

THE EVOLUTION OF RACISM  
THROUGH THE LENS OF LYNCHING RHETORIC AND MEMORY

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THE EVOLUTION OF RACISM  
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TAMMY BLUE

HISTORY

ABSTRACT

The Evolution of Racism Through the Lens of Lynching Rhetoric and Memory, examines the use of ‘lynching’ in its definition, legislation and politics. Rhetoric has the power to influence and persuade, therefore when public figures manipulate lynching rhetoric, the meaning of lynching becomes distorted. In part, this thesis explores the difficulty of defining lynching. Among others, key players in this process included Walter White of the National Association for the Advancement of Colored People (NAACP), Monroe Work of the Tuskegee Institute, and Jessie Daniel Ames of the Association of Southern Women for the Prevention of Lynching (ASWPL). Their battle to encompass racially violent acts within one definition proved challenging yet was essential in drafting and proposing anti-lynching legislation. In addition, the paper follows the use of lynching rhetoric in legislation beginning with the Dyer Bill in 1912 and concluding with the Emmett Till Bill in 2020. Lynching rhetoric employed by Senators Hatton W. Sumners and Theodore G. Bilbo shows the success of thwarting anti-lynching bills. Moreover, lynching rhetoric utilized by these, and other representatives in Congress was employed to shroud underlying racism. Finally, the paper explores lynching rhetoric misconstrued by political figures to defend themselves in areas only tangentially connected to the conventional understanding of the term ‘lynching.’ This chapter begins with evidence of politicians using this rhetoric during the New Deal, and includes Senator Joseph McCarthy, G. Harrold Carswell, U.S. Army General William

Westmoreland, Clarence Thomas and Donald J. Trump. Overall, the argument calls to restrict misuse of lynching rhetoric in order to prevent its reinforcement of the imbalance of race and power in the United States. In addition, it means to negate the impression that lynching is only part of the past.

Keywords: lynching, rhetoric, definition, legislation, politics, memory

## DEDICATION

Dedicated to the thousands who lost their lives to lynching violence and their families,  
and to Nathaniel Woods.

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## TABLE OF CONTENTS

ABSTRACT.....	ii
DEDICATION.....	iv
ACKNOWLEDGMENTS .....	v
CHAPTER	
INTRODUCTION .....	1
ONE: LYNCHING DEFINITIONS.....	5
TWO: LYNCHING RHETORIC IN LEGISLATION .....	18
THREE: LYNCHING RHETORIC IN POLITICS .....	34
CONCLUSION.....	56
LIST OF REFERENCES.....	65

## INTRODUCTION

“Words are...the most powerful drug used by mankind. Not only do words infect, egotize, narcotize, and paralyze, but they enter into and colour the minutest cells of the brain.”

*Rudyard Kipling*<sup>1</sup>

In Montgomery, Alabama, set on a six-acre park, 800 corten steel monuments hang suspended from the ceiling of the National Memorial for Peace and Justice. The steel has already turned the rust color intended by designers and artists. The symbolic rectangular pillars, etched with thousands of names, look like they have been there for generations – and yet the historic tribute just opened to the public in 2018.<sup>2</sup> The names on each pillar belong to victims of lynching violence, and the name of the county in which the acts occurred. Replicas of each monument lay on the surrounding property waiting for the counties they represent to claim them in order to depict which parts of the United States have confronted the truth of this terror and which have not. Bryan Stevenson, lawyer and founder of the Equal Justice Initiative, has been fighting for equal justice for wrongly-accused and mis-represented people for decades. He notes the importance of facing the haunted legacy of our past: “Memory is powerful...[a] powerful source in the way a society evolves.”<sup>3</sup>

Rhetoric is also a powerful tool and is defined as “the art or study of using

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<sup>1</sup> Rudyard Kipling, *A Book of Words*, (speech) at the Royal College of Surgeons in London in 1923, <http://www.telelib.com/authors/K/KiplingRudyard/prose/BookOfWords/index.html>.

<sup>2</sup> Equal Justice Initiative, Memorial, accessed March 10, 2020, <https://museumandmemorial.eji.org/memorial>.

<sup>3</sup> Kunhardt Film Foundation/HBO. “True Justice: Bryan Stevenson’s Fight for Racial Equality.” 1:40:40. 2019. <https://www.youtube.com/watch?v=JfZPI4CFEUc>.

language effectively and persuasively.”<sup>4</sup> Rhetoric has the ability to manipulate, influence and persuade, therefore when words are misused, their meaning becomes distorted. The incorrect utilization of ‘lynching’ rhetoric by public officials supports this theory. The following chapters demonstrate how the word ‘lynching’ varied in definition, was misconstrued by members of Congress in legislation to advance or oppose arguments and co-opted by public figures who use it to defend themselves in areas only tangentially connected to the conventional understanding of the term ‘lynching.’ These manipulations can corrupt the collective memory of lynching and act as a veil to shroud underlying racism.

The first chapter highlights the struggle that anti-lynching advocates and organizations experienced in defining the word ‘lynching.’ While many activists strived to advance the anti-lynching cause, disagreement on the precise meaning of ‘lynching’ affected efforts to gather consistent statistics. In addition, anti-lynching activists became stubborn in their particular viewpoints, causing discrepancies among themselves and the Southern press. The chapter also shows that the word ‘lynching’ began in the United States as early as 1780 where it was known as ‘Lynch Law.’ In addition, this section will show the evolution of the definition of lynching and compare it to various types of racial violence in order to demonstrate the ambiguity of the word.

The evolution of lynching definitions involves analysis of iconic anti-lynching advocates such as Ida B. Wells, Monroe Nathan Work, Walter White and Jessie Daniel Ames. The primary leaders in the mission to reach consensus on the definition of

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<sup>4</sup> *The American Heritage Dictionary*, (2013), s.v. “Rhetoric.”

lynching include: The Tuskegee Institute, The National Association for the Advancement of Colored People (NAACP), The International Labor Defense (ILD), The League of Struggle for Negro Rights, and the Association of Southern Women for the Prevention of Lynching (ASWPL). This chapter also notes the importance of the involvement of Black newspapers and white Southern editors. Professor Christopher Waldrep's article outlining controversies over defining lynching provides the primary foundation for the evolution of the definition of 'lynching' as well as two Supreme Court cases and other critical research to show the importance of 'lynching's' changing meaning and the effect it had over the course of the century.<sup>5</sup>

Chapter Two, "Lynching in Legislation," traces the efforts to pass an anti-lynching law in Congress beginning with the Dyer Bill in 1912 up to the present. This chapter connects the significance of the lack of specific definition in relation to attempts to pass the bill and its subsequent versions. In addition, it draws attention to the importance of the bills' attempts to turn the focus of lynching prosecution from the states to the federal government. This chapter draws from House and Senate Congressional Records and highlights key players such as Senators Hatton W. Sumners and Theodore G. Bilbo. These public figures attempted to stall the bill by turning 'lynching' rhetoric into a form of attack on states' rights and the Constitution of the United States. Rhetoric that strays from 'lynching' will highlight the significance of racial bias in Congress in relation to preventing anti-lynching legislation.

Chapter Three focuses on utilization of 'lynching' rhetoric in everyday politics. Similar to manipulation of the definition in Congress in regard to passing legislation, this

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<sup>5</sup> Christopher Waldrep, "War of Words: The Controversy over the Definition of Lynching, 1899-1940," *The Journal of Southern History*, 66, no. 1 (February 2000): 75-100.

portion of the paper shows how politicians used ‘lynching’ for their own self-interest in deflecting blame away from their own alleged crimes. This examination includes utilization of ‘lynching’ rhetoric during the presidencies of Franklin D. Roosevelt, Richard Nixon, Ronald Reagan, and Donald J. Trump. The chapter also discusses the McCarthy Hearings, the Anita Hill-Clarence Thomas investigation, and other prominent political moments from 1940 to the present. This chapter also includes responses by political parties opposed to lynching references and explains how the use of lynching rhetoric contributed to the distortion of public memory regarding racial violence.

Finally, the conclusion discusses the 2005 Order For Consideration of Resolution (S.Res.39) that Congress passed in an effort to acknowledge the United States’ failure to enact anti-lynching laws. The response to S. Res. 39 from lynching victims and survivor James Cameron show the progress made in efforts to reconcile a troubled history. This chapter ends with emphasis on the importance to pass the current federal anti-lynching law titled, “The Emmett Till Bill,” and how lynching has profoundly impacted race relations in the United States which have “shaped the geographic, political, social, and economic conditions of African-Americans in ways that are still evident today.”<sup>6</sup>

Overall, the paper addresses the detrimental consequences of neglecting to recognize the power of lynching rhetoric, the connection between lynching rhetoric and collective memory, and the relationship between lynching rhetoric and racial violence in the present. The paper argues the main problem of misused lynching rhetoric and its ability to reinforce the imbalance of race and power in America.

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<sup>6</sup> Kunhardt Film Foundation/HBO. “True Justice: Bryan Stevenson’s Fight for Racial Equality.” 1:40:40. 2019. <https://www.youtube.com/watch?v=JfZPI4CFEUc>.

## CHAPTER ONE: LYNCHING DEFINITIONS

Efforts to define lynching have a complicated history. The inability of any single definition to encapsulate the numerous deviations from a traditional lynching would impede progress to eradicate them. In addition, the failure to come to a consensus on types of mob violence from state to state would become a barrier to passing anti-lynching legislation. The history of the lynching definition “reveals the dynamic nature of language and meaning.”<sup>7</sup> The different meanings of the word over time indicate anti-lynching advocates knew the importance of discourse and “fought hard to control it.”<sup>8</sup> These organizations shaped the definitions of lynchings to further progress agendas within anti-lynching advocacy. Reform organizations felt “the stakes were too high” for compromise on the lynching definition and that each side could only win the fight against racial violence if they collaborated in establishing the definition together.<sup>9</sup>

In 1780, “Lynch Law” became the term used to describe executions of suspected British Loyalists ordered by Captain William Lynch.”<sup>10</sup> In the original 13 colonies, lynching referred to punishing someone in public (such as with tar and feathers) outside of the official law.<sup>11</sup> Lynching methods varied across regions of the United States.<sup>12</sup> Lynching came to mean more than homicide, it meant “condemning someone to death by

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<sup>7</sup> Christopher Waldrep, “War of Words: The Controversy over the Definition of Lynching, 1899-1940,” *The Journal of Southern History*, 66, no. 1 (February 2000): 75.

<sup>8</sup> Waldrep, “War of Words,” 75.

<sup>9</sup> Waldrep, “War of Words,” 75-76.

<sup>10</sup> “Origin of Lynch Law,” Library of Congress, 1929 – 1960, <https://www.loc.gov/item/97501828/>.

<sup>11</sup> “The Rise of Lynching,” Monroe Work Today, 2016, <http://www.monroeworktoday.org/lynching.html>.

<sup>12</sup> “The Rise of Lynching,” Monroe Work Today, 2016.

the whims of a mob or entire community [with] no judge.”<sup>13</sup> Broader definitions of lynching help incorporate modern forms of racial violence—including police brutality and systemic racism—that otherwise may fall outside the parameters of more narrow definitions. Regardless of its exact origin, the term ‘Lynch Law’ was in common use by the early 1800s, as were the verb ‘lynch’ and noun ‘lynching’ by the 1830s.<sup>14</sup>

One of the earliest recorded lynchings in the United States occurred in 1835.<sup>15</sup> In St. Louis, a crowd chained an unnamed Black man to a tree and burned him to death for the alleged killing of a deputy sheriff.<sup>16</sup> During the middle of the 19<sup>th</sup> century, lynching remained a crude form of justice conducted primarily by white male vigilantes. Lynchings typically occurred most often in towns that had a sufficient courthouse, contradicting the theory that lynchings reflected a time of “lawlessness.”<sup>17</sup> Even before there was a definition for lynching, horrific acts of racial violence took thousands of lives and incited terror among African-American communities. In the 1880s, fifteen years after the Civil War, some Black men obtained the right to vote, opened businesses, owned property, and elected state legislators.<sup>18</sup> During the 1890s, activists struggled to define the word lynching and explain its rising numbers.<sup>19</sup> However, it is likely that lynchings increased due to some Southern white men’s irrational anxiety that African-Americans were a threat, and their need for the white race to “[reign] supreme.”<sup>20</sup>

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<sup>13</sup> “The Rise of Lynching,” Monroe Work Today, 2016, <http://www.monroeworktoday.org/lynching.html>.

<sup>14</sup> “Where does Lynching Come From?” Historical and Current Events Dictionary, accessed March 7, 2020, <https://www.dictionary.com/e/historical-current-events/lynching/>.

<sup>15</sup> “Where does Lynching Come From?”

<sup>16</sup> “Where does Lynching Come From?”

<sup>17</sup> “The Rise of Lynching,” Monroe Work Today, 2016, <http://www.monroeworktoday.org/lynching.html>.

<sup>18</sup> “The Rise of Lynching.”

<sup>19</sup> “The Rise of Lynching.”

<sup>20</sup> Lawrence Friedman. *The White Savage: Racial Fantasies in the Postbellum South*. Englewood Cliffs: Prentice-Hall, 1970. 172.

The Southern press contributed to the challenge of defining lynching. Most stories of lynchings were only known within the community where they took place. Even nearby towns were not aware of the acts when they occurred.<sup>21</sup> The small distribution of the local press allowed for Southern newspaper editors to define lynchings in a way that made them easier to justify. Oftentimes, newspapers would promote the crimes of Black people in order to excuse lynchings. In that regard, there was a misconception that the violence was necessary. Lynching sympathizers did not always know the truth.<sup>22</sup> White newspaper editors sometimes even expressed “a tone of pride about the deed.”<sup>23</sup> These editors’ definition of lynching continued to complicate matters by their denial that crimes were committed against entire communities, giving the impression that extralegal violence committed by mobs was justified.<sup>24</sup>

In the year 1892, African-American writer Ida B. Wells published one of the first anti-lynching pamphlets, *Southern Horrors*.<sup>25</sup> Wells had experienced first-hand how terrible these murders were when angry whites took two of her innocent friends from jail and lynched them as punishment for running a competitive business.<sup>26</sup> Many whites in the South saw Blacks as a threat. In addition, many white men justified lynchings as necessary to protect the virtue of white womanhood. Wells argued that white newspapers “suppress[ed] the truth and print[ed] slanders.” She called for editors to stop printing “the old bare lie that Negro men rape white women.”<sup>27</sup> Wells’s most effective strategy for

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<sup>21</sup> “The Rise of Lynching,” Monroe Work Today, 2016, <http://www.monroeworktoday.org/lynching.html>.

<sup>22</sup> Christopher Waldrep, “War of Words: The Controversy over the Definition of Lynching, 1899-1940,” *The Journal of Southern History*, 66, no. 1 (February 2000): 76.

<sup>23</sup> “The Rise of Lynching.”

<sup>24</sup> “The Rise of Lynching.”

<sup>25</sup> “The Rise of Lynching.”

<sup>26</sup> “The Rise of Lynching.”

<sup>27</sup> Waldrep, “War of Words,” 76.

fighting lynchings was her ability to use numbers. Since interpretation of the lynching definition was subjective, her use of statistics exposed the truth to skeptics. In 1895, Wells published *The Red Record*, the first tally of lynchings in America. In addition to documenting lynchings, Wells revealed a common thread connecting disparate lynchings. According to Wells, “The word of the accuser [was] held to be true and the excited bloodthirsty mob demand[ed] that the rule of law be reversed and instead of proving the accused to be guilty, the victim of their hate and revenge must prove himself innocent.”<sup>28</sup> Wells’s comprehensive statistical record set the foundation for lynching research to this day.<sup>29</sup> Her meticulous ledger served as the catalyst for the research conducted by the Tuskegee Institute, The National Association for the Advancement of Colored People (NAACP), The International Labor Defense (ILD), and the *Chicago Tribune*. Now backed by facts, the goal to define lynching seemed possible.

In 1898, Monroe Nathan Work attended The University of Chicago where he developed “a faith that the power of education could fight back against racism.”<sup>30</sup> In addition to his published works, in 1908 he founded the Department of Records and Research at the Tuskegee Institute.<sup>31</sup> The Tuskegee Archives still serve as the most comprehensive and complete collection of lynching documents in the world. Work’s research accomplished something that the *Chicago Tribune* and other newspapers failed to do – he convinced Southern newspapers to publish figures on nationwide lynchings.<sup>32</sup>

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<sup>28</sup> Ida B. Wells, *The Red Record*, The Project Gutenberg EBook, 1895, [www.gutenberg.net](http://www.gutenberg.net).

