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.
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 that had perpetrators who 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.” 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.

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 state-wide 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 intimidating 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 inter racial sex;
   2. Lynchings in response to casual social transgressions;
   3. Lynchings based on allegations of serious violent crime;
   4. 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 relies 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 fully recognize the pain of the past. As has been powerfully detailed in Sherrilyn A. Ifill’s extraordinary work on lynching, 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, monu-ments, 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.
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.”

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 voluntary colonization, which would encourage freed Black people to emigrate to Africa. 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.

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, which declared enslaved people residing in the rebelling Confederate states to be “then, thenceforward, and forever free.” 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. 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. 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.

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.

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.

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

In his 1867 annual message to Congress, President Johnson 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.”

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. 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.21 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.20 President Johnson vetoed the bill, but Congress—for the first time in United States history—overrode the veto.21 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.22 If ratified, the amendment would supersede the United States Supreme Court's 1857 decision in *Dred Scott v. Sandford*, which declared Black Americans full citizens entitled to equal civil rights.23

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. 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.24 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.25 In July 1868, the Fourteenth Amendment was officially adopted.

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.27

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.26 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 progressive 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.29 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.30

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.31 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.

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.
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. 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.”

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.” 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.”

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. 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. 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. 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. 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.

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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.

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. 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 50 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.”

The whites who enacted 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 1921, 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.
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. White terror groups also focused intense energy on imposing “their own vision of a righteous society,” 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. 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. 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. Through these acts of violence, white vigilantes used terror “to revive the privileges of white masculinity over the bodies of their former slaves.”

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. 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.” 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. 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. 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.

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-
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. 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. Despite overwhelming evidence, one defendant was acquitted and jurors failed to reach a verdict against any others.

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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. In addition, Congress passed a series of Enforcement Acts in 1870 and 1871, and the Ku Klux Klan Act of 1871. 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.

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. 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,” 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 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. 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. His suit on behalf of a group of white butchers argued that the Louisiana law forbidding slaughterhouses within city limits interfered 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.” 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. It did so 12 times. The Slaughterhouse Cases would make thirteen.
As against another.”73 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.”74 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.75 Violence continued to spread, and increasing attacks on African Americans in the South were carried out by undisguised men in broad daylight.76

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 Ku Klux 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.”79

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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.71 The court reserved ruling on that issue and allowed the trial to proceed, and three defendants were convicted of conspiracy.72 The judge then ruled that the Enforcement Act was unconstitutional and dismissed the indictments, initiating an appeal to the United States Supreme Court.

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.77 In 1872, Congress returned full civil rights to Confederate leaders and restored their eligibility to hold public office.

American history was...
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.”

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.” 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.”

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.” 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.”
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 prematurity withdrawal unleashed a pent-up wave of violence that easily topped the few remaining protective structures and left Black people cowed in an inferior economic, social, and political position.

Southern states altered 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. 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.”

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.”

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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. “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.”

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. 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.

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.

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. 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.” Under this
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. 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.” 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. A 1915 law required that Black and white employees of cotton textile mills be segregated at every stage of employment and restricted them from using the same entry/exit, occupying the same stairwell, or using the same tools. 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. And a 1910 law prohibited placing a white child in the permanent custody of a Black adult. Similarly, Florida law required separation of the races on streetcars; Mississippi law mandated separate hospital entrances for white and Black patients; North Carolina law authorized librarians to create separate reading areas for Black patrons; and Alabama law prohibited white nurses from treating Black male patients.

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. 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.”

Convict leasing demonstrated the way in which the criminal justice system became 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.

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.”

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. Con-structured of law and custom, force and fear, disen-frachisement, 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.

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. 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. Notably, lynching did not initially mean killing, and vigilante “regulators” often punished “thieves, highwaymen, swindlers, and card sharks” 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. 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.”

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. Southern lynchings, on the other hand, were commonly extrajudicial and employed to defend slavery. Between 1830 and 1860, Southern mobs killed an estimated 130 white individuals and at least 400 enslaved Black people. Most were lynched under suspicion of conspiring to mount a slave uprising—a growing but largely unsubstantiated fear among whites in slaveholding states. 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.

