



# Lynch Law in America

By Ida B. Wells-Barnett (1900)

Our country's national crime is lynching. It is not the creature of an hour, the sudden outburst of uncontrolled fury, or the unspeakable brutality of an insane mob. It represents the cool, calculating deliberation of intelligent people who openly avow that there is an "unwritten law" that justifies them in putting human beings to death without complaint under oath, without trial by jury, without opportunity to make defense, and without right of appeal. The "unwritten law" first found excuse with the rough, rugged, and determined man who left the civilized centers of eastern States to seek for quick returns in the gold-fields of the far West. Following in uncertain pursuit of continually eluding fortune, they dared the savagery of the Indians, the hardships of mountain travel, and the constant terror of border State outlaws. Naturally, they felt slight toleration for traitors in their own ranks. It was enough to fight the enemies from without; woe to the foe within! Far removed from and entirely without protection of the courts of civilized life, these fortune-seekers made laws to meet their varying emergencies. The thief who stole a horse, the bully who "jumped" a claim, was a common enemy. If caught he was promptly tried, and if found guilty was hanged to the tree under which the court convened.

Those were busy days of busy men. They had no time to give the prisoner a bill of exception or stay of execution. The only way a man had to secure a stay of execution was to behave himself. Judge Lynch was original in methods but exceedingly effective in procedure. He made the charge, impaneled the jurors, and directed the execution. When the court adjourned, the prisoner was dead. Thus lynch law held sway in the far West until civilization spread into the Territories and the orderly processes of law took its place. The emergency no longer existing, lynching gradually disappeared from the West.

But the spirit of mob procedure seemed to have fastened itself upon the lawless classes, and the grim process that at first was invoked to declare justice was made the excuse to wreak vengeance and cover crime. It next appeared in the South, where centuries of Anglo-Saxon civilization had made effective all the safeguards of court procedure. No emergency called for lynch law. It asserted its sway in defiance of law and in favor of anarchy. There it has flourished ever since, marking the thirty years of its existence with the inhuman butchery of more than ten thousand men, women, and children by shooting, drowning, hanging, and burning them alive. Not only this, but so potent is the force of example that the lynching mania has spread throughout the North and middle West. It is now no uncommon thing to read of lynchings north of Mason and Dixon's line, and those most responsible for this fashion gleefully point to these instances and assert that the North is no better than the South.

This is the work of the "unwritten law" about which so much is said, and in whose behest butchery is made a pastime and national savagery condoned. The first statute of this "unwritten law" was written in the blood of thousands of brave men who thought that a government that was good enough to create a citizenship was strong enough to protect it. Under the authority of a national law that gave every citizen the right to vote, the newly-made citizens chose to exercise their suffrage. But the reign of the national law was short-lived and illusionary. Hardly had the sentences dried upon the statute-books before one Southern State after another raised the cry against "[N]egro domination" and proclaimed there was an "unwritten law" that justified any means to resist it.

The method then inaugurated was the outrages by the "red-shirt" bands of Louisiana, South Carolina, and other Southern States, which were succeeded by the Ku-Klux Klans. These advocates of the "unwritten law" boldly avowed their purpose to intimidate, suppress, and nullify the [N]egro's right to vote. In support of its plans the Ku-Klux Klans, the "red-shirt" and similar organizations proceeded to beat, exile, and kill [N]egroes until the purpose of their organization was accomplished and the supremacy of the "unwritten law" was effected. Thus lynchings began in the

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\*When Ida B. Wells-Barnett wrote "Lynch Law in America," it had not yet become standard usage in America (and later the world) for the word Negro to be capitalized when written. The editor of this edition of Mrs. Wells-Barnett's piece decided to alter her spelling of the word since she was using it in 1900, well before the NAACP, founded in 1909, had campaigned for the capitalization of the word "Negro" and the *New York Times* announced in an editorial in 1930 that the word Negro would be among those words it would capitalize. From then on the word has been spelled with a capital "N." Current history tells us the word Negro was used interchangeably with the word "Colored" and "Afro-American"; around the middle of the last century both words were supplanted by "Black," "African American," and "African."

South, rapidly spreading into the various States until the national law was nullified and the reign of the "unwritten law" was supreme. Men were taken from their homes by "red-shirt" bands and stripped, beaten, and exiled; others were assassinated when their political prominence made them obnoxious to their political opponents; while the Ku-Klux barbarism of election days, reveling in the butchery of thousands of colored voters, furnished records in Congressional investigations that are a disgrace to civilization.

