

116TH CONGRESS
2^D SESSION

H. R. 35

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2020

Received

AN ACT

To amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Emmett Till
3 Antilynching Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The crime of lynching succeeded slavery as
7 the ultimate expression of racism in the United
8 States following Reconstruction.

9 (2) Lynching was a widely acknowledged prac-
10 tice in the United States until the middle of the
11 20th century.

12 (3) Lynching was a crime that occurred
13 throughout the United States, with documented inci-
14 dents in all but four States.

15 (4) At least 4,742 people, predominantly Afri-
16 can Americans, were reported lynched in the United
17 States between 1882 and 1968.

18 (5) Ninety-nine percent of all perpetrators of
19 lynching escaped from punishment by State or local
20 officials.

21 (6) Lynching prompted African Americans to
22 form the National Association for the Advancement
23 of Colored People (referred to in this section as the
24 “NAACP”) and prompted members of B’nai B’rith
25 to found the Anti-Defamation League.

1 (7) Mr. Walter White, as a member of the
2 NAACP and later as the executive secretary of the
3 NAACP from 1931 to 1955, meticulously inves-
4 tigated lynchings in the United States and worked
5 tirelessly to end segregation and racialized terror.

6 (8) Nearly 200 anti-lynching bills were intro-
7 duced in Congress during the first half of the 20th
8 century.

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

11 (10) Between 1920 and 1940, the House of
12 Representatives passed three strong anti-lynching
13 measures.

14 (11) Protection against lynching was the min-
15 imum and most basic of Federal responsibilities, and
16 the Senate considered but failed to enact anti-lynch-
17 ing legislation despite repeated requests by civil
18 rights groups, Presidents, and the House of Rep-
19 resentatives to do so.

20 (12) The publication of “Without Sanctuary:
21 Lynching Photography in America” helped bring
22 greater awareness and proper recognition of the vic-
23 tims of lynching.

1 (13) Only by coming to terms with history can
2 the United States effectively champion human rights
3 abroad.

4 (14) An apology offered in the spirit of true re-
5 pentance moves the United States toward reconcili-
6 ation and may become central to a new under-
7 standing, on which improved racial relations can be
8 forged.

9 (15) Having concluded that a reckoning with
10 our own history is the only way the country can ef-
11 fectively champion human rights abroad, 90 Mem-
12 bers of the United States Senate agreed to Senate
13 Resolution 39, 109th Congress, on June 13, 2005,
14 to apologize to the victims of lynching and the de-
15 scendants of those victims for the failure of the Sen-
16 ate to enact anti-lynching legislation.

17 (16) The National Memorial for Peace and Jus-
18 tice, which opened to the public in Montgomery, Ala-
19 bama, on April 26, 2018, is the Nation's first memo-
20 rial dedicated to the legacy of enslaved Black people,
21 people terrorized by lynching, African Americans hu-
22 miliated by racial segregation and Jim Crow, and
23 people of color burdened with contemporary pre-
24 sumptions of guilt and police violence.

1 (17) Notwithstanding the Senate’s apology and
2 the heightened awareness and education about the
3 Nation’s legacy with lynching, it is wholly necessary
4 and appropriate for the Congress to enact legisla-
5 tion, after 100 years of unsuccessful legislative ef-
6 forts, finally to make lynching a Federal crime.

7 (18) Further, it is the sense of Congress that
8 criminal action by a group increases the likelihood
9 that the criminal object of that group will be suc-
10 cessfully attained and decreases the probability that
11 the individuals involved will depart from their path
12 of criminality. Therefore, it is appropriate to specify
13 criminal penalties for the crime of lynching, or any
14 attempt or conspiracy to commit lynching.

15 (19) The United States Senate agreed to unani-
16 mously Senate Resolution 118, 115th Congress, on
17 April 5, 2017, “[c]ondemning hate crime and any
18 other form of racism, religious or ethnic bias, dis-
19 crimination, incitement to violence, or animus tar-
20 geting a minority in the United States” and taking
21 notice specifically of Federal Bureau of Investigation
22 statistics demonstrating that “among single-bias
23 hate crime incidents in the United States, 59.2 per-
24 cent of victims were targeted due to racial, ethnic,
25 or ancestral bias, and among those victims, 52.2

1 percent were victims of crimes motivated by the of-
2 fenders’ anti-Black or anti-African American bias”.

3 (20) On September 14, 2017, President Donald
4 J. Trump signed into law Senate Joint Resolution
5 49 (Public Law 115–58; 131 Stat. 1149), wherein
6 Congress “condemn[ed] the racist violence and do-
7 mestic terrorist attack that took place between Au-
8 gust 11 and August 12, 2017, in Charlottesville,
9 Virginia” and “urg[ed] the President and his admin-
10 istration to speak out against hate groups that
11 espouse racism, extremism, xenophobia, anti-Semi-
12 tism, and White supremacy; and use all resources
13 available to the President and the President’s Cabi-
14 net to address the growing prevalence of those hate
15 groups in the United States”.

16 (21) Senate Joint Resolution 49 (Public Law
17 115–58; 131 Stat. 1149) specifically took notice of
18 “hundreds of torch-bearing White nationalists,
19 White supremacists, Klansmen, and neo-Nazis [who]
20 chanted racist, anti-Semitic, and anti-immigrant slo-
21 gans and violently engaged with counter-demonstra-
22 tors on and around the grounds of the University of
23 Virginia in Charlottesville” and that these groups
24 “reportedly are organizing similar events in other
25 cities in the United States and communities every-

1 where are concerned about the growing and open
2 display of hate and violence being perpetrated by
3 those groups”.

4 (22) Lynching was a pernicious and pervasive
5 tool that was used to interfere with multiple aspects
6 of life—including the exercise of Federally protected
7 rights, as enumerated in section 245 of title 18,
8 United States Code, housing rights, as enumerated
9 in section 901 of the Civil Rights Act of 1968 (42
10 U.S.C. 3631), and the free exercise of religion, as
11 enumerated in section 247 of title 18, United States
12 Code. Interference with these rights was often effec-
13 tuated by multiple offenders and groups, rather than
14 isolated individuals. Therefore, prohibiting conspir-
15 acies to violate each of these rights recognizes the
16 history of lynching in the United States and serves
17 to prohibit its use in the future.

18 **SEC. 3. LYNCHING.**

19 (a) OFFENSE.—Chapter 13 of title 18, United States
20 Code, is amended by adding at the end the following:

21 **“§ 250. Lynching**

22 “Whoever conspires with another person to violate
23 section 245, 247, or 249 of this title or section 901 of
24 the Civil Rights Act of 1968 (42 U.S.C. 3631) shall be
25 punished in the same manner as a completed violation of

1 such section, except that if the maximum term of impris-
2 onment for such completed violation is less than 10 years,
3 the person may be imprisoned for not more than 10
4 years.”.

5 (b) TABLE OF SECTIONS AMENDMENT.—The table of
6 sections for chapter 13 of title 18, United States Code,
7 is amended by inserting after the item relating to section
8 249 the following:

“250. Lynching.”.

9 **SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.**

10 The budgetary effects of this Act, for the purpose of
11 complying with the Statutory Pay-As-You-Go Act of 2010,
12 shall be determined by reference to the latest statement
13 titled “Budgetary Effects of PAYGO Legislation” for this
14 Act, submitted for printing in the Congressional Record
15 by the Chairman of the House Budget Committee, pro-
16 vided that such statement has been submitted prior to the
17 vote on passage.

Passed the House of Representatives February 26,
2020.

Attest:

CHERYL L. JOHNSON,

Clerk.