

Mr. FRIST. Mr. President, I ask unanimous consent to speak as in morning business for what time is required.

The PRESIDING OFFICER. Without objection, it is so ordered.

A FAILING OF THE SENATE

Mr. FRIST. Mr. President, in 45 minutes or so, we will be turning to an important issue which people have spoken to over the course of the day, an issue we will be spending the evening on. It is an issue that is one of the worst failings of this institution in our history, a failing surrounding a refusal to act on our part against lynching, against vigilantism, against mob murder. It has been a shame in many ways. We have to be careful when we use that word, but when we look at the reality of missed opportunities to act, we can, with justification, use the word "shame" on the institution and a shame on Senators who didn't just fail to act but deliberately kept the Senate and the whole of the Federal Government from acting and from acting proactively.

Although deep scars will always remain, I am hopeful we will begin to heal and help close the wounds caused by lynching. Four out of five lynch mob victims were African American. The practice followed slavery as an ugly expression of racism and prejudice. In the history of lynching, mobs murdered more than 4,700 people. Nearly 250 of those victims were from my State of Tennessee. Very few had committed any sort of crime whatsoever. Lynching was a way to humiliate, to repress, to dehumanize.

The Senate disgracefully bears some of the responsibility. Between 1890 and 1952, seven Presidents petitioned Congress to ban lynching. In those same 62 years, the House of Representatives passed three antilynching bills. Each bill died in the Senate, and the Senate made a terrible mistake.

The tyranny of lynch mobs created an environment of fear throughout the American South. Lynching took innocent lives. It divided society, and it thwarted the aspirations of African Americans. Lynching was nothing less than a form of racial terrorism.

It took the vision and courage of men and women such as Mary White Ovington, W.E.B. DuBois, George H. White, Jane Adams and, of course, fellow Tennessean Ida Wells-Barnett to pass Federal laws against lynching and put an end to the despicable practice.

Ida Wells-Barnett, indeed, may have done more than any other person to expose the terrible evils of lynching. A school teacher from Memphis who put herself through college, she became one of the Nation's first female newspaper editors. A civil rights crusader from her teens, Ida Wells committed herself to the fight against lynching after a mob murdered her friends—Thomas Moss, Calvin McDowell, and Henry Stewart.

These three men, driven by their entrepreneurial energy, opened a small grocery store that catered primarily to African Americans. They took business away from nearby White business owners. Driven by hatred and jealousy, by rage and prejudice, an angry White mob stormed their store. Acting in self-defense, Wells' three friends fired on the rioters. The police arrested the grocers for defending themselves. The mob kidnapped all three from jail, and all three were murdered in the Memphis streets.

These brutal murders galvanized Wells into action. Her righteous anger, blistering editorials, and strong sense of justice further enraged Memphis bigots. They burned her newspaper presses and threatened to murder her. Wells moved to Chicago and became one of that city's leading social crusaders. Wells' book "Southern Horrors: Lynch Law in All Its Phases" and her dogged investigative reporting exposed millions of Americans to the brutality of lynching. In a nation rife with racism and prejudice, Ida Wells and her colleagues began the civil rights movement. They helped bring us integration. They paved the way for equality. And they taught all of us that racism is a terrible evil.

After many years of struggle, after many setbacks, and after much heartache, they won. From President Truman's Executive order ending segregation in the Armed Forces to the 1964 Civil Rights Act, a series of civil rights laws moved the Nation toward legal equality.

But no civil rights law is as important to our Nation's political process as the 1965 Voting Rights Act.

It enfranchised millions of African-American voters and it brought many black politicians into office.

Section 4 of the Voting Rights Act will be up for reauthorization in 2007. President Reagan signed into law a 25-year reauthorization in 1982.

Section 4 contains a temporary preclearance provision that applies to Alabama, Georgia, Louisiana, Mississippi, South Carolina, Texas, Virginia, and parts of Alaska, Arizona, Hawaii, Idaho, and North Carolina.

These States must submit any voting changes to the U.S. Department of Justice for preclearance. If the Department of Justice concludes that the change weakens the voting strength of minority voters, it can refuse to approve the change.

While I recognize that this can impose a bureaucratic burden on States acting in good faith, we must continue our Nation's work to protect voting rights. That is why we need to extend the Voting Rights Act.

Quite simply, we owe civil rights pioneers such as Ida Wells nothing less.

I hope the day will come when racism and prejudice are relegated completely to our past. This resolution is a positive step in the right direction.

Transforming our Nation requires that we recall our history—all of it. We

can become a better people by celebrating the glories of our past—but also our imperfections. That includes continuing to do our utmost to protect voting rights for all Americans.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Ms. LANDRIEU. I ask unanimous consent that the debate time on the Griffith nomination be yielded back and the Senate proceed to legislative session in order to consider S. Res. 39.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APOLOGIZING TO LYNCHING VICTIMS AND THEIR DESCENDANTS

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 39) apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the clerk proceed with the reading of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill clerk read as follows:

Whereas the crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction;

Whereas lynching was a widely acknowledged practice in the United States until the middle of the 20th century;

Whereas lynching was a crime that occurred throughout the United States, with documented incidents in all but 4 States;

Whereas at least 4,742 people, predominantly African-Americans, were reported lynched in the United States between 1882 and 1968;

Whereas 99 percent of all perpetrators of lynching escaped from punishment by State or local officials;

Whereas lynching prompted African-Americans to form the National Association for the Advancement of Colored People (NAACP) and prompted members of B'nai B'rith to found the Anti-Defamation League;

Whereas nearly 200 anti-lynching bills were introduced in Congress during the first half of the 20th century;

Whereas, between 1890 and 1952, 7 Presidents petitioned Congress to end lynching;

Whereas, between 1920 and 1940, the House of Representatives passed 3 strong anti-lynching measures;

Whereas 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;

Whereas the recent publication of "Without Sanctuary: Lynching Photography in America" helped bring greater awareness and proper recognition of the victims of lynching;

Whereas only by coming to terms with history can the United States effectively champion human rights abroad; and

Whereas 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: Now, therefore, be it

Resolved, That the Senate—

(1) apologizes to the victims of lynching for the failure of the Senate to enact anti-lynching legislation;

(2) expresses the deepest sympathies and most solemn regrets of the Senate to the descendants of victims of lynching, the ancestors of whom were deprived of life, human dignity, and the constitutional protections accorded all citizens of the United States; and

(3) remembers the history of lynching, to ensure that these tragedies will be neither forgotten nor repeated.

Ms. LANDRIEU. Mr. President, tonight this body will take an important and extraordinary step. The Senate will, belatedly but most sincerely, issue a formal apology to the victims of lynching and their families, some of whom are with us tonight in this Chamber, for its failure to pass antilynching legislation.

Without question, there have been other grave injustices committed in the noble exercise of establishing this great democracy. Some have already been acknowledged and addressed by this and previous Congresses, and our work continues. However, there may be no other injustice in American history for which the Senate so uniquely bears responsibility. In refusing to take up legislation passed by the House of Representatives on three separate occasions and requested by seven Presidents from William Henry Harrison to Harry Truman, the Senate engaged in a different kind of culpability.

Beginning in 1881, this tragic phenomenon of domestic terrorism was documented in large measure through the groundbreaking and heroic efforts of Ida B. Wells-Barnett and the independent newspapers and publications. From that year until 1964, 4,742 American citizens were lynched. These are the recorded numbers. Historians estimate the true number to be much higher.

An apology alone can never suffice to heal the harm that was done, and for many victims justice is out of reach. Yet I believe, and this resolution lays forth the principle, that a sincere and heartfelt apology is a necessary first step toward real healing.

It is important that the people of our country understand the true nature of this unprecedented rampage of terror. Many Americans have images from popular books and movies, like "To Kill a Mockingbird," that cloud their

understanding of lynching. A group of angry White men take an accused and presumed guilty Black man deep into the woods and hang him. Those are the images, although accurate and tragic, but they delude us from the true nature of lynching in this dark period of American history.

The thought of a small, angry mob murdering Black prisoners in the dead of night ignores the reality of lynching in most respects. We are fortunate and grateful that a passionate and resolute independent scholar named James Allen saw something catalytic in the photographic evidence of lynching, and he began to collect these gruesome and horrific photographs. His work, "Without Sanctuary," showed the real faces of lynching, and the images he unveiled began to change the way people viewed these tragic events and called to several of us in the Senate to issue this apology tonight. It is because of his work, this book, that the Committee for a Formal Apology and the families of the lynching victims—and some victims themselves who are here—are here today and that this important historic resolution is before the Senate.

I would like to show some of these photographs now. This is one of the hundreds—thousands of photographs of men, women, and children who were lynched in this Nation, lynching that occurred—a citizen of our Nation, lynched. As your eyes look at this picture, they are immediately drawn to the victim. These hangings were sometimes—in most instances—very brutal events. Sometimes the hanging itself came after hours of torture and just excruciating fear and humiliation.

After this book was published and these pictures came into more full view of the American public, what happens is your eyes leave the figure of the victim and move to the audience. This is part of the story that, in my mind, has not been completely told, and it needs to be told tonight and every day into the future.

As you can see, there are children gathered here. These are children looking up at this man hanging from a tree. History will record that some of these children were let out of Sunday schools to attend the lynchings. History will record that some businesses closed down so that the whole town could attend these lynchings. History will record that these lynchings did not occur mostly at night or in the back woods or across the levees—lynchings were a community event. In many instances, it was a form of public entertainment. It was mass violence, an open act of terrorism directed primarily against African Americans and others who sympathized with their cause.

If we are truly to understand the magnitude of this tragedy, we must study the stories behind this grim parade of death.

In March of 1892, three personal friends of Ida B. Wells opened the "People's Grocery Company," a store lo-

cated across the street from a White-owned grocery store that had previously been the only grocer in the area. Angered by the loss of business, a mob gathered to run the new grocers out of town. Forewarned about the attack on their store, the three owners armed themselves for protection, and in the riot that ensued, one of the businessmen injured a White man. All three were arrested and jailed. Days later, the mob kidnapped the men from jail and lynched them. This was the case that led Ida B. Wells to begin to speak out against this injustice.

Her great grandson is with us today. He has told this story through the halls of Congress to give testimony to her life and to her courage and to her historic efforts. Without the work of this extraordinarily brave journalist, this story never really could have been told in the way it is being told now, today, and talked about here on the Senate floor. To her, we owe a great deal of gratitude. She knew these men personally. She knew they were businessmen. They were not criminals. She knew they were successful salespeople, not common thugs. And she wrote and she spoke and she tried to gather pictures to tell a story to a nation that simply refused to believe.

Forty-two years and thousands of lynchings later is the case of Claude Neal of Marianna, FL. After 10 hours of torture, Claude Neal "confessed" to the murder of a girl with whom he was allegedly having an affair. For his safety, he was transferred to an Alabama prison. A mob took him from there. They cut off his body parts. They sliced his side and stomach. People would randomly cut off a finger here, a toe there. From time to time, they would tie a noose around him, throw the rope over a tree limb. The mob would keep him there in that position until he almost died then lower him again to begin the torment all over.

After several hours, and I guess the crowd exhausted themselves, they just decided to kill him. His body was then dragged by car back to Marianna, and 7,000 people from 11 States were there to see his body in the courthouse of the town square. Pictures were taken and sold for 50 cents a piece.

One might ask, how do we know all the grizzly details of Claude Neal's death? It is very simple. The newspapers in Florida had given advance notice. They recorded it one horrible moment after another. One of the members of the lynch mob proudly relayed all the details that reporters had missed in person. Yet, even with the public notice, 7,000 people in attendance, and people bragging about the activity, Federal authorities were impotent to stop this murder. State authorities seemed to condone it, and the Senate of the United States refused to act.

Time went on. In 1955, just 9 years before Congress passed the Civil Rights Act, the world witnessed the brutal lynching of Emmett Till. Fourteen

years old, Emmett Till was excited about his trip from his home on Chicago's southside to the Mississippi Delta. Like many children during the summer, he was looking forward to visiting his relatives. Prior to his departure, his mother, Maimie Till Bradley, a teacher, had done her very best to advise him about how to behave while in Mississippi. With his mother's warning and wearing the ring that had belonged to his deceased father, on August 20, 1955, Till set off with his cousin, Curtis Jones, on a train to Mississippi.

Once there, he and some friends went to buy some candy at the general store. According to his accusers, this young 14-year-old whistled at a store clerk as he left. She happened to be a white woman.

Armed with pistols, the mob took Emmett from his uncle's home. His uncle is with us tonight. They took him in the middle of the night. Three days later his little body was discovered in the Tallahatchie River, weighed down by a 75-pound cotton gin fan tied around his neck with barbed wire. His face was so mutilated when Wright identified the body he could only do so based on the ring that he had been wearing.

Coincidentally, through no asking of our own, but I guess it is appropriate, the trial of his accused murderer, Edgar Ray Killen, begins today in Mississippi.

While the details that led to the lynching are not always clear from just these few that I have described, there is little doubt what took place at the lynchings themselves. In most instances, prelynching newspaper notices, school closings to allow children to view the spectacle, special order trains to carry people to the event, are all part of a gruesome but true part of America's history.

Jazz legend Billy Holiday provided real texture in her story and song "Strange Fruit." She defied her own record label and produced and published the song on her own, was threatened with her life because she continued to sing it. But like so many things, words can't always describe what is happening, even though speeches were given, words were written, newspapers were published.

The words to the song are as follows:

Southern trees bear a strange fruit
 Blood on the leaves and blood at the root,
 Black body swinging in the Southern breeze,
 Strange fruit hanging from the poplar trees.
 Pastoral scene of the gallant South,
 The bulging eyes and the twisted mouth,
 Scent of magnolias sweet and fresh,
 And the sudden smell of burning flesh.
 Here is a fruit for the crows to pluck,
 For the rain to gather, for the wind to suck,
 For the sun to rot, for a tree to drop,
 Here is a strange and a bitter crop.

Something in the way she sang this song, something in the pictures that described the event, must have touched the heart of Americans because they began to mobilize, and men and women, White and Black, people from

different backgrounds, came to stand up and begin to speak. They spoke with loud voices and with moving speeches and with great marches.

But the Senate of the United States, one of the most noble experiments in democracy, continued to pretend, to act like this was not happening in America and continued to fail to act.

It would be a mistake to look at this ugly chapter in our democracy's development with pity and hopelessness, however. The truth is, today's apology should be seen as a tribute to the endurance and the triumph of African-American families.