Southern lynching took on 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." Characterized by Southern mob violence intended to reestablish white supremacy and suppress Black civil rights through political and social terror, 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. 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,”—a “routine and systematic effort to subjugate the African-American minority.”
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. 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.

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.” Mr. Johnson used his last words to declare his innocence. Nearly a century later, he was cleared of the rape.135

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. 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. 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.”

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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, Ballew 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.

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. Hundreds more Black people were lynched based on accusations of far less serious crimes like arson, robbery, non-sexual assault, and vagrancy, 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.

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 segregation, coupled with widespread stereotypes of Black men as dangerous, violent, and uncontrollable sexual aggressors, fueled a pervasive fear of Black men raping white women. Of the 4084 African American lynching victims EJI documented, nearly 25 percent were accused of sexual assault and nearly 30 percent were accused of murder.

Hundreds more Black people were lynched based on accusations of far less serious crimes like arson, robbery, non-sexual assault, and vagrancy, 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.
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. 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.

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. 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.

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 cold drink with him. 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.

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.” 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.

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.
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 1938, Private Charles Lewis was lynched in Hickman, Kentucky, after he refused to empty his pockets while wearing his Army uniform. Richard Willkerson was lynched in Manchester, Tennessee, in 1934 for allegedly slapping a white man who had assaulted a Black woman at an African American dance; white men lynched Jeff Brown in 1916 in Cedar bluff, Mississippi, for accidentally bumping into a white girl as he ran to catch a train; and in 1917, Sam Cates was lynched for the offense of “annoying white girls” in England, Arkansas.

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.”

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.

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. 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. 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.

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. 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.

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. 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 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.
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. Persons'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.

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.

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.
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.

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.

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 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.

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.”
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.177

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.178 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.179

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 a noose around his neck, and shot 200 times. 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.180

Lynchings 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.)

Lynching in the South, 1877-1950

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

<table>
<thead>
<tr>
<th>State</th>
<th>Lynching Victims</th>
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<tbody>
<tr>
<td>Alabama</td>
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<tr>
<td>Virginia</td>
<td>84</td>
</tr>
<tr>
<td>Total</td>
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### Table 2: Number of African Americans Lynched Annually Per 100,000 Residents in Southern States, 1880 to 1940

<table>
<thead>
<tr>
<th>State</th>
<th>Per capita rate</th>
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<td>Alabama</td>
<td>0.278</td>
</tr>
<tr>
<td>South Carolina</td>
<td>0.203</td>
</tr>
<tr>
<td>Tennessee</td>
<td>0.163</td>
</tr>
<tr>
<td>Texas</td>
<td>0.137</td>
</tr>
<tr>
<td>Kentucky</td>
<td>0.107</td>
</tr>
<tr>
<td>North Carolina</td>
<td>0.082</td>
</tr>
<tr>
<td>Virginia</td>
<td>0.066</td>
</tr>
<tr>
<td>Total</td>
<td>0.4084</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>State</th>
<th>Per capita rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>1.994</td>
</tr>
<tr>
<td>Florida</td>
<td>1.655</td>
</tr>
<tr>
<td>Mississippi</td>
<td>1.151</td>
</tr>
<tr>
<td>Louisiana</td>
<td>1.090</td>
</tr>
<tr>
<td>Kentucky</td>
<td>0.957</td>
</tr>
<tr>
<td>Georgia</td>
<td>0.907</td>
</tr>
<tr>
<td>Texas</td>
<td>0.803</td>
</tr>
<tr>
<td>Tennessee</td>
<td>0.776</td>
</tr>
<tr>
<td>Alabama</td>
<td>0.693</td>
</tr>
<tr>
<td>South Carolina</td>
<td>0.390</td>
</tr>
<tr>
<td>North Carolina</td>
<td>0.269</td>
</tr>
<tr>
<td>Virginia</td>
<td>0.207</td>
</tr>
</tbody>
</table>

