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

Ms. Harris (for herself, Mr. Scott, and Mr. Booker) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Justice for Victims of Lynching Act of 2018”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction.
(2) Lynching was a widely acknowledged practice in the United States until the middle of the 20th century.

(3) Lynching was a crime that occurred throughout the United States, with documented incidents in all but 4 States.

(4) At least 4,742 people, predominantly African Americans, were reported lynched in the United States between 1882 and 1968.

(5) 99 percent of all perpetrators of lynching escaped from punishment by State or local officials.

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

(7) Mr. Walter White, as a member of the NAACP and later as the executive secretary of the NAACP from 1931 to 1955, meticulously investigated lynchings in the United States and worked tirelessly to end segregation and racialized terror.

(8) Nearly 200 anti-lynching bills were introduced in Congress during the first half of the 20th century.
(9) Between 1890 and 1952, 7 Presidents petitioned Congress to end lynching.
(10) Between 1920 and 1940, the House of Representatives passed 3 strong anti-lynching measures.
(11) Protection against lynching was the minimum and most basic of Federal responsibilities, and the Senate considered but failed to enact anti-lynching legislation despite repeated requests by civil rights groups, Presidents, and the House of Representatives to do so.
(12) The publication of “Without Sanctuary: Lynching Photography in America” helped bring greater awareness and proper recognition of the victims of lynching.
(13) Only by coming to terms with history can the United States effectively champion human rights abroad.
(14) An apology offered in the spirit of true repentance moves the United States toward reconciliation and may become central to a new understanding, on which improved racial relations can be forged.
(15) Having concluded that a reckoning with our own history is the only way the country can ef-
fectively champion human rights abroad, 90 Members of the United States Senate agreed to Senate Resolution 39, 109th Congress, on June 13, 2005, to apologize to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

(16) The National Memorial for Peace and Justice, which opened to the public in Montgomery, Alabama on April 26, 2018, is the Nation’s first memorial dedicated to the legacy of enslaved black people, people terrorized by lynching, African Americans humiliated by racial segregation and Jim Crow, and people of color burdened with contemporary presumptions of guilt and police violence.

(17) Notwithstanding the Senate’s apology and the heightened awareness and education about the Nation’s legacy with lynching, it is wholly necessary and appropriate for the Congress to enact legislation, after 100 years of unsuccessful legislative efforts, finally to make lynching a Federal hate crime.

(18) The United States Senate agreed to unanimously Senate Resolution 118, 115th Congress, on April 5, 2017, “condemning hate crime and any other form of racism, religious or ethnic bias, discrimination, incitement to violence, or animus tar-
getting a minority in the United States” and taking
notice specifically of Federal Bureau of Investigation
statistics demonstrating that “among single-bias
hate crime incidents in the United States, 59.2 per-
cent of victims were targeted due to racial, ethnic,
or ancestral bias, and among those victims, 52.2
percent were victims of crimes motivated by the of-
fenders’ anti-Black or anti-African American bias”.

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

(20) Senate Joint Resolution 49 (Public Law
115–58; 131 Stat. 1149) specifically took notice of
“hundreds of torch-bearing White nationalists,
White supremacists, Klansmen, and neo-Nazis [who]
chanted racist, anti-Semitic, and anti-immigrant slogans and violently engaged with counter-demonstrators on and around the grounds of the University of Virginia in Charlottesville” and that these groups “reportedly are organizing similar events in other cities in the United States and communities everywhere are concerned about the growing and open display of hate and violence being perpetrated by those groups”.

SEC. 3. SPECIFYING LYNCHING AS A DEPRIVATION OF CIVIL RIGHTS.

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

“§ 250. Offenses involving lynching

“Whoever willfully, acting as part of any collection of people, assembled for the purpose and with the intention of engaging in conduct described in paragraph (1) or (2)(A) of section 249(a) against any person, causes death to any person, shall be imprisoned for any term of years or for life, fined under this title, or both.”.

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

“250. Offenses involving lynching.”.