There is a particular family here, the Crawford family. I think there are over 150 of them. Earlier today I talked with some of the leaders of the family. I said: What doesn't kill you makes you stronger. They nodded because that is exactly what happened to this family. The town tried to kill this family, to run them out, and, in fact, ran them out of the town, but this family just grew stronger, and with their love and lack of bitterness, but with a determination to find justice some way, they are here today. In fact, it was the progress of African Americans that spurred this terrible reaction to them in the first place.

As I stated earlier, the early lynchings were not of criminals. The early lynchings were of successful farmers, of successful businessmen, leaders in their communities because these lynchings were an act of terrorism to make American citizens feel they had no voice and no place.

W.E.B. Dubois summarized the motivation behind these slayings perfectly when he said:

... [The South feared more than Negro dishonesty, ignorance and incompetency, Negro honesty, knowledge, and efficiency.

With slavery abolished by the Civil War, a group of Americans had to mentally justify as inferior and subhuman those who suddenly were equals and competitors. Having lost the war throughout the South, watching the progress of former slaves was simply too much in that region and in other regions throughout the country, as well.

As a senior Senator from the State of Louisiana, I feel compelled to spend just a few moments, before I acknowledge my friend and cosponsor in the Senate, Senator GEORGE ALLEN, who has brought this resolution to the attention of our Senate colleagues.

Louisiana has a distinct history from much of the United States due to its long colonial ties with both France and Spain. One consequence of this history is that Louisiana had more free people of color than any other Southern State. Nearly 20,000 Louisianians who were largely concentrated in New Orleans formed a large and very prosperous African-American community in the 1860s. They enjoyed more rights than most free men of color. A large percentage spoke only French and educated their children in Europe. The

community, the records show, owned more than \$2 million worth of property, which was quite a large sum in those days, and dominated skilled labor areas such as masonry, carpentry, cigar making, and shoemaking.

That is why Louisiana's prominent role in lynchings is so bitter. It mars a long history of tolerance and integration that to this day distinguishes Louisiana from other places in the South.

Still the difficult fact remains that only three States have had a higher incidence than Louisiana of these occurrences. The NAACP, which was founded over the issue of lynchings, recorded 391 such murders in my State.

I ask unanimous consent that a list of all the Louisiana victims compiled by Professor Michael Pfeifer, author of "Rough Justice, Lynching and American Society," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF LOUISIANA VICTIMS

April 24, 1878, Unidentified Man, Unidentified Sugar Parish, Arson, Unknown, Unknown.

July 30, 1878, Jim Beaty, Monroe, Ouachita Parish, Unknown, Black, Private.

July 30, 1878, Ples Phillips, Monroe, Ouachita Parish, Unknown, Black, Private.

July 30, 1878, Tom Ross, Monroe, Ouachita Parish, Unknown, Black, Private.

July 30, 1878, Henry Atkinson, Monroe, Ouachita Parish, Unknown, Black, Private.

September 14, 1878, Valcour St. Martin, Hahnville, St. Charles Parish, Murder, Unknown, Unknown.

October, 1878, Joshua Hall, Ouachita Parish, Unknown, Black, Mass.

October, 1878, Sam Wallace, Ouachita Parish, Unknown, Black, Mass.

November 5, 1878, Unidentified Man, Ouachita Parish, Unknown, Black, Unknown.

November 5, 1878, Unidentified Man, Ouachita Parish, Unknown, Black, Unknown.

November 5, 1878, Unidentified Man, Ouachita Parish, Unknown, Black, Unknown.

November 5, 1878, Unidentified Man, Ouachita Parish, Unknown, Black, Unknown.

November 5, 1878, Unidentified Man, Ouachita Parish, Unknown, Black, Unknown.

December 3, 1878, Moustand, Franklin, St. Mary Parish, Attempted Rape, Black, Private.

December 15, 1878, Victor Bryan, New Roads, Pointe Coupee Parish, Murder, Black, Private.

September 1, 1879, George Williams, Ouachita Parish, Threats Against White, Black, Private.

August 20, 1879, Ed. Rabun, Shiloh, Union Parish, Attempt to Rape, Black, Unknown.

October 29, 1879, W.J. Overstreet, Farmerville, Union Parish, Murder, White, Mass.

December 28, 1879, Dick Smith, Amite City, Tangipahoa Parish, Murder, Black, Private.

December 28, 1879, Geo. Carroll, Amite City, Tangipahoa Parish, Murder, Black, Private.

December 28, 1879, Harrison Johnson, Amite City, Tangipahoa Parish, Murder, Black, Private.

December 28, 1879, Unknown, Amite City, Tangipahoa Parish, Murder, Black, Private.

- November 20, 1880, Thornhill, Many, Sabine Parish, Horse Theft, White, Private.
- November 20, 1880, Fields, Many, Sabine Parish, Horse Theft, White, Private.
- January 6, 1880, James Brown, Lake Providence, East Carroll Parish, Murder, White, Private.
- April 1, 1880, J. Tucker, Greensburg, St. Helena Parish, Murder, Black, Private.
- December, 1880, Dr. Jones, East Carroll Parish, Political Causes, Unknown, Unknown.
- December 20, 1880, Garnett Thompson, West Feliciana Parish, Insulted and Shot White Man, Black, Unknown.
- May 15, 1881, Cherry Nickols, Mount Lebanon, Bienville Parish, Murder and Rape, Black, Private (Mixed or Black).
- July 19, 1881, Unidentified Man, Kingston, De Soto Parish, Murder and Robbery, Black, Private.
- July 20, 1881, Unidentified Man, Lincoln Parish, Attempted Rape, Black, Unknown.
- July 17, 1881, Spence, Frog Level, Caddo Parish, Attempted Criminal Assault, Black, Unknown.
- August 22, 1881, Alec Wilson, Ouachita Parish, Murder, Black, Unknown.
- August 22, 1881, Perry Munson, Ouachita Parish, Murder, Black, Unknown.
- August 31, 1881, Caleb Jackson, Vernon, Jackson Parish, Arson, Black, Unknown.
- September 26, 1881, Ben Robertson, Jeanerette, Iberia Parish, Theft, Black, Private.
- November 17, 1881, Stanley, Pointe Coupee Parish, Murderous Assault, White, Private.
- May 15, 1882, Joseph Jenkins, St. Martinville, St. Martin Parish, Murder, White, Unknown.
- May 15, 1882, Eugene Azar, St. Martinville, St. Martin Parish, Murder, Black, Unknown.
- June 20, 1882, Ingram, St. Tammany Parish, Desperado, Unknown, Unknown.
- June 20, 1882, Howard, St. Tammany Parish, Desperado, Unknown, Unknown.
- June 20, 1882, Mack Taylor, Webster Parish, Murderous Assault, Black, Mass.
- October 28, 1882, Wm. Harris, Lincoln Parish, Attempted Rape, Black, Posse.
- November 7, 1882, Unidentified Man, Vienne, Lincoln Parish, Murderous Assault, Black, Unknown.
- November 7, 1882, Unidentified Man, Vienne, Lincoln Parish, Murderous Assault, Black, Unknown.
- November 18, 1882, N. David Lee, Holly Grove, Franklin Parish, Hog Theft, Black, Private.
- December 8, 1882, Tim Robinson, Bastrop, Morehouse Parish, Murderous Assault, Black, Unknown.
- December 8, 1882, Wm. Cephas, Bastrop, Morehouse Parish, Murderous Assault, Black, Unknown.
- December 8, 1882, Wesley Andrews, Bastrop, Morehouse Parish, Murderous Assault, Black, Unknown.
- January 23, 1883, Henry Solomon, Bellevue, Bossier Parish, Arson, Horse Theft, Black, Private.
- May 13, 1883, D.C. Hutchins, Bellevue, Bossier Parish, Murder, White, Mass.
- July 9, 1883, Henderson Lee, Bastrop, Morehouse Parish, Larceny, Black, Private.
- October 12, 1883, Louis Woods, Edgerly Station, Calcasieu Parish, Rape, Black, Unknown.
- April 27, 1884, John Mullican, Monroe, Ouachita Parish, Murder and Robbery, White, Mass.
- April 27, 1884, John Clark, Monroe, Ouachita Parish, Murder and Robbery/White, Mass.
- April 27, 1884, King Hill, Monroe, Ouachita Parish, Murder, Unknown, Mass.
- October 21, 1884, Charles McLean, Bellevue, Bossier Parish, Arson, White, Private.
- October 24, 1884, Unidentified Man, St. Tammany Parish, Murder, Black, Unknown.
- October 24, 1884, Unidentified Man, St. Tammany Parish, Murder, Black, Unknown.
- October 24, 1884, Unidentified Man, St. Tammany Parish, Murder, Black, Unknown.
- December 22, 1884, Wm. Fleitas, Madisonville, St. Tammany Parish, Murderous Assault, White, Unknown.
- January 1, 1885, Unidentified Man, Madison Parish, Trainwrecking, Unknown, Unknown.
- January 1, 1885, Unidentified Man, Madison Parish, Trainwrecking, Unknown, Unknown.
- March 5, 1885, Unidentified Man, St. Landry Parish, Murder, Unknown, Private.
- March 5, 1885, Unidentified Man, St. Landry Parish, Murder, Unknown, Private.
- April 22, 1885, Abe Jones, New Roads, Pointe Coupee Parish, Murder, Black, Unknown.
- April 22, 1885, William Pierce Mabry, near Shiloh, Union Parish, Defended Black Woman from Beating, White, Unknown.
- July 22, 1885, Cicero Green, Minden, Webster Parish, Murderous Assault, Black, Mass.
- July 22, 1885, John Figures, Minden, Webster Parish, Murder, Black, Mass.
- September 30, 1885, Sampson Harris, Winn Parish, Threat to Give Evidence against Whitecappers, Black Terrorist.
- February 16, 1886, George Robinson, Monroe, Onachita Parish, Murder, Black, Mass.
- May 6, 1886, Robert Smith, St. Bernard Parish, Murder, Black, Private.
- October 18, 1886, Reeves Smith, De Soto Parish, Attempted Rape, Black, Mass.
- December 28, 1886, John Elia, Arcadia, Bienville Parish, Murder, White, Private.
- January 8, 1887, Ike Brumfield, Tangipahoa Parish, Unknown, Black, Unknown.
- April 28, 1887, Gracy Blanton, Floyd, West Carroll Parish, Arson and Robbery, Black, Private.
- April 28, 1887, Richard Goodwin, Floyd, West Carroll Parish, Arson and Robbery, Black, Private.
- June 6, 1887, M.W. Washington, De Soto Parish, Burglary with Intent to Rape, Black, Unknown.
- June 30, 1887, James Walden, Simsboro, Lincoln Parish, Larceny, Black, Private.
- August 9, 1887, Thomas Scott, Morehouse Parish, Murder, White, Private.
- August 11, 1887, Daniel Pleasants (alias Hoskins), Harding Plantation, St. Mary Parish, Murder, Black, Posse (Mixed).
- August 13, 1887, Green Hosley, Union Parish, Asserted Self-Respect in Dispute with White, Black, Private.
- October 20, 1887, Perry King, Lamar, Franklin Parish, Attempted Rape, Black, Mass.
- October 20, 1887, Drew Green, Lamar, Franklin Parish, Attempted Rape, Black, Mass.
- November 7, 1887, Unidentified Man, Caddo Parish, Miscegenation, Black, Unknown.
- December 9, 1887, Andrew Edwards, near Minden, Webster Parish, Voodooism, Black, Private (Black).
- January 28, 1888, Ben Edwards, Amite City, Tangipahoa Parish, Criminal Assault, Black, Mass.
- February 9, 1888, Unidentified Man, Ponchatoula, Tangipahoa Parish, Attempted Rape, Black, Private.
- May 6, 1888, Dave Southall, Pointe Coupee Parish, Attempted Murder and Political Causes, White, Private.
- September, 1888, Unidentified Woman, Breaux Bridge, St. Martin Parish, Unknown, Black, Terrorist.
- September 17, 1888, Louis Alfred (Jean Pierre Salet), Ville Platte, St. Landry (now Evangeline) Parish, Incendiary Language, Black, Terrorist.
- September 17, 1888, Jno. Johnson (Sidairo), Ville Platte, St. Landry (now Evangeline) Parish, Incendiary Language, Black, Terrorist.
- November 9, 1888, Lulin, St. Landry Parish, Unknown, Black, Terrorist.
- November 13, 1888, Unidentified Man, Donaldsonville, Ascension Parish, Rape, Black, Mass.
- November 22, 1888, Jerry Taylor, St. Helena Parish, Rape, Black, Private.
- January 25, 1889, Samuel Wakefield, New Iberia, Iberia Parish, Murder, Black, Posse.
- January 29, 1889, James Rosemond, New Iberia, Iberia Parish, Theft, Black, Private.
- February 8, 1889, Haygood Handy, near Bellevue, Bossier Parish, Murder and Hog Stealing, Black, Unknown.
- April 14, 1889, Steve. McIntosh, Magenta Plantation, Bayou Desiard, Ouachita Parish, Rape, Unknown, Unknown (Black).
- April 16, 1889, Hector Junior, near New Iberia, Iberia Parish, Murderous Assault, Black, Posse.
- May 18, 1889, Unidentified Man, near Columbia, Caldwell Parish, Burglary, Black, Unknown.
- July 11, 1889, Felix Keys, Lafayette Parish, Murder, Black, Mass (Mixed).
- November 16, 1889, Ed Gray, Vidalia, Concordia Parish, Arson, Black, Private.
- December 31, 1889, Henry Holmes, Bossier Parish, Murderous Assault, Black, Unknown.
- January 8, 1890, Henry Ward, Bayou Sara, West Feliciana Parish, Murder, Black, Private.
- February 18, 1890, R.F. Emerson, St. Joseph, Tensas Parish, Murderous Assault, White, Unknown.
- May 13, 1890, Phillip Williams, Napoleonville, Assumption Parish, Attempted Rape, Black, Mass.
- June 16, 1890, George Swayze, East Feliciana Parish, Political Causes, White, Private (Possibly Black).
- June 26, 1890, John Coleman, Caddo Parish, Murder, Black, Unknown (Black).
- August 21, 1890, Wml. Alexander, East Baton Rouge Parish, Attempted Rape, Black, Private.
- October 12, 1890, Frank Wooten, Claiborne Parish, Arson, Black, Unknown.
- November 20, 1890, Unidentified Man, southeastern East Baton Rouge Parish, Bulldozing, Black, Terrorist.
- March 14, 1891, Antoino Scoffedi, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).
- March 14, 1891, Joseph Machecca, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).
- March 14, 1891, Pietro Monasterio, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).
- March 14, 1891, James Caruso, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).
- March 14, 1891, Rocco Gerachi, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).
- March 14, 1891, Frank Romero, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).
- March 14, 1891, Antonio Marchesi, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).
- March 14, 1891, Charles Traina, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).
- March 14, 1891, Loretto Comitz, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).
- March 14, 1891, Antonio Bagnetto, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).
- March 14, 1891, Manuel Politz, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).

