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History of Anti-Lynching Legislation in Congress

A bill to punish the crime of lynching was first introduced in the 57th Congress, on December 2, 1901, by Representative Wm. H. Moody, of Massachusetts. Mr. Moody became Attorney General of the United States and later Associate Justice of the United States Supreme Court.

His idea in framing Federal Legislation to handle the lynching problem, was to enforce the provisions of the 14th Amendment to the Constitution which guarantees to every citizen of the United States the equal protection of the law and denies or prohibits the passage of any law by any State denying the equal protection of the law.

This underlying principle of the anti-lynching legislation obtains in the present\* measure, H.R. 13 pending in Congress and lays the foundation for many bills similar to Mr. Moody's subsequently introduced by other members. Representative Dyer, of Missouri, author of H. R. 13, followed Mr. Moody as an ardent advocate of Federal anti-lynching legislation. Beginning with the 62nd Congress in 1911, Mr. Dyer has introduced a constant succession of anti-lynching bills. In 1913, the 64th Congress, Representative Dallinger of Massachusetts, took up the fight and has also introduced anti-lynching measures constantly in every succeeding Congress, including the present one.

Public\* hearings have been held from time to time by the House Judiciary Committee, where the bills were referred, to determine public sentiment on the issue as well as to settle contested points of constitutionality involved in such legislation. In 1918, anti-lynching legislation took on a significant aspect due to war conditions and a special hearing was held in June of 1918, on the Dyer bill H. R. 11270, to hear testimony from the Military Intelligence Branch, of the War Department.

No report was made by the Committee and the bill died with that Congress. In the 66th Congress public hearings were again held, from Jan. 15-29, 1920, at which many individuals and organizations, mostly of the colored race, testified in support of Federal anti-lynching legislation. The opposition to such legislation, which constitutes almost the entire south, where the Negro problem still overshadows the peace of every community, has never appeared at these hearings. Their reasons for decrying federal intervention in a problem peculiar to their locality, are a point beyond argument according to their Representatives in Congress, who maintained a solid front against the bill when it reached the floor of the House.

After the hearing held in the 66th Congress, the Judiciary Committee reported the Dyer bill to the House. No action was taken by that body and the bill died with the Congress.

Four anti-lynching bills appeared in the House of Representatives with the 67th Congress, two Dyer bills, another by Mr. Dallinger, and one by Mr. Gahn of Ohio, who is serving his first term in Congress. All of these bills were again referred to the House Judiciary Committee. The question at issue was on the constitutionality of a Federal anti-lynching law, and extensive legal reports and decisions were presented at hearings held before the Committee in June, July and August.

On Oct. 31, 1921, the Dyer bill H. R. 13, greatly altered and shortened by Mr. Volstead, chairman of the House Judiciary Committee, was reported to the House favorably with amendments (Report No. 452) and placed on the House Calendar.

On Dec. 19th, a long bitter debate on the bill was launched on the floor of the House and continued until Jan. 26th, 1922, when the bill was passed by a vote of 236-119. The bill went to the Senate and was referred to the Senate Committee on the Judiciary, where it rests today. That Committee already has before it S. 2791, a bill introduced by Senator France, of Maryland, on December 6th, 1921, which is similar in purpose to the Dyer bill.

Early in the first session of the 67th Congress a bill S. 409 was introduced by Senator McCormick of Illinois, to create a Commission to investigate the lynching question, and another was introduced by Senator Spencer, of Missouri, to investigate the racial question. Since none of these bills have been acted upon by the Committee they have not yet been discussed on the \*floor of the Senate.

\*See The Glossary, Page 19.