

# LYNCHING IN AMERICA

## Confronting the Legacy of Racial Terror

Third Edition

Equal Justice Initiative

### Equal Justice Initiative

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Men and boys pose beneath the body of Lige Daniels, a Black man, shortly after he was lynched on August 3, 1920, in Center, Texas.  
James Allen, ed., et al., *Without Sanctuary: Lynching Photography in America* (Santa Fe, NM: Twin Palms Publishers, 2000), 117-118.

From the Civil War until World War II, millions of African Americans were terrorized and traumatized by the lynching of thousands of Black men, women, and children.

This report documents this history and contends that America’s legacy of racial terror must be more fully addressed if racial justice is to be achieved.

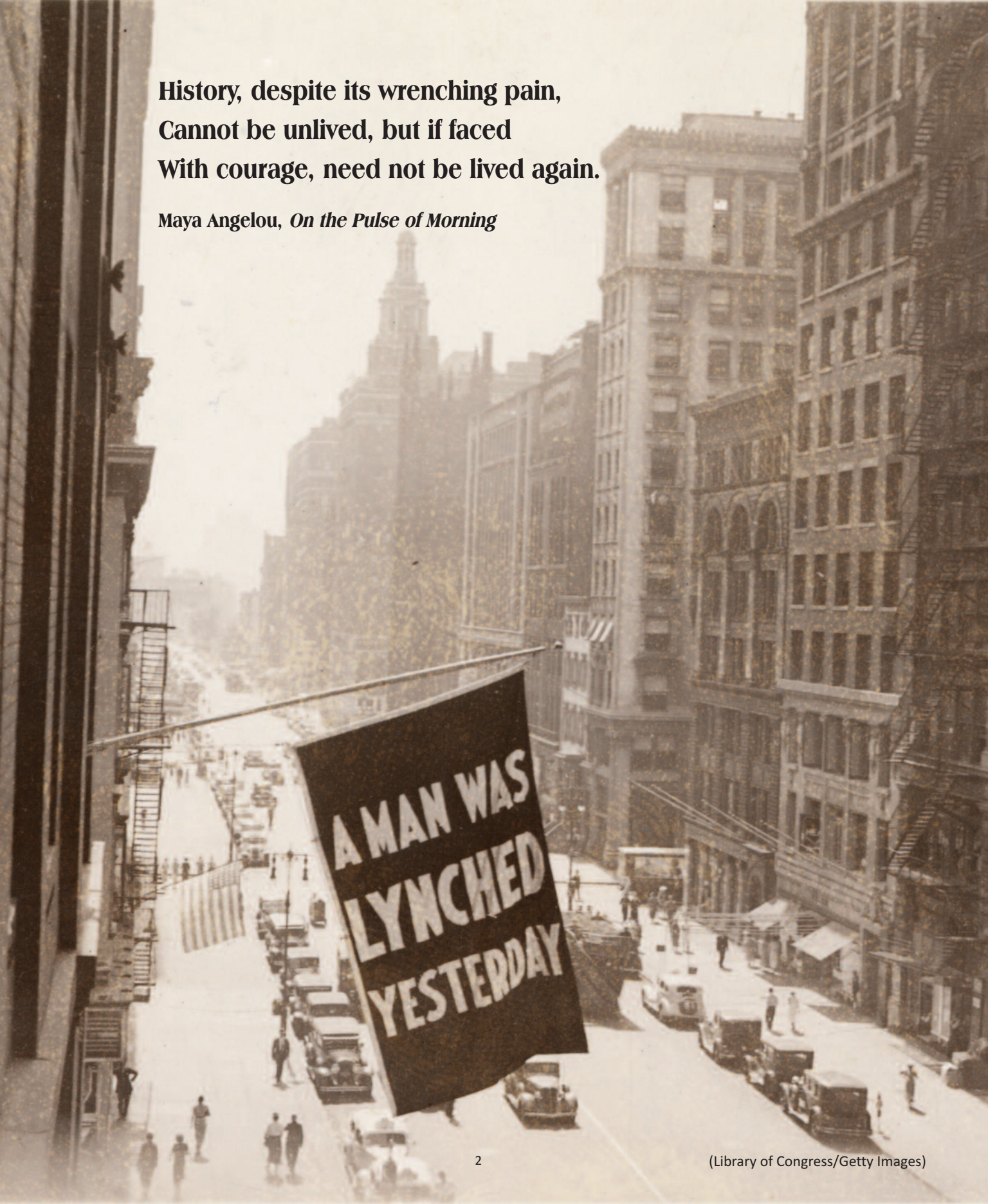
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**History, despite its wrenching pain,  
Cannot be unlived, but if faced  
With courage, need not be lived again.**

**Maya Angelou, *On the Pulse of Morning***



## Introduction

During the period between the Civil War and World War II, thousands of African Americans were lynched in the United States. Lynchings were violent and public acts of torture that traumatized Black people throughout the country and were largely tolerated by state and federal officials. These lynchings were terrorism. "Terror lynchings" peaked between 1880 and 1940 and claimed the lives of African American men, women, and children who were forced to endure the fear, humiliation, and barbarity of this widespread phenomenon unaided.

Lynching profoundly impacted race relations in this country and shaped the geographic, political, social, and economic conditions of African Americans in ways that are still evident today. Terror lynchings fueled the mass migration of millions of Black people from the South into urban ghettos in the North and West throughout the first half of the twentieth century. Lynching created a fearful environment where racial subordination and segregation was maintained with limited resistance for decades. Most critically, lynching reinforced a legacy of racial inequality that has never been adequately addressed in America. The administration of criminal justice in particular is tangled with the history of lynching in profound and important ways that continue to contaminate the integrity and fairness of the justice system.

This report begins a necessary conversation to confront the injustice, inequality, anguish, and suffering that racial terror and violence created. The history of terror lynching complicates contemporary issues of race, punishment, crime, and justice. Mass incarceration, excessive penal punishment, disproportionate sentencing of racial minorities, and police abuse of people of color reveal problems in American society that were framed in the terror era. The narrative of racial difference that lynching dramatized continues to haunt us. Avoiding honest conversation about this history has undermined our ability to build a nation where racial justice can be achieved.

In America, there is a legacy of racial inequality shaped by the enslavement of millions of Black people. The era of slavery was followed by decades of terrorism and racial subordination most dramatically evidenced by lynching. The civil rights movement of the 1950s and 1960s challenged the legality of many of the most racist practices and structures that sustained racial subordination but the movement was not followed by a continued commitment to truth and reconciliation. Consequently, this legacy of racial inequality has persisted, leaving us vulnerable to a range of problems that continue to reveal racial disparities and injustice. EJI believes it is essential that we begin to discuss our history of racial injustice more soberly and to understand the implications of our past in addressing the challenges of the present.

*Lynching in America* is the second in a series of reports that examines the trajectory of American history from slavery to mass incarceration. In 2013, EJI published *Slavery in America*, which documents the slavery era and its continuing legacy, and erected three public markers in Montgomery, Alabama, to change the visual landscape of a city and state that has romanticized the mid-nineteenth century and ignored the devastation and horror created by racialized slavery and the slave trade.

Over the past six years, EJI staff have spent thousands of hours researching and documenting terror lynchings in the twelve most active lynching states in America:

**Alabama**  
**Arkansas**  
**Florida**  
**Georgia**  
**Kentucky**  
**Louisiana**

**Mississippi**  
**North Carolina**  
**South Carolina**  
**Tennessee**  
**Texas**  
**Virginia**



We have more recently supplemented our research by documenting terror lynchings in other states, and found these acts of violence were most common in eight states: **Illinois, Indiana, Kansas, Maryland, Missouri, Ohio, Oklahoma, and West Virginia.**

We distinguish *racial terror lynchings*—the subject of this report—from hangings and mob violence that followed some criminal trial process or that were committed against non-minorities without the threat of terror. Those deaths were a crude form of punishment that did not have the features of *terror lynchings* directed at racial minorities who were being threatened and menaced in multiple ways.

We also distinguish *terror lynchings* from racial violence and hate crimes that were prosecuted as criminal acts. Although criminal prosecution for hate crimes was rare during the period we examine, such prosecutions ameliorated those acts of violence and racial animus. The lynchings we document were acts of terrorism because these murders were carried out with impunity, sometimes in broad daylight, often “on the courthouse lawn.”<sup>i</sup> These lynchings were not “frontier justice,” because they generally took place in communities where there was a functioning criminal justice system that was deemed too good for African Americans. Terror lynchings were horrific acts of violence whose perpetrators were never held accountable. Indeed, some *public spectacle lynchings* were attended by the entire white community and conducted as celebratory acts of racial control and domination.

## Key Findings

**1** Racial terror lynching was much more prevalent than previously reported. EJI researchers have documented several hundred more lynchings than the number identified in the most comprehensive work done on lynching to date. The extraordinary work of E.M. Beck and Stewart E. Tolnay provided an invaluable resource, as did the research collected at Tuskegee University in

Tuskegee, Alabama. These sources are widely viewed as the most comprehensive collection of research data on the subject of lynching in America. EJI conducted extensive analysis of these data as well as supplemental research and investigation of lynchings in each of the subject states. We reviewed local newspapers, historical archives, and court records; conducted interviews with local historians, survivors, and victims’ descendants; and exhaustively examined contemporaneously published reports in African American newspapers. EJI has documented 4084 racial terror lynchings in twelve Southern states between the end of Reconstruction in 1877 and 1950, which is at least 800 more lynchings in these states than previously reported. EJI has also documented more than 300 racial terror lynchings in other states during this time period.

**2** Some states and counties were particularly terrifying places for African Americans and had dramatically higher rates of lynching than other states and counties we reviewed. Mississippi, Florida, Arkansas, and Louisiana had the highest statewide rates of lynching in the United States. Mississippi, Georgia, and Louisiana had the highest number of lynchings. Lafayette, Hernando, Taylor, and Baker counties in Florida; Early County, Georgia; Fulton County, Kentucky; and Lake and Moore counties in Tennessee had the highest rates of terror lynchings in America. Phillips County, Arkansas; Lafourche and Tensas parishes in Louisiana; Leflore and Carroll counties in Mississippi; and New Hanover County, North Carolina, were sites of mass killings of African Americans in single-incident violence that mark them as notorious places in the history of racial terror violence. The largest numbers of lynchings were found in Jefferson County, Alabama; Orange, Columbia, and Polk counties in Florida; Fulton, Early, and Brooks counties in Georgia; Fulton County, Kentucky; Caddo, Ouachita, Bossier, Iberia, and Tangipahoa parishes in Louisiana; Hinds County, Mississippi; Shelby County, Tennessee; and Anderson County, Texas.

**3** Racial terror lynching was a tool used to enforce Jim Crow laws and racial segregation—a tactic for maintaining racial control by victimizing the entire African American community, not merely punishment of an alleged perpetrator for a crime. Our research confirms that many victims of terror lynchings were murdered without being accused of any crime; they were killed for minor social transgressions or for demanding basic rights and fair treatment.

**4** Our conversations with survivors of lynchings show that terror lynching played a key role in the forced migration of millions of Black Americans out of the South. Thousands of people fled to the North and West out of fear of being lynched. Parents and spouses sent away loved ones who suddenly found themselves at risk of being lynched for a minor social transgression; they characterized these frantic, desperate escapes as surviving *near-lynchings*.

**5** In all of the subject states, we observed that there is an astonishing absence of any effort to acknowledge, discuss, or address lynching. Many of the communities where lynchings took place have gone to great lengths to erect markers and monuments that memorialize the Civil War, the Confederacy, and historical events during which local power was violently reclaimed by white Southerners. These communities celebrate and honor the architects of racial subordination and political leaders known for their belief in white supremacy. There are very few monuments or memorials that address the history and legacy of lynching in particular or the struggle for racial equality more generally. Most communities do not actively or visibly recognize how their race relations were shaped by terror lynching.

**6** We found that most terror lynchings can best be understood as having the features of one or more of the following:

- (1) lynchings that resulted from a wildly distorted fear of interracial sex;
- (2) lynchings in response to casual social transgressions;
- (3) lynchings based on allegations of serious violent crime;
- (4) public spectacle lynchings;
- (5) lynchings that escalated into large-scale violence targeting the entire African American community; and
- (6) lynchings of sharecroppers, ministers, and community leaders who resisted mistreatment, which were most common between 1915 and 1940.

**7** The decline of lynching in the studied states relied heavily on the increased use of capital punishment imposed by court order following an often accelerated trial. That the death penalty’s roots are sunk deep in the legacy of lynching is evidenced by the fact that public executions to mollify the mob continued after the practice was legally banned.

The Equal Justice Initiative believes that our nation must fully address our history of racial terror and the legacy of racial inequality it has created. This report explores the power of *truth and reconciliation* or transitional justice to address oppressive histories by urging communities to honestly and soberly recognize the pain of the past. As has been powerfully detailed in Sherrilyn A. Ifill’s extraordinary work on lynching<sup>i</sup>, there is an urgent need to challenge the absence of recognition in the public space on the subject of lynching. Only when we concretize the experience through discourse, memorials, monuments, and other acts of reconciliation can we overcome the shadows cast by these grievous events. We hope you will join our effort to help towns, cities, and states confront and recover from tragic histories of racial violence and terrorism and to improve the health of our communities by creating an environment where there can truly be equal justice for all.



# Secession and Emancipation

## 1861-1865

When eleven Southern states seceded from the Union to form the Confederate States of America, sparking the Civil War in 1861, they made no secret of their ultimate aim: to preserve the institution of slavery. As Confederate Vice President Alexander H. Stephens explained, the ideological “cornerstone” of the new nation they sought to form was that “the negro is not equal to the white man” and “slavery subordination to the superior race is his natural and moral condition.”<sup>1</sup>

Slavery had been an increasingly divisive political issue for generations, and though United States President Abraham Lincoln personally opposed slavery, he had rejected abolitionists’ calls for immediate emancipation. Instead, Lincoln favored a gradual process of compensated emancipation and volun-

tary colonization, which would encourage freed Black people to emigrate to Africa.<sup>2</sup> Once the nation was in the throes of civil war, Lincoln feared any federal move toward emancipation would alienate border states that permitted slavery but had not seceded. Lincoln’s cabinet and other federal officials largely agreed, and shortly after the war’s start, the House of Representatives passed a resolution emphasizing that the purpose of the war was to preserve the Union, not to eliminate slavery.<sup>3</sup>

As the Civil War dragged on, however, increasing numbers of enslaved African Americans fled slavery to relocate behind Union lines, and the cause of emancipation became more militarily and politically expedient. On January 1, 1863, President Lincoln issued the Emancipation Proclamation,<sup>4</sup> which de-

**The Emancipation Proclamation did not apply to the roughly 425,000 enslaved people living in Tennessee, Delaware, Kentucky, Missouri, and Maryland—states that had not seceded or were occupied by Union forces.**

clared enslaved people residing in the rebelling Confederate states to be “then, thenceforward, and forever free.”<sup>5</sup> The proclamation did not apply to the roughly 425,000 enslaved people living in Tennessee, Delaware, Kentucky, Missouri, and Maryland—states that had not seceded or were occupied by Union forces.

In most Confederate states where the proclamation did apply, resistance to emancipation was inevitable and there was almost no federal effort to enforce the grant of freedom.<sup>6</sup> Southern planters attempted to hide news about Lincoln’s proclamation from enslaved people, and in many areas where federal troops were not present, slavery remained the status quo well after 1863.<sup>7</sup> Even as the Confederacy faced increasingly certain defeat in the war, Southern whites insisted that Lincoln’s wartime executive order was illegal and that slavery could be formally banned only by a legislature or court. Many used deception and violence to keep enslaved people from leaving plantations.<sup>8</sup>

Formal nationwide codification of emancipation came in December 1865 with ratification of the Thirteenth Amendment, which prohibited slavery throughout the United States “except as punishment for crime.” Several states continued to symbolically

resist into the twentieth century: Delaware did not ratify the Thirteenth Amendment until 1901; Kentucky ratified in 1976; and Mississippi ratified in 1995.<sup>9</sup>

The legal instruments that led to the formal end of racialized chattel slavery in America did nothing to address the myth of racial hierarchy that sustained slavery, nor did they establish a national commitment to the alternative ideology of racial equality. Black people might be free from involuntary labor under the law, but that did not mean Southern whites recognized them as fully human. White Southern identity was grounded in a belief that whites are inherently superior to African Americans; following the war, whites reacted violently to the notion that they would now have to treat their former human property as equals and pay for their labor. In numerous recorded incidents, plantation owners attacked Black people simply for claiming their freedom.<sup>10</sup>

At the Civil War’s end, Black autonomy expanded but white supremacy remained deeply rooted. The failure to unearth those roots would leave Black Americans exposed to terrorism and racial subordination for more than a century.



Enslaved people who have just escaped from a Virginia plantation in 1862. (Library of Congress.)

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# Presidential Reconstruction

The federal government’s lackluster commitment to Black civil rights and security following the Civil War was a disappointing failure that undermined the promise of freedom. Congress established the Freedmen’s Bureau in March 1865 with a mandate to provide formerly enslaved people with basic necessities and to oversee their condition and treatment in the former Confederate states. But Congress appropriated no budget for the bureau, leaving it to be staffed and funded by President Andrew Johnson’s War Department.<sup>11</sup>

President Johnson, a Unionist former slaveholder from Tennessee, served as vice president during the Civil War and assumed the presidency after Lincoln’s assassination in April 1865. Though he initially promised to punish Southern “traitors,” Johnson issued 7000 pardons to secessionists by 1866. He also rescinded orders granting Black farmers tracts of

land confiscated from Confederates.<sup>12</sup> This greatly impeded formerly enslaved people’s ability to build their own farms because whites routinely refused to provide them credit, effectively barring Black people from purchasing land without government assistance.

Instead of facilitating Black land ownership, President Johnson advocated a new practice that soon replaced slavery as a primary source of Southern agricultural labor: sharecropping.



Formerly enslaved people were beaten and murdered for asserting they were free after the Civil War. Without federal troops, freed Black men and women remained subject to violence and intimidation for any act or gesture that showed independence or freedom. (Library of Congress.)

Instead of facilitating Black land ownership, Johnson advocated a new practice that soon replaced slavery as a primary source of Southern agricultural labor: sharecropping. Under this system, Black laborers worked white-owned land in exchange for a share of the crop at harvest minus costs for food and lodging, often in the same slave quarters they had previously inhabited. Because Johnson’s administration required that landowners pay off their debts to banks first, sharecroppers frequently received no pay and had no recourse.<sup>13</sup>

President Johnson also opposed Black voting rights. During Reconstruction, whites of diverse political affiliations declared voting a “privilege” rather than a universal right, and even some whites who had opposed slavery were wary of measures that would lead to Black voting in the North.<sup>14</sup> Johnson believed Black people were inherently servile and unintelligent; he feared they would vote as instructed by their former masters, reestablishing the power of the planter class and relegating poor white farmers to virtual slavery.<sup>15</sup> Johnson made little effort to disguise his racist views. In his 1867 annual message to Congress, he declared that Black Americans had “less capacity for government than any other race of people,” that they would “relapse into barbarism” if left to their own devices, and that giving them the vote would result in “a tyranny such as this continent has never yet witnessed.”<sup>16</sup> Not surprisingly, under President Johnson, federal Reconstruction efforts to support and enforce Black Americans’ citizenship rights and social and economic freedom went largely unsupported and unrealized.

Meanwhile, the Johnson administration allowed Southern whites to reestablish white supremacy and dominate Black people with impunity. Two incidents in 1866 foretold terrifying days to come for African Americans. On May 1, 1866, in Memphis, Tennessee, white police officers began firing into a crowd of Black men, women, and children that had

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gathered on South Street, and afterward white mobs rampaged through Black neighborhoods with the intent to “kill every Negro and drive the last one from the city.” Over three days of violence, forty-six African Americans were killed (two whites were killed by friendly fire); ninety-one houses, four churches, and twelve schools were burned to the ground; at least five women were raped; and many Black people fled the city permanently.<sup>17</sup>

Less than three months later, in New Orleans, a group of African Americans—many of whom had been free before the Civil War—attempted to convene a state constitutional convention to extend voting rights to Black men and repeal racially discriminatory laws known as “Black Codes.” When the delegates convened at the Mechanics’ Institute on July 30, 1866, groups of Black supporters and white opponents clashed in the streets. The white mob began firing on Black marchers, indiscriminately killing convention supporters and unaffiliated Black bystanders. Rather than maintain order, white police officers attacked Black residents with guns, axes, and clubs, arresting many and killing several. By the time federal troops arrived to suppress the white insurgency, as many as forty-eight Black people were dead and two hundred had been wounded.<sup>18</sup>

**In May 1866, in Memphis, Tennessee, 46 African Americans were killed; 91 houses, 4 churches, and 12 schools were burned; at least 5 women were raped; and many Black people fled the city permanently.**



# Progressive Reconstruction

The Memphis and New Orleans attacks, which occurred just before the midterm elections of 1866, sparked national outrage outside the South and mobilized voters to support the Republican Party's progressive platform advocating expansive rights and protections for African Americans. Republicans won a landslide victory in the 1866 congressional races, gaining a veto-proof majority and control of the legislative agenda.<sup>19</sup> Senator Charles Sumner of Massachusetts and Representative Thaddeus Stevens of Pennsylvania then led the progressive caucus in devising an ambitious civil rights program broader than anything Congress would attempt for another century.

First, Congress passed the Civil Rights Act of 1866, which declared Black Americans full citizens entitled to equal civil rights.<sup>20</sup> President Johnson vetoed the bill, but Congress—for the first time in United States history—overrode the veto.<sup>21</sup> Next, the progressive Republican supermajority quickly passed the Fourteenth Amendment. Intended to eliminate any doubt about the constitutionality of civil rights, the proposed amendment established that all persons born in the country, regardless of race, were full citizens of the United States and the states in which they resided, entitled to the “privileges and immunities” of citizenship, due process, and the equal protection of the law.<sup>22</sup> If ratified, the amendment would supersede the United States Supreme Court's 1857 decision in *Dred Scott v. Sandford*, which held that African Americans were not citizens and had no standing to sue in federal court.<sup>23</sup>

Over President Johnson's veto, Congress passed the Reconstruction Acts of 1867, which imposed military rule on the South and required that states seeking readmission to the Union had to first ratify the Fourteenth Amendment.

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Twenty-eight of the thirty-seven states had to ratify the Fourteenth Amendment in order for it to be added to the Constitution, but when Southern legislatures first considered the amendment, ten of the eleven former Confederate states rejected it overwhelmingly—Louisiana unanimously.<sup>24</sup> In response, again over President Johnson's veto, Congress passed the Reconstruction Acts of 1867, which imposed military rule on the South and required that any states seeking readmission to the Union had to first ratify the Fourteenth Amendment.<sup>25</sup> In July 1868, the Fourteenth Amendment was officially adopted.

The Reconstruction Acts of 1867 also granted voting rights to African American men while disenfranchising former Confederates, dramatically altering the political landscape of the South and ushering in a period of progress. In elections for new state governments, Black voter turnout neared 90 percent in many jurisdictions,<sup>26</sup> and Black voters—who comprised a majority in many districts and a statewide majority in Louisiana—elected both white and Black leaders to represent them. More than six hundred African Americans, most of them formerly enslaved, were elected as state legislators during this period.

Another eighteen African Americans rose to serve in state executive positions, including lieutenant governor, secretary of state, superintendent of education, and treasurer. In Louisiana in 1872, P.B.S. Pinchback became the first Black governor in America (and would be the last until 1990). The Reconstruction states sent sixteen Black representatives to the United States Congress, and Mississippi voters elected the nation's first Black senators: Hiram Revels and Blanche Bruce.<sup>27</sup>

The newly elected and racially integrated Reconstruction governments took bold action at the state level, repealing discriminatory laws, rewriting apprenticeship and vagrancy statutes, outlawing corporal punishment, and sharply reducing the number of capital offenses. African Americans also won election to law enforcement positions like sheriff and chief of police, and were empowered to serve on juries.<sup>28</sup>

Despite their advances, the racially diverse Reconstruction governments faced significant challenges. For one, the issue of social equality continued to divide the Republican Party. Black members and pro-

gressive whites advocated the full eradication of white supremacy, while more conservative whites still supported some forms of racial hierarchy and separation. Because nearly all Black voters supported the Republican ticket in every election, the party began to take freedmen's votes for granted and shifted its attention toward courting more “moderate” white swing voters.<sup>29</sup> In addition, the Reconstruction governments faced a “crisis of legitimacy” as their efforts to attract capital to war-torn Southern state economies raised accusations of corruption and graft.<sup>30</sup>

In the midst of this growing instability, officials struggled to control increasingly violent and lawless groups of white supremacists in their states. Beginning as disparate “social clubs” of former Confederate soldiers, these groups morphed into large paramilitary organizations that drew thousands of members from all sectors of white society.<sup>31</sup> Collectively, and with the tacit endorsement of the broader white community, their members launched a bloody reign of terror that would overthrow Reconstruction and sustain generations of white rule.

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# White Backlash: The Ku Klux Klan and the Reign of Terror

Racial violence aimed at re-establishing white supremacy was widespread throughout the former Confederate states following emancipation and the Civil War. In 1866, L.E. Potts, a white woman living in Paris, Texas, wrote a letter entreating President Andrew Johnson to do something to curb the widespread violence raining down on local Black people.<sup>32</sup> She wrote that whites were so angered at the idea of losing their slaves, they were trying to “persecute them back into slavery” and the result was brutal violence: “[Black people] are often run down by blood hounds, and shot because they do not do precisely as the white man says.”<sup>33</sup>

The post-war period was a time of frequent, extreme, and often undocumented violence targeting newly emancipated Black people. As historian Leon F. Litwack writes, “[h]ow many Black men and women were beaten, flogged, mutilated, and murdered in the first years of emancipation will never be known.”<sup>34</sup> Similarly, historian Eric Foner explains, the “wave of counterrevolutionary terror that swept over large parts of the South between 1868 and 1871 lacks a counterpart either in the American experience or in that of the other Western Hemisphere societies that abolished slavery in the nineteenth century.”<sup>35</sup>

Occupation by federal troops restrained this violence but did not eliminate racial attacks or the commitment to white supremacy that fueled them. The political movement to restore white dominance in the South following the Civil War was termed Redemption and its advocates, called Redeemers, were staunchly opposed to progressive Republicans and Black citizenship rights.<sup>36</sup> This set up a tense conflict. As Black people became voters with significant political power, especially in states and counties where they constituted majorities, disputed elections often devolved into bloody massacres.

In the face of Black political and economic competition created by emancipation and progressive Reconstruction, white backlash worked to re-impose white dominance through violent repression.<sup>37</sup> In 1868, white Democrats angered by growing Black support for white Republican candidates in St. Landry Parish, Louisiana, terrorized the local Black community in two weeks of attacks that left more than a hundred Black people dead.<sup>38</sup> In 1873, after a very close gubernatorial election, a militia of white Democrats killed dozens of Black Republicans in what came to be known as the Colfax Massacre.<sup>39</sup> Similarly, in 1875, a paramilitary group known as the Red Shirts organized in Mississippi to undermine Black political power by disrupting Republican rallies, intimidating Black voters with threats of violence and economic reprisal, and assassinating Black leaders.<sup>40</sup>

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# Colfax, Louisiana

Grant Parish in central Louisiana was one of several new parishes (or counties) created during Reconstruction, and home to the town of Colfax. A sugar and cotton plantation during slavery, Colfax rapidly transformed into a district controlled by political progressives in the early Reconstruction era.<sup>41</sup>

In 1872, following several years during which white former Confederates in the Democratic Party worked to undermine elected Black progressive Republican officials, several Democratic candidates won an election widely recognized as fraudulent. In response, Black protestors refused to recognize the illegitimate election results and staged a peaceful occupation of the town courthouse.<sup>42</sup> Several weeks later, approximately 140 whites surrounded the courthouse and, in the first week of April 1873, engaged in skirmishes with the Black militias that resulted in several deaths.

On Easter Sunday, 300 whites attacked the courthouse and three whites were killed in the assault. The outnumbered Black forces waved white flags in surrender, but the assault continued; numerous unarmed Black men who hid in the courthouse or attempted

to flee were shot and killed. Approximately fifty African Americans who survived the afternoon assault were taken prisoner and executed by the white militia later that evening. As many as 150 African Americans were killed in the massacre, described as “the bloodiest single act of carnage in all of Reconstruction.”<sup>43</sup>



The whites who exacted this violence faced no consequences because the United States Supreme Court dismissed all federal charges against them.

