

Summer 2006

Exploring the Black Wombman's Sphere and the Anti-Lynching Crusade of the Early Twentieth Century

Deleso Alford Washington
deleso.alford@famu.edu

Follow this and additional works at: <http://commons.law.famu.edu/faculty-research>

Recommended Citation

Washington, Deleso Alford, Exploring the Black Wombman's Sphere and the Anti-Lynching Crusade of the Early Twentieth Century, 3 Geo. J. Gender & L. 895 (2002)

This Article is brought to you for free and open access by the Faculty Works at Scholarly Commons @ FAMU Law. It has been accepted for inclusion in Journal Publications by an authorized administrator of Scholarly Commons @ FAMU Law. For more information, please contact linda.barrette@famu.edu.

EXPLORING THE BLACK WOMBMAN'S SPHERE AND THE ANTI-LYNCHING CRUSADE OF THE EARLY TWENTIETH CENTURY

DELESO ALFORD WASHINGTON*

This paper will explore the black¹ wombmán's intersection² of race, class, and sex during the early twentieth century, specifically as it relates to the pursuit of federal anti-lynching legislation. The black wombmán's sphere is self-defining, in that she is "bone black"³ with a womb, having the ability to create and protect life, both biologically and figuratively. My central focus will be on the courageous efforts of black women to protect life by virtue of *nommo*,⁴ which means power of the spoken word. The black wombmán's *nommo* created a unique sphere, unlike the "woman's sphere" at the dawn of the nineteenth century, which "in the cult of true womanhood, the ideal woman was seen not only as submissive but also gentle, innocent, pure, modest, and pious."⁵ However, the stark realities of the multidimensional impact of racism, sexism and classism imposed upon the black wombmán did not afford her the status of an 'ideal woman,' thus the black wombmán defined her own sphere. The black wombmán was not propelled into the crusade against lynching solely because of her gender under the auspice of "women's rights," nor was she urged to action solely due to "feminist antiracism."⁶ Black women participated in the reordering of gender/race relations at the turn of the century in pursuit of human rights.⁷ Historian Rosalyn Terborg-Penn explains that "during the Progressive Era, black

* J.D., Southern University Law Center, Baton Rouge, LA.; LL.M., Georgetown University Law Center, Washington, D.C. This article is dedicated to my parents, Mr. Floyd M. Alford and Ms. Carrie M. Alford for instilling in me a sense of purpose, my husband, Dr. Kevin Washington for being inspirational and our daughter Kalifa, for her encouragement.

1. In this article, I use the term Black to refer to people of African descent living in the United States.

2. See JUNE GATLIN, *SPIRIT SPEAKS TO SISTERS: INSPIRATION AND EMPOWERMENT FOR BLACK WOMEN* 6 (1998) (defining a black wombmán as one spiritually attuned to the power of her womb); Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Anti-Discrimination Doctrine, Feminist Theory and Anti-Discrimination Politics*, 1980 U. CHI. LEGAL F. 139 (defining the concept of intersectionality).

3. Interview with Gertrude Alford, eighty-four year old grandmother of author, in Shreveport, LA (Feb. 27, 2000) (discussing being born ("bone") female).

4. MOLEFI KETE ASANTE AND AFROCENTRICITY: IN PRAISE AND IN CRITICISM 13 (Dhyana Ziegler ed., 1995) (defining Afrocentric thought in education as *nommo*).

5. LINDA O. McMURRY, *TO KEEP THE WATERS TROUBLED: THE LIFE OF IDA B. WELLS* (1998).

6. See generally Emma Coleman Jordan, *Crossing the River of Blood Between Us: Lynching, Violence, Beauty, and the Paradox of Feminist History*, 3 J. GENDER RACE & JUST. 545 (2000) (critiquing the racial contradictions of Jesse Daniel Ames, anti-lynching crusader). In this paper I conceptualize "feminist antiracism" as white feminists efforts to advocate against racism only without acknowledging the multidimensional impact of gender, race and class discrimination faced by Black women.

7. See GLENDA ELIZABETH GILMORE, *GENDER AND JIM CROW: WOMEN AND POLITICS OF WHITE SUPREMACY IN NORTH CAROLINA, 1896-1920*, at iv (1992) (arguing that historians of women have

women were at the forefront of the anti-lynching crusade.”⁸ The cultural phenomenon of lynching and the intersection of race, class, and sex forged the black womban’s sphere on multiple levels, namely as victims of lynching and activists against lynching.⁹ The social forces of the day dictated race-based, gender-based, and gender/race/class-based divisions among the inhabitants of the United States, a “civilized” country that was responding to the fear of class infiltration while clothing its response in the rhetoric of social equality. The proponents of maintaining separate color lines did not believe that black and white people should socialize together on equal planes. In other words, blacks could be treated differently because they were unequal legally as well as socially. The notion of a lack of social equality among blacks and whites was maintained during the early twentieth century by the reality of the lynching of blacks, particularly black women, by white mobs. Hence, the evidence of black women being lynched during this era can serve as a visual ranking device for what I call “acceptable socializing.” It appears that white males trumped the legal rights of white women and blacks, while whites, (both men and women) trumped the legal rights of black women. The legal struggle of the federal anti-lynching bills serve as a historical turning point that drew lines of demarcation between race, class and gender during this period of American history.

I. LYNCHING AS A CULTURE: LYNCHERS, THE LYNCHED AND ANTI-LYNCHING ACTIVISTS

Ida B. Wells-Barnett, the early twentieth century leading black woman activist against lynching, addressed three significant facts in her speech, “Lynching: Our National Crime”:

First: Lynching is color line murder.

Second: Crime against women is the excuse, not the cause.

Third: It is a national crime and requires a national remedy.¹⁰

The ‘color line murder’ which Wells-Barnett speaks of can be categorized as using myth-based race and class prejudices to control the sexuality of white women under the guise of protection. The fight against the unjust summary “justice” often referred to as “lynch law”¹¹ took place on both activist and legislative planes.

minimized regional and racial differences in feminist studies). This book is a dissertation and “iv” is the author’s abstract.

8. See MARY JANE BROWN, ERADICATING THIS EVIL: WOMEN IN THE AMERICAN ANTI-LYNCHING MOVEMENT 1892-1940, at 8 (2000) (examining the continuity of women’s anti-lynching activism from the 1890s to 1940s).

9. See generally NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, THIRTY YEARS OF LYNCHING IN THE UNITED STATES 1889-1918 [hereinafter NAACP].