<sup>29</sup> Wells, *The Red Record*.

<sup>30</sup> “The Rise of Lynching,” Monroe Work Today, 2016, <http://www.monroeworktoday.org/lynching.html>.

<sup>31</sup> “The Rise of Lynching.”

<sup>32</sup> Christopher Waldrep, “War of Words: The Controversy over the Definition of Lynching, 1899-1940,” *The Journal of Southern History*, 66, no. 1 (February 2000): 78.

Work was able to produce numbers “free of editorial comment.”<sup>33</sup> He quickly realized a “dry approach” was a formula for success in that journalists from a majority of newspapers accepted his reports as accurate because they appeared to hold no bias.<sup>34</sup> More importantly, because Work’s tally of lynching deaths came from the South the *Chicago Tribune*, journalists, and editors trusted them more and saw Work as having an unbiased agenda.<sup>35</sup> Work’s conservative approach established trust with leaders who otherwise ignored the lynching problem. Two-thousand newspapers accepted The Tuskegee record which became “the conscience of the entire nation.”<sup>36</sup> Work’s method secured a strong foothold for anti-lynching advocacy and the efforts to define lynching.

In 1916, the NAACP applied for a grant from financier Philip G. Peabody in order to raise money for an anti-lynching campaign. At that time, the NAACP defined lynching as “murder sanctioned by the community.”<sup>37</sup> This definition focused on the perpetrators of lynchings and not the type of lynching. Accordingly, the definition may have been too broad. Peabody denied the request and insisted that monetary support would not be enough to solve the lynching problem.<sup>38</sup> The NAACP proved eager to obtain a legislative solution to lynching that would prosecute lynchers. Therefore, officials focused on how to better define lynching.<sup>39</sup>

The inconsistency of the lynching definition became one of the major obstacles in passing anti-lynching legislation. For example, the NAACP attempted to nationalize the

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<sup>33</sup> Christopher Waldrep, “War of Words: The Controversy over the Definition of Lynching, 1899-1940,” *The Journal of Southern History*, 66, no. 1 (February 2000): 78.

<sup>34</sup> Waldrep, “War of Words,” 78.

<sup>35</sup> “The Rise of Lynching,” *Monroe Work Today*, 2016, <http://www.monroeworktoday.org/lynching.html>.

<sup>36</sup> “The Rise of Lynching.”

<sup>37</sup> Waldrep, “War of Words,” 78-79.

<sup>38</sup> Waldrep, “War of Words,” 79.

<sup>39</sup> Waldrep, “War of Words,” 79.

understanding of lynching with the existing definition and sought to transfer the power of prosecution of lynchers from the states to the federal government.<sup>40</sup> The Supreme Court recognized this problem from the beginning and cited two previous cases in regard to the definition of “community” where it was determined the Court could only exercise rule over states and not individuals.<sup>41</sup> Regardless of the setback, the NAACP stood with Leonidas Dyer in 1912 and endorsed an anti-lynching bill sent to Congress. The bill required that entire communities be held accountable for murders committed by crowds and “meshed with the definition of lynching: murder by community.”<sup>42</sup> Several years later, the NAACP loosened its lynching definition to no longer require “community support as the key to distinguishing lynching from murder.”<sup>43</sup> The reason the NAACP did this was because they had competition for membership with other anti-lynching advocates. The ILD and U.S. Communist Party saw an increase in members, particularly after the NAACP lost the right to defend the Scottsboro case.<sup>44</sup>

The Communist Party began to push for a change in lynching definition and deviated from the NAACP’s antiquated rhetoric. The Communists pushed for a law that punished individual lynchers.<sup>45</sup> The League of Struggle for Negro Rights accused the NAACP of being too soft on white lynchers and pushed them to accept the looser

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<sup>40</sup> Christopher Waldrep, “War of Words: The Controversy over the Definition of Lynching, 1899-1940,” *The Journal of Southern History*, 66, no. 1 (February 2000): 79.

<sup>41</sup> *The United States v. Cruikshank*, 92 U.S. 542, JUSTIA U.S. Supreme Court, (1876), <https://supreme.justia.com/cases/federal/us/92/542/>; *United States v. Harris*, 106 U.S. 629, JUSTIA U.S. Supreme Court, (1883), <https://supreme.justia.com/cases/federal/us/106/629/>.

<sup>42</sup> Waldrep, “War of Words,” 80.

<sup>43</sup> Waldrep, “War of Words,” 80.

<sup>44</sup> Waldrep, “War of Words,” 80-81.

<sup>45</sup> Robert L. Zangrando, *The NAACP Crusade Against Lynching: 1909–1950* (Philadelphia: Temple University Press, 1980), 99-101.

construction of their definition in 1933.<sup>46</sup> Pressure also mounted against NAACP leaders like W.E.B. Du Bois who wanted to separate from a social science definition of lynching and focus on facts and data.<sup>47</sup> He realized science was not enough to defeat racism when Sam Hose was murdered by whites and his knuckles were displayed in an Atlanta grocery store.<sup>48</sup> Another NAACP leader, Walter White, approached lynching in a similar way as Ida B. Wells—employing a statistical approach. White, however, also attempted to “unravel the mentality of lynchers.”<sup>49</sup> In his 1929 book, *Rope and Faggot: A Biography of Judge Lynch*, White blamed lynchings on the white South’s “depraved culture...[with] stunted...mental and moral growth...[of] generation after generation.”<sup>50</sup> White’s conclusion “struck at the foundations of white southern society” when he associated lynchings with Christianity.<sup>51</sup> Many Southern publishers, even those who supported anti-lynching advocacy, rejected White’s definition.

The statistical approach appealed to white editors who “were troubled by disputes among the NAACP, the Tuskegee Institute and the Association of Southern Women for the Prevention of Lynching (ASWPL) over the number of lynchings.”<sup>52</sup> Moreover, the NAACP appeared to be “hostile” to the South and its insistence on a loose lynching definition which came across as suspicious.<sup>53</sup> The tallies of anti-lynching organizations varied due to the lack of definition on what a lynching meant. For example, the Tuskegee

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<sup>46</sup> Christopher Waldrep, “War of Words: The Controversy over the Definition of Lynching, 1899-1940,” *The Journal of Southern History*, 66, no. 1 (February 2000): 81-82.

<sup>47</sup> Waldrep, “War of Words,” 83.

<sup>48</sup> W. E. B. Du Bois, *The Autobiography of W. E. B. Du Bois: A Soliloquy on Viewing My Life from the Last Decade of Its First Century* (n.p., 1968), 205, 221-22.

<sup>49</sup> Waldrep, “War of Words,” 84.

<sup>50</sup> Walter White, *Rope and Faggot: A Biography of Judge Lynch*, (Notre Dame: 1929), 19.

<sup>51</sup> Waldrep, “War of Words,” 84.

<sup>52</sup> Waldrep, “War of Words,” 86.

<sup>53</sup> Waldrep, “War of Words,” 86.

Institute's Monroe Work did not want to include a murder of Doc Rogers in North Carolina in 1933 as a lynching. After police shot Roger, a mob then proceeded to shoot Rogers' corpse. Work argued to the NAACP's Walter White that under the proposed federal law, "shooting a dead body would not count as a lynching."<sup>54</sup> Furthermore, Work accused the NAACP of manipulating his statistics "for its own advancement."<sup>55</sup> He felt the organization's leaders were more interested in propaganda than accuracy.<sup>56</sup>

The feud between Work and White continued over the Black Legion Killings – but the NAACP had good reason for standing their ground when classifying those murders as lynchings. The Black Legion began in the early 1920s under the leadership of Dr. William Jacob Shepard. The group resembled the Ku Klux Klan and spread throughout the Midwest. In Michigan alone, the group was responsible for fifty-seven murders.<sup>57</sup> As Christopher Waldrep explained, press classifications of lynchings did not constrain the NAACP as they did Work and the Tuskegee Institute. The NAACP wanted to label racial killings as lynchings regardless of what journalists wrote.<sup>58</sup> If Tuskegee and the press classified the Black Legion murders as "executions" and not lynchings, then Klan killings in the South would be too easy to dismiss. White felt the Black Legion's "racketeer killings" were lynchings.<sup>59</sup> In a letter to Work he wrote: "To fail to classify these as lynchings and to draw a fine line of demarkation (sic) by calling them racketeer

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<sup>54</sup> Work to White, November 4, 1933, NAACP Papers, reel 5.

<sup>55</sup> Linda O. McMurry, *Recorder of the Black Experience: A Biography of Monroe Nathan Work*, (Baton Rouge and London: 1985), 126.

<sup>56</sup> Christopher Waldrep, "War of Words: The Controversy over the Definition of Lynching, 1899-1940," *The Journal of Southern History*, 66, no. 1 (February 2000): 86-87.

<sup>57</sup> Waldrep, "War of Words," 87.

<sup>58</sup> Waldrep, "War of Words," 88.

<sup>59</sup> Waldrep, "War of Words," 88-89.

killings would be to give an inaccurate picture of the lynching situation.”<sup>60</sup> The NAACP and White felt lynching was too powerful a word to surrender.

Another key player in the effort to define lynching was Jessie Daniel Ames, the founder of ASWPL. Her work often paralleled that of Ida B. Wells and Work, but in one case her viewpoint aligned more with the NAACP. In Canton, Mississippi, in 1939, a police officer named Constable Snugg discovered the body of African-American Joe Rodgers in the Pearl River.<sup>61</sup> Someone had bound his feet and hands with a grass rope and beaten his body so badly that he was almost unrecognizable. Reliable evidence concluded that a mob caused Rodgers’s death.<sup>62</sup> According to testimony from a friend, it was unreasonable to believe that just one person could murder “a powerfully muscled man” such as Rodgers, who weighed almost 190 pounds.<sup>63</sup> Due to the evidence, Work classified Rodgers’s death as a lynching by a mob. Ames objected and insisted that one person could have killed Rodgers and did not count his murder as a lynching.<sup>64</sup> Nevertheless the press ended the debate and on December 31 *The New York Times* reported the death as “the last lynching of 1939.”<sup>65</sup> Rodgers’s murder pressured the NAACP to loosen its lynching definition.<sup>66</sup>

Ames’s goal for the ASWPL to achieve a “lynch-less year” helps explain her hesitancy to attribute racial violent murders, such as Rodgers’s, to lynchings. When fewer

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<sup>60</sup> Work to White, February 17, 1937; and White to Work, February 19, 1937, NAACP Papers, reel 5.

<sup>61</sup> Anonymous, “Lynching Goes Underground: A Report on a New Technique,” Library of Congress, Jan. 1940, 4, <https://www.northeastern.edu/law/pdfs/academics/crrj/files/banks-lynching-report.pdf>.

<sup>62</sup> Anonymous, “Lynching Goes Underground.”

<sup>63</sup> Anonymous, “Lynching Goes Underground.”

<sup>64</sup> Ames to Mrs. Alex Spence, December 9, 1939, ASWPL Papers, reel 6; Ames to Bessie C. Alford, July 6, 1939.

<sup>65</sup> Christopher Waldrep, “War of Words: The Controversy over the Definition of Lynching, 1899-1940,” *The Journal of Southern History*, 66, no. 1 (February 2000): 91.

<sup>66</sup> Waldrep, “War of Words,” 91.

newspapers announced lynchings, the NAACP “prepared to rebut her claim by changing their understanding of what qualified as a lynching.”<sup>67</sup> Before 1939, the NAACP defined lynchings as killings by mob. However, the organization adopted the theory of the ILD and the League of Struggle for Negro rights in that “southern lynchings had changed tactics” and began to hide their work.<sup>68</sup> *The Chicago Bee* explained that the Rodgers killing was an example of the “new” style of lynchings.<sup>69</sup> Due to the NAACP’s narrow definition, it often undercounted lynchings in comparison to the Tuskegee Institute. As the leader of the NAACP, White re-examined totals and announced twenty unreported Mississippi murders as lynchings.<sup>70</sup> Ames issued a press release on May 9, 1940 which announced a year had passed without a lynching. She based this on Tuskegee data.<sup>71</sup> Thurgood Marshall expressed that Ames’s claim was a major setback for anti-lynching advocacy.<sup>72</sup> White responded with fury in a letter to *The New York Times* as well as to Frederick Douglas Patterson, the president of Tuskegee. White wrote, “You and I know from personal experience that strenuous efforts are being made to keep the news of lynchings out of the papers and away from public attention.”<sup>73</sup> He also criticized Ames’s role in refusing to classify certain killings as lynchings.

The feud among anti-lynching organizations continued to intensify, often forcing the press to choose a side. The Wilmington (N.C.) *Morning Star* supported Ames’s

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<sup>67</sup> Christopher Waldrep, “War of Words: The Controversy over the Definition of Lynching, 1899-1940,” *The Journal of Southern History*, 66, no. 1 (February 2000): 92.

<sup>68</sup> Waldrep, “War of Words,” 92.

<sup>69</sup> *Chicago Bee*, November 5, 1939, Tuskegee Institute News Clippings File, reel 231.

<sup>70</sup> Waldrep, “War of Words,” 92.

<sup>71</sup> *The New York Times*, May 10, 1940, p. 15, c. 5, Tuskegee Institute News Clippings File, reel 232.

<sup>72</sup> Thurgood Marshall to Harry T. Moore, August 9, 1940, Tuskegee Institute News Clippings File, reel 231.

<sup>73</sup> *The New York Times*, May 17, 1940, p. 18, c. 7, Tuskegee Institute News Clippings File, reel 232; White to Patterson, September 14, 1940, NAACP Papers, reel 28.

definition: "A lynching occurs when a mass of citizenry outraged by a real or fancied grievance takes the law into its own hands and visits summary vengeance upon the object of its wrath."<sup>74</sup> Virginius Dabney, the editor of the *Times-Dispatch*, attempted to refute that lynchings had "gone underground," and insisted there was no evidence that lynchings were worse than previous, and even claimed they were "definitely on the wane."<sup>75</sup> One problem remained: if lynchings had gone covert then statistical data would no longer be viable proof. The disagreement reached an impasse and Patterson called for a meeting with other anti-lynching organizations to write a common definition.<sup>76</sup> It was difficult for Patterson and White to come to an agreement about who to include in the discussion, and letters between the two remained cordial. Yet both parties stood their ground.

Representatives from Tuskegee remained committed to their definition of lynching: "an activity in which persons not officers of the law, in open defiance of the law, administer punishment by death to an individual for an alleged offense or to an individual with whom some offense has been associated."<sup>77</sup> White, the NAACP and Marshall all held steady to their definition of lynching which included "secret assassinations and killings by law enforcement officers."<sup>78</sup> Both sides neglected to realize at the time that it was critical for both arguments be included in the definition of lynchings.

On December 11, 1940, the Tuskegee Institute, the NAACP, the ASWPL, the

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<sup>74</sup> Wilmington (N.C.) *Morning Star*, July 8, 1933, Tuskegee News Clipping File, reel 227.

<sup>75</sup> Virginius Dabney, *Below the Potomac: A Book about the New South* (1942; rpt., Port Washington, 1969), 189.

<sup>76</sup> Christopher Waldrep, "War of Words: The Controversy over the Definition of Lynching, 1899-1940," *The Journal of Southern History*, 66, no. 1 (February 2000): 96.

<sup>77</sup> Ralph Davis to Ames, December 5, 1940, ASWPL Papers, reel, 5.

<sup>78</sup> White to Thurgood Marshall and others, December 9, 1940, NAACP Papers, reel, 28.

ILD, and white journalists met at Tuskegee in order to agree on a more formative definition.<sup>79</sup> Birmingham newspaperman McClellan Van der Veer, as well as Ames, wanted a “precise, objective definition” and called for “reality rather than rhetoric.”<sup>80</sup> They felt a “strict” definition would end lynching. The NAACP offered its definition as well. However, Ames and the Tuskegee Institute showed the NAACP strayed from its own definition in regard to the proposed anti-lynching bill.<sup>81</sup> The major points of the conference read as follows:

- Those in favor of a strict definition (Tuskegee/Ames), did not want to include killings committed by law enforcement officers. The NAACP wanted to include violence by law enforcement.
- The NAACP insisted on including “quiet lynchings.”
- All parties agreed with Ames that there had to be a dead body for a killing to count as a lynching.
- All agreed the killings had to occur outside the law.
- Ames did not want all killings of a black person by a white person to count as a lynching, all parties agreed that only a killing by a “group” could count as a lynching.<sup>82</sup>

Those in attendance “agreed to disagree” on the definition of “group” and the meeting concluded with that word being undefined.<sup>83</sup> The NAACP had achieved a key win with the broader definition. When murders “acted under pretext of service to justice, race or

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<sup>79</sup> Christopher Waldrep, “War of Words: The Controversy over the Definition of Lynching, 1899-1940,” *The Journal of Southern History*, 66, no. 1 (February 2000), 97.