The local narrative in Colfax has continued to praise the cause of racial violence and embrace the message of racial hatred. In 1921, the town erected a memorial to

the three whites who died during the Colfax Massacre, memorializing them as “heroes [who] fell . . . fighting for white supremacy.” In 1950, at the site of the old courthouse, the state erected a monument that reads, “On this site occurred the Colfax Riot in which three white men and 150 negroes were slain. This event on April 13, 1873, marked the end of carpetbag misrule in the South.” Today, Colfax is a town of less than 2000 people. Both markers still stand.



**Famed Confederate General Nathan Bedford Forrest was the Klan's first leader, or Grand Wizard, and today he is immortalized in stone monuments in many towns and cities throughout the South.**

The earliest seeds of violent white resistance to Reconstruction were planted in Pulaski, Tennessee, in late 1865, when six Confederate veterans formed the Ku Klux Klan.<sup>44</sup> Made up of well-educated young men of comparative wealth who would go on to prominent careers in law and state politics, the group was initially informal, with a stated purpose of “amusement.”<sup>45</sup> The KKK spread quickly and developed a complex hierarchy with rules as intricate as an army manual. In less than a year, chapters spread throughout Tennessee and into northern Alabama. Famed Confederate General Nathan Bedford Forrest was the Klan's first leader, or Grand Wizard, and today he is immortalized in stone monuments in many towns and cities throughout the South.<sup>46</sup> Far from the small band of extremist outsiders it is now, the Klan drew members from every echelon of white society in the nineteenth century, including planters, lawyers, merchants, and ministers. In York County, South Carolina, nearly the entire white male population joined.<sup>47</sup> The Klan and similar organizations, including the Knights of the White Camelia and the Pale Faces, were independent and decentralized but shared aims and tactics to form a vast network of terrorist cells. By the 1868 presidential election, those cells were poised to act as a unified military force supporting the cause of white supremacy throughout the South.<sup>48</sup>

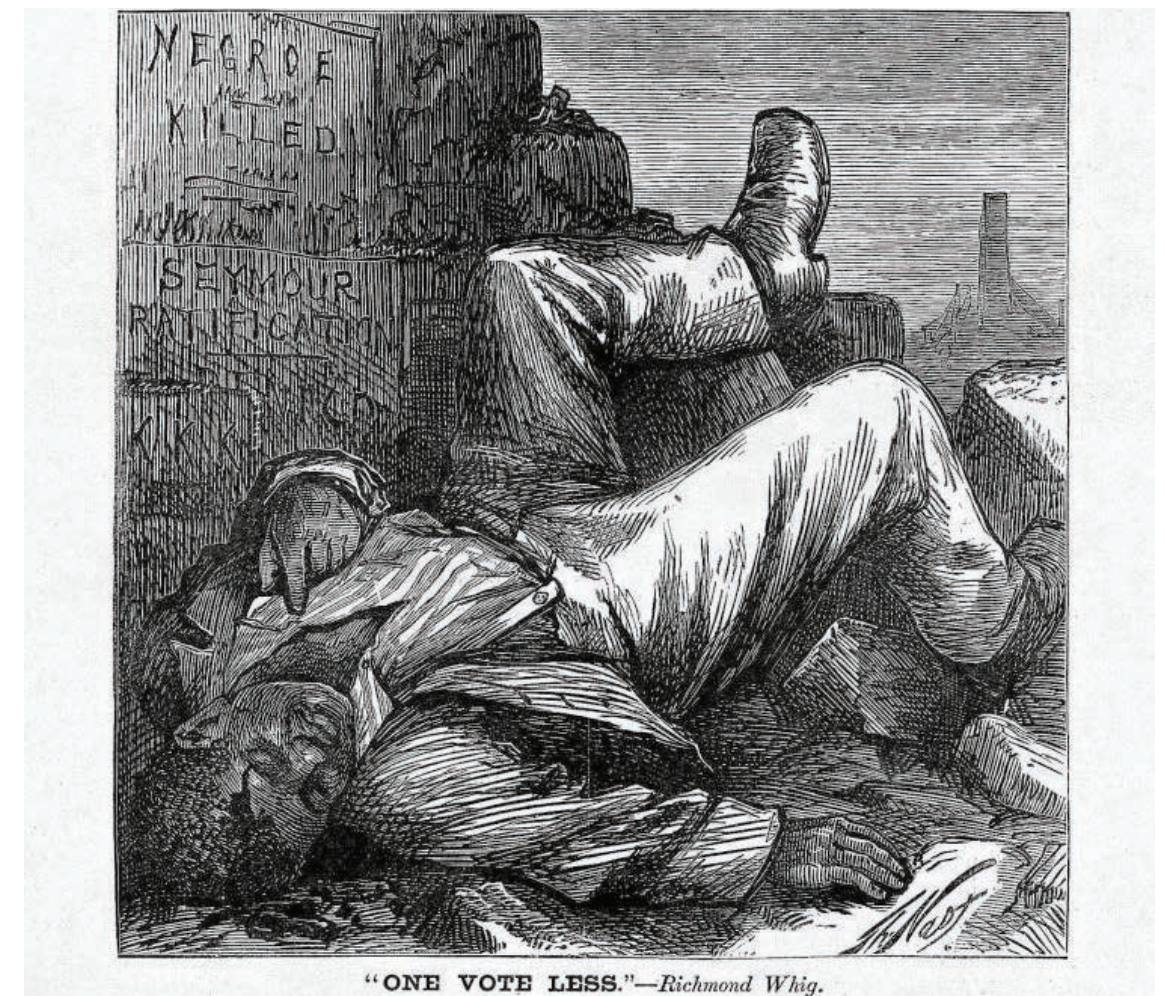
Shortly before the 1868 election, progressive Republicans tried to impeach President Andrew Johnson and failed, hurting the party politically. As a result, former Union General Ulysses S. Grant—a moder-

ate—won the Republican presidential nomination.<sup>49</sup> In the general election, Grant faced former New York Governor Horatio Seymour, who campaigned as the “white man's candidate.” In a March 11, 1868, speech to the New York State Democratic Convention, Seymour said that Black people “are in form, color, and character unlike the whites, and [ ] are, in their present condition, an ignorant and degraded race.”<sup>50</sup> Seymour also criticized post-war congressional civil rights laws that, by prohibiting racial discrimination and establishing equal citizenship rights, “abolished the Black man and made him a white man by legislation.”<sup>51</sup> As white terror groups sought to suppress the Black vote and deliver the South for Seymour, violent attacks in Alabama, Louisiana, and Georgia resulted in hundreds of deaths and successfully prevented Black people from casting a single vote in many counties with significant Black populations.<sup>52</sup>

Despite the campaign of terror, Grant carried most of the Southern states and won the presidency. The Klan initially retreated and Grand Wizard Nathan Bedford Forrest called for its dissolution, claiming that its mission had been hijacked by rogue elements—a refrain that became common among Klan leaders seeking to distance themselves from the extreme violence they had encouraged.<sup>53</sup> While the Klan partially disbanded as a unified political organization, a patchwork of local entities continued to seek its goals, enforcing white supremacist social mores and economic structures through bloodshed and intimidation.

**New York Governor Horatio Seymour, who campaigned as the “white man's candidate,” said that Black people “are in form, color, and character unlike the whites, and [ ] are, in their present condition, an ignorant and degraded race.”**

Varied white groups took up the cause of restoring labor discipline in the absence of slavery. Vigilantes whipped and lynched Black freedmen who argued with employers, left the plantations where they were contracted to work, or displayed any economic success of their own.<sup>54</sup> White terror groups also focused intense energy on imposing “their own vision of a righteous society,”<sup>55</sup> which usually meant targeting Black men for perceived sexual transgressions against white women. Charges of rape, while common, were “routinely fabricated” and often extrapolated from minor violations of the social code, such as “paying a compliment” to a white woman, expressing romantic interest in a white woman, or cohabitating interracially.<sup>56</sup> White mobs regularly attacked Black men accused of sexual crimes and historians estimate that at least 400 African Americans were lynched between 1868 and 1871.<sup>57</sup> Whites also sought retribution for alleged rapes by targeting entire Black communities with violent, public, and sexualized attacks, including forcing victims to strip, binding them in compromising positions, and whipping their genitals; widespread rape of Black women, sometimes in front of their families; and genital mutilation and castration.<sup>58</sup> Through these acts of violence, white vigilantes used terror “to revive the privileges of white masculinity over the bodies of their former slaves.”<sup>59</sup>



(Thomas Nast/Harper's Weekly, Aug. 8, 1868)



# Wavering Support: Federal Indifference and Legal Opposition

By 1870, state Reconstruction governments were nearly powerless to stop the counterrevolutions surging within their borders. They sorely needed federal aid, and initially they got it. President Grant supported progressive Reconstruction and provided federal troops to enforce it.<sup>60</sup> In addition, Congress passed a series of Enforcement Acts in 1870 and 1871, and the Ku Klux Klan Act of 1871.<sup>61</sup> These laws authorized individuals to go to federal court for help when their civil rights were violated and empowered the federal government to prosecute civil rights violations as crimes.<sup>62</sup>

While white mobs attacked Black voters, the United States Supreme Court began an assault on the legal architecture of Reconstruction.

States Supreme Court began an assault on the legal architecture of Reconstruction. The Court's intervention was orchestrated by lawyer John Archibald Campbell, a former Confederate bitterly opposed to Reconstruction.<sup>65</sup> When Louisiana's Reconstruction legislature implemented regulations consolidating New Orleans slaughterhouses into one location outside the city, Campbell saw an opportunity to undermine the recently ratified Thirteenth and Fourteenth Amendments.<sup>66</sup> His suit on behalf of a group of white butchers argued that the Louisiana law forbidding slaughterhouses within city limits interfered

Before 1865, the Court had only twice struck down congressional acts as unconstitutional; between 1865 and 1872, it did so 12 times.

In the Southern states, Reconstruction government officials remained ineffective in stopping rampant white violence, undermining officials' legitimacy at home and frustrating Republicans in the North.<sup>63</sup> In the 1872 election, the Republican Party split along regional lines and New York publisher Horace Greeley challenged incumbent President Grant for the presidential nomination. Representing the "liberal reform" wing of the party, Greeley generally supported civil rights for freedmen but his commitment to equality was tepid. He referred to African Americans as "an easy, worthless race,"<sup>64</sup> and supported universal amnesty and restored voting rights for former Confederates. Grant won the nomination and a second term by a landslide, but political division remained and violence in the South persisted. The rise of a new insurgent group, the White League, brought more terror, and the larger white community and legal establishment did nothing to stop it. While white mobs attacked Black voters, the United

with the butchers' livelihoods in violation of the Thirteenth Amendment's ban on slavery and the Fourteenth Amendment's "privileges and immunities" clause. Campbell sought to use the amendments as "weapons to bring about Reconstruction's ultimate demise."<sup>67</sup> If he won the case, the courts would extend the Reconstruction amendments' protections to the economic interests of whites, undermining their purpose; if he lost, the amendments' power would be nearly destroyed.

Campbell's case and several others were consolidated into *The Slaughterhouse Cases* and considered by a newly activist Supreme Court. Prior to 1865, the Court had only twice struck down congressional acts as unconstitutional; between 1865 and 1872, the Court did so twelve times.<sup>68</sup> *The Slaughterhouse Cases* would make thirteen.



THE LOUISIANA MURDERS—GATHERING THE DEAD AND WOUNDED.—[SEE PAGE 386.]

(Charles Harvey Weigall/Harper's Weekly, May 10, 1873)

The Court's 1872 decision held that the Fourteenth Amendment protected solely the "privileges and immunities" conferred by national citizenship—a narrow category of rights mostly irrelevant to the struggles facing Southern Black people.<sup>69</sup> The Court reasoned that rights derived from a person's state citizenship were enforceable only in state court—a forum dominated by the white ruling class and utterly hostile to claims by African Americans in the South. Though the *Slaughterhouse Cases* explicitly acknowledged that the Reconstruction amendments were adopted to protect the rights of formerly enslaved people, the decision eviscerated their practical impact by drastically limiting freedmen's ability to enforce their rights in federal court, the only forum where they stood a chance of a fair hearing.

The Fourteenth Amendment was tested again when a United States Attorney in Louisiana brought federal criminal charges against the white perpetrators of the Colfax Massacre. Charges were brought under the Enforcement Act, which made it a federal crime to conspire to deprive a citizen of his constitutional rights and allowed the federal government to prosecute any crime committed as part of such a conspiracy. The statute provided that the underlying crime could be punished with the same penalty prescribed by state law, and federal authorities took the unprecedented step of charging white defendants with capital offenses—subject to the death penalty—for murdering Black people.<sup>70</sup> Despite overwhelming evidence, one defendant was acquitted and jurors failed to reach a verdict against any others.



**When *Cruikshank* was decided, the Justice Department dropped 179 Enforcement Act prosecutions in Mississippi alone. Violence spread unabated and attacks on African Americans in the South were carried out by undisguised men in broad daylight.**

Before retrial could begin, the defense questioned whether the federal court had jurisdiction to hear the case at all, for the first time arguing that the Enforcement Act was unconstitutional as applied to private persons who were not state actors.<sup>71</sup> The court reserved ruling on that issue and allowed the trial to proceed, and three defendants were convicted of conspiracy.<sup>72</sup> The judge then ruled that the Enforcement Act was unconstitutional and dismissed the indictments, initiating an appeal to the United States Supreme Court.

In *United States v. Cruikshank*, decided March 27, 1876, the Court held that the Fourteenth Amendment “prohibits a State from depriving any person of life, liberty, or property, without due process of law; but this adds nothing to the rights of one citizen as against another.”<sup>73</sup> In other words, the Court

ruled that the Fourteenth Amendment provided protection only against actions of the State, not against individual violence, and the power of the federal government was “limited to the enforcement of this guaranty.”<sup>74</sup> As a result, the Enforcement Act was a dead letter: African Americans in the South were to be left at the mercy of white terrorists, so long as the terrorists were private actors.

The response was immediate. Enforcement Act trials in most of the Southern states had been halted pending the Supreme Court appeal. When *Cruikshank* was decided, the Justice Department dropped 179 Enforcement Act prosecutions in Mississippi alone.<sup>75</sup> Violence continued to spread, and increasingly, attacks on African Americans in the South were carried out by undisguised men in broad daylight.<sup>76</sup>

## Back to Brutality: Restoring Racial Hierarchy Through Terror and Violence

Racial terrorism and intimidation of African Americans became characteristic of Southern democracy during the 1870s and prompted little action from federal observers. A proposal to discipline Georgia for the violence and corruption surrounding its 1870 election was defeated by a five-day filibuster in the Senate, and Northern support for federal intervention on behalf of Black people living in the South diminished considerably.<sup>77</sup> In 1872, Congress returned full civil rights to Confederate leaders and restored their eligibility to hold public office.

**A proposal in Congress to discipline Georgia for the violence and corruption surrounding its 1870 election was defeated by a five-day filibuster, and Northern support for federal intervention on behalf of Black people living in the South diminished considerably.**



Jefferson Long (Library of Congress)

The Amnesty Act was passed over the objection of Congressman Jefferson Long. Born into slavery in 1836 and elected in 1870 as Georgia’s first Black representative in the United States Congress, Long became the first Black person to speak on the House floor when he opposed amnesty. Long asked:

“Do we, then, really propose here to-day, when the country is not ready for it, when those disloyal people still hate this government, when loyal men dare not carry the ‘stars and stripes’ through our streets, for if they do they will be turned out of employment, to relieve from political disability the very men who have committed these Kuklux outrages? I think that I am doing my duty to my constituents and my duty to my country when I vote against any such proposition....

Mr. Speaker, I propose, as a man raised as a slave, my mother a slave before me, and my ancestry slaves as far back as I can trace them . . . If this House removes the disabilities of disloyal men by modifying the test-oath, I venture to prophesy you will again have trouble from the very same men who gave you trouble before.”<sup>78</sup>

**Even before Reconstruction’s official end, Confederate veterans espousing white supremacist rhetoric were able to use violent intimidation to regain political control over many Southern governments.**

Long’s warning went unheeded. As a result, even before Reconstruction’s official end, Confederate veterans espousing white supremacist rhetoric were able to employ violent intimidation to regain political control over many Southern governments. In Virginia, former Confederate General James L. Kemper was inaugurated as governor in 1874 and, that same year, delivered an address to the General Assembly outlining the racial regime he intended to create:

“Henceforth, let it be understood of all, that the political equality of the races is settled, and the social equality of the races is a settled impossibility. Let it be understood of all, that any organized attempt on the part of the weaker and relatively diminishing race to dominate the domestic governments, is the wildest chimera of political insanity. Let each race settle down in final resignation to the lot to which the logic of events has inexorably consigned it.”<sup>79</sup>

Confederate Colonel James Milton Smith, who became Georgia’s governor in 1872, held similar views.<sup>80</sup> In an 1876 interview with the *Atlanta Journal Constitution*, he opined on the status of Black people—who were 46 percent<sup>81</sup> of his constituents:

“Well, the loss of the slaves was a severe blow to the south. Still we should be just as well off without them were the negro race less indolent and unreliable . . . They are constitutionally an idle, thriftless race, always depending on the whites for everything, and it will take a century of education before they can be brought up to the standard that will make them in any degree useful members of the community.”<sup>82</sup>





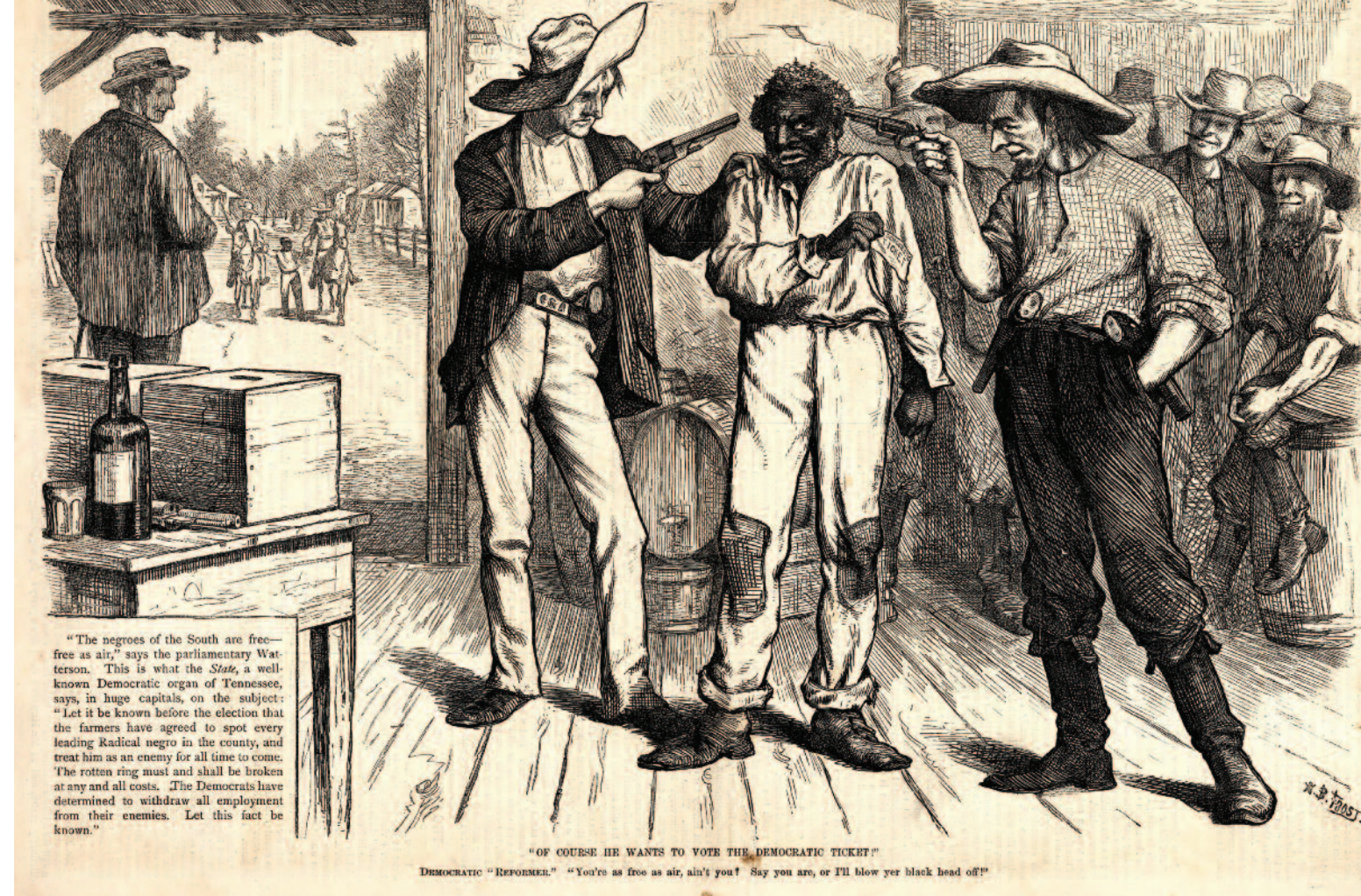
(James Albert Wales/Harper's Weekly, Oct. 31, 1874)

Things were not much better outside the South, as the Supreme Court continued to chip away at federal Reconstruction laws. In 1875, Congress passed Senator Charles Sumner's Civil Rights Act, which mandated desegregation and imposed criminal penalties for racial discrimination in jury selection.<sup>83</sup> But the *Cruikshank* decision left little legal basis to enforce desegregation provisions, and in 1883, the Supreme Court declared the law unconstitutional.<sup>84</sup>

**"The whole South—every state in the South—had got into the hands of the very men that held us as slaves."**

The next decade, in *Plessy v. Ferguson*, the Court would uphold racial segregation as fully consistent with the Fourteenth Amendment and create the doctrine of "separate but equal."<sup>85</sup>

Executive action also waned during this time, as Southern racial violence became an increasingly divisive issue and politically-weakened President Grant became more reluctant to intervene. When Mississippi Governor Adelbert Ames requested federal troops to suppress intense violence during state elections, Grant sent an exasperated letter encouraging Ames to broker a "peace agreement" between the state militia and the white mobs, writing that "[t]he whole public are tired out with these annual autumnal outbreaks in the South."<sup>86</sup>



(A.B. Frost/Harper's Weekly, Oct. 21, 1876)

Without federal protection, Black voters were targeted in brutal attacks on election day in Mississippi and throughout the South. The presidential election of 1876 resulted in a deadlock between Republican Rutherford B. Hayes and Democrat Samuel J. Tilden. Congress and the Supreme Court brokered a "compromise" under which Hayes would become president if he promised to end Reconstruction. Within two months of taking office, President Hayes took action to end the federal troops' role in Southern politics. In the words of Henry Adams, a Black man living in Louisiana at the time, "The whole South—every state in the South—had got into the hands of the very men that held us as slaves."<sup>87</sup>

On the defeat of Reconstruction, *The Nation* offered a solemn assessment: "The Negro will disappear from the field of national politics. Henceforth, the nation, as a nation, will have nothing more to do with him."<sup>88</sup> For millions of Black men, women, and children, that abandonment foretold a grim future. "They are to be returned to a condition of serfdom," predicted Governor Ames of Mississippi. "An era of second slavery."<sup>89</sup>

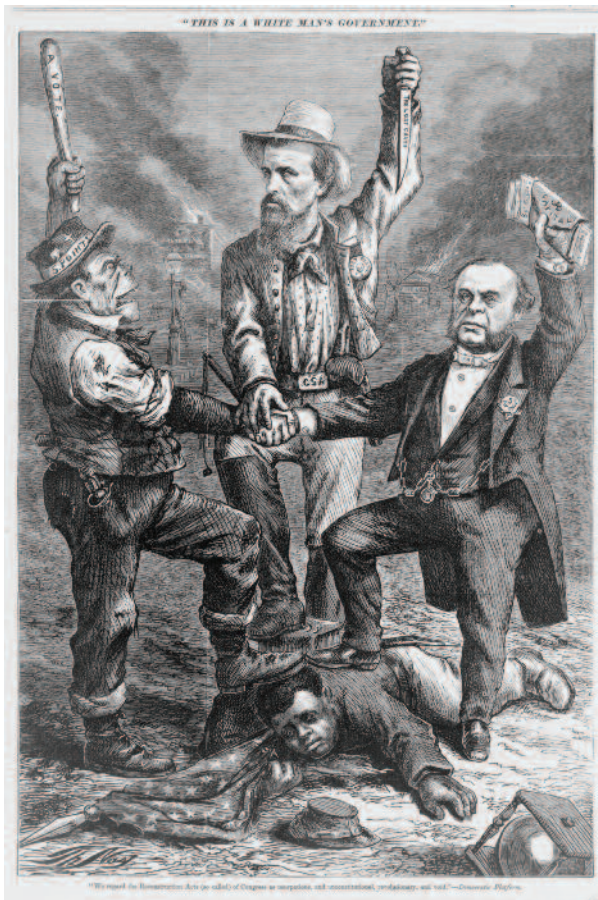
**"They are to be returned to a condition of serfdom," predicted Governor Ames of Mississippi. "An era of second slavery."**



## After Reconstruction: Unequal, Again

The presence of federal troops in the South during the Reconstruction era acted as a penetrable dam holding back some of the violence, political suppression, and racist rhetoric employed by those intent on restoring white supremacist rule. Their premature withdrawal unleashed a pent-up wave of violence that easily topped the few remaining protective structures and left Black people cemented in an inferior economic, social, and political position.

**Southern states altered their constitutions to disenfranchise Black citizens and codify**



(Thomas Nast/Harper's Weekly, Sept. 5, 1868)

Southern state governments set to work altering their constitutions to disenfranchise Black citizens and codify segregation. At the 1890 Mississippi Constitutional Convention, where all but one of the delegates were white, the intentional purging of Black people from the roll of eligible voters was a top priority.<sup>90</sup> Analyzing the state's electoral system six years later, the Mississippi Supreme Court readily acknowledged these motivations:

"It is in the highest degree improbable that there was not a consistent, controlling directing purpose governing the convention by which these schemes were elaborated and fixed in the constitution. Within the field of permissible action under the limitations imposed by the federal constitution, the convention swept the circle of expedients to obstruct the exercise of the franchise by the negro race. By reason of its previous condition of servitude and dependence, this race had acquired or accentuated certain peculiarities of habit, of temperament, and of character, which clearly distinguished it as a race from that of the whites,—a patient, docile people, but careless, landless, and migratory within narrow limits, without forethought, and its criminal members given rather to furtive offenses than to the robust crimes of the whites. Restrained by the federal constitution from discriminating against the negro race, the convention discriminated against its characteristics and the offenses to which its weaker members were prone."<sup>91</sup>

Alabama rewrote its constitution in 1901. John B. Knox, a Calhoun County lawyer and president of the constitutional convention, opened the proceedings with a statement of purpose: "Why it is within the limits imposed by the Federal Constitution, to establish white supremacy in this state."<sup>92</sup> Now that political power had been regained, legalized racial subordination could and would be restored.

**When Alabama rewrote its constitution in 1901, John B. Knox, president of the constitutional convention, opened the proceedings with a statement of purpose: "Why it is within the limits imposed by the Federal Constitution, to establish white supremacy in this state."**

"[I]f we would have white supremacy," Knox explained, "we must establish it by law—not by force or fraud."<sup>93</sup> From 1885 to 1908, all eleven former Confederate states rewrote their constitutions to include provisions restricting voting rights with poll taxes, literacy tests, and felon disenfranchisement.<sup>94</sup> Many of these new constitutions also included segregationist prohibitions against interracial marriage and integrated public education.

Over the ensuing decades, aided by convict leasing and Jim Crow laws, and emboldened by the federal government's disinterest in enforcing the racial equality guaranteed by the federal Constitution, Southern legislatures institutionalized the racial inequality enshrined in their state constitutions. The South created a system of state and local laws and practices that constituted a pervasive and deep-rooted racial caste system. The era of "second slavery" had officially begun.