- May 21, 1891, Tennis Hampton, Gibsland, Bienville Parish, Murder, Black, Private.
- May 23, 1891, William Anderson, Caddo Parish, Murder, Black, Posse.
- May 23, 1891, John Anderson, Caddo Parish, Murder, Black, Posse.
- June 2, 1891, Samuel Hummell, Hermitage, Pointe Coupee Parish, Murder, Black, Unknown.
- June 2, 1891, Alex Campbell, Hermitage, Pointe Coupee Parish, Murder, Black, Unknown.
- June 2, 1891, Unidentified Man, Hermitage, Pointe Coupee Parish, Murder, Black, Unknown.
- September 8, 1891, Unidentified Man, near Arcadia, Bienville Parish, Rape, Black, Posse.
- October 19, 1891, John Rush, Caldwell Parish, Murder, White, Private.
- October 28, 1891, Jack Parker, Covington, St. Tammany Parish, Murder, Black, Mass (Black).
- October 29, 1891, Unidentified Man, "the Poole place," Bossier Parish, Outrageous Act, Black, Mass (Mixed).
- November 4, 1891, J.T. Smith, near Bastrop, Morehouse Parish, Murder, Black, Mass.
- November 4, 1891, W.S. Felton, near Bastrop, Morehouse Parish, Murder, Black, Mass.
- November 10, 1891, John Cagle, near Homer, Claiborne Parish, "Bad Negro," Black, Unknown.
- November 27, 1891, John Maxey, Many, Sabine Parish, Criminal Assault, Black, Private.
- December 27, 1891, Unidentified Man, Black Water Plantation, Concordia Parish, Accessory to Murder, Black, Unknown.
- January 7, 1892, Horace Dishroon, Rayville, Richland Parish, Murder, Robbery, Black, Mass.
- January 7, 1892, Eli Foster, Rayville, Richland Parish, Murder, Robbery, Black, Mass.
- January 9, 1892, Nathan Andrews, Bossier Parish, Murder, Black, Posse.
- January 11, 1892, Unidentified Man, Bossier Parish, Murder, Robbery, Black, Private (Black).
- March 12, 1892, Ella, near Rayville, Richland Parish, Attempted Murder, Black, Private.
- March 26, 1892, Dennis Cobb, Bienville Parish, Unknown, Black, Terrorist.
- March 27, 1892, Jack Tillman, Jefferson Parish, Argued with and Shot White Men, Black, Terrorist.
- April 6, 1892, Unidentified Man, Grant Parish, Murder, Black, Posse.
- April 6, 1892, Unidentified Man, Grant Parish, Murder, Black, Posse.
- April 6, 1892, Unidentified Man, Grant Parish, Murder, Black, Posse.
- April 6, 1892, Unidentified Man, Grant Parish, Murder, Black, Posse.
- April 23, 1892, Freelan, Pointe Coupee Parish, Murder and Extortion, White, Posse.
- May 28, 1892, Walker, Bienville Parish, Improper Relations with White Girl, Black, Unknown.
- September 2, 1892, Edward Laurent, Avoyelles Parish, Aiding Murderer, Black, Terrorist.
- September 5, 1892, Gabriel Magliore, Avoyelles Parish, Threats to Kill, Black, Terrorist.
- September 7, 1892, Henry Dixon, Jefferson Parish, Murder, Theft, Black, Private.
- September 13, 1892, Eli Lindsey, Morehouse Parish, Murder, Black, Unknown (Black).
- September 27, 1892, Benny Walkers, Concordia Parish, Attempted Criminal Assault, Black, Mass.
- October 21, 1892, Thomas Courtney, Iberville Parish, Shot Man, Black, Posse.
- November 1, 1892, Daughter of Hastings, Catahoula Parish, Daughter of Murderer, Black, Private.
- November 1, 1892, Son of Hastings, Catahoula Parish, Son of Murderer, Black, Private.
- November 4, 1892, John Hastings, Catahoula Parish, Murder, Black, Private.
- November 29, 1892, Richard Magee, Bossier Parish, Murder, Black, Unknown.
- November 29, 1892, Carmichael, Bossier Parish, Complicity in Murder, Black, Unknown.
- December 28, 1892, Lewis Fox, St. Charles Parish, Murder, Robbery, Black, Private.
- December 28, 1892, Adam Gripson, St. Charles Parish, Murder, Robbery, Black, Private.
- January 8, 1893, Unidentified Man, Union Parish, Murderous Assault, Black, Unknown.
- January 20, 1893, Robert Landry, St. James Parish, Murder, Robbery, Black, Private.
- January 20, 1893, Chicken George, St. James Parish, Murder, Robbery, Black, Private.
- January 20, 1893, Richard Davis, St. James Parish, Murder, Robbery, Black, Private.
- January 25, 1893, Wm. Fisher, Orleans Parish, Stabbing of White Woman, Murder, Black, Posse.
- May 6, 1893, Israel Holloway, Assumption Parish, Rape, Black, Unknown.
- July 13, 1893, Meredith Lewis, Tangipahoa Parish, Murder, Black, Private (Black).
- September 16, 1893, Valsin Julian, Jefferson Parish, Brother of Murderer, Black, Private.
- September 16, 1893, Paul Julian, Jefferson Parish, Brother of Murderer, Black, Private.
- September 16, 1893, Basile Julian, Jefferson Parish, Brother of Murderer, Black, Private.
- September 29, 1893, Henry Coleman, Bossier Parish, Attempted Assassination, Black, Mass.
- October 19, 1893, Unidentified Man, Bossier Parish, Stock Theft, Black, Unknown (Mixed).
- October 19, 1893, Unidentified Man, Bossier Parish, Stock Theft, Black, Unknown (Mixed).
- December 27, 1893, Tillman Green, Caldwell Parish, Attempted Rape, Black, Private.
- January 18, 1894, Unidentified Man, West Feliciana Parish, Arson and Murder, Black, Unknown.
- April 23, 1894, Samuel Slaughter, Madison Parish, Murder and Insurrection, Black, Mass.
- April 23, 1894, Thomas Claxton, Madison Parish, Murder and Insurrection, Black, Mass.
- April 23, 1894, David Hawkins, Madison Parish, Murder and Insurrection, Black, Mass.
- April 27, 1894, Shell Claxton, Madison Parish, Murder and Insurrection, Black, Mass.
- April 27, 1894, Tony McCoy, Madison Parish, Murder and Insurrection, Black, Mass.
- April 27, 1894, Pomp Claxton, Madison Parish, Murder and Insurrection, Black, Mass.
- April 27, 1894, Scott Harvey, Madison Parish, Murder and Insurrection, Black, Mass.
- May 23, 1894, George Paul, Pointe Coupee Parish, Offended White Man, Black, Unknown.
- June 10, 1894, Mark Jacobs, Bienville Parish, Unknown, Black, Terrorist.
- June 14, 1894, John Day, Ouachita Parish, Arson, White, Unknown.
- July 23, 1894, Vance McClure, Iberia Parish, Attempted Rape, Black, Private.
- September 9, 1894, Link Waggoner, Webster Parish, Murderous Assault, White, Private.
- September 10, 1894, Robert Williams, Concordia Parish, Murder, Black, Unknown (Black).
- November 9, 1894, Charlie Williams, West Carroll Parish, Murder and Robbery, Latino, Unknown.
- November 9, 1894, Lawrence Younger, West Carroll Parish, Murder, Black, Unknown.
- December 23, 1894, George King, St. Bernard Parish, Threat to Kill and Resisted Arrest and Shot at Whites, Black, Mass.
- December 28, 1894, Scott Sherman, Concordia Parish, Brother of Murderer, Black, Posse (Possibly Black).
- June 24, 1895, John Frey, Jefferson Parish, Arson, White, Private.
- July 19, 1895, Ovide Belizaire, Lafayette Parish, Shot at Whites, Black, Terrorist.
- September 18, 1895, Unidentified Man, Bossier Parish, Rape, Black, Mass.
- September 21, 1895, Edward Smith, Tangipahoa Parish, Murder and Robbery, Black, Mass.
- September 25, 1895, Aleck Francis, Jefferson Parish, Dangerous Character, Black, Private.
- January 10, 1896, Abraham Smart, Ouachita Parish, Murder, Black, Unknown.
- January 12, 1896, Charlotte Morris, Jefferson Parish, Miscegenation, Black, Private.
- January 12, 1896, Patrick Morris, Jefferson Parish, Miscegenation, White, Private.
- February 28, 1896, Gilbert Francis, St. James Parish, Rape and Burglary, Black, Private.
- February 28, 1896, Paul Francis, St. James Parish, Rape and Burglary, Black, Private.
- March 11, 1896, Bud Love, Morehouse Parish, Theft, Black, Private.
- March 24, 1896, Louis Senegal, Lafayette Parish, Rape, Black, Private.
- May 17, 1896, Unidentified Man, Bossier Parish, Insulted White Woman, Black, Posse.
- May 19, 1896, James Dandy, St. Bernard Parish, Attempted Rape, Black, Private.
- June 9, 1896, Wallis Starks, St. Mary Parish, Rape and Robbery, Black, Posse.
- July 11, 1896, James Porter, Webster Parish, Murder, Black, Private.
- July 11, 1896, Monch Dudley, Webster Parish, Murder, Black, Private.
- July 24, 1896, Isom McGee, Claiborne Parish, Attempted Rape, Black, Unknown.
- July 31, 1896, Louis Mullens, Avoyelles Parish, Attempted Rape, White, Private.
- August 4, 1896, Hiram Weightman, Franklin Parish, Murder and Rape, Black, Mass.
- August 8, 1896, Lorenzo Saladino, St. Charles Parish, Murder and Robbery, Italian, Mass.
- August 8, 1896, DeCino Sorcoro, St. Charles Parish, Murder and Robbery, Italian, Mass.
- August 8, 1896, Angelo Marcuso, St. Charles Parish, Murder and Robbery, Italian, Mass.
- September 12, 1896, Jones McCauley, Ouachita Parish, Sexual Assault, Black, Unknown (Mixed or Black).
- September 24, 1896, Jim Hawkins, Jefferson Parish, Assaulted Boy, Black, Private.
- October 1, 1896, Lewis Hamilton, Bossier Parish, Arson, Black, Unknown.
- December 22, 1896, Jerry Burke, Livingston Parish, Attempted Murder, Black, Posse.
- January 17, 1897, Unidentified Man, Iberville Parish, Attempted Murder and Robbery, Black, Unknown.
- January 19, 1897, Gustave Williams, Tangipahoa Parish, Murder, Black, Mass.
- January 19, 1897, Archie Joiner, Tangipahoa Parish, Murder, Black, Mass.
- January 19, 1897, John Johnson, Tangipahoa Parish, Murder, Black, Mass.
- May 11, 1897, Charles Johnson, East Feliciana Parish, Attempted Trainwrecking, Black, Private.
- July 21, 1897, Jack Davis, St. Mary Parish, Criminal Assault, Black, Posse.
- September 28, 1897, Wm. Oliver, Jefferson Parish, Ferry Law Violation and Dangerous Weapon Charge, Black, Private.
- October 2, 1897, Wash Ferren, Ouachita Parish, Rape, Black, Mass.
- October 15, 1897, Douglas Boutte, Jefferson Parish, Violated Quarantine and Resisted Arrest, Black, Private.
- December 13, 1897, Joseph Alexander, Iberville Parish, Murder, Black, Mass.
- December 13, 1897, Charles Alexander, Iberville Parish, Murder, Black, Mass.

