

Union Calendar No. 212

116TH CONGRESS
1ST SESSION

H. R. 35

[Report No. 116–267]

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

OCTOBER 31, 2019

Additional sponsors: Mr. BISHOP of Georgia, Mr. MEEKS, Mr. BLUMENAUER, Mr. HASTINGS, Ms. SCHAKOWSKY, Ms. NORTON, Mr. VELA, Mr. COHEN, Mr. EVANS, Mr. CUMMINGS, Mrs. NAPOLITANO, Mr. KHANNA, Ms. BASS, Mr. RUPPERSBERGER, Mr. CARSON of Indiana, Mr. FOSTER, Mr. CARBAJAL, Mr. SERRANO, Mr. SOTO, Mr. LAWSON of Florida, Ms. VELÁZQUEZ, Mr. BROWN of Maryland, Mr. DANNY K. DAVIS of Illinois, Mr. CICILLINE, Mrs. BEATTY, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Mr. ESPAILLAT, Mr. SMITH of Washington, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CASTRO of Texas, Mr. CARTWRIGHT, Ms. JACKSON LEE, Mr. TED LIEU of California, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. VARGAS, Ms. SPEIER, Mr. SCOTT of Virginia, Mr. SEAN PATRICK MALONEY of New York, Ms. TLAIB, Mr. BUTTERFIELD, Mr. MOULTON, Ms. KELLY of Illinois, Mr. CLAY, Mrs. WATSON COLEMAN, Mr. DEUTCH, Mrs. LAWRENCE, Mr. HIGGINS of New York, Mr. GREEN of Texas, Mr. SIRES, Mrs. CAROLYN B. MALONEY of New York, Mr. SCHNEIDER, Mr. LEWIS, Mr. PALLONE, Mr. COOPER, Mr. QUIGLEY, Ms. BONAMICI, Mr. KRISHNAMOORTHY, Mrs. DINGELL, Ms. LEE of California, Mr. MCGOVERN, Mr. PAYNE, Mrs. MURPHY of Florida, Mrs. DEMINGS, Ms. JOHNSON of Texas, Mr. RYAN, Ms. FUDGE, Mr. NEAL, Ms. DEGETTE, Mr. WELCH, Mr. YARMUTH, Miss RICE of New York, Mrs. LURIA, Ms. CASTOR of Florida, Mr. PETERS, Ms. ROYBAL-ALLARD, Ms. MENG, Mr. ENGEL, Ms. MCCOLLUM, Mrs. BUSTOS, Mr. GRIJALVA, Mr. RICHMOND, Mr. CLYBURN, Mr. STANTON, Mr. SWALWELL of California, Mr. KILDEE, Mr. DAVID SCOTT of Georgia,

Mr. MCNERNEY, Ms. ADAMS, Ms. SHALALA, Ms. PRESSLEY, Ms. JUDY CHU of California, Ms. WASSERMAN SCHULTZ, Ms. GABBARD, Ms. OCASIO-CORTEZ, Mr. ROUDA, Ms. ESHOO, Ms. SEWELL of Alabama, Ms. MUCARSEL-POWELL, Ms. WILSON of Florida, Mrs. DAVIS of California, Mr. LYNCH, Mr. PAPPAS, Mr. CISNEROS, Mr. SHERMAN, Mr. VEASEY, Mr. TURNER, Mrs. TRAHAN, Mr. SARBANES, Ms. DEAN, Mr. ROSE of New York, Ms. WATERS, Mr. RASKIN, Mr. VISCLOSKY, Ms. WEXTON, Mr. LOWENTHAL, Mr. PANETTA, Ms. SPANBERGER, Mr. GARAMENDI, Ms. CRAIG, Mr. GARCÍA of Illinois, Ms. WILD, Mr. MALINOWSKI, Ms. MOORE, Mr. CASTEN of Illinois, Ms. OMAR, Mrs. KIRKPATRICK, Mr. HARDER of California, Mr. HUFFMAN, Mr. PHILLIPS, Mr. DEFazio, Mr. DESAULNIER, Ms. MATSUI, Mr. LUJÁN, Mr. PRICE of North Carolina, Ms. SLOTKIN, Mr. CLEAVER, Mrs. MCBATH, Mr. HORSFORD, Mr. KENNEDY, Mr. NORCROSS, Mr. MORELLE, Ms. BLUNT ROCHESTER, Mr. JEFFRIES, Ms. UNDERWOOD, Mr. MCEACHIN, and Mr. NEGUSE

OCTOBER 31, 2019

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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.

11 (2) In 1892, the Tuskegee Institute began to
12 record statistics of lynchings and reported that
13 4,742 reported lynchings had taken place by 1968,
14 of which 3,445 of the victims were Black.

15 (3) Most of the lynchings that occurred in the
16 South were mass moblike lynchings.

17 (4) Mass moblike lynchings were barbaric by
18 nature characterized by members of the mob, mostly
19 White southerners, shooting, burning, and muti-
20 lating the victim’s body, alive.

21 (5) In “Anatomy of a Lynching: The Killing of
22 Claude Neal”, community papers readily advertised
23 mob lynchings, as evidenced by a Florida local paper
24 headline: “Florida to Burn Negro at Stake: Sex
25 Criminal Seized from Brewton Jail, Will be Muti-

1 lated, Set Afire in Extra-Legal Vengeance for
2 Deed.”

3 (6) Civil rights groups documented and pre-
4 sented Congress evidence of vigilante moblike
5 lynchings.

6 (7) Evidence by NAACP investigator Howard
7 Kester documented the extreme brutality of these
8 lynchings. An excerpt from “Anatomy of a Lynch-
9 ing” further illustrates this point: “After taking the
10 nigger to the woods about four miles from Green-
11 wood, they cut off his penis. He was made to eat it.
12 Then they cut off his testicles and made him eat
13 them and say he liked it.”

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

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

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

1 (11) Between 1920 and 1940, the House of
2 Representatives passed three strong antilynching
3 measures, of which Congress came closest to enact-
4 ing antilynching legislation sponsored by Congress-
5 man Leonidas C. Dyer in 1922.

6 (12) On all three occasions, opponents of
7 antilynching legislation, argued States' rights and
8 used the filibuster, or the threat of it, to block the
9 Senate from voting on the measures.

10 (13) The enactment of the Civil Rights Act of
11 1968 was the closest Congress ever came in the
12 post-Reconstruction era to enacting antilynching leg-
13 islation.

14 (14) In 2005, the Senate passed a resolution,
15 sponsored by Senators Mary Landrieu and George
16 Allen, apologizing for the Senate's failure to enact
17 antilynching legislation as a Federal crime, with
18 Senator Landrieu saying, "There may be no other
19 injustice in American history for which the Senate
20 so uniquely bears responsibility."

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

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

2 Section 249(a) of title 18, United States Code, is
3 amended—

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

6 (2) by inserting after paragraph (3) the fol-
7 lowing:

8 “(4) OFFENSES INVOLVING LYNCHING.—Who-
9 ever, whether or not acting under color of law, will-
10 fully, acting as part of any collection of people, as-
11 sembled for the purpose and with the intention of
12 committing an act of violence upon any person,
13 causes death to any person, shall be imprisoned for
14 any term of years or for life, fined under this title,
15 or both.”.

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