**The South created a system of state and local laws and practices that constituted a pervasive and deep-rooted racial caste system. The era of "second slavery" had officially begun.**

## Convict Leasing

Convict leasing, the practice of selling the labor of state and local prisoners to private interests for state profit, utilized the criminal justice system to effectuate the economic exploitation and political disempowerment of Black people. State legislatures passed discriminatory criminal laws or "Black Codes," which created new criminal offenses such as "vagrancy" and "loitering." This led to the mass arrest and incarceration of Black people. Then, relying on language in the Thirteenth Amendment that prohibits slavery and involuntary servitude "except as punishment for crime," lawmakers empowered white-controlled governments to extract Black labor in private lease contracts or on state-owned farms.<sup>95</sup> "While a Black prisoner was a rarity during the slavery era (when slave masters were individually empowered to administer 'discipline' to their human property) the solution to the free Black population had become criminalization. In turn, the most common fate facing Black convicts was to be sold into forced labor for the profit of the state."<sup>96</sup>

Beginning as early as 1866 in states like Texas, Mississippi, and Georgia, convict leasing spread throughout the Southern states and continued through the late nineteenth and early twentieth centuries.<sup>97</sup> In contrast to white prisoners who were routinely sentenced to the penitentiary, leased Black convicts faced deplorable, unsafe working conditions and brutal violence when they attempted to resist or escape bondage.<sup>98</sup>

An 1887 report by the Hinds County, Mississippi, grand jury recorded that, six months after 204 convicts were leased to a man named McDonald, twenty were dead, nineteen had escaped, and twenty-three had been returned to the penitentiary disabled, ill, and near death.<sup>99</sup> The penitentiary hospital was filled with sick and dying Black men whose bodies bore "marks of the most inhuman and brutal treatment . . . so poor and emaciated that their bones almost come through the skin."<sup>100</sup> Under this



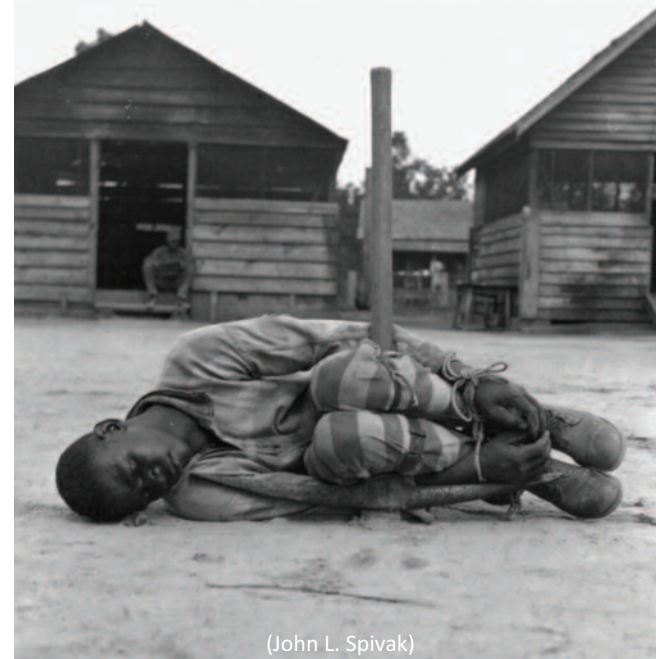


(State Archives of Florida, Florida Memory)

grotesquely cruel system that lasted decades, countless Black men, women, and children lost their freedom—and often their lives. “Before convict leasing officially ended,” writes historian David Oshinsky, “a generation of Black prisoners would suffer and die under conditions far worse than anything they had ever experienced as slaves.”<sup>101</sup>

Convict leasing demonstrated the way in which the criminal justice system would become the central institution for sustaining racial domination and hierarchy in America. It legitimized excessive punishment and abuse of African Americans and terrorized people of color.

**Relying on language in the Thirteenth Amendment that prohibits slavery and involuntary servitude “except as punishment for crime,” lawmakers empowered white-controlled governments to extract Black labor in private lease contracts or on state-owned farms.**



(John L. Spivak)

## Jim Crow

Jim Crow laws proscribed the lives and possibilities of Black people throughout the South. The term “Jim Crow” initially referred to a style of minstrel show in which white performers caricatured Black life for the entertainment of white audiences.<sup>102</sup> By 1890, the term was used to describe the “subordination and separation of Black people in the South, much of it codified and much of it still enforced by custom, habit, and violence.”<sup>103</sup> Under Jim Crow rule, all aspects of life were governed by a strict color line, from the most central and important—public education was segregated throughout the South and interracial marriage was criminalized—to the most mundane and tedious.

In South Carolina, a 1917 law required that all circuses and other tent events maintain separate entrances and ticket booths for Black and white attendees and imposed a maximum \$500 fine for noncompliance.<sup>104</sup> A 1915 law required that Black and white employees of cotton textile mills be segregated at every stage of employment and restricted

**Racial segregation often meant the total exclusion of Black people from public facilities, institutions, and opportunities.**

them from using the same entry/exit, occupying the same stairwell, or using the same tools.<sup>105</sup> A 1924 law effectively outlawed interracial pool rooms by declaring that no license would be issued to a billiard room owner who intended his establishment to be patronized by customers of another race.<sup>106</sup> And a 1910 law prohibited placing a white child in the permanent custody of a Black adult.<sup>107</sup> Similarly, Florida law required separation of the races on streetcars;<sup>108</sup> Mississippi law mandated separate hospital entrances for white and Black patients;<sup>109</sup> North Carolina law authorized librarians to create separate reading areas for Black patrons;<sup>110</sup> and Alabama law prohibited white nurses from treating Black male patients.<sup>111</sup>

In March 1901, a white woman and Black man were arrested in Atlanta, Georgia, after two police officers claimed to have seen them talking and walking together on the street.<sup>112</sup> Interviewed following her arrest, the white woman was indignant—not at the law, but at the suggestion that she would ever share the company of a Black man in public. “I stopped and [a police officer] asked why I talked to a negro,” she told the press. “I told him I was a southern born woman, and his insinuations were an insult. He then said he would have to arrest me, and I was ridden to police barracks in a patrol wagon. It is the first ride I have ever taken of the kind, and I have been humiliated and disgraced. But somebody will suffer for this before it is done with.”<sup>113</sup>

**By 1890, the term “Jim Crow” was used to describe the “subordination and separation of Black people in the South, much of it codified and much of it still enforced by custom, habit, and violence.”**



Racial segregation often translated to the total exclusion of Black people from public facilities, institutions, and opportunities. This separation plainly disadvantaged Black people and served as a constant symbol of their inferior position in Southern society.

“Black southerners were left to brood over the message imparted by the Jim Crow laws and the spirit in which they were enforced. For all African Americans, Jim Crow was a daily affront, a reminder of the distinctive place “white folks” had marked out for them—a confirmation of their inferiority and baseness in the eyes of the dominant population. The laws made no exception based on class or education; indeed, the laws functioned on one level to remind African Americans that no matter how educated, wealthy, or respectable they might be, it did nothing to entitle them to equal treatment with the poorest and most degraded whites. What the white South insisted upon was not so much separation of the races as subordination, a system of controls in which whites prescribed the rules of racial conduct and contact and meted out the punishments.”<sup>114</sup>

Over the century that this racial caste system reigned, perceived violations of the racial order were met with brutal violence targeted at Black Americans—and lynching was the weapon of choice.

Though legally emancipated from slavery and endowed with constitutional rights to participate in society as full citizens, Black people soon learned that those rights were unenforceable in a white-controlled political system hostile to their exercise. This message was communicated through an intricate and complex system of racial subordination built after the Civil War to maintain and reinforce white supremacy in a world without chattel slavery. Constructed of law and custom, force and fear, disenfranchisement, convict leasing, and Jim Crow segregation, the system was fragile and fiercely guarded. Over the century that this racial caste system reigned, perceived violations of the racial order were met with brutal violence targeted at Black Americans—and lynching was the weapon of choice.



(Elliott Erwitt/Magnum Photos)

## Lynching in America: From “Popular Justice” to Racial Terror

Lynching became a vicious tool of racial control in America during the late nineteenth and early twentieth centuries—but it first emerged as a form of vigilante retribution used to enforce “popular justice” on the Western frontier.<sup>115</sup> In the Western territories in the early nineteenth century, the individual desire for revenge was high, government was absent or underdeveloped, and public support for lynching was widespread.<sup>116</sup> Notably, lynching did not initially mean killing, and vigilante “regulators” often punished “thieves, highwaymen, swindlers, and card sharks”<sup>117</sup> with tarring-and-feathering, beatings, and floggings.

Beginning in the 1830s and continuing in the decades following the Civil War, lynching became more synonymous with hanging. The first broadly publicized incident of lethal lynching occurred in Madison County, Mississippi, in 1835, after a fabricated story of a planned slave uprising sparked local panic and resulted in the hangings of two white men and several enslaved Black people.<sup>118</sup> Followed that same year by a notorious lynching of five gamblers in Vicksburg, Mississippi, these killings marked a change in American mob violence: “whereas in the era of the American Revolution mobs had rarely killed their victims, the 1835 riots claimed at least seventy-one lives.”<sup>119</sup>

Even as lynchings became more frequently deadly, they differed greatly by region. An individual subject to a frontier lynching typically was accused of a crime such as murder or robbery, given some form of process and trial, and hanged without any additional torture or foul play.<sup>120</sup> Southern lynchings, on the other hand, were commonly extrajudicial and employed to defend slavery.<sup>121</sup> Between 1830 and 1860, Southern mobs killed an estimated 130 white individuals<sup>122</sup> and at least 400 enslaved Black people. Most were lynched under suspicion of conspiring to mount a slave uprising—a growing but largely un-

substantiated fear among whites in slaveholding states.<sup>123</sup> In addition, Southern lynchings of African Americans were distinct from lynchings of whites, and often featured extreme brutality such as burning, torture, mutilation, and decapitation of the victim.<sup>124</sup>

Southern lynching took on an even more racialized character after the Civil War. The act and threat of lynching became “primarily a technique of enforcing racial exploitation—economic, political, and cultural.”<sup>125</sup> Characterized by Southern mob violence intended to reestablish white supremacy and suppress Black civil rights through political and social terror,<sup>126</sup> the Reconstruction era was a violent period in which tens of thousands of people were killed in racially- and politically-motivated massacres, murders, and lynchings.<sup>127</sup> White mobs regularly targeted African Americans with deadly violence but rarely aimed lethal attacks at white individuals accused of identical violations of law or custom.

By the end of the nineteenth century, Southern lynching had become a tool of racial control that terrorized and targeted African Americans. The ratio of Black lynching victims to white lynching victims was 4 to 1 from 1882 to 1889; increased to more than 6 to 1 between 1890 and 1900; and soared to more than 17 to 1 after 1900. Professor Stewart Tolnay concluded from this data that “lynching in the South became increasingly and exclusively a matter of white mobs murdering African-Americans,”<sup>128</sup>—a “routine and systematic effort to subjugate the African-American minority.”<sup>129</sup>

Southern lynching took on an even more racialized character after the Civil War.





Lynchers pose for a picture postcard with their victim before lynching him.

The character of the violence also changed as gruesome public spectacle lynchings became much more common. At these often festive community gatherings, large crowds of whites watched and participated in the Black victims' prolonged torture, mutilation, dismemberment, and burning at the stake.<sup>130</sup> Such brutally violent methods of execution had almost never been applied to whites in America. Indeed, public spectacle lynchings drew from and perpetuated the belief that Africans were subhuman—a myth that had been used to justify centuries of enslavement, and now fueled and purportedly justified terrorism aimed at newly-emancipated African American communities.<sup>131</sup> A report published in 1905 explained that “[l]ynching has been resorted to by whites not merely to wreak vengeance, but to terrorize and restrain this lawless element in the Negro population. Among Southern people, the conviction is general that terror is the only restraining influence that can be brought to bear upon vicious Negroes.”<sup>132</sup>

**“Lynching has been resorted to by whites not merely to wreak vengeance, but to terrorize and restrain this lawless element in the Negro population. Among Southern people, the conviction is general that terror is the only restraining influence that can be brought to bear upon vicious Negroes.”**

Southern states were equipped with readily-available, fully-functioning criminal justice systems eager to punish African American defendants with hefty fines, imprisonment, terms of forced labor for state profit, and legal execution.<sup>133</sup> Lynching in this era and region was not used as a tool of crime control, but rather as a tool of racial control wielded almost exclusively by white mobs against African American victims. Many lynching victims were not accused of any criminal act, and lynch mobs regularly displayed complete disregard for the legal system.

**African Americans were lynched for violating social customs or racial expectations, such as speaking to white people with less respect or formality than observers believed was due.**

In 1906, Edward Johnson, a Black man, was convicted of raping a white woman and sentenced to death by an all-white jury in Chattanooga, Tennessee. His attorneys appealed the case and won a rare stay of execution from the United States Supreme Court. In response, a white mob seized Mr. Johnson from the jail, which had been vacated by the sheriff and his staff, dragged him through the streets, hanged him from the second span of the Walnut Street Bridge, and shot him hundreds of times. The mob left a note pinned on the corpse that read: “To Justice Harlan. Come get your nigger now.”<sup>134</sup> Mr. Johnson used his last words to declare his innocence. Nearly a century later, he was cleared of the rape.<sup>135</sup>

Through lynching, Southern white communities asserted their racial dominance over the region's political and economic resources—a dominance first achieved through slavery would now be restored through blood and terror.

## Characteristics of the Lynching Era

African Americans were lynched under varied pretenses. Today, lynching is most commonly remembered as a punishment exacted by white mobs upon Black men accused of sexually assaulting white women. During the lynching era, whites' hypervigilant enforcement of racial hierarchy and social separation, coupled with widespread stereotypes of Black men as dangerous, violent, and uncontrollable sexual aggressors, fueled a pervasive fear of Black men raping white women.<sup>136</sup> Of the 4084 African American lynching victims EJI documented, nearly 25 percent were accused of sexual assault<sup>137</sup> and nearly 30 percent were accused of murder.<sup>138</sup>

Hundreds more Black people were lynched based on accusations of far less serious crimes like arson, robbery, non-sexual assault, and vagrancy,<sup>139</sup> many of which were not punishable by death if convicted in a court of law. In addition, African Americans frequently were lynched for non-criminal violations of social customs or racial expectations, such as speaking to white people with less respect or formality than observers believed was due.<sup>140</sup>

Finally, many African Americans were lynched not because they committed a crime or social infraction, and not even because they were accused of doing so, but simply because they were Black and present when the preferred party could not be located. In 1901, Ballie Crutchfield's brother allegedly found a lost wallet containing \$120 and kept the money. He was arrested and about to be lynched by a mob in Smith County, Tennessee, when at the last moment he broke free and escaped. Thwarted in their attempt to kill the suspect, the mob turned its attention to his sister and lynched Ms. Crutchfield in her brother's stead, though she was not accused of any involvement in the theft.<sup>141</sup>



The thousands of African Americans lynched between 1877 and 1950 differed in many respects, but in most cases, the circumstances of their murders can be categorized as one or more of the following: (1) lynchings that resulted from a wildly distorted fear of interracial sex; (2) lynchings in response to casual social transgressions; (3) lynchings based on allegations of serious violent crime; (4) public spectacle lynchings; (5) lynchings that escalated into large-scale violence targeting the entire African American community; and (6) lynchings of sharecroppers, ministers, and community leaders who resisted mistreatment, which were most common between 1915 and 1940.

## Lynchings Based on Fear of Interracial Sex

Nearly 25 percent of the lynchings of African Americans in the South were based on charges of sexual assault.<sup>142</sup> The mere accusation of rape, even without an identification by the alleged victim, often aroused a mob and resulted in lynching. In fact, the definition of Black-on-white “rape” in the South was incredibly broad and required no allegation of force because white institutions, laws, and most white people rejected the idea that a white woman could or would willingly consent to sex with an African American man. When Black Memphis journalist Ida B. Wells published an editorial challenging the myth of widespread Black-on-white sexual violence and insisting that consensual interracial sex did occur, white mobs burned her newspaper’s offices and threatened to lynch her.<sup>143</sup>

Whites’ fears of interracial sex extended to any action by a Black man that could be interpreted as seeking or desiring contact with a white woman. In 1889, in Aberdeen, Mississippi, Keith Bowen allegedly tried to enter a room where three white women were sitting; though no further allegation was made against him, Mr. Bowen was lynched by the “entire (white) neighborhood” for his “offense.”<sup>144</sup> William Brooks was lynched in 1894 in

Palestine, Arkansas, after he asked his white employer for permission to marry the man’s daughter.<sup>145</sup> General Lee, a Black man, was lynched by a white mob in 1904 for merely knocking on the door of a white woman’s house in Reevesville, South Carolina;<sup>146</sup> and in 1912, Thomas Miles was lynched in Shreveport, Louisiana, for allegedly writing letters to a white woman inviting her to have a cold drink with him.<sup>147</sup> In 1934, after being accused of “associating with a white woman” in Newton, Texas, John Griggs was hanged and shot seventeen times and his body was dragged behind a car through the town for hours.<sup>148</sup>

Whites’ fear of sexual contact between Black men and white women was pervasive and led to many lynchings. Narratives of these lynchings reported in the sympathetic white press justified the violence and perpetuated the deadly stereotype of African American men as hypersexual threats to white womanhood.

**In 1889, in Aberdeen, Mississippi, Keith Bowen allegedly tried to enter a room where three white women were sitting; though no further allegation was made against him, Mr. Bowen was lynched by the “entire (white) neighborhood” for his “offense.”**

**General Lee, a Black man, was lynched by a white mob in 1904 for merely knocking on the door of a white woman’s house in Reevesville, South Carolina.**

**In 1912, Thomas Miles was lynched in Shreveport, Louisiana, for allegedly writing letters to a white woman inviting her to have a drink with him.**

## Lynchings Based on Minor Social Transgressions

Lynchings based on minor social transgressions were a tool of racial control designed to enforce social norms and racial hierarchy. Hundreds of African Americans accused of no serious crime were nonetheless lynched for myriad “offenses,” including speaking disrespectfully, refusing to step off the sidewalk, using profane language, using an improper title for a white person, suing a white man, arguing with a white man, bumping into a white woman, insulting a white person, and other social grievances.<sup>149</sup> African Americans living in the South during this era were terrorized by the knowledge that they could be lynched if they intentionally or accidentally violated any social more defined by any white person. Examples are plentiful.

**In 1940, Jesse Thornton was lynched in Luverne, Alabama, for referring to a white police officer by his name without the title of “mister.”**

**In 1918, Private Charles Lewis was lynched in Hickman, Kentucky, after he refused to empty his pockets while wearing his Army uniform.**

**White men lynched Jeff Brown in 1916 in Cedarbluff, Mississippi, for accidentally bumping into a white girl as he ran to catch a train.**



Jesse Washington was burned before a crowd of thousands in Waco, Texas, in 1916. (Library of Congress/Getty Images.)



In 1940, Jesse Thornton was lynched in Luverne, Alabama, for referring to a white police officer by his name without the title of “mister.”<sup>150</sup> In 1918, Private Charles Lewis was lynched in Hickman, Kentucky, after he refused to empty his pockets while wearing his Army uniform.<sup>151</sup> Richard Wilkerson was lynched in Manchester, Tennessee, in 1934 for allegedly slapping a white man who had assaulted a Black woman at an African American dance;<sup>152</sup> white men lynched Jeff Brown in 1916 in Cedarbluff, Mississippi, for accidentally bumping into a white girl as he ran to catch a train;<sup>153</sup> and in 1917, Sam Cates was lynched for the offense of “annoying white girls” in England, Arkansas.<sup>154</sup>

Law-abiding African Americans lived at risk of arbitrary and deadly mob violence. These lynchings and the threat of falling victim to the mobs who committed them sought to keep the African American community terrorized and in a constant state of fear.

## Lynchings Based on Allegations of Crime

More than half of the lynching victims EJI documented were killed under accusation of committing murder or rape. The deep racial hostility that permeated Southern society during this time period often served to focus suspicion on Black communities after a crime was discovered, whether evidence supported that suspicion or not. This was especially true in cases of violent crime against white victims.

It is dubious to claim that all or even most individuals lynched for violent offenses had committed them, considering that whites’ accusations of rape or murder were rarely subject to serious scrutiny when lodged against Black people. In a strictly maintained racial caste system, the mere suggestion of Black-on-white violence could spark outrage, mob violence, and murder before the judicial system could act. In this society, white lives held heightened value, while the lives of Black people held little or none.

Of the hundreds of Black people lynched under accusation of rape and murder, nearly every one was brutally killed without being legally convicted of any offense. When Berry Noyse was accused of killing the local sheriff in Lexington, Tennessee, in 1918, an angry mob lynched him in the courthouse square, then dragged his body through the streets of town, shot it dozens of times, and burned the body in the middle of the street below hung banners that read, “This is the way we do our bit.”<sup>155</sup>

Some lynching victims were demonstrably innocent of the serious crimes alleged. After a white woman was raped in Lewiston, North Carolina, in 1918, a Black man named Peter Bazemore was accused of the crime and lynched by a mob before an investigation revealed that the real perpetrator had been a white man wearing black makeup.<sup>156</sup>

Race, rather than the alleged offense, sealed lynching victims’ fates. Lynching, a statement of racial terror and white supremacy, was largely reserved for Black suspects. White people accused of murder or rape during this era were much more likely to be tried, convicted, and punished by the legal system than by a mob.<sup>157</sup> In Thomasville, Georgia, in 1930, a Black man named William Kirkland was arrested for the alleged rape of a nine-year-old white girl, and before a trial could be held, a mob of between fifty and seventy-five white men seized him from the jail, hung his body from a tree, riddled it with bullets, and then dragged the corpse through town behind a truck before depositing it on the courthouse lawn.<sup>158</sup> Just three days after Mr. Kirkland’s lynching, an African American man named Lacy Mitchell was lynched in Thomasville for testifying against a white man accused of raping an African American woman. Mr. Mitchell, a key witness, was shot in his home by four white men and died; the white defendant was acquitted and released.<sup>159</sup>

## Public Spectacle Lynchings

Public spectacle lynchings were those in which large crowds of white people, often numbering in the thousands, gathered to witness pre-planned, heinous killings that featured prolonged torture, mutilation, dismemberment, and/or burning of the victim.<sup>160</sup> Many were carnival-like events, with vendors selling food, printers producing postcards featuring photographs of the lynching and corpse, and the victim’s body parts collected as souvenirs.<sup>161</sup>

In 1904, after Luther Holbert allegedly killed a local white landowner, he and a Black woman believed to be his wife were captured by a mob and taken to Doddsville, Mississippi, to be lynched before hundreds of white spectators.<sup>162</sup> Both victims were tied to a tree and forced to hold out their hands while members of the mob methodically chopped off their fingers and distributed them as souvenirs. Next, their ears were cut off. Mr. Holbert was then beaten

**Public spectacle lynchings drew large crowds of white people, often numbering in the thousands, to witness pre-planned, heinous killings that featured prolonged torture, mutilation, dismemberment, and/or burning of the victim.**

so severely that his skull was fractured and one of his eyes was left hanging from its socket. Members of the mob used a large corkscrew to bore holes into the victims’ bodies and pull out large chunks of “quivering flesh,” after which both victims were thrown onto a raging fire and burned. The white men, women, and children present watched the horrific murders while enjoying deviled eggs, lemonade, and whiskey in a picnic-like atmosphere.<sup>163</sup>



Lynching of Henry Smith in Paris, Texas, on February 1, 1893. (Library of Congress/Getty Images.)



# 3,000 WILL BURN NEGRO

Kaiser Under Stronger Guard Following Escape Of Crown Prince

Frank Simonds  
Writes For States

## NEW ORLEANS STATES

VOL. 32 NO. 177

NEW ORLEANS

NEW ORLEANS, LA. THURSDAY, JUNE 26, 1919

LAKE CHARLES

From the Jackson, Miss., Daily News, Thursday, June 26, 1919.

27th YEAR

## JOHN HARTFIELD WILL BE LYNCHED BY ELLISVILLE MOB AT 5 O'CLOCK THIS AFTERNOON

Governor Bilbo Says He Is Powerless to Prevent It—Thousands of People Are Flocking Into Ellisville to Attend the Event—Sheriff and Authorities Are Powerless to Prevent It.

**HATTIESBURG, June 26.**—John Hartfield, the negro alleged to have assaulted an Ellisville, young woman, has been taken to Ellisville and is guarded by officers in the office of Dr. Carter in that city. He is wounded in the shoulder but not seriously. The officers have agreed to turn him over to the people of the city at 4 o'clock this afternoon when it is expected he will be burned. The negro is said to have made a partial confession.

### GOV. BILBO SAYS HE IS POWERLESS.

When Gov. Bilbo was shown the above dispatch and asked what action, if any, he intended to take to prevent the affair, he said:

"I am powerless to prevent it. We have guns for state militia, but no men. It is impossible to send troops to the scene for the obvious reason that we have no troops."

Several days ago, anticipating

for the lynching has now been fixed for five p. m.

A committee of Ellisville citizens has been appointed to make the necessary arrangements for the event, and the mob is pledged to act in conformity with these arrangements.

Rev. L. G. Gates, pastor of the First Baptist church of Laurel, left here at one o'clock for Ellisville to entreat the mob to use discretion.

THOUSANDS GOING

## NEGRO JERKY AND SULLEN AS BURNING HOUR NEARS

To Be Taken to Scene of  
Crime and Stood Be-  
fore Crowd

**ELLISVILLE, Miss., June 26.**—(Special.)—As four o'clock approaches John Hartfield, assailant of the Ellisville white girl, is being carefully guarded in the office of Dr. Carter of this city.

The wounded negro has confessed and seems very nervous. Dissension has broken out among the indignant citizens as to what disposition should be made of the prisoner.

It is said the negro will be taken to the scene of his crime, near the Ellisville railroad tracks, where he attacked Miss Meek, and will be stood up where everybody can see him.

Some of the angry citizens, it is said, want Hartfield lynched, while others want him burned.

**ELLISVILLE, Miss., June 26.**—(Special.)—Walter Crawley and Will Rogers, two farmers, were members of the posse who shot Hartfield in the shoulder, and affected his capture.

Three thousand strangers are in Ellisville today to witness the disposition of John Hartfield, negro assailant of Miss Meek.

Officers are unable to control the crowds.

**HATTIESBURG, Miss., June 26.**—John Hartfield, negro assailant of an Ellisville young woman, has been brought to Ellisville from Collins and is guarded by officers in the office of Dr. Carter in that city.

He is wounded in the shoulder. The officers have agreed to turn him over to the people at 4 o'clock this afternoon when it is expected he will be burned.

In Dyersburg, Tennessee, a mob tortured Lation Scott with a hot poker iron, gouging out his eyes, shoving the hot poker down his throat and pressing it all over his body before castrating him and burning him alive over a slow fire.

Another public spectacle lynching took place in 1917 in Memphis, Tennessee, when a mob of twenty-five men seized Ell Persons from a train that was transporting him to stand trial for rape and murder. The mob had announced the lynching time and location in advance, and thousands of people attended, backing up traffic for miles. Food and gum vendors sold their wares to the many spectators as Mr. Persons was doused with gasoline and set on fire. A ten-year-old Black child was forced to sit next to the fire and watch him die. When members of the crowd complained that Mr. Persons would die too quickly if burned, the fire was extinguished, and attendees fought over Mr. Person's clothes and remnants of the rope to keep as mementos. Two men cut off his ears for souvenirs, after which the head of Mr. Person's corpse was removed and thrown into a crowd in Memphis's Black commercial district.<sup>164</sup>

Later that year, just a few hours away in Dyersburg, Tennessee, Lation Scott was subjected to a brutal and prolonged lynching after being accused of "criminal assault." Thousands gathered near a vacant lot across the street from the downtown courthouse and children sat atop their parents' shoulders to get a better view as Mr. Scott's clothes and skin were ripped off with knives. A mob tortured Mr. Scott with a hot poker iron, gouging out his eyes, shoving the hot poker down his throat and pressing it all over his body before castrating him and burning him alive over a slow fire. Mr. Scott's torturous killing lasted more than three hours.<sup>165</sup>

Gruesome public spectacle lynchings traumatized the African American community. The crowds of hundreds or thousands of white people attending as participants or spectators included elected officials and prominent citizens; white press coverage regularly defended the lynchings as justified; and cursory investigations rarely led to identifications of lynch mob members, much less prosecutions. White men, women, and children fought over bloodied ropes, clothing, and body parts, and proudly displayed these "souvenirs" with no fear of punishment.<sup>166</sup> In Newnan, Georgia, in 1899, pieces of Sam Hose's heart, liver, and bones were sold after he was lynched; that same year, spectators at the lynching of Richard Coleman in Maysville, Kentucky, took flesh, teeth, fingers, and toes from his corpse.<sup>167</sup> Spectacle lynchings were preserved in photographs that were made into postcards and distributed unashamedly through the mail.<sup>168</sup>

These killings were not the actions of a few marginalized vigilantes or extremists; they were bold, public acts that implicated the entire community and sent a clear message that African Americans were less than human, their subjugation was to be achieved through any means necessary, and whites who undertook the duty of carrying out lynchings would face no legal repercussions.