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

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

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

<table>
<thead>
<tr>
<th>Rank</th>
<th>County</th>
<th>Lynchings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Phillips, AR</td>
<td>245</td>
</tr>
<tr>
<td>2</td>
<td>Lefourche, LA</td>
<td>52</td>
</tr>
<tr>
<td>3-t.</td>
<td>Caddo, LA</td>
<td>48</td>
</tr>
<tr>
<td>3-t.</td>
<td>Leflore, MS</td>
<td>48</td>
</tr>
<tr>
<td>5</td>
<td>Ouachita, LA</td>
<td>38</td>
</tr>
<tr>
<td>6</td>
<td>Fulton, GA</td>
<td>35</td>
</tr>
<tr>
<td>7</td>
<td>Orange, FL</td>
<td>33</td>
</tr>
<tr>
<td>8-t.</td>
<td>Carroll, MS</td>
<td>29</td>
</tr>
<tr>
<td>8-t.</td>
<td>Jefferson, AL</td>
<td>29</td>
</tr>
<tr>
<td>8-t.</td>
<td>Tensas, LA</td>
<td>29</td>
</tr>
<tr>
<td>11-t.</td>
<td>Bossier, LA</td>
<td>26</td>
</tr>
<tr>
<td>11-t.</td>
<td>Iberia, LA</td>
<td>26</td>
</tr>
<tr>
<td>13-t.</td>
<td>Early, GA</td>
<td>24</td>
</tr>
<tr>
<td>13-t.</td>
<td>Tangipahoa, LA</td>
<td>24</td>
</tr>
<tr>
<td>15-t.</td>
<td>Anderson, TX</td>
<td>22</td>
</tr>
<tr>
<td>15-t.</td>
<td>Hinds, MS</td>
<td>22</td>
</tr>
<tr>
<td>15-t.</td>
<td>New Hanover, NC</td>
<td>22</td>
</tr>
<tr>
<td>18-t.</td>
<td>Brooks, GA</td>
<td>20</td>
</tr>
<tr>
<td>18-t.</td>
<td>Columbia, FL</td>
<td>20</td>
</tr>
<tr>
<td>18-t.</td>
<td>Fulton, KY</td>
<td>20</td>
</tr>
<tr>
<td>18-t.</td>
<td>Polk, FL</td>
<td>20</td>
</tr>
<tr>
<td>18-t.</td>
<td>Shelby, TN</td>
<td>20</td>
</tr>
<tr>
<td>23-t.</td>
<td>Dallas, AL</td>
<td>19</td>
</tr>
<tr>
<td>23-t.</td>
<td>Lowndes, MS</td>
<td>19</td>
</tr>
<tr>
<td>23-t.</td>
<td>Marion, FL</td>
<td>19</td>
</tr>
</tbody>
</table>
Table 6: The Most Active Lynching Counties in Each Southern State, 1877–1950

<table>
<thead>
<tr>
<th>Rank</th>
<th>County</th>
<th>Lynchings</th>
</tr>
</thead>
</table>

### ALABAMA
1. Montgomery 10
2. Jasper 10
3. Decatur 10
4. Bleckley 10
5. Baker 10
6. Oconee 11
7. Early 12
8. Monroe 17
9. Montgomery 12

### ARKANSAS
1. Phillips 245
2. Arkansas 18
3. Lee 15
4. Monroe 12
5. Little River 11
6. Lonoke 11
7. Ouachita 11
8. Ashley 10
9. Calhoun 10
10. Desha 9

### FLORIDA
1. Orange 33
2. Columbia 20
3. Polk 20
4. Marion 19
5. Alachua 18
6. Madison 14
7. Lafayette 13
8. Suwannee 12
9. Hernando 11

### GEORGIA
1. Fulton 35
2. Early 24
3. Brooks 20
4. Mitchell 11
5. Oconee 11
6. Baker 10
7. Bleckley 10
8. Decatur 10
9. Jasper 10
10. Montgomery 10

### KENTUCKY
1. Fulton 20
2. Logan 12
3. Todd 7
4. Graves 6
5. Shelby 6
6. McCracken 5
7. Boone 4
8. Fayette 4
9. Morrow 4
10. Henry 4