10. McMURRY, *supra* note 5, at 280.

11. See generally JAMES CUTLER, LYNCH LAW: AN INVESTIGATION INTO THE HISTORY OF LYNCHING IN THE UNITED STATES 13, 17 (1905). There are many explanations of the origin of the term Lynch’s law and

Wells-Barnett became affiliated with a new Memphis newspaper called the *Free Speech and Headlight* in 1889.¹² She was heralded as “one of the brightest geniuses of the rising generation of women.”¹³ The Memphis papers praised her journalistic career, her purchase of an interest in the *Free Speech and Headlight*, and her election as secretary of the National Colored Press Association.¹⁴ Early in her career, though Wells-Barnett abhorred lynching she had accepted the notion that “although lynching was irregular and contrary to law and order, [it was] . . . anger over the terrible crime of rape led to the lynching.”¹⁵ This understanding was challenged for her after the unjustified lynching of Thomas Moss, Calvin McDowell and Will Stewart who were prominent businessmen that had committed no crime against white women.¹⁶ Wells-Barnett’s journalist investigative skills revealed that the rape of white women had become a metaphor in the minds of white lynchers as an assault of white supremacy and was an excuse for lynching.¹⁷

In May 1892, Wells-Barnett elevated to the status of a “full-time anti-lynching activist”¹⁸ by virtue of an article she wrote in the *Free Speech and Headlight* which stated that,

Nobody in this section of the country believes the old threadbare lie that Negro men rape white women. If Southern white men are not careful, they will over-reach themselves and public sentiment will have a reaction; a conclusion will then be reached which will be very damaging to the moral reputation of their women.¹⁹

The editorial by Wells-Barnett was met with outrage by white-run newspapers and was accompanied by the ransacking of the *Free Speech and Headlight*’s offices and a death threat to anyone attempting to publish the paper again.²⁰ Wells-Barnett, at the suggestion of editor T. Thomas Fortune, opted to remain in the North and write for the black publication *New York Age*.²¹

According to noted historian, Jacqueline Jones Royster, Wells-Barnett, in her first pamphlet, *Southern Horrors: Lynch Law in All Its Phases*, documents the lynch law statistics during the year 1893 and sets out detailed accounts of the

lynch-law, however, “no English lexicographer recognized the terms lynch or lynch-law until 1848, and in 1849 John Craig gave the verb, ‘lynch’ as meaning to punish summarily without judicial investigation, as by a mob.” *Id.* at 17.

12. McMURRY, *supra* note 5, at 113.

13. *See id.* at 113, 114.

14. *See id.* at 114.

15. *See id.* at 143.

16. *See id.*

17. *See id.* at 145.

18. *See id.* at 146.

19. *See id.* at 146-147.

20. *See id.* at 147-148.

21. *See id.* at 148.

lynching of “imbeciles” and innocent men and women.²² Wells-Barnett states:

If the Southern people in defense of their lawlessness, would tell the truth and admit that colored men and women are lynched for almost any offense, from murder to a misdemeanor, there would not now be the necessity for this defense. But when they intentionally, maliciously and constantly belie the record and bolster up these false-hoods by the words of legislators, preachers, governors and bishops, then the Negro must give the world his side of the awful story.²³

The internal fortitude of Wells-Barnett was in part shaped by the horrific magnitude of external conditions. In 1894 the public consciousness began to recognize that over the previous ten years that brutality had become so common that it “failed to have any visible effect upon the humane sentiments of the people of our land.”²⁴ The following year Wells-Barnett published *The Red Record* (1895), the first documented statistical report on lynching to quantitatively support the absolute necessity for federal anti-lynching legislation amid the state’s obvious inability or willful reluctance to prosecute those responsible for the systematic lynching of blacks.²⁵ It should be noted that “when newspapers reported that a lynch mob included many prominent and respected members of the white community, they not only legitimated mob violence but also left the clear message of racial solidarity among whites who were united against a common foe.”²⁶ Seemingly, the common foe issue temporarily removed clearly delineated social spheres for otherwise class conscious whites. As Tolnay and Beck explain,

The purported justification of lynching was to rid the community of rogues accused of violating criminal laws and racial codes of etiquette. But lynching may have had as much to do with creating a climate of terror as it did with the punishment of a specific offender. The terrorism of night riders and lynch mobs was a weapon for maintaining control over the black labor force.²⁷

22. JACQUELINE JONES ROYSTER, SOUTHERN HORRORS AND OTHER WRITINGS: THE ANTI-LYNCHING CAMPAIGN OF IDA B. WELLS 78 (1997).

23. *See id.*

24. For a visual depiction, see JAMES ALLEN, WITHOUT SANCTUARY: LYNCHING PHOTOGRAPHY IN AMERICA (2000). In Allen’s POSTCARD NO. 31, the remains of a Black man burned at the stake while white community members observed. The postcard caption reads: “Warning. The answer of Anglo-Saxon race to black brutes who would attack the womanhood of the South.” *Id.*

25. MCMURRY, *supra* note 5, at 229.

26. *See* STEWART E. TOLNAY & E.M. BECK, A FESTIVAL OF VIOLENCE: AN ANALYSIS OF SOUTHERN LYNCHINGS 1882-1930, at 25 (1995) (describing lynching as a means to enforce race solidarity by providing a common ground on which all whites, from the poorest white tenant to the Governor, could take a stand against a shared and threatening enemy, the so-called “Black brute”).

27. *See id.* at 19.

According to an investigative study by James Cutler:

Lynching has been resorted to by the whites not merely to wreak vengeance, but to terrorize and restrain the 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. The negroes fear nothing so much as force, and should they once get the notion that there is a reasonable hope of escape from punishment, the whites in many parts of the South would be at their mercy.²⁸

The prevailing tactics of this period in history penetrated both racial and gender lines by characterizing the black man as "rapist" and the black woman as "whore." The social behavioral characterizations of blacks were widely maintained by propaganda based on notions of scientific racism in order to bolster white supremacy. "Contrary to widely-held racists myths, black communities have a continuous record of self-help, institution-building, and strong organization to which black women made continuous contributions."²⁹ Margaret Murray Washington's³⁰ social activism was heightened by the "significant increase in lynchings and other forms of mob violence aimed particularly at economically successful southern blacks."³¹ A vicious verbal attack on black womanhood by James A. Jacks, president of the Missouri Press Association, outraged black women activists.³² Upon learning of Ida B. Wells' remarks to the British suffragists and anti-lynching crusaders, Jacks declared, "Black women's immortality caused black men to attack virginal white women."³³ Additionally, on March 6, 1895 he wrote a letter to England that was presented before the association's annual conference in which he asserted that, "Black women are wholly devoid of morality, the women are prostitutes and all [are] natural thieves and liars."³⁴ The intentional character assassination of black women by Jacks resulted in a national meeting of black women "in defense of Negro womanhood."³⁵ The meeting was called by Josephine Pierre Ruffin, "president and founder of the Woman's Era Club of Boston."³⁶ In the same year, "a large group of black women gathered in Boston and formed the National Federation of

28. *See id.*; CUTLER *supra* note 11, at 17.

29. *See* Gerda Lerner, *Early Community Work of Black Club Women*, 59 J. NEGRO HIST. 158, 159 (1974).

30. Jacqueline Anne L. Rouse, *Out of the Shadow of Tuskegee: Margaret Murray Washington, Social Activism, and Race Vindication*, 81 J. NEGRO HIST. 32 (1996). Margaret Murray Washington was the wife of Booker T. Washington. *Id.*

31. *Id.* at 31, 35.