# Paris, Texas

Founded in 1844, Paris, Texas, was named for the famous French city and quickly became the seat of Lamar County.<sup>169</sup> By the start of the Civil War, the town of 700 residents was a center of farming and cattle ranching,<sup>170</sup> and 28 percent of county residents were enslaved Black people.<sup>171</sup> In the lynching era that followed the Civil War and emancipation, Paris was the site of repeated bloody racial terror.

In early 1893, a seventeen-year-old Black boy named Henry Smith was accused of killing a three-year-old white girl. Nearly a week after the child's death, a posse located Henry in

Hempstead County, Arkansas, and returned him to Paris by train. He was met at the station on February 1, 1893, by a mob of thousands of white people from across the state. Henry was placed on a carnival float and carried through the town to the county fairgrounds, where he was forced to mount a ten-foot-high platform. Henry was brutally tortured for nearly an hour in front of 10,000 people and then burned alive. According to an investigation by anti-lynching crusader Ida B. Wells, Henry pleaded his innocence until the end.<sup>172</sup>



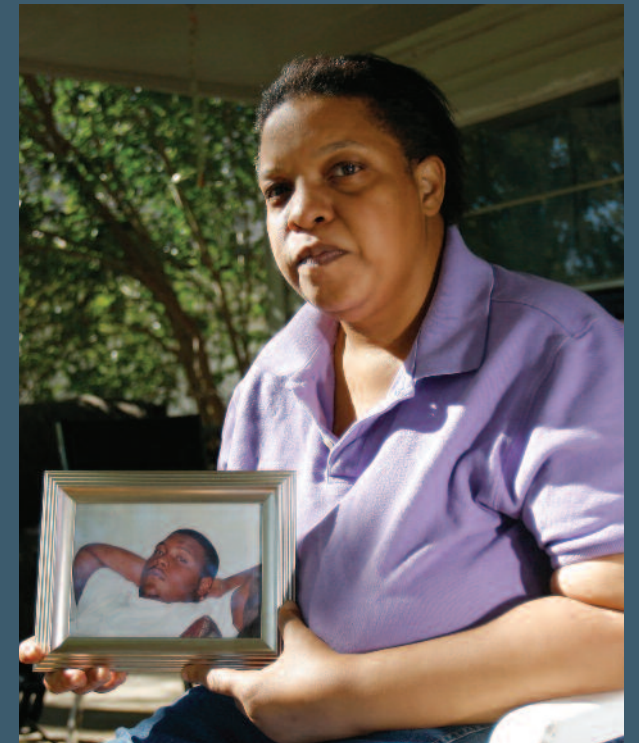
Thousands watch as lynchers prepare to torture Henry Smith on a ten-foot-high platform at the county fairgrounds. (Library of Congress/Getty Images.)

Less than thirty years later, Paris hosted a second gruesome lynching. In 1920, brothers Irving and Herman Arthur worked on a white-owned farm where they suffered ongoing abuse. When the Arthurs decided to leave in search of better working conditions, the farm owners tried to stop them with gunfire and then alleged that the Arthurs had wounded them. Soon after Irving and Herman were arrested and jailed, local whites began posting signs throughout town advertising their impending lynching.<sup>173</sup>

On July 6, 1920, a mob of 3000 gathered to watch as both men were tied to a flagpole at the fairgrounds, tortured, and burned to death. During the lynching, the Arthurs' sisters were jailed under the pretense of protection but then beaten and gang-raped by more than twenty white men while in custody. After the lynching, the brothers' corpses were chained to a car and driven through Paris's Black community for hours. A local sheriff involved in the case later declared the brothers had been guilty of no crime.<sup>174</sup>

Today, Paris is a small but vibrant and diverse city of 25,000 people, with no historical markers to document either lynching. A large Confederate memorial adorns the courthouse lawn—a site of racial unrest in the twenty-first century.

In 2008, a twenty-four-year-old Black man named Brandon McClelland was found dead by a roadside in Paris. An investigation determined he had been dragged behind or under a vehicle as far as seventy feet. Two white men who spent several hours with Mr. McClelland on the night he died were arrested after blood reportedly was found on the undercarriage of their truck. When the local



Jacqueline McClelland with a photo of her son Brandon McClelland (AP)

prosecutor dropped all charges against the men in 2009, citing a lack of evidence, racial tensions flared. Members of the local Black community rallying at the courthouse to protest officials' inaction were met with a counter-protest by dozens of white supremacists holding Confederate flags and shouting "White Power!" State police in riot gear were called to quell the conflict.<sup>175</sup>

Paris's deeply-rooted history of racial violence and division, epitomized by the lynchings of Henry Smith and Irving and Herman Arthur, remains a force in the community today despite efforts to forget and ignore that past. "A Black man's life is still not worth a white man's life in Paris, Texas," declared a Black man protesting at the courthouse in 2009. "I am 55 years old and I know racism when I see it. Paris, Texas, is eaten up with racism."<sup>176</sup>



# Lynchings Targeting the Entire African American Community

Most lynchings involved the killing of one or more specific individuals, but some lynch mobs targeted entire Black communities by forcing Black people to witness lynchings and demanding that they leave the area or face a similar fate. After a lynching in Forsyth County, Georgia, in 1912, white vigilantes distributed leaflets demanding that all Black people leave the county or suffer deadly consequences; so many Black families fled that, by 1920, the county’s Black population had plunged from 1100 to just thirty.<sup>177</sup>

To maximize lynching as a terrorizing symbol of power and control over the Black community, white mobs frequently chose to lynch victims in a prominent place inside the town’s African American district.<sup>178</sup> In 1918 in rural Unicoi County, Tennessee, a group of white men sought a Black man named Thomas Devert who was accused of kidnapping a white girl. When the men found Mr. Devert crossing a river with the girl in his arms, they shot him in the head and the girl drowned. Insisting that the entire Black community needed to witness Mr. Devert’s fate, the enraged mob dragged his dead body to the town railyard and built a funeral pyre. The white men then rounded up all sixty African American residents and forced the men, women, and children to watch the corpse burn. These African Americans and eighty Black people who worked at a local quarry were then told to leave the county within twenty-four hours.<sup>179</sup>

In 1927, John Carter was accused of striking two white women in Little Rock, Arkansas. He was seized by a mob, forced to jump from an automobile with a noose around his neck, and shot 200 times. The mob then threw Mr. Carter’s mangled body across an automobile and led a twenty-six-block procession

past city hall, through Little Rock’s Black neighborhoods, and toward Ninth Street, which was the Black community’s downtown center. At 7:00 p.m. at Broadway and Ninth Street, between the Black community’s two most significant landmarks—Bethel African American Episcopal Church and the Mosaic Templars Building—rioting whites used pews seized from the church to ignite a huge bonfire on the trolley tracks. They threw Mr. Carter’s body onto the raging fire, which burned for the next three hours.<sup>180</sup>

The practice of terrorizing an entire African American community after lynching one alleged “wrongdoer” demonstrates that Southern lynching during this era was not to attain “popular justice” or retaliation for crime. Rather, these lynchings were designed for broad impact—to send a message of domination, to instill fear, and sometimes to drive African Americans from the community altogether.

## Lynchings of Black People Resisting Mistreatment (1915-1940)

From 1915 to 1940, lynch mobs targeted African Americans who protested being treated as second-class citizens. African Americans throughout the South, individually and in organized groups, were demanding the economic and civil rights to which they were entitled. In response, whites turned to lynching.

In 1918, when Elton Mitchell of Earle, Arkansas, refused to work on a white-owned farm without pay, “prominent” white citizens of the city cut him into pieces with butcher knives and hung his remains from a tree.<sup>181</sup> In 1927, Owen Flemming refused to follow an overseer’s command to retrieve mules out of a flooded district in Mellwood, Arkansas. The overseer pulled a gun, which Mr. Flemming wrestled

away from him and fired in self-defense. A mob pursued and quickly caught him. Alerted of Mr. Flemming’s offense, the local sheriff told the mob, “I’m busy, just go ahead and lynch him.”<sup>182</sup> They did.

In Hernando, Mississippi, in 1935, Reverend T. A. Allen tried to start a sharecropper’s union among local impoverished and exploited Black laborers. When white landowners learned that Reverend Allen was using his pulpit to preach to the Black community about unionization, they formed a mob, seized him, shot him many times, and threw him into the Coldwater River.<sup>183</sup> Also in 1935, Joe Spinner Johnson, a sharecropper and leader of the Sharecroppers’ Union in Perry County, Alabama, was called from work by his landlord and delivered into the hands of a white gang. The gang tied Mr. Johnson “hog-fashion with a board behind his neck and his hands and feet tied in front

of him” and beat him. They took him to the jail in Selma, Alabama, where other inmates heard him being beaten and screaming. Mr. Johnson’s mutilated body was found several days later in a field near the town of Greensboro.<sup>184</sup>

African Americans’ efforts to fight for economic power and equal rights in the early twentieth century—a prelude to the civil rights movement—were violently repressed by whites who acted with impunity. Whites used terrorism to relegate African Americans to a state of second-class citizenship and economic disadvantage that would last for generations after emancipation and create far-reaching consequences.

## Lynching in the South, 1877-1950

This report documents 4084 lynchings of Black people that occurred in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia between 1877 and 1950. The data reveals telling trends across time and region, including that lynchings peaked between 1880 and 1940. (See Figure 1.)

Mississippi, Georgia, and Louisiana had the highest absolute number of African American lynching victims during this period. (See Table 1.) The rankings change when the number of lynchings are considered relative to each state’s total population and African American population. Mississippi, Florida, and Arkansas had the highest per capita rates of lynching by total population, while Arkansas, Florida, and Mississippi had the highest per capita rates of lynching by African American population. (See Tables 2 and 3.)

As shown in Figure 1, states exhibited noticeable trends in the frequency of lynching. Florida’s lynching rate spiked at an average of more than 1.5 lynchings per 100,000 residents in the 1890s and remained consistently higher than most other states through the era’s end. Mississippi’s rate of lynching remained steady and high from 1880 to 1900, then mirrored the region-wide declining trend from 1900 to 1940.

The twenty-five counties with the highest rates of lynchings of African Americans during this era are located in eight of the twelve states studied: Arkansas, Florida, Louisiana, Tennessee, Georgia, Kentucky, Texas, and Mississippi. The terror of lynching was not confined to a few outlier states. Racial terror cast a shadow of fear across the region. (See Tables 4 and 5.)



Table 1: African American Lynching Victims by Southern State, 1877-1950

Alabama	361
Arkansas	492
Florida	311
Georgia	589
Kentucky	168
Louisiana	549
Mississippi	654
North Carolina	123
South Carolina	185
Tennessee	233
Texas	335
Virginia	84
Total	4084

Table 2: Number of African Americans Lynched Annually Per 100,000 Residents in Southern States, 1880 to 1940

State	Per capita rate
Mississippi	0.620
Florida	0.556
Arkansas	0.531
Louisiana	0.454
Georgia	0.380
Alabama	0.278
South Carolina	0.203
Tennessee	0.163
Texas	0.137
Kentucky	0.107
North Carolina	0.082
Virginia	0.066

Table 3: Number of African Americans Lynched Annually Per 100,000 African American Residents in Southern States, 1880 to 1940

State	Per capita rate
Arkansas	1.994
Florida	1.655
Mississippi	1.151
Louisiana	1.090
Kentucky	0.957
Georgia	0.907
Texas	0.803
Tennessee	0.776
Alabama	0.693
South Carolina	0.390
North Carolina	0.269
Virginia	0.207

Table 4:  
25 Counties With the Highest Rates of Lynching (Per 100,000 Residents) in Southern States, from 1880 to 1940

Rate	County	Annual Lynching Rate	Lynchings
1	Phillips, AR	11.82	245
2	Lafayette, FL	4.54	13
3	Hernando, FL	4.14	11
4	Taylor, FL	3.12	14
5	Lafourche, LA	2.92	51
6	Lake, TN	2.66	13
7	Moore, TN	2.60	8
8	Early, GA	2.48	23
9	Fulton, KY	2.44	19
10	Baker, FL	2.41	7
11	Leflore, MS	2.38	48
12	Carroll, MS	2.33	29
13	Citrus, FL	2.21	7
14	Echols, GA	2.17	4
15	Oconee, GA	2.09	11
16	Baker, GA	2.00	9
17	Kemper, MS	2.00	24
18	Orange, FL	2.00	33
19	Sabine, TX	1.94	10
20	Brooks, GA	1.93	20
21	Columbia, FL	1.90	17
22	Stone, MS	1.87	7
23	West Carroll, LA	1.85	9
24	Calhoun, AR	1.83	10
25	Miller, GA	1.80	8

Table 5:  
25 Counties With the Most Lynching Victims, 1877-1950

Rank	County	Lynchings
1.	Phillips, AR	245
2.	Lafourche, LA	52
3-t.	Caddo, LA	48
3-t.	Leflore, MS	48
5.	Ouachita, LA	38
6.	Fulton, GA	35
7.	Orange, FL	33
8-t.	Carroll, MS	29
8-t.	Jefferson, AL	29
8-t.	Tensas, LA	29
11-t.	Bossier, LA	26
11-t.	Iberia, LA	26
13-t.	Early, GA	24
13-t.	Tangipahoa, LA	24
15-t.	Anderson, TX	22
15-t.	Hinds, MS	22
15-t.	New Hanover, NC	22
18-t.	Brooks, GA	20
18-t.	Columbia, FL	20
18-t.	Fulton, KY	20
18-t.	Polk, FL	20
18-t.	Shelby, TN	20
23-t.	Dallas, AL	19
23-t.	Lowndes, MS	19
23-t.	Marion, FL	19



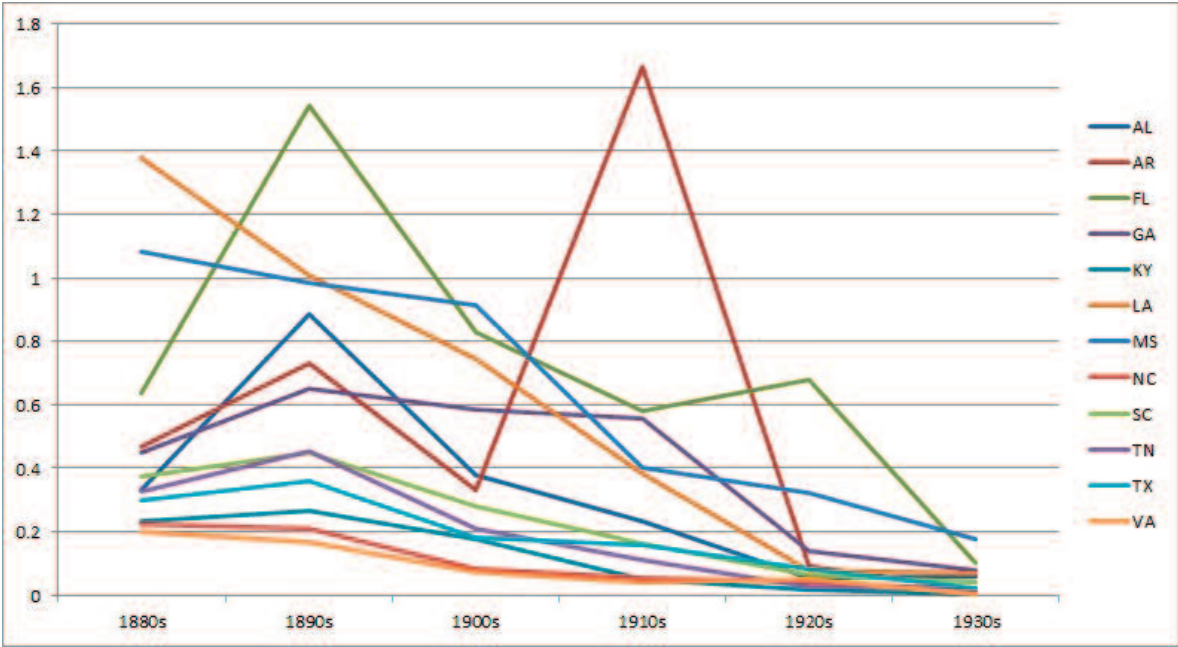
Table 6: The Most Active Lynching Counties in Each Southern State, 1877-1950

(Rank, County, Lynchings)								
ALABAMA			ARKANSAS			FLORIDA		
1.	Jefferson	29	1.	Phillips	245	1.	Orange	33
2.	Dallas	19	2.	Arkansas	18	2.	Columbia	20
3.	Monroe	17	3.	Lee	15	2.	Polk	20
4.	Lowndes	16	4.	Monroe	12	4.	Marion	19
5.	Pickens	15	5.	Little River	11	5.	Alachua	18
6.	Elmore	14	5.	Lonoke	11	6.	Taylor	15
7.	Butler	13	5.	Ouachita	11	7.	Madison	14
7.	Henry	13	8.	Ashley	10	8.	Lafayette	13
8.	Chilton	12	8.	Calhoun	10	9.	Suwannee	12
8.	Montgomery	12	10.	Desha	9	10.	Hernando	11
GEORGIA			KENTUCKY			LOUISIANA		
1.	Fulton	35	1.	Fulton	20	1.	Lafourche	52
2.	Early	24	2.	Logan	12	2.	Caddo	48
3.	Brooks	20	3.	Todd	7	3.	Ouachita	38
4.	Mitchell	11	4.	Graves	6	4.	Tensas	29
4.	Oconee	11	4.	Shelby	6	5.	Bossier	26
5.	Baker	10	5.	McCracken	5	5.	Iberia	26
5.	Bleckley	10	6.	Boone	4	6.	Tangipahoa	24
5.	Decatur	10	6.	Fayette	4	7.	Concordia	16
5.	Jasper	10	6.	Henderson	4	7.	Morehouse	16
5.	Montgomery	10	6.	Henry	4	8.	Orleans	14
			6.	Mason	4			
			6.	Warren	4			

(Rank, County, Lynchings)								
MISSISSIPPI			NORTH CAROLINA			SOUTH CAROLINA		
1.	Leflore	48	1.	New Hanover	22	1.	Barnwell	15
2.	Carroll	29	2.	Chatham	6	1.	Greenwood	15
3.	Kemper	24	2.	Granville	6	3.	Aiken	13
4.	Hinds	22	2.	Rowan	6	4.	Laurens	11
5.	Lowndes	19	5.	Johnston	4	4.	Orangeburg	11
6.	Yazoo	18	6.	Buncombe	3	6.	Colleton	10
7.	Lauderdale	16	6.	Franklin	3	7.	Florence	9
8.	Amite	14	6.	Gaston	3	7.	York	9
8.	Bolivar	14	6.	Iredell	3	9.	Lexington	8
8.	Warren	14	6.	Union	3	10.	Edgefield	6
			6.	Washington	3	10.	Hampton	6
TENNESSEE			TEXAS			VIRGINIA		
1.	Shelby	20	1.	Anderson	22	1.	Tazewell	7
2.	Obion	16	2.	McLennan	15	2.	Danville	5
3.	Lake	13	3.	Harrison	14	3.	Alleghany	3
4.	Robertson	11	4.	Sabine	10	3.	Halifax	3
5.	Coffee	8	5.	Cass	9	3.	Loudoun	3
5.	Lauderdale	8	5.	Freestone	9	3.	Newport News	3
5.	Marshall	8	5.	Grimes	9	3.	Russell	3
5.	Moore	8	6.	Bowie	8	3.	Wise	3
9.	Dyer	7	6.	Robertson	8	3.	Wythe	3
9.	Gibson	7	6.	Waller	8	10.	Alexandria, Amherst, Brunswick, Charlotte, Culpeper, Fauquier, Mecklenburg, Nelson, Nottoway, Page, Roanoke (city), Sussex	2



FIGURE 1: Number of African Americans Lynched Annually Per 100,000 Residents in Southern States, 1880 to 1940



## Lynching Outside the South, 1877-1950

Lynching outside of the Southern states differed from lynching within the South, largely in relation to the cultural and historical distinctions between the regions. “The Midwest and the West were not as directly burdened by the legacy of antebellum racial slavery,” writes Michael J. Pfeifer. “North and West of Dixie, lynching also persisted into the middle decades of the twentieth century, surfacing after allegations of particularly heinous crimes and under the influence of events such as African American in-migration and the heightened racism of the Jim Crow era.”<sup>185</sup>

**Black people outside the South were targeted and violently terrorized in response to racialized economic competition, unproven allegations of crime, and violations of the racial order.**

In addition to the 4084 documented lynchings committed in the South between 1877 and 1950, EJI has documented more than 300 racial terror lynchings of Black people that took place in other parts of the United States during the same period. The vast majority of these 341 lynchings were concentrated in eight states: Illinois, Indiana, Kansas, Maryland, Missouri, Ohio, Oklahoma, and West Virginia. Though the numbers were lower, mirroring the lower concentration of Black residents in these states, racial terror lynchings committed outside the South featured many of the same characteristics.

When Black people moved and built communities outside the South in growing numbers during the lynching era, they were often targeted and violently terrorized in response to racialized economic competition, unproven allegations of

Table 7: Non-Southern States with Highest Number of Racial Terror Lynchings

1.	Oklahoma	76
2.	Missouri	60
3.	Illinois	56
4.	West Virginia	35
5.	Maryland	28
6.	Kansas	19
7.	Indiana	18
8.	Ohio	15

crime, and violations of the racial order. As early as 1900, anti-lynching crusader Ida B. Wells-Barnett gave a speech continuing her denunciation of Southern lynching and also noting the growing number of atrocities being committed in other regions. “So potent is the force of example,” she told an audience in Chicago, “that the lynching mania has spread throughout the North and middle West. It is now no uncommon thing to read of lynchings north of the Mason and Dixon’s line, and those most responsible for this fashion gleefully point to these instances and assert that the North is no better than the South.”<sup>186</sup>

EJI found the highest numbers of documented racial terror lynchings outside the South during the lynching era in Oklahoma, Missouri, and Illinois, and those totals were largely fueled by

acts of mass violence against entire Black communities that left many people dead, property destroyed, and survivors traumatized.

In early July 1917, after several years of post-war migration had increased the Black population of East St. Louis, Illinois, and created economic competition for white residents, white mobs in the city ambushed African American workers as they left factories during a shift

**Horace Duncan and Fred Coker were seized from a Springfield, Missouri, jail, hanged from a tower near the town square, and burned and shot before a crowd of 5000 white men, women, and children.**



change. The violence soon spread, surging to an attack on the city's Black neighborhoods. Over the course of three days, the area suffered more than \$400,000 in property damage; at least several dozen African American men, women, and children were shot, hanged, beaten to death, or burned alive after being driven into burning buildings; and an estimated 6000 Black residents—more than half the city's Black population—fled.<sup>187</sup>

Just a few years later, in 1921, a Black elevator operator named Dick Rowland was arrested in Tulsa, Oklahoma, after a misunderstanding led to rumors that he had attacked a white woman. Though charges against Mr. Rowland were soon dropped and he was released, a white mob quickly gathered to lynch him. When the Black community banded together to help the young man leave town, the mob indiscriminately attacked the prosperous local Black residential and business district known as Greenwood. Over the next two days, the mob killed at least thirty-six Black people, displaced many more, and destroyed the once vibrant community. No member of the mob was ever convicted.<sup>188</sup>

Racial terror lynchings outside the South were often brutal and brazen public spectacles. In April 1906, two Black men named Horace Duncan and Fred Coker were accused of rape in Springfield, Missouri. Though both men had alibis confirmed by their employer, a mob refused to wait for a trial. Instead, the mob seized both men from jail, hanged them from Gottfried Tower near the town square, and burned and shot their corpses while a crowd of 5000 white men, women, and children watched.<sup>189</sup> Newspapers later reported that both men were innocent of the rape allegation.<sup>190</sup>

**Even in states with sparse Black populations, violent attacks terrorized small and vulnerable Black communities. In Duluth, Minnesota, a mob of 5000 white people lynched three Black men in 1920.**

In Okemah, Oklahoma, a Black woman named Laura Nelson and her teenaged son, L.D., were kidnapped from jail before they could stand trial on murder charges in May 1911. Members of the mob reportedly raped Ms. Nelson before hanging her and her son from a bridge over the Canadian River.<sup>191</sup>

On August 7, 1930, a large white mob used tear gas, crowbars, and hammers to break into the Grant County Jail in Marion, Indiana, to seize and lynch three young Black men who had been accused of murder and assault. Thomas Shipp and Abram Smith, both 19 years old, were severely beaten and hanged, while the third young man, 16-year-old James Cameron, was badly beaten but not killed. Photographs of the brutal lynching were shared widely, featuring clear images of the crowd posing beneath the hanging corpses, but no one was ever prosecuted or convicted.<sup>192</sup> The haunting images inspired writer Abel Meeropol to compose the poem that later became the song *Strange Fruit*.<sup>193</sup>

Even in states with sparse Black populations and very few documented racial terror lynchings, violent attacks terrorized small and vulnerable

Black communities. On June 15, 1920, in Duluth, Minnesota, a mob of 5000 people lynched three Black men named Isaac McGhee, Elmer Jackson, and Nathan Green. After seizing the men from jail, where they were being held on charges of assault, the mob ignored the pleas of a local white clergyman to spare the young men, and hanged them from a light pole.<sup>194</sup>

In Omaha, Nebraska, in October 1891, thousands of white people gathered to seize George Smith, a Black man, from the local jail after he was accused of assault. Though he had an alibi and most reports of the alleged crime were false, the mob beat Mr. Smith, dragged him through the streets with a rope around his neck, and then hanged him from telephone wires in front of a local opera house. Despite the severe physical injuries inflicted, the coroner concluded that Mr. Smith had died of “fright.” As a result, seven white men, including the local police cap-

tain, who were arrested for coordinating the lynching were never prosecuted.<sup>195</sup>

More than twenty-five years later, another Omaha lynching led to death and destruction for Black residents. After a Black man named Will Brown was accused of attempting to assault a white woman, a mob set the local courthouse on fire and pulled him from the jail. The mob beat Mr. Brown, hanged him from a telegraph post, riddled his body with bullets, and then dragged his burning corpse through the streets until it was mutilated beyond recognition. The violence soon spread into a “riot” that destroyed property throughout Omaha's Black community. Fragments of the rope used to hang Mr. Brown were sold for ten cents as souvenirs to white spectators.<sup>196</sup> An infamous photograph of Will Brown's charred corpse is among the most inhumane images of lynching in America that survive today.



Will Brown from the *World-Herald*, 1919.  
(Nebraska State Historical Society.)

**After a Black man named Will Brown was accused of attempting to assault a white woman, a mob pulled him from the jail, beat him, hanged him from a telegraph post, riddled his body with bullets, and dragged his burning corpse through the streets. The violence spread into a “riot” that destroyed property in Omaha's Black community.**



# Enabling an Era of Lynching: Retreat, Resistance, and Refuge

The lynching era was fueled by the movement to restore white supremacy and domination, but Northern and federal officials who failed to act as Black people were terrorized and murdered enabled this campaign of racial terrorism. For more than six decades, as Southern whites used lynching to enforce a post-slavery system of racial dominance, white officials outside the South watched and did little.

## Turning a Blind Eye to Lynching: Northern and Federal Complicity

Congress made efforts to pass federal anti-lynching bills throughout the lynching era, but Southern white representatives predictably and consistently protested so-called federal interference in local affairs.<sup>197</sup> Southern states passed their own anti-lynching laws to demonstrate that federal legislation was unnecessary,<sup>198</sup> but refused to enforce them. Very few white people were convicted of murder for lynching a Black person in America during this period,<sup>199</sup> and of all lynchings committed after 1900, only 1 percent resulted in a lyncher being convicted of a criminal offense.<sup>200</sup>

After Reconstruction, many Northern politicians embraced the goal of “sectional reconciliation” and disavowed federal authority to prosecute lynchings in the South. The United States Supreme Court’s 1876 decision in *Cruikshank*, which limited Congress’s power to pass laws deemed to effect local concerns, helped to create more political and rhetorical hurdles to combat the coming crisis of lynching.<sup>201</sup>

Very few white people were convicted of murder for lynching a Black person in America during this period.

