

115TH CONGRESS
2D SESSION

S. 3178

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

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2018

Ms. HARRIS (for herself, Mr. SCOTT, Mr. BOOKER, Ms. BALDWIN, Mrs. MURRAY, Mr. BLUMENTHAL, Mr. LEAHY, Mr. DURBIN, Mr. KAINE, Mr. VAN HOLLEN, Mr. NELSON, Mrs. GILLIBRAND, Mr. JONES, Mr. KING, Mr. REED, Ms. HIRONO, Mr. SANDERS, Ms. KLOBUCHAR, Ms. WARREN, Mr. BROWN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, and Ms. HASSAN) introduced the following bill; which was read twice and 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 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

4 (2) Lynching was a widely acknowledged prac-
5 tice in the United States until the middle of the
6 20th century.

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

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

13 (5) Ninety-nine percent of all perpetrators of
14 lynching escaped from punishment by State or local
15 officials.

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

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

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

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

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

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

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

19 (13) Only by coming to terms with history can
20 the United States effectively champion human rights
21 abroad.

22 (14) An apology offered in the spirit of true re-
23 pentance moves the United States toward reconcili-
24 ation and may become central to a new under-

1 standing, on which improved racial relations can be
2 forged.

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

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

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

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

14 (19) On September 14, 2017, President Donald
15 J. Trump signed into law Senate Joint Resolution
16 49 (Public Law 115–58; 131 Stat. 1149), wherein
17 Congress “condemn[ed] the racist violence and do-
18 mestic terrorist attack that took place between Au-
19 gust 11 and August 12, 2017, in Charlottesville,
20 Virginia” and “urg[ed] the President and his admin-
21 istration to speak out against hate groups that
22 espouse racism, extremism, xenophobia, anti-Semi-
23 tism, and White supremacy; and use all resources
24 available to the President and the President’s Cabi-

1 net to address the growing prevalence of those hate
2 groups in the United States”.

3 (20) Senate Joint Resolution 49 (Public Law
4 115–58; 131 Stat. 1149) specifically took notice of
5 “hundreds of torch-bearing White nationalists,
6 White supremacists, Klansmen, and neo-Nazis [who]
7 chanted racist, anti-Semitic, and anti-immigrant slo-
8 gans and violently engaged with counter-demonstra-
9 tors on and around the grounds of the University of
10 Virginia in Charlottesville” and that these groups
11 “reportedly are organizing similar events in other
12 cities in the United States and communities every-
13 where are concerned about the growing and open
14 display of hate and violence being perpetrated by
15 those groups”.

16 **SEC. 3. SPECIFYING LYNCHING AS A DEPRIVATION OF**
17 **CIVIL RIGHTS.**

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

20 **“§ 250. Offenses involving lynching**

21 “Whoever willfully, acting as part of any collection
22 of people, assembled for the purpose and with the inten-
23 tion of engaging in conduct described in paragraph (1)
24 or (2)(A) of section 249(a) against any person, causes

1 death to any person, shall be imprisoned for any term of
2 years or for life, fined under this title, or both.”.

3 (b) TABLE OF SECTIONS AMENDMENT.—The table of
4 sections for chapter 13 of title 18 is amended by inserting
5 after the item relating to section 249 the following:

“250. Offenses involving lynching.”.

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