32. Rouse, *supra* note 30, at 36.

33. *See id.*

34. *See id.*

35. *See id.*

36. *See id.*

Afro-American Women (NFAAW), and Margaret Murray Washington was elected president.³⁷ The black womban's sphere was being defined due to the fact that the assaults on black women were the main priorities in both the NFAAW and the National Association of Colored Women's Clubs (NACW).³⁸ The regional issues which permeated the black womban's sphere included the southern black women's aggressive exposures of the sexual exploitation of black women domestic workers by white males.³⁹ The southern black women held southern white women responsible for the sexual assaults due to the white women's "inability to control their men and because of their silence on this persistent abuse."⁴⁰

In 1896 Mary Church Terrell, then thirty-three, was chosen as the first president of NACW.⁴¹ Lynching was a prime concern of the NACW, and throughout its early years the organization passed numerous resolutions condemning mob violence.⁴²

II. MASS LYNCHINGS CHARACTERIZED AS "RACE RIOTS"

The phenomena of "race riots," in which "white mobs invaded black neighborhoods, beat and killed large numbers of blacks and destroyed black property, resulting in casualties on both sides, though most of the dead were black,"⁴³ served as precursors for activists' efforts toward obtaining federal anti-lynching legislation. One commentator observed certain general patterns in the major twentieth century race riots:

1. In each of the race riots, with few exceptions, it was white people that sparked the incident by attacking black people.
2. In the majority of the riots, some extraordinary social condition prevailed at the time of the riot: prewar social changes, wartime mobility, post-war adjustment, or economic depression.
3. The majority of the riots occurred during hot summer months.
4. Rumor played an extremely important role in causing many riots.

37. *See id.*

38. *See id.* at 37.

39. *See id.*

40. *See id.*

41. *See* Rouse, *supra* note 30, at 36. The NACW was formed from the merger of the Washington Colored League and NFAAW. *Id.* For additional information on this association, see Beverly W. Jones, *Mary Church Terrell and the National Association of Colored Women, 1896 to 1901*, 67 J. NEGRO HIST. 20, 23 (1982).

42. *See* Rouse, *supra* note 30, at 37.

43. ROBERT A. GIBSON, YALE-NEW HAVEN TEACHERS INSTITUTE, THE NEGRO HOLOCAUST: LYNCHING AND RACE RIOTS IN THE UNITED STATES, 1880-1950, at 5 (1979) at <http://www.yale.edu/ynhti/curriculum.units/1979/2/79.02.04.x.html>.

Rumors of some criminal activity by blacks against whites perpetuated the actions of white mobs.

5. The police force, more than any other institution, was invariably involved as a precipitating cause or perpetuating factor in the riots. In almost every one of the riots, the police sided with the attackers, either by actually participating in, or by failing to quell the attack.
6. In almost every instance, the fighting occurred within the black community.⁴⁴

The pattern exhibited during state-wide race riots is verifiable through historical accounts. Robert A. Gibson, states,

Just before the turn of the century, in November 1898, Wilmington, North Carolina, exploded in the first major race riot since Reconstruction. The Wilmington riot followed an impassioned election campaign in which intimidation and fraud brought in a white supremacist government. Plans were drawn up before the election to coerce black voters and workers, and to expel the editor of the black newspaper. Two days after the election, as whites began to execute their plan, the riot flamed. About thirty blacks were killed in the massacre and many left the city. The white mob suffered no casualties.⁴⁵

The massive lynching in North Carolina was just the beginning of a horrific series of "systematic attacks on black urban communities" that would encompass the motivations for the anti-lynching crusade.⁴⁶

The deranged nature of the community mob is evidenced by the following account taken from the *New York Tribune*, April 24, 1899:

In the presence of nearly 2,000 people, who sent aloft yells of defiance and shouts of joy, Sam Hose (a Negro who committed two of the basest acts known to crime) was burned at the stake in a public road, one and a half miles from here. Before the torch was applied to the pyre, the Negro was deprived of his ears, fingers and other portions of his body with surprising fortitude. Before the body was cool, it was cut to pieces, the bones were crushed into small bits and even the tree upon which the wretch met his fate was torn up and disposed of as souvenirs.

The Negro's heart was cut in several pieces, as was his liver. Those unable to obtain the ghastly relics directly, paid more fortunate

44. *Id.* at 7 (quoting JOSEPH BOSKIN, *URBAN RACIAL VIOLENCE IN THE TWENTIETH CENTURY* 37 (1976)).

45. *Id.* at 5; 56 CONG. REC. 2, 151 (1900) (Rep. White's floor address refers to "the miserable butchery of men, women and children in Wilmington, N.C., in November, 1898, who had committed no crime, nor were they even charged with a crime.").

46. Discussion with Richard Chused, Professor, Georgetown Law Center Dec. 4, 2000).

possessors extravagant sums for them. Small pieces of bone went for 25 cents and a bit of the liver, crisply cooked, for 10 cents.⁴⁷

No indictments were ever found against any of the lynchers.⁴⁸

In response to this atrocious act, Wells-Barnett asked her readers to “[c]onsider the facts” and argued that the “real purpose of these savage demonstrations is to teach the Negro that in the South he had no rights that the law will enforce.”⁴⁹ The law’s act of supporting “legal inequality” among blacks for purportedly committing crimes against white women further ingrained the notion that blacks and whites were in fact unequal on social spheres.

In 1900, the following year, black Congressman George H. White of North Carolina introduced the first federal anti-lynching bill.⁵⁰ Though Congressman White’s bill died in the House Judiciary Committee, it was the starting point for several legislative attempts to attack this societal wrong.⁵¹

The same year White introduced the federal anti-lynching bill, the General Federation of Women’s Clubs (GFWC), a white national organization established in 1887, demonstrated their willingness to establish alliances around gender while resisting similar alliances to combat the multimidimensional impact of race, gender and class issues.⁵² The GFWC attempted to bar Josephine Ruffin from the convention because she was black. She represented both the African-American Woman’s Era Club and the predominately white New England Federation of Women’s Clubs.⁵³ The notion of “women’s” organization possessed a race/class conscious component is evidenced by the GFWC’s voting to recognize Ruffin as a delegate from the white group, while rejecting her credentials from the black group.⁵⁴ At the same convention, Mary Church Terrell, then president of NACW,

47. NAACP, *supra* note 9, at 13; IDA B. WELLS BARNETT, 16 LYNCH LAW IN GEORGIA, DANIEL P. MURRAY PAMPHLETS 12 (1899). According to the full report of Louis P. Le Vin, the Chicago Detective sent to investigate the burning of Sam Hose, “One of the most sickening sights of the day was the eagerness with which the people grabbed souvenirs, and they almost fought over the ashes of the dead ‘criminal.’ Large pieces of his flesh were carried away, and persons were seen walking through the streets carrying bones in their hands. Not even the stake to which the Negro was tied when burned was left but it was promptly chopped down and carried away as the largest souvenir of the burning.” *Id.*

48. NAACP, *supra* note 9, at 13.

49. WELLS BARNETT, *supra* note 47, at 12. Wells-Barnett noted that according to the Atlanta Constitution newspaper, “Before death was allowed to end the sufferings of the Negro, his ears were cut off and small fingers of his left hand severed at the second joint. On the chest of the Negro was a scrap of blood stained paper, attached with an ordinary pin. On one side of the paper contained the following: ‘We must Protect our Ladies.’ The other side contained a warning to the Negroes of the neighborhood. It read as follows: ‘Beware all darkies. You will be treated the same way.’” *Id.* citing ATLANTA CONSTITUTION, Apr. 24, 1899.