### LOUISIANA
1. Lafourche 52
2. Caddo 48
3. Ouachita 38
4. Tensas 29
5. Bossier 26
6. Iberia 26
7. Tangipahoa 24
8. Concordia 16
9. Morehouse 16
10. Orleans 14

### MISSISSIPPI
1. Leflore 48
2. Carroll 29
3. Kemper 24
4. Hinds 22
5. Lowndes 19
6. Yazoo 18
7. Lauderdale 16
8. Amite 14
9. Bolivar 14
10. Warren 14

### NORTH CAROLINA
1. New Hanover 22
2. Chatham 16
3. Granville 16
4. Rowan 16
5. Johnston 16
6. Buncombe 16
7. Franklin 16
8. Gaston 16
9. Iredell 16
10. Union 16

### SOUTH CAROLINA
1. Barnwell 15
2. Greenwood 15
3. Aiken 13
4. Laurens 11
5. Orangeburg 11
6. Colleton 10
7. Florence 9
8. York 9
9. Lexington 8
10. Edgefield 6

### TENNESSEE
1. Shelby 20
2. Obion 16
3. Lake 13
4. Robertson 11
5. Coffee 8
6. Lauderdale 8
7. Marshall 8
8. Moore 8
9. Dyer 7
10. Gibson 7

### TEXAS
1. Anderson 22
2. McLennan 15
3. Harrison 14
4. Sabine 10
5. Cass 9
6. Freestone 9
7. Grimes 9
8. Bowie 8
9. Robertson 8
10. Waller 8

### VIRGINIA
1. Tazewell 7
2. Danville 5
3. Alleghany 3
4. Halifax 3
5. Loudoun 3
6. Newport News 3
7. Russell 3
8. Wise 3
9. Wythe 3
10. Alexandria, Amherst, Brunswick, Charlotte, Culpeper, Fauquier, Mecklenburg, Nelson, Nottoway, Page, Roanoke (city), Sussex
Lynching Outside the South, 1877-1950

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 crime, and violations of the racial order. As early as 1900, anti-lynching crusader Ida B. Wells-Barnett gave a speech continuing her denouncement 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.”

EJI found the highest numbers of documented racial terror lynchings of Black people that took place 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 postwar 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.

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

<table>
<thead>
<tr>
<th>State</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma</td>
<td>76</td>
</tr>
<tr>
<td>Missouri</td>
<td>60</td>
</tr>
<tr>
<td>Illinois</td>
<td>56</td>
</tr>
<tr>
<td>West Virginia</td>
<td>35</td>
</tr>
<tr>
<td>Maryland</td>
<td>28</td>
</tr>
<tr>
<td>Kansas</td>
<td>19</td>
</tr>
<tr>
<td>Indiana</td>
<td>18</td>
</tr>
<tr>
<td>Ohio</td>
<td>15</td>
</tr>
</tbody>
</table>

FIGURE 1: Number of African Americans Lynched Annually Per 100,000 Residents in Southern States, 1880 to 1940
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.\textsuperscript{187}

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.\textsuperscript{188}

Racial terror lynchings outside the South were often brutal and brazen public spectacles. In April 1906, two Black men named Horace Dunibis 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 a light pole.\textsuperscript{194}

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.\textsuperscript{195}

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 andlynch 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.\textsuperscript{196} The haunting images inspired writer Abel Meeropol to compose the poem that later became the song \textit{Strange Fruit}.\textsuperscript{193}

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.\textsuperscript{194}

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 captain, who were arrested for coordinating the lynching were never prosecuted.\textsuperscript{195}

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.\textsuperscript{196} An infamous photograph of Will Brown’s charred corpse is among the most inhumane images of lynching in America that survive today.

\textsuperscript{47} 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.

\textsuperscript{187} Papers later reported that both men were innocent of the rape allegation.\textsuperscript{187}

\textsuperscript{188} 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.

\textsuperscript{193} Even in states with sparse Black populations and very few documented racial terror lynchings, violent attacks terrorized small and vulnerable Black communities.
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. Southern states passed their own anti-lynching laws to demonstrate that federal legislation was unnecessary, but refused to enforce them. Very few white people were convicted of murder for lynching a Black person in America during this period.

