

United States v. Dylann Roof

Edward Ball

In early January, three weeks into the federal trial of Dylann Roof, who killed nine black people in a church in Charleston, South Carolina, in June 2015, a prison guard named Lauren Knapp gave testimony about *The Sorrows of Young Werther* (1774) by Johann Wolfgang von Goethe. Officer Knapp is a lanky woman with short bleached hair and a blunt manner who does not bring to mind a scholar of German Romanticism. From the witness chair Knapp said that in early August 2015, while reading the correspondence of prisoners, looking for references to gangs or to crimes, she came upon the “young Werther letter.”

The two-page text was the first outgoing note written by Roof at the Charleston County Detention Center. Its swooning prose sounded strange to Knapp, who took down a sentence or two and discovered, using a search engine, that these matched an English edition of *The Sorrows of Young Werther*—“the German book,” she called it. Knapp learned that “the German book” was a novel about unrequited love whose narrator commits suicide and that “it was supposed to have started a suicide fever.” After that, Knapp said, “it was decided to put prisoner Roof on suicide protocol.”

The first measure in the protocol is to remove a prisoner—Roof was in solitary confinement—and perform a search of his cell. This turned up a six-by-nine-inch legal pad that Roof had filled with a thirty-page essay.

“The government introduces the ‘jailhouse manifesto,’” says Assistant US Attorney Jay Richardson, lead prosecutor in *US v. Roof*. Questioning Officer Knapp, Richardson holds in the air a Ziploc bag with the legal pad—“Government exhibit #500.”

“I object,” says Dylann Roof, rising to his feet at the defense table.

Dylann Roof is a man-child—120 pounds, a blond bowl haircut, and a triangular, adolescent face. He has a ghostly tenor voice. Roof has decided to defend himself during this part of his trial. “I object on the same grounds as before,” he says, raspily. The Werther letter is his possession and not the government’s, he says uncertainly, and it, as well as other of his writings in jail, should be barred from evidence.

“Overruled,” says Judge Richard Gergel, whose long vowels sound like the upstate of South Carolina, his place of origin. Gergel’s home is Richland County, which contains the state capital at Columbia and which happens also to be the defendant’s home county.

“Prisoners’ writings are not their own. And I will cawl it the ‘jailhouse statement,’ which is less pe-jar-rative,” Gergel says.

The jailhouse statement, which Roof wrote six weeks after he committed the worst race atrocity of recent decades, killing a room full of people in the basement of Emanuel African Methodist Episcopal Church, consists of a screed against black people and Jews, whom Roof calls “the lower races,” and advocates a eugenics program. (“The Jews are undoubtedly our enemies, indeed our greatest enemy and obstacle in saving our race.... If the Jews had never forced integration, the blacks would of

never had a chance to do as much harm to us as they have.” And so on.)

Dylann Roof, it is reported by people close to the case, has a high IQ—141—however, the murderer is not well educated. He left school in ninth grade and later passed an online General Educational Development test. Photographs shown in court of his mother’s house, where Roof lived before the crime, and his father’s separate home, give the appearance that both are book-free.

But the young Werther letter and the jailhouse statement suggest Roof’s fixation on things German. “I have been blessed with a significant amount of German blood, and a German sur-



Dylann Roof (second from left) during the initial stage of jury selection for his trial for the murder of nine worshipers at the Emanuel African Methodist Episcopal Church, Charleston, South Carolina, September 2016

name,” he writes. A friend told investigators that Roof sometimes retreated to his car to listen to German opera. When he registered as a contributor to the white supremacist website Stormfront and posted comments, he took the user name “LilAryan.” Several pages of drawings on the pad taken from his cell go further. They include renderings of the “Odal rune” (☒) and the “Lebensrune” (Υ), variants of a medieval Norse alphabet that National Socialists used, during the 1930s, in their attempt to construct an Aryan past. And there are plenty of “SS bolts” (卐), emblems of the Nazi *Schutzstaffel* militia, derived from another Norse rune.

Dylann Roof seems to love German signs and sounds in the special way that white supremacists sometimes do—the ad hoc, derivative, semiliterate way. In a list of German music he admires, Roof names one piece he heard and liked: “symphony 101—the clock,” he calls it, by a composer whose name he writes as “Heiden.”

On June 17, 2015, at 8:00 PM, twelve parishioners met for weekly Bible study in the “undercroft,” or basement, of Emanuel African Methodist Episcopal Church, in the middle of Charleston, on Calhoun Street. A.M.E. is the oldest black denomination, with eighteenth-century roots, and Emanuel is the mother church of African Methodism in the Deep South. One member of the prayer circle that night was the pastor at Emanuel, Clementa Pinckney, a barrel-voiced, poised, forty-one-year-old senator in the South Carolina legislature, who was dressed,

as usual, in a black suit. Another was Felicia Sanders, fifty-eight, a hair stylist and grandmother who came with her son and her granddaughter.