The alleged menace of universal suffrage having been avoided by the absolute suppression of the [N]egro vote, the spirit of mob murder should have been satisfied and the butchery of [N]egroes should have ceased. But men, women, and children were the victims of murder by individuals and murder by mobs, just as they had been when killed at the demands of the "unwritten law" to prevent "[N]egro domination." Negroes were killed for disputing over terms of contracts with their employers. If a few barns were burned some colored man was killed to stop it. If a colored man resented the imposition of a white man and the two came to blows, the colored man had to die, either at the hands of the white man then and there or later at the hands of a mob that speedily gathered. If he showed a spirit of courageous manhood he was hanged for his pains, and the killing was justified by the declaration that he was a "saucy nigger." Colored women have been murdered because they refused to tell the mobs where relatives could be found for "lynching bees." Boys of fourteen years have been lynched by white representatives of American civilization. In fact, for all kinds of offenses – and, for no offenses – from murders to misdemeanors, men and women are put to death without judge or jury; so that, although the political excuse was no longer necessary, the wholesale murder of human beings went on just the same. A new name was given to the killings and a new excuse was invented for so doing.

Again the aid of the "unwritten law" is invoked, and again it comes to the rescue. During the last ten years a new statute has been added to the "unwritten law." This statute proclaims that for certain crimes or alleged crimes no [N]egro shall be allowed a trial; that no white woman shall be compelled to charge an assault under oath or to submit any such charge to the investigation of a court of law. The result is that many men have been put to death whose innocence was afterward established; and to-day [sic], under this reign of the "unwritten law," no colored man, no matter what his reputation, is safe from lynching if a white woman, no matter what her standing or motive, cares to charge him with insult or assault.

It is considered a sufficient excuse and reasonable justification to put a prisoner to death under this "unwritten law" for the frequently repeated charge that these lynching horrors are necessary to prevent crimes against women. The sentiment of the country has been appealed to, in describing the isolated condition of white families in thickly populated [N]egro districts; and the charge is made that these homes are in as great danger as if they were surrounded by wild beasts. And the world has accepted this theory without let or hindrance. In many cases there has been open expression that the fate meted out to the victim was only what he deserved. In many other instances there has been a silence that says more forcibly than words can proclaim it that it is right and proper that a human being should be seized by a mob and burned to death upon the unsworn and the uncorroborated charge of his accuser. No matter that our laws presume every man innocent until he is proved guilty; no matter that it leaves a certain class of individuals completely at the mercy of another class; no matter that it encourages those criminally disposed to blacken their faces and commit any crime in the calendar so long as they can throw suspicion on some [N]egro, as is frequently done, and then lead a mob to take his life; no matter that mobs make a farce of the law and a mockery of justice; no matter that hundreds of boys are being hardened in crime and schooled in vice by the repetition of such scenes before their eyes – if a white woman declares herself insulted or assaulted, some life must pay the penalty, with all the horrors of the Spanish Inquisition and all the barbarism of the Middle Ages. The world looks on and says it is well.

Not only are two hundred men and women put to death annually, on the average, in this country by mobs, but these lives are taken with the greatest publicity. In many instances the leading citizens aid and abet by their presence when they do not participate, and the leading journals inflame the public mind to the lynching point with scare-head articles and offers of rewards.

Whenever a burning is advertised to take place, the railroads run excursions, photographs are taken, and the same jubilee is indulged in that characterized the public hangings of one hundred years ago. There is, however, this difference: in those old days the multitude that stood by was permitted only to guff or jeer. The nineteenth century lynching mob cuts off ears, toes, and fingers, strips off flesh, and distributes portions of the body as souvenirs among the crowd. If the leaders of the mob are so minded, coal-oil is poured over the body and the victim is then roasted to death. This has been done in Texarkana and Paris, Tex., in Bardswell, Ky., and in Newman, Ga. In Paris the officers of the law delivered the prisoner to the mob. The mayor gave the school children a holiday and the railroads ran excursion trains so that the people might see a human being burned to death. In Texarkana, the year before, men and boys amused themselves by cutting off strips of flesh and thrusting knives into their helpless victim. At Newman, Ga.,

of the present year, the mob tried every conceivable torture to compel the victim to cry out and confess, before they set fire to the faggots that burned him. But their trouble was all in vain – he never uttered a cry, and they could not make him confess.