Throughout the lynching era, as thousands of Black people were killed and countless more were terrorized by racial violence, Congress repeatedly failed to muster enough votes to pass any of the anti-lynching statutes proposed, largely due to arguments that no such law could withstand a constitutional test under the Court’s Reconstruction-era precedent.<sup>202</sup> Further, the majority opinion in *Cruikshank* had declared—barely a decade after emancipation—that formerly-enslaved people had reached the “stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws,” and thus had no claim to specialized legal protection.<sup>203</sup> Southern officials seized on this rhetoric and argued that, because lynching primarily affected Black people, federal lynching legislation constituted racial “favoritism” and reprised what most regarded as failed Reconstruction-era policies.<sup>204</sup>

Of all lynchings committed after 1900, only 1 percent resulted in a lyncher being convicted of any criminal offense.

Federal inaction from a Republican-controlled government weakened Black voters’ loyalty to the “party of Lincoln.”<sup>205</sup> In 1885, Democrats won the White House for the first time since the Civil War.<sup>206</sup> Rather than work to regain Black voters’ support by addressing concerns like lynching, Northern Republicans conspired with their political opponents to remove African Americans from the national political scene altogether. In November 1885, journalist, activist, and anti-lynching crusader Ida B. Wells wrote an editorial critiquing both parties’ failure to serve the Black electorate:

“I am not a Democrat [because] the Democrats considered me a chattel and possibly might have always so considered me, because their record from the beginning has been inimical to my interests; because they had become notorious in their hatred of the Negro as a man, have refused him the ballot, have murdered, beaten and outraged him and refused him his rights. I am not a Republican, because . . . a Republican Supreme Court revoked a law of a Republican Congress and sent the Negro back home for justice to those whom the Republican party had taught the Negro to fear and hate. Because they care no more for the Negro than the Democrats do, and because even now, and since their defeat last November, the Republican head and the New York Republican Convention are giving vent to utterances and passing resolutions

Southern politicians argued that federal lynching legislation constituted racial “favoritism” and Congress repeatedly failed to muster enough votes to pass any anti-lynching bills.

recommending State rights, and the taking from the Negro—for the reason his vote is not counted, but represented in the Electoral College, that they claim his gratitude for giving—the ballot.”<sup>207</sup>

By 1886, a “New South” controlled by white supremacist leaders was largely established. The dominant political narrative blamed lynching on its victims, insisting that brutal mob violence was the only appropriate response to the growing scourge of Black men raping white women.<sup>208</sup> Northern academics promoting the field of “scientific racism” concocted theories to legitimate the claim that Black men were dangerous subhumans predisposed to rape. By the late 1880s, numerous American scholars viewed African Americans as “a race that was devolving on the scale of civilization and becoming increasingly dangerous.”<sup>209</sup> University of Pennsylvania professor Daniel G. Brinton, who later became president of the International Congress of Anthropology and the American Association for the Advancement of Science, opined in 1890 that Black people had regressed to “midway between the Orang-utang and the European white.”<sup>210</sup> Brown University sociologist Lester Ward likewise concluded in 1930 that the Black man was compelled by the “imperious voice of nature to rape white women and thus raise his race to a little higher level.”<sup>211</sup> It would be another two decades before liberal anthropologists and other social scientists debunked these malicious myths, marking a turning point in the public discourse about race.<sup>212</sup>

The dominant political narrative blamed lynching on its victims, insisting that brutal mob violence was the only appropriate response to the growing scourge of Black men raping white women.



**The Republican Party responded to its electoral defeat by abandoning racial equality as a platform; it “defected entirely to the resurgent white supremacist order.”**

**President Theodore Roosevelt declared that “the greatest existing cause of lynching is the perpetration, especially by Black men, of the hideous crime of rape.”**

Meanwhile, Southern white politicians relied on “lynching and vigilantism as instruments of political terrorism”<sup>213</sup> to recreate state governments based in white supremacy and worked hard to defeat proposed federal laws that would have protected Black citizens’ voting rights. Southern officials branded proposed voter protection legislation a “Force Bill” that would trample states’ rights and create a dangerous “new Reconstruction” in which increased Black voting would arouse Black criminality.<sup>214</sup> Its success in defeating efforts to protect and restore Black Americans’ voting rights allowed the Southern-dominated Democratic Party to win the White House and a majority of Congress in 1892—just as the national lynching rate soared. The Republican Party responded to its electoral defeat by abandoning racial equality as a platform; it “defected entirely to the resurgent white supremacist order,” and in 1896 regained power by running “strictly as a party of economic interests, not civil rights.”<sup>215</sup>

By the start of the twentieth century, national leaders had learned to profitably employ popular white supremacist views and pro-lynching rhetoric. In 1906, President Theodore Roosevelt declared that “the greatest existing cause of lynching is the perpetration, especially by Black men, of the hideous crime of rape.”<sup>216</sup> “Let [the Black man] keep his hands off white women,” the *Memphis Avalanche-Appeal* editorialized, “and lynching will soon die out.”<sup>217</sup> “[If] it requires lynching to protect woman’s dearest possession from ravaging, drunken human beasts,” white women’s rights activist Rebecca Felton wrote in the *Atlanta Journal* in 1898, “then I say lynch a thousand a week if necessary.”<sup>218</sup>

## Opposition to Lynching

With fading voting power and few allies in either national political party, African Americans undertook their own efforts to combat the terror of lynching through grassroots activism. Black people targeted members of the white lynch mobs for economic retaliation by boycotting their businesses, refusing to work for them, and setting fire to their property.<sup>219</sup> To thwart lynching attempts, Black people risked serious harm to hide fugitives, organized sentinels to guard prisoners against lynch mobs,<sup>220</sup> and engaged in armed self-defense.<sup>221</sup>

Black anti-lynching activists like journalists Ida B. Wells<sup>222</sup> and T. Thomas Fortune and Tuskegee sociologist Monroe Work harnessed the growing power of the Black press.<sup>223</sup> Their articles demanded that lynch mobs be held accountable for committing murder and launched a public education campaign to combat the spread of misinformation and dispute

the myth of widespread Black-on-white rape.<sup>224</sup> Black advocates also formed national anti-lynching organizations and petitioned for legislation and official intervention in response to lynchings.<sup>225</sup>

In February 1898, a white mob in Lake City, South Carolina, set fire to the home of the Baker family and riddled it with gunshots, killing Frazier Baker and his infant daughter, Julia, and leaving his wife and five surviving children wounded and traumatized. Baker, a Black man, had aroused the hatred of the predominantly white community when President William McKinley appointed him to the position of local postmaster. After efforts to have Baker removed from the post failed, local whites resorted to mob violence.<sup>226</sup> The murder prompted a national campaign of letter-writing, activism, and advocacy spearheaded by Wells and others, which ultimately persuaded President McKinley to order a federal investigation that resulted in the prosecution of eleven white men implicated in the Baker lynching. Despite ample evidence, an all-white jury refused to convict any of the defendants.



Protestors demand that President Truman take action against lynching, 1946. (Bettmann/Getty Images.)



# Ida B. Wells

Anti-lynching crusader Ida Bell Wells was born into slavery in Holly Springs, Mississippi, in 1862.<sup>227</sup> At age eighteen, she moved to Memphis to work as a teacher and at age twenty-two, she sued the Chesapeake & Ohio & Southeastern Railroad Company for forcibly removing her from a train after she refused to be reseated in a segregated car. Though she ultimately lost the case, the effort foreshadowed her lifelong fight against racial injustice.<sup>228</sup>

An avid reader and writer, Ms. Wells became a popular columnist in Black newspapers while in Memphis, eventually rising to editor and part owner of the local *Free Speech and Headlight*.<sup>229</sup> She regularly used the platform to criticize racial inequality. When Thomas Moss, Calvin McDowell, and Henry Stewart—three Black men and friends of Ms. Wells—were brutally lynched in Memphis in March 1892 for defending their grocery business against white attackers, she immediately published an editorial urging Memphis’s Black community to “save our money and leave a town which will neither protect our lives and property, nor give us a fair trial in the courts, but takes us out and murders us in cold blood when accused by white persons.”<sup>230</sup>

More than 6000 African Americans heeded the call, but Ms. Wells stayed to promote the movement she had begun. In May 1892, she published another editorial that challenged the claim that lynching was necessary to protect white womanhood. In response, Memphis’s white newspapers denounced and derided Ms. Wells as a “black scoundrel.” On May 27, 1892, while she was visiting Philadelphia, a white mob attacked and destroyed the *Free Speech and Headlight* office and threatened her with bodily harm if she returned.<sup>231</sup>

Ms. Wells relocated to New York, where she continued her anti-lynching efforts by writing for the *New York Age*, publishing several anti-lynching pamphlets, and embarking on a speaking tour



(Wikimedia Commons)

through the Northern states and Britain, where she decried the atrocities of lynching and urged federal and international intervention.<sup>232</sup> Ultimately settling in Chicago, Ms. Wells became Mrs. Wells-Barnett and raised five children while collaborating with leaders like Frederick Douglass and W. E. B. Du Bois; helping to found the NAACP; organizing legal aid for victims of the 1918 race riots; publicly challenging racism within the women’s rights movement; and remaining the nation’s foremost anti-lynching crusader for forty years.<sup>233</sup>

In the preface to her 1892 pamphlet, *Southern Horrors*, Ida B. Wells-Barnett described the goal of her life’s work: “The Afro American is not a bestial race. If this work can contribute in any way toward proving this, and at the same time arouse the conscience of the American people to a demand for justice to every citizen, and punishment by law for the lawless, I shall feel I have done my race a service. Other considerations are of minor importance.”<sup>234</sup> She died of natural causes in Chicago in 1931, as the terror of the lynching era still raged and before the legacy of her tireless dedication was fully realized.

**Black efforts to combat racial violence during the lynching era spawned many important Black organizations, including the nation’s most effective and longstanding, the NAACP.**

Black efforts to combat racial violence during the lynching era spawned many important Black organizations, including the nation’s most effective and longstanding, the National Association for the Advancement of Colored People (NAACP). The NAACP formed in direct response to racial attacks in Springfield, Illinois, in 1908—an outbreak of violence that shocked Northerners and demonstrated that lynching was not only a Southern phenomenon.<sup>235</sup> When it officially launched in 1910, the NAACP’s president, treasurer, board chair, and secretary were all white men; the organization was one of the first in America in which white and Black, male and female members worked side by side on a public level.<sup>236</sup> When the NAACP made lynching a primary focus in 1912,<sup>237</sup> its support in the Black community soared. By 1919, 310 chapters boasted 91,203 members nationwide.<sup>238</sup> Black scholar and activist W. E. B. Du

Bois served as editor of the NAACP news magazine *The Crisis*. By 1919, the magazine had a circulation of 100,000 and soon became the most influential race publication in the country’s history.<sup>239</sup>

Due in large part to the racist propaganda disseminated during World War I<sup>240</sup> and the nationwide outbreak of racial violence that characterized the “Red Summer” of 1919,<sup>241</sup> lynching became a major national issue by the 1920s. The NAACP launched a renewed campaign for federal anti-lynching legislation that succeeded in winning passage of the Dyer anti-lynching bill in the House of Representatives on January 26, 1922, by a vote of 231-119.<sup>242</sup> Southern lawmakers mobilized against the bill in the Senate, resurrecting familiar objections demanding “states’ rights,”<sup>243</sup> alleging racial favoritism, and warning of the threat of Black rapists. Southern representatives appealed to racial division by accusing the law’s supporters of promoting an unconstitutional bill to satisfy “Negro agitators”<sup>244</sup> and shield rapists from justice.<sup>245</sup> Tennessee Representative Finis J. Garrett suggested the bill’s title be amended to read, “A bill to encourage rape.”<sup>246</sup> In the end, Southern Democrats filibustered the Dyer bill in the Senate and, on December 4, 1922, it was officially abandoned.<sup>247</sup>



NAACP Youth Council anti-lynching protest in Times Square, New York, 1937. (Picture History.)





Howard University students protest outside the National Crime Conference in Washington, DC, 1934. (Bettmann/Getty Images.)

The NAACP continued to push for federal anti-lynching legislation into the 1930s. Though white supremacist Southern Democrats continued to use the filibuster to defeat proposed bills,<sup>248</sup> the NAACP's campaign decrying lynching as "America's shame" helped turn the tide of public opinion—including in the South. In 1919, a group of primarily white Southerners formed the anti-lynching Committee on Interracial Cooperation in Atlanta, and in 1930, it launched the Association of Southern Women to Prevent Lynching (ASWPL). By 1940, the ASWPL claimed 40,000 supporters,<sup>249</sup> and by 1937, Gallup polls showed overwhelming white support for anti-lynching legislation.<sup>250</sup>

**White Southerners formed the Committee on Interracial Cooperation, and in 1930, it launched the Association of Southern Women to Prevent Lynching. By 1937, Gallup polls showed overwhelming white support for anti-lynching legislation.**

The NAACP's campaign persuaded some Southern newspapers to oppose lynching because it was damaging the South's image and economic prospects.<sup>251</sup> By the mid-1930s, "forward-looking white Southerners were compelled to adopt the position that lynching was barbaric and disgraceful, even as they continued to defend white supremacy or rail against Black criminality."<sup>252</sup> Also, in the 1940s, for the first time in four decades the Federal Bureau of Investigation increased investigations of lynchings,<sup>253</sup> and the Department of Justice began using NAACP lawyer Charles Hamilton Houston's legal theory that the Ku Klux Klan Act of 1871 created federal jurisdiction over such crimes.<sup>254</sup>

**By the mid-1930s, "forward-looking white Southerners were compelled to adopt the position that lynching was barbaric and disgraceful, even as they continued to defend white supremacy or rail against Black criminality."**

When national lynching rates declined markedly in the 1930s, NAACP Executive Secretary Walter White attributed the trend to these shifts in the public discourse and to anti-lynching activism, as well as to the Great Migration.<sup>255</sup> Beginning during World War I and continuing through the end of the 1940s, massive numbers of African Americans fled the South's racial caste system to seek opportunity and security in the Northeast, West, and Midwest. Within a single decade, the Black populations of Georgia and South Carolina declined by 22 percent and 24 percent, respectively.<sup>256</sup> Investigating these relocation trends, the United States Department of Labor observed that one of the "more effective causes of the exodus . . . is the Negroes' insecurity from mob violence and lynchings."<sup>257</sup>

Black flight in the face of violent racial terrorism was not a new or mysterious Southern phenomenon. "Tell my people to go West, there is no justice for them here" were the last words of lynching victim Thomas Moss, and thousands of Black residents left Memphis after he and two others were lynched there in 1898.<sup>258</sup> When parts of Georgia experienced a mass Black exodus after gruesome lynchings in 1915 and 1916, the local planters "attributed the movement from their places to the fact that the lynching parties had terrorized their Negroes."<sup>259</sup>

In a brutal environment of racial subordination and terror, faced with the constant threat of harm, close to six million Black Americans fled the South between 1910 and 1970. Many left behind their homes, families, and employment after a lynching or near-lynching rendered home too unsafe a place to remain. Many shared the experience of George Starling, a young Black man working in the orange groves of Eustis, Florida, in 1944, who fled for his life after word spread that he was seeking better working conditions. "Men had been hanged for far less . . . And there would be no protecting him if he stayed."<sup>260</sup>

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Though the growth of Northern cities and wartime industrial work increased the volume of Black movement out of the South, the terror of lynching and other racial violence had long made the South a tenuous homeland for Black Americans. In a letter published in the *Chicago Defender*, one Black migrant explained, "After twenty years of seeing my people lynched for any offense from spitting on a sidewalk to stealing a mule, I made up my mind that I would turn the prow of my ship toward the part of the country where the people at least made a pretense at being civilized."<sup>261</sup>

In each successive decade of the Great Migration, the number of lynchings in the South declined as Black departures from the region rose.<sup>262</sup> In 1952, for the first time since the Tuskegee Institute began tabulating records in 1882, a full year passed with no recorded lynchings in the United States.<sup>263</sup>

**"After twenty years of seeing my people lynched for any offense from spitting on a sidewalk to stealing a mule, I made up my mind that I would turn the prow of my ship toward the part of the country where the people at least made a pretense at being civilized."**



# Lynchings of Mexican Nationals

Lynching and racial violence in border states of the South and Southwest from 1849 to 1928 targeted Mexican nationals and Mexican Americans, who were shot en masse and lynched by mobs that often included Texas Rangers and other law enforcement officials.

While these lynchings frequently took place after an allegation of crime, Latino people, like African Americans, were considered undeserving of arrest and trial, and some were lynched not for crimes but for social transgressions such as “practicing witchcraft,” suing a white person, or yelling “Viva Diaz.”

Researchers estimate that hundreds of Mexican nationals and Mexican Americans were lynched in the South and Southwest during this period, and have identified 232 lynchings in Texas alone.

Scholars have argued that these lynchings in border states served to establish white economic, political, and social dominance in the border areas acquired by the United States following the war with Mexico. Violence forced Mexican residents of territory newly claimed by the United States to flee their homes, allowing whites to seize their land and natural resources.<sup>264</sup>

## Confronting Lynching

When the era of racial terror and widespread lynching ended in the mid-twentieth century, it left behind a nation and an American South fundamentally altered by decades of systematic community-based violence against Black Americans. The effects of the lynching era echoed through the latter half of the twentieth century. African Americans continued to face violent intimidation when they transgressed social boundaries or asserted their civil rights, and the criminal justice system continued to target people of color and victimize African Americans. These legacies have yet to be confronted.

### Violent Intimidation and Opposition to Equality

After the rate of lynchings abated, the central feature of the era of racial terror—violence against Black Americans—took new forms. The social forces and racial animus that made lynching a frequent occurrence and constant threat in the late nineteenth and early twentieth centuries remained deeply rooted in American culture, and violent intimidation continued to be used to preserve social control and white supremacy. African Americans in the South faced violence, threats, and intimidation in myriad areas of daily life, with no protection from the justice system.

Martin Luther King Jr. being booked at the Montgomery Jail in 1958 for civil rights activism. (Charles Moore/Getty Images.)





Black Southerners who survived the lynching era remained subject to the established legal system of racial apartheid known as Jim Crow. As organized resistance to this racial caste system began to swell in the early 1950s, Black demonstrators were met with violent opposition from white police officers and community members. Black activists protesting racial segregation and disenfranchisement through boycotts, sit-ins, voter registration drives, and mass marches consistently faced physical attacks, riots, and bombings from whites.

As a leader of the nonviolent protest movement, Reverend Dr. Martin Luther King Jr. challenged white law enforcement officials and private citizens who issued death threats, physically assaulted him at public lectures, and bombed his Montgomery, Alabama, home while his wife and infant daughter were inside. Police attacked demonstrators during highly publicized events like Bloody Sunday in Selma, Alabama, in 1965. Even Black children engaging in peaceful demonstrations were at great risk of harm and death. In 1963, four young girls were killed when the Sixteenth Street Baptist Church in Birmingham, Alabama, was bombed, and that year, more

As organized resistance to the racial caste system swelled in the early 1950s, Black demonstrators faced violent opposition from white police and community members.

than 700 Black children protesting racial segregation in the city were arrested, blasted with fire hoses, clubbed by police, and attacked by police dogs.

Closely mirroring the era of lynching, police in Mississippi facilitated the extrajudicial murders of civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner in 1964 by delivering the men to a white mob after detaining them for an alleged traffic violation. A mob of Ku Klux Klansmen, who had gathered during the several hours the three young men were held in jail, was ready and waiting to seize and murder them upon release.<sup>265</sup> Just as lynchings had been justified in the preceding decades, these violent incidents were defended as necessary to maintain “law and order.”



# Sheridan, Arkansas

On Tuesday, October 6, 1903, a mob of masked men took Ed McCollum, a Black citizen of Grant County, Arkansas, from the county jail in Sheridan. The men tied him to a tree on the lawn of the county courthouse in the town’s center square and shot him to death, leaving his body “riddled with bullets.”<sup>266</sup> Mr. McCollum had been in the county jail since the previous Saturday for wounding a local constable during an arrest.<sup>267</sup> Newspaper coverage of the lynching was terse and matter-of-fact, a reflection of how common such extrajudicial killings of African Americans had become during this time and in this region.

The town of Sheridan remained a hostile environment for African Americans in the following decades, but some found work at the local sawmill and built a small, resilient Black community.

In May 1954, four days after the United States Supreme Court’s ruling in *Brown v. Board of Education* banned racial segregation in public schools, Sheridan’s school board unanimously voted to integrate its junior high and high schools.<sup>268</sup> Under the vote, twenty-one Black students would join six hundred white students in upper school that fall and were guaranteed a discrimination-free experience in athletics, cafeteria service, and school dances.<sup>269</sup> Younger Black students would continue to attend the local two-room segregated lower school.<sup>270</sup> The district’s swift move toward integration, which made Sheridan the first community in the South to take such action after *Brown*, was likely influenced by the fact that the town was spending nearly \$5000 per year to maintain segregation by busing Black high school students to a segregated school twenty-five miles away.<sup>271</sup>

Just one day after the school board’s historic vote, hundreds of Sheridan’s white residents organized a protest meeting in the high school gymnasium. In response, the school board unanimously re-

scinded its integration resolution, citing a “sincere desire to be representatives of our patrons in school matters.”<sup>272</sup> Unsatisfied, several hundred white citizens circulated a petition calling for the resignation of the entire school board; all but one member ultimately stepped down.

Jack Williams, owner of the local sawmill and landlord for most of its employees, then approached Black families living on his property and demanded that they let him move their wooden shack homes to Malvern, twenty miles to the west, or he would evict them and burn their homes to the ground. Of course, the Black sawmill workers moved to Malvern, and much of Sheridan’s Black community followed.<sup>273</sup>

Recently, James Seawood, a Black man who attended Sheridan’s segregated elementary school as a child, recalled marveling at the white school’s huge building, marching band, and football team from atop the sawmill’s lumber stacks before returning to his own two-room school with two teachers and outdoor toilets. Mr. Seawood’s mother was the last Black teacher in Sheridan. Just before they left town, they watched a bulldozer dig a large hole and push the entire school into the ground, then cover it up, wiping out all evidence of its existence.<sup>274</sup>

Much of Sheridan’s racial history of lynching, segregation, and violent intimidation has also been buried. The town remained completely white for decades, and its public schools did not desegregate until 1992, when the school districts of two small interracial communities nearby consolidated with the larger district. Even then, Sheridan’s white parents and students yelled racial epithets during high school sporting events against interracial teams. In 2014, less than 2 percent of the town’s residents were African American.<sup>275</sup>



# Racially-Biased Criminal Justice and Mass Criminalization

Lynching and racial terror profoundly compromised the criminal justice system. Extrajudicial mob violence operated hand-in-hand with legal execution as a means of exercising lethal social control over the Black population. Neither lynching nor “legal executions” required reliable findings of guilt, and complicit law enforcement officers handed over prisoners to the lynch mob.<sup>276</sup>

Lynching profoundly compromised the criminal justice system.

Southern courts were deeply embedded in the exploitation of Black workers in the South long after the formal abolition of slavery. States exploited the Thirteenth Amendment’s exemption for prisoners by passing “Black Codes” and convict leasing laws that branded Black people as criminals to facilitate their reenslavement for state profit.<sup>277</sup> Further, although the Civil Rights Act of 1875 and Supreme Court rulings banned racial discrimination in jury selection,<sup>278</sup> local officials barred African Americans from serving on juries.<sup>279</sup> African Americans “virtually disappeared from the Southern jury box by 1900, even in counties where they constituted an overwhelming majority of the local population,”<sup>280</sup> which reinforced the impunity under which lynching flourished.<sup>281</sup> The fairness of the judicial system was wholly compromised for African Americans, and the courts operated as tools of their subjugation.



Prisoners from Limestone Correctional Facility in Alabama work on a “chain gang” as punishment, 1995. (© Andrew Holbrooke/Getty Images.)



Protest rally for Black teens criminally prosecuted for a fight over a “lynching tree” in Jena, Louisiana, 2007. (AP.)

Lynching also directly fostered the racialization of criminality. Whites defended vigilante violence aimed at Black people as a necessary tactic of self-preservation to protect property, families, and the Southern way of life from dangerous Black criminals. The link between lynching and the image of African Americans as “criminal” and “dangerous” was sometimes explicit, such as when lynchings occurred in response to allegations of criminal behavior. In other cases, white mobs justified lynching as a preemptive strike against the threat of Black violent crime.

Decades of racial terror in the American South reflected and reinforced a view that African Americans were dangerous criminals who posed a threat to innocent white citizens. Although the Constitution’s presumption of innocence is a bedrock principle of American criminal justice, African Americans were assigned a presumption of guilt.

America has never addressed the effects of racial violence, the criminalization of African Americans, and the critical role these phenomena have played in

shaping the American criminal justice system, particularly in the South. The Civil Rights Act of 1964, a signature legal achievement of the civil rights movement, contains provisions designed to eliminate discrimination in voting, education, and employment, but it does not address discrimination in criminal justice. Though the most insidious tool of racial subordination throughout the era of racial terror and its aftermath, the criminal justice system remains the institution in American life least impacted by the civil rights movement. Similarly, the system’s endorsement of racist myths of Black criminality has never been meaningfully confronted. The unprecedented level of mass incarceration in America today is a contemporary manifestation of these past distortions and abuses that continues to limit the opportunities of our nation’s most vulnerable.

Lynching racialized criminality. African Americans were assigned a presumption of guilt.



# Lynching's Legacy: Capital Punishment in America

**“Perhaps the most important reason that lynching declined is that it was replaced by a more palatable form of violence.”<sup>282</sup>**

As early as the 1920s, lynchings were disfavored because of the “bad press” they garnered. Southern legislatures shifted to capital punishment so that legal and ostensibly unbiased court proceedings could serve the same purpose as vigilante violence: satisfying the lust for revenge.<sup>283</sup>

The most famous attempted “legal lynching” likely is that of the so-called Scottsboro Boys — nine young African Americans charged with raping two white women in Scottsboro, Alabama, in 1931. White mobs converged outside the courtroom during the trial to demand that the accused be executed. Represented by incompetent lawyers, the nine were convicted by all-white, all-male juries within two days, and all but the youngest were sentenced to death. When the NAACP and others

launched a national movement to challenge the cursory proceedings, “the white people of Scottsboro did not understand the reaction. After all, they did not lynch the accused; they gave them a trial.”<sup>284</sup> Many defendants of the era learned that being sentenced to death rather than lynched did little to increase the fairness of trial, reliability of conviction, or justness of sentence.

Northern states had abolished public executions by 1850, but some Southern states authorized the practice until 1938.<sup>285</sup> Public hangings were often racialized displays intended to deter mob lynchings more than individual crimes.<sup>286</sup> Following Will Mack’s execution by public hanging in Brandon, Mississippi, in 1909, the *Brandon News* reasoned that “public hangings are wrong, but under the cir-



The “Scottsboro Boys,” 1931. (Bettmann/Getty Images.)



James Keaton was executed in Columbus, Mississippi, in 1934. (Univ. North Carolina at Chapel Hill, Wilson Special Collections Library.)

cumstances, the quiet acquiescence of the people to submit to a legal trial, and their good behavior throughout, left no alternative to the board of supervisors but to grant the almost universal demand for a public execution.”<sup>287</sup> Mobs often succeeded in forcing a public hanging in Southern states where the practice was illegal.

In Sumterville, Florida, in 1902, a Black man named Henry Wilson was convicted of murder in a trial that lasted just two hours and forty minutes. To mollify the mob of armed whites that filled the courtroom, the judge promised the death sentence would be carried out by public hanging, despite state law prohibiting public executions. Even so, when the execution was set for a later date, the enraged mob threatened, “We’ll hang him before sundown, governor or no governor.”<sup>288</sup> Florida officials quickly moved up the date, authorized Mr. Wilson to be hanged before a jeering mob, and congratulated themselves on the “avoided” lynching.