- December 13, 1897, James Thomas, Iberville Parish, Murder, Black, Mass.
- April 2, 1898, Wm. Bell, Tangipahoa Parish, Accessory to Murder, Black, Private.
- April 23, 1898, Columbus Lewis, Lincoln Parish, Impudence to White Man, Black, Private.
- June 4, 1898, Wm. Steake, Webster Parish, Rape, Black, Mass.
- June 11, 1898, Unidentified Man, Morehouse Parish, Murderous Assault, Black, Posse.
- November 3, 1898, Charles Morrell, St. John Parish, Robbery, Black, Private.
- December 5, 1898, Bedney Hearn, Bossier Parish, Murder, Black, Unknown.
- December 5, 1898, John Richardson, Bossier Parish, Murder, Black, Unknown.
- June 14, 1899, Edward Gray, St. John Parish, Burglary, Black, Private.
- July 11, 1899, George Jones, St. Charles Parish, Horse Theft, Black, Private (Black).
- July 21, 1899, Joseph Cereno, Madison Parish, Shooting Man, Italian, Mass.
- July 21, 1899, Charles Defatta, Madison Parish, Shooting Man, Italian, Mass.
- July 21, 1899, Frank Defatta, Madison Parish, Shooting Man, Italian, Mass.
- July 21, 1899, Joseph Defatta, Madison Parish, Shooting Man, Italian, Mass.
- July 21, 1899, Sy Defroch, Madison Parish, Shooting Man, Italian, Mass.
- August 2, 1899, Man Singleton, Grant Parish, Attempted Rape, Black, Unknown.
- August 8, 1899, Echo Brown, Tangipahoa Parish, Unknown, Black, Unknown.
- October 10, 1899, Basile LaPlace, St. Charles Parish, Political Causes and Illicit Liaison, White, Private.
- October 15, 1899, James Smith, East Feliciana Parish, Cattle Rustling and Desperadoism, White, Private.
- December 13, 1899, Unidentified Man, Morehouse Parish, Rape, Unknown.
- April 21, 1900, John Humely, Bossier Parish, Conspiracy to Murder, Black, Mass.
- April 21, 1900, Edward Amos, Bossier Parish, Conspiracy to Murder, Black, Mass.
- May 12, 1900, Henry Harris, Rapides Parish, Attempted Criminal Assault, Black, Mass.
- June 12, 1900, Ned Cobb, West Baton Rouge Parish, Murder, Black, Unknown.
- June 23, 1900, Frank Gilmour, Livingston Parish, Murder, White, Private.
- August 29, 1900, Thomas Amos, Rapides Parish, Murder, Black, Mass.
- September 21, 1900, George Beckham, Tangipahoa Parish, Robbery, Black, Private.
- September 21, 1900, Nathaniel Bowmam, Tangipahoa Parish, Robbery, Black, Private.
- September 21, 1900, Charles Elliot, Tangipahoa Parish, Robbery, Black, Private.
- September 21, 1900, Izaih Rollins, Tangipahoa Parish, Robbery, Black, Private.
- October 19, 1900, Melby Dotson, West Baton Rouge Parish, Murder, Black, Mass.
- January 24, 1901, Larkington, Webster Parish, Attempted Criminal Assault, Black, Unknown.
- February 17, 1901, Thomas Jackson, St. John Parish, Murder, Black, Mass.
- February 21, 1901, Thomas Vital, Calcasieu Parish, Criminal Assault, Black, Unknown.
- February 21, 1901, Samuel Thibodaux, Calcasieu Parish, Defending Rapist, Black, Unknown.
- March 6, 1901, William Davis, Caddo Parish, Rape, Black, Private.
- May 1, 1901, Grant Johnson, Bossier Parish, Desperate Negro Gambler, Black, Private.
- May 3, 1901, Felton Brigman, Caddo Parish, Rape, Black, Private (Black).
- June 19, 1901, F.D. Frank Smith, Bossier Parish, Complicity in Murder, Black, Mass.
- June 19, 1901, F.D. McLand, Bossier Parish, Complicity in Murder, Black, Mass.
- July 15, 1901, Lewis Thomas, Richland Parish, Murderous Assault, Black, Unknown.
- July 19, 1901, Unidentified Man, Acadia Parish, Homicide, Shot Officer, Black, Posse.
- October 25, 1901, Wm. Morris, Washington Parish, Assault and Robbery, Black, Unknown.
- November 2, 1901, Connelly, Washington Parish, Threats Against Whites, Black, Posse.
- November 2, 1901, Parker, Washington Parish, Threats Against Whites, Black, Posse.
- November 2, 1901, Low, Washington Parish, Threats Against Whites, Black, Posse.
- November 2, 1901, Connelly's Daughter, Washington Parish, Threats Against Whites, Black, Posse.
- November 2, 1901, Woman, Washington Parish, Threats Against Whites, Black, Posse.
- November 2, 1901, Child, Washington Parish, Threats Against Whites, Black, Posse.
- November 2, 1901, Unidentified Person, Washington Parish, Threats Against Whites, Black, Posse.
- November 24, 1901, Frank Thomas, Bossier Parish, Murder, Black, Mass (Black).
- December 8, 1901, Sol Paydras, Calcasieu Parish, Assault, Black, Private.
- January 25, 1902, Unidentified Man, West Carroll Parish, Murder and Theft, Black, Posse.
- January 25, 1902, Unidentified Man, West Carroll Parish, Murder and Theft, Black, Posse.
- January 25, 1902, Unidentified Man, West Carroll Parish, Murder and Theft, Black, Posse.
- March 19, 1902, John Woodward, Concordia Parish, Murder, Black, Unknown.
- March 31, 1902, George Franklin Carroll Parish, Murder Black, Posse Unknown.
- April 12, 1902, Unidentified Man, Natchitoches Parish, Murder, Black, Unknown.
- May 4, 1902, John Simms, Morehouse Parish, Complicity in Murder, White, Unknown.
- May 9, 1902, Nicholas Deblanc, Iberia Parish, Attempted Rape, Black, Posse.
- August 7, 1902, Henry Benton, Claiborne Parish, Criminal Assault, Black, Posse.
- October 13, 1902, Unidentified Man, Calcasieu Parish, Attempted Murder, Black, Posse.
- November 25, 1902, Joseph Lamb, West Feliciana Parish, Attempted Robbery and Criminal Assault, Black, Private.
- January 26, 1903, John Thomas, St. Charles Parish, Murder, Black, Posse.
- February 24, 1903, Jim Brown, Bossier Parish, Attempted Murder, Black, Posse.
- March 27, 1903, Frank Robertson, Bossier Parish, Arson, Black, Unknown.
- June 12, 1903, Frank Dupree, Rapides Parish, Murder, Black, Unknown.
- June 25, 1903, Lamb Whitley, Catahoula Parish, Murderous Assault, Black, Unknown.
- July 26, 1903, Jennie Steer, Caddo Parish, Murder, Black, Private.
- October 18, 1903, George Kennedy, Bossier Parish, Attempt to Kill, Black, Posse.
- November 2, 1903, Joseph Craddock, Bossier Parish, Murder, Black, Mass (Black).
- November 30, 1903, Walter Carter, Caddo Parish, Murderous Assault, Black, Mass.
- November 30, 1903, Phillip Davis, Caddo Parish, Murderous Assault, Black, Mass.
- November 30, 1903, Clinton Thomas, Caddo Parish, Murderous Assault, Black, Mass.
- January 14, 1904, Butch Riley, Madison Parish, Murderous Assault, Black, Unknown.
- May 29, 1904, Frank Pipes, Rapides Parish, Shooting Man, Black, Private.
- April 26, 1905, Richard Craighead, Claiborne Parish, Murder, White, Mass.+
- June 1, 1905, Henry Washington, Pointe Coupee Parish, Murder, Black, Posse.
- August 12, 1905, Unidentified Man, Jackson Parish, Murderous Assault, Black, Posse.
- November 26, 1905, Monroe Williams, Tangipahoa Parish, Criminal Assault, Black, Unknown.
- February 24, 1906, Willis Page, Bienville Parish, Rape, Black, Mass.
- March 18, 1906, Wm. Carr, Iberville Parish, Theft, Black, Private.
- March 28, 1906, Cotton, West Carroll Parish, Attempted Criminal Assault, Black, Unknown.
- May 6, 1906, George Whitner, East Feliciana Parish, Insulted White Woman, Black, Unknown.
- May 22, 1906, Thomas Jackson, Caddo Parish, Robbery, Black, Private.
- May 29, 1906, Robert Rogers, Madison Parish, Murder, White, Private.
- July 11, 1906, Unidentified Man, Claiborne Parish, Attempted Criminal Assault, Black, Unknown.
- August 26, 1906, Alfred Schaufriet, Ouachita Parish, Attempted Criminal Assault, Black, Posse.
- November 25, 1906, Antone Domingue, Lafayette Parish, Fought Whitecappers, Black, Terrorist.
- March 15, 1907, Flint Williams, Ouachita Parish, Murder, Murderous Assault, Robbery, Black, Unknown.
- March 15, 1907, Henry Gardner, Ouachita Parish, Murder and Murderous Assault and Robbery and Rape, Black, Unknown.
- April 16, 1907, Charles Straus, Avoyelles Parish, Attempted Criminal Assault, Black, Private.
- April 18, 1907, Frederick Kilbourne, East Feliciana Parish, Attempted Rape, Black, Mass.
- May 3, 1907, Silas Faly, Bossier Parish, Rape, Black, Unknown.
- June 1, 1907, Henry Johnson, Rapides Parish, Attempted Criminal Assault, Black, Private.
- June 8, 1907, James Wilson, Claiborne Parish, Attempted Criminal Assault, Black, Unknown.
- June 27, 1907, Ralph Dorans, Rapides Parish, Rape, Black, Unknown.
- June 28, 1907, Mathias Jackson, Rapides Parish, Rape, Black, Private.
- December 5, 1907, Unidentified Man, Morehouse Parish, Murderous Assault, Black, Unknown.
- December 15, 1907, Unidentified Man, Jackson Parish, Being an Italian Worker, Italian, Unknown.
- December 15, 1907, Unidentified Man, Jackson Parish, Being an Italian Worker, Italian, Unknown.
- February 6, 1908, Robert Mitchell, West Carroll Parish, Murder, Black, Mass.
- June 4, 1908, Bird Cooper, Claiborne Parish, Murder, Black, Unknown.
- July 16, 1908, Miller Gaines, Catahoula Parish, Arson, Black, Unknown.
- July 16, 1908, Sam Gaines, Catahoula Parish, Arson, Black, Unknown.
- July 16, 1908, Albert Godlin, Catahoula Parish, Inciting Arson, Black, Unknown.
- July 26, 1908, Andrew Harris, Caddo Parish, Attempted Rape, Black, Private.
- September 16, 1908, John Miles, Pointe Coupee Parish, Murderous Assault and Robbery, Black, Mass.
- July 30, 1909, Emile Antoine, St. Landry Parish, Robbery and Shot White Man, Black, Private.
- July 30, 1909, Onezime Thomas, St. Landry Parish, Robbery and Shot White Man, Black, Private.
- September 6, 1909, Henry Hill, Franklin Parish, Attempted Rape, Black, Posse.
- October 7, 1909, Ap Ard, St. Helena Parish, Murderous Assault, Black, Unknown.
- October 7, 1909, Mike Rodrigauetz, Vernon Parish, Robbery, White, Unknown.
- October 28, 1909, Joseph Gilford, West Carroll Parish, Murder and Theft, Black, Mass.
- October 28, 1909, Alexander Hill, West Carroll Parish, Murder and Theft, Black, Mass.
- November 20, 1909, Wm. Estes, Richland Parish, Murder, Black, Posse.

November 27, 1909, Simmie Thomas, Caddo Parish, Rape, Black, Mass.

July 10, 1910, J.C. Freeman, Richland Parish, Murder, White, Private.

January 20, 1911, Oval Poulard, Evangeline Parish, Shot Deputy Sheriff, Black, Private.

July 24, 1911, Miles Taylor, Claiborne Parish, Murder, Black, Posse.

April 9, 1912, Thomas Miles, Caddo Parish, Insulted White Woman in Letters, Black, Private.

April 23, 1912, Unidentified Man, Richland Parish, Threats Against Whites, Black, Mass.

May 2, 1912, Ernest Allums, Bienville Parish, Writing Insulting Letters to White Women, Black, Private.

September 25, 1912, Samuel Johnson, De Soto Parish, Murder, Black, Private.

November 28, 1912, Mood Burks, Bossier Parish, Murderous Assault, Black, Private.

November 28, 1912, Jim Hurd, Bossier Parish, Murderous Assault, Black, Private.

November 28, 1912, Silas Jimmerson, Bossier Parish, Murderous Assault, Black, Private.

December 23, 1912, Norm Cadore, West Baton Rouge Parish, Murder, Black, Private.

February 14, 1913, Charles Tyson, Caddo Parish, Unknown, Unknown (Possibly Black).

August 27, 1913, James Comeaux, Jefferson Davis Parish, Assault, Black, Private.

October 22, 1913, Warren Eaton, Ouachita Parish, Improper Proposal, Black, Private.

December 16, 1913, Ernest Williams, Caddo Parish, Murder and Robbery, Black, Private.

December 16, 1913, Frank Williams, Caddo Parish, Murder and Robbery, Black, Private.

May 8, 1914, Sylvester Washington, St. James Parish, Murder, Black, Posse.

May 12, 1914, Earl Hamilton, Caddo Parish, Rape, Black, Mass.

August 5, 1914, Oli Romeo, St. Tammany Parish, Murder, Black, Mass.

August 6, 1914, Henry Holmes, Ouachita Parish, Murder, Robbery, Black, Private.

August 7, 1914, Dan Johnson, Ouachita Parish, Complicity in Murder, Black, Mass.

August 7, 1914, Louis Pruitt, Ouachita Parish, Complicity in Murder, Black, Mass.

August 9, 1914, Unidentified Man, Ouachita Parish, Murder, Black, Unknown.

December 2, 1914, Jobie Lewis, Caddo Parish, Murder and Robbery and Arson, Black, Private.

December 2, 1914, Elijah Durden, Caddo Parish, Murder and Robbery and Arson, Black, Private.

December 11, 1914, Charles Washington, Caddo Parish, Murder and Robbery, Black, Private.

December 11, 1914, Beard Washington, Caddo Parish, Murder and Robbery, Black, Private.

December 12, 1914, Watkins Lewis, Caddo Parish, Murder and Robbery, Black, Mass.

July 15, 1915, Thomas Collins, Avoyelles Parish, Murderous Assault, Black, Posse.

August 21, 1915, Bob, Red River Parish, Attempted Rape, Black, Unknown.

August 26, 1916, Jesse Hammett, Caddo Parish, Attempted Rape, Black, Mass.

November 15, 1916, James Grant, St. Landry Parish, Murder, Black, Private.

December 28, 1917, Emma Hooper, Tangipahoa Parish, Murderous Assault, Black, Unknown.

July 29, 1917, Daniel Rout, Tangipahoa Parish, Murder, Black, Private.

July 29, 1917, Jerry Rout, Tangipahoa Parish, Murder, Black, Private.

January 26, 1918, James Nelson, Bossier Parish, Living with White Woman, Black, Private.

February 26, 1918, James Jones, Richland Parish, Murder, Black, Unknown.

February 26, 1918, Wm. Powell, Richland Parish, Murder, Black, Unknown.

February 26, 1918, James Lewis, Richland Parish, Murder, Black, Unknown.

March 16, 1918, George McNeal, Ouachita Parish, Rape, Black, Private.

April 22, 1918, Clyde Williams, Ouachita Parish, Murderous Assault and Robbery, Black, Private.

June 18, 1918, George Clayton, Richland Parish, Murder, Black, Posse.

August 7, 1918, Bubber Hall, Morehouse Parish, Criminal Assault, Black, Unknown.

January 18, 1919, Henry Thomas, Red River Parish, Murder, Black, Posse.

January 29, 1919, Sampson Smith, Caldwell Parish, Murder, Black, Unknown.

February 14, 1919, Will Faulkner, Bossier Parish, Murder, Black, Private.

April 29, 1919, George Holden, Ouachita Parish, Wrote Insulting Note to White Woman, Black, Unknown.

August 26, 1919, Jesse Hammett, Caddo Parish, Attempted Rape, Black, Mass.

August 31, 1919, Lucius McCarty, Washington Parish, Attempted Rape, Black, Mass.

September 6, 1919, Unidentified Man, Morehouse Parish, Attempted Criminal Assault, Black, Private.

