

116TH CONGRESS
1ST SESSION

H. R. 3536

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2019

Mr. BACON (for himself, Mr. MOULTON, Mr. CISNEROS, and Mr. TAYLOR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice for Victims
5 of Lynching Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

1 (2) Lynching was a widely acknowledged prac-
2 tice in the United States until the middle of the
3 20th century.

4 (3) Lynching was a crime that occurred
5 throughout the United States, with documented inci-
6 dents in all but 4 States.

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

10 (5) Ninety-nine percent of all perpetrators of
11 lynching escaped from punishment by State or local
12 officials.

13 (6) Lynching prompted African Americans to
14 form the National Association for the Advancement
15 of Colored People (referred to in this section as the
16 “NAACP”) and prompted members of B’nai B’rith
17 to found the Anti-Defamation League.

18 (7) Mr. Walter White, as a member of the
19 NAACP and later as the executive secretary of the
20 NAACP from 1931 to 1955, meticulously inves-
21 tigated lynchings in the United States and worked
22 tirelessly to end segregation and racialized terror.

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

1 (9) Between 1890 and 1952, 7 Presidents peti-
2 tioned Congress to end lynching.

3 (10) Between 1920 and 1940, the House of
4 Representatives passed 3 strong anti-lynching meas-
5 ures.

6 (11) Protection against lynching was the min-
7 imum and most basic of Federal responsibilities, and
8 the Senate considered but failed to enact anti-lynch-
9 ing legislation despite repeated requests by civil
10 rights groups, Presidents, and the House of Rep-
11 resentatives to do so.

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

16 (13) Only by coming to terms with history can
17 the United States effectively champion human rights
18 abroad.

19 (14) An apology offered in the spirit of true re-
20 pentance moves the United States toward reconcili-
21 ation and may become central to a new under-
22 standing, on which improved racial relations can be
23 forged.

24 (15) Having concluded that a reckoning with
25 our own history is the only way the country can ef-

1 fectively champion human rights abroad, 90 Mem-
2 bers of the United States Senate agreed to Senate
3 Resolution 39, 109th Congress, on June 13, 2005,
4 to apologize to the victims of lynching and the de-
5 scendants of those victims for the failure of the Sen-
6 ate to enact anti-lynching legislation.

7 (16) The National Memorial for Peace and Jus-
8 tice, which opened to the public in Montgomery, Ala-
9 bama, on April 26, 2018, is the Nation’s first memo-
10 rial dedicated to the legacy of enslaved Black people,
11 people terrorized by lynching, African Americans hu-
12 miliated by racial segregation and Jim Crow, and
13 people of color burdened with contemporary pre-
14 sumptions of guilt and police violence.

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

21 (18) Further, it is the sense of Congress that
22 criminal action by a group increases the likelihood
23 that the criminal object of that group will be suc-
24 cessfully attained and decreases the probability that
25 the individuals involved will depart from their path

1 of criminality. Therefore, it is appropriate to specify
2 criminal penalties for the crime of lynching, or any
3 attempt or conspiracy to commit lynching.

4 (19) The United States Senate agreed to unani-
5 mously Senate Resolution 118, 115th Congress, on
6 April 5, 2017, “[c]ondemning hate crime and any
7 other form of racism, religious or ethnic bias, dis-
8 crimination, incitement to violence, or animus tar-
9 geting a minority in the United States” and taking
10 notice specifically of Federal Bureau of Investigation
11 statistics demonstrating that “among single-bias
12 hate crime incidents in the United States, 59.2 per-
13 cent of victims were targeted due to racial, ethnic,
14 or ancestral bias, and among those victims, 52.2
15 percent were victims of crimes motivated by the of-
16 fenders’ anti-Black or anti-African American bias”.

17 (20) On September 14, 2017, President Donald
18 J. Trump signed into law Senate Joint Resolution
19 49 (Public Law 115–58; 131 Stat. 1149), wherein
20 Congress “condemn[ed] the racist violence and do-
21 mestic terrorist attack that took place between Au-
22 gust 11 and August 12, 2017, in Charlottesville,
23 Virginia” and “urg[ed] the President and his admin-
24 istration to speak out against hate groups that
25 espouse racism, extremism, xenophobia, anti-Semi-

1 tism, and White supremacy; and use all resources
2 available to the President and the President’s Cab-
3 inet to address the growing prevalence of those hate
4 groups in the United States”.

5 (21) Senate Joint Resolution 49 (Public Law
6 115–58; 131 Stat. 1149) specifically took notice of
7 “hundreds of torch-bearing White nationalists,
8 White supremacists, Klansmen, and neo-Nazis [who]
9 chanted racist, anti-Semitic, and anti-immigrant slo-
10 gans and violently engaged with counter-demonstra-
11 tors on and around the grounds of the University of
12 Virginia in Charlottesville” and that these groups
13 “reportedly are organizing similar events in other
14 cities in the United States and communities every-
15 where are concerned about the growing and open
16 display of hate and violence being perpetrated by
17 those groups”.

18 (22) Lynching was a pernicious and pervasive
19 tool that was used to interfere with multiple aspects
20 of life—including the exercise of federally protected
21 rights, as enumerated in section 245 of title 18,
22 United States Code, housing rights, as enumerated
23 in section 901 of the Civil Rights Act of 1968 (42
24 U.S.C. 3631), and the free exercise of religion, as
25 enumerated in section 247 of title 18, United States

1 Code. Interference with these rights was often effec-
2 tuated by multiple offenders and groups, rather than
3 isolated individuals. Therefore, prohibiting conspir-
4 acies to violate each of these rights recognizes the
5 history of lynching in the United States and serves
6 to prohibit its use in the future.

7 **SEC. 3. LYNCHING.**

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

10 **“§ 250. Lynching**

11 “Whoever conspires with another person to violate
12 section 245, 247, or 249 of this title or section 901 of
13 the Civil Rights Act of 1968 (42 U.S.C. 3631) shall be
14 punished in the same manner as a completed violation of
15 such section, except that if the maximum term of impris-
16 onment for such completed violation is less than 10 years,
17 the person may be imprisoned for not more than 10
18 years.”.

19 (b) TABLE OF SECTIONS AMENDMENT.—The table of
20 sections for chapter 13 of title 18, United States Code,
21 is amended by inserting after the item relating to section
22 249 the following:

“250. Lynching.”.

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