By 1915, court-ordered executions outpaced lynchings in the former slave states for the first time.<sup>289</sup> Two-thirds of those executed in the 1930s were Black,<sup>290</sup> and the trend continued. As African Americans fell to just 22 percent of the South’s population between 1910 and 1950, they constituted 75 percent of those executed in the South during that period.<sup>291</sup>

In the 1940s and 1950s, the NAACP’s Legal Defense Fund (LDF) began a multi-decade litigation strategy to challenge the American death penalty — which was most active in the South — as racially-biased and unconstitutional.<sup>292</sup> They won in *Furman v. Georgia* in 1972 when the United States Supreme Court struck down Georgia’s death penalty statute, holding that capital punishment too closely resembled “self-help, vigilante justice, and lynch law” and that “if any basis can be discerned for the selection of these few to be sentenced to die, it is the constitutionally impermissible basis of race.”<sup>293</sup>



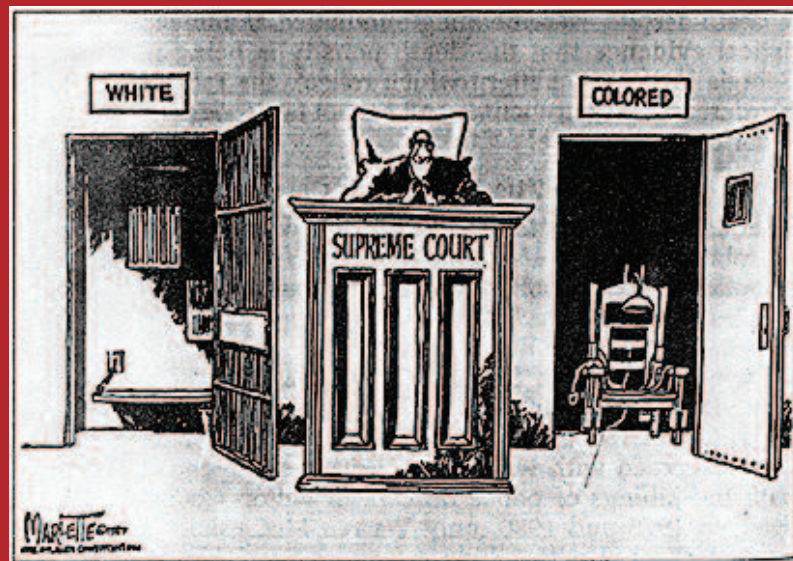
Southern opponents decried the decision and immediately proposed new death penalty statutes.<sup>294</sup> In 1976, in *Gregg v. Georgia*, the Supreme Court upheld Georgia's new death penalty statute and reinstated the American death penalty, capitulating to the claim that legal executions were needed to prevent vigilante violence.<sup>295</sup>

The new death penalty statutes continued to result in racial imbalance, and constitutional challenges persisted. In the 1987 case of *McCleskey v. Kemp*, the Supreme Court considered statistical evidence demonstrating that Georgia decisionmakers were more than four times as likely to impose death for the killing of a white person than a Black person. Accepting the data as accurate, the Court described racial bias in sentencing as “an inevitable part of our criminal justice system”<sup>296</sup> and upheld Warren McCleskey's death sentence because he had failed to identify a “constitutionally significant risk of racial bias” in his case.<sup>297</sup>

Race remains a significant factor in capital sentencing. African Americans make up less than 13 percent of the nation's population, but nearly 42 percent of those currently on death row in America are Black,<sup>298</sup> and 34 percent of those executed since 1976 have been Black.<sup>299</sup> In 96 percent of states where re-searchers have completed studies examining the relationship between race and the death

penalty, results reveal a pattern of discrimination based on the race of the victim, the race of the defendant, or both.<sup>300</sup> Capital trials today remain proceedings with little racial diversity; the accused is often the only person of color in the courtroom and illegal racial discrimination in jury selection is widespread, especially in the South and in capital cases. In Houston County, Alabama, prosecutors have excluded 80 percent of qualified African Americans from juries in death penalty cases.<sup>301</sup>

More than eight in ten American lynchings between 1889 and 1918 occurred in the South, and more than eight in ten of the nearly 1400 legal executions carried out in this country since 1976 have been in the South.<sup>302</sup> Modern death sentences are disproportionately meted out to African Americans accused of crimes against white victims; efforts to combat racial bias and create federal protection against racial bias in the administration of the death penalty remain thwarted by familiar appeals to the rhetoric of states' rights; and regional data demonstrates that the modern death penalty in America mirrors racial violence of the past.<sup>303</sup> As contemporary proponents of the American death penalty focus on form rather than substance by tinkering with the aesthetics of lethal punishment to improve procedures and methods, capital punishment remains rooted in racial terror — “a direct descendant of lynching.”<sup>304</sup>



(Doug Marlette, Atlanta Constitution, 1987)

## Trauma and the Legacy of Lynching

The lynching era left thousands dead; it significantly marginalized Black people in the country's political, economic, and social systems; and it fueled a massive migration of Black refugees out of the South. In addition, lynching—and other forms of racial terrorism—inflicted deep traumatic and psychological wounds on survivors, witnesses, family members, and the entire African American community. Whites who participated in or witnessed gruesome lynchings and socialized their children in this culture of violence also were psychologically damaged. And state officials' indifference to and complicity in lynchings created enduring national and institutional wounds that we have not yet confronted or begun to heal. Establishing monuments and memorials to commemorate lynching has the power to end the silence and inaction that have compounded this psycho-social trauma and to begin the process of recovery.

**Lynching—and other forms of racial terrorism—inflicted deep traumatic and psychological wounds on survivors, witnesses, family members, and the entire African American community.**



Public whipping in Wilmington, Delaware, 1920. (Library of Congress.)



## The Need for Monuments and Memorials

In 2007, Sherrilyn A. Ifill outlined the critical need for memorializing the history of lynching in this country. Her powerful book persuasively made the case for why public memorials on lynching should be an American priority.<sup>305</sup> Very few public commemorations of African Americans' suffering during the post-slavery era exist today. Formal remembrances of national racial history tend to celebrate the civil rights movement's victories, focusing on individual achievements and success stories rather than reflecting on the deeply-rooted, violent resistance that upheld the racial caste system for so long. Honoring civil rights activists and embracing their successes is appropriate and due, but when they are not accompanied by meaningful engagement with the difficult history of systematic violence perpetrated against Black Americans for decades after slavery, such celebrations risk painting an incomplete and distorted picture.

Until the opening of EJI's National Memorial for Peace and Justice in 2018, no prominent monument or memorial commemorated the thousands of African Americans who were lynched during the American era of racial terrorism. Of the 4084 Southern lynchings documented in this report, the overwhelming majority took place on sites that remain unmarked and unrecognized. In contrast, the landscape of the South is cluttered with plaques, statues, and monuments that record, celebrate, and lionize generations of American defenders of white supremacy, including countless leaders of the Confederate war effort and white public officials and private citizens who perpetrated violent crimes against Black citizens during the era of racial terror.<sup>306</sup> Many of these monuments, markers, and memorials have been erected in just the last sixty years.<sup>307</sup> In this context, the lack of public memorials

**Most Southern terror lynching victims were killed on sites that remain unmarked and unrecognized.**

**The Southern landscape is cluttered with plaques, statues, and monuments that record, celebrate, and lionize generations of American defenders of white supremacy, including public officials and private citizens who perpetrated violent crimes against Black citizens during the era of racial terror.**

**The lack of public memorials acknowledging racial terrorism is a powerful statement about our failure to value African Americans who were killed or gravely wounded in this brutal campaign of racial violence.**

acknowledging racial terrorism is a powerful statement about our failure to value the African Americans who were killed or gravely wounded in this brutal campaign of racial violence.

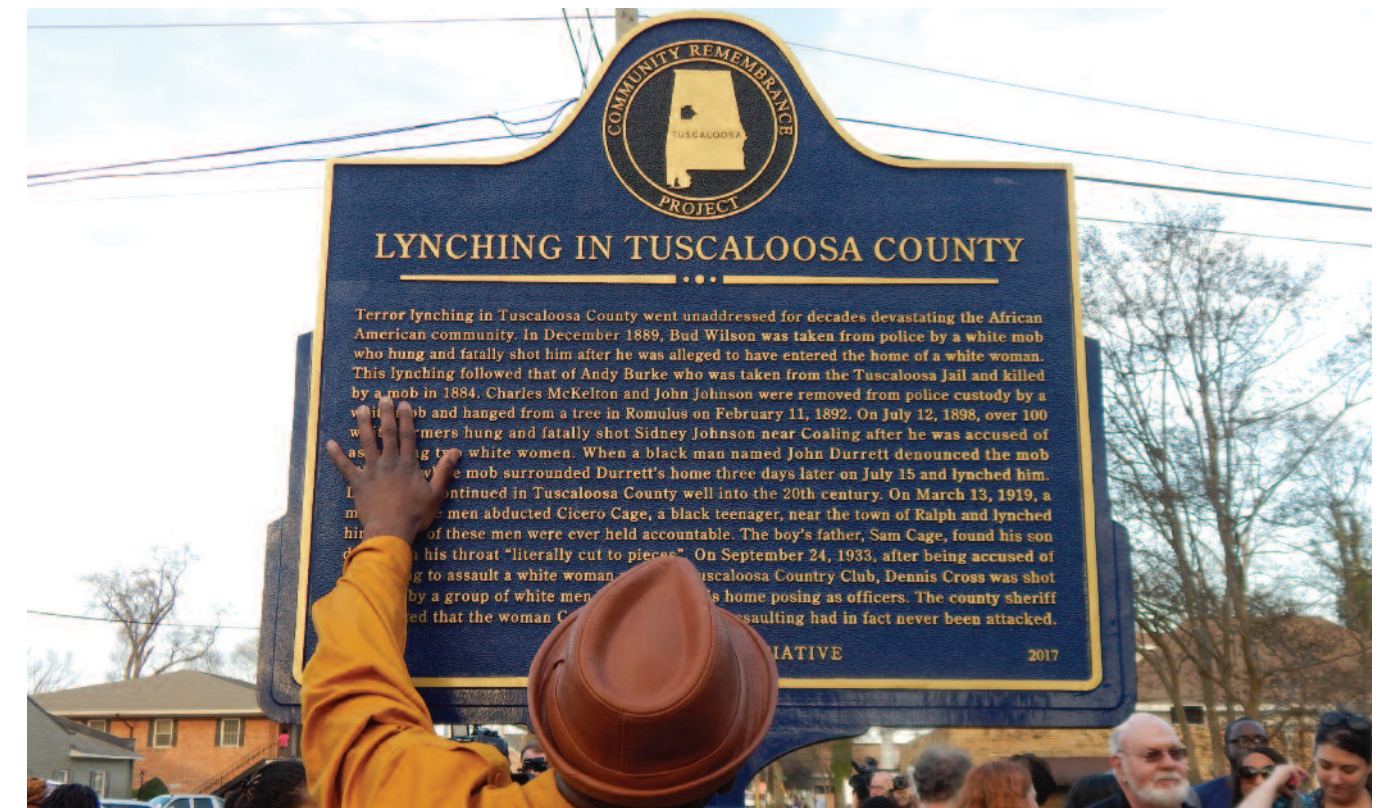
The era of racial terror calls for serious and informed reflection as well as public acknowledgment of the lives lost. President Jimmy Carter, commenting on the United States Holocaust Memorial, observed that "because we are humane people, concerned with the human rights of all peoples, we feel compelled to study the systematic destruction of the Jews so that we may seek to learn how to prevent such enormities from occurring in the future."<sup>308</sup> The effort to create a Holocaust Memorial in Berlin reflected the sense that, in the face of Germany's dev-

astating history, "a deliberate act of remembrance" was necessary—"a strong statement that memory must be created for the next generation, not only preserved."<sup>309</sup> National commemoration of the atrocities inflicted on African Americans during decades of racial terrorism is an important step towards establishing trust between the survivors of racial terrorism and the governments and legal systems that failed to protect them. Meaningful public accountability is critical to bring the cycle of racial violence to a close.

Formal spaces that memorialize mass violence help to establish trust between communities and build faith in government institutions.<sup>310</sup> Lynchings occurred in communities where African Americans today remain marginalized, disproportionately poor, overrepresented in prisons and jails, and underrepresented in decisionmaking roles in the criminal justice system—the institution most directly implicated in facilitating lynching and failing to protect Black Americans from racial violence. Only by telling the

**Lynchings occurred in communities where African Americans today remain marginalized, disproportionately poor, overrepresented in prisons and jails, and underrepresented in decisionmaking roles in the criminal justice system.**

truth about the age of racial terror and collectively reflecting on this period and its legacy can we hope that our present-day conversations about racial exclusion and inequality—and any policies designed to address these issues—will be accurate, thoughtful, and informed.



EJI and community leaders dedicated this public marker about lynching in Tuscaloosa, Alabama, in 2017.



# Significance for the African American Community

The level and type of violence that characterized lynching went beyond “ordinary modes of execution and punishment,” as historian Leon F. Litwack explains. “The story of a lynching [] is more than the simple fact of a Black man or woman hanged by the neck. It is the story of slow, methodical, sadistic, often highly inventive forms of torture and mutilation.”<sup>311</sup> Whether the victims were family members, friends, classmates, acquaintances, or strangers, African Americans who witnessed or heard about a lynching survived a deeply traumatic event and suffered a complex psychological harm.<sup>312</sup>

Each lynching or near-lynching instilled an overwhelming sense of fear and terror in African Americans. Lynching underscored the “cheapness of Black life [and] reflected in turn the degree to which so many whites by the early twentieth century had come to think of Black men and women as inherently and permanently inferior, as less than human, as little more than animals.”<sup>313</sup> The traumatic experience of surviving mass violence creates “insecurity, mistrust, and disconnection from people”<sup>314</sup>—a series of psychological harms that were amplified by the dangers inherent in navigating Southern racial boundaries. In the aftermath of a lynching, African Americans became “exceedingly circumspect in their dealings with whites;” survivors bore the burden of being indebted to “their ‘white friends’ for saving their lives.”<sup>315</sup>

**The traumatic experience of surviving mass violence creates “insecurity, mistrust, and disconnection from people”—psychological harms that were amplified by the dangers inherent in navigating Southern racial boundaries.**

Anticipating white preferences and whims became a matter of safety and survival for Black Southerners, leading one African American living in Atlanta in 1906 to comment about the prominent role whites’ expectations played in Black people’s lives: “We don’t talk about much else . . . It’s sort of life and death with us.”<sup>316</sup> In her study of lynching, lawyer and scholar Sherrilyn Ifill explains that the killings created a “deep well of suspicion” among African Americans, who became hypervigilant around white people and taught their young children to do the same.<sup>317</sup> She describes a white judge’s recollection of his Black playmate’s deferential behavior days after a lynching in their community; when the young Black child encountered his five- or six-year-old white playmate, he quickly stepped off the sidewalk as his fearful mother had instructed him to do. Black survivors most strictly observed racial boundaries in the aftermath of a lynching.<sup>318</sup>

At the same time that lynching provided whites a sense of community and enabled white men to affirm and perform their manhood by “protecting” Southern women, it undermined African Americans’ sense of community by forcing Black men, women, and children to witness horrific acts perpetrated against their family, friends, and neighbors. Emphasizing the power of white men through the targeted torture and death of Black men—many for stepping outside their relegated social roles by achieving economic success or demanding better treatment—lynching undermined Black manhood and ensured that “Black men who defended Black womanhood were likely to lose their lives in the effort.”<sup>319</sup>



Lynching victims George Dorsey and Dorothy Dorsey Malcolm are buried by the Black community, Monroe, Georgia, 1946. (Bettmann/Getty Images.)

This culture of fear created an environment in which African Americans who witnessed lynchings or lost family or friends to racial violence were afraid to discuss their experiences and risked violent reprisals if they dared to openly share what they had seen. Their trauma was intensified by a culture of silence about racial violence that grew out of the same systemic terror that produced racial violence.<sup>320</sup> In many ways, this fear survives and the culture of silence endures. Seventy-five years after witnessing the 1931 lynching of a classmate, one African American man remained unable to talk about the experience except to say that “it was the worst thing he’d ever seen.”<sup>321</sup>

Millions of Black Americans left the South between 1910 and 1970 in response to the instability and

threat of violence that racial terror created in the region. These largely involuntary relocations compounded the trauma suffered by terror survivors, even as leaving the South improved their physical safety. After generations in this country, Black Americans who moved to the North and West were exiles—internally displaced people who “had more in common with the vast movements of refugees from famine, war, and genocide in other parts of the world”<sup>322</sup> than with their new neighbors. African American migrants were less terrorized in their new cities and towns, but they were not entirely welcomed. Institutional inequality, continued marginalization, and unaddressed histories of trauma have created a unique legacy of chronic generational poverty, persistent urban distress, debilitating violence, and limited educational opportunities.

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# Traumatic Legacy for the White Community

The psychological harm inflicted by the era of terror lynching extends to the millions of white men, women, and children who instigated, attended, celebrated, and internalized these horrific spectacles of collective violence. As myriad social science studies have documented, participation in collective violence leaves perpetrators with their own dangerous and persistent damage, including harmful defense mechanisms such as “diminish[ed] empathy for victims” that can lead to intensified violent behaviors that target victims outside the original group.<sup>323</sup> In addition, perpetrators and bystanders may continue to devalue the group they victimized for years afterward and remain unable to acknowledge their actions, even though their personal and collective rehabilitation depends on that acknowledgment.<sup>324</sup> The foundational role that lynching played in the socialization of white children during this era illustrates racial violence’s deep cultural impact.

As attendees and participants in lynchings, Southern white children were taught to accept and embrace traumatic violence and the racist narratives underlying it. At one Kentucky lynching, young white children between six and ten years old brought wood and tended to the fire in which the victim was burned.<sup>325</sup> Boys especially were expected to actively engage in lynching; their roles expanded as they got older until, as young adults, they took on a direct

Participation in collective violence leaves perpetrators with persistent damage, including “diminish[ed] empathy for victims” that can lead to intensified violence against victims outside the original group.



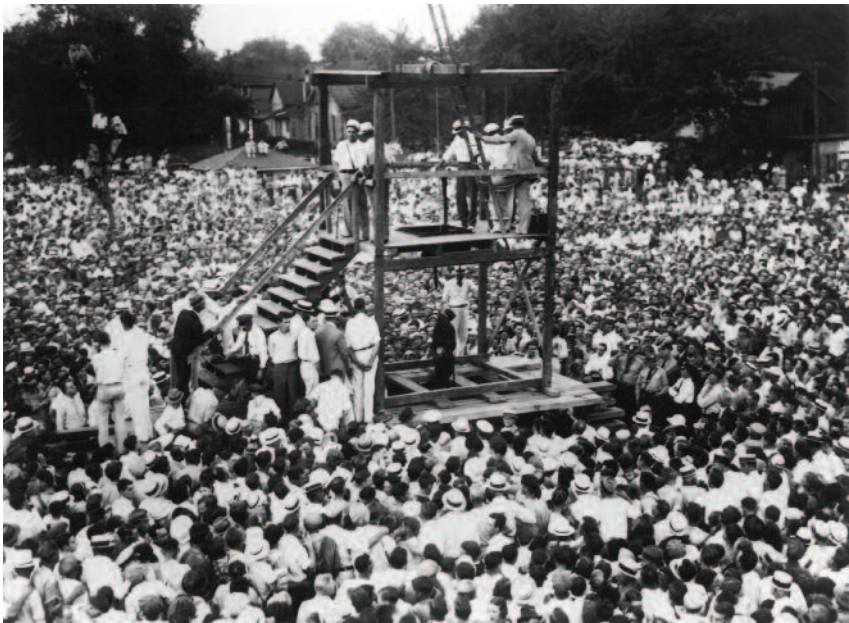
Reginald Marsh, “This is her first lynching,” 1934.  
(Granger, NYC — All rights reserved.)

role in the torture and murder.<sup>326</sup> Lynching was characterized as a civic duty of white Southern men that brought praise rather than sanctions from community elders and institutions.<sup>327</sup>

An African American woman who worked for a white family in Alabama during the lynching era observed that lynching messages were received early and burrowed deep. “I have seen very small white children hang their Black dolls,” she explained. “It is not the child’s fault, he is simply an apt pupil.”<sup>328</sup>

In 1906, after a young white boy in North Carolina was injured by his eleven-year-old white playmate who hung him from a noose fastened to a nail during a lynching game, the mother of the eleven-year-old refused to reprimand her son for his role in the mock lynching.<sup>329</sup> Playing “lynching” was so popular a pastime for Southern white children that the game was named “Salisbury,” presumably after a series of

Playing “lynching” was so popular among Southern white children that the game was named “Salisbury,” presumably after a series of lynchings in Salisbury, North Carolina, in 1902 and 1906 that included a Black child among the victims.



Officials in Owensboro, Kentucky, carry out a public execution in 1936.  
(Hulton Archive/Getty Images.)

lynchings in Salisbury, North Carolina, in 1902 and 1906 that included a fifteen-year-old Black child among the victims.<sup>330</sup>

White women and girls played a central role as accusers and thus instigators of lynchings. In the lynchings committed in reaction to rape accusations, white adolescent girls accounted for more than half of the accusers.<sup>331</sup> Even when rape accusations were disproved or directly contradicted, the white women and girls responsible for the claims “suffered neither social stigma nor criminal prosecution” for their role in instigating the murders of innocent Black men and boys.<sup>332</sup> Socializing girls in such an amoral framework communicated a devaluation of Black life and inflicted psychological damage on them.

Narratives emerged after the lynching era that blamed lynchings on a minority of Southern white extremists, but reports of the day clearly demonstrate that participation in lynching was widespread among Southern whites. “[L]ynchers tended to be ordinary and respectable people, animated by a self-righteousness that justified their atrocities in the name of maintaining the social and racial order” from which all white people benefitted.<sup>333</sup>

Generations of white people were raised in communities where myths of racial superiority dominated and went largely unchallenged. Many of those people hold powerful positions today. There has been no significant effort to confront white Southerners with the damage done by lynching or to facilitate recovery, and we live with the lingering legacies of that inaction.

Southern white children were taught to embrace traumatic violence and the racist narratives underlying it.

Lynching was a civic duty of white Southern men that brought them praise.



# Marianna, Florida

A town of less than ten thousand people located in the Florida Panhandle, Marianna is the seat of Jackson County and the site of a Civil War clash known as the Battle of Marianna. Revered as “Florida’s Alamo,” the battle occurred on September 27, 1864, between Union forces and a hastily-formed Confederate unit comprised mostly of local boys and elderly men. At battle’s end, the local Episcopal Church was burned with many of the Confederates inside and several other buildings were destroyed.<sup>334</sup>

Marianna celebrates its Civil War history with “Marianna Day,” an annual festival and reenactment of the Battle of Marianna. Several markers and monuments in downtown Marianna reflect local historical pride as well; the oldest memorial is a large obelisk erected on the courthouse lawn in 1888 that lionizes Confederate soldiers as “warriors tried and true, who bore the flag of our peoples’ trust, and fell in a cause, though lost, still just, and died for me and you.”<sup>335</sup>

A visitor would never know that Marianna also is the site of one of the nation’s most well-known public spectacle lynchings.

On October 19, 1934, Claude Neal, a twenty-three-year-old Black farmhand, was arrested for the murder of Lola Cannady, a young white woman whose body had been discovered just hours before. Five days later, six white men seized Neal from an Alabama jail where he had been moved for safekeeping and returned him to Jackson County, where they killed him in the woods before presenting his corpse to the Cannady family and a gathered mob. The corpse was castrated, the fingers and toes amputated, the skin burned with hot irons; the mob then drove over it with cars, shot it at least eighteen times, and hung it from a tree on the courthouse

lawn, where they again shot at it and took pieces of skin as souvenirs. When the sheriff cut the body down and refused to rehang it, an angry mob rioted, burning the homes of Mr. Neal’s family members and threatening Black residents with violence until they fled. The murder and subsequent attacks were widely reported in local and national newspapers, and it is a well-known twentieth century example of an especially gruesome lynching.<sup>336</sup>

Marianna’s legacy of violence and abusive racial mistreatment includes the Dozier School for Boys, a state juvenile reform school that operated in Marianna from 1900 until 2011.<sup>337</sup> The school faced serious allegations of abuse and closed during a federal investigation. In 2014, researchers conducting an excavation project uncovered the remains of fifty-five boys in the school cemetery, which was twenty-four more than were documented in official records.<sup>338</sup> Surviving former residents shared the experiences they endured at the Dozier School, which remained racially segregated until 1967. Richard Huntly, a sixty-seven-year-old Black man sent to the school at age eleven, recalled that white boys were given vocational work while he and other Black boys were made to work in the field planting and picking crops for state profit. “It was kind of like slavery,” he told reporters in 2014.<sup>339</sup>

In 2014, Marianna celebrated the 150th anniversary of the Battle of Marianna by honoring the memories of Confederate soldiers and officers who fought and died to preserve slavery and the white supremacist ideologies on which slavery was built. The community voice remains silent as to Marianna’s other legacies. No prominent memorial or marker tells of Claude Neal’s brutal lynching, and that silence is deafening.

## Importance for the Nation

Like mass rapes in the former Yugoslavia, terrorism against political dissidents in Argentina, and the torture and violent repression of Black South Africans under the apartheid regime, terror lynchings in the American South were not isolated hate crimes committed by rogue vigilantes. Lynching was targeted racial violence at the core of a systematic campaign of terror perpetrated in furtherance of an unjust social order. Lynchings were rituals of collective violence that served as highly effective tools to reinforce the institution and philosophy of white racial superiority. Lynch mobs intended to instill fear in all African Americans, to enforce submission and racial subordination, and to “emphasize the limits of Black freedom.”<sup>340</sup> Through lynching, whites demonstrated to Black people that any transgression of social and racial boundaries, real or imagined, placed the lives of all African Americans at risk.

The United States government compounded the psychological harm experienced by African Americans by permitting the torture and murder of Black citizens. Federal and state officials’ inaction communicated that no democratic institution valued Black citizens’ lives enough to protect them against terrorism by local officials and private citizens alike. “They had to have a license to kill anything but a nigger,” explained one African American man from the Mississippi Delta. “We was always in season.”<sup>341</sup> Today, public and private institutions in the South memorialize the Confederacy and celebrate the ar-

**Selective public memory compounds the harm of officials’ complicity in lynching and maintains the otherness of Black people who have lived in these communities for generations.**

**Lynchings in the American South were not isolated hate crimes committed by rogue vigilantes. Lynching was targeted racial violence at the core of a systematic campaign of terror perpetrated in furtherance of an unjust social order.**

chitects of white supremacy while remaining conspicuously silent about the terror, violence, and loss of life inflicted on Black Americans during the same historical period. This selective public memory compounds the harm of officials’ complicity in lynching and maintains the otherness of Black people who have lived in these communities for generations.

In 1908, a Black man named Eli Pigot was arrested in Brookhaven, Mississippi, on allegations of raping a white woman. Before trial commenced, the judge promised the public that lynching Mr. Pigot was unnecessary because he would plead guilty and face swift execution. But when Mr. Pigot was returned to town by train, hundreds of local whites who had gathered at the station seized and hung him from a tree near the courthouse. Critics questioned the militia’s failure to prevent the lynching, to which Mississippi Governor Edmond Noel responded that state officials could not be expected to “protect so hideous a malefactor from a deserved vengeance.”<sup>342</sup>

On August 13, 1955, also in Brookhaven, Mississippi, a white man shot and killed Lamar Smith, a sixty-three-year-old Black voting rights activist, in broad daylight and in front of several witnesses on the courthouse lawn.<sup>343</sup> Mr. Smith died steps from the site where Eli Pigot was lynched less than fifty years earlier. No one was prosecuted for either man’s murder. Today, Brookhaven bills itself as “The Home-seeker’s Paradise”; and the courthouse lawn bears no testament to the community’s history of racial violence.





"Raise Up" by Hank Willis Thomas, 2013.