After Reconstruction, many Northern politicians embraced the goal of “sectional reconciliation” and disavowed federal authority to prosecute Lynchers 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.

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. 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. Southern officials seized on this rhetoric and argued that, because lynching primarily affected Black people, federal lynching legislation constituted racial “favoritism” and repressed what most regarded as failed Reconstruction-era policies.

By 1886, a “New South” controlled by white supremacy 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. 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 dealing on the scale of civilization and becoming increasingly dangerous.” 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 1889 that Black people had regressed to “midway between the Orang-utang and the European white.” 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.” 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.

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.
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.219 To thwart lynching attempts, Black people risked serious harm to hide fugitives, organized sentinels to guard prisoners against lynch mobs,220 and engaged in armed self-defense.221

Black anti-lynching activists like journalists Ida B. Wells222 and T. Thomas Fortune and Tuskegee sociologist Monroe Work harnessed the growing power of the Black press.223 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.224 Black advocates also formed national anti-lynching organizations and petitioned for legislation and official intervention in response to lynchings.225

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 predominately 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.226 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.

Meanwhile, Southern white politicians relied on “lynching and vigilantism as instruments of political terrorism”213 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.224 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.”215

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.”216 “Let [the Black man] keep his hands off white women,” the Memphis Avalanche-Appeal editorialized, “and lynching will soon die out.”217 “[I]f it requires lynching to protect woman’s dearest possession from ravening, 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.”218

Protestors demand that President Truman take action against lynching, 1946. (Bettmann/Getty Images.)
Anti-lynching crusader Ida Bell Wells was born into slavery in Holly Springs, Mississippi, in 1862.227 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.228

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.229 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.”230

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 denounced and derided Ms. Wells as a “black hood. In response, Memphis’s white newspapers denounced and derided Ms. Wells as a “black scoundrel.”

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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.”234 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.

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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.235 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.236 When the NAACP made lynching a primary focus in 1912,237 its support in the Black community soared. By 1919, 310 chapters boasted 91,203 members nationwide.238 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.239

Due in large part to the racist propaganda disseminated during World War I240 and the nationwide outbreak of racial violence that characterized the “Red Summer” of 1919,241 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 231-119.242 Southern lawmakers mobilized against the bill in the Senate, resurrecting familiar objections demanding “states’ rights,”243 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”244 and shield rapists from justice.245

Southern Representative Finis J. Garrett suggested the bill’s title be amended to read, “A bill to encourage rape.”246 In the end, Southern Democrats filibustered the Dyer bill in the Senate and, on December 4, 1922, it was officially abandoned.247

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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.250

The NAACP’s campaign persuaded some Southern newspapers to oppose lynching because it was damaging the South’s image and economic prospects.251 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.”252 Also, in the 1940s, for the first time in four decades the Federal Bureau of Investigation increased investigations of lynchings,253 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.254

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.255 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.256 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.”257

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 1899.258 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.”259

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.”260

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 ten-uous 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.”261

In each successive decade of the Great Migration, the number of lynchings in the South declined as Black departures from the region rose.262 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.263

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

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.

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.
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 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.265 Just as lynchings had been justified in the preceding decades, these violent incidents were defended as necessary to maintain “law and order.”

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.266 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.267 Younger Black students would continue to attend the local two-room segregated lower school.268 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.269

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 rescinded its integration resolution, citing a “sincere desire to be representatives of our patrons in waiting to seize and murder them upon release.”268 Mr. McCallum had been in the county jail since the previous Saturday for wounding a local constable during an arrest.269 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.

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Lynching and racial terror profoundly compromised the criminal justice system. Extradjudicial 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. So-called legal executions required reliable findings of guilt, and complicit law enforcement officers handed over prisoners to the lynch mob. 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. Further, although the Civil Rights Act of 1875 and Supreme Court rulings banned racial discrimination in jury selection, local officials barred African Americans from serving on juries. African Americans “virtually disappeared from the Southern jury box by 1900, even in counties where they constituted an overwhelming majority of the local population,” which reinforced the impunity under which lynching flourished. The fairness of the judicial system was wholly compromised for African Americans, and the courts operated as tools of their subjugation.