50. BROWN, *supra* note 8, at 12.

51. GIBSON, *supra* note 43, at 8.

52. According to noted historian Mary Jane Brown, “The GFWC, like numerous women’s organizations, had a history of cautious avoidance of racial issues for fear of losing their southern members.” *See* BROWN, *supra* note 8, at 142.

53. *See id.*

54. *See id.*

was not allowed to bring greeting from her association because several GFWC members from southern states threatened to resign if Terrell were allowed to speak.⁵⁵ The fact that the black women, as representatives of a similar-in-temperament black women's organization, encountered discrimination in the GFWC illustrates at least some of the differences between what is widely known as the women's sphere and what is articulated here as the black wombmman's sphere. This can be summed up in the words of black historian Rosalyn Terbog-Penn, when she suggests that black women faced "the pervasiveness of white female prejudice and discrimination against [black women] in woman's groups."⁵⁶ It is the unacknowledged issue of intersectional discrimination due to race, gender and class that black women dared to critique within her self-defined sphere, the black wombmman's sphere.

Despite the evident barriers that activists sustained, the necessity they felt to combat the evils of lynching was paramount. The NAACP's publication, *Thirty Years of Lynching in the United States, 1889-1918*, provided a brief summary of facts in the cases of one hundred persons who were lynched; facts were taken from press accounts and, in a few cases, from the reports of NAACP investigators.⁵⁷ In one such account that occurred in Tennessee in 1901, "Ballie Crutchfield, a colored woman was lynched by a mob because her brother stole a purse The Coroner's jury found the usual verdict that the woman came to her death at the hands of parties unknown."⁵⁸ Wells-Barnett, in her capacity as chairwoman of the Anti-Lynching Bureau, noted in a letter dated January 1, 1902 that,

Not only is the list larger than for four years past, but the barbarism of this lawlessness is on the increase More persons met death in this horrible manner the past 12 months than in 3 years before and in proportion as the number roasted alive increases, in the same proportion has there been an indifference manifested by the public. Time was when the country resounded with denunciation and the horror of burning a human being by so called Christian and civilized people In other words, the need for agitation and publication of facts is greater than ever.⁵⁹

In another example, from Mississippi in 1904, "Luther Holbert, a Doddsville Negro, and his wife were burned at the stake for the murder of James Eastland, a white planter, and John Carr, a Negro There is nothing in the story to indicate

55. *See id.*

56. DARLENE CLARK HINE ET AL., *WE SPECIALIZE IN THE WHOLLY IMPOSSIBLE* 164 (1995).

57. NAACP, *supra* note 9, at 11.

58. *See id.* at 14 (citing N.Y. TRIBUNE, Mar. 16, 1901).

59. Letter from Ida B. Wells Barnett, Chairman of the Anti-Lynching Bureau, to the Members of the Anti-Lynching Bureau (Jan. 1, 1902) (on file with the Daniel P. Murray Pamphlets Collection, Vol. 17, No. 11).

that Holbert's wife had any part in the crime."⁶⁰ The nexus between lynchings and crimes actually committed proved to be tenuous at best.

This lack of connection is further illustrated in the following examples, by Robert A Gibson,

One of the South's most sensational riots occurred in Atlanta, Georgia in September 1906. For months the city had been lashed into a fury of race hatred by a movement to disenfranchise blacks. The Atlanta press had begun to treat black crime, especially assault and rape, in an inflammatory fashion. Twelve rapes of white women were reported in one week, giving the impression that there was an epidemic of black rape. This touched off a riot. White mobs, meeting ineffective resistance by city police, murdered blacks, destroyed and looted their homes and businesses. Blacks attempted to resist, but were outnumbered. Some blacks were arrested for arming themselves in self-defense. When the four days of rioting ended, ten blacks and two whites were dead, hundreds were injured, and over a thousand fled the city.

In Springfield, Illinois, during August 1908, a three-day riot took place, initiated by a white woman's claim of violation by a Negro. Inflamed by newspapers' sensationalism, crowds of whites gathered around the jail demanding that the Negro, who had been arrested and imprisoned, be lynched. When the sheriff transferred the accused and another Negro to a jail in a nearby town, white mobs headed for the Negro section and attacked homes and businesses. Two blacks were lynched, others were dragged from their houses and streetcars and beaten. By the time the National Guardsmen reached the scene, six persons were dead – four whites and two Negroes.⁶¹

Despite the lack of evidence of any connection to criminal activity, newspapers usually portrayed blacks as a criminals.⁶² Literature written by whites of the early twentieth century echoed the "criminality of the Negro" assessment. In Dr.

60. WALTER WHITE, *ROPE AND FAGGOT: A BIOGRAPHY OF JUDGE LYNCH* 35 (1929) (discussing the mind of the lyncher) (citing N.Y. TRIBUNE, Feb. 8, 1904). The sadism and bestiality displayed by white mobs during the vigilante lynchings of Blacks is best illustrated by Benjamin Brawley, in *A Social History of the American Negro*, wherein he quotes the Vicksburg, Mississippi newspaper, *The Evening Post*, "The blacks [Holbert and his wife] were forced to hold out their hands while one finger at a time was chopped off . . . The fingers were distributed as souvenirs . . . The ears of the murderers were cut off . . . A large corkscrew . . . was bored into the flesh of the man and woman, in the arms, legs and body, and then pulled out, the spirals tearing out big pieces of raw, quivering flesh every time it was withdrawn." See *id.* at 35-36.

61. GIBSON, *supra* note 43, at 6.

62. See MARY WHITE OVINGTON, *THE WALLS CAME TUMBLING DOWN* 113 (1947) (discussing the NAACP's efforts to combat the negative newspaper publicity of blacks by publicizing the criminality of white lynchings).

Winfield Collin's book, *The Truth About Lynching and the Negro in the South*, for example, the author states,

The Negro is a creature that lives in the present and even postponement of punishment robs it much of its force. The law sanctions personal self-defense. The white man in lynching a Negro does it as an indirect act of self-defense against the Negro criminal as a race.⁶³

Lynching and their portrayal were "intended to enforce social conformity and to punish an individual" and functioned as "a means of racial repression."⁶⁴ Furthermore, "a degree of community approval and complicity, whether expressed in popular acclaim for the mob's actions or in the failure of law enforcement officers either to prevent lynchings or to prosecute lynchers, was present in most lynchings."⁶⁵

This state-sanctioned terror of lynching is evidenced by the availability of picture post cards of actual lynchings that provided clear photographs of lynchers.⁶⁶ According to Mary White Ovington of the NAACP, post cards were sent through the U.S. mail and could have been used to identify the lynchers, though clearly those photographed were confident they would never face prosecution.⁶⁷

Anti-lynching activists were also concerned about the effect lynching had on children. Historian Walter White, in his often-cited work, *Rope and Faggot*, noted that when children saw a lynching or burning "where thousands of participants . . . [pursue the] morbid scrambling for charred bones . . . , where leaders of the mob are exalted as men of courage and action, the effect upon young minds is almost too appalling to be contemplated."⁶⁸

This concern resulted in the concerted work of anti-lynching activists that proved to be instrumental in bringing forth evidence that women and children were also victims of lynchings. This fact flew in the face of the propaganda that posited lynching as a punishment for the rape of white women. For example, *The Crisis*, printed the story of a lynching that occurred at Okemah, Oklahoma.