<sup>80</sup> Waldrep, “War of Words,” 97.

<sup>81</sup> Waldrep, “War of Words,” 97; Raleigh (N.C.) *News and Observer*, August 1, 24, November 14 (quoted headline), and August 21 (quoted headline), 1902; and “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama,” December 14, 1940, ASWPL Papers, reel, 8.

<sup>82</sup> “Summary of the Conference on Lynchings and Reports on Lynchings,” December 14, 1940, ASWPL Papers, reel 8.

<sup>83</sup> Waldrep, “War of Words,” 98.

tradition,” they would be lynchings.<sup>84</sup> Ames disapproved of the new definition because it would “be made to convert into a lynching the death of every Negro at the hands of white persons.”<sup>85</sup> That verbiage in itself should have been included in the lynching definition since, as history would show, those acts of racial violence would continue into the 21<sup>st</sup> century in various forms.

In attempts to pass anti-lynching laws it was not the lynching definition that thwarted legislation but rather, the ability of Congressmen to twist lynching rhetoric (not solely the definition) into an attack against a non-person – the Constitution and states’ rights. Moreover, as more politicians began to employ lynching rhetoric in defense of themselves, the word of lynching and its definition, began to lose power.

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<sup>84</sup> Christopher Waldrep, “War of Words: The Controversy over the Definition of Lynching, 1899-1940,” *The Journal of Southern History*, 66, no. 1 (February 2000), 98.

<sup>85</sup> Waldrep, “War of Words,” 99.

## CHAPTER TWO: LYNCHING RHETORIC IN LEGISLATION

There were nearly 200 anti-lynching bills presented to Congress during the first half of the 20th century.<sup>86</sup> Seven presidents between 1890 and 1952 asked Congress to pass a federal law against lynching. The House passed three anti-lynching bills, however, none passed in the Senate prior to 2019 because of the powerful opposition of the Southern Democratic voting bloc.<sup>87</sup> The National Association for the Advancement of Colored People (NAACP) led the charge in pushing for anti-lynching legislation. Despite overwhelming evidence of racial violence across the country, many members of Congress exploited discrepancies in lynching definitions to block passage of anti-lynching legislation. Additionally, many members of Congress, primarily in the Senate, employed lynching rhetoric to claim that anti-lynching legislation violated the Constitution. Southern politicians also sought to protect the states and themselves from repercussions when lynchings occurred.

As outlined in Chapter One, the NAACP, the Tuskegee Institute, the Association of Southern Women for the Prevention of Lynching (ASWPL), and the International Labor Defense (ILD) did not come to a consensus on the definition of lynching until 1940. Although the NAACP and anti-lynching activists recognized the need for anti-lynching legislation much earlier, attempts to pass a bill making lynching a federal crime

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<sup>86</sup> Congress.gov. "H.R. 35 Emmett Till Antilynching Act – 116<sup>th</sup> Congress" (February 26, 2020), <https://www.congress.gov/bill/116th-congress/house-bill/35/text>.

<sup>87</sup> Congress.gov. "H.R. 35 Emmett Till Antilynching Act."

proved futile. The NAACP leaders worried that imposing a federal law on the states would prove unconstitutional and they lacked experience in waging a mass public relations campaign while also “navigating congressional relations.”<sup>88</sup> The NAACP’s published report, *Thirty Years of Lynching in the United States, 1889-1919*, documented evidence of known lynchings. The report provided the NAACP momentum as it sought Congressional support.<sup>89</sup> The document proved important because it identified lynching victims and documented murders in which perpetrators were never charged with a crime. The ambiguous definition of lynching up until that point provided justification for many public officials and citizens who still supported the necessity of lynchings.

In the summer of 1917, white mobs murdered approximately 100 to 200 African-Americans during riots in East St. Louis, Illinois.<sup>90</sup> The riots incited a national outrage, primarily because white residents shot and killed two white police officers who arrived to investigate the incident on July 1, 1917.<sup>91</sup> The East St. Louis race riots were just the latest in a rash of wartime mob violence that not only culminated in the Red Summer of 1919 but also “provided new impetus for legislative action.”<sup>92</sup> Despite his previous opposition to black advocacy, Missouri Republican Representative Leonidas C. Dyer introduced the first anti-lynching bill to Congress on April 18, 1918. Dyer worked closely with legal experts and the NAACP to draft H.R.11279, also known as The Dyer Bill. In part it

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<sup>88</sup> “Anti-Lynching Legislation Renewed,” History Art & Archives United States House of Representatives, (2008), <https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Temporary-Farewell/Anti-Lynching-Legislation/>.

<sup>89</sup> “Full text of ‘Thirty years of lynching in the United States, 1889-1918,’” Archive.org, NAACP, accessed March 5, 2020, [https://archive.org/stream/thirtyyearsoflyn00nati/thirtyyearsoflyn00nati\\_djvu.txt](https://archive.org/stream/thirtyyearsoflyn00nati/thirtyyearsoflyn00nati_djvu.txt).

<sup>90</sup> Tony Rehagen, “Forgotten lessons from the 1917 East St. Louis race riots,” *St. Louis Magazine*, n.d., <http://projects.stlmag.com/1917-stl-race-riots>.

<sup>91</sup> “Anti-Lynching Legislation Renewed,” History Art & Archives United States House of Representatives, (2008), <https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Temporary-Farewell/Anti-Lynching-Legislation/>.

<sup>92</sup> “Anti-Lynching Legislation Renewed.”

sought “to protect the citizens of the United States against lynching in default of protection by the States.”<sup>93</sup> One of the legislative problems with lynchings was that states had the power to choose whether or not to prosecute lynchings and they rarely did. In part, local law officials often participated in or even instigated lynching violence. Afterwards, state officials protected them. It later proved critical that the bill failed to clearly define lynching or outline what actually constituted a lynching. The bill’s ambiguity gave the states great leeway in determining whether mob violence qualified as a lynching. Nevertheless, the bill built a foundation for all subsequent anti-lynching measures supported by the NAACP.

The Dyer Bill aimed to charge members of lynch mobs with capital murder and try lynching cases in federal court. It went on to hold the county where a lynching occurred accountable by a fine paid to the family of lynching victims or to the U.S. government prosecuting the case. Furthermore, the bill mandated jail time and/or a fine on state and local law enforcement agents who refused to make reasonable efforts to prevent lynchings or who surrendered a prisoner in their custody to a lynch mob. Finally, the bill established guidelines for fair courtroom proceedings by excluding lynch mob participants and supporters from juries.<sup>94</sup> Like the NAACP, Dyer also worried about trampling on the states’ right to prosecute murder but asked, “Are the rights of property, or what a citizen shall drink, or the ages and conditions under which children shall work,

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<sup>93</sup> House Congressional Record, 65<sup>th</sup> Cong., 1<sup>st</sup> sess. (HeinOnline, July 9, 1917). 487.

<sup>94</sup> House Congressional Record, 65<sup>th</sup> Cong., 2<sup>nd</sup> sess. (HeinOnline, May 7, 1918). 6177.

any more important to the Nation than life itself?”<sup>95</sup> Despite Dyer’s rational plea, the Democratic-controlled 65th Congress blocked consideration of the bill.

Despite consistent opposition, the NAACP and Dyer continued to lobby for and present the bill to Congress in the eight years that followed.<sup>96</sup> One of the most significant debates on the Dyer Bill occurred in 1922. Southern representatives attempted to stall debate by refusing to participate. Speaker Frederick H. Gillett of Massachusetts ordered the chamber doors locked and dispatched the Sergeant at Arms to search for errant Members.<sup>97</sup> On January 25 and 26, 1922, the House held two debates on the version of the bill which contained many of Dyer’s original elements. A revision removed the provision to an impartial jury and added a \$10,000 fine to counties that transported victims as well as the original \$10,000 fine in counties where the lynching occurred.

During these debates, Hatton W. Sumners of Texas employed lynching rhetoric to oppose the bill, suggesting Congress should allow the southern states to resolve the lynching issue themselves. Sumners compared the Dyer Bill to an act of legislative mob violence. Part of Sumner’s speech stated:

I say to you that you cannot pass this bill unless you pass it under the influence of the same spirit which this bill denounces, viz., the mob spirit...you say that the folks down in the South are not doing this thing fast enough, and the folks in the South say the officers are not doing this thing fast enough, and you each get ropes and they go after the criminal and you go after the Constitution...Today the Constitution of the United States stands at the door, guarding the governmental integrity of the States, the plan and the philosophy of our system of government,

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<sup>95</sup> House Congressional Record, 65th Cong., 2<sup>nd</sup> sess. Dyer was referring to child labor laws the chamber had enacted and Congress’s December 1917 passage of the Eighteenth Amendment, which forbade the production, transportation, or sale of alcohol within the United States.

<sup>96</sup> Amanda Shendruk, “The US has failed to pass anti-lynching laws 240 times. This is all of them,” Quartz, July 10, 2018, <https://qz.com/1322702/the-us-has-tried-to-pass-anti-lynching-laws-240-times-and-failed-every-single-time/>.

<sup>97</sup> Robert L. Zangrando, *The NAACP Crusade Against Lynching: 1909–1950* (Philadelphia: Temple University Press, 1980), 63.

and the gentleman [Dyer] from Missouri, rope in hand, is appealing to you to help him lynch the Constitution.<sup>98</sup>

By utilizing lynching rhetoric, Sumners portrayed the states, Congress, and those who opposed anti-lynching legislation as victims. Specifically, his referring to the bill as a lynching of the Constitution would set the stage for future debates on the subject.

Surprisingly, the House passed the Dyer Bill with a 231 to 119 vote.<sup>99</sup> The vote moved to the Senate, where lawmakers opposed much of its content. Support of the Dyer Bill was political suicide for southern Senators. Hence, they halted its progress until after the November 1922 midterm elections.<sup>100</sup> The momentum of the Dyer Bill slowed due to Senate Minority Leader Oscar Underwood's decision to threaten Republicans with a filibuster that would shut down business in Congress.<sup>101</sup> Leonidas C. Dyer continued to introduce the bill in every Congress during the 1920s, but it failed to gain support. Years passed before anti-lynching legislation reappeared.

In 1938, the Senate of the 75th Congress redrafted the entire H. R. 1507, titled, "Prevention Of And Punishment For Lynching" [Federal Lynching Bill]. Congress scheduled a vote on the bill before the end of the regular session.<sup>102</sup> The Senate also defined the lynching mob:

The Senate definition of a "lynching mob" is "any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of correction or punishment over any citizen or citizens or other persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any offense, with the purpose of

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<sup>98</sup> House Congressional Record, 67<sup>th</sup> Cong., 2<sup>nd</sup> sess. (HeinOnline, January 4, 1922). 797-799.

<sup>99</sup> House Congressional Record, 67<sup>th</sup> Cong., 2<sup>nd</sup> sess. (HeinOnline, January 26, 1922). 1795-1796.

<sup>100</sup> House Congressional Record, 67<sup>th</sup> Cong., 2<sup>nd</sup> sess. (HeinOnline, September 21, 1922). 13075-13079, 13082-13086.

<sup>101</sup> Robert L. Zangrando, *The NAACP Crusade Against Lynching: 1909-1950* (Philadelphia: Temple University Press, 1980), 69.

<sup>102</sup> Senate Congressional Record. "Prevention of and Punishment for Lynching." (Proquest, 1938). 878.

preventing the apprehension or punishment by law of such citizen or citizens, person or persons."

According to a 1938 article in the *Columbia Law Review (CLR)*, "The bill represents the first new effort in half a century to make use of the enabling clause of the Fourteenth Amendment."<sup>103</sup> The article argued, "The Amendment in terms merely prohibits a denial or a deprivation, not a denial or deprivation by affirmative action. If a record of state inaction with respect to lynching, chiefly of [African-Americans], covering the entire period since the Civil War, does not justify corrective legislation by Congress, then the Fourteenth Amendment, intended primarily at least for the protection of [African-Americans], has completely missed its mark."<sup>104</sup> Section One of the Fourteenth Amendment guarantees "equal protection of the laws" for "all persons born or naturalized in the United States."<sup>105</sup> Specifically, the CLR referred to Section Five of the Amendment stating the "power of Congress to enforce those laws 'by appropriate legislation.'"<sup>106</sup> Legislators who opposed the Dyer Bill were concerned that it was aimed specifically at protecting Black citizens. That concern resonated in the racist rhetoric of Senator Theodore G. Bilbo.

When H. R. 1507, also known as the Costigan-Wagner Bill,<sup>107</sup> came to the Congressional floor in 1938, verbal opposition and legislative wrangling thwarted the bill again. Senator Theodore G. Bilbo, a known white supremacist and member of the Ku

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<sup>103</sup> "The Federal Anti-Lynching Bill," *Columbia Law Review* 38, no. 1. (1938): 199-207, <https://www.jstor.org/stable/1116564>.

<sup>104</sup> "The Federal Anti-Lynching Bill," *Columbia Law Review*, 207.

<sup>105</sup> "Fourteenth Amendment," Cornell Law School, Legal Information Institute, accessed March 6, 2020, <https://www.law.cornell.edu/constitution/amendmentxiv>.

<sup>106</sup> "Fourteenth Amendment," Cornell Law School.

<sup>107</sup> "NAACP History: Anti-Lynching Bill," NAACP, accessed March 3, 2020, <https://www.naacp.org/naacp-history-costigan-wagner-act/>. Edward Prentiss Costigan was a Democratic Party politician who represented Colorado in the United States Senate from 1931 to 1937. He was a founding member of the Progressive Party in Colorado in 1912.

Klux Klan, used racist rhetoric in regard to his belief that Black people were an inferior race in order to oppose the bill.<sup>108</sup> Bilbo criticized attempts by the Mississippi National Guard to prevent a lynching in Jackson, declaring, “no black person [is] worthy of protection by the Guard.”<sup>109</sup> It was no surprise that Bilbo would lead the argument to oppose anti-lynching legislation. Not only did Bilbo oppose the legislation, the tone of his rhetoric against the bill was threatening. He exclaimed, “I want it distinctly understood that I am personally as bitterly opposed to the crime of murder in any form as the most enthusiastic anti-lyncher on this floor.”<sup>110</sup> In immediate contradiction to his claims that he was against lynching and murder in any form, Bilbo’s beliefs about persons of color became glaringly apparent. On the Congressional Record of 1938 Bilbo stated:

The individual advocates of this measure, if frank and honest, and even the press of the country, will not hesitate to say that the underlying purpose is to prevent the lynching of members of the Negro race in the South by the white citizens of that great section of the United States. All the press agrees to that. I resent this measure as an insult to the law-abiding men and women of the South and to the officials of the county, city, and State governments of the South.<sup>111</sup>

With this statement, Bilbo attempted to accuse the anti-lynching bill of wrongfully accusing law abiding citizens of crime while in the same breath contradicting the underlying purpose of the bill. No version of anti-lynching legislation ever specified that the bill only aimed to protect African-American victims even though evidence from the NAACP overwhelmingly proved they were the main target of mob violence and

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<sup>108</sup> Pierre Tristram, “Sen. Theodore G. Bilbo's Legacy of Hate,” Common Dreams, July 17, 2007, <https://www.commondreams.org/views/2007/07/17/sen-theodore-g-bilbos-legacy-hate>.

<sup>109</sup> Tristram, “Sen. Theodore G. Bilbo's Legacy of Hate.”

<sup>110</sup> Senate Congressional Record. “Prevention of and Punishment for Lynching.” (Proquest, 1938). 874.

<sup>111</sup> Senate Congressional Record. “Prevention of,” 874.

lynchings. In the very next paragraph of this record, Bilbo's disdain for African-Americans is obvious:

I have talked to men, good citizens of the South, who have possibly in the past been swept off their feet, whose reason has been dethroned, whose passions have been so thoroughly roused when some vicious, desperate, crazed Negro brute, controlled by animal instincts only, has raped some sweet and innocent white girl or some good mother that they joined in a mob to deal out immediate and summary justice to the rapist, when they themselves are opposed to mob law.<sup>112</sup>

Here Bilbo is attempting to defend acts of mob violence committed by Southern citizens against African-Americans by stating that they were in the right for enacting lynchings to achieve justice for rape. His comment that African-Americans are "Negro crazed brutes controlled by animal instincts" portrays Blacks as deserving of mob retaliation.