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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’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.”

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.

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.” 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.

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.” Following Will Mack’s execution by public hanging in Brandon, Mississippi, in 1905, the Brandon News reasoned that “public hangings are wrong, but under the circumstances, 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.”

By 1915, court-ordered executions outpaced lynchings in the former slave states for the first time. Two-thirds of those executed in the 1930s were Black, 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.

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. 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 lynching.” By 1972, court-ordered executions were outlawed, and by 1991, the last federal execution occurred. In 2020, the United States had the world’s highest execution rate, five times the global average. As of 2022, 95% of executions in the United States are carried out in 11 states—Texas, Virginia, North Carolina, Georgia, South Carolina, Mississippi, Arkansas, Oklahoma, Missouri, Alabama, and Tennessee.

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Perhaps the most important reason that lynching declined is that it was replaced by a more palatable form of violence.
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.

Southern opponents decried the decision and immediately proposed new death penalty statutes. 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.

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” and upheld Warren McCleskey’s death sentence because he had failed to identify a “constitutionally significant risk of racial bias” in his case.

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, and 34 percent of those executed since 1976 have been Black. In 96 percent of penalty cases, results reveal a pattern of discrimination based on the race of the victim, the race of the defendant, or both. 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 jury in death penalty cases.

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. 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. 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.”

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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. 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 Confederacy war effort and white public officials and private citizens who perpetrated violent crimes against Black citizens during the era of racial terror. Many of these monuments, markers, and memorials have been erected in just the last sixty years. In this context, 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.

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.” The effort to create a Holocaust Memorial in Berlin reflected the sense that, in the face of Germany’s dev-stating history, “a deliberate act of remembrance” was necessary—a strong statement that memory must be created for the next generation, not only preserved. 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. 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 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.”311 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.312

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.”313 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. 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.”315

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.”316 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.317 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.318

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.”319

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.320 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.”321

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”322 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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African American migrants faced institutional inequality, continued marginalization, and unaddressed histories of trauma, which created a legacy of chronic generational poverty, persistent urban distress, debilitating violence, and limited educational opportunities.
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 “diminished[ed] empathy for victims” that can lead to intensified violent behaviors that target victims outside the original group. Participation in collective violence leaves perpetrators with persistent damage, including “diminished[ed] empathy for victims” that can lead to intensified violence against victims outside the original group.

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

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.”

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. Playing “lynching” was so popular a pastime for 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 fifteen-year-old Black child among the victims.

White women and girls played a central role as accusers and thus instigators of lynchings. In the lynching 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.

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.

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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.316

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 the nation on its lawn in 1888 that lionizes Confederate soldiers 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.335

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 1921.336 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.338 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 2014.339

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 racist system they helped to perpetuate. The site of the Battle of Marianna was marked with a plaque and dedication, and a new monument honoring Confederate soldiers was unveiled. The town also held a commemorative event, which included reenactments and speeches by local historians and descendants of Confederate soldiers.

Mariana, Florida

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.”340 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 nig- ger,” explained one African American man from the Mississippi Delta. “We was always in season.”341 Today, public and private institutions in the South memorialize the Confederacy and celebrate the architects 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.”342

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.343 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.
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. Continued silence about lynchings “compounds victimization” and tells victims and the nation as a whole that “their pain does not matter.” 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.”

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. 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.

Public commemoration plays a significant role in prompting community-wide reconciliation. Formalizing a space for memory, reflection, and grieving can help victims “move beyond anger and a sense of powerlessness.” 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. 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.” The Equal Justice Initiative is ready for this effort, and we hope you will join us.
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.

Conclusion

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

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- Bryan Stevenson, Director

Notes

4. See id. at 462-72.
8. Id. at 182-83.
9. John W. Blasingame, 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 1905, 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.
12. Id. at 190-91.
13. Id. at 171-72.
14. Id. at 222.
15. Id. at 180.
20. Act of April 19, 1866, § 1, 14 Stat. 27.
22. U.S. Const. amend. XIV.
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-idUS2044253720080630.