63. See WINFIELD H. COLLINS, *THE TRUTH ABOUT LYNCHING AND THE NEGRO IN THE SOUTH* 70 (1918).

64. W. FITZHUGH BRUNDAGE, *LYNCHINGS IN THE NEW SOUTH: GEORGIA AND VIRGINIA, 1880-1930*, at 18 (1993).

65. See *id.* at 18.

66. See OVERTON, *supra* note 62, at 113.

67. *Id.* For a visual depiction, see ALLEN, *supra* note 24, POSTCARD NOS. 54 AND 55. The photo captures the faces of women and children who were bystanders to the lynching of Lige Daniels. *Id.*

68. WHITE, *supra* note 60, at 3-4. For a visual depiction, see ALLEN, *supra* note 24, POSTCARD NO. 57. The photo shockingly captures a young girl smiling amidst the backdrop of the lynching of Rubin Stacy. *Id.*

Laura Nelson, a colored woman accused of murdering a deputy sheriff who had discovered stolen goods in her house, was lynched together with her son, a boy of about fifteen years of age. The woman and her son were taken from the jail, dragged about six miles to the Canadian River, and hanged from a bridge. The woman was raped before she was hanged.⁶⁹

Even in the face of numerous investigations, wherein the “crime” of the black victim was his or her race, the official outcry of “honoring womanly virtue” and “defense of womanhood” remained. As noted author, W. Fitzhugh Brundage explains, “An attack upon a woman was an offense of such gravity that it demanded the fiercest retaliation and became a prominent motive for collection action.”⁷⁰ This so-called “collective action” oftentimes manifested itself in the form of mob violence by white community members that posited as males participators/protectors of the women and children observers/beneficiaries of communal protection. The mere allegation of an attack of a white woman was sufficient to penetrate the thinly veiled so-called community honor.

The notions of “honoring womanly virtue” and “defending womanhood” were not afforded to the black male nor the black female. As described in *The Crisis*,

In Oklahoma, 1914, Marie Scott of Wagoner County, a seventeen-year old Negro girl, was lynched by a mob of white men because her brother killed one of two white men who had assaulted her. She had been alone in the house when the men entered and began assaulting her, but her screams brought her brother to the rescue. In the fight that ensued one of the white men was killed. The next day the mob came to lynch her brother, but as he escaped, they lynched the girl instead. No one has ever been indicted for this crime.⁷¹

Although southerners tended to explain the violence and social inequality by asserting the urgent need to defend their women and stop “brutes,” this obvious need to cast blame on black people transcended the South and infiltrated social, economic and political spheres of the country.⁷² One horrendous example of this observable fact is the East St. Louis, Illinois riot in 1917:

The East St. Louis, Illinois riot in 1917 was touched off by the fear of white working men that Negro advances in economic, political and

69. NAACP, *supra* note 9, at 18 (citing *The Crisis*, July 1911). For a visual depiction see ALLEN, *supra* note 24, POSTCARD NOS. 37 and 38. The photo depicts the lynching of Laura Nelson and her son. *Id.* An account drawn from Oklahoma papers indicated that a teenage boy, L.W. Nelson, shot and killed Deputy George Loney, whose posse was searching for stolen meat. *Id.* Trying to protect her son, Laura Nelson claimed to have shot Loney. *Id.* Her innocence was determined weeks before the lynching. *Id.*

70. BRUNDAGE, *supra* note 64, at 52. (analyzing the ritual of mob violence as “collective honor”).

71. NAACP, *supra* note 9, at 23 (citing *The Crisis*, Aug. 1914).

72. McMURRY, *supra* note 5, at 143.

social status were threatening their own status. When the labor force of an aluminum plant went on strike in April, the company hired Negro workers. Although the strike was crushed by a combination of militia, injunctions, and both black and white strike breakers, the union blamed its defeat on blacks. A union meeting in May demanded that "East St. Louis must remain a white man's town." A riot followed, sparked by a white man, during which mobs demolished buildings and blacks were attacked and beaten. Policemen did little more than take the injured to hospitals and disarm Negroes. Harassments and beatings continued through June.

On July 1, some whites in a Ford drove through the main Negro district, shooting into homes. Blacks armed themselves. When a police car, also a Ford, drove down the street to investigate, the blacks fired on it, killing two policemen. The next day, as reports of the shooting spread, a new riot began. Streetcars were stopped, blacks were pulled off, stoned, clubbed, kicked and shot. Other rioters set fire to black homes. By midnight the black section was in flames and blacks were fleeing the city. The official casualty figures were nine whites and thirty-nine blacks, hundreds wounded, but the NAACP investigators estimated that between one hundred to two hundred blacks were killed. Over three hundred buildings were destroyed.⁷³

According to NAACP findings from 1889 through 1918, 3,224 people were killed by lynching mobs.⁷⁴ Among this group of victims, 2,522 were black. Among the blacks who were lynched, 50 were women and 2,472 were men.⁷⁵ A total of 702 white people were lynched with a total of 11 women and 691 men.⁷⁶ During this time period, 78.2% of the victims were black and 21.8% were white.⁷⁷

This period of time culminated in the summer of 1919, named "The Red Summer" by James Weldon Johnson, which ushered in the greatest period of interracial violence the United States had ever witnessed. During that summer there were twenty-six race riots in such cities as Chicago, Ill.; Washington, D.C.; Elaine, Ark.; Charleston, S.C.; Knoxville and Nashville, Tenn.; Longview, Tex.; and Omaha, Neb.⁷⁸ The worst of the post-war race riots took place in Chicago, Ill., in July 1919 when a young black boy encroached upon the swimming area that the whites had marked off for themselves and was stoned until he drowned. By the time the riot ended, thirteen days later, thousands from both races had

73. GIBSON, *supra* note 43, at 6; *see generally* Roosevelt Discusses Recent Riots, ILL. ST. FED'N OF LAB. WKLY. NEWSL., Aug. 4, 1977, *microfilmed on* The East St. Louis Race Riot of 1917 (U. Publ'ns of Am., Inc.).

74. NAACP, *supra* note 9, at 7.

75. *Id.*

76. *Id.*

77. *See id.* at 7.