Accusations of raping white women was one of the most common justifications for lynchings. Mobs would find Black men guilty of rape with little or no evidence, or simply by a white woman's word and lynched before they could stand trial.<sup>113</sup> Bilbo's statement confirmed the necessity for anti-lynching legislation. No version of the bill suggested that African-Americans proven to have committed a crime should not go unpunished by the law. To utilize Bilbo's phrasing, the bill was only meant to prevent "immediate and summary justice" prior to a fair trial.

Bilbo claimed there was a decline in lynchings by 1938 primarily because of President Woodrow Wilson's proclamation from the White House on July 26, 1918 discouraging citizens from mob violence and encouraging them to be active anti-lynching

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<sup>112</sup> Senate Congressional Record. "Prevention of and Punishment for Lynching." (Proquest, 1938). 874.

<sup>113</sup> James Cameron, *A Time of Terror: A Survivor's Story*. (Milwaukee: T/D Publications, 1982), 83, 84, 88. In 1930, a white woman named Mary Ball originally claimed that three young, Black men (Shipp, Smith, Cameron) raped her, and shot her boyfriend, Claude Deeter. Later in court, Ball retracted her statement. Law enforcement did not investigate the crime and took them to jail. A mob removed Shipp and Smith from the jail and lynched them. Cameron survived because an unconfirmed voice from the crowd said he was not guilty of the rape.

advocates.<sup>114</sup> Wilson opposed mob violence but never supported anti-lynching legislation. Bilbo referenced Wilson's comments to give his words and actions credibility and to dismiss the bill completely. Bilbo later claimed that the bill would actually lead to an increase in lynchings:

I want to make the prophecy that if such a law is put upon the Federal statute books there will be witnessed a large increase of lynchings, not only in the South, but throughout the Nation. This bill could be properly denominated "a bill to increase lynchings," instead of a measure to prevent mob violence. because that is certain to be the effect.<sup>115</sup>

Bilbo made this claim without proof that lynchings would increase. However, he also referenced Justice Hugo Black of the United States Supreme Court who maintained the idea that any consideration of the Costigan-Wagner Bill would serve to increase lynchings: "I claim that [the bill] could be well designated a bill to increase lynching."<sup>116</sup> These words were meant to frighten American citizens, especially African-Americans. Senator Bilbo's and Justice Black's rhetoric represented a form of intimidation and a call to action suggesting that if anti-lynching legislation passed, that people of color would be targets. The Senator then dismissed the bill as irrelevant:

Let me say to you gentlemen of the opposition...you will by your acts say to the country that you had rather secure the passage of the monstrous and damnable anti-lynching bill...I want the country to know that the responsibility will be yours and not ours...I for one—and I believe that my associates in this fight will stand with me—will stand here and oppose the passage of this undemocratic and unAmerican and unconstitutional piece of legislation 'till hell freezes over.'<sup>117</sup>

In this passage, Bilbo places blame on members of Congress who may consider passing anti-lynching legislation and threatens a filibuster. This move would prevent the

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<sup>114</sup> Senate Congressional Record. "Prevention of and Punishment for Lynching." (Proquest, 1938). 874-875.

<sup>115</sup> Senate Congressional Record. "Prevention of," 875.

<sup>116</sup> Senate Congressional Record. "Prevention of," 878.

<sup>117</sup> Senate Congressional Record. "Prevention of," 874.

administration from furthering any other agendas. Furthermore, support for anti-lynching legislation would hurt personal political agendas and advancement in Congress. Bilbo accused anyone who supported the measure of being undemocratic. He also referenced previous attempts made by Senators who stalled and dismissed the efforts to pass the Dyer Bill on January 26, 1922 and the years that followed.<sup>118</sup> The reminder of the failed attempts to pass anti-lynching legislation showed those efforts as a waste of Congress's time. Bilbo continued:

For the sake of democratic ideals, for the preservation of the scheme of our great American Government, and for the protection of the wives, mothers, daughters, and sweethearts of Dixie, I am ready to say that if it is humanly possible, this monstrous bill shall not pass...It has been 73 years since the Civil War closed; and during all these years the South has had to carry the black burden brought about by the emancipation of the black man who resided in our midst. With wisdom, charity, and statesmanship we have handled this problem well...Why is it now, after three-quarter's of a century, at the instance of a few, politicians, a few negrophilists or Negro lovers, and a handful of mulatto Negro voters, that an attempt is made at this late date to cram down the throats of the South this insulting, undemocratic, and un-American piece of legislation?...But I want to tell the advocates of the bill one thing: If you succeed in the passage of this bill, you will open the floodgates of hell in the South. Raping, mobbing, lynching, race riots, and crime will be increased a thousand fold; and upon your garments and the garments of those who are responsible for the passage of this measure will be the blood of the raped and [unreadable] daughters of Dixie, as well as the blood of the perpetrators of these crimes that the red-blooded Anglo-Saxon white southern men will not tolerate...the Senate further consideration of the anti-lynching law shall be laid aside and the Senate shall proceed with the discussion and disposition of really worth-while legislation.<sup>119</sup>

In addition to his proclamation that the bill would promote more violence and was not worthwhile, Bilbo's racist rhetoric continued in his statements regarding Lynch Law. However, Bilbo did make accurate statements about the problem of defining lynching, and why that made the passing of anti-lynching legislation impossible:

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<sup>118</sup> Senate Congressional Record. "Prevention of and Punishment for Lynching" (Proquest, 1938). 878. Attempts to pass the Dyer Bill in 1923, 1925, 1927, 1929, and 1933 failed.

<sup>119</sup> Senate Congressional Record. "Prevention of," 873.

Whipping was the usual sentence imposed by Judge Lynch, and the word "lynching" originally signified merely a summary whipping executed without customary legal processes. It was later applied to tarring and feathering and other minor punishments. However, the term is now used almost solely to describe the killing of a person by a mob, although it may also mean simply the injury of a person through mob action...Many States have made lynching a special statutory crime, and there are many definitions in these statutes of what constitutes lynching.<sup>120</sup>

Minnesota - a lynching is a killing of a human being by the act or procurement of a mob.

Kentucky - a lynching occurs only when the person killed by the mob was in the custody of officers

North Carolina - lynching is defined as entering or conspiring to enter a jail for the purpose of killing a prisoner

Ohio - a lynching is an act of violence upon the body of a person by a mob

Alabama, Indiana, Kansas - a mob consists of 3 or more members

Illinois, New Jersey, West Virginia - a mob consists of 5 or more members

Since there have arisen so many legal quibblings in the definition of mobs and lynchings, the Southern Commission on the Study of Lynching, carried out under the supervision of the School of Law of the University of North Carolina, has concluded that legislatures should not try to formulate a scientific definition of lynching or of a mob.<sup>121</sup>

As of 1938, a definitive definition of lynching was still elusive. Although many states did attempt to make lynching a crime, it was clear that the inconsistencies among state legislation complicated the process. The obscurity of the lynching definition allowed lynch mobs and law enforcement to avoid criminal charges. Bilbo continued with his anti-Black rhetoric:

[T]his legislation in and out of Congress will prove to be the worst enemies that the Negro race has ever had. We might as well be frank with each other and put the cards on the table. This is a race issue. This is a race question. This is race legislation...Ever since the Negro was brought from the jungles of Africa by northern slave traders and sold to the southern planters, the Negro in our midst has presented serious problems to solve. His presence in our midst has been a constant source of trouble, always presenting problems to be met and solved, and will continue to present problems as long as the two races try to live side by side. This great black burden has been handled more successfully by the white people

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<sup>120</sup> Senate Congressional Record. "Prevention of and Punishment for Lynching" (Proquest, 1938). 875.

<sup>121</sup> Senate Congressional Record. "Prevention of," 875.

of the South than it was ever handled by any branch of the Caucasian race anywhere in the world when forced to live side by side with another race. We have made a good job of it. The attempt to pass this unthinkable and unconstitutional piece of legislation, which violates every suggestion of our dual scheme of government, is only the forerunner of legislation that will be demanded from...the Negro voters who in a great many States hold the balance of power. As long as the politician and office seeker needs the Negro vote to win his elections, the Negro is going to demand full pay for his political support by exacting laws to further his ambition for alleged protection and a full enjoyment of every right—political, social, economic, and otherwise. Give him this law and then he will demand something else.”<sup>122</sup>

There is no doubt that Bilbo’s comments accurately show that anti-lynching legislation was in fact a race issue. His rhetoric was an outward attack against African-Americans who temporarily held some limited influence over government decisions. It is obvious that Bilbo and others who opposed these bills resented progress made by Blacks and in many ways claimed, “I do not want to leave the impression that I am unfriendly to the Negro or his race...I have been a friend to the colored man in my State.”<sup>123</sup> The inactions of Bilbo and other opponents of anti-lynching legislation spoke louder than words. Their inability and lack of desire to protect Black citizens of the United States revealed the categorical problem of racial prejudice in legislation. Bilbo extended his rhetoric further than “lynching” by referring to the superior race of Anglo Saxons and blatantly drawing the line between whites and Blacks:

It is absolutely essential to the perpetuation of our Anglo Saxon civilization that white supremacy in America be maintained, and to maintain this civilization the experience of 6,000 years of authentic history conclusively proves that we must do one of three things—first, draw the color line between the white man and the black man while we live together, denying to the colored man social and political equality, and under no conditions permitting intermarriage or miscegenation or amalgamation of the two races at any time or in any place.<sup>124</sup>

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<sup>122</sup> Senate Congressional Record. “Prevention of and Punishment for Lynching” (Proquest, 1938). 881.

<sup>123</sup> Senate Congressional Record. “Prevention of,” 881.

<sup>124</sup> Senate Congressional Record. “Prevention of,” 882. Bilbo introduced a bill prohibiting marriages between members of the two races in the District of Columbia and all the possessions of the United States.

At this point in Bilbo's long rant, he suggested that African-Americans should return to their native home of Africa:

[The Senate should support] repatriation or the deportation of the entire Negro race to its native heath in Africa. This...solution, in my judgment, will be the most certain, permanent, feasible, and satisfactory solution of this great racial and national question. I believe that the wise and influential leaders of the Negro race will join wholeheartedly in this solution.<sup>125</sup>

Bilbo's next statements revealed the prevalence of white supremacy in government and legislation by confirming intentions to oppress the Black race:

Why should the black man want to live in the United States, where his race numbers only 12,000,000 out of 130,000,000; where he knows that he has been, is, and will always be looked upon as the inferior race; where he knows that he will never have equal opportunities with the white man; where he is, in every State in the American Union, whether it is admitted or not, discriminated against—socially, economically, and politically; where he knows that in every trade and profession and industrial plant he is the last or second choice?... [The black man] knows so long as he lives in this country that he will be the drawer of the water and the hewer of the wood. Oh, there may be a few exceptions, but these exceptions only emphasize the almost universal condition of the black man in this country as I have described it.<sup>126</sup>

Bilbo admitted that Congress would never approve anti-lynching legislation because the majority of those with power to make legal change would continue to satisfy their own political and personal beliefs. This type of rhetoric reinforced the white supremacist agenda and persuaded other members of Congress to oppose anti-lynching laws. Bilbo suggested that Black people and the President of the NAACP should go “home” and:

[T]he president of the Association for the Advancement of the Colored Race, who has been hanging around this Congress all these weeks trying to pass this damnable anti-lynching bill could be elected President of Liberia and then have all the damnable lynching laws that he wanted passed for the alleged protection of the members of his race in the jungles of Africa; where he could impose a fine of \$10,000 upon the citizens of the jungles of Africa when his cannibalistic brethren mobbed and feasted upon the carcass of a member of his race. It strikes me, if these Negro leaders have so much love, concern, and sympathy for their race that

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<sup>125</sup> Senate Congressional Record. “Prevention of and Punishment for Lynching” (Proquest, 1938). 882.

<sup>126</sup> Senate Congressional Record. “Prevention of,” 882.

they would voluntarily organize and move the whole 12,000,000 American Negroes back to the land of Africa, where there is such a great opportunity for the advancement and improvement of the members of their race in that country, where they could bestow upon the illiterate and benighted members of their race there the imposed education and culture that have been given to them by the Caucasian whites in this country.<sup>127</sup>

Bilbo continued to insist that protecting Blacks or allowing them to advance in society would “damn” the white race. He even called members of Congress “dumb and short sighted:”

[I]f the Negro race is permitted to live side by side with the white man in the United States, in the years to come amalgamation is certain to follow, and, when amalgamation has been consummated, our boasted Anglo-Saxon American civilization will begin to decay and this Nation will cease to be a strong, virile, progressive leader among the nations of the earth. Personally, I think that those who are responsible for the policies and success of our Government and those upon whom depends the perpetuation of our boasted civilization are dumb and short-sighted when they fail to meet this problem face to face and solve it aright once for all.<sup>128</sup>

In this particular session of Congress, Bilbo filibustered for over 800 pages on the Congressional Record before a vote called for the group to reconvene the following Monday. In addition to a plethora of further racist rhetoric, Bilbo made this statement:

The ravishing of our Constitution and the destruction of our dual form of Government by the passage of this so called anti-lynching bill is only one of the many steps that we are foolishly and blindly taking that will lead us all on to that day when miscegenation or intermarriage between the races will be universally accepted and practiced, which will be the final step that will in time bring about the amalgamation of the white man with the black man, and then our doom is sealed.<sup>129</sup>

Deep-seeded issues of racism fueled opposition to anti-lynching legislation. Members of Congress continually referred to the bills as unconstitutional and undemocratic. Congress also characterized the African-American race as inferior and claimed it was a threat to the

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<sup>127</sup> Senate Congressional Record. “Prevention of and Punishment for Lynching” (Proquest, 1938). 882.

<sup>128</sup> Senate Congressional Record. “Prevention of,” 882.

<sup>129</sup> Senate Congressional Record. “Prevention of,” 883.

white race. That racist mentality is the reason the bills did not become law, regardless of their necessity. Although some states did pass laws against mob violence, by 1938 lynchings in their traditional form decreased, primarily due to the efforts of the NAACP and anti-lynching advocates. However, if Congress had passed the Dyer Bill in 1919, hundreds, if not thousands of lives would have been saved from lynching violence.

The efforts of advocates were futile due to the strong beliefs that anti-lynching legislation would occur at the expense of the Constitution. According to Bilbo, the bill could not depend on the Fourteenth Amendment for legal justification:

This the supporters of the bill attempted to find mainly in certain provisions of the fourteenth amendment: "SEC 1...Nor shall any State...deny to any person within its jurisdiction the equal protection of the laws. SEC. 5. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." In other words, if the proponents of this measure cannot hang their hopes upon the fourteenth amendment, they know they have no hope of establishing the constitutionality of the measure in any court of the country; and I am afraid they are going to have to ask the court to stretch the Constitution more than Jefferson did when he made the Louisiana Purchase before they will ever "get by" with the fourteenth amendment to sustain this proposed legislation.<sup>130</sup>

The hope to connect anti-lynching bills to the Fourteenth Amendment proved a failure in gaining support from legislators.

Congress's failure to pass anti-lynching laws due to the manipulation of lynching rhetoric also gave permission for Lynch Law to continue. The ambiguous definition of lynching and the mob across the individual states was also a detriment to any success in adopting anti-lynching bills. Regardless of the decline in traditional lynching events in the 1930s, racial violence continued unabated. For example, police brutality and systematic/institutional racism continued throughout the century and beyond. In addition, the intentional abuse of lynching rhetoric in legislation distracted and diminished the true

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<sup>130</sup> Senate Congressional Record. "Prevention of and Punishment for Lynching" (Proquest, 1938). 878.

meaning of the term lynching. This tactic would continue as more members of Congress and other political figures would utilize lynching rhetoric in the same way.

### CHAPTER THREE: LYNCHING RHETORIC IN POLITICS

The debate over anti-lynching laws in Congress ceased after 1938. While traditional lynchings still occurred, this period also witnessed a rise of anti-lynching advocacy. Worldwide disapproval of lynchings as well as their transparency in the press also contributed to the decline in traditional lynchings and mob violence.<sup>131</sup> However, politicians began openly using lynching rhetoric and other racialized rhetoric in campaigns against other legislation they opposed and to portray themselves as victims during investigations against them.