The Bible study group talked about the New Testament parable of the sower in Mark, Chapter 4—“the sower soweth the word...but...Satan cometh immediately, and taketh away the word that was sown in their hearts.” At about 8:20 a latecomer entered, a twiggy white kid in Dickies pants, wearing a bulging fanny pack. He had blond hair in a bowl cut and bright skin. He took a seat next to Reverend Pinckney, in the rough circle of chairs pulled away from parish hall tables, and Pinckney gave him a printed text and Bible. Dylann Roof kept his head down, wordless for thirty minutes as the prayer leader, a fifty-nine-year-old

people in court during his trial came to witness and grow repelled by. He said four things: “Shut up” (to a woman praying aloud); “I have to do this, because y’all are raping our women and y’all are taking over the world” (to Tywanza Sanders, age twenty-six, a poet and rapper, whom he killed after this explanation); “Have I shot you yet?” (to seventy-year-old Polly Sheppard, who answered, “No”); and (again to Sheppard) “Well, I won’t shoot you, because I want you to tell the story.”

The shooter did not find Reverend Pinckney’s wife and daughter, who remained in the church office, crouched under a desk; they survived. And he did not shoot Felicia Sanders, who spread blood on her clothes and lay still, saving her own life and that of her granddaughter. Roof went out the back door, leaving eight dead and one dying, with ammunition still in his gun. He said later he expected police to find him at the church, and he saved bullets to kill himself.

The next morning, 250 miles away in the town of Shelby, North Carolina, Roof was pulled over by local police and arrested, his gun on the rear seat, beneath a white pillow. Dash camera footage of the arrest shows him to have been passive with the white officers, volunteering his name, putting up no resistance. His passivity would be another trait on view in court.

The federal government has executed just three people since 1963. The only terrorist among these was Timothy McVeigh, who blew up the Murrah Federal Building in Oklahoma City in 1995 and was killed by lethal injection in 2001. Capital punishment being a rarity for the Justice Department, the attorney general must personally sign orders seeking death. The state of South Carolina, meanwhile, has executed forty-three people in the last forty years. US Attorney General Loretta Lynch, a 2015 Obama appointee and an African-American, could have declined to prosecute for death, leaving that path to South Carolina, whose lead prosecutor, Solicitor Scarlett Wilson, expressed enthusiasm for the death penalty and a strong desire to use it in a state murder trial of Roof.

In its canvass of the families of those killed, another requirement of federal prosecution, the Justice Department learned that most survivors and relatives did not want death for the killer. Indeed, within a week of the crime—after President Obama eulogized Reverend Clementa Pinckney and sang a verse of “Amazing Grace” to a stadium of mourners—most of what the country knew about the massacre had to do with “forgiveness.” Two days after the shooting, in a video link to Roof’s bond hearing, several relatives of those killed spoke to him and offered him words of absolution. Tens of millions of whites were astonished, although many fewer blacks. Forgiveness is a strong tradition in black Christianity.

A federal indictment laid out thirty-three charges. The 2009 Hate Crimes Act (Title 18, US Code, section 249), one of three laws deployed, does not carry death. However, the more obscure “Obstruction of Exercise of Religion Resulting in Death” (section 247) does, as does a statute about using a gun in a crime of violence, passed in the vengeful years of the war on drugs,

Robert Maniscalco

during the 1980s (section 924). The two latter laws were appended to the Roof indictment, enabling a death sentence. Attorney General Lynch signed.

Three months before his act of race terror, Dylann Roof drove out to Sullivan's Island, a narrow sandbar at the mouth of Charleston harbor. During the 1700s, the island was a slave depot, the landfall for ships that brought hundreds of thousands of captives to Charleston from Ghana, Sierra Leone, the Niger Delta, and Angola. Roof was attracted to the island's slave history and wanted, apparently, to fortify himself with it. And so he went to the beach and etched the number 1488 in the sand. He put a camera borrowed from his mother on a tripod and took a selfie, as a wave rippled over the inscription.

The number 1488 is supremacist code: 14 refers to a micro-creed, fourteen words long—"We must secure the existence of our people and a future for white children"—a sentence crafted by a white supremacist named David Lane, founder of a group known as the Order. The number 88 is shorthand for "HH." The letter H is the eighth in the alphabet, and among white nationalists 88 translates as "Heil Hitler."

After Sullivan's Island, Roof went to several other slave-linked sites around Charleston, all evoking the memory of white mastery—McCleod Plantation, Magnolia Plantation, Boone Hall Plantation, and the Charles Pinckney National Historic Site. He took selfies at each, posing with slave cabins and even with mannequins dressed as slaves. "I prepared myself mentally," he told investigators.