78. GIBSON, *supra* note 43, at 5. *See generally* JAMES WELDON JOHNSON, ALONG THIS WAY 341 (1935).

been involved in a series of frays, fifteen whites and twenty-three blacks were killed, and 178 whites and 342 blacks were injured. More than one-thousand families, most of whom were black, were left homeless due to the burnings and general destruction of property.⁷⁹

III. LYNCHING, THE RHETORIC OF SOCIAL EQUALITY AND THE FIGHT FOR FEDERAL LEGISLATION

The NAACP drive for federal legislation put the anti-lynching campaign at the center of the association's focus in the early 1920s and throughout most of the 1930s.⁸⁰ NAACP executive secretaries James Weldon Johnson and Walter White were at the core of these campaigns.⁸¹ Though Johnson and White sought the support of key leaders within women's organizations, many women joined the anti-lynching movement because of their own motivations.⁸²

The Association of Southern Women for the Prevention of Lynching organized to eradicate lynching.⁸³ However, like most southern anti-lynching groups, they preferred to focus their efforts on education and the enforcement of local laws instead of pursuing a federal legislative remedy.⁸⁴ This difference in strategy was a marked differentiation between the anti-lynching women's groups in the south from the activists in the north.⁸⁵ In the fall of 1920, another group of southern white women formed the Women's Council of the Commission on Interracial Cooperation (CIC).⁸⁶ They formed after hearing Margaret Washington, Jennie Moton, Elizabeth Haynes, and Charlotte Hawkins of the NACW speak at a conference in Memphis, Tennessee.⁸⁷ The comments of the women from NACW on "lynching, conditions of domestic service, and the burden of discrimination" caused the members of the CIC to form recommendations that women from other local communities form interracial committees.⁸⁸ They posited that these committees should be composed of representatives from various sectors of the community and make efforts to, among other things, improve legal representation, support fair treatment in the press, and improve the conditions blacks were subjected to in domestic service work.⁸⁹ The Memphis, Tennessee conference spurred a growing number of white southern women's groups who rejected the notion that the actual reason black men were lynched was to protect white

79. GIBSON, *supra* note 43, at 6.

80. BROWN, *supra* note 8, at 128.

81. *See id.* at 128.

82. *See id.* at 128.

83. *See id.* at 130.

84. *See id.* at 130.

85. *See id.* at 130.

86. *See id.* at 134.

87. *Id.*

88. *See id.* at 133-34.

89. *See id.* at 134.

women.⁹⁰ The CIC pledged to create a "public sentiment of support for officials in executing justice" to prevent lynchings.⁹¹ However, the CIC was not able to foster the level of interracial cooperation they had envisioned because of the lack of similar corollary groups in other states.⁹² Also, their efforts to raise public attention to the responsibilities of public officials to end lynching did not extend to a pursuit of federal anti-lynching legislation.⁹³ In opposition, advocates of federal anti-lynching legislation believed that the prior inability of state officials to prevent lynchings warranted federal intervention. The occurrence of appalling acts of terror that took place before Congressman George Whites' introduction of the first federal anti-lynching bill in 1900 and its subsequent failure was compelling enough for Congressman Leonidas Dyer of Missouri to introduce in 1920 what has become known as the "Dyer bill." The Dyer bill provided for jurisdiction of the federal courts to punish county officers and lynchers.⁹⁴ It also required any county that was the scene of a lynching to forfeit \$10,000 to the United States government.⁹⁵ Though the House of Representatives passed the bill with a vote of 230 to 119 on January 26, 1922, it never came to a vote in the Senate due to a Democratic filibuster.⁹⁶ Congressman White tried to win the support of female members of Congress, in particular Congresswoman Alice Mary Robertson of Oklahoma.⁹⁷ She remained unsupportive of the bill, even in the face of reports about violent race riots in her home state, the statistics that refuted the posited connection between rape and lynching, and the U.S. Attorney General's position that the bill was constitutional.⁹⁸

However, there were also influential female political party members in favor of the Dyer bill. For example, Dora J. Ogan of the Women's Republican Club of Manhattan stated publicly that the Republican senators were responsible for lynchings.⁹⁹ Women of the Democratic Party were also vocal in their disapproval of the filibuster and in a signed joint statement calling for all women to "urge government to protect their fellow citizens against publicly organized atrocities within America's borders. . . . The women also sent telegrams to the Senate and letters to the State Federation of Women's Clubs of each state."¹⁰⁰

However, the rhetoric of "social equality" expressed by some of the southern legislators during the proceedings and debates of the Sixty-Seventh Congress¹⁰¹

90. *See id.* at 134.

91. *See id.* at 134-35.

92. *See id.* at 134.

93. *See id.* at 135.

94. JAMES HARMON CHADBOURN, *LYNCHING AND THE LAW* 118 (1933). The full text of the Dyer bill may be found in H. REP. NO. 68-71, at 16 (1963).

95. *Id.*

96. BROWN, *supra* note 8, at 138.

97. *Id.*

98. *See id.* at 137.

99. *See id.* at 149.

100. *See id.* at 149.

101. 67 CONG. REC. 895 (1922).

reveal the persona of a "passive lyncher," that is, one vested with the legislative authority to set forth punitive or prophylactic measures to end lynching but who opts to remain as a bystander. The passive lynchers clothed with the title of legislator were blinded by socially condoned racial discrimination against blacks. They argued that the Dyer bill was

Proposed primarily as a plea in behalf of the [black] man. It is legislation that involves race prejudice and the tendency of which, if enacted, will be to accentuate race prejudice. To a considerable extent its enactment would be accepted by a large portion of the [black] people of the Nation as a threat or punishment directed at the white people of the South by the people of the other sections of the country. In this situation [black] people of criminal inclinations are likely to find an incentive and a license to commit offenses that they did not feel before.¹⁰²

The passive nature of some of the legislators during the early twentieth century regarding legislative action to curtail state sanctioned lynching of blacks is best gleaned by their own comments. The following statements reveal the rationalized prejudices of the day:

Mr. Dominick of South Carolina — January 4, 1922, You can never stop lynching by legislation It has to be done by an enlightened public We always here [sic] about those who are lynched, but we do not hear of the faithful officers who nearly every day and nearly every week are rushing off some culprit who is threatened by a mob, to the State penitentiary or some place for safe-keeping. That is what we are doing to help enforce the law, and, and we are keeping it down by that kind of sentiment and that kind of work.' [Applause.]¹⁰³

Mr. Sandlin of Louisiana — January 18, 1922, The man that does not live in the South can not understand nor even begin to appreciate the condition confronting the people of that section. We are patient and forbearing with the black man we who have known him long and intimately.¹⁰⁴

Mr. Lankford of Georgia — January 18, 1922, The white race will decide what position the Negro is worthy to occupy from the Negro's own acts, from his merit or lack of merit, and not from the demands made by Negro propagandists of either the Negro race or white race, except that these propagandists by the creation of racial hatred are introducing a mass of evidence against the colored race. The northern Negro and the mean southern Negro who comes North will

102. 67 CONG. REC. 1367 (1922).

103. 67 CONG. REC. 1,345 (1922).