September 13, 1919, Unidentified Man, Catahoula Parish, Hiding Under Bed, Black, Unknown.

January 31, 1921, George Werner, Iberville Parish, Shot Man, Black, Unknown.

September 14, 1921, Gilmon Holmes, Caldwell Parish, Murder, Black, Unknown.

March 11, 1922, Brown Culpeper, Franklin Parish, Unknown, White, Unknown.

July 6, 1922, Joe Pemberton, Bossier Parish, Murderous Assault, Black, Unknown.

August 24, 1922, F. Watt Daniel, Morehouse Parish, Angered Klan, White, Unknown.

August 24, 1922, Thomas F. Richards, Morehouse Parish, Angered Klan, White, Unknown.

August 26, 1922, Thomas Rivers, Bossier Parish, Attempted Rape, Black, Private.

January 3, 1923, Leslie Leggett, Caddo Parish, Intimate with White Girl, Black, Private.

February 26, 1925, Joseph Airy, Bossier Parish, Murder, Black, Unknown.

August 4, 1926, Johnny Norris, De Soto Parish, Improper Advances to Girl, Black, Posse.

April 16, 1927, Willie Autrey, Calcasieu Parish, Peeping Tom, Black, Private.

June 2, 1928, Lee Blackman, Rapides Parish, Brother of Murderer, Black, Private.

June 2, 1928, David Blackman, Rapides Parish, Brother of Murderer, Black, Private.

February 19, 1933, Nelson Cash, Bienville Parish, Murder and Robbery, Black, Unknown.

August 26, 1933, John White, St. Landry Parish, Unknown, Black, Unknown.

September 11, 1933, Freddy Moore, Assumption Parish, Murder, Black, Unknown.

July 21, 1934, Jerome Wilson, Washington Parish, Murder, Black, Private.

October 13, 1938, W.C. Williams, Lincoln Parish, Murder and Murderous Assault, Black, Mass.

August 8, 1946, John Jones, Webster Parish, Intent to Rape, Black, Private.

Ms. LANDRIEU. It is also true that members of the Senate delegation from Louisiana participated in the actions that led us to not act.

However, I am very proud to stand here with my colleague from Virginia and to note that the other Senator from Louisiana, a Republican, stands with me. We are united in our support of this resolution to offer the sincere apology to try to bring to light the facts about lynching, to encourage people to seek the truth.

I said earlier today people are entitled to their own opinions. But they are not entitled to their own facts. And the facts about this terrible domestic terrorism and rash of terrorism stand today and will not be pushed aside. It is with humility but with pride that I support and put forth before the Senate today, with the Senator from Virginia, this resolution.

The junior Senator from Louisiana is an original cosponsor of this resolution, as are a number of sons of the South. Furthermore, in Louisiana's legislature in Baton Rouge, a very similar resolution passed today. Thus, the people of Louisiana can truly say we are trying to open a dialogue, and bring closure to a bitter history.

This is a particularly important step for the South. For while lynchings occurred in 46 of the 50 States, and people of all races were affected, it would be a mischaracterization to suggest that this was not a weapon of terror most often employed in the South, and most often against African Americans. That is why I am so glad to be joined in this endeavor by the junior Senator from Virginia, Mr. Allen. He has been instrumental in getting us to this point of consideration, and I truly appreciate his hard work and dedication to our joint effort.

It is also important to acknowledge the bravery of those who took personal risks long before this day in opposition to lynching. First and foremost, we must acknowledge the pioneering journalism of Ida B. Wells. Though personally threatened with death, Ms. Wells continued to document these outrages before justice, so that future generations might know the history of this era. It should be noted that it was her example that led other women, such as Jane Adams, to join in her fight against lynching. In fact, women, generally, are viewed as having played a major role in the antilynching campaign.

There was tremendous political courage shown in Georgia. Georgia was the first State to adopt antilynching legislation in 1893. Yet, the State continued to experience a disproportionate share of lynching attacks. However, starting with Governor Northen in 1890, several of Georgia's Governors fought lynch violence in their State resolutely. In many cases it came at personal cost. Gov. William Atkinson, having left the Governor's mansion, personally challenged a lynch mob of 2,000 people in his home town. It is a record of political leadership upon which Georgia can now proudly reflect.

Another great voice in the antilynching crusade was Congressman George White of Tarboro, NC. He was the last former slave to serve in Congress—ending his congressional career in 1901. He introduced an anti-lynching bill to stem the rising tide of violence, with 107 attacks having occurred in 1899. While his bill was defeated in the House of Representatives, he initiated one of its first political considerations.

Finally, we cannot ignore the Senate's own passionate voices to end the practice of lynching. Senator Champ Clark of Missouri famously posted photos of a recent Mississippi lynching in the Democratic cloakroom with the caption: There have been no arrests, no indictments, and no convictions of any one of the lynchers. This is not a rape case. Regrettably, those photos and his convictions could not bring these terrible events to a close. We also salute the efforts of Senators Robert Wagner of New York and Edward Costigan of Colorado. The Wagner-Costigan bill was yet another noble effort to inject Federal resources into combating lynching. While it was again filibustered, it was another noble effort that demonstrated that people of good will remained the majority.

Because of the courage of these and other individuals, by the 1930s public opinion had turned against lynching. In 1938, a national survey showed that 70 percent of Americans supported the enactment of an antilynching statute. Even in the South, at least 65 percent of these surveyed favored its passage. In short, even if southern Senators had the political latitude to endorse Federal antilynching legislation, most seemed to be too mired in personal prejudice to accept that fact. Where these southern Senators were concerned, justice was mostly deaf, but never color blind.

In closing, I would like to acknowledge several members of my staff: Jason Matthews, Kathleen Strottman, Nash Molphus, Sally Richardson, and many others, who have helped, along with others, put this resolution before the Senate today.

I want to end with one of the most moving comments that I read in the book "Without Sanctuary," as I have read excerpts from publications and magazines and newspapers about this situation, and have been reading them now for months on this issue. It is taken from McClure's Magazine, in 1905, by Ray Stannard Baker, who wrote about one of the lynchings—I think it was of a Mr. Curtis. I will submit that for the RECORD. He says:

So the mob came finally, and cracked the door of the jail with a railroad rail. The jail is said to be the strongest in Ohio, and having seen it, I can well believe the report is true. But steel bars have never yet kept out a mob; it takes something much stronger: human courage backed up by the consciousness of being right.

Mr. President, the Senate was wrong not to act. It was wrong to not stand in the way of the mob. We lacked courage then. We perhaps do not have all the courage we need today to do everything we should do, but I know we can apologize today. We can be sincere in our apology to the families, to their loved ones, and perhaps now we can set some of these victims and their families free and, most of all, set our country free to be better than it is today. However great it is, we can most certainly improve.

I yield the floor for my colleague, Senator ALLEN, from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise today to speak in support of the resolution of apology that Senator LANDRIEU of Louisiana and I have submitted. I thank the Senator from Louisiana for her leadership on this matter. It has been a pleasure to work with her on this and other matters, but this is undoubtedly the most historic.

I got involved in this because I received a letter from Dick Gregory. I know Members of the Senate received thousands of letters and e-mails and phone calls. He asked me to join with Senator LANDRIEU last year on this. He was signing this letter on behalf of Dr. E. Faye Williams, Martin Luther King III, Dr. C. DeLores Tucker, and others. But he asked me. He said:

I respectfully ask you to serve as an original cosponsor of the Landrieu resolution. . . . We realize life will go on and your world will not be affected if you choose to do nothing.

That struck me as: Well, I am going to choose to do something. He asked me to sponsor this on the Republican side "because it is the right thing to do."

That says it all, really, when we see an affront to the basic principles that were enunciated in the spirit of this country in the Declaration of Independence. When we seceded from Britain, we talked about freedom, liberty, and justice, trying to constitute that here in this country, fighting for so many years to free ourselves from the monarch to construct a free and just society, with freedom of religion, freedom of expression, due process of law, equal protection, as well as the rule of law.

In so many of those key pillars of a free and just society, when one looks at what happened with the lynchings, the torchings, the whippings to death of people because of their race, because of their religion, because of their ethnicity, the cold-hearted hatred of it, and the countenance of it—and the fact that this wonderful Senate, with these historic desks where you can pull out drawers and see some of the great minds, the great orators of our history who had argued magnificently and inspiringly things on this Senate floor—you see there were times in our history when Senators ended up looking the other way. They did not take a stand. They turned their eyes, they turned their heads when something positive could have been done to disapprove, deplore, and obviously pass a law to make lynching a Federal crime.

This Chamber is part of our representative democracy. We are to represent the "Will of the People." We are also to represent those foundational principles of our country. Unfortunately, that has not always occurred.

Daniel Webster, standing in the Old Senate Chamber, told his colleagues in 1834 that a "representative of the people is a sentinel on the watchtower of liberty." Indeed, the Senate has been a great watchtower of liberty. Many individuals have been outstanding orators, brilliant men and women in the world's greatest deliberative body. Un-

fortunately, this August body has a stain on its history, and that stain is lynching. Americans died from hangings, from whippings, from a torch, from evil hearts outside of this Chamber.

Three-fourths of the victims of these injustices—and these have been documented and researched by the respected archives of the Tuskegee Institute—were perpetrated against African Americans. Mr. President, 4,749 Americans died by lynching, whipping, torturing, and mutilation, starting in 1882. Many times these lynchings were not lone acts by a few white men. Rather, they were angry gangs, as Senator LANDRIEU talked about. They were occasions, they were events, mobs who were whipped into frenzies by the skewed mentalities of what is right and what is wrong.

These cruel and unjust acts are so contrary to the rule of law, due process, and equal protection that we pride ourselves on in the United States. Again, three-quarters of the victims were African Americans. But this hatred also was perpetrated against those who are Asian, primarily Chinese; against American Indians; against Latinos; against Italians; and against people who are Jewish; and others who found themselves unprotected.

Mr. President, Senator LANDRIEU and I, as well as my colleagues who are joining us right now in the Chamber—Senator KERRY and Senator PRYOR—are rising this evening to make history, to try to right history. We are standing to give our heartfelt and formal apology, not for what anybody here presently in the Senate had done, but what this body, this continuous body, failed to do in the past. And it is an apology to all the victims and descendants of those who were lynched, who were whipped to death, who were torched to death, who were mutilated to death.

Many of the victims' descendants are currently watching in our gallery. This is a somber, not happy time but also one of reflection. It is one of the failures of the Senate to take action when action was most needed. It was a time where we were trying to make sure all Americans had equal opportunity. However, that clearly was not the case.

Senator LANDRIEU showed those photographs. These were vile killings. They captivated front-page headlines. They drew crowds with morbid curiosity and left thousands and thousands, mostly African Americans, hanging from trees or bleeding to death from the lashing of whips. By not acting, this body failed to protect the liberty of which Daniel Webster spoke.

One of those who suffered this awful fate was an African American named Zachariah Walker, from Coatsville, VA. In 1911, Walker was dragged from a hospital bed where he was recovering from a gunshot wound. Accused of killing a white man—which he had claimed was in self-defense—Walker was burned alive at the stake without trial.

Such horrendous acts were not just a regional phenomenon of the South. States such as Illinois, Ohio, Michigan, and even the Washington, DC area experienced this sort of mob violence and injustice. Lynching was not just a regional problem; it was a crime throughout our Nation, which occurred in 46 States of our country. It was because of the national scope of these atrocities that the Senate should act.

The Senate, of course, failed to pass any of the nearly 200 antilynching bills introduced in Congress during the first half of the 20th century. Three bills passed the House of Representatives, but they were filibustered on the Senate floor. In addition, seven Presidents had asked that such laws be passed.

One might ask: What impact would such a Federal law have had? Would that have saved all 4,749 people who were lynched, torched, mutilated, or whipped to death? Probably not in all cases because some had occurred before such bills were passed.

However, it would have sent a message, as it was read in newspapers across the land—whether in small towns, big cities, or in the country—that as a nation, we must stop such horrendous injustices being perpetrated on people, that we stand for the rule of law and equal protection and due process. By the Senate not acting, guess what message was sent. It sent the message that there are some people who may not think this is a good idea, that the Senate apparently condones it because they failed to act, notwithstanding the request of Presidents and the passage of such bills in the House of Representatives.

Why was Federal legislation needed? Because out of these 4,749 injustices of lynching, torching, and whipping, only 1 percent were prosecuted. In many cases, local authorities were complicit and involved in these cruel acts of injustice. Virginia was one of the States that actually passed an antilynching law which means that while there were 100 such lynchings, torchings, and burnings—and 100 is too many—compared to other States in the South, that was less. I have learned a lot since we introduced this bill. North Carolina's Governors, in the early 1900s, protested against such mob violence in their State and, therefore, they had less than in other States.

Another reason I got involved is to carry on the tradition of a man named Champ Clark, a Senator from Missouri whose son was actually one of my mentors when I first became involved in organized politics. He moved to the Charlottesville area when I was Governor, and I appointed him to the University of Virginia Board of Visitors. Sadly, he died a few years ago.

I found that his father, Senator Champ Clark of Missouri, posted photos—similar to those Senator LANDRIEU had—in our cloakrooms, of mutilated bodies. I will read from a document entitled, "The U.S. Senate Filibusters Against Federal Anti-

Lynching Legislation: The Case For A Formal Apology." It states:

Unlike in 1935, when senators killed anti-lynching legislation in just six days, the 1937-38 filibuster took six weeks. One reason: in April 1937, a Mississippi mob, in collusion with local law enforcement, removed two African Americans from their jail cells, whipped them with chains, gouged out their eyes with ice picks, and put them to death with acetylene blowtorches. Senator Champ Clark of Missouri posted photos of these victims' mutilated bodies in the Senate cloakroom with a caption, "There have been No arrests, No indictments and No convictions for any one of the lynchers. This is NOT a rape case."

One month later, a mob in Georgia, consisting partly of women and teenage girls, forced its way into a funeral home and seized the body of a lynched twenty-four-year-old African American. After dumping the body into the trunk of a car and carrying it through town in a horn-blowing motorcade, the mob took it to a baseball field and burned it.

Horror-struck by these incidents, Senators sought to invoke cloture. If nothing else, they recognized that not only were African Americans in high lynch states at risk, but their own constituents were unprotected if they were black and traveling through these areas. Sadly, after courageously battling on the Senate floor for six weeks, they abandoned their effort to obtain cloture.