In early December 2016 a jury is empaneled—nine whites and three blacks, no Asians or Latinos—and events begin under armed supervision. In courtroom number six at the J. Waties Waring Judicial Center, the marshals look like bouncers, their gun holsters bulging under jackets. At times there are four, at times more, armed guards, their numbers changing, one imagines, as death threats rise or fall overnight.

On the first day of the trial, fifty family members of the killed, all but two of them African-American, fill the right side of the spectators' gallery. Perfectly dressed in church clothes, their voices seem softened by long sadness. For eighteen months these nine families have wept, dealt with TV cameras, talked at rallies, answered news reporters, spent sleepless nights, met with politicians, and appeared on talk shows. Some of the victims lived on Charleston's East Side, an old section where former slaves moved after the Civil War, still the blackest part of town, with small wooden houses and cinderblock corner stores. Others lived a mile away, in Radcliffeborough, a neighborhood where 150-year-old houses have little gardens. Most came from large, extended families. "Susie Jackson's people got about a thousand, and they all live near each other," said one witness, talking about the oldest victim. Black people in Charleston are intermarried and often cousins.

The defendant is solitary. Dylann Roof is a South Carolina boy, born and raised one hundred miles upstate, but he is an isolate. When he enters court from jail, alone, he does not look at the gallery, or even at his lawyers. With scant exceptions, his family do not at-

tend his trial. His grandparents do, for four days. And his parents, one day each, separately.

The principals in the case are in-state people, which means much in South Carolina, where distaste for newcomers runs high. The lead prosecutor, Assistant US Attorney Jay Richardson, was raised in upstate Barnwell County, similar in latitude to the defendant's and judge's own Richland County. Richardson, with a wiry frame, his suits too big, parted but uncombed hair, spreads reassurance among whites, largely through his accent, a strong up-country pitch. Away from the coast, the vowels emerge from the nose; downstate, around Charleston, they shift to the front of the mouth.

Judge Richard Gergel uses vowels similar to Richardson's. Yet beneath



Dylann Roof being escorted from the Shelby Police Department after his arrest, Shelby, North Carolina, June 2015

the dialect, Gergel is also unexpected. Appointed to the federal bench by President Obama in 2010, he is a Jew (practicing), a Democrat (vigorous), and a writer (working on a biography of a civil rights judge).

The lead defense lawyer, David Bruck, is something of an outsider, despite having lived for decades in South Carolina. (He has two co-counsel, both women.) Born and raised in Montreal, Harvard-educated, Bruck speaks with Canadian cadences that remind local ears of his far-off roots. A law professor, white-haired, age sixty-eight, he is both nimble and quiet, with an understated, zenlike manner. Bruck is an anti-death penalty activist in a state that is not only friendly to homicide by the courts but has a long history of extrajudicial killing—lynchings, Ku Klux Klan violence, and white race riots. He was lately on the legal team of the so-called Boston bomber, Dzhokhar Tsarnaev, sentenced to death in 2015.

Dylann Roof smirks slightly when entering court, before his face goes expressionless. Then he sits, locking his eyes into a stare directed at the table. It is a position he will retain for days, then weeks. He wears a jailhouse jumpsuit, with heavy white and gray stripes and "Charleston County Detention Center" on the back. His lawyers will soon get him into a different uniform, a gray cableknit sweater and dark chinos, for the duration. Roof rarely makes eye contact with the judge, and never with the jury—until the last day, when he rises to speak.

The word "cuck" is a noun that people on the far right use to describe, con-

temptuously, those who do not believe in the cause of white supremacy. To white nationalists it means, approximately, nonracist, as well as "dupe." In the courtroom, I look around and decide that many here would attract the insult, "cuck," including at least some conservatives, none of whom show the least desire to identify with Dylann Roof.

The prosecution makes the opening argument, laying out the crime, sketching the lives of those killed, and calling for the death penalty. David Bruck then stands to face the jury. Though his client has pleaded not guilty, Bruck says, "What you have just heard really did happen. And the defendant in this case did it." He waves at the defense table and Roof, who stares at the water bottle in front of him.

"The question is not just, did Dylann Roof commit this crime, but who is he? Why did he do it? Where did it come from?"

"Objection," says Jay Richardson. "This is the guilt phase, in which the deefinse must negate the charges. Not the penalty phase, where the court examines state of mahnd."

Bruck has surrendered the case at the outset to guilt. He sees the coming verdict and lowers his goal to this: he will try to keep Roof from death.

Judge Gergel sustains the objection; Bruck resumes.

"Ask yourself, where did this extraordinary degree of intense racial hatred come from? Is there evidence from his family? Did he have conspirators?" "Objection."

Gergel sustains. "Mr. Bruck, this has not at all to do with guilt. You must retract your remarks."

Bruck returns again. Objection.

Five times, Bruck tries to put emphasis on Roof's mental life; five times the judge admonishes.