104. 67 CONG. REC. 1,358 (1922).

expect political equality, economic equality, and social equality If he commits rape he expects the father and brothers, relatives, and neighbors of the outraged girl to plead for his protection and beg for him to become a great hero and have a fair and impartial trial, with the outraged girl, if left alive, in court to testify and him to deny A few of the worst Negroes will be lynched. The Negro in the South who commits rape knows what is coming. He simply commits suicide, that is all The girlhood and womanhood of the country have and should have not only the protection of the law but the protection of every drop of blood and ounce of flesh of every true man not only within sound of her voice but within the territory where true men hear of her mistreatment The lynched brute gets what he invited and what he deserves and is soon through the agony You northern Negroes quit howling about lynchings and begin preaching against rape The Negro can not be the equal of the white man socially, economically, or politically. This is a white man's civilization and a white man's Government, and the white man is and will remain supreme By white supremacy I do not mean white oppression. I do mean, though, that this is a white man's Nation and a white man's world.¹⁰⁵

Mr. Upshaw of Tennessee — January 21, 1922, Opposed to a "double lynching," Hear me, my colleagues, I am more opposed to lynching than the proponents of this bill. I oppose lynching a human being, and I also oppose lynching the Constitution of the United States.¹⁰⁶

In order to counter the social equality rhetoric of the day with a view of morality, Congressman Chalmers referenced the lynching of Mary Turner in the official congressional debate.¹⁰⁷ According to noted historian Walter White,

In Georgia, 1918, a mob of white men, unable to locate an African-American man suspected of the murder of a white farmer, lynched eight innocent men, Will Head, Chime Riley, Will Thompson, Hayes Turner and four unidentified African-Americans. Mary Turner, a pregnant woman, was also lynched for loudly proclaiming the innocence of her husband, Hayes Turner. She was hung by her feet, gasoline was thrown on her clothing, and she was set on fire. Her body was cut open and after her infant fell to the ground with a little cry, the child was crushed to death by the heel of one of the white men present. The mother's body was then riddled with bullets.¹⁰⁸

105. 67 CONG. REC. 1,367 (1922).

106. 67 CONG. REC. 1,548 (1922).

107. 67 CONG. REC. 1,346 (1922).

108. WHITE, *supra* note 60, at 28-29; *see* 67 CONG. REC. 1,346 (1922) (referencing Rep. Chalmers' remarks in support of the Dyer anti-lynching bill, wherein he addresses the issue of lynching from a moral standpoint and the standpoint of a good of civilization); NAACP, *supra* note 9, at 26-27.

Even the most gruesome of stark realities of lynching proved unconvincing to the Senators opposed to the federal anti-lynching bill.¹⁰⁹ During the Sixty-Eighth Congress, Congressman Dyer faced resistance to introducing his bill in the House of Representatives.¹¹⁰ The Committee on Rules blocked it from consideration because they posited it would bring on a democratic filibuster and therefore tie up other legislation that was necessary for the government to run properly, e.g., appropriation and revenue.¹¹¹ They also posited that because there was no possibility that it would pass the only purpose that would be served is for representatives to bid for the support of black voters.¹¹²

The purported reasons did not prevent Congressman Dyer from asserting that the “need for this humane legislation is great and there is no good excuse for us to fail to enact the law. Lynchings continue in the United States. We have 5,000 or more to our discredit in the last 35 years.”¹¹³ He directly addressed the alleged unconstitutionality of the anti-lynching legislation by relying squarely on the exact wording of the Fourteenth Amendment Equal Protection Clause: “no State shall deny to any person within its jurisdiction the equal protection of the laws; further, Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.”¹¹⁴ Congressman Dyer candidly stated,

[Y]ou know and I know, everybody, even the individual members of the Supreme Court know, that the victims of lynching mobs do not get the equal protection of the State’s laws; that State and county officials do not try to prevent other crimes; that they do not try to punish this crime as they try to punish other crimes. This is susceptible of overwhelmingly convincing demonstration.¹¹⁵

In the 1930s, as the proponents of federal anti-lynching legislation continued to face significant opposition, allegations of sex between black men and white women continued to provoke violence from lynch mobs.¹¹⁶ However, it was the lynching of Claude Neal, accused of raping and killing his white female neighbor and childhood playmate, that reformed the federal anti-legislation efforts.¹¹⁷ Neal was “kidnapped” from the jail by a mob that announced their determination to lynch Neal on the local radio station and in the local paper under the headline, *Florida to Burn Negro at Stake: Sex Criminal Seized from Brewton Jail, Will be*

109. 67 CONG. REC. 1,346 (1922).

110. 67 CONG. REC. 1,346 (1922).

111. 67 CONG. REC. 1,346 (1922).

112. 67 CONG. REC. 1,346 (1922).

113. *See id.*

114. *See id.* (citing U.S. CONST. amend. XIV).

115. 68 CONG. REC. 10,538 (1924).

116. *See* WALTER T. HOWARD, LYNCHINGS: EXTRALEGAL VIOLENCE IN FLORIDA DURING THE 1930s, at 56 (1995); JAMES MCGOVERN, ANATOMY OF A LYNCHING: THE KILLING OF CLAUDE NEAL (1982).

117. *Id.*

*Mutilated, Set Afire in Extra Legal Vengeance for Deed.*¹¹⁸ The NAACP sent Howard Kester, a young white man, to investigate the lynching a week after it occurred.¹¹⁹ He reported the story of “the actual lynching,” partly in the words of his informants, as follows:

After taking the nigger to the woods about four miles from Greenwood, they cut off his penis. He was made to eat it. They then cut off his testicles and made him eat them and say he liked it. (I gathered that this barbarous act consumed considerable time and that other means of torture were used from time to time on Neal.)

Then they sliced his sides and stomach with knives and every now and then somebody would cut off a finger or a toe. Red-hot irons were used on the nigger to burn him from top to bottom. From time to time during the torture a rope would be tied around Neal's neck and he was pulled up over a limb and held there until he almost choked to death when he would be let down and the torture began all over again.¹²⁰

The horrific acts imposed upon Neal in the name of vigilante justice, reckless community honor and racially based defense of womanhood prompted Walter White to continue efforts toward obtaining federal anti-lynching legislation.¹²¹ Similarly, starting in 1934, the NAACP made anti-lynching legislation its first priority for the following six years.¹²² The NAACP introduced a bill that remained in the same basic form up until the efforts to pass this type of legislation were abandoned.¹²³ It stated,

First, that a lynching case should be tried in a Federal Court if after thirty days the state had taken no action to apprehend and punish the lyncher.

Second, that if the Federal Court found that the Peace Officers of the state had been derelict in their duties, failing to protect their prisoners, such Officers should be punished by fine or imprisonment.

Third, that damages of not less than \$2,000 and not more than \$10,000 might be sought in action in the Federal Court on behalf of the heirs of the victim, against the county in which the lynching occurred.¹²⁴

The NAACP bill, with these three major points, was introduced by Senators Robert F. Wagner of New York and Edward P. Costigan of Colorado, both

118. HOWARD, *supra* note, 116, at 59.

119. *Id.*

120. *Id.* at 61.

121. *Id.* at 64.

122. OVERTON, *supra* note 62, at 257.

123. *Id.* at 258.

124. *See id.* at 258-59.

