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Viewpoint: Anti-lynching bill is historic, long overdue — but why now?

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The anti-lynching legislation passed by Congress in March and signed by President Joe Biden on Tuesday is being hailed as a historic moment. The fight to not only acknowledge lynching as racial terror, but for the nation to stand on its principles of equal protection and justice for all has been more than a century in the making. Unfortunately, it comes only after more than 4,000 people of African descent have been murdered by extra-judicial mob violence. Better late than never, some say. However, it is useful to take a look at the whole picture to gauge the significance of this moment.

Anti-lynching legislation was first introduced in 1900 by Rep. George Henry White of North Carolina, the only Black representative in Congress at the time. This was so because the nation turned its back on Reconstruction efforts to protect people of African descent in 1877. Southern Redemption, led by Mississippi, immediately began to methodically disenfranchise all Black people through legal and extralegal means in the 1890s.

North Carolina had a brief resurgence of interracial organizing through a short-lived progressive populist movement between 1894-1900, which is what catapulted George White to the U.S. Congress for two terms between 1897-1901. After North Carolina Democrats regained state power and amended their voting laws to ensure no other Blacks were elected, White decided not to seek a third term. He would be the last Black person to serve in the U.S. Congress for almost three decades, and the last congressperson from a former confederate state until Barbara Jordan was elected from Texas in 1972.

The post-Reconstruction era also witnessed the use of racial terror to not only drive Black people away from the polls, but to prevent them from enjoying any sense of personal autonomy, economic advancement, educational opportunities or legal protections. Death “at the hands of persons unknown” became a common refrain from coroners offices after the bodies of murdered Black people were found, many bearing heinous evidence of torture that

included grotesque dismemberments, burning while alive, rape and sexual assault, and body parts taken as trophies.

In 1900, the year that George White submitted the first anti-lynching legislation, 106 Black people were lynched by white mobs. None of those murdered had been convicted of a crime in a court of law, and none of the white murderers were ever brought to justice.

The revival of this legislation was spurred by the very public murder of George Floyd in 2020. The name of the bill, the Emmitt Till Anti-lynching Act, refers to the murder of 14-year-old Emmitt Till, who was killed for allegedly whistling at a white woman in 1955. His murder was also made public by the courageous decision of his mother to have an open casket to show the world the brutality and torture her son endured at the hands of his killers.

This legislation is surely a long time in coming; however, we should ask, why now? Even more pointedly, what is it meant to do beyond provide a psychic balm for the generations of trauma that Black people have endured? I am not suggesting that this legislation is insignificant or unimportant, but I do wonder what will come of it and how it will be used to deflect attention from more pressing matters.

I find it interesting, for example, that this bill passed the Senate unanimously and the House with only four nays. That means that some of the same people who claim to be against racial violence are also supporting voter restriction laws that submerge the Black vote. These are some of the same people who are engaged in redistricting their state through gerrymandering to ensure that Black (and brown) representation is minimized.

We are also in a moment in which free speech and critical education is under attack, curtailing what can be taught about the very history this bill is addressing. While I believe that anti-lynching legislation is important, I also think that it is largely symbolic at this point in our history. We should not let it become a feel good moment that diverts us from the harms being enacted that will affect us more directly and in much more pernicious ways.

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