This condition of affairs were brutal enough and horrible enough if it were true that lynchings occurred only because of the commission of crimes against women – as is constantly declared by ministers, editors, lawyers, teachers, statesmen, and even by women themselves. It has been to the interest of those who did the lynching to blacken the good name of the helpless and defenseless victims of their hate. For this reason they publish at every possible opportunity this excuse for lynching, hoping thereby not only to palliate their own crime but at the same time to prove the [N]egro a moral monster and unworthy of the respect and sympathy of the civilized world. But this alleged reason adds to the deliberate injustice of the mob's work. Instead of lynchings being caused by assaults upon women, the statistics show that not one-third of the victims of lynchings are even charged with such crimes. The Chicago Tribune, which publishes annually lynching statistics, is authority for the following:

In 1892, when lynching reached high-water mark, there were 241 persons lynched. The entire number is divided among the following States:

Alabama	22	Montana	4
Arkansas	25	New York	1
California	3	North Carolina	5
Florida	11	North Dakota	1
Georgia	17	Ohio	3
Idaho	8	South Carolina	5
Illinois	1	Tennessee	28
Kansas	3	Texas	15
Kentucky	9	Virginia	7
Louisiana	29	West Virginia	5
Maryland	1	Wyoming	9
Mississippi	16	Arizona Territory	3
Missouri	6	Oklahoma	2

Of this number, 160 were of [N]egro descent. Four of them were lynched in New York, Ohio, and Kansas; the remainder were murdered in the South. Five of this number were females. The charges for which they were lynched cover a wide range. They are as follows:

Rape	46	Attempted rape	11
Murder	58	Suspected robbery	4
Rioting	3	Larceny	1
Race Prejudice	6	Self-defense	1
No cause given	4	Insulting women	2
Incendiarism	6	Desperadoes	6
Robbery	6	Fraud	1
Assault and battery	1	Attempted murder	2
No offense stated, boy and girl			2

In the case of the boy and girl above referred to, their father, named Hastings, was accused of the murder of a white man. His fourteen-year-old daughter and sixteen-year-old son were hanged and their bodies filled with bullets; then the father was also lynched. This occurred in November, 1892, at Jonesville, La.

Indeed, the record for the last twenty years shows exactly the same or a smaller proportion who have been charged with this horrible crime. Quite a number of the one-third alleged cases of assault that have been personally investigated by the writer have shown that there was no foundation in fact for the charges; yet the claim is not made that there were no real culprits among them. The [N]egro has been too long associated with the white man not to have copied his vices as well as his virtues. But the [N]egro resents and utterly repudiates the efforts to blacken his good

name by asserting that assaults upon women are peculiar to his race. The [N]egro has suffered far more from the commission of this crime against the women of his race by white men than the white race has ever suffered through his crimes. Very scant notice is taken of the matter when this is the condition of affairs. What becomes a crime deserving capital punishment when the tables are turned is a matter of small moment when the [N]egro woman is the accusing party.

But since the world has accepted this false and unjust statement, and the burden of proof has been placed upon the [N]egro to vindicate his race, he is taking steps to do so. The Anti-Lynching Bureau of the National Afro-American Council is arranging to have every lynching investigated and publish the facts to the world, as has been done in the case of Sam Hose, who was burned alive last April at Newman, Ga. The detective's report showed that Hose killed Cranford, his employer, in self-defense, and that, while a mob was organizing to hunt Hose to punish him for killing a white man, not till twenty-four hours after the murder was the charge of rape, embellished with psychological and physical impossibilities, circulated. That gave an impetus to the hunt, and the Atlanta Constitution's reward of \$500 keyed the mob to the necessary burning and roasting pitch. Of five hundred newspaper clippings of that horrible affair, nine-tenths of them assumed Hose's guilt – simply because his murderers said so, and because it is the fashion to believe the [N]egro peculiarly addicted to this species of crime. All the [N]egro asks is justice – a fair and impartial trial in the courts of the country. That given, he will abide the result.

But this question affects the entire American nation, and from several points of view: First, on the ground of consistency. Our watchword has been "the land of the free and the home of the brave." Brave men do not gather by thousands to torture and murder a single individual, so gagged and bound he cannot make even feeble resistance or defense. Neither do brave men or women stand by and see such things done without compunction of conscience, nor read of them without protest. Our nation has been active and outspoken in its endeavors to right the wrongs of the Armenian Christian, the Russian Jew, the Irish Home Ruler, the native women of India, the Siberian exile, and the Cuban patriot. Surely it should be the nation's duty to correct its own evils!