Democrats, and referred to the Senate Judiciary Committee.¹²⁵ The reasons for the opposition to federal anti-lynching legislation did not change significantly through the years the proponents fought for the bill. According to the *Congressional Record*, April 16, 1935, Senator Walter George of Georgia, stated, “this deplorable offense against society probably would be better handled by States themselves if there were no attempt to interfere with them through federal legislation.”¹²⁶ It appears that the Southern legislators held steadfast to their historical allegiance to state sovereignty even amidst the state sanctioned terror imposed upon blacks. The passion of the NAACP and its efforts to obtain federal anti-lynching legislation is exemplified in a flyer depicting Rubin Stacy, the African-American lynched at Fort Lauderdale, Florida, on July 19, 1935, for “threatening and frightening a white woman.”¹²⁷ The request for donations announced that “in May, 1935, a filibuster in the United States Senate led by a small group of senators, most of them from the states with the worst lynching record, succeeded in side-tracking the Costigan-Wagner Anti-Lynching Bill.”¹²⁸

Three years later, in 1935, the NAACP bill came before the Senate for the second and final time.¹²⁹ Though in 1940 proponents of the bill attempted to retrieve it, the critical nature of the New Deal legislation and the impending second world war kept it from moving forward.¹³⁰

CONCLUSION

As scholar Mary Jane Brown has said, “Although all efforts to achieve federal legislation failed, the drive for a federal law drew a spotlight of attention to the lynching problem that forced Americans to grapple with the problem that belonged to their country alone and put the substructure in place for a vigorous civil rights struggle.”¹³¹ The early twentieth century can be chronicled in the words of historians Steward E. Tolnay and E. M. Beck:

This was an extraordinary period of American history, during which ordinary folks did unspeakable things. They were not monsters who temporarily assumed the persona of southern whites. They were the town barber, the local blacksmith, and even the county sheriff.¹³²

125. *See id.* at 259

126. 79 CONG. REC. 5750(1935).

127. Papers of the NAACP, Part 7, Anti-lynching campaign, 1912 –1955; Series A: Anti-Lynching Investigative Files, 1912-1953 (Univ. Publications of America, Inc.) Walter White the viewer’s attention to the seven white children gazing at this gruesome spectacle. *Id.* He posed a profound question: “What psychological havoc is being wrought in the minds of the white children?”*Id.* For a visual depiction, see ALLEN, *supra* note 24, POSTCARD NOS. 59 and 60.

128. *See id.*

129. OVERTON, *supra* note 62, at 262.

130. *Id.*

131. BROWN, *supra* note 8, at 14.

132. TOLNAY & BECK, *supra* note 26, at 257.

Upon critical examination of lynching as a culture, it appears that “whites lynched blacks when they felt threatened in some way – economically, politically, or socially.”¹³³ As J. E. Cutler pronounced in his paper, *Proposed Remedies for Lynching*, “it is difficult to create a public sentiment against lynching because of the racial antipathy which aggravates the evil in certain sections of the United States.”¹³⁴ “Virtually all observers and scholars of lynching suggest that whites resorted to mob violence to shore up caste lines in the face of some perceived threat, or more simply, to keep blacks in their place.”¹³⁵ Nevertheless, the rhetoric of “social equality” espoused by some Senators would consistently prevail over the data and investigations that debunked the myth of “justifiable” summary justice (individual lynchings, mass lynchings, or “race riots”) for the alleged crime of rape.

“The triumph that lies within the American nightmare”¹³⁶ of lynching and torture is yet to be told. There are those who would suggest that “it” happened a long time ago. However, we would only have to look back to June 7, 1998, when police officers responded to a call to go to Huff Creek Road in the town of Jasper, Texas.¹³⁷ In the road, in front of a church, they discovered the body of an African-American male missing his head, neck, and right arm.¹³⁸ The remains of his pants and underwear were gathered around the victim’s ankles.¹³⁹ About a mile and a half up the road, they discovered his head, neck, and arm by a culvert in a driveway.¹⁴⁰ The remnants of lynching in the early twentieth century, clothed with the indicia of “law,” left “a terrible blot on American Civilization”¹⁴¹ that remains.

The culture of lynching involved: the lynchers, both active participants and passive legislators; the lynched, black males, females, and children; and the lynch protestors, black women at the forefront, individually and collectively, black civil rights organizations, and some noted feminist organizations. As Brown states,

Women who rallied to prevent lynching were connected by a mutual goal of eradicating it, but they did not always meld into a common

133. *See id.* at 3.

134. JAMES E. CUTLER, PROPOSED REMEDIES FOR LYNCHING 266 (1904) (discussing proposed remedies for lynching and expressed public opinion and various laws).

135. BRUNDAGE, *supra* note 64, at 103.

136. MALCOLM X SPEAKS: SELECTED SPEECHES AND STATEMENTS 23-26 (George Breitman ed., 1990) (quoting Malcolm X in *The Ballot or the Bullet Speech*, Cleveland, Ohio, Apr. 3, 1964, wherein he claims, “I don’t see any American dream; I see an American nightmare”).

137. *See King v. State*, 29 S.W.3d 556, 569 (2000) (affirming appellant’s capital murder conviction and death sentence).

138. *See id.* at 558.

139. *See id.* at 558.

140. *See id.* at 558.

141. AN AMERICAN TIME CAPSULE: THREE CENTURIES OF BROADSIDES, AND OTHER PRINTED EPHEMERA, PORTFOLIO 36, Lib. of Congress (1922). *See* 68 CONG. REC. 10,538 (1924) Congressman Leonides Dyer, on June 24, 1924 during the 68th Congress stated, “It [lynching] blots our fair name as a Nation, for we

effort.¹⁴² Some patterns of racial disharmony emerged that had surfaced in countless other arenas where women had sought reform; some of those differences were exacerbated by dissimilar life experiences and different perceptions of the problem.¹⁴³ In other instances, regional traditions and allegiances shaped the goals and strategies that women employed and ultimately prevented them from converging into a force of greater numerical and political strength.¹⁴⁴

A prime example can be seen in the resistance of white Southern women organizations from supporting federal anti-lynching legislation. Seemingly their allegiance to race solidarity, which abhorred federal interference into state's action outweighed gender cohesiveness among black women organizations who favored federal anti-lynching legislation due to apparent state inaction and oftentimes complicity.

However, it was by virtue of Mary Turner's womb that she carried a child yet to be born, but which under "lynch law" was cut out of her stomach and allowed to fall on the ground while she hung from a tree for making "unwise remarks about the lynching of her husband."¹⁴⁵ It was because of her blackness that she and others were devalued as human beings and treated as mere sexual objects of pleasure. Hence, it was the black woman's gender/race/class-based allegiance aimed at eradicating lynching that created the black womban's sphere and led the anti-lynching crusade of the early twentieth century.

The fact that "it" could and did happen is a reality that this generation, as a whole, must address in order for the descendants of lynchers, lynched, and lynch protestors to begin to heal from the realities of an American nightmare.

can not claim to be civilized until our laws are respected and enforced and our citizens secured against the hideous cruelties of which we are constantly furnishing fresh examples." *Id.*

142. See BROWN, *supra* note 8, at 4.

143. See *id.* at 4.

144. See *id.* at 4.

145. Joseph B. Cumming, *Lynching A Negro Woman for "Unwise Remarks,"* SAVANNAH TRIB., May 25, 1918, at 1.