www.txdot.gov/inside-txdot/division/trafficsigns/memorial-vehicle.html](http://www.txdot.gov/inside-txdot/division/trafficsigns/memorial-vehicle.html). Accessed November 11, 2012. The official administrative code for the signs is posted online, as well, at [info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=5&ti=43&pt=1&ch=25&sch=N&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=43&pt=1&ch=25&sch=N&rl=Y). Accessed November 11, 2012. California and Florida, which, significantly, are usually grouped with Texas in the top three states for traffic fatalities and thus have similar institutional drives to control crash deaths, have similar programs. California's signs are almost identical to the Texas signs in wording, design, and cost structure. See California Department of Transportation, Victims Memorial Sign Program, [www.dot.ca.gov/hq/traffops/signtech/signdel/victims.htm](http://www.dot.ca.gov/hq/traffops/signtech/signdel/victims.htm). Accessed July 18, 2011. Florida's are white and round and avoid the victim discourse of the other two states; they simply say "Drive Safely, In Memory of [name]." The Florida signs are "part of an effort to increase public awareness of highway safety," and not about impaired driving, in particular, so the signs are available to anyone who wants to memorialize a car accident death on roads the state controls. Unlike Texas and California, Florida also "absorbs all the costs . . . to offer them free to the public." See Florida Department of Transportation, "Highway Safety Memorial Program," [www.dot.state.fl.us/statemaintenanceoffice/memorial%20markers.shtm](http://www.dot.state.fl.us/statemaintenanceoffice/memorial%20markers.shtm). Accessed July 18, 2011. Texas has more recently developed a related Motorcycle Crash Memorial Sign Program that "serves to commemorate loved ones while raising awareness of motorcycle safety." See [www.txdot.gov/inside-txdot/division/traffic/signs/memorial-motorcycle.html](http://www.txdot.gov/inside-txdot/division/traffic/signs/memorial-motorcycle.html). Accessed November 11, 2012. While the motorcycle crash sign program is similar to the impaired driving sign program, there are important differences. For one, instead of saying "Please Don't Drink and Drive" as the impaired driving signs do, the motorcycle crash signs feature a red Roman cross (a cross that is taller than it is wide, like the MADD crosses and unlike the logo for Red Cross, which is symmetrical), which is likely to invite a future challenge to their constitutionality. More important, the program makes no distinction between perpetrators and victims in its rules on purchasing the signs and has no requirement that the crash be caused by impairment. This implies that the motorcycle itself is figured as the problem to be controlled through the discourse of public safety, which maps directly to the larger pathologizing of motorcycles and motorcyclists within the discourse of automobility. See Packer 2008: 111–60.
3. In New Mexico, the state has taken a different approach. The state has a program offering an official Department of Transportation road sign to memorialize drunk-driving victims, but even here some of their signs include large photographs of the victim that render the sign much more personalized than their counterparts in other states. More important, the state has embraced the practice of roadside trauma shrines, not only allowing the shrines to proliferate throughout the state, but also accommodating them more than any other state does. New Mexico regularly protects shrine sites with orange plastic fencing, so road