Erecting monuments and memorials to commemorate lynching can begin to correct our distorted national narrative about this period of racial terror in American history while directly addressing the harms borne by the African American community, particularly survivors who lived through the lynching era. Scholars who have studied the impact of human rights abuses emphasize that speaking out about victimization can have a significant healing impact on survivors of genocide, mass violence, and other harms.<sup>344</sup> Continued silence about lynchings "compounds victimization" and tells victims and the nation as a whole that "their pain does not matter."<sup>345</sup> Publicly acknowledging lynchings can link instances of individual loss and harm to a broader system of abuse and mass violence and empower affected individuals "to move beyond trauma, hopelessness, numbness, and preoccupation with loss and injury."<sup>346</sup>

**Public acknowledgment and commemoration of mass violence is essential not only for victims and survivors, but also for perpetrators and bystanders who suffer from trauma and damage related to their participation in systematic violence and dehumanization.**

Public acknowledgment and commemoration of mass violence is essential not only for victims and survivors, but also for perpetrators and bystanders who suffer from trauma and damage related to their participation in systematic violence and dehumanization.<sup>347</sup> The Truth and Reconciliation Commission established by the South African government in the aftermath of apartheid elicited the stories of bystanders and perpetrators of torture and violence against Black citizens as well as the stories of victims. This enabled members of the white community to publicly acknowledge what happened to the victims and "reorient themselves with the new national agenda" as active participants rather than passive observers.<sup>348</sup>

Public commemoration plays a significant role in prompting community-wide reconciliation. Formalizing a space for memory, reflection, and grieving

**Formalizing a space for memory, reflection, and grieving can help victims "move beyond anger and a sense of powerlessness."**

**Suffering must be engaged, heard, recognized, and remembered before a society can recover from mass violence.**

can help victims "move beyond anger and a sense of powerlessness."<sup>349</sup> Memorials are known to help reconcile complicated and divisive national events. The Vietnam War Memorial, for example, is a powerful space for Americans and others to appreciate the historical context in which the war was fought and to grapple with the harm and death it caused.<sup>350</sup>

The importance of collective memory is the thread that connects national efforts to recover from human rights crises in countries and communities in the twentieth and twenty-first centuries. One key lesson has emerged: survivors, witnesses, and all

members of the affected community need to know that society has acknowledged what happened to the victims. Through a criminal tribunal, truth commission, or reparations project, suffering must be engaged, heard, recognized, and remembered before a society can recover from mass violence. Commemorating lynching through memorials and monuments that encourage and create space for the "restorative power of truth-telling" is essential if we are to "help society heal [its] sickness and place trauma in the past."<sup>351</sup> The Equal Justice Initiative is ready for this effort, and we hope you will join us.



EJI staff and community members dedicate three markers about the slave trade in Montgomery, 2013. (Bernard Troncale.)



# Conclusion

Lynching in America was a form of terrorism that has contributed to a legacy of racial inequality that our nation must address more directly and concretely than we have to date. The trauma and anguish that lynching and racial violence created in this country continues to haunt us and to contaminate race relations and our criminal justice system in too many places across this country. Important work can and must be done to speak truthfully about this difficult history so that recovery and reconciliation can be achieved. We can address our painful past by acknowledging it and embracing monuments, memorials, and markers that are designed to facilitate important conversations. Education must be accompanied by acts of reconciliation, which are needed to create communities where devastating acts of racial bigotry and legacies of racial injustice can be overcome.



EJI’s Community Remembrance Project recognizes victims of lynching by collecting soil from lynching sites and creating a memorial that acknowledges the horrors of racial injustice.

## Acknowledgments

This report is written, researched, designed, and produced by the staff of the Equal Justice Initiative. All of our lawyers, law fellows, justice fellows, interns, students, and staff have spent an enormous amount of time researching, investigating, documenting, and analyzing lynchings over the last six years. We’ve traveled throughout the South and spent hundreds of hours in each of the twelve states highlighted in this report. Our research, findings, and the preparation of this report would not have been possible without the entire staff’s dedicated work. I would like to specially acknowledge **Jennifer Taylor** for critical writing, research, and editing; **Andrew Childers** for writing, research, and analysis of data that allowed us to document the prevalence of lynching in states and counties; **John Dalton** for coordination of research teams, research, and writing; **Aaryn Urell** for writing, editing, layout, and production work; **Sia Sanneh** for writing, research, editing, and coordination of our monument research; **Josh Cannon** for research; **Noam Biale** for research and writing; and **Bethany Young** for research and writing. Special thanks is also owed to **Ian Eppler** and **Kiara Boone** for writing, research, and photo editing for the report and to **Imani Lewis** for photo research.

- Bryan Stevenson, Director

# Notes

i. SHERRILYN A. IFILL, *ON THE COURTHOUSE LAWN: CONFRONTING THE LEGACY OF LYNCHING IN THE TWENTY-FIRST CENTURY* 75 (2007).

1. Alexander H. Stephens, *Cornerstone Address* (March 21, 1861), *available at* <http://teachingamericanhistory.org/library/document/cornerstone-speech/>.

2. DORIS KEARNS GOODWIN, *TEAM OF RIVALS: THE POLITICAL GENIUS OF ABRAHAM LINCOLN* 91, 369 (2005).

3. *Id.* at 369-70.

4. *See Id.* at 462-72.

5. Abraham Lincoln, *Emancipation Proclamation* (Jan. 1, 1863), *available at* <http://www.loc.gov/resource/lprbscsm.scsms1016/#seq-1>.

6. Goodwin, *supra* note 2, at 464.

7. LEON F. LITWACK, *BEEN IN THE STORM SO LONG: THE AFTERMATH OF SLAVERY* 172-74 (1979).

8. *Id.* at 182-83.

9. JOHN W. BLASSINGAME, *THE SLAVE COMMUNITY* 261 (1979); EQUAL JUSTICE INITIATIVE, *SLAVERY IN AMERICA: THE MONTGOMERY SLAVE TRADE* 27 & n.108 (2013) (noting that despite the Mississippi Legislature voting finally to ratify the Thirteenth Amendment in 1995, the necessary paperwork was not submitted to federal authorities for nearly eighteen years, so the State’s official ratification was not recorded until 2013).

10. Litwack, *supra* note 7, at 182, 194-96.

11. ERIC FONER, *RECONSTRUCTION: AMERICA’S UNFINISHED REVOLUTION* 69 (1988).

12. *Id.* at 190-91.

13. *Id.* at 171-72.

14. *Id.* at 222.

15. *Id.* at 180.

16. Andrew Johnson, *Third Annual Message to Congress* (Dec. 3, 1867), *available at* <http://www.presidency.ucsb.edu/ws/?pid=29508>.

17. T. W. GILBRETH, *THE FREEDMEN’S BUREAU REPORT ON THE MEMPHIS RACE RIOTS OF 1866* (May 22, 1866), *available at* <http://teachingamericanhistory.org/library/document/the-freedmens-bureau-report-on-the-memphis-race-riots-of-1866/>; U.S. CONGRESS, HOUSE SELECT COMMITTEE ON THE MEMPHIS RIOTS (July 25, 1866), *available at* <http://babel.hathitrust.org/cgi/pt?id=uc1/c054751926;view=1up;seq=1>>; HERBERT SHAPIRO, *WHITE VIOLENCE AND BLACK RESPONSE* 6-7 (1988).

18. JAMES G. HOLLANDSWORTH JR., *AN ABSOLUTE MASSACRE: THE NEW ORLEANS RACE RIOT OF JULY 30, 1866* 3, 104-05, 126 (2001); Donald E. Reynolds, *The New Orleans Riot of 1866, Reconsidered*, 5 LA HIST.: J. LA. HIST. ASSOC. 5, 5-27 (Winter 1964).

19. Foner, *supra* note 11, at 262-67.

20. *Act of April 19, 1866*, § 1, 14 Stat. 27.

21. Foner, *supra* note 11, at 250-51.

22. U.S. Const. amend. XIV.

23. *Dred Scott v. Sanford*, 60 U.S. 393 (1857).

24. Foner, *supra* note 11, at 269.

25. *Id.*

26. *Id.* at 291.

27. Revels and Bruce were the only two Black senators elected in the nineteenth century; only two were elected in the entire twentieth century. *Id.* at 352-55; *Factbox: Black U.S. Senators and Governors*, REUTERS (June 29, 2008), <http://www.reuters.com/article/2008/06/30/us-usa-politics-black-idUSN2044253720080630>.



28. Foner, *supra* note 11, at 356, 362-63.
29. *Id.* at 331.
30. *Id.* at 346, 384-85, 391.
31. ALLEN W. TRELEASE, WHITE TERROR: THE KU KLUX KLAN CONSPIRACY AND SOUTHERN RECONSTRUCTION 3, 5 (1971).
32. Barry A. Crouch, *A Spirit of Lawlessness: White Violence; Texas Blacks, 1865-1868*, 18 J. OF SOC. HIST. 2, 217 (Winter 1984) (citing *Mrs. L.E. Potts to Abraham Lincoln, June 1866* in PHILLIP H. SHERIDAN PAPERS, Container 4 (Manuscript Division, Library of Congress)).
33. *Id.*
34. Litwack, *supra* note 7, at 276-77.
35. Foner, *supra* note 11, at 425.
36. EDWARD L. AYERS, THE PROMISE OF THE NEW SOUTH: LIFE AFTER RECONSTRUCTION 9-10 (2007).
37. *Id.* at 9.
38. Carolyn E. DeLatte, *The St. Landry Riot: A Forgotten Incident of Reconstruction Violence*, 17 LA. HIST.: J. LA. HIST. ASSOC. 1, 41-49 (Winter 1976).
39. Charles Lane, THE DAY FREEDOM DIED: THE COLFAX MASSACRE, THE SUPREME COURT, AND THE BETRAYAL OF RECONSTRUCTION 266 (2008) (estimating that the massacre left between 62 and 81 Black people dead).
40. E. MERTON COULTER, THE SOUTH DURING RECONSTRUCTION 369 (1947).
41. Kevin Boyle, *White Terrorists*, N.Y. TIMES BOOK REVIEW (May 18, 2008).
42. Thomas Howell, *The Colfax Massacre: An Essay Review*, 51 LOUISIANA HIST.: THE J. OF THE LOUISIANA HIST. ASS’N 69, 69 (Winter 2010).
43. Foner, *supra* note 11, at 530.
44. Trelease, *supra* note 31, at 3, 5.
45. *Id.*
46. *Id.* at 15-21.
47. Foner, *supra* note 11, at 431-33.
48. Trelease, *supra* note 31, at 113-15; James G. Dauphine, *The Knights of the White Camelia and the Election of 1868: Louisiana’s White Terrorists; A Benighted Legacy*, 30 LA. HIST.: J. LA. HIST. ASSOC. 2, 173 (Spring 1989); *see also* Foner, *supra* note 11, at 425.
49. Trelease, *supra* note 31, at 113; Foner, *supra* note 11, at 333-37, 344.
50. *Speech of Ex-Governor Horatio Seymour before the New York State Democractic Convention, at Albany, March 11, 1868*, available at <https://archive.org/details/speechesofexgovh00seym>.
51. *Id.*
52. Trelease, *supra* note 31, at 95, 117, 120-22.
53. DAVID M. CHALMERS, HOODED AMERICANISM 19 (1987); Trelease, *supra* note 31, at 197.
54. Chalmers, *supra* note 53, at 18; Foner, *supra* note 11, at 428-29.
55. Lisa Cardyn, *Sexualized Racism/Gendered Violence: Outraging the Body Politic in the Reconstruction South*, 100 MICH. L. REV. 675, 763 (Feb. 2002).
56. *Id.* at 765, 768-69.
57. *Id.* at 750 & n.266 (citing RICHARD MAXWELL BROWN, STRAIN OF VIOLENCE: HISTORICAL STUDIES OF AMERICAN VIOLENCE AND VIGILANTISM 214, 323 (1975), but noting that other scholars consider four hundred to be a significant underestimate).
58. *Id.* at 704-44; *see also* Trelease, *supra* note 31, at 195 (describing a case in which the Klan forced a Black man to have sex with a Black girl while they whipped him and forced the girl’s father to watch).
59. Cardyn, *supra* note 55, at 708.

60. Foner, *supra* note 11, at 454.
61. *Id.*
62. *Id.*; *see also* 42 U.S.C. § 1983; Frederick M. Lawrence, *Civil Rights and Criminal Wrongs: The Mens Rea of Federal Civil Rights Crimes*, 67 TUL. L. REV. 2113, 2136-44 (June 1993); Sara S. Beale, *Federalizing Crime: Assessing the Impact on the Federal Courts*, 543 ANNALS OF THE AM. ACAD. OF POL. & SOC. SCI. 40 (Jan. 1996) (“Until the Civil War, there were only a small number of federal offenses, and they generally dealt with injury to or interference with the federal government itself or its programs.”).
63. Foner, *supra* note 11, at 443.
64. *Id.* at 503.
65. Michael A. Ross, *Obstructing Reconstruction: John Archibald Campbell and the Legal Campaign against Louisiana’s Republican Government, 1868-1873*, 49 CIVIL WAR HIST. 235, 241 (Sept. 2003).
66. *See generally* RONALD M. LABBÉ & JONATHAN LURIE, THE SLAUGHTERHOUSE CASES 25-66 (2005).
67. *Id.* at 126.
68. *Id.* at 122-23.
69. *The Slaughterhouse Cases*, 83 U.S. 36, 69, 75-80 (1872). In its April 14, 1873, decision, the Court held that the Thirteenth Amendment did not apply to the butchers’ claims because its “obvious purpose was to forbid all shades and conditions of African slavery.” The Court held that the protected privileges and immunities included: the right to travel between states, to come to the seat of the national government to petition ones’ representative, to assemble peaceably, to have free access to seaports, and to demand the protection of the federal government on the high seas. The Bill of Rights of the federal Constitution had not yet been incorporated against the states.
70. Lane, *supra* note 39, at 112-13.
71. *Id.* at 195-97.
72. *Id.* at 196-97, 203.
73. *United States v. Cruikshank*, 92 U.S. 542, 554 (1876).
74. *Id.* at 555.
75. Lane, *supra* note 39, at 242-43.
76. Foner, *supra* note 11, at 559-60.
77. DONALD L. GRANT, THE WAY IT WAS IN THE SOUTH: THE BLACK EXPERIENCE IN GEORGIA 126-27, 130 (1993).
78. Congressman Jefferson F. Long, *Speech on Disorders in the South*, CONGRESSIONAL GLOBE, 41st Congress, Third Session 881-882 (1872).
79. *Annual Message and Accompanying Documents of the Governor of Virginia to the General Assembly, December 2, 1874* 29 (1874).
80. Smith returned the state to Democrat control, vowed to undo the negative influence that post-war Republican “misrule” had wrought, and quickly partnered with the politically-aligned legislature to roll back gains Black Georgians had made under the previous Republican administrations. *James M. Smith (1823-1890)* NEW GEORGIA ENCYCLOPEDIA (July 22, 2013), <http://www.georgiaencyclopedia.org/articles/government-politics/james-m-smith-1823-1890>.
81. *Table 25: Georgia - Race and Hispanic Origin: 1790-1990*, U.S. CENSUS BUREAU (2002), available at <http://www.census.gov/population/www/documentation/twps0056/tab25.pdf>.
82. *An Interview With the Present Governor of Georgia: Gov. James Milton Smith*, ATL. CONST. (March 30, 1876).
83. 18 STAT. 335-37 (1875).
84. *The Civil Rights Cases*, 109 U.S. 3 (1883).
85. 163 U.S. 537 (1897), overruled by *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).
86. Foner, *supra* note 11, at 560.
87. *Id.* at 584.



88. Lane, *supra* note 39, at 249.

89. Foner, *supra* note 11, at 562.

90. Ryan Scott King, *Jim Crow is Alive and Well in the Twenty-First Century: Felony Disenfranchisement and the Continuing Struggle to Silence the African American Vote*, 8 SOULS 7, 9 (2006); MISS. CONST., art. 12, § 242-43 (1890).

91. *Ratliff v. Beale*, 20 So. 865, 868 (1896).

92. OFFICIAL PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF ALABAMA, MAY 21<sup>ST</sup>, 1901, TO SEPTEMBER 3<sup>RD</sup> 1901 9 (1941).

93. *Id.*

94. MICHAEL PERMAN, STRUGGLE FOR MASTERY: DISFRANCHISEMENT IN THE SOUTH, 1888-1908 1, 6 (2001).

95. “The Mississippi Black Codes were copied, sometimes word for word, by legislators in South Carolina, Georgia, Florida, Alabama, Louisiana and Texas.” DAVID M. OSHINSKY, WORSE THAN SLAVERY: PARCHMAN FARM AND THE ORDEAL OF JIM CROW JUSTICE 21 (1996).

96. Jennifer Rae Taylor, *Constitutionally Unprotected: Prison Slavery, Felon Disenfranchisement, and the Criminal Exception to Citizenship Rights*, 47 GONZ. L. REV. 365, 374 (2012).

97. DOUGLAS BLACKMON, SLAVERY BY ANOTHER NAME 54-55 (2008).

98. Oshinsky, *supra* note 95, at 35-36.

99. *Prison Abuses in Mississippi: Under the Lease System Convicts are Treated with Brutal Cruelty*, CHICAGO DAILY TRIB. (July 11, 1887).

100. *Id.*

101. Oshinsky, *supra* note 95, at 35.

102. Leon F. Litwack, *Jim Crow Blues*, 18 OAH MAG. OF HIST. 7, 7 (Jan. 2004).

103. *Id.*

104. S.C. CODE Ch. 5 § 19 (1952).

105. S.C. CODE Ch. 40 § 452 (1952).

106. S.C. CODE Ch. 5 § 503 (1952).

107. S.C. CODE Ch. 16 § 553 (1952).

108. Wali R. Kharif, *Black Reaction to Segregation and Discrimination in Post-Reconstruction Florida*, 64 FLA. HIST. Q. 161 (Oct. 1985)

109. MISS. CODE § 4619 (1930).

110. N.C. GEN. STAT. § 125-10 (1901).

111. *Examples of Jim Crow Laws*, THE JACKSON (TENN.) SUN (2003), orig.jacksonsun.com/civilrights/sec1-crow-laws.shtml (last visited Dec. 12, 2014).

112. *Color Line Was Ignored: White Woman and Negro Arrested for Walking Together*, ATL. CONST. (March 23, 1901).

113. *Id.*

114. Litwack, *supra* note 102, at 9.

115. MANFRED BERG, POPULAR JUSTICE: A HISTORY OF LYNCHING IN AMERICA 45-50 (2011); PHILLIP DRAY, AT THE HANDS OF PERSONS UNKNOWN: THE LYNCHING OF BLACK AMERICA 18 (2003).

116. Dray, *supra* note 115, at 19.

117. *Id.* at 21-22.

118. *Id.* at 22-24.

119. Berg, *supra* note 115, at 24-31.

120. *Id.* at 66.

121. *Id.* at 34-35.

122. *Id.* at 31.

123. *Id.* at 38-39.

124. *Id.* at 39, 94.

125. STEWART E. TOLNAY AND E. M. BECK, A FESTIVAL OF VIOLENCE: AN ANALYSIS OF SOUTHERN LYNCHINGS, 1882-1930 247 (1992) (quoting COMMISSION ON INTERRACIAL COOPERATION, THE MOB STILL RIDES: A REVIEW OF THE LYNCHING RECORD, 1931-1935 (1936)); *see also* CHARLES OGLETREE, FROM LYNCH MOBS TO THE KILLING STATE: RACE AND THE DEATH PENALTY IN AMERICA 58 (2006) (“Though lynching had been used in the late 1800s as a form of punishment for whites, Mexicans, Chinese, and Native Americans, by the early 1900s, it had taken on a distinctly black/white racial character.”).

126. Berg, *supra* note 115, at 69.

127. *Id.* at 70-89.

128. Tolnay and Beck, *supra* note 125, at 51 n.1; *see also* Dray, *supra* note 115, at 18 (By the 1900s, “lynching had come almost exclusively to mean the summary execution of Southern Black men.”).

129. Tolnay and Beck, *supra* note 125, at 17.

130. Berg, *supra* note 115, at 91.

131. Berg, *supra* note 115, at 94.

132. Tolnay and Beck, *supra* note 125, at 19 (quoting JAMES CUTLER, LYNCH LAW: AN INVESTIGATION INTO THE HISTORY OF LYNCHING IN THE UNITED STATES 273-74 (1905)).

133. *Id.* at 112-13.

134. *The Lynching of the Negro at Chattanooga*, SPARTANBURG (S.C.) DAILY HERALD (March 31, 1906); *United States Supreme Court Defied: Prisoner Hanged in Defiance of the Full Tribunal’s Order*, RICHMOND PLANET (March 24, 1906); Dray, *supra* note 115, at 157.

135. Emily Yellin, *Lynching Victim is Cleared of Rape, 100 Years Later*, N.Y. TIMES (Feb. 27, 2000).

136. Berg, *supra* note 115, at 97-98.

137. *See also* Tolnay and Beck, *supra* note 125, at 92 (finding that 29 percent of lynchings of African Americans from 1880-1930 in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee were of individuals accused of sexual assault).

138. *See also id.* (finding that 37 percent of lynchings of African Americans from 1880-1930 in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee were of individuals accused of murder).

139. *See also id.* at 47.

140. *See also id.*

141. CRYSTAL N. FEIMSTER, SOUTHERN HORRORS: WOMEN AND THE POLITICS OF RAPE AND LYNCHING 165 (2009); RALPH GINZBURG, 100 YEARS OF LYNCHINGS 38-39 (1962).

142. *See also* Tolnay and Beck, *supra* note 125, at 48.

143. IDA B. WELLS-BARNETT, ON LYNCHINGS 14, 29-30 (2002).

144. ROBERT W. THURSTON, LYNCHING: AMERICAN MOB MURDER IN GLOBAL PERSPECTIVE 108 (2011).

145. *A Negro Lynched*, DAILY PUBLIC LEDGER (May 22, 1894).

146. *Lynched in Dorchester*, CHARLESTON (S.C.) NEWS AND COURIER (Jan. 16, 1904).

147. Ginzburg, *supra* note 141, at 76; *Negro Lynched At Shreveport—Mob Worked So Secretly That Police Knew Nothing of Hanging*, ATL. CONST. (Apr. 10, 1912); *Innocent Of Crime—Negro Is Lynched Near the City Limits of Shreveport, La.*, CINCINNATI ENQUIRER (Apr. 10, 1912); *Negro Hanged and Riddled—Had Been Accused of Writing Letters To White Woman*, BALT. SUN (Apr. 10, 1912).

148. *White Girl is Jailed, Negro Friend is Lynched*, GALVESTON (TEX.) TRIBUNE (June 21, 1934); *Negro Is Hanged By Irate Texans*, MACON (GA.) TELEGRAPH (June 22, 1934); *Negro Is Lynched In Texas Village*, MONTGOMERY ADVERTISER (June 22, 1934); *Negro Lynched By Kirbyville Mob*, GALVESTON (TEX.) TRIBUNE (June 21, 1934).



149. See also Tolnay and Beck, *supra* note 125, at 47.
150. *Lynched Because He Didn't Say 'Mr.'*, BALT. AFRO-AMERICAN (Aug. 24, 1940).
151. NAACP, *Brief Summary of Anti-Lynching Work*, THE CRISIS (Feb. 1919), at 182; Vincent Mikkelsen, *Coming Back from Battle to Face a War: The Lynching of Black Soldiers in the World War I Era* 100-02 (Ph.D. diss., Fla. St. Univ. 2007).
152. *Negro Killed After Hitting White Visitor*, ASHEVILLE (N.C.) CITIZEN (June 25, 1934); *Negro Lynched; Slapped White*, N.Y. EVENING POST (June 25, 1934).
153. Ginzburg, *supra* note 141, at 102.
154. *Negro Taken from Constable, Killed*, DAILY ARKANSAS GAZETTE (Sept. 13, 1917).
155. SOPHIE & PAUL CRANE, TENNESSEE'S TROUBLED ROOTS 43 (1979); *Negro Lynched*, THE EVENING NEWS (Apr. 23, 1918); Ginzburg, *supra* note 141, at 268; *Colored Man Lynched in Tennessee*, LOUISVILLE (KY.) NEWS (Apr. 22, 1918); *Negro Lynched at Lexington*, NASHVILLE GLOBE (Apr. 26, 1918); *Tennessee 'Does Its Bit'*, CHICAGO DEFENDER (Apr. 27, 1918).
156. *Southern Farmers Lynch Peter Bazemore*, CHICAGO DEFENDER (March 30, 1918); *Short Shrift for Negro*, CINCINNATI ENQUIRER (March 26, 1918).
157. See also Dray, *supra* note 115, at 18.
158. *Identified by Girl, Negro is Lynched*, ATL. CONST. (Sept. 26, 1930).
159. *Maskers Slay Negro Witness*, L.A. TIMES (Oct. 1, 1930); *Masked Band Kills Man Who Testified in Court*, WASH. POST (Oct. 1, 1930); *Negro Witness Shot, Four White Men Held*, ATL. CONST. (Sept. 29, 1930).
160. Berg, *supra* note 115, at 91.
161. David Garland, *Penal Excess and Surplus Meaning: Public Torture Lynchings in Twentieth-Century America*, 39 LAW & SOC. REV. 793 (2005).
162. Many reports published in white newspapers at the time of the lynching indicated that the woman was Holbert's wife, but none listed her name. A modern researcher who dug through census records found indications Luther Holbert's wife and children may have been living in Forest, Mississippi, at the time he was killed, and the woman lynched with him may have in fact been Emma Carr, wife of another Black man killed in the incident that preceded the lynching. See J. TODD MOYE, LET THE PEOPLE DECIDE: BLACK FREEDOM AND WHITE RESISTANCE MOVEMENTS IN SUNFLOWER COUNTY, MISSISSIPPI, 1945-1986 13-14 (2004).
163. *Id.* at 9-13; JULIUS E. THOMPSON, LYNCHINGS IN MISSISSIPPI: A HISTORY, 1865-1965 53 (1999); *BURNED AT THE STAKE: Man And Wife Hunted Down With Blood Hounds, Chained To Stake*, BALT. AFRO-AMERICAN (Feb. 13, 1904).
164. Dray, *supra* note 115, at 231-34; *Mob Burns Confessed Slayer of White Girl*, MONTGOMERY ADVERTISER (May 23, 1917).
165. *The Burning at Dyersburg: An NAACP Investigation*, 15 CRISIS 178-83 (1917); *Negro Is Burned by Tennessee Mob*, ATL. CONST. (Dec. 3, 1917).
166. LEON F. LITWACK, TROUBLE IN MIND: BLACK SOUTHERNERS IN THE AGE OF JIM CROW 281 (1998); DORA APEL, IMAGERY OF LYNCHING: BLACK MEN, WHITE WOMEN, AND THE MOB 22 (2004).
167. Harvey Young, *The Black Body as Souvenir in American Lynching*, 57 THEATRE JOURNAL 639, 639-40 (2005).
168. See generally, Apel, *supra* note 166.
169. Daisy Harvill, *PARIS, TX*, TEXAS STATE HISTORICAL ASSOCIATION HANDBOOK OF TEXAS ONLINE (Dec. 9, 2010), available at <http://www.tshaonline.org/handbook/online/articles/hdp01>.
170. *Id.*
171. Michael M. Ludeman, *LAMAR COUNTY*, TEXAS STATE HISTORICAL ASSOCIATION HANDBOOK OF TEXAS ONLINE (June 15, 2010), <http://www.tshaonline.org/handbook/online/articles/hcl01>.
172. Dray, *supra* note 115, at 77-79; Richard M. Perloff, *The Press and Lynchings of African-Americans*, 30 JOURNAL OF BLACK STUDIES 315-330 (2000); Wells-Barnett, *supra* note 143, 76-83; *Another Negro Burned*, N.Y. TIMES (Feb. 2, 1893); *Terrible Lynching*, RICHMOND DISPATCH (Feb. 2, 1893).
173. *Letter From Texas Reveals Lynching's Ironic Facts*, N.Y. NEGRO WORLD (Aug. 22, 1920); *Fair Grounds Flagpole Scene of Double Lynching*, KANSAS CITY (MO.) TIMES (July 7, 1920); Ginzburg, *supra* note 141, at 138-40; *Mob Burns Two At Stake*;