In 1940 Republican Joseph Martin of Massachusetts referred to Franklin D. Roosevelt's (FDR) New Deal as "political slavery" at the Lincoln Day dinner.<sup>132</sup> The New Deal era witnessed the creation of many federal agencies to revive the American economy during the Great Depression. Business owners opposed implementation of the National Labor Relations Act (NLRA) and other programs that helped organize labor. According to a 2018 *Washington Post* editorial, conservative politicians like Martin used "images of racialized subjection including slavery and lynching, to describe their purported plight. To them, the language of slavery stood in for all manner of abuse faced

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<sup>131</sup> Here traditional lynching(s) refers to a public murder by hanging.

<sup>132</sup> Lawrence B. Glickman, "Why President Trump used lynching as a metaphor: The long history of politicians claiming to be victims of lynching and racial violence," *The Washington Post*, October 23, 2018, <https://history.cornell.edu/news/opinion-why-president-trump-used-lynching-metaphor>.

by businesspeople and affluent taxpayers.”<sup>133</sup> Even though the purpose of the NLRA was to protect the rights of working-class Americans of any color or gender, businessmen tried to portray themselves as being under personal attack. This rhetoric was similar to that used by Congress when debating anti-lynching legislation. “Other critics complained that the actions and rhetoric of New Dealers had turned the business community into a whipping boy,” the *Washington Post* editorial concluded.<sup>134</sup> Some business owners did not sympathize with working-class Americans and took every opportunity to oppress minority groups by portraying themselves as the target of injustice. Moreover, when business owners claimed to be victims themselves, they co-opted claims of inequality by workers and African-Americans and desensitized other Americans to the plight of oppressed groups.

By the early 1950’s, intimidation tactics targeting another group of Americans created a paranoia in the country called the Red Scare. For years the public learned to fear the internal threat of Communism. This fear mongering peaked between 1950 and 1954 when Republican Senator Joseph McCarthy launched probes against the State Department, the White House, the U.S. Army and ordinary American citizens. During his tenure even President Dwight Eisenhower refused to stand up to McCarthy.<sup>135</sup> In 1954 the Senate Subcommittee held The Army-McCarthy Hearings to investigate contradictory accusations made between the U.S. Army and McCarthy. For the first time in history, the hearings aired on national television and showed McCarthy badgering witnesses and

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<sup>133</sup> Lawrence B. Glickman, “Why President Trump used lynching as a metaphor: The long history of politicians claiming to be victims of lynching and racial violence,” *The Washington Post*, October 23, 2018, <https://history.cornell.edu/news/opinion-why-president-trump-used-lynching-metaphor>.

<sup>134</sup> Glickman, “Why President Trump.” The article does not reference the other critics.

<sup>135</sup> “McCarthyism and The Red Scare,” Miller Center, The University of Virginia, accessed March 6, 2020, <https://millercenter.org/the-presidency/educational-resources/age-of-eisenhower/mccarthyism-red-scare>.

ignoring parliamentary procedures and common courtesy. McCarthy's behavior mirrored that of Chairman of the House Judiciary Committee, Hatton W. Sumners and Senator Theodore G. Bilbo who openly attacked congressmen who supported anti-lynching legislation, particularly Dyer in the 1920s.

After the Select Committee to Study Censure Charges issued its report on the hearings and presented it to the Senate, McCarthy wrote a letter to the chairman, Arthur V. Watkins. In this letter he accused Watkins and the other members of the Select Committee of "deliberate deception and fraud" for failure to disqualify themselves.<sup>136</sup> On November 4, 1954 McCarthy told the press that the session beginning on November 8 was a "lynch-party" and a "lynch bee."<sup>137</sup> Similar to the rhetoric of Sumners and Bilbo, who declared anti-lynching bills as a lynching of the Constitution and states' rights, McCarthy's use of lynching rhetoric was meant to imply that he himself was a target of undeserved criticism.

By that time however, McCarthy had already damaged his reputation with the public and evaporated his support system.<sup>138</sup> After watching McCarthy's attack on President Eisenhower and Secretary of the Army Robert Stevens, the Senate decided that "its own honor could no longer put up with McCarthy's abuse of his legislative powers."<sup>139</sup> The Senate censured McCarthy with a vote of 67 to 22 for his behavior towards the Watkins committee and "for his non-cooperation with the abuse of the Subcommittee on Privileges and Elections in 1952 and for abuse of the Select Committee

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<sup>136</sup> "Censure of Senator Joseph McCarthy 1954," USA Embassy, accessed March 6, 2020, <https://usa.usembassy.de/etexts/democrac/60.htm>.

<sup>137</sup> "Censure of Senator Joseph McCarthy."

<sup>138</sup> "Censure of Senator Joseph McCarthy."

<sup>139</sup> "Censure of Senator Joseph McCarthy."

to Study Censure of 1954.”<sup>140</sup> Unlike previous members of Congress who used rhetoric to advance their own beliefs and agendas, McCarthy lost his power to intimidate.

Another incident from the early 1970s also witnessed the use of lynching rhetoric. In 1970, the Senate rejected President Richard Nixon’s nominee for the Supreme Court, G. Harrold Carswell.<sup>141</sup> Carswell made blatant racist comments in an earlier legislative campaign. In a 1948 campaign speech, he declared that he was committed to a “firm, vigorous belief in the principles of white supremacy.”<sup>142</sup> In addition, Carswell referred to the civil rights program as “the civil wrong program” and also promised he would “out nigger” his opponent.<sup>143</sup> In 1970, the National Association for the Advancement of Colored People (NAACP) used Carswell’s rhetoric against him to petition the Senate to reject the appointment.<sup>144</sup> Carswell complained that it was unfair to “be subjected to criticism based on political remarks made [years] ago.”<sup>145</sup>

The NAACP investigated Carswell’s political position upon his candidacy for the Supreme Court as it had done in previous years. In Carswell’s own paper, *The Irwinton Bulletin*, he was quoted saying, “Segregation of the races is proper and the only practical and correct way of life in our states.”<sup>146</sup> Despite evidence of Carswell’s incompetence and racism, Nixon supporters blamed the “liberal lynch mob” for the nominee’s failure to

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<sup>140</sup> “The Censure Case of Joseph McCarthy of Wisconsin (1954),” Senate.gov, United States Senate, accessed March 6, 2020,

[https://www.senate.gov/artandhistory/history/common/censure\\_cases/133Joseph\\_McCarthy.htm](https://www.senate.gov/artandhistory/history/common/censure_cases/133Joseph_McCarthy.htm).

<sup>141</sup> “Court Nominee Harrold Carswell Rejected by 51-45 Senate Vote,” *The Bulletin*, April 8, 1970, quoted in “G. Harrold Carswell: Representing the Mediocre,” *The Downfall Dictionary*, Nov. 23, 2014, <http://downfalldictionary.blogspot.com/2014/11/g-harrold-carswell-representing-mediocre.html>.

<sup>142</sup> “Supreme Court Nominee Carswell Rejects White Supremacy Speech,” *Observer-Reporter*, Jan. 22, 1970, quoted in “G. Harrold Carswell: Representing the Mediocre,” *The Downfall Dictionary*, Nov. 23, 2014, <http://downfalldictionary.blogspot.com/2014/11/g-harrold-carswell-representing-mediocre.html>.

<sup>143</sup> “High Court Nominee Hit For Racist Remarks,” *Jet*, Feb. 5, 1970, 3–4.

<sup>144</sup> “High Court Nominee.”

<sup>145</sup> “High Court Nominee.”

<sup>146</sup> “High Court Nominee.”

win confirmation in the Senate.<sup>147</sup> Carswell's rhetoric was similar to that of Congressmen Sumners and Bilbo who made racist statements and then attempted to claim they supported African-Americans' rights. Comparing the vetting of Carswell to that of a lynch mob suggested he was an innocent victim of a wrongful process. Nixon's own Watergate scandal reached its peak in the spring of 1974.<sup>148</sup> Karl Rove, a 23-year-old student at George Mason University, created an organization named Americans for the Presidency.<sup>149</sup> In a memo later uncovered by journalists, Rove accused the Congressmen investigating Nixon of being influenced by "the lynch mob atmosphere created in [Washington D.C.] by the *Washington Post* and other parts of the Nixon-hating media."<sup>150</sup> Supporters of Nixon and Carswell used rhetoric to compare the press to a lynch mob when they felt the treatment of their candidates was unfair. The pattern of utilizing lynching rhetoric to suit particular agendas and claim victimhood continued to distort the word's meaning.

Other examples of public officials employing the lynching metaphor to defend their behavior abound. For example, in 1984 former U.S. Army General William Westmoreland sued CBS News for libel over a documentary that indicated he had deceived the American public about enemy forces in Vietnam.<sup>151</sup> In a transcript of the documentary, Westmoreland stated "the people in Washington were not sophisticated

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<sup>147</sup> *The Indianapolis News*, March 20, 1970, Newspapers.com, 8.

<https://www.newspapers.com/newspage/311043850/>.

<sup>148</sup> "Watergate Scandal," History, September 25, 2019, <https://www.history.com/topics/1970s/watergate>.

<sup>149</sup> Paul Bowers, "A brief history of the lynching metaphor: How powerful white people claimed the oppression of racist violence," *Brutal South*, October 23, 2019, <https://brutalsouth.substack.com/p/a-brief-history-of-the-lynching-metaphor>.

<sup>150</sup> Bowers, "A brief history of the lynching metaphor."

<sup>151</sup> "William Westmoreland," *Biography*, A&E Television Networks, May 26, 2015, <https://web.archive.org/web/20171008075846/https://www.biography.com/people/william-westmoreland-9528510>. Documentary title: *The Uncounted Enemy: A Vietnam Deception*, air date January 23, 1982.

enough to understand and evaluate [facts], and neither was the media.”<sup>152</sup> Mike Wallace, a CBS broadcaster, commented, “We underscore what General Westmoreland just said about his decision. He chose not to inform the Congress, the President, not even the Joint Chiefs of Staff of the evidence collected by his intelligence chief, evidence which indicated a far larger enemy.”<sup>153</sup> Wallace based his commentary on direct statements made by Westmoreland during the interview. On December 3, 1984 the \$120 million libel suit neared its end. Westmoreland claimed that CBS performed a televised “lynching” of him.<sup>154</sup> Westmoreland went on to claim that he was grilled by Wallace and CBS producer George Crile making “[him] partici[pate] in [his] own lynching.”<sup>155</sup> When caught in lies with undisputed evidence of his deception of Congress and government officials, Westmoreland utilized lynching rhetoric to deflect blame and paint himself the victim. The case settled out of court.<sup>156</sup>

In 1986, members of the Reagan administration sold weapons to Iran against an arms embargo with the intention of funding right-wing militants in Nicaragua. The resulting scandal was named the Iran-Contra Scandal.<sup>157</sup> On December 17, 1986 the *Associated Press* reported that The National Conservative Political Action Committee (NCPAC) and the non-profit National Conservative Foundation (NCF) would air

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<sup>152</sup> “The Uncounted Enemy, A Vietnam Deception,” Radio TV Reports Inc., CIA.gov., January 23, 1982, <https://www.cia.gov/library/readingroom/docs/CIA-RDP88-01070R000100040003-8.pdf>, 8.

<sup>153</sup> “The Uncounted Enemy.”

<sup>154</sup> “Westmoreland vs. CBS - A General’s Day in Court.” *U.S. News & World Report*, CIA.gov., December 3, 1984, <https://www.cia.gov/library/readingroom/docs/CIA-RDP90-00552R000707160047-1.pdf>.

<sup>155</sup> “Westmoreland vs. CBS.”

<sup>156</sup> Paul Bowers, “A brief history of the lynching metaphor: How powerful white people claimed the oppression of racist violence,” *Brutal South*, October 23, 2019, <https://brutalsouth.substack.com/p/a-brief-history-of-the-lynching-metaphor>.

<sup>157</sup> Bowers, “A brief history of the lynching metaphor.”

television ads and send mass mailings asking citizens to support Reagan.<sup>158</sup> L. Brent Bozell, the president of NCPAC and executive director of NCF said the campaign was intended to “raise a national uproar against the liberal lynch mob that has tried to hang President Reagan since he took office in 1980.”<sup>159</sup> Bozell offered no proof of these accusations, but the campaign, which cost upwards of two million dollars, distracted the public from the administration’s crimes and portrayed Reagan as a victim. The campaign went even further by creating posters depicting Reagan with a noose around his neck.<sup>160</sup> Wealthy, white conservatives continued to run newspaper advertisements furthering their political and personal agendas.

In 1989, Donald J. Trump spent \$100,000 to run full-page ads in four New York City (NYC) papers calling for the death penalty for five African-American male teenagers known as the Central Park Five.<sup>161</sup> At the time, Trump was a real estate mogul in NYC with no known political aspirations. Members of the NYC Police Department wrongfully-accused the Central Park Five of raping and assaulting a white female jogger on April 19, 1989.<sup>162</sup> In 2002, DNA evidence exonerated all five young men after they

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<sup>158</sup> “Ad Campaign Targets ‘liberal lynch mob.” *Associated Press*, December 17, 1986, Newspapers.com, 14A.

<sup>159</sup> “Ad Campaign Targets.”

<sup>160</sup> Paul Bowers. “A brief history of the lynching metaphor: How powerful white people claimed the oppression of racist violence,” *Brutal South*, October 23, 2019. Poster images unavailable. Political cartoonist, Paul Conrad, would later draw an image of President George Bush with a noose around his neck with the satiric comment “I was out of the loop” in reference to his knowledge about the Iran-Contra Scandal. Paul Conrad Gallery, *Los Angeles Times*, 1988, Tribune Media Services, [https://www.pbs.org/independentlens/paulconrad/gal\\_10.html](https://www.pbs.org/independentlens/paulconrad/gal_10.html).

<sup>161</sup> Felix Garcia, “Central Park Five: Donald Trump still believes wrongfully convicted Black and Latino men are guilty of 1989 rape,” *Independent*, October 7, 2016, <https://www.independent.co.uk/news/world/americas/donald-trump-central-park-five-still-guiltily-wrongfully-convicted-1989-rape-case-nyc-a7351231.html>.

<sup>162</sup> David A. Graham, Adrienne Green, Cullen Murphy, and Parker Richards, “An Oral History of Trump’s Bigotry - His racism and intolerance have always been in evidence; only slowly did he begin to understand how to use them to his advantage,” *The Atlantic*, June 2019, <https://www.theatlantic.com/magazine/archive/2019/06/trump-racism-comments/588067/>.

collectively served 41 years in prison.<sup>163</sup> Trump’s newspaper advertisements headlined, “Bring Back the Death Penalty. Bring Back Our Police.”<sup>164</sup> The *Revolution* newspaper noted that New York State did not (and does not) have a death penalty, alleging that Trump’s ads “set off an explosion of racist frenzy throughout society...portraying youths of color as roving bands of wild criminals [who] roam our neighborhoods dispensing their own vicious brand of twisted hatred on whomever they encounter.”<sup>165</sup> Trump’s rhetoric not only created a biased view of colored youth, it also threatened violence against them. One of the innocent members of the Central Park Five, Yusef Salaam explained the effect Trump’s ad had on his criminal trial: “Donald Trump’s ad ran on May 1, 1989. The crime had happened April 19, 1989. We hadn’t even started trial! That was just a few weeks after we were accused. He put nails in our coffin.”<sup>166</sup>

In addition to the impact on the trial, Trump’s ads put the five youths in physical danger. Salaam stated, “it was almost as if [Trump] was trying to get the public or somebody from the darkest places in society to come into our homes. Remember, they had published our phone numbers, our names, and our addresses in New York City’s newspapers. So, we were pariahs.”<sup>167</sup> The *Revolution* compared the Central Park Five ads

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<sup>163</sup> David A. Graham, Adrienne Green, Cullen Murphy, and Parker Richards, “An Oral History of Trump’s Bigotry - His racism and intolerance have always been in evidence; only slowly did he begin to understand how to use them to his advantage,” *The Atlantic*, June 2019, <https://www.theatlantic.com/magazine/archive/2019/06/trump-racism-comments/588067/>.

<sup>164</sup> “Donald Chump, the Lynch Mob Master - How Trump Agitated for the Railroad of the—Innocent!—Central Park 5,” *Revolution*, May 9, 2016, <https://revcom.us/a/438/how-trump-agitated-for-railroad-of-central-park-5-en.html>.

<sup>165</sup> “Donald Chump.”

<sup>166</sup> Graham, et al., “An Oral History of Trump’s Bigotry.”