- construction can proceed around them, or publicly notifies shrine builders when road construction will necessitate moving shrines. Other states have a practice of leaving notes or business cards at shrine sites warning builders that their shrine is illegal and giving those who maintain the shrine an opportunity to remove it before it is discarded. However, this is very different from giving someone the opportunity to save a shrine from being discarded so that it can be rebuilt later, after road construction has been completed, as is the case in New Mexico. Local public safety agencies also use shrines in billboards and other official public-media DWI messages. There is even a shrine at the edge of the parking lot at the state police headquarters in Taos, New Mexico.
4. Interestingly, many state-produced memorial shrines are themselves decorated by individuals with flowers and other shrine objects. This indicates that instead of substituting one vernacular memorial for a more official one, many mourners have simply adopted the signs as the central element of a relocated or replaced vernacular shrine.
  5. The explicit reference not only to death but to killing also makes these crosses different from the majority of vernacular shrines, which are considered by most practitioners and researchers to be “last alive” sites, instead of death sites, and which, in fact, rarely mention death. For instance, in *Roadside Crosses in Contemporary Memorial Culture* (2002), Holly Everett quotes a mother of a teen car crash victim who maintains a shrine on the roadside rather than the cemetery site because the accident site was, she says, “the last place that Nathan was” before going “straight to heaven” (95). The mother says she visits the site frequently not only to maintain the memory of her son but to talk to her son; she says the shrine serves this purpose well because “that’s kind of where I felt his spirit was last” (quoted in Everett 2002: 96). Similarly, Charles Collins and Charles Rhine noticed that many people who leave written messages to those who have died address victims as if they are “departed” instead of “dead” or “deceased”—as displaced, disembodied, or transformed, but not “ceasing to exist” (2003: 234). The identification of the embodied agent of the death realizes a point only incipient in the state memorial signs: that both forms memorialize only victims. But while the MADD inscription implies that an agent caused the death, the MADD memorial format also implicitly works to discredit that agency by denying the personhood of the perpetrator.
  6. This necropolitical sorting is also naturalized by the fact that the same dynamic operates in the politics of public memory and affect in relation to nonautomotive public tragedies as well. For instance, Gillian Rose makes a similar point in her analysis of necropolitics and the British media coverage of the July 7, 2005, bombings in London, where she discovers an “uneven distribution of grief” reflected in representations of those who died in the bombings, where news media celebrated the lives of victims and actively distanced readers from the perpetrators (2009: 47). Likewise, Judith Butler, in her analysis of post-9/11 memorial culture in New York City, argues that the dominant US response to 9/11 revealed a “differential allocation of grievability,” which worked to determine “what kind of subject is and must be grieved and what kind of subject must not” (2004: xv). Sylvia Grider (2007, 2011) also has analyzed this phenomenon of “differential allocation of grievability” in the way shooters and victims have been memorialized at the sites of mass shootings at Columbine High School, Virginia Tech, and Northern Illinois University. A similar process of sorting was apparent more recently in the media coverage of the school shooting in Newtown, Connecticut, in December 2012.
  7. A word about terminology. My larger project in this area has been focused on vernacular car crash shrines, which I call *road trauma shrines*. In the present study, I use the more general term *roadside memorial* throughout because it contains all three kinds of memorial forms I write about here: vernacular road trauma shrines, state memorial signs, and MADD crosses. I then reserve the term *shrine* for those memorial sites that include the material evidence of ongoing memorial practices, such as the placing of flowers, stuffed animals, and written messages to the victim. In short: all road trauma shrines are roadside memorials, but not all roadside memorials are road trauma shrines.
  8. The most prominent US example is the group of “9/11 families,” who have asserted a central

- authority in the necropolitics of memory at Ground Zero (see Bean 2009; Donofrio 2010).
9. See especially "Mom Upset at Loss of Memorial" 2008. See also Madden 2008; Schneider 2011; Schmidt 2000.
  10. As Gillian Rose characterizes this dominant subject position offered by the contemporary news coverage of suffering individuals: "The photos were looked at, something was felt, a certain caring happened, but nothing, it appeared, needed to be done. We can leave the action to others" (2009: 51; see also Rose 2010; Ott and Aoki 2002; Zelizer 2005).
  11. This story was featured as the Top Story for FOX 7 News Austin on September 27, 2012.
  12. This is something many people say about roadside memorials in public forums, indicating that, despite the vandalism news story's projection of a clear cultural consensus, such a consensus is, in fact, complicated and unstable. See especially "Should Roadside Memorials Be Banned?" (2009). Some see roadside memorials as inappropriately public displays of grief, which they think should be "kept private where they belong," in private homes and in institutional settings like cemeteries. Others extend this, as Rodney Scott does, to an argument about resenting the fact that only a few people presume to use public space for performing their grief. Both positions continue to assume that, as Scott puts it, a roadside memorial "throw[s] their hurt and sorrow out there for the public view."
  13. Located at [atheism.about.com/od/ideasforatheistactivism/a/RoadsideCrosses.htm](http://atheism.about.com/od/ideasforatheistactivism/a/RoadsideCrosses.htm). Accessed November 12, 2012.
  14. Located at [www.atheistactivist.org/Roadside.html](http://www.atheistactivist.org/Roadside.html). Accessed November 20, 2012.
  15. Located at [www.porkjerky.com/rip/](http://www.porkjerky.com/rip/) and accessed June 30, 2006.
  16. For example, there is a post on Modern Drunkard Forum advocating vandalizing "neoprohibitionist" MADD crosses. Located at [www.drunkard.com/bbs/viewtopic.php?f=11&t=38151](http://www.drunkard.com/bbs/viewtopic.php?f=11&t=38151). Accessed November 11, 2012.
  17. The restoration process was documented by the same reporter and anchor at the local FOX affiliate, giving narrative closure to the story of disruption they had reported a few weeks earlier. See "Family Replaces Vandalized Crosses" 2012.

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