- Patrols Guard Paris, Texas*, N.Y.C. MAIL (July 7, 1920); *Two Lynched Not Guilty*, KANSAS CITY (MO.) TIMES (July 7, 1920); *Texans Seek to Punish Mob for Stake Burning*, N.Y.C. MAIL (July 10, 1920); *Texans Rejoice as Men Burn*, CHICAGO DEFENDER (July 10, 1920); *Paris Burn Fest Most Horrible Atrocity in Annals of Texas Lynchings in Texas: Leading Citizens Were There*, HOUSTON INFORMER (July 26, 1920); *Eight Victims of Lynch Law*, THE CHICAGO DEFENDER (1920).
174. *Id.*
175. *Protesters Clash over Texas Dragging Death* CBS News (July 21, 2009), <http://www.cbsnews.com/news/protesters-clash-over-texas-dragging-death/>.
176. *Protests Erupt After Suspects Set Free in Dragging Case*, WORKER'S WORLD (June 21, 2009), [http://www.workers.org/2009/us/texas\\_0625/](http://www.workers.org/2009/us/texas_0625/).
177. Tolnay and Beck, *supra* note 125, at 219.
178. *Id.* at 112-13; Berg, *supra* note 115, at 93.
179. ELLIOT JASPIN, BURIED IN THE BITTER WATERS: THE HIDDEN HISTORY OF RACIAL CLEANSING IN AMERICA Ch. 8 (2007); *Negro Killed by Mob and His Body Burned*, ATL. CONST. (May 21, 1918).
180. GRIF STOCKLEY, RULED BY RACE: BLACK/WHITE RELATIONS IN ARKANSAS FROM SLAVERY TO THE PRESENT 191-95 (2009).
181. *Allies of Huns Lynch Farm Hand*, CHICAGO DEFENDER (June 22, 1918).
182. *Prominent Race Man is Victim of Ark. Mob*, PITTSBURGH COURIER (June 16, 1927).
183. *Minister Lynched by Mississippi Mob Was Martyr for People: REV. MARKS IS LAUDED HIGHLY*, ATL. DAILY WORLD (Apr. 20, 1935).
184. Albert Jackson, *Union Bares Lynching of Sharecropper*, CHICAGO DEFENDER (Aug. 31, 1935); Albert Jackson, *Undercover Secret Lynching of Ala. Sharecropper's Leader*, AMERICAN (Aug. 30, 1935).
185. MICHAEL J. PFEIFER, LYNCHING BEYOND DIXIE: AMERICAN MOB VIOLENCE 4 (2013).
186. Ida B. Wells-Barnett, "Lynch Law in America" (speech, Chicago, Ill., January 1900), <http://www.womenspeecharchive.org/women/profile/speech/index.cfm?ProfileID=101&SpeechID=456>.
187. Estimates of Black victims killed in the East St. Louis massacre vary greatly and range from 40 to 200 people. See, e.g., *Murder and Burn, Nation's Worst Riot at East St. Louis*, BRAINERD DAILY DISPACT (MN.) (July 3, 1917); *U.S. Army Officer Is Investigating Monday's Race Riot*, HOUSTON POST (July 5, 1917); Robert Asher, *Documents of the Race Riot at East St. Louis*, JOURN. ILL. ST. HIST. SOC. 327-36 (1972); Malcolm McLaughlin, *Ghetto Formation and Armed Resistance in East St. Louis, Illinois*, JOURN. AM. STUD. 435-467 (2007).
188. Estimates of Black victims killed in the Tulsa massacre vary greatly and range from 36 people to 300. See, e.g., *Race War Rages in Tulsa*, THE DAILY ARMOREITE (OK.) (June 1, 1921); *Scores of People Killed in Bloody Race Riot At Tulsa*, THE TWIN-CITY DAILY SENTINEL (NC.) (June 1, 1921); I. Marc Carlson, *Known Dead and Wounded in the Tulsa Race Riot* (2012), The Tulsa Race Riot of 1921 - Special Collections, University of Tulsa, <http://www.personal.utulsa.edu/~marc-carlson/riot/riotdead.html>; *Tulsa Race Riot: A Report by the Oklahoma Commission to Study to Tulsa Race Riot of 1921* (2001), available at: <http://www.okhistory.org/research/forms/freport.pdf>.
189. The second victim's name was reported as Fred Coker in some press accounts and James or Jim Copeland in others. *Mob's Terrible Deed*, THE CITIZEN (KY.) (Apr. 19, 1906); *Negroes Lynched*, THE SEDALIA DEMOCRAT (Mo.) (Apr. 16, 1906); *Riot at Springfield*, THE CLARENCE COURIER (MO.) (Apr. 18, 1906).
190. *Negroes Lynched*, THE SEDALIA DEMOCRAT (MO.) (Apr. 16, 1906).
191. *Negro Woman and Son Are Lynched*, OMAHA DAILY BEE (May 26, 1911); *Grand Jury Is Investigating the Lynching of Two Negroes There*, MUSKOGEE TIMES-DEMOCRAT (Okla.) (June 1, 1911); Rob Collins, *Picture of Horror*, OKLAHOMA GAZETTE (May 24, 2011).
192. *Frenzied Mob Drags Negroes From Cells; Beats and Hangs Them*, THE KOKOMO TRIBUNE (Ind.) (Aug. 8, 1930); *Lynching of Two Colored Men At Marion Ghastly*, GARRETT CLIPPER (Ind.) (Aug. 11, 1930).
193. NPR, *Strange Fruit: Anniversary of a Lynching*, All Things Considered (Aug. 6, 2010), <http://www.npr.org/templates/story/story.php?storyId=129025516>.
194. *Minnesota Mob Had Mock Trial and Lynched Three*, THE CHARLOTTE NEWS (N.C.) (June 16, 1920); *Duluth Mob Lynches Three Negroes Held as Assault Suspects*, THE RICHMOND ITEM (Ind.) (June 16, 1920).



195. *Smith Died of Fright*, N.Y. TIMES (Oct. 20, 1891); *Current Events*, THE NEW ERA (Iowa) (Oct. 28, 1891); James E. Potter, “Wearing the Hempen Neck-Tie”: Lynching in Nebraska, 1858-1919, NEB. HIST. 93, 143-45 (2012).
196. *Omaha Mob Rule Defended by Most of the Population*, N.Y. TIMES (Sep. 30, 1919); James E. Potter, “Wearing the Hempen Neck-Tie”: Lynching in Nebraska, 1858-1919, NEB. HIST. 93, 143-45 (2012).
197. For example, an editorial in the *Danville Daily News*, in Virginia, published March 5, 1879, protested federal “interference” in local affairs: “If the pretensions of absolutism of the federal administration now set up [shall] be enforced everything like State autonomy, community independence, or ‘home rule’ (as the modern phrase is)—principles dearest of all to the heart of the American citizen—might as well be surrendered as among the things of the happy past....” CHRISTOPHER WALDREP, AFRICAN AMERICANS CONFRONT LYNCHING: STRATEGIES OF RESISTANCE FROM THE CIVIL WAR TO THE CIVIL RIGHTS ERA 140 (2009); Henry W. Grady, editor of the ATLANTA CONSTITUTION, in an 1886 speech before Northern businessmen, asked Northerners to let the white South handle the “social relations” between the races without interference, as the South’s very existence depended on the domination of the white race. PAULA J. GIDDINGS, *IDA: A SWORD AMONG LIONS* 123 (2008). In 1919, the *Nashville Banner* editorialized that federal anti-lynching legislation “would overthrow a very important prerogative reserved for the states, and would be a dangerous encroachment on the right of local self-government—the principles of federalism, the groundwork on which the Union is built.” CLAUDINE L. FERRELL, NIGHTMARE AND DREAM: ANTI-LYNCHING IN CONGRESS, 1917-1922 6-7 (1983); Tennessee Governor Malcolm Patterson, despite condemning a 1908 lynching as “a deplorable affair,” vehemently opposed the NAACP’s effort to pass a federal anti-lynching law, saying that “no more impudent challenge...was ever thrown in the face of a people or one more destructive to the rights of their states.” MARGARET VANDIVER, LETHAL PUNISHMENT: LYNCHINGS AND LEGAL EXECUTIONS IN THE SOUTH 117 (2006).
198. Soon after Republican Benjamin Harrison became the first president to place an anti-lynching bill before Congress, anti-lynching laws were passed in Georgia, North Carolina, South Carolina, Ohio, Kentucky, and Texas. A dozen states ultimately passed laws that authorized governors to employ state militia to prevent lynchings, held sheriffs or counties liable for lynchings, or criminalized participation in the mob. Desmond S. King and Rogers M. Smith, *Racial Orders in American Political Development*, 99 AM. POL. SCI. REV. 75, 87 (2005); Berg, *supra* note 115, at 154; CHRISTOPHER WALDREP, ED., LYNCHING IN AMERICA: A HISTORY IN DOCUMENTS 135 (2006); Tolnay & Beck, *supra* note 125, at 212.
199. *Law and Order Upheld By Citizens of Campbell; Blow Struck at Terrorists*, ATL. CONST. (Aug. 10, 1901) (reporting three white men convicted of murder for lynching Sterling Thompson, a Black man, in Campbell County, Georgia).
200. Berg, *supra* note 115, at 153.
201. *Civil Rights Cases*, *supra* note 84, at 14.
202. Republican Senator William Borah argued that anti-lynching legislation unconstitutionally invaded state rights and voting for it was as lawless as lynching itself. Waldrep, *supra* note 197, at 75.
203. *Civil Rights Cases*, *supra* note 84, at 25.
204. Berg, *supra* note 115, at 146.
205. Giddings, *supra* note 197, at 63, 81.
206. *Id.* at 81.
207. *Id.* at 83.
208. *Id.* at 90-91.
209. *Id.* at 157.
210. *Id.* at 216.
211. *Id.*
212. *Id.* at 473-74.
213. Berg, *supra* note 115, at 94-95.
214. Waldrep, *supra* note 197, at 47.
215. King and Smith, *supra* note 198, at 87.
216. Giddings, *supra* note 197, at 468.
217. Vandiver, *supra* note 197, at 13.

218. Berg, *supra* note 115, at 108; Giddings, *supra* note 185, at 399.
219. Berg, *supra* note 115, at 113.
220. *Id.* at 114; Tolnay and Beck, *supra* note 125, at 209.
221. Berg, *supra* note 115, at 113. Returning World War I veterans who had “come home fighting” exemplified the “New Negro” who engaged in armed self-defense against rioting white mobs in Chicago and Washington, DC, in 1919. Giddings, *supra* note 197, at 593, 598.
222. Giddings, *supra* note 197, at 177-84, 214.
223. *Id.* at 76-77.
224. Berg, *supra* note 115, at 150. Local papers presented Black people exclusively as criminals and often included brutal, exaggerated descriptions of the alleged crimes that operated to justify even the most gruesome lynchings. Ifill, *supra* note i, at 105-06.
225. *New York Freeman* editor T. Thomas Fortune founded the National Afro American League in 1884 to advocate for civil rights and against lynching. In 1896, the National Association for Colored Women was established to fight lynching and Bishop Alexander Walters formed the National Afro American Council, which represented 200,000 voters by 1900. Waldrep, *supra* note 198, at 128.
226. Waldrep, *supra* note 198, at 207-16; Giddings, *supra* note 197, at 385-88.
227. *IDA B. WELLS, CRUSADE FOR JUSTICE: THE AUTOBIOGRAPHY OF IDA B. WELLS* 7 (1970).
228. *Id.* at 15-20; Giddings, *supra* note 197, at 60-63; *Chesapeake & Ohio & Southwestern Railroad v. Wells*, 85 Tenn. 613 (1887).
229. Wells, *supra* note 227, at 35; Giddings, *supra* note 197, at 154-55.
230. Wells, *supra* note 227, at 47-52; Giddings, *supra* note 197, at 188-93.
231. Wells, *supra* note 227, 61-67; Giddings, *supra* note 197, at 207-14.
232. Wells, *supra* note 227, 69-200.
233. Giddings, *supra* note 197, at 1-7; Wells-Barnett, *supra* note 143, at 5-6.
234. Wells-Barnett, *supra* note 143, at 26.
235. Berg, *supra* note 115, at 147.
236. Giddings, *supra* note 197, at 478.
237. *Id.* at 500.
238. *Id.* at 624.
239. Waldrep, *supra* note 197, at 65, 68.
240. *Id.* at 72.
241. Giddings, *supra* note 197, at 593.
242. Seven hundred African Americans were in the Congressional galleries, cheering and shouting down members of Congress, when the Dyer Bill passed the House on January 26 by a vote of 231-119. *Id.* at 626; *see also* Waldrep, *supra* note 197, at 77.
243. The *New York Telegraph* wrote that states’ rights had killed the bill: “Congress is composed largely of lawyers, and lawyers found it hard to enthuse over a measure the tendency of which was to strip a state of the sole power of maintaining order – of conserving the peace . . . [T]he time has not yet arrived when interior communities will submit to interference with the police laws.” Ferrell, *supra* note 197, at 7.
244. The *New York Times* attacked it as a political stunt by Republicans to try to win Black voters back with an unconstitutional bill. Waldrep, *supra* note 197, at 75.
245. Mississippi congressman Thomas Sisson declared he would rather kill every Black person in the world than have just one white girl raped by a Black man. *Id.* at 74.
246. Vandiver, *supra* note 197, at 173.



247. Ferrell, *supra* note 197, at iv.
248. Waldrep, *supra* note 198, at 235; Berg, *supra* note 115, at 154.
249. Berg, *supra* note 115, at 149.
250. Two Gallup polls showed large portions of white Southerners supported federal legislation against lynching but opposed any specific measures against the practice; Southern politicians continued to oppose federal interference under the banner of states’ rights. AMY LOUISE WOOD, LYNCHING AND SPECTACLE: WITNESSING RACIAL VIOLENCE IN AMERICA, 1890-1940 263 (2009).
251. Timothy V. Kaufman-Osborn, *Capital Punishment as Legal Lynching?* in LYNCH MOBS TO THE KILLING STATE: RACE AND THE DEATH PENALTY IN AMERICA, ed. Charles J. Ogletree Jr. and Austin Sarat, 37-38 (2006).
252. Wood, *supra* note 250, at 261.
253. Berg, *supra* note 115, at 167.
254. Waldrep, *supra* note 197, at 82-83.
255. Tolnay and Beck, *supra* note 125, at 204.
256. *Id.* at 215.
257. *Id.* at 218 (quoting U.S. DEPT. OF LABOR, NEGRO MIGRATION IN 1916-17 107 (1919)); Berg, *supra* note 115, at 113; Ifill, *supra* note i, at 66; Stewart E. Tolnay and E. M. Beck, *Racial Violence and Black Migration in the American South, 1910 to 1930*, 57 AM. SOC. REV. 1, 103-16 (1992) (finding support for a model of reciprocal causation between racial violence and Black net out-migration from Southern counties during the era of the Great Migration and concluding that “mob violence was an important social force driving blacks from certain areas of the South.”).
258. Giddings, *supra* note 197, at 183, 189.
259. Tolnay and Beck, *supra* note 125, at 218 (quoting U.S. Dept. of Labor, *supra* note 257, at 79).
260. ISABEL WILKERSON, THE WARMTH OF OTHER SUNS: THE EPIC STORY OF AMERICA’S GREAT MIGRATION 157 (2010).
261. Tolnay and Beck, *supra* note 125, at 219.
262. *Id.* at 222; Wilkerson, *supra* note 260, at 533.
263. *A Year of No Lynchings*, THE GUARDIAN (Jan. 8, 1953); *1952 is the First Year Without a Lynching in the U.S.*, CHICAGO TRIBUNE (Dec. 31, 1952); Thompson, *supra* note 163, at 141.
264. WILLIAM CARRIGAN AND CLIVE WEBB, FORGOTTEN DEAD: MOB VIOLENCE AGAINST MEXICANS IN THE UNITED STATES, 1848-1928 (New York: Oxford University Press, 2013).
265. JAMES P. MARSHALL, STUDENT ACTIVISM AND CIVIL RIGHTS IN MISSISSIPPI: PROTEST POLITICS AND THE STRUGGLE FOR RACIAL JUSTICE, 1960-1965 101-103 (2013).
266. *Arkansas Lynching: Negro Taken from Sheridan Jail and Hanged in Courthouse Yard*, BRYAN (TEX.) MORNING EAGLE (Oct. 8, 1903).
267. *Id.*
268. *Sheridan Set to Mix Pupils in High School*, ARK. GAZETTE (May 22, 1954).
269. John A. Kirk, *Not Quite Black and White: School Desegregation in Arkansas, 1954-1966*, 70 ARK. HIST. QUARTERLY 225, 231-32 (2011).
270. *Id.*
271. *The Patterns of Transitions Vary*, ARK. GAZETTE (May 23, 1954).
272. *Sheridan Rescinds Integration Order; Fayetteville to Mix; Little Rock to Stand Pat for Present*, ARK. GAZETTE (May 23, 1954).
273. Kirk, *supra* note 269, at 231-32.
274. “As long as there was one Black child left in town, they had to keep the school open.” Rev. James Seawood, STORYCORPS, <http://storycorps.org/listen/reverend-james-seawood/#> (last visited Dec. 12, 2014).
275. *City of Sheridan, Arkansas*, GRANT COUNTY STATISTICS, <http://www.sheridanark.com/stats.php> (last visited Dec. 12, 2014).

276. A famous example of such a lynching is the murder of Edward Johnson in Chattanooga, Tennessee, in 1906. Johnson was seized from the Chattanooga jail, which had been vacated by the sheriff and his staff, dragged through the streets, and hanged from the second span of the Walnut Street Bridge. After Johnson’s lynching, the U.S. Supreme Court held a trial of local officials who were complicit in the lynching and several were convicted of contempt of court. *See generally* MARK CURRIDEN & LEROY PHILLIPS JR., CONTEMPT OF COURT, THE TURN-OF-THE-CENTURY LYNCHING THAT LAUNCHED 100 YEARS OF FEDERALISM (1999).
277. *See generally* Blackmon, *supra* note 97.
278. *Strauder v. West Virginia*, 100 U.S. 303 (1880).
279. *See* EQUAL JUSTICE INITIATIVE, ILLEGAL RACIAL DISCRIMINATION IN JURY SELECTION: A CONTINUING LEGACY 10 (2010).
280. Douglas L. Colbert, *Challenging the Challenge: Thirteenth Amendment As A Prohibition Against the Racial Use of Peremptory Challenges*, 76 CORNELL L. REV. 1, 78 (1990).
281. *See* James Forman Jr., *Juries and Race in the Nineteenth Century*, 113 YALE L.J. 895, 934 (2004).
282. James W. Clarke, *Without Fear or Shame: Lynching, Capital Punishment and the Subculture of Violence in the American South*, 28 BRITISH J. OF POL. SCI. 269, 284 (Apr. 1998). Scholars disagree about the extent to which statistical analyses show that the death penalty replaced lynching. Berg, *supra* note 115, at 159-60 (evidence that, nationwide, in the 1890s, 1300 Black people were lynched and 608 were executed, and in the 1920s, 250 Black people were lynched and 567 executed, but the ratio of lynchings to executions went from 2.1 in the 1890s to 0.4 in the 1920s, suggests that the death penalty replaced lynching); *but see* Tolnay and Beck, *supra* note 125, at 204 (concluding that little empirical evidence supports the hypothesis that lynchings declined as Southern states assumed the role of the mob by increasing the number of Black people who were legally executed); Vandiver, *supra* note 197, at 17 (finding that some evidence for the substitution model has been adduced by historical research and aggregate national statistics but multivariate statistical analysis does not support it).
283. Stephen B. Bright, *Discrimination, Death and Denial: The Tolerance of Racial Discrimination in Infliction of the Death Penalty*, 35 SANTA CLARA L. REV. 433, 440 (1995); *see also* Charles David Phillips, *Exploring Relations Among Forms of Social Control: The Lynching and Execution of Blacks in North Carolina, 1889-1918*, 21 LAW AND SOC. REV. 361, 372-73 (1987) (finding evidence for the conclusion that, prior to disenfranchisement, lynchings and executions were used in concert to suppress the Black population, but once Black people were politically neutralized, lynching became a “costly and unnecessary form of repression” and legal executions then became sufficient to punish deviance within the Black population).
284. Bright, *supra* note 283, at 440-41.
285. Stuart Banner, *Traces of Slavery: Race and the Death Penalty in Historical Perspective*, in FROM LYNCH MOBS TO THE KILLING STATE: RACE AND THE DEATH PENALTY IN AMERICA, ed. Charles J. Ogletree Jr. and Austin Sarat, 106 (2006).
286. Wood, *supra* note 250, at 38.
287. *Id.*
288. Vandiver, *supra* note 197, at 101.
289. Clarke, *supra* note 282, at 284-85.
290. Bright, *supra* note 283, at 440.
291. Clarke, *supra* note 282, at 287.
292. DAVID GARLAND, PECULIAR INSTITUTION: AMERICA’S DEATH PENALTY IN AN AGE OF ABOLITION 218-19 (2010).
293. *Furman v. Georgia*, 408 U.S. 238, 308, 310 (1972) (Stewart, J., concurring).
294. Following *Furman*, Mississippi Senator James O. Eastland accused the Court of “legislating” and “destroying our system of government,” while Georgia’s white supremacist lieutenant governor, Lester Maddox, called the decision “a license for anarchy, rape, and murder.” In December 1972, Florida became the first state to enact a new death penalty statute post-*Furman*, and within two years, thirty-five states had followed suit. Proponents of Georgia’s new death penalty bill unapologetically borrowed the rhetoric of lynching, insisting: “There should be more hangings. Put more nooses on the gallows. We’ve got to make it safe on the street again . . . It wouldn’t be too bad to hang some on the court house square, and let those who would plunder and destroy see.” State Representative Guy Hill of Atlanta proposed a bill that



- would require death by hanging, to take place “at or near the courthouse in the county in which the crime was committed.” Georgia Representative James H. “Sloppy” Floyd remarked, “If people commit these crimes, they ought to burn.” Garland, *supra* note 292, at 232, 247-48.
295. *Gregg v. Georgia*, 428 U.S. 153, 184 (1976).
  296. *McCleskey v. Kemp*, 481 U.S. 279, 312 (1987).
  297. *Id.* at 313.
  298. *Current Death Row Populations by Race*, DEATH PENALTY INFORMATION CENTER, <http://www.deathpenaltyinfo.org/race-death-row-inmates-executed-1976#deathrowpop> (accessed Jan. 9, 2015).
  299. *Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States, States, and Counties: April 1, 2010 to July 1, 2012*,” U.S. CENSUS BUREAU, <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk> (accessed Jan. 9, 2015); *National Statistics on the Death Penalty and Race*, DEATH PENALTY INFORMATION CENTER, <http://www.deathpenaltyinfo.org/race-death-row-inmates-executed-1976> (accessed Jan. 9, 2015).
  300. *Facts About the Death Penalty*, DEATH PENALTY INFORMATION CENTER, <http://www.deathpenaltyinfo.org/documents/Fact-Sheet.pdf> (Dec. 19, 2014).
  301. Equal Justice Initiative, *supra* note 279, at 5.
  302. *Number of Executions by State and Region Since 1976*, DEATH PENALTY INFORMATION CENTER, <http://www.deathpenaltyinfo.org/number-executions-state-and-region-1976> (accessed Jan. 9, 2015).
  303. Bright, *supra* note 283, at 439.
  304. *Id.*
  305. Ifill, *supra* note i, at 15-23, 117-31, 173-76.
  306. For example, there are at least 59 Confederate monuments, markers, and memorials in Montgomery, Alabama, alone. Equal Justice Initiative, *supra* note 9, at 44.
  307. *See id.* at 44-45.
  308. President Jimmy Carter, *Address to the First Days of Remembrance Commemoration* (Apr. 24, 1979).
  309. James E. Young, *Germany’s Holocaust Memorial Problem—and Mine*, 24 THE PUBLIC HISTORIAN 65, 75 (Fall 2002).
  310. There are numerous historical examples. In 2000, Pope John Paul II visited Yad Vashem (the Holocaust Memorial in Israel) and delivered a speech acknowledging the six million Jews killed by the Nazis during the Holocaust, in an attempt to foster reconciliation between Jewish people and the Catholic Church, whose role in the Holocaust under Pope Pius XII remains the subject of ongoing controversy. Pope John Paul II, *Speech at Yad Vashem Holocaust Memorial* (March 23, 2000), *available at* <http://www.jewishvirtuallibrary.org/jsource/Holocaust/paulspeech.html>.
  311. Litwack, *supra* note 166, at 286.
  312. *See, e.g.*, Ervin Staub, *Reconciliation after Genocide, Mass Killing, or Intractable Conflict: Understanding the Roots of Violence, Psychological Recovery, and Steps toward a General Theory*, 27 J. POL. PHILOSOPHY 867, 871 (2006) (explaining how victims of mass violence suffer from post-traumatic stress disorder (PTSD) and complex trauma, which may prompt victimized groups to feel guilt, ineffectiveness, loss of control, and the absence of a positive identity, and to engage in their own cycles of violence, stemming from a perceived need to defend themselves).
  313. Litwack, *supra* note 166, at 284.
  314. Staub, *supra* note 312, at 876.
  315. Oliver C. Cox, *Lynching and the Status Quo*, 14 J. OF NEGRO ED. 576, 577 (1945).
  316. Litwack, *supra* note 166, at 322.
  317. Ifill, *supra* note i, at 73.
  318. *Id.*
  319. Litwack, *supra* note 166, at 315.
  320. Ifill, *supra* note i, at 61.
  321. *Id.*
  322. Wilkerson, *supra* note 260, at 179.
  323. Staub, *supra* note 312, at 872.
  324. *Id.* at 872-73.
  325. Ginzburg, *supra* note 141, at 28.
  326. KRISTINA DUROUCHER, *RAISING RACISTS: THE SOCIALIZATION OF WHITE CHILDREN IN THE JIM CROW SOUTH* 120-23 (2011).
  327. *Id.* at 120-23.
  328. Litwack, *supra* note 166, at 288.
  329. *Id.*; DuRoucher, *supra* note 326, at 120.
  330. Litwack, *supra* note 166, at 288; *see also* SUSAN BARRINGER WELLS, *A GAME CALLED SALISBURY: THE SPINNING OF A SOUTHERN TRAGEDY AND THE MYTHS OF RACE* (2d ed. 2010).
  331. DuRoucher, *supra* note 326, at 132.
  332. *Id.*; *see also* Litwack, *supra* note 166, at 283 (describing the failure of the white community to take any action in the face of evidence demonstrating that Sam Hose, who was lynched in Georgia in 1899, had been falsely accused of rape).
  333. Litwack, *supra* note 166, at 294.
  334. *See generally* DALE COX, *THE BATTLE OF MARIANNA, FLORIDA* (2011).
  335. Inscription on Confederate Memorial, Courthouse lawn, Marianna, Florida (erected 1888).
  336. *See* DALE COX, *THE CLAUDE NEAL LYNCHING: THE 1934 MURDERS OF CLAUDE NEAL AND LOLA CANNADY* (2012); JAMES R. MCGOVERN, *ANATOMY OF A LYNCHING: THE KILLING OF CLAUDE NEAL* (1992); WALTER HOWARD, *LYNCHINGS: EXTRALEGAL VIOLENCE IN FLORIDA DURING THE 1930s* (2005); Ben Montgomery, *Spectacle: The Lynching of Claude Neal* TAMPA BAY TIMES (Oct. 5, 2011).
  337. Greg Allen, *Florida’s Dozier School for Boys: A True Horror Story*, NPR (Oct. 15, 2012), *available at* <http://www.npr.org/2012/10/15/162941770/florida-dozier-school-for-boys-a-true-horror-story>.
  338. Bill Chappell, *55 Bodies Exhumed at Reform School Site in Florida*, NPR (Jan. 28, 2014), *available at* <http://www.npr.org/blogs/thetwo-way/2014/01/28/267899476/55-bodies-are-exhumed-at-reform-school-site-in-florida>.
  339. Nina Berman and Michael Mechanic, *It Was Kind of Like Slavery*, MOTHER JONES (Feb. 2014), *available at* <http://www.motherjones.com/politics/2014/02/returning-to-dozier-florida-school-for-boys>.
  340. *Id.* at 285.
  341. *Id.* at 284.
  342. *Negro Lynched*, LINCOLN COUNTY (MISS.) TIMES (Feb. 8, 1908).
  343. SARA BULLARD, *A HISTORY OF THE CIVIL RIGHTS MOVEMENT AND THOSE WHO DIED IN IT* 42-43 (1994).
  344. MARTHA MINOW, *BETWEEN VENGEANCE AND FORGIVENESS: FACING HISTORY AFTER GENOCIDE AND MASS VIOLENCE* 65 (1998).
  345. *Id.* at 71.
  346. *Id.* at 67.
  347. *Id.* at 74-75.
  348. *Id.* at 75.
  349. *Id.* at 92.
  350. *See* Robin Wagner-Pacifici & Barry Schwartz, *The Vietnam Veterans Memorial: Commemorating a Difficult Past*, 97 AM. J. SOC. 376 (Sep. 1991).
  351. Minow, *supra* note 344, at 67.