Six weeks with all this and no action. Historians will no doubt disagree as to a single reason why Senators blocked antilynching legislation in the 1920s through the 1940s. My desire is not to get into motivations. Regardless of their reasoning, one reason that I can see from all this is that there is no reason. There is no rationale. They were clearly wrong. They turned their eyes. They turned their heads. That is why it is so important that we set aside these hours to apologize for this lack of action by the Senate—because there was no reason. There was no tolerance. There was an acceptance and a condonation of vile, hate-filled activity.

Thankfully, justice in our Nation has moved forward and left such despicable acts history. In ignoring the protections of our Founding Fathers, that everyone is innocent until proven guilty, the Senate turned its back on our foundational principles of justice and freedom.

I look around the Chamber and note that all of us serve with a great deal of honor and integrity, and many have throughout our history.

As Ephesians teaches us: All things that are reprov'd are made manifest by light. This apology has been a long time in coming.

I thank my colleague, Senator LANDRIEU, for her tireless efforts in getting this resolution agreed to. I thank also leader FRIST for making the legislation a priority and taking time on the Senate schedule to recognize the significance of the moment.

I thank the cosponsors. We have nearly 80 cosponsors and will most likely have more by the end of the day. They recognized the importance of a resolution and knew that the Senate owed an apology to the victims of

lynching, their families and descendants. I also thank James Allen, as Senator LANDRIEU has, for his authorship of "Without Sanctuary: Lynching Photography in America," for bringing to us these horrendous, but important, issues and making us react, recognizing how violent and hate-filled they were.

I also thank Janet Langhart Cohen and Mark Planning for their spirited leadership and teamwork in getting support for this resolution. I want to share with my colleagues some excerpts from Ms. Cohen's comments.

While some members of the Senate question why so many of us have been seeking the passage of this official expression of apology at this time, the real question is why the Senate action was not forthcoming decades ago.

This is important for us to understand the meaning for those who are descendants of victims of lynching and torture and whipping.

She continues:

Consider the scope and depth of the crimes committed against humanity: more than four thousand men and women were hung from trees, many of them disembowled, their limbs and organs amputated, and then set on fire. These heinous acts . . . were designed to terrify African American citizens, remind them that they have fewer rights and protections than animals, and drive them from their land—all while serving as entertainment for white society.

The point is, this was to intimidate people.

Ms. Cohen says that she comes to the Senate today—she is in the gallery with many other descendants—for many reasons. She writes:

As a Black woman, as the spouse of a former Senator, and as one who had a family member lynched, I need to bear witness to an act of decency that has been deferred, indeed filibustered, for far too long.

We know she is here with many others and recognize that it has been filibustered far too long.

She also states that:

It's important to remind the American people about the evil chapters in our history. It is the reason we construct museums in Washington and beyond, to hold up for all to see how capable we are of descending into the heart of darkness. It's important for us to look back into the past so that we can pledge never again to allow racial hatred to consume our ideals or humanity.

President Bush, in his second inaugural address, stated:

Our country must abandon all habits of racism because we cannot carry the message of freedom and the baggage of bigotry at the same time.

She concludes with these statements:

An apology, I concede, will do nothing for the thousands of people who perished during what has been called "the Black Holocaust." It cannot repair the battered souls of their survivors. It is, after all, only a symbolic act. Our symbols, however, the Eagle, Old Glory, Lady Liberty, to mention but a few, are but short hand narratives of who we are as Americans.

It is through an acknowledgment of the Senate's abdication of its duty to protect and defend the rights of all American citizens that, perhaps, we can begin to understand the pain and anger that still lingers in

the hearts and minds of so many who have been deprived of the equality promised in our Constitution.

My friend and mentor, Dr. Martin Luther King, Jr., once said that "the arc of history bends toward justice."

Today, as the Senate Members cast their historic votes, that arc dips closer to its destination.

Signed, Janet Langhart Cohen.

Mr. President, I ask unanimous consent that the full letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 13, 2005.

First, I want to commend Senators George Allen and Mary Landrieu for their leadership in introducing Senate Resolution 39 and for their persistence in bringing it to a vote today. I also wish to express my profound gratitude to Mark Planning who has been indefatigable in his quest for the passage of this measure.

While some members of the Senate question why so many of us have been seeking the passage of this official expression of apology at this time, the real question is why Senate action was not forthcoming decades ago.

Consider the scope and depth of the crimes committed against humanity: more than four thousand men and women were hung from trees, many of them disemboweled, their limbs and organs amputated, and then set on fire. These heinous acts, carried out and protected under the claim of "states rights" were designed to terrify African-American citizens, remind them that they had fewer rights and protections than animals, and drive them from their land—all while serving as entertainment for white society.

Picnics were even held by white communities so that those who claimed to be decent, law abiding citizens could witness and rejoice in the mutilation of those whose ancestors had been ripped from their homeland, separated from their families, sheared of their identities, brought in chains to America, and sold on the auction block as sub-human chattels.

It is inconceivable that any person of reason or conscience, of any faith, Christian or non-Christian, could possibly tolerate such barbarism, such a display of pure evil. But people did, of course. They tolerated it and sanctioned it, not during the Dark Ages, but during my lifetime. And those who sanctioned it were not uneducated barbarians; they included men who held positions of office and honor at all levels of government, including the United States Senate. The parliamentary delaying tactics that currently are the subject of so much debate took place in the nation's Capital, on the floor of this hallowed institution.

I have come to the United States Senate today for many reasons. As a Black woman, as the spouse of a former Senator, and as one who had a family member lynched, I need to bear witness to an act of decency that has been deferred, indeed filibustered, for far too long.

I am told that some members of the Senate are not prepared to support this measure because they think that an official apology is too trivial, meaningless and irrelevant to the times in which we live.

The passage of time can never remove the stain of institutionalized terrorism from our history or permit any public official to dismiss the pain of those who have lost family members to the savagery of lynch mobs as something unworthy of the Senate's agenda and deliberations.

It's important to remind the American people about the evil chapters in our history. It is the reason we construct museums in Washington and beyond, to hold up for all to see how capable we are of descending into the heart of darkness. It's important for us to look back into the past so that we can pledge to never again allow racial hatred to consume our ideals or humanity.

In his Second Inaugural Address, President Bush stated that, "Our country must abandon all habits of racism because we cannot carry the message of freedom and the baggage of bigotry at the same time." These are noble words and they deserve to be acted upon as well as invoked.

Finally, let me say that this Resolution is but a first step in the process of educating the American people about our history; of not allowing this part of our past to be reduced to a footnote, or glossed over and air brushed into oblivion.

An apology will not erase the criminality that was once considered a cultural or regional privilege. An apology does not purport to serve as an absolution for the sins of the past.

An apology, I concede, will do nothing for the thousands of people who perished during what has been called, "the Black Holocaust." It cannot repair the battered souls of their survivors. It is, after all, only a symbolic act. Our symbols, however, the Eagle, Old Glory, Lady Liberty, to mention but a few, are but short hand narratives of who we are as Americans.

It is through an acknowledgement of the Senate's abdication of its duty to protect and defend the rights of all of America's citizens, that, perhaps, we can begin to understand the pain and anger that still lingers in the hearts and minds of so many who have been deprived of the equality promised in our Constitution.

My friend and mentor, Dr. Martin Luther King, Jr. once said that, "The arc of history bends towards justice."

Today, as the Senate members cast their historic votes, that arc dips closer to its destination.

JANET LANGHART COHEN.

Mr. ALLEN. Mr. President, I am proud that this resolution will pass tonight. The Senate is going to be on record condemning the brutal atrocities that plagued our great Nation for over a century.

I will close with the words of our resolution:

Whereas, 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. Now, therefore, be it Resolved, That the Senate—

(1) apologizes to the victims of lynching for the failure of the Senate to enact anti-lynching legislation;

(2) expresses the deepest sympathies and most solemn regrets of the Senate to the descendants of victims of lynching, the ancestors of whom were deprived of life, human dignity, and the constitutional protections accorded all citizens of the United States; and

(3) remembers the history of lynching, to ensure that these tragedies will be neither forgotten nor repeated.

My colleagues, I ask you to join all of us in examining our history, learn from history, never again sit quietly, and never again turn one's head away when the ugly specter of racism, anti-semitism, hate, and intolerance rises again. It is our responsibility to stand strong for freedom and justice.

In the future, I am confident that this Senate will perform better than it has in the past. We will protect the God-given blessings of all people to life and liberty, regardless of their race, their ethnicity, or their religious beliefs. The Senate can do better; we have done better tonight. But the real measure of what we have learned when such acts occur in the future is, will this Senate rise and condemn it to protect those God-given liberties? I know that Senator LANDRIEU and I believe the Senate will rise appropriately.

Mr. President, with that, I ask unanimous consent that notwithstanding the previous agreement, the Senate now proceed to the vote on the pending resolution; I further ask unanimous consent that notwithstanding adoption of the resolution, the remaining time under the previous agreement remain available for Senators who wish to make statements, provided that any statements relating to the resolution appear prior to its adoption in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. ALLEN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 39) was agreed to.

The preamble was agreed to.

Mr. ALLEN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. What is the status of the time? Is it under control, or is it just open?

The PRESIDING OFFICER. The Senator from Virginia and the Senator from Louisiana control the time.

Ms. LANDRIEU. Mr. President, I will be happy to yield to the Senator from Massachusetts in just a moment. He has been very patient. As a cosponsor of the resolution that just passed, it is a privilege and it is appropriate for Senator KERRY to be one of the first Senators to speak upon its passage.

I wish to just mention very briefly, because I am not sure he is going to be able to stay with us much longer, Mr. James Cameron has been with us all day. Mr. Cameron is 91 years old. He lives in Marion, IN. In 1930, when he was 16 years old, a mob dragged him from a cell at Grant County Jail and put a rope around his neck. He was accused of a murder and a rape. He was nowhere around when it occurred. His associates, Abe Smith and Thomas Schipp, were both lynched that night. A man in the crowd spared him by proclaiming that he, in fact, was innocent and should be let go. He then went on to live an extraordinary life without bitterness, with a lot of love. He has been married for 67 years, has 4 children and multiple grandchildren. Senator Evan Bayh, who serves in this body—when he was Governor of Indiana, he pardoned Mr. Cameron. But he

is really the one who has forgiven us for what was done against him.

I yield the floor to Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I start by thanking Senator LANDRIEU and Senator ALLEN for their leadership on this effort and for all those descendants of families who have been absolutely extraordinary in the way in which they relived their pain, brought it to the public view, kind of laid their hearts out on the table in a very real and emotional way—that has been a wonderful part of this process—and the way in which the book Jimmy Allen put together has helped to unleash a pain that was never lost, never forgotten by anybody, but never quite had a place to play itself out—until this public effort that is being made by the Senate.

There is no small irony, I suspect, in the fact that the Senate is here sort of making good on what the Senate failed to do. I personally am struck by even, at this significant moment, the undeniable and inescapable reality that there are not 100 Senators as cosponsors. Maybe by the end of the evening there will be, but as we stand here with this resolution passed by voice vote, there are not.

Moreover, all the people in the Senate and the press understand how we work here. It is critical that we take the step we are taking and have taken, but at the same time wouldn't it have been just that much more extraordinary and significant if we were having a recorded vote with all 100 Senators recording their votes? We are not.

So even today, as we take this gigantic step, we are also saying to America that there is a journey still to travel. I don't want to diminish one iota—and I don't mean to because I believe what is happening here today is so significant, but at the same time, it has to give all of us a kind of kick in the rear end to get us out there to do that which is necessary, which gives fuller meaning to the words that are going to be expressed here and have been expressed here—most important, to give fuller meaning to the emotions that have been laid bare for all of America to understand better by the families who have come here to share this with us.

I also join not just in thanking Mr. Cameron and Ms. Johnson, and others, but Janet Langhart, who is here with our former colleague and the former Secretary of Defense, Bill Cohen. We certainly appreciate her commitment to this effort and the meaning of this to her and to all of the families who have come here together.

It is pretty incredible to think about it. Lynchings really replaced slavery. They came in the aftermath of slavery, around the 1880s. Between the 1880s and 1968—I have to pause when I think about that because I was already a young officer in the military. I had left college. I remember the early part of

the 1960s devoted to the civil rights movement, the Mississippi voter registration drive. We were still recording lynchings during that period of time, but I did not know it, not in the sense that we know it today.

I thought I knew history pretty well, but I will tell you, until I saw this array of photographs which then sparked my curiosity to read more about it, I had always thought, like most Americans, that a lynching was just slinging a rope over a branch of a tree and that was it. The story is so much more gruesome than that, so much more dark and horrendous as a moment in American history that it is really hard to believe it happened at all in our country, which is another reason it is so important that we are taking this step to remember.

We have seen revisionism in almost every part of history, including the Holocaust. So it is good we are taking this step today, and it is good we have these photographs now brought together as a compilation of history, and it is good that the Senate is taking this effort tonight.

It is extraordinary to think that 99 percent of the perpetrators of lynchings escaped any reach of the law whatsoever. It is incredible to think that almost 5,000 people are recorded as incidents, and how many are not recorded? How many went without the local authorities in each of those communities—who were already complicitous in what happened, standing by, permissive, turning away from basic human rights—how many of those incidents were not recorded?

A lot of us have read a lot about World War II and the Holocaust and other moments of history where there is a knock on the door and life changes. But you have to stop and really think what it was like in all but four States in our country, not just for African Americans but for new people, for folks who had come here from other places to live the American dream. In some cases, they were not knocked, they were just angry mobs screaming and yelling with torches and running rampant through a household, dragging out people screaming. In other cases, there was a pretext, more polite, but it was never polite in what it ended up as.

Lynchings were not just lynchings; they were organized torture. They were incidents of kinds of torture that defied imagination, about which you do not even want to talk, the kinds of things that any decent society ought to stand up against. People were literally tortured for sport in front of people, and crowds would cheer—bedlam. Children were brought to be spectators. Some of these photographs show kids standing there with their eyes wide open and adults standing beside them, who were supposed to be more responsible, glued to the horror they were witnessing.

In the first half of the last century alone, in the 20th century, over 200 antilynching bills were introduced in

the Congress—200. Three times, the House of Representatives passed antilynching legislation. Seven Presidents asked for this legislation to be passed. The Senate said no.