<sup>167</sup> Graham, et al., “An Oral History of Trump’s Bigotry.”

to an article reprinted by *The Crisis* in 1919 titled, “John Harfield Will Be Lynched By Ellisville Mob at 5 o’clock This Afternoon.”<sup>168</sup> Part of that article reads:

Governor Bilbo is said to be powerless to prevent it - Thousands of people are flocking into Ellisville to attend the event - Sheriff and authorities are powerless to prevent it. The officers have agreed to turn [the Negro] over to the people of the city at 4 o’clock this afternoon when it is expected to be burned.<sup>169</sup>

Trump’s ads calling for death sentences for the Central Park Five and the reprinted article by *The Crisis* share disturbingly similar rhetoric. Just as Trump referred to the African-American youths as “wild criminals,” the press referred to John Hartfield as “the negro” and “it.” Both ads demanded the deaths of African-Americans before evidence proved they had convicted a crime. As previously noted, Governor Bilbo was known for his anti-black rhetoric and this article not only solicited violence, but also portrayed Bilbo as powerless and therefore blameless for a death advertised in advance. Likewise, Trump’s ads called for the people of NYC to get back their power by executing suspects pre-trial. These examples of racist rhetoric in the press reveal the ability that wealthy whites had to influence the law with their own personal agendas.

On October 11, 1991, over 27 million people watched the Anita Hill-Clarence Thomas Hearings on television.<sup>170</sup> This event involved an inquiry into sexual harassment accusations made by Hill against Thomas, who was nominated by President George H.

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<sup>168</sup> David A. Graham, Adrienne Green, Cullen Murphy, and Parker Richards, “An Oral History of Trump’s Bigotry - His racism and intolerance have always been in evidence; only slowly did he begin to understand how to use them to his advantage,” *The Atlantic*, June 2019, <https://www.theatlantic.com/magazine/archive/2019/06/trump-racism-comments/588067/>. *The Jackson Daily News* reprinted the ad. *The Crisis* was an American quarterly magazine published by the NAACP. The *JDN* is the world’s oldest Black publication founded by W.E.B Du Bois in 1910.

<sup>169</sup> “Donald Chump, the Lynch Mob Master - How Trump Agitated for the Railroad of the—Innocent!—Central Park 5.” *Revolution Newspaper*, May 9, 2016, <https://revcom.us/a/438/how-trump-agitated-for-railroad-of-central-park-5-en.html>.

<sup>170</sup> Jonathan Markovitz, *Legacies of Lynching*, (Minneapolis: Regents of the University of Minnesota, 2000), 111.

W. Bush to the United States Supreme Court.<sup>171</sup> The investigation and hearings led by the Senate Judiciary Committee triggered legislation against sexual harassment and shone a light on discrimination against women, particularly Black women. Despite much opposition within the Democratically-controlled Senate, enough Democrats confirmed Thomas with a vote of 52 to 48.<sup>172</sup> According to historian Jonathan Markovitz, the hearings had another impact – they were “one of the most important political spectacles in recent memory, and the lynching metaphor was at its core.”<sup>173</sup> Clarence Thomas’s race gave the incident greater power. His utilization of lynching rhetoric was successful in the deflection of the charges against him and showed the immense strength behind the lynching metaphor.

Thomas made many accurate statements about the plight of African-Americans during the hearings. Thomas’s accusations appeared more credible than those of previous members of Congress who compared their investigations to lynching in that he insisted he was a target because he was a Black man. Despite the credibility and bravery of Anita Hill’s deposition, the lynching references made by Thomas moved to center stage.

Thomas stated:

Well, I understand it, and any black man in this country -- Senator [addressing Orrin Hatch], in the 1970s, I became very interested in the issue of lynching, and if you want to track through this country in the 19th and 20th century the lynchings of black men, you will see that there is invariably or in many instances a relationship with sex and an accusation that that person cannot shake off. That is the point that I'm trying to make, and that is the point that I was making last night,

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<sup>171</sup> Maureen Dowd, “The Supreme Court; Conservative Black Judge, Clarence Thomas, Is Named to Marshall’s Court Seat,” *The New York Times*, July 2, 1991, <https://www.nytimes.com/1991/07/02/us/supreme-court-conservative-black-judge-clarence-thomas-named-marshall-s-court.html>.

<sup>172</sup> Jan Crawford Greenburg, “Clarence Thomas: A Silent Justice Speaks Out: Part VII: 'Traitorous' Adversaries: Anita Hill and the Senate Democrats,” *ABC News*, September 30, 2007, <https://abcnews.go.com/TheLaw/story?id=3665221&page=1>.

<sup>173</sup> Jonathan Markovitz, *Legacies of Lynching*, (Minneapolis: Regents of the University of Minnesota, 2000), 112.

that this is high-tech lynching. I cannot shake off these accusations because they play to the worst stereotypes we have about black men in this country.<sup>174</sup>

Markovitz argues in his analysis of the phrase “high-tech lynching,” that Thomas was “well aware that this was not a ‘real’ lynching” but suggested that his victimization was no less important than what happened to African-American lynching victims in the past.<sup>175</sup> A crucial point made by Markovitz is that if lynching is used as a metaphor when there is no dead body, then the charge of Thomas’s choice of words becomes symbolic of “torture and the politics of fear.”<sup>176</sup> Markovitz also states that Thomas’s employment of the metaphor depended on the fact that Hill was also African-American.<sup>177</sup> If Hill had been white, the parallel to traditional lynchings may have been even more effective. Historically, Black men accused of sexually assaulting white women were often victims of traditional lynching violence. Therefore, if Hill had been white and accused Thomas of sexual harassment, the committee may not have confirmed him despite evidence of his innocence. Markovitz also reminds readers that “white women’s complicity [created] and [perpetuated] the myth of the Black rapist.”<sup>178</sup> Thomas further clarified the predicament of Black men with this statement:

Language throughout the history of this country and certainly throughout my life, language about the sexual prowess of black men, language about the sex organs of black men and the sizes, et cetera, that kind of language has been used about black men as long as I've been on the face of this earth, and these are charges that play into racist, bigoted, stereotypes, and these are the kind of charges that are impossible to wash off, and these are the kind of stereotypes that I have in my tenure in government and conduct of my affairs [sic].<sup>179</sup>

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<sup>174</sup> “Hearing of the Senate Judiciary Committee on the Nomination of Clarence Thomas to the Supreme Court,” Archive.today, University of Virginia Library, October 12, 1991, <https://archive.ph/MGW6>.

<sup>175</sup> Jonathan Markovitz, *Legacies of Lynching*, (Minneapolis: Regents of the University of Minnesota, 2000), 112.

<sup>176</sup> Markovitz, *Legacies of Lynching*, 112.

<sup>177</sup> Markovitz, *Legacies of Lynching*, 113.

<sup>178</sup> Markovitz, *Legacies of Lynching*, 130.

<sup>179</sup> “Hearing of the Senate Judiciary Committee.”

In the following exchange between Thomas and Senator Hatch, it is clear that Hatch agreed with Thomas's position. When Hatch read this statement by Hill, "Thomas told me graphically of his own sexual prowess," the following dialogue took place:

JUDGE THOMAS: That's clearly stereotypical.

SEN. HATCH: Clearly a black stereotype.

JUDGE THOMAS: Clearly.<sup>180</sup>

Senator Hatch was not the only person who sympathized with Thomas's position. United States District Court Senior Judge Jack E. Tanner came to Thomas's defense and accused those who denounced his nomination for creating a "lynch mob atmosphere."<sup>181</sup> Tanner argued:

The objective and goal of the opponents of the nominee is obvious, and that is to convince the Senate of the United States that the nominee is not fit politically and ideologically to be an Associate Supreme Court Justice. There are, perhaps, some who are acting in good faith in opposing Thomas' nomination, but, at least, they are confused. They seem to believe that America is now at long last color blind, but the facts and reality are to the contrary.<sup>182</sup>

Tanner's comments supported Thomas's argument that being Black made him a target.

According to Markovitz, not only did Thomas's lynching metaphor rely on widespread understandings of race and collective memories of racial terror, it was also effective.<sup>183</sup>

The committee also heard from observers who opposed Thomas's confirmation. For example, Reverend Amos C. Brown claimed that Thomas was "trying to give the appearance of being a changed man...saying to the American public that once he puts on his judicial robes he will be...walking a different walk...We have no recourse but to feel

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<sup>180</sup> "Hearing of the Senate Judiciary Committee on the Nomination of Clarence Thomas to the Supreme Court," Archive.today, University of Virginia Library, October 12, 1991, <https://archive.ph/MGW6>.

<sup>181</sup> "Clarence Thomas Supreme Court Nomination Hearings," Senate.gov., United States Senate, September 1991, [https://www.senate.gov/reference/Supreme\\_Court\\_Nomination\\_Hearings.htm](https://www.senate.gov/reference/Supreme_Court_Nomination_Hearings.htm). Part 3 of 4, 5-6.

<sup>182</sup> "Clarence Thomas Supreme Court Nomination Hearings."

<sup>183</sup> Jonathan Markovitz, *Legacies of Lynching*, (Minneapolis: Regents of the University of Minnesota, 2000), 133.

that he has taken this stance in order to get himself ahead.”<sup>184</sup> Brown further warned that lifting Thomas up “as the symbol and embodiment of African-American achievement” would “desecrate [African-American] heritage.”<sup>185</sup> The panel also heard from Benjamin L. Hooks, the executive director of the NAACP, who claimed that Thomas did not represent Black men’s interests and that “[he] seems to always emphasize only self-help.”<sup>186</sup> Yet Thomas portrayed himself as a victim forced to participate in his own demise:

I will not provide the rope for my own lynching or for further humiliation...Senator [Hatch], as I've indicated before, and I will continue to say this and believe this -- I have been harmed. I have been harmed, my family has been harmed, I've been harmed worse than I've ever been harmed in my life. I wasn't harmed by the Klan...I wasn't harmed by a racist group. I was harmed by this process. This process, which accommodated these attacks on me. If someone wanted to block me from the Supreme Court of the United States because of my views on the Constitution, that's fine. If someone wanted to block me because they felt I wasn't qualified, that's fine...But to destroy me -- Senator [Hatch], I would have preferred an assassin bullet to this kind of living hell that they have put me and my family through.<sup>187</sup>

Thomas openly admitted that a racist group was not attacking him, which seemed to contradict his own lynching reference. Thomas’s unobvious rhetoric of preferring an assassin’s bullet is another indirect reference to lynching, since mobs killed many African-Americans by other methods than hanging such as gun shots, fire, and beatings.

Markovitz noted that an all-white Senate investigating allegations of sexual misconduct by an African-American man may have played a large part in his confirmation.<sup>188</sup> The reason may have been that those who understood the history of

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<sup>184</sup> “Clarence Thomas Supreme Court Nomination Hearings,” Senate.gov., United States Senate, September 1991, [https://www.senate.gov/reference/Supreme\\_Court\\_Nomination\\_Hearings.htm](https://www.senate.gov/reference/Supreme_Court_Nomination_Hearings.htm). Part 3 of 4, 125.

<sup>185</sup> “Clarence Thomas Supreme Court Nomination Hearings,” 127.

<sup>186</sup> “Clarence Thomas Supreme Court Nomination Hearings,” 148.

<sup>187</sup> “Clarence Thomas Supreme Court Nomination Hearings,” 10.

<sup>188</sup> Jonathan Markovitz, *Legacies of Lynching*, (Minneapolis: Regents of the University of Minnesota, 2000), 129.

racism and lynching agreed with Thomas that his treatment was unfair. After all, it was hardly the first time that the U.S. government maltreated a Black man. Thomas's utilization of the lynching metaphor likely saved his nomination—whether he was guilty of sexual harassment or not. According to journalist Paul Bowers, many conservatives have referenced Clarence Thomas's "high-tech lynching" rhetoric to deflect blame from other politicians whose behaviors were under criticism, suggestive of its effectiveness.<sup>189</sup>

It was not only conservatives or Republicans who exploited lynching rhetoric. In 1998, self-described liberal Democrat Joe Biden, who was a member of the Senate Judiciary Committee at the Hill-Thomas hearings, used a lynching metaphor in opposition of Democratic President Bill Clinton's impeachment. Biden spoke to CNN, "Even if the president should be impeached, history is going to question whether or not this was just a partisan lynching or whether or not it was something that in fact met the standard, the very high bar, that was set by the founders as to what constituted an impeachable offense."<sup>190</sup> Due to the fact that Clinton and Biden are both white men, this reference to lynching did not necessarily resonate as powerfully as when used by Clarence Thomas. However, Biden's earlier treatment of Anita Hill during the 1991 hearings drew more attention to his statement. In 2019, an article from *The Hill* depicted Joe Biden's disrespect towards Anita Hill during the Hill- Thomas Hearings.<sup>191</sup>

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<sup>189</sup> Paul Bowers. "A brief history of the lynching metaphor: How powerful white people claimed the oppression of racist violence," *Brutal South*, October 23, 2019, <https://brutalsouth.substack.com/p/a-brief-history-of-the-lynching-metaphor>. Examples: "Lynching Nikki Haley" (Erick Erickson, *Red State*, 2010), "Ann Coulter calls allegations against Cain 'high-tech lynching'" (*New York Daily News*, 2011); "Coulter likens Zimmerman 'lynch mob' to another Democratic Party 'outgrowth': The KKK" (*Daily Caller*, 2012); "Gingrich on Roy Moore: Amazing how fast 'lynch mob' can form" (*The Hill*, 2017); "The Political Lynching of Brett Kavanaugh" (Wayne Allyn Root, Townhall, 2018).

<sup>190</sup> Bowers. "A brief history of the lynching metaphor."

<sup>191</sup> Chris Mills Rodrigo, "Timeline: A history of the Joe Biden-Anita Hill controversy," *The Hill*, May 4, 2019, <https://thehill.com/homenews/campaign/441408-timeline-a-history-of-the-joe-biden-anita-hill-controversy>.

As previously noted, Donald J. Trump historically expressed racist tendencies. In 2019, an article in *The Atlantic* traced how Trump employed rhetoric over time to attack people of color, long before his familiar “Witch Hunt” and “Lynching” tweets.<sup>192</sup> In 2016 however, Trump described himself to *The Washington Post* as “the least racist person that you’ve ever encountered.”<sup>193</sup> Trump’s words and actions suggested otherwise. Although he had yet to utilize the word “lynching,” it is critical to note that Trump’s racist rhetoric could have violent consequences.

Along with the instigation of violence toward the Central Park Five, Trump’s anti-Black campaign included a real estate embargo against African-Americans in the early 1970s. He even issued a block on Native American casinos in the 1990s stating, “They don’t look like Indians to me.” Trump again purchased ads to depict [Native Americans] as drug dealers and criminals without proof.<sup>194</sup> Trump also spread the “Birtherism” attack against President Barack Obama, which some observers attributed to racism.<sup>195</sup> In addition to resurrecting the unhealed trauma of many African-American and non-white residents, the insensitivity and ignorance of Trump’s long history of racist rhetoric directly or indirectly instigated racial violence.

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<sup>192</sup> David A. Graham, Adrienne Green, Cullen Murphy, and Parker Richards, “An Oral History of Trump’s Bigotry - His racism and intolerance have always been in evidence; only slowly did he begin to understand how to use them to his advantage,” *The Atlantic*, June 2019, <https://www.theatlantic.com/magazine/archive/2019/06/trump-racism-comments/588067/>.

<sup>193</sup> Mark Fisher. “Donald Trump ‘I am the least racist person’” *The Washington Post*, June 10, 2016. [https://www.washingtonpost.com/politics/donald-trump-i-am-the-least-racist-person/2016/06/10/eac7874c-2f3a-11e6-9de3-6e6e7a14000c\\_story.html](https://www.washingtonpost.com/politics/donald-trump-i-am-the-least-racist-person/2016/06/10/eac7874c-2f3a-11e6-9de3-6e6e7a14000c_story.html).

<sup>194</sup> Graham, et al., “An Oral History of Trump’s Bigotry.”

<sup>195</sup> Graham, et al., “An Oral History of Trump’s Bigotry.” Anti-Muslim sentiment animated Trump’s birtherism campaign. He said of Obama on *The Laura Ingraham Show* in March 2011: “[Obama] doesn’t have a birth certificate, or if he does, there’s something on that certificate that is very bad for him. Now, somebody told me—and I have no idea whether this is bad for him or not, but perhaps it would be—that where it says ‘religion,’ it might have ‘Muslim.’” On April 27, 2011, Obama released his long-form birth certificate.