The death penalty has become a less common form of punishment over the past few decades. The frequency of capital verdicts has declined 90 percent—from a high of 320 new death sentences in 1996 to twenty-seven in 2016. Are prosecutors and jurors less vengeful? African-American men are more likely to be executed than white, and innocent people are sometimes executed, as revealed by a wave of post-verdict DNA analyses that overturned convictions. For decades, lawyers and juries have been shying from two potent labels—active racist, on the one

hand, and roulette killer, on the other. But this is South Carolina, and the so-called Emanuel 9 are a big, gruesome, remorseless slaughter.

Before trial, Bruck moved for a competency hearing, in an effort to show that his client was mentally incapable to stand prosecution. The judge closed the psychiatric examination and bench conference to the public. Roof was questioned by eight doctors and hundreds of pages of evidence were submitted. Judge Gergel sealed the psychiatrists' reports, but issued a ruling that the defendant "does not suffer from any mental disease or defect which renders him unable to understand" his legal proceedings. Roof is "alert, focused, and confident." "co-gent and articulate," and he has "an extremely high IQ." Finding "no cognitive impairment," Gergel moved to trial.

The judicial determination that Roof is not mentally ill and could stand trial both annoyed and emboldened the killer himself, who did not want to be studied in the first place. ("I am morally opposed to psychology," he writes in another manifesto from before the crime. "It is a Jewish invention and does nothing but invent diseases and tell people they have problems when they don't.")

In mid-November, Roof fired his lawyers and acted as his own lawyer during jury selection. The judge opened the door to this, too, ruling that the defendant had made the decision to self-represent "knowingly, intelligently, and voluntarily." Within three days, however, Roof reversed himself and opted for a compromise: Bruck and co-counsel would represent him in the guilt phase of the trial, while Roof would represent himself in the penalty phase—if he was found guilty, as everyone knew he would be.

Amy Cowles Roof, Dylann Roof's mother, turns up in court with her partner, Dennis Beard. A blond woman of about fifty, with signs of what used to be known as hard living, she sits two rows behind her son, who neither turns around nor acknowledges her.

The first to testify is Felicia Sanders, one of the survivors. Sanders is a composed woman who wears a dress with a flower pattern, and dark glasses, perhaps because they disguise tears. She had come to the Bible study meeting with her son, Tywanza, and her eleven-year-old granddaughter. When the shooting started, Sanders says, she fell to the floor and took shelter under a table, holding her granddaughter—"I muzzled her face to my body so tight." Blood from the others began to stream toward them, and when Roof was across the room, Sanders rubbed her legs in it to make it appear as if she had been shot.

As Amy Roof listens to this, behind her son Dylann, she begins to tremble. Her partner stays cool. Dennis Beard has a sharp nose, clenched jaw, and shaggy gray hair. The fifty victims' relatives across the aisle from them also listen, heads dropped to their chests. Weeping begins and spreads.

Sanders says that her son Tywanza, who had been shot once, managed to prop himself up on his elbows and face the killer:

My son rised up... and say, "Why are you doing this?"... And the defendant, over there with his head

Chuck Burton/AP Images

hang down, refusing to look at me right now, told my son, "I have to do this. I have to do this because you raping our womens and y'all taking over the world." My son said, "You don't have to do this. . . . We don't mean you no harm." And that's when he put about five bullets into my son.

The crying is general in the courtroom: the victims' families, many of the journalists, some of the jury. As far as I can see, Judge Gergel does not weep, but his eyes fill, and he looks at

the ceiling for a long time.

When Roof left the church, Sanders says, she saw her son crawl across the room. "And we watched him take his last breath. I watched my son come in this world, and I watched my son leave this world. . . . I watched him die."

Amy Roof lies down in the second row and makes moaning sounds. Dennis Beard puts his arm on her and remains upright.

"Miss Felicia," says the prosecutor. "I am sorry."

Jay Richardson sprinkles his up-country speech with the old form of

address, "Miss." It is the way, in the Deep South, that adults once spoke to women who had graduated to seniority, using their first names and "Miss." In the mouth of a white man who addresses a black woman, however, the "Miss" formula holds extra charge. It is paternalistic, the way masters talk to good servants. "Miss Felicia" is respectful, but it places race and caste plainly in view.

Felicia Sanders goes on. "He say he was going to kill himself. And I was counting on that. He's evil. There is no place on earth for him except the pit

of hell. Send himself back to the pit of hell, I say."

Amy Roof sits up, cries loudly, shouts, "I'm sorry! I'm sorry! I'm sorry!" and waves her arms. She stands, leans against a near wall, and collapses to the floor moaning. Judge Gergel calls a recess, and medics are summoned. Dylann Roof does not turn and is led out by marshals. His mother is taken away on a stretcher and never comes back to court. □

— *This is the first of two articles.*

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