Second, on the ground of economy. To those who fail to be convinced from any other point of view touching this momentous question, a consideration of the economic phase might not be amiss. It is generally known that mobs in Louisiana, Colorado, Wyoming, and other States have lynched subjects of other countries. When their different governments demanded satisfaction, our country was forced to confess her inability to protect said subjects in the several States because of our State-rights doctrines, or in turn demand punishment of the lynchers. This confession, while humiliating in the extreme, was not satisfactory; and, while the United States cannot protect, she can pay. This she has done, and it is certain will have to do again in the case of the recent lynching of Italians in Louisiana. The United States already has paid in indemnities for lynching nearly a half million dollars, as follows:

Paid China for Rock Springs (Wyo.) massacre	\$ 147,748.74
Paid China for outrages on Pacific Coast	276,619.75
Paid Italy for massacre of Italian prisoners at New Orleans	24,330.90
Paid Italy for lynchings at Walsenburg, Col	10,000.00
Paid Great Britain for outrages on James Bainand Frederick Dawson	2,800.00
<b>GRAND TOTAL</b>	<b>\$ 461,499.99</b>

Third, for the honor of Anglo-Saxon civilization. No scoffer at our boasted American civilization could say anything more harsh of it than does the American white man himself who says he is unable to protect the honor of his women without resort to such brutal, inhuman, and degrading exhibitions as characterize "lynching bees." The cannibals of the South Sea Islands roast human beings alive to satisfy hunger. The red Indian of the Western plains tied his prisoner to the stake, tortured him, and danced in fiendish glee while his victim writhed in the flames. His savage, untutored mind suggested no better way than that of wreaking vengeance upon those who had wronged him. These people knew nothing about Christianity and did not profess to follow its teachings; but such primary laws as they had they lived up to. No nation, savage or civilized, save only the United States of America, has confessed its inability to protect its women save by hanging, shooting, and burning alleged offenders.

Finally, for love of country. No American travels abroad without blushing for shame for his country on this subject. And whatever the excuse that passes current in the United States, it avails nothing abroad. With all the powers of government in control; with all laws made by white men, administered by white judges, jurors, prosecuting attorneys, and sheriffs; with every office of the executive department filled by white men – no excuse can be offered for exchanging the orderly administration of justice for barbarous lynchings and "unwritten laws." Our country should be

placed speedily above the plane of confessing herself a failure at self-government. This cannot be until Americans of every section, of broadest patriotism and best and wisest citizenship, not only see the defect in our country's armor but take the necessary steps to remedy it. Although lynchings have steadily increased in number and barbarity during the last twenty years, there has been no single effort put forth by the many moral and philanthropic forces of the country to put a stop to this wholesale slaughter. Indeed, the silence and seeming condonation grow more marked as the years go by.

A few months ago the conscience of this country was shocked because, after a two-weeks trial, a French judicial tribunal pronounced Captain Dreyfus guilty. And yet, in our own land and under our own flag, the writer can give day and detail of one thousand men, women, and children who during the last six years were put to death without trial before any tribunal on earth. Humiliating indeed, but altogether unanswerable, was the reply of the French press to our protest: "Stop your lynchings at home before you send your protests abroad."

IDA B. WELLS-BARNETT, "Lynch Law in America," *The Arena* 23.1 (January 1900): 15-24

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But a lynching is defined as an execution without legal due process of law (such as a trial and conviction), which due process is constitutionally required. In that sense, lynchings were "extra-judicial executions" and, therefore, unconstitutionally illegal. So, in law (de jure) they were illegal but in practice (de facto) they were legal. It's a case where societal p... (more) Loadingâ€¦ Originally Answered: Was lynching ever legal? Lynching victims were not always negroes: whites, hispanics, Chinese, all sorts of people were lynched by mobs in America and those mobs were not always Southerners or members of the KKK (although these are groups notorious for inciting or performing lynchings). Lynchings occurre... (more) Loadingâ€¦ Originally Answered: Was lynching ever legal? "Lynch Law," says the Virginia Lancet, "as known by that appellation, had its origin in 1780 in a combination of citizens of Pittsylvania County, Virginia, entered into for the purpose of suppressing a trained band of horsethieves and counterfeiters whose well concocted schemes had bidden defiance to the ordinary laws of the land, and whose success encouraged and emboldened them in their outrages." Col. Wm. Lynch drafted the constitution for this combination of citizens, and hence 'Lynch Law' has ever since been the name given to the summary infliction of punishment by private and unauthorized citizens." NAACP Poster, circa 1926. In Lynch Law in America, Wells declared that lynching had become a national crime, in which all areas across the country were involved. She begins the article by discussing that lynching was originated in the far West, where the settlers did not have access to courts or a legal system. The townspeople found justice in their community by referring to the unwritten lawâ€¦. This practice was cruel and usually resulted in immediate hanging from a tree. She wanted white people to reconsider the motion of violence against blacks across the country and recognize Americaâ€™s standing and new rule against lynching. Ida B. Wells succeeded at raising awareness across the country through her work. She fought for what she believed in, and for that, she deserves great credit.