For example, on August 11, 2017 in Charlottesville, Virginia, hundreds of neo-Nazis and white supremacists marched on the University of Virginia's campus and shouted, "Jews will not replace us" and "Blood and Soil."<sup>196</sup> Protestors held the "Unite the Right" rally to oppose the removal of Confederate Robert E. Lee's statue. Groups of counter-protestors and members of the anti-fascist movement, "antifa," were also present.<sup>197</sup> The following day, four white supremacists brutally beat an African-American man named DeAndre Harris. Later that afternoon, a car driven by James Alex Fields Jr. struck and killed a white woman named Heather Heyer.<sup>198</sup>

White nationalist leader Richard Spencer told *The Hill* that the rally would "not have occurred" if Trump was not President.<sup>199</sup> According to Spencer:

It really was because of [Trump's] campaign and this new potential for a nationalist candidate who was resonating with the public in a very intense way...the alt-right found something in Trump...He changed the paradigm and made this kind of public presence of the alt-right possible.<sup>200</sup>

During an August 15, 2017 press conference, Trump insisted there was an "egregious display of hatred, bigotry, and violence on many sides."<sup>201</sup> Just a few days later Trump added that there were "very fine people on both sides."<sup>202</sup> Spencer applauded Trump's remarks and stated, "Trump, in his own way, was being honest and calling it like he saw

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<sup>196</sup> David A. Graham, Adrienne Green, Cullen Murphy, and Parker Richards. "An Oral History of Trump's Bigotry - His racism and intolerance have always been in evidence; only slowly did he begin to understand how to use them to his advantage." *The Atlantic*, June 2019, <https://www.theatlantic.com/magazine/archive/2019/06/trump-racism-comments/588067/>. "Blood and Soil" is a known Nazi slogan.

<sup>197</sup> Graham, et al., "An Oral History of Trump's Bigotry."

<sup>198</sup> Graham, et al., "An Oral History of Trump's Bigotry." Thirty-two year old Heather Heyer (killed), and 35 (injured), when 20-year-old white supremacist, James Alex Fields Jr. drove his Dodge Challenger into the crowd. The court convicted Fields of murder in December 2018.

<sup>199</sup> Owen Daugherty, "Richard Spencer: 'Charlottesville wouldn't have occurred without Trump,'" *The Hill*, May 14, 2019, <https://thehill.com/blogs/blog-briefing-room/news/443666-richard-spencer-charlottesville-wouldnt-have-occurred-without>.

<sup>200</sup> Daugherty, "Richard Spencer."

<sup>201</sup> Daugherty, "Richard Spencer."

<sup>202</sup> Daugherty, "Richard Spencer."

it, I was proud of him in that moment.”<sup>203</sup> It seemed that Spencer and others who shared his beliefs acted as racist apologists for the President and supported his lynching rhetoric. The full transcript of the August 15th press conference shows how Trump deflected any responsibility for instigating racial violence. He also accused counter-protestors of instigating violence as well, saying “the left, [came] violently attacking the other group. You can say what you want. That's the way it is.”<sup>204</sup> A video broadcast on CNN depicted the neo-Nazis and “alt-right” supporters wielding clubs and baseball bats towards leftist protestors who only held signs. In this case, the leftist protestors only reacted with physical violence in self-defense and were clearly not members of anti-fa.<sup>205</sup> The rhetoric used by Trump in response of this violent event is crucial in understanding how his presidency encouraged racial violence.

In 2018, the non-profit organization South Asian Americans Leading Together (SAALT) linked the 2016 presidential election to a “wave of hate crimes and violence” toward minority groups in the United States.<sup>206</sup> The organization’s report also stated that the Federal Bureau of Investigation (FBI) reported a 5% increase in hate crimes from 2015 to 2016, the largest upswing since the September 11, 2001 attacks. The FBI noted

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<sup>203</sup> Owen Daugherty, “Richard Spencer: ‘Charlottesville wouldn't have occurred without Trump,’” *The Hill*, May 14, 2019, <https://thehill.com/blogs/blog-briefing-room/news/443666-richard-spencer-charlottesville-wouldnt-have-occurred-without>.

<sup>204</sup> Libby Nelson and Kelly Swanson, “Full transcript: Donald Trump’s press conference defending the Charlottesville rally,” *Vox*, August 15, 2017, <https://www.vox.com/2017/8/15/16154028/trump-press-conference-transcript-charlottesville>.

<sup>205</sup> “Video Shows What Happened in Charlottesville,” *CNN*, accessed February 8, 2020, <https://www.cnn.com/videos/us/2017/08/16/charlottesville-video-onlookers-orig-mss.cnn/video/playlists/charlottesville-white-nationalist-rally/>.

<sup>206</sup> SAALT, “Communities on Fire: Confronting Hate Violence and Xenophobic Political Rhetoric,” 2018, <https://saalt.org/wp-content/uploads/2018/01/Communities-on-Fire.pdf>. 3.

“a total of 6,063 reported hate crime incidents involving 7,509 victims.”<sup>207</sup> Nearly 60% of the victims were targets due to their race or ethnicity.<sup>208</sup>

In the spring and summer of 2019, Trump blocked nearly \$400 million in military aid to Ukraine in exchange for launching an investigation into his political opponent Joe Biden and his family.<sup>209</sup> Democratic Speaker of the House Nancy Pelosi launched an inquiry into Trump’s actions in September of the same year.<sup>210</sup> On October 22, 2019, Trump joined the long list of politicians who employed lynching rhetoric in order to divert attention away from accusations and mounting criticism. Trump declared his feelings about the investigation for his impeachment via his Twitter account:

So someday, if a Democrat becomes President and the Republicans win the House, even by a tiny margin, they can impeach the President, without due process or fairness or any legal rights. All Republicans must remember what they are witnessing here - a lynching. But we will WIN!<sup>211</sup>

Although this was not the first time Trump criticized Democrats in regard to the probe, it was the first time he used the word “lynching” in a tweet.<sup>212</sup> Other politicians later criticized Trump for using the word, calling him irresponsible and insensitive to descendants of actual lynching victims and African-Americans who face racial violence

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<sup>207</sup> SAALT, “Communities on Fire: Confronting Hate Violence and Xenophobic Political Rhetoric,” 2018, <https://saalt.org/wp-content/uploads/2018/01/Communities-on-Fire.pdf>. 4.

<sup>208</sup> SAALT, “Communities on Fire,” 4.

<sup>209</sup> Amber Phillips, “What Happens Next in the Impeachment of Donald Trump?” *The Washington Post*, January 29, 2020, <https://www.washingtonpost.com/politics/2019/12/18/house-is-voting-impeach-trump-what-happens-next/?arc404=true>.

<sup>210</sup> Aaron Steckelberg, Harry Stevens, Bonnie Berkowitz, Tim Medo and Kate Rabinowitz, “How the Impeachment Process Works,” *The Washington Post*, Sept. 25, 2019, <https://www.washingtonpost.com/politics/2019/09/25/how-impeachment-works/?arc404=true>.

<sup>211</sup> Donald Trump, Twitter post, October 22, 2019, 6:52 a.m., <https://twitter.com/realDonaldTrump>.

<sup>212</sup> John T. Bennett, “Democrats and Republicans criticize Trump after he calls impeachment a ‘lynching’ ‘What the hell is wrong with you?’ Democratic Rep. Rush asks president,” Roll Call, October 22, 2019, <https://www.rollcall.com/2019/10/22/democrats-and-republicans-criticize-trump-after-he-calls-impeachment-a-lynching/>.

on a daily basis. The responses by Congress members exposed their beliefs in regard to racial bias.

Many members of Congress approved of Trump's statement. The most noteworthy response was that made by Republican Senate Judiciary Committee Chairman Lindsey Graham, who said, "President Trump is absolutely right to call the House impeachment process a 'lynching.'"<sup>213</sup> Graham stated:

I think lynching is being seen as somebody taking the law in their own hands and out to get somebody for no good reason. Yes, African-Americans have [been] lynched. Other people have been lynched throughout history. What does lynching mean? That a mob grabs you, they don't give you a chance to defend yourself, they don't tell you what happened to you, they just destroy you. That's exactly what's happening in the United States House of Representatives right now.<sup>214</sup>

Graham downplayed the literal act of lynchings with this statement as he made no mention of the physical violence of the act which primarily ended in death. Asking reporters what a lynching meant further demonstrated Graham's ignorance of the term. Later, Graham clarified that he was comparing the House inquiry to a "political lynching," which showed with great clarity he knew exactly what the word meant but still offered no apology.<sup>215</sup> Graham then stated, "If Republicans were doing this you [the press] would be okay with calling it a political lynching because that's literally what it is."<sup>216</sup> As shown throughout this chapter, the press and several members of Congress have opposed theories such as Graham's and have denounced the utilization of the word lynching in connection to political investigations. When a reporter explained the literal meaning of lynching, Graham replied, "give me a little credit for understanding that

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<sup>213</sup> Alexander Bolton, "Graham backs Trump: 'This is a lynching in every sense,'" *The Hill*, October 22, 2019, <https://thehill.com/homenews/senate/466878-graham-backs-trump-this-is-a-lynching-in-every-sense>.

<sup>214</sup> Bolton, "Graham backs Trump."

<sup>215</sup> Bolton, "Graham backs Trump."

<sup>216</sup> Bolton, "Graham backs Trump."

nobody is saying they're trying to kill the President...[but] impeachment is the death penalty for a politician."<sup>217</sup> Again, this demonstrated Graham's willingness to use the word in any context that suited his agenda in defending Trump, regardless of the effect it would have on survivors and descendants of lynching. Historian Lawrence Glickman described the practice of crying "lynch" this way:

The essence of 'elite victimization' was the desire to take the metaphorical place of the victims of actual racial violence, while doing very little either to stem the tide of that violence or even to recognize the plight of these victims.<sup>218</sup>

Members of Congress who opposed Trump's reference to lynching revealed their own experiences with racial prejudice and highlighted the reasons why his rhetoric was unacceptable. The instantaneous availability of social media and YouTube made their response to Trump's use of lynching rhetoric more visible than it had been on previous occasions. One of the most influential Black lawmakers on Capitol Hill, House Majority Whip James Clyburn, stated:

I'm a product of the South. I know the history of that word. That is a word that we ought to be very, very careful about using. [Trump] is prone to inflammatory statements, and that is one word that no president ought to apply to himself.<sup>219</sup>

Senate Majority Leader, Mitch McConnell even acknowledged the insensitivity of Trump's use of the word by stating, "Given the history of our country, I would not compare this to a lynching...That was an unfortunate choice of words."<sup>220</sup> Although downplayed, McConnell's sentiment proved persuasive—the word lynching is, at the

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<sup>217</sup> Alexander Bolton, "Graham backs Trump: 'This is a lynching in every sense,'" *The Hill*, October 22, 2019, <https://thehill.com/homenews/senate/466878-graham-backs-trump-this-is-a-lynching-in-every-sense>.

<sup>218</sup> Larry Glickman, Twitter post, October 22, 2019, 8:57 a.m., <https://twitter.com/LarryGlickman>.

<sup>219</sup> "James Clyburn schools Trump over 'lynching' tweet," YouTube video, posted by "Brad Reed," October 22, 2019, <https://youtu.be/vBPvELSmk1k>.

<sup>220</sup> Colby Itkowitz and Toluse Olorunnipa, "Trump Compares probe to 'lynching' again prompting political firestorm around race," *The Washington Post*, Oct. 22, 2019, [https://www.washingtonpost.com/politics/trump-compares-impeachment-probe-to-lynching-draws-widespread-condemnation/2019/10/22/2fa24af2-f4d4-11e9-ad8b-85e2aa00b5ce\\_story.html](https://www.washingtonpost.com/politics/trump-compares-impeachment-probe-to-lynching-draws-widespread-condemnation/2019/10/22/2fa24af2-f4d4-11e9-ad8b-85e2aa00b5ce_story.html).

very least, a word with a graphic and traumatic history that should never be used outside of its literal meaning. Amidst the backlash against Trump's statement, former Vice President and U.S. Senator Joe Biden apologized for his lynching rhetoric when defending Clinton back in the 1990s. "This wasn't the right word to use and I'm sorry about that," Biden pleaded, "Trump on the other hand chose his words deliberately today in his use of the word lynching and continues to stoke racial divides in this country daily."<sup>221</sup> To date, none of the other members of Congress discussed in this chapter have apologized. Interestingly, Graham also stated, "You may not like the word [lynch]. The story here is not the word."<sup>222</sup> What Graham failed to understand, is that the story behind the word "lynch" means a great deal.

As shown throughout this chapter, lynching and other racist rhetoric intersected with each other. More importantly, employing this rhetoric has consequences. In most cases its use can be effective in portraying politicians accused of crimes or misconduct as victims, even when no one is physically harmed. The main problem of lynching rhetoric in politics is its power to reinforce the imbalance of race and power in America. By employing lynching rhetoric, politicians distorted the definition of lynching and suggested that lynchings are no longer violent acts. Lynching rhetoric also contributed to a climate conducive to the types of violence seen in 2017. When lynching rhetoric is employed outside of its true definition it gives the impression that lynching is permissible

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<sup>221</sup> Joe Biden, Twitter post, October 22, 2019, 9:23 p.m., <https://twitter.com/JoeBiden>.

<sup>222</sup> John T. Bennett, "Democrats and Republicans criticize Trump after he calls impeachment a 'lynching' 'What the hell is wrong with you?' Democratic Rep. Rush asks president," Roll Call, October 22, 2019, <https://www.rollcall.com/2019/10/22/democrats-and-republicans-criticize-trump-after-he-calls-impeachment-a-lynching/>.

in any form. That is why leaders and the citizens of the United States should stop its arbitrary use.

## CONCLUSION

As shown, historically futile attempts to define lynching and pass anti-lynching legislation were reflective of larger issues still faced in America today. Although some politicians and members of Congress have apologized for their inappropriate use of lynching rhetoric, many have not. In some cases, the use of that rhetoric created dangerous situations. There still seem to be a lack of preventative measures regarding racial violence. However, a new wave of committed legislators made up of women and people of color, have taken a step forward to remedy this problem.

On June 9, 2005, Senator Majority Leader William H. Frist requested the U.S. Senate vote in consideration of the Order For Consideration of Resolution (S.Res.39).<sup>223</sup> The purpose of the resolution was to “apologize to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.”<sup>224</sup> On June 13, 2005, ninety members of the Senate backed the bi-partisan resolution without amendment.<sup>225</sup> Among those who supported the resolution were Senators Joe Biden and Jeff Sessions.<sup>226</sup> Among other things, the measure:

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<sup>223</sup> “S. RES. 39: Apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation,” *Journal of the Senate of the United States of America*, 109<sup>th</sup> Congress, 1<sup>st</sup> sess., February 7, 2005, HeinOnline, <https://www.govinfo.gov/content/pkg/BILLS-109sres39ats/pdf/BILLS-109sres39ats.pdf>.

<sup>224</sup> “S. RES. 39: Apologizing to the victims.”

<sup>225</sup> “U.S. passes first anti-lynching law after Senate vote,” *BBC News*, Dec. 20, 2018, <https://www.bbc.com/news/world-us-canada-46634184>.

<sup>226</sup> “S. RES. 39: Apologizing to the victims.” Sen. Joe Biden (D) referred to the impeachment inquiry of President Bill Clinton a “lynching” but later apologized. Senator Jeff Sessions (R) had a history of supporting President Donald Trump.

Declare[d] that the Senate: (1) apologizes to the victims and survivors of lynching for its failure to enact anti-lynching legislation; (2) expresses its deepest sympathies and most solemn regrets to the descendants of such victims whose ancestors were deprived of life, human dignity, and the constitutional protections accorded all other U.S. citizens; and (3) remembers the history of lynching, to ensure that these personal tragedies will be neither forgotten nor repeated.<sup>227</sup>

Four days after Congress passed the resolution, ninety-one-year-old lynching survivor James Cameron and 100 descendants of lynching victim Anthony Crawford traveled to Capitol Hill to receive their apology.<sup>228</sup> Crawford was a wealthy Black landowner in Abbeville, South Carolina. In 1916, after a dispute with a white man over the price of cotton seed, white vigilantes hanged Crawford from a pine tree and shot him over 200 times. His family lost possession of his land and his relatives scattered out of fear for their lives.<sup>229</sup> There have been over 4,742 occurrences of lynchings, and the Crawford family is just one example of how these acts of violence have disrupted family legacies of African-Americans.<sup>230</sup>

In part, passage of the bill would start the long-overdue process of healing. The bill intended to also shine a light on the culpability of U.S. Senators and the government for their part in refusing to intervene and stop racial violence. Senator Mary L. Landrieu of Louisiana was one of the members who sponsored S.Res.39. In support of the bill, she stated:

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<sup>227</sup> “S. Res. 39 – A resolution...,” Congress.gov., 2005-2006, <https://www.congress.gov/bill/109th-congress/senate-resolution/39>.