38. Foner, supra note 11, at 425.


40. Id.

41. Id., at 126.

42. Id. at 122-23.

43. Foner, supra note 11, at 530.

44. Trelease, supra note 31, at 95, 117, 120-22.


46. Chalmers, supra note 53, at 18; Foner, supra note 11, at 428-29.


48. Id. at 765, 768-69.

49. Id. at 750 & n.266 (citing Richard Maxwell Brown, STRAIN OF VIOLENCE:  HISTORICAL STUDIES OF AMERICAN VIOLENCE AND VIOLENTISM 214, 323 (1975), but noting that other scholars consider four hundred to be a significant underestimate).

50. 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).

51. Cardyn, supra note 55, at 708.

52. Trelease, supra note 31, at 95, 117, 120-22.


54. Foner, supra note 11, at 750 & n.266 (citing Richard Maxwell Brown, STRAIN OF VIOLENCE:  HISTORICAL STUDIES OF AMERICAN VIOLENCE AND VIOLENTISM 214, 323 (1975), but noting that other scholars consider four hundred to be a significant underestimate).

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57. Id. at 765, 768-69.

58. Id. at 125-21.

59. Foner, supra note 11, at 113-15; James G. Dauphine, supra note 11, at 425.

60. Foner, supra note 11, at 530.
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).
93. Id.
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).
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.
103. S.C. CODE Ch. 16 § 553 (1952).
104. S.C. CODE Ch. 5 § 19 (1952).
105. S.C. CODE Ch. 5 § 503 (1952).
106. S.C. CODE Ch. 16 § 553 (1952).
110. Id.
149. See also Tolanay and Beck, supra note 125, at 47.
150. Lynched Because He Didn’t Say ‘Mr.’, BALT. AFRO-AMERICAN (Aug. 24, 1940).
152. Negro Killed After Hitting White Soldier, ASHVILLE (N.C.) CITIZEN (June 25, 1934); Negro Lynched; Slapped White, N.Y. EVENING POST (June 25, 1934).
153. Ginburg, supra note 141, at 102.
154. Negro Token from Constantle, Killed, DAILY ARKANSAS GAZETTE (Sept. 13, 1917).
155. SOPHIE & PAUL CRANE, TENNESSEE’S TROUBLED ROOTS 43 (1979);
156. Berg, supra note 141, at 231; Negroes Lynched; Slapped White, N.Y. EVENING POST (June 25, 1934).
157. Southern Farmers Lynch Peter Bazemore, CHICAGO DEFENDER (March 30, 1918); Short Shift for Negro, CINCINNATI Enquirer (March 26, 1918).
158. See also Dray, supra note 115, at 18.
159. Identified by Gir, Negro is Lynched, ATL. CONST. (Sept. 26, 1930).
163. 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 may have in fact been Emma Carr, wife of another Black man killed in the incident that preceded the lynching. See J. TROY MOORE, LET THE PEOPLE DECIDE: BLACK FREEDOM AND WHITE RESISTANCE MOVEMENTS IN SUNFLOWER COUNTY, MISSISSIPPI, 1945-1986 13-14 (2004).
165. Dray, supra note 115, at 223-34; Mob Burns Confessed Slayer of White Girl, MONTGOMERY ADVERTISER (May 23, 1917).
166. The Burning at Dyersburg: An NAACP Investigation, 15 CRISIS 178-83 (1917); Negro Is Burned by Tennessee Mob, ATL. CONST. (Dec. 3, 1917).
169. See generally, Apel, supra note 166.
171. Id.
174. 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); Ginburg, supra note 141, at 138-40; Mob Burns Two At Stake; Patrols Guard Paris, Texas, N.Y. 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. MAIL (July 10, 1920); Texans rejoice as Men Burn, CHICAGO DEFENDER (July 10, 1920); Paris Burn Fost Most Horrible Atrocities in Annals of Texas Lynchings in Texas, LEADER INFORMER (July 26, 1920); Eight Victims of Lynch Law, THE CHICAGO DEFENDER (1920).
175. Id.
178. Tolanay and Beck, supra note 125, at 219.
179. Id. at 112-13; Berg, supra note 115, at 93.
180. ELLIOT JASPEN, BURNED IN THE BITTER WINDS: THE HIDDEN HISTORY OF RACIAL CLEANSING IN AMERICA Ch. 8 (2007); Negro Killed by Mob and His Body Burned, ATL. CONST. (May 21, 1918).
182. Allies of Huns Lynch Farm Hand, CHICAGO DEFENDER (June 22, 1918).
183. Prominent Race Man is Victim of Ark. Mob, PITTSBURGH COURIER (June 16, 1927).
184. Minister Lynchd by Mississippi Mob Was Martyr for People: REV. MARKS IS LAUGHED HIGHLY, ATL. DAILY WORLD (Apr. 20, 1935).
187. See supra, Tolnay and Beck, supra note 125, at 219.
188. 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, BRANEDO DAILY DISPATCH (M.N.) (July 3, 1917); U.S. Army Officer Is Investigating Monday’s Race Riot, HOUSTON POST (July 5, 1917); Robert Ashton, Documents of the Race Riot at East St. Louis, JOURNAL, ILL. ST. HIST. SOC. 327-36 (1972); Malcolm McLaughlin, Ghetto Formation and Armed Resistance in East St. Louis, ILLINOIS, JOHN, AM. STUD. 435-467 (2007).
190. 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).
192. Negro Woman and Son Are Lynched, OKLAHOMA Dispatch (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).
193. Fenzied Mob Drags Negroes From Cells; Beasts and Hangs Them, THE KOKOMO TRIBUNE (Ind.) (Aug. 8, 1930); Lynching of Two Colored Men At Marion Gauntlet, GARRETT CLIPPER (Ind.) (Nov. 27, 1930).
Republican Senator William Borah argued that anti-lynching legislation unconstitutionally invaded state rights and voting