So it is important that we are here today to apologize. Some people wonder what the effect of an apology is. We can understand that question being asked. This is sort of a day of reckoning for us as a country, it is a moment for the conscience of our country to be listened to by everybody. It is an embarrassingly and unforgivably late moment in coming, but we are addressing a stain on our history, and we are working to heal wounds across generations. I believe that is important. Some people might try to diminish that, but the very lack of unity I mentioned earlier, in fact, goes to show why this apology is so important and why we all have to keep moving in this direction.

No words, obviously, are going to undo the horror of those 5,000 Americans losing their lives. No apology is going to just wipe away the memories of Mr. Cameron and others, though they have shown a greater graciousness of understanding than others even at this moment.

The fact is that this resolution can be one more step in the effort for all of us to try to get over the divide that still exists between races and as a result of Jim Crow in this country, but only if we face the truth. It is the Bible that reminds us that it is the truth that sets us free. And so it is that we have to embrace it, commit ourselves to putting our hearts and our actions where our words have now preceded us. This should be an important step forward, but, frankly, it will only do that if we do not stop here.

The truth is that it is not enough to face the horror of lynchings if we then just walk out of here and consciously turn away from legally separate and unequal schools in America. It is not enough to decry decades of refusing to use the force of law against lynchings if today we refuse to use the force of law to tear down the barriers that prevent people from voting, barriers in the economy, divisions in the health care system that works for too few of those who are in the minority in America.

It is only by reconciling the past that we have to understand where we have to go in the future and get there. I remind my colleagues to remember the words of Julian Bond when he dedicated that beautiful, simple memorial in Montgomery, AL, to those who gave their lives for civil rights. He said it was erected as much to remember the dead as it was for those young people who cannot remember the period when the sacrifices began, with its small cruelties and monstrous injustices, its petty indignities and its death dealing in inequities. There are many too young to remember that from that seeming hopelessness, there arose a mighty movement, simple in its tactics, overwhelming in its impact. That is why we have to remember the period

of the lynchings. That is why this resolution is important—for the young people who do not know what it means to wake up in the middle of the night to hear that knock, for young people to need to commit to help our country complete the journey in order to guarantee we make it all that it promises to be and can be.

We will never erase what Mr. Cameron or Mr. Wright and too many others went through, but we certainly can honor the legacy of these civil rights heroes and the martyrs who came before us by doing right by them and by the country. I hope this resolution will help us do that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I yield such time to the Senator from Illinois as he should use.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I rise in strong support of this resolution. Before I make any further remarks, I would like to recognize Doria D. Johnson, and thank her for coming. She is from Evanston, IL. Ms. JOHNSON is the great, great-granddaughter of Anthony Crawford, a South Carolina farmer who was lynched nearly 100 years ago for the crime of being a successful Black farmer. I am sure that this day has special meaning for her, and for the other family members of those who were impacted by these great tragedies of the past. I thank her and others for being here today.

Since America's darkest days of Jim Crow, separate but equal, fire hoses, church bombings, cross burnings and lynchings, the people of this great Nation have found the courage, on occasion, to speak up and speak out so that we can right this country's wrongs, and walk together down that long road of transformation that continues to perfect our Union. It is a transformation that brought us the Civil Rights Act and the Voting Rights Act; a transformation that led to the first Black Member of Congress, and the first Black and White children holding hands in the same playground and the same school; a transformation without which I would not be standing here speaking today. But I am. And I am proud because, thanks to this resolution, we are taking another step in acknowledging a dark corner of our history. We are taking a step that allows us—after looking at the 4,700 deaths from lynchings, the hate that was behind those deaths, and this Chamber's refusal to try and stop them—to finally say that we were wrong.

There is a power in acknowledging error and mistake. It is a power that potentially transforms not only those who were impacted directly by the lynchings, but also those who are the progeny of the perpetrators of these crimes. There is a piercing photographic exhibit in Chicago right now that displays some of the lynchings

that occurred across the country over the past two centuries. These photographs show that what is often most powerful is not the gruesome aspects of the lynching itself, nor the terrible rending of the body that took place. No, what is most horrific, what is most disturbing to the soul is the photographs in which you see young little White girls or young little White boys with their parents on an outing, looking at the degradation of another human being. One wonders not only what the lynching did to the family member of those who were lynched, but also what the effect was on the sensibilities of those young people who stood there, watching.

Now that we are finally acknowledging this injustice, we have an opportunity to reflect on the cruelties that inhabit all of us. We can now take the time to teach our children to treat people who look different than us with the same respect that we would expect for ourselves. So it is fitting, it is proper, and it is right that we are doing what we are doing today.

However, I do hope, as we commemorate this past injustice, that this Chamber also spends some time doing something concrete and tangible to heal the long shadow of slavery and the legacy of racial discrimination, so that 100 years from now we can look back and be proud, and not have to apologize once again. That means completing the unfinished work of the civil rights movement, and closing the gap that still exists in health care, education, and income. There are more ways to perpetrate violence than simply a lynching. There is the violence that we subject young children to when they do not have any opportunity or hope, when they stand on street corners not thinking much of themselves, not thinking that their lives are worth living. That is a form of violence that this Chamber could do something about.

As we are spending time apologizing today for these past failures of the Senate to act, we should also spend some time debating the extension of the Voting Rights Act and the best way to extend health care coverage to over 45 million uninsured Americans. We should be considering how we can make certain that college is affordable for young African-American children, the great, great-grandchildren or the great, great, great-grandchildren of those who have been wronged. These are the ways we can finally ensure that the blessings of opportunity reach every single American, and finally claim a victory in the long struggle for civil rights.

Today is a step in the right direction. Today's actions give us an opportunity to heal and to move forward. But for those who still harbor anger in their hearts, who still wonder how to move on from such terrible violence, it is worth reflecting for a moment on one remarkable individual: Mamie Till Mobley.

Mamie Till Mobley's child Emmett was only 14 years old when they found

him in the Mississippi River, beaten and bloodied beyond recognition. After Ms. Mobley saw her child, her baby, unrecognizable, his face so badly beaten it barely looked human, someone suggested that she should have a closed casket at his funeral. She said: No, we are going to have an open casket, and everybody is going to witness what they did to my child.

The courage displayed by this mother galvanized the civil rights movement in the North and in the South. And, despite the immensity of the pain she felt, Mamie Till Mobley has repeatedly said: I never wasted a day hating. Imagine that. She never wasted a day hating, not one day.

I rise today, thanking God that the United States Congress—the representatives of the American people and our highest ideals—will not waste one more day without issuing the apology that will continue to help us march down the path of transformation that Mamie Till Mobley has been on her whole life, and that the people in attendance in the gallery have been on for generations.

I am grateful for this tribute, and I am looking forward to joining hands with my colleagues and the American people to make sure that when our children and grandchildren look back at our actions in this Chamber, we do not have something to apologize for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I join my colleagues today to talk about one of our Nation's darkest periods, a stain in history we would rather forget but that we cannot ignore. While White mobs committed 4,742 hangings, floggings and burnings of African Americans, the Senate watched indifferently, failing to pass any of the 200 separate bills before it to make lynching a Federal crime. S. Res. 39, expressing the Senate's apology for failing to adopt antilynching legislation, is long overdue. I express my sincere apologies and regret to the families in Arkansas and the Nation, especially to the victims and their descendants, that this body failed to help at a time when they needed it most.

I hope that acknowledging these grave injustices of the past will help begin to heal the wounds that exist today. Even more so, this acknowledgement should serve as a lesson that government must step in to help foster racial reconciliation, ensure the mob mentality never returns, and protect those who are most vulnerable.

The Senate can start by continuing to advance civil rights and equality, and work to close the divide that continues in our neighborhoods, schools and workplaces. I am afraid that if we don't start truly addressing inequities we will look back once again at the Senate's inaction with disdain and remorse.

Most of the worst offenses of lynching occurred in the south and Arkansas was no different. Between the years

1860–1936, 318 lynchings occurred in Arkansas. Of this number, 230 were black, including 6 females. Three-quarters of the lynchings in our State that are recorded were against African Americans.

Of course, statistics don't have a face, they don't feel pain, nor do they hold memories. But people and families all over Arkansas do, and they remember these crimes and the Senate's inaction to protect them.

In March 1892, a reporter from the *Christian Recorder* reported the chaos and hopelessness occurring throughout the state:

There is much uneasiness and unrest all over this State among our people, owing to the fact that the people all over the State are being lynched upon the slightest provocation; some being strung up to telegraph poles, others burnt at the stake and still others being shot like dogs.

In the last 30 days there have been not less than eight colored persons lynched in this State. At Texarkana a few days ago, a man was burnt at the stake.

In Pine Bluff a few days later two men were strung up and shot, and this too by the brilliant glare of the electric lights. At Varner, George Harris was taken from jail and shot for killing a white man, for poisoning his domestic happiness.

At Wilmar, a boy was induced to confess to the commission of an outrage, upon promise of his liberty, and when he had confessed, he was strung up and shot. Over in Lonoke County, a whole family consisting of husband, wife and child were shot down like dogs. Verily the situation is alarming in the extreme.

There were few honest press accounts of such lynchings, a problem that continues to trouble historians today as they put together the pieces of this period. Most Arkansas press accounts were no different. Lynchers were considered heroes, officers conniving, and the accused guilty.

A case in point:

In 1919, Arkansas would be home to a terrible racial injustice—the so-called Elaine Race Riot.

According to sketchy accounts that have been pieced together by historians, in September 1919, black sharecroppers met to protest unfair settlements for their cotton crops from white plantation owners. Local law enforcement broke up the union's meeting, and the next day a thousand white men, and troops of the U.S. Army, converged on Phillips County to put an end to the black sharecroppers' so-called "insurrection".

The number of African-American deaths from this lynching is disputed, ranging from 20 at the low end to 856 men and women on the high end.

The details of the Elaine Race Riot of 1919 have never been formally written down, but Mayor Robert Miller of Helena, AR remembers them vividly.

At the time, Mayor Miller's four uncles were preparing for a hunting trip. Three of them had traveled to a town near Elaine, Helena, AR, for this special occasion, which turned tragic when a mob saw the brothers with guns in hand, and assuming they were part

of the "insurrection," all four were immediately killed.

Of the anti-lynching legislation we are considering today, Mayor Miller says, "It won't change what happened, but at least it's a good thing, a movement in the right direction."

A 2000 article from the *Arkansas Times* reports on Arkansas' most high-profile lynching and the lasting impact it has had on families in Arkansas today.

In May 1927, a mentally retarded black man named John Carter was accused of attacking a white mother and daughter. Upon his capture near Little Rock a mob of 100 quickly gathered and prevented police from taking him to Little Rock, where police would protect him from being lynched.

After hanging him from a utility pole, the mob dragged John Carter's body through the city, and burned it in downtown Little Rock at 9th and Broadway.

The *Arkansas Times* article recounts a conversation that occurred 30 years later, in September 1957 of a mother talking to civil rights pioneer Daisy Bates about the John Carter lynching. The mother had this to say:

I am frightened Mrs. Bates. Not for myself, but for my children. When I was a little girl, my mother and I saw a lynch mob dragging the body of a Negro man through the streets of Little Rock. We were told to get off the streets. We ran. And by cutting through side streets and alleys, we managed to make it to the home of a friend.

But we were close enough to hear the screams of the mob, close enough to smell the sickening odor of burning flesh. And, Mrs. Bates, they took the pews from Bethel Church to make the fire. They burned the body of this Negro man right at the edge of the Negro business section.

The woman speaking to Daisy Bates was named Birdie Eckford. Her daughter Elizabeth, one of the Little Rock Nine, would walk through an angry, threatening crowd the following day to claim her right to an equal education at Little Rock Central High School.

Little Rock Central High School today reminds us of some of the darkest days during the civil rights movement. As a former student, however, I can tell you that it also represents hope and achievement.

The year 2007 will mark the 50th anniversary of the desegregation process at Little Rock Central High School. Last Friday, I spoke with seven members of the Little Rock Nine to tell them that we are closer to funding an adequate visitor center and museum in time for his landmark anniversary.

Minni Jean Brown Trickey, one of the Nine, said this Visitors' Center will serve many purposes, but what struck me was her assurance that the Center "is an opportunity for healing."

Today's resolution offers similar opportunities. It allows us to remember the past, begin healing from that past, look at how far our Nation has come to address equality and discrimination and rededicate ourselves to acknowledging how much further we must go from here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise this evening to speak in support of S. Res. 39, apologizing for the Senate's failure to enact antilynching legislation. It is important for us to reflect on the statements that have been made by my colleagues, including the distinguished Senator from Louisiana and the distinguished Senator from Virginia, so that we can remember the history of this country and how America has been an America in progress. The past can be painted in statistics or it can be painted in the stories of people who have suffered from the unjust result of the absence of an antilynching law.

We can speak about the time between 1882 and 1968 when there were nearly 5,000 lynchings. These lynchings that occurred were not lynchings that occurred just in the southern part of the United States of America but happened throughout most of the States of our country, including in my own home State of Colorado, where a historian has in his own research concluded that there were about 175 lynchings in Colorado between 1859 and 1919.

It is appropriate and fitting that today we apologize for the absence of those laws, that we recognize people like James Cameron who became a survivor of the lynchings of that time period, recognize that this Senate today says we apologize for that past.

It is perhaps even more important to look to the future of America and to look at the racial issues and the challenges we face as a nation to create an America that truly is an America of inclusion. It is one thing to stand in the Chamber of the Senate today, to look at our history, and to learn from that painful history, but it is equally as important to look to the future and to recognize the challenges we face in this America in the decade ahead, and the 100 years ahead require us to learn from those very painful lessons of the past.

When one looks at those very painful lessons of the past, we have to recognize for the first 250 years of the beginnings of this Nation we had a system of law that recognized it was OK for one group of people to own another group of people under our system of slavery just because of the color of their skin. It is important for us, also, to recognize that it took the bloodiest war of the United States during the Civil War, for over half a million people were killed on our own soil in America to bring about an end to the system of slavery and to usher in the 13th, 14th, and 15th amendments which are the bedrock of the constitutional liberties we now endow upon all people of America.

Notwithstanding the fact that in that time period of the Civil War we saw the blood and life of so many Americans laid down in this country, we still continued through another period of almost 100 years where we divided our

Nation according to groups. It was over 100 years ago when Justice Harlan, writing for the dissent in the now famous case of *Plessy v. Ferguson*, made the following observation, disagreeing with the U.S. Supreme Court on the segregation system which was ushered in under that decision, saying:

The destinies of the races, in this country, are indissolubly linked together and the interests of both require that the common government law shall not permit the seeds of race hate to be planted under the sanction of law.