<sup>228</sup> Sheryl Gay Stolberg, “Senate Issues Apology Over Failure on Lynching Law,” *The New York Times*, June 14, 2005, <https://www.nytimes.com/2005/06/14/politics/senate-issues-apology-over-failure-on-lynching-law.html>. James Cameron survived a lynching in Marion, IN in 1930. There were 200 descendants of lynching victims present; 100 of which were descendants of Crawford.

<sup>229</sup> Stolberg, “Senate Issues Apology.”

<sup>230</sup> Felicia Sonmez, “House passes historic anti-lynching bill after Congress’s century of failure,” *The Washington Post*, Feb. 26, 2020, [https://www.washingtonpost.com/politics/house-poised-to-pass-historic-anti-lynching-bill-after-more-than-a-century-of-failure/2020/02/26/33df91ae-58ae-11ea-9000-f3cffee23036\\_story.html](https://www.washingtonpost.com/politics/house-poised-to-pass-historic-anti-lynching-bill-after-more-than-a-century-of-failure/2020/02/26/33df91ae-58ae-11ea-9000-f3cffee23036_story.html).

The Senate was wrong not to act...That was wrong to not stand in the way of the mob...We lacked courage then. We perhaps don't have all the courage we need today to do everything that we should do. But I know that we can apologize today. We can be sincere in our apology to the families, to their loved ones, and perhaps now we can set some of these victims and their families free and most of all set our country free to be better than it is today.<sup>231</sup>

Landrieu's word choice in regard to members of Congress today is relevant in that despite this apology, there is more work needed by government officials to prevent racial violence. The resolution's third clause also requires special attention. The motion to remember and acknowledge the history of lynching has proven ineffective. The careless use of lynching rhetoric in American politics suggests that efforts to commemorate lynching failed to resonate with much of the American public, particularly elected officials.<sup>232</sup> It is also important to note that "as a condition of getting the apology legislation to a point where it could be approved by the Senate, its supporters had to settle for a voice vote instead of the more typical roll-call vote where each vote is individually recorded."<sup>233</sup> Senator John Kerry added, "I think it's critical that we take the step we're taking and have taken, but at the same time wouldn't it have been just that much more extraordinary and significant if we [had] a recorded vote with all 100 senators recording their votes?"<sup>234</sup> In light of Kerry's comment, the vote and apology appear hollow. Especially considering the repeated use of lynching rhetoric throughout history during filibusters of previous anti-lynching laws.

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<sup>231</sup> Felicia Sonmez, "House passes historic anti-lynching bill after Congress's century of failure," *The Washington Post*, Feb. 26, 2020, [https://www.washingtonpost.com/politics/house-poised-to-pass-historic-anti-lynching-bill-after-more-than-a-century-of-failure/2020/02/26/33df91ae-58ae-11ea-9000-f3cffee23036\\_story.html](https://www.washingtonpost.com/politics/house-poised-to-pass-historic-anti-lynching-bill-after-more-than-a-century-of-failure/2020/02/26/33df91ae-58ae-11ea-9000-f3cffee23036_story.html).

<sup>232</sup> "H.R. 35: Suspend the Rules and Pass the Bill, H.R. 35, With Amendments," 116<sup>th</sup> Congress 1<sup>st</sup>. sess., Jan. 2, 2019, <https://docs.house.gov/billsthisweek/20200224/BILLS-116hr35-SUSv2.pdf>.

<sup>233</sup> Frank James, "U.S. Senate apologizes for 100 years of lynchings," *Chicago Tribune*, June 14, 2005, <https://www.chicagotribune.com/news/ct-xpm-2005-06-14-0506140199-story.html>.

<sup>234</sup> James, "U.S. Senate apologizes."

The Senate’s only African-American representative at the time, Barack Obama, stated, “I do hope that as we commemorate this past injustice that this chamber also spends some time however doing something concrete and tangible to heal the long shadow of slavery and the legacy of racial discrimination so that 100 years from now we can look back and be proud and not having to apologize once again.”<sup>235</sup> Obama’s later election to the presidency gave hope to African-Americans that they would receive justice for violent acts committed against them – but his efforts fell short in the eyes of Black people.<sup>236</sup> One example was the murder of Trayvon Martin in 2012, in which some observers felt Obama’s response was ineffective. According to activist and scholar Keeanga-Yahmatta Taylor, Obama had “repeatedly failed to connect the sins of the past to the crimes of the present, when racism thrives.”<sup>237</sup> Taylor noted that Black people relied on Obama to “amplify [B]lack pain and anger – it was exactly [why they] had put [him] in the White House.”<sup>238</sup> Obama’s response to S.Res.39 included a reference to the younger generation of African-Americans. Obama stated, “There are more ways to perpetrate violence than simply a lynching...There's the violence that we subject young children to when they don't have any opportunities, when they have no hope...that's the kind of violence this chamber could do something about.”<sup>239</sup> However, Martin’s death (and many others) destroyed the illusion that the U.S. was post-racial.<sup>240</sup>

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<sup>235</sup> Frank James, “U.S. Senate apologizes for 100 years of lynchings,” *Chicago Tribune*, June 14, 2005, <https://www.chicagotribune.com/news/ct-xpm-2005-06-14-0506140199-story.html>.

<sup>236</sup> Keeanga-Yamahatta Taylor, “Barack Obama’s Original Sin: America’s post-racial illusion,” *The Guardian*, Jan. 13, 2017, <https://www.theguardian.com/us-news/2017/jan/13/barack-obama-legacy-racism-criminal-justice-system>.

<sup>237</sup> Taylor, “Barack Obama’s Original Sin.”

<sup>238</sup> Taylor, “Barack Obama’s Original Sin.”

<sup>239</sup> Taylor, “Barack Obama’s Original Sin.”

<sup>240</sup> Taylor, “Barack Obama’s Original Sin.”

In part, the apology meant something to Doria Dee Johnson, the great-great granddaughter of Anthony Crawford. She told reporters, “It takes a lot for people to admit when they're wrong. For the Senate to do it as a body I think is courageous. We haven't seen this sort of statement from the U.S. Senate.”<sup>241</sup> Perhaps it was courageous, but it may just have passed because none of the Senators had to contend with a recorded vote or political backlash. A descendant of another lynching victim, Magdalene Latimer, 84, expressed skepticism of the vote and said, “I have to let God be the judge because I don't know if they meant it out of their heart or they're just saying it out of their mouth.”<sup>242</sup> The apology and resolution did little to circumvent the relentless systematic and institutional racism in law enforcement that continues to target African-Americans and people of color. To date, a U.S. President has not signed a federal anti-lynching law.

On January 1, 2019, the House of Representatives introduced H.R. 35—the Emmett Till Anti-lynching Act.<sup>243</sup> In short, the bill stated: “To amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes.”<sup>244</sup> On February 26, 2020, Congressman Jerry Nadler moved for the House to pass the bill. Later that day, the House passed a motion to suspend the rules and pass the bill by a vote of 410 to 4.<sup>245</sup> The Senate received the bill on February 27, 2020. Section 2: Findings (17) of the bill states:

Notwithstanding the Senate's apology and the heightened awareness and education about the Nation's legacy with lynching, it is wholly necessary and

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<sup>241</sup> Sheryl Gay Stolberg, “Senate Issues Apology Over Failure on Lynching Law,” *The New York Times*, June 14, 2005, <https://www.nytimes.com/2005/06/14/politics/senate-issues-apology-over-failure-on-lynching-law.html>.

<sup>242</sup> Stolberg, “Senate Issues Apology.”

<sup>243</sup> “H.R.35 - Emmett Till Antilynching Act,” Congress.gov., 116th Congress, 2019-2020, <https://www.congress.gov/bill/116th-congress/house-bill/35/all-actions?overview>.

<sup>244</sup> “H.R.35 - Emmett Till Antilynching Act.”

<sup>245</sup> “H.R.35 - Emmett Till Antilynching Act.”

appropriate for the Congress to enact legislation, after 100 years of unsuccessful legislative efforts, finally to make lynching a Federal hate crime.<sup>246</sup>

Squabbling over whether or not to name the bill for Emmett Till delayed it from reaching President Trump's desk during Black History Month in 2020. However, former Black Panther and long-time Congressman Bobby L. Rush said that key senators assured him that it would pass.<sup>247</sup> The bill will not become law until the president signs it. Seven months after the introduction of the Emmett Till Anti-lynching Act, a tweet written by President Trump echoed racist sentiments spoken by Theodore G. Bilbo in 1938. Trump questioned the validity of Congresswomen of color in regard to government initiatives. Since many of the supporters of H.R. 35 are women, his tweet suggested he would dismiss recommendations for legislation if proposed by them. Trump wrote:

So interesting to see 'Progressive' Democrat Congresswomen, who originally came from countries whose governments are a complete and total catastrophe, the worst, most corrupt and inept anywhere in the world (if they even have a functioning government at all), now loudly and viciously telling the people of the United States, the greatest and most powerful Nation on earth, how our government is to be run. Why don't they go back and help fix the totally broken and crime infested places from which they came? Then come back and show us how it is done. These places need your help badly, you can't leave fast enough.<sup>248</sup>

When asked if Trump would sign the Emmett Till Bill, Representative Karen Bass replied, "How could he not?"<sup>249</sup> Considering Trump's record of not apologizing for

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<sup>246</sup> "H.R.35 - Emmett Till Antilynching Act," Congress.gov., 116th Congress, 2019-2020, <https://www.congress.gov/bill/116th-congress/house-bill/35/all-actions?overview>.

<sup>247</sup> Todd Ruger, "House wants anti-lynching bill on Trump's desk this week," Roll Call, Feb. 26, 2020, <https://www.rollcall.com/2020/02/26/house-wants-antilynching-bill-on-trumps-desk-this-week/>.

Emmett Till was a 14-year-old African-American from Chicago. Roy Bryant, and J.W. Milam kidnapped and murdered him during a trip to Mississippi to visit his family in 1955. Till's killing is known to be the catalyst that brought the lynching issue to the consciousness of the nation. Authorities installed cameras to monitor Till's honorary marker which white supremacists have vandalized.

<sup>248</sup> Donald Trump, Twitter post, July 14, 2019, 7:27 a.m., <https://twitter.com/realDonaldTrump>.

<sup>249</sup> Ruger, "House wants anti-lynching bill."

racism and employing hateful rhetoric against women and people of color, final passage of the bill is still pending as of spring 2020.

Senator Kamala Harris, an outspoken supporter of the bill, stated “[lynchings are] horrendous, racist acts of violence. For far too long Congress has failed to take a moral stand and pass a bill to finally make lynching a federal crime. [Lynchings were] used as an instrument of terror and intimidation...[lynchings are] not a relic of the past.”<sup>250</sup> If signed by the president, key provisions in the bill will be applied on the federal level against any racially-motivated act of violence for the first time in U.S. history:

Finding (19) [c]ondemning hate crime and any other form of racism, religious or ethnic bias, discrimination, incitement to violence, or animus targeting a minority in the United States and taking notice specifically of Federal Bureau of Investigation statistics demonstrating that among single-bias hate crime incidents in the United States, 59.2 percent of victims were targeted due to racial, ethnic, or ancestral bias, and among those victims, 52.2 percent were victims of crimes motivated by the offenders’ anti-Black or anti-African-American bias.<sup>251</sup>

The long overdue bill would punish perpetrators for up to 10 years in prison and be a critical step towards eradicating racial violence. It is difficult to say whether the bill’s proposed punishment for racial violence will be effective, especially in regard to members of law enforcement. When police use unnecessary violence in relation to African-Americans, they often phrase the narrative in a way that suggests that victims brought it upon themselves. Journalist Elaine Frantz defined this behavior as “gaslighting.”<sup>252</sup> Frantz states, “[Police] assert the culpability of the victim and reasonableness of the attacker...This cocktail of abuse, denial and blaming the victim is

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<sup>250</sup> Todd Ruger, “House wants anti-lynching bill on Trump’s desk this week,” Roll Call, Feb. 26, 2020, <https://www.rollcall.com/2020/02/26/house-wants-antilynching-bill-on-trumps-desk-this-week/>.

<sup>251</sup> “H.R.35 - Emmett Till Antilynching Act,” Congress.gov., 116th Congress, 2019-2020, <https://www.congress.gov/bill/116th-congress/house-bill/35/all-actions?overview>.

<sup>252</sup> Elaine Frantz, “America’s long, rich history of pretending systemic racism doesn’t exist,” Vox, May 16, 2019, <https://www.vox.com/first-person/2019/5/16/18627753/racism-kkk-police-brutality-sandra-bland>.

often remarkably effective.”<sup>253</sup> As Representative Bobby Rush elaborated, “We regrettably cannot guarantee [lynchings] will never occur again, especially in the climate we’re in.”<sup>254</sup> Historian Jonathan Markovitz explained that “the lynching metaphor, and collective memories of lynching, can be constructed and deployed in a wide variety of ways, and for a seemingly endless number of purposes, but the meaning...attached to lynching is never arbitrary.”<sup>255</sup> The rhetoric surrounding lynching and racial violence can often be manipulated to serve a particular agenda.

The use of lynching rhetoric in legal definitions, legislation, and political arguments complicates the collective understanding of lynchings. As evident throughout this paper, the discussion of the use of lynching rhetoric is critical in relation to contemporary racial projects “that are often enacted as battles over discursive terrain, battles that are also...waged over historical resources and collective memory.”<sup>256</sup> Markovitz argues that lynching has become a metaphor for racism, and that its dynamics construct basic ways of conceptualizing the world.<sup>257</sup> By viewing the evolution of racism through the lens of lynching rhetoric and memory, it is evident that words possess an unmeasurable power to “infect, egotize, narcotize, and paralyze, [and] enter into and colour the minutest cells of the brain.”<sup>258</sup> Today, the definition of lynching is still unresolved. For the most part, the collective memory of lynching is that of mob violence

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<sup>253</sup> Elaine Frantz, “America’s long, rich history of pretending systemic racism doesn’t exist,” *Vox*, May 16, 2019, <https://www.vox.com/first-person/2019/5/16/18627753/racism-kkk-police-brutality-sandra-bland>.

<sup>254</sup> Todd Ruger, “House wants anti-lynching bill on Trump’s desk this week,” *Roll Call*, Feb. 26, 2020, <https://www.rollcall.com/2020/02/26/house-wants-antilynching-bill-on-trumps-desk-this-week/>.

<sup>255</sup> Jonathan Markovitz, *Legacies of Lynching*, (Minneapolis: Regents of the University of Minnesota, 2000), 146.

<sup>256</sup> Markovitz, *Legacies of Lynching*, 146.

<sup>257</sup> Markovitz, *Legacies of Lynching*, 146.

<sup>258</sup> Rudyard Kipling, *A Book of Words*, (speech) at the Royal College of Surgeons in London in 1923, <http://www.telelib.com/authors/K/KiplingRudyard/prose/BookOfWords/index.html>.

enacted towards African Americans in the 19<sup>th</sup> and early-20<sup>th</sup> centuries. The inability of the definition to encapsulate current forms of racial violence directed towards Blacks and other people of color gives the impression that lynching is a part of America's past – not the present. The other problem with lynching rhetoric is its effectiveness in the concealment of racial bias in legislation. Members of Congress were able to stop adoption of anti-lynching laws aimed to protect African-Americans by using lynching rhetoric to label the bills as a form of attack on the Constitution or states' rights. Blatant racism was evident during countless Senate and judiciary hearings, and yet the focus remained on the obscurity of the lynching definition and not the racist rhetoric or bias of congressmen. The use of lynching rhetoric also served to deflect inquiries against politicians for various indiscretions and portray themselves as victims – when it was clear their lives were never in any physical danger. In order to avoid the perpetuation of racial injustice, politicians must avoid employing insensitive lynching metaphors. Moreover, the meaning of lynching becomes obscured when leaders of the world employ lynching rhetoric and insult the memory of thousands of victims and families. Americans cannot maintain the impression that lynching is only part of the past and must learn to understand that words have power to cause detrimental consequences. Otherwise, lynching rhetoric will continue to remain a problem in that it reinforces the imbalance of race and power in The United States.

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