

116TH CONGRESS  
1ST SESSION

# H. R. 35

To amend section 249 of title 18, United States Code, to specify lynching as a hate crime act.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mr. RUSH introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To amend section 249 of title 18, United States Code, to specify lynching as a hate crime act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emmett Till  
5 Antilynching Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In the 20th century lynching occurred most-  
9 ly in southern States by White southerners against  
10 Black southerners.

1           (2) In 1892, the Tuskegee Institute began to  
2       record statistics of lynchings and reported that  
3       4,742 reported lynchings had taken place by 1968,  
4       of which 3,445 of the victims were Black.

5           (3) Most of the lynchings that occurred in the  
6       South were mass moblike lynchings.

7           (4) Mass moblike lynchings were barbaric by  
8       nature characterized by members of the mob, mostly  
9       White southerners, shooting, burning, and muti-  
10      lating the victim's body, alive.

11          (5) In “Anatomy of a Lynching: The Killing of  
12      Claude Neal”, community papers readily advertised  
13      mob lynchings, as evidenced by a Florida local paper  
14      headline: “Florida to Burn Negro at Stake: Sex  
15      Criminal Seized from Brewton Jail, Will be Muti-  
16      lated, Set Afire in Extra-Legal Vengeance for  
17      Deed.”

18          (6) Civil rights groups documented and pre-  
19      sented Congress evidence of vigilante moblike  
20      lynchings.

21          (7) Evidence by NAACP investigator Howard  
22      Kester documented the extreme brutality of these  
23      lynchings. An excerpt from “Anatomy of a Lynch-  
24      ing” further illustrates this point: “After taking the  
25      nigger to the woods about four miles from Green-

1 wood, they cut off his penis. He was made to eat it.  
2 Then they cut off his testicles and made him eat  
3 them and say he liked it.”

4 (8) Many civil rights groups, notably the Anti-  
5 Lynching Crusaders, also known as the ALC, oper-  
6 ating under the umbrella of the NAACP, made nu-  
7 merous requests to Congress to make lynching a  
8 Federal crime.

9 (9) Congressman George Henry White, an Afri-  
10 can American, introduced the first Federal anti-  
11 lynching bill and subsequently nearly 200 antilynch-  
12 ing bills were introduced in the Congress during the  
13 first half of the 20th century.

14 (10) Between 1890 and 1952, seven Presidents  
15 petitioned Congress to end lynching.

16 (11) Between 1920 and 1940, the House of  
17 Representatives passed three strong antilynching  
18 measures, of which Congress came closest to enact-  
19 ing antilynching legislation sponsored by Congress-  
20 man Leonidas C. Dyer in 1922.

21 (12) On all three occasions, opponents of  
22 antilynching legislation, argued States’ rights and  
23 used the filibuster, or the threat of it, to block the  
24 Senate from voting on the measures.

1           (13) The enactment of the Civil Rights Act of  
 2           1968 was the closest Congress ever came in the  
 3           post-Reconstruction era to enacting antilynching leg-  
 4           islation.

5           (14) In 2005, the Senate passed a resolution,  
 6           sponsored by Senators Mary Landrieu and George  
 7           Allen, apologizing for the Senate’s failure to enact  
 8           antilynching legislation as a Federal crime, with  
 9           Senator Landrieu saying, “There may be no other  
 10          injustice in American history for which the Senate  
 11          so uniquely bears responsibility.”

12          (15) To heal past and present racial injustice,  
 13          Congress must make lynching a Federal crime so  
 14          our Nation can begin reconciliation.

15 **SEC. 3. SPECIFYING LYNCHING AS A HATE CRIME ACT.**

16          Section 249(a) of title 18, United States Code, is  
 17          amended—

18               (1) by redesignating paragraph (4) as para-  
 19               graph (5); and

20               (2) by inserting after paragraph (3) the fol-  
 21               lowing:

22               “(4) OFFENSES INVOLVING LYNCHING.—Who-  
 23               ever, whether or not acting under color of law, will-  
 24               fully, acting as part of any collection of people, as-  
 25               sembled for the purpose and with the intention of

1       committing an act of violence upon any person,  
2       causes death to any person, shall be imprisoned for  
3       any term of years or for life, fined under this title,  
4       or both.”.

○