Civil Rights Cases

Berg, supra note 115, at 113.

Id. at 114; Tolnay and Beck, supra note 125, at 209.


Giddings, supra note 197, at 177-84, 214.

Id. at 76-77.

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.

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.

Waldrep, supra note 198, at 207-16; Giddings, supra note 197, at 385-88.


Id. at 15-20; Giddings, supra note 197, at 60-63; Chesapeake & Ohio & Southwestern Railroad v. Wells, 85 Tenn. 613 (1887).

Wells, supra note 227, at 35; Giddings, supra note 197, at 154-55.

Wells, supra note 227, at 47-52; Giddings, supra note 197, at 188-93.

Wells, supra note 227, 61-67; Giddings, supra note 197, at 207-14.

Wells, supra note 227, 69-200.

Giddings, supra note 197, at 1-7; Wells-Barnett, supra note 143, at 5-6.


Berg, supra note 115, at 147.

Giddings, supra note 197, at 478.

Id. at 500.

Id. at 624.

Waldrep, supra note 197, at 65, 68.

Id. at 72.

Giddings, supra note 197, at 593.

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.

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.

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.

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.

Vandiver, supra note 197, at 173.
266. supra note 125, at 204.
257. supra note 115, at 167.
256. supra note 250, at 261.
253. supra note 250, at 261.
252. Wood, supra note 115, at 149.
251. Timothy V. Kaufman-Osborn, supra note 250, at 261.
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 Special: Witnessing Racial Violence in America, 1890-1940 263 (2009).
249. supra note 115, at 149.
248. 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 Special: Witnessing Racial Violence in America, 1890-1940 263 (2009).
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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.


297. Id. at 313.


300. For example, there are at least 59 Confederate monuments, markers, and memorials in Montgomery, Alabama, alone. Bright, supra note 283, at 439.

301. Equal Justice Initiative, supra note 279, at 5.


303. There are numerous historical examples. In 2000, Pope John Paul II visited Yad Vashem (the Holocaust Memorial in Jerusalem), 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 (2000) (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).}

304. Litwack, supra note 166, at 286.

305. 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 (2000) (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).}

306. Id. at 317.

307. Id. at 285.


309. Id. at 75.


311. Id. at 284.

312. Ifill, supra note 1, at 73.

313. Id.

314. Litwack, supra note 166, at 315.

315. Id.

316. Wilkerson, supra note 260, at 179.