That was over 100 years ago. Yet it took more than half a century, until 1954, in the decision of *Brown v. Board of Education*, for the U.S. Supreme Court under the leadership of Justice Warren to say in these United States, separate but equal was unconstitutional under the 14th amendment. It took more than half a century more for the U.S. Supreme Court to make that statement.

So when we look to the future of America, when we look to the diversity that defines our country, it is my belief that this next century will be defined by how we as an American society embrace the concept of an inclusive America. When we embrace a concept of an inclusive America, we talk about including people of all backgrounds—be they Anglo Americans, French Americans, African Americans, Latinos, Native Americans, women—that we as an American society will be challenged in the century ahead by how we deal with the issue of inclusion, and the greatness of this country will be defined by how successful we are in making sure we are inclusive of all people.

There are some who have recognized this. Justice Sandra Day O'Connor, in writing for the U.S. Supreme Court in the now famous decision of the University of Michigan from several years ago, made the following comment about the importance of diversity in higher education in the majority opinion:

These benefits are not theoretical but real, as major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints.

That was from the brief submitted by General Motors. She went on to say:

What is more, high-ranking retired officers and civilian leaders of the United States military assert, based on their decades of experience, a highly qualified racially diverse officer corps is essential to the military's ability to fulfill its principal mission to provide national security.

It was in that articulation by Justice Day O'Connor, where she articulated the challenge and the opportunity that we have as an American society, the 21st century unfolds in front of us.

In my estimation, the greatness of this country depends on our learning and not forgetting the painful lessons of the past, including the lynchings that occurred across America, while also looking forward to the challenge of including people of all backgrounds

and all races in all of the business affairs and civic affairs of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I am very glad we are passing this resolution. There have been attempts in the past by other Members of Congress, such as my good friend, the former Congressman Tony Hall of Ohio, who had tried several years back to get a resolution of apology with regard to slavery. They never could work out all the details. I am very glad the Senate has come to this point that it could critique itself for this legislative body's failure to enact antilynching laws back at a time when it would have been so important to stop these kinds of mayhem and murderous rampages where mobs would take, supposedly, justice into their own hands.

Thank goodness we have come to a point at which we can admit our mistakes, even though this is several generations later, and pass such a resolution as we will do tonight.

Interestingly, one of my political heroes is a person who Americans rarely hear about. He was a British Parliamentarian in the late 1700s and the early 1800s named William Wilberforce. Wilberforce was elected to the Parliament at the age of 21 along with one of his best friends, William Pitt, the Younger. And in 3 years, at age 24, Pitt was elected Prime Minister. Of course, Wilberforce could have been in his Cabinet. But at that point Wilberforce had recognized the great evil of the day and dedicated his life to the elimination of the economic order of the day, which was the English slave trade where the captains would take the boats down off the coast of Africa under the guise of friendship, round up native Africans, put them in the holds of those slave ships, and take them to the New World and sell them.

Wilberforce is a hero to me because, as a government official, a member of Parliament, he would not even join William Pitt, the Younger's Cabinet. He wanted to devote his life to the elimination of the slave trade. It took him 20 years to do it. Time after time, he was beat back, but he persevered, and he finally won, 20 years later. Then, before Wilberforce died, he saw that Parliament actually abolished slavery. That was some 30 years before slavery was abolished here in America.

So it is a privilege for me to be here at long last to join our colleagues to apologize for the Senate's failure in the 1930s to pass legislation outlawing the barbaric practice of lynching. For more than a century, this country presented two realities to its citizens. Enshrined in our Constitution is a government and a legal system designed to protect the rights of all Americans so that our freedom cannot be taken away or infringed upon without due process of law. But for many decades, however, this system of justice and respect for the rule of law did not apply to all of the citizens of this country.

In 1857, in the *Dred Scott* Supreme Court decision, that guarantee in the U.S. Constitution that all men are created equal was not intended to include Blacks by that decision. For many years later, Black Americans found few protections in the constitutional guarantees of liberty and freedom and equal protection under the law. A Black man accused of a crime against a White person found that he had no access to the courts to prove his innocence, he had no access to a fair and impartial jury of his peers. All too often, White citizens, armed with guns and feelings of righteousness, would take the accused, as law enforcement officers stood by, and brutalize them and hang them in a public setting for other members of the community to view and feel avenged. How horrible would that be, a public spectacle that was supposed to intimidate, that was supposed to strike fear. Did it? You bet it did. It was meant to send a message to the members of the Black community that they better remain in their place, to remember that the guarantees of freedom and fairness in the Constitution did not include them.

In my State of Florida, there were 61 lynchings of Black Americans between 1921 and 1946, which, of course, represents only a fraction of the total number that were committed in my State. There is no justification or explanation for these horrible acts of violence. As a nation that respects the rule of law and court-prescribed justice, what happened was vigilantism and mob rule. That is what determined "justice." And that is never justifiable.

There is a place in Florida called Rosewood. It was the site, in the 1920s, of what many describe as a massacre. That Black community was destroyed by Whites. No arrests were ever made in as many as 27 racial killings in that location.

Florida finally passed the Nation's first compensation for Blacks who suffered from those past racial injustices. It was all directed back to the massacres that had occurred at Rosewood, FL. The 1994 Florida Legislature passed the Rosewood Claims Bill to compensate victims for loss of property as a result of the failure to prosecute those individuals responsible. I felt as a Floridian that this acknowledgement was long overdue, and it made me proud to see, at long last, that we addressed the tragedy of Rosewood.

Now, as a Member of the Senate, I believe this resolution we are passing tonight is long overdue. In being proud of this event, I am also humbled to stand up as a Member of the Senate and to personally apologize for the Senate's failure to act—a failure to outlaw barbaric acts such as lynchings and racial massacres.

I am proud, too, that we can today reaffirm that we are a nation of laws designed to protect the freedom and liberty of all Americans—all Americans—regardless of race.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, this is an issue that will be considered by the Senate later this evening, an issue of historic importance. It will be an official apology by the Senate for the Senate's failure to protect victims of lynching in America.

Fifty years ago, on August 20, 1955, a Chicago woman named Mamie Till took her 14-year-old son Emmett to the 63rd Street Station in Chicago to catch the southbound train to Mississippi. Emmett was going to spend the summer with his great uncle and aunt in a town called Money, MS, in the heart of the Mississippi Delta.

The next day, August 21, 1955, young Emmett Till arrived in Mississippi. He spent the next few days helping out around the house, working with his great uncle, Moses Wright, in the cotton fields.

On August 24, after a long day of working in the fields, Emmett and a group of teenagers went into town to Bryant's Grocery Store for some refreshments. The store—owned by a White couple named Roy and Carolyn Bryant—served primarily Black workers, sharecroppers, and their kids. Emmett went into Bryant's Grocery Store to buy some bubble gum. Some kids who were hanging out outside the store accused Emmett of whistling at Carolyn Bryant, one of the proprietors of the store.

Four days later, on August 28, Carolyn Bryant's husband and his half brother went to Moses Wright's home at 2:30 in the morning. They kidnapped young Emmett Till from his bed, and they committed one of the most notorious and horrific lynchings in American history. They brutally beat this young man from Chicago, IL, Emmett Till. They gouged out his eyes, they shot him in the head, they tied a large metal fan around his neck with barbed wire, and they threw his mangled, dead body into the Tallahatchie River.

A few days later, his broken and bloated body was found floating in the river. Emmett Till was returned to his mother in Chicago in a coffin. On September 3, 1955, Mamie Till held a historic funeral for her son at Roberts Temple Church of God in Chicago. She did a courageous thing: She directed that the casket remain open so that everyone could see what hatred and racism had done to her little boy.

Tens of thousands of Chicagoans came to say goodbye to 14-year-old Emmett Till, a young man who just a few weeks before got on that train to visit his family in Mississippi. News coverage of that funeral reached millions more around the world. Jet Magazine made a historic decision: They decided to print actual photographs of Emmett Till's mutilated body lying in the casket and cover his funeral. The decision by that magazine and the publicity that came with Emmett Till's tragic death changed people across America. I cannot tell you how many African Americans I have met who said that the world changed after the murder of

Emmett Till. They came to realize that what happened to him should not be allowed to happen in America.

One of my favorite friends in Congress, one of my heroes of all time, is a man named JOHN LEWIS. He represents Atlanta, GA, as a Member of the House of Representatives. He was one of the pioneers in the civil rights movement. He was 15 years old, 1 year older than Emmett Till, growing up in Alabama, when he saw those photographs of this young man. Like millions of African Americans, JOHN LEWIS was haunted by the image. He told a Washington Post reporter recently: I remember thinking it can happen to anyone, me or my brothers or my cousins. It created a sense of fear that it could happen to anyone who got out of line.

Those images of Emmett Till inspired more than fear. In many people, they inspired courage and resolve. There was a decision made by so many at every level of life in America to no longer ever tolerate the brutal inhumanity of hatred and racism of Jim Crow laws. When Rosa Parks, the legendary civil rights leader, refused to give up her seat on that bus in Montgomery, AL, it was 100 days after Emmett Till's murder. She said, when asked later: How did you show the strength to do that, stand up against everybody and say, no, I will not sit in the back of the bus, she said she got her courage by thinking of that young man, Emmett Till.

Eight years later, in a song entitled "The Murder of Emmett Till," the great poet/songwriter Bob Dylan had the following lyrics:

If you can't speak out against this kind of thing,

a crime that's so unjust,

your eyes are filled with dead men's dirt,
your mind is filled with dust.

Today, 50 years after Emmett Till's brutal murder, the Senate will formally and officially offer apologies to not just the families of Emmett Till but the nearly 4,800 other Americans who died at the hands of lynch mobs in our country, in this great Nation of America, between 1882 and 1968. We offer our apologies as well to the countless millions of Americans who were forced to live with the fear that they could be the next victim.

Emmett Till's cousin, Simeon Wright, was lying next to Emmett the night he was kidnapped and lynched. Simeon Wright is with us today. Doria Johnson, from Evanston, IL, also is with us today. Her grandfather, Anthony Crawford, was lynched by a White mob in Abbeville, SC, in 1916. He was beaten, hanged, and shot more than 200 times. What kind of offense would merit that kind of punishment? What had Anthony Crawford done? Anthony Crawford, in 1916, in South Carolina, a Black man, got into an argument with a White man over the price of cotton seed at a store.

To them and to all who lost a loved one to lynching and to those who lost

a piece of their own childhood and their own sense of security, we say today formally and officially in the Senate that we were wrong—wrong for failing to protect them, wrong because we never said we were sorry.

The murders of Emmett Till and Anthony Crawford are among those documented in a groundbreaking book and museum exhibit called "Without Sanctuary: Lynching Photography in America." The exhibit has traveled all over the United States and opened just last week at the Chicago Historical Society.

Mr. President, just a few days ago, the Chicago Sun-Times did an editorial on this issue of lynching and this exhibit. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, June 12, 2005]
EXHIBIT OF LYNCHING PHOTOS SHOWS EVIL WE
MUST REMEMBER

The Chicago Historical Society's "Without Sanctuary: Lynching Photography in America" seems an unlikely exhibition to launch in a Northern city. But the link between Chicago and "murder by a mob of an individual outside the confines of the legal system," a definition that comes halfway through the exhibit, is long-standing. It has been 50 years since Chicagoan Emmett Till was lynched in Mississippi. That case is still with us.

Till's murder, for allegedly whistling at a white woman, shocked an entire nation and sparked the civil rights movement in the North, but lynching had gone on for decades. Journalist Ida Wells-Barnett was crusading against it in 1892 when three successful black businessmen were lynched. Through her fearless reporting, Barnett established that lynching was not the white man's response to a black man's abuse of white women, but that most lynchings were caused by "economic competition and racial hatred."

In 1893, Barnett stood outside the Chicago World's Fair and protested the exclusion of African Americans, while handing out copies of her pamphlet: "Southern Horrors: Lynch Law in All Its Phases." Still, except for protest art such as Claude McKay's "The Lynching" and Billie Holiday's "Strange Fruit," the sadistic killing of black Americans has mostly been hidden from America's mainstream.

The Chicago Historical Society's exhibit will change that. And it strikes us as fitting that photographs and documents, many of which are on loan from private collections, have ended up here. Although the re-opening of the Till murder case has sparked new interest in this subject, many young Chicagoans probably do not know how widespread this crime was or that it occurred outside of the South in places such as Downstate Cairo.

"No part of the nation was immune," as the exhibit recalls with a quotation from W.E.B. Du Bois. "We must remember because if the world forgets evil, evil is reborn."

The 53 images of lynchings that took place between 1870 and 1961 constitute a shocking testament to America's shame. The lynching exhibition runs through Dec. 4. Don't miss it.

Mr. DURBIN. Mr. President, this editorial from the Chicago Sun-Times urges people to attend the exhibit and notes that "many young Chicagoans probably do not know how widespread this crime was or that it occurred outside of the South in places such as

downstate Cairo," IL. That is an important point. Lynching was not just a southern shame, it was an American shame. While most lynchings occurred in the South, they also happened in the North.

I commend Senators MARY LANDRIEU and GEORGE ALLEN for authoring this resolution and working so hard to have the Senate take it up and right this historical wrong. It is my hope the Senate will match the words of this resolution with action. It is not enough to apologize for the failure of our predecessors to protect their fellow citizens from violent prejudice. We have a responsibility to protect those who are targets of today's hate crimes as well. Senator TED KENNEDY, a Democrat, and Senator GORDON SMITH, a Republican, have been trying for years to persuade Congress to pass a new, stronger Federal hate crimes bill. Year after year, they have met with resistance.

Listen to the arguments of those who oppose a stronger hate crimes bill today, and you hear the same arguments that were made against a Federal antilynching bill decades ago. The names have changed, the arguments and the excuses are the same.

They say we in Congress cannot pass a strong hate crimes bill because it will infringe on States rights or because the Constitution does not give Congress explicit authority to pass such a law.

Listen to what a Member of the House of Representatives, James Woods of Virginia, said in 1922:

This bill, commonly known as the "antilynching bill" would be described more accurately if designated—from the standpoint of its effects rather than from its purpose—as a "bill to override the Constitution of the United States, to foment race hatred, and to revive sectional animosity." If it were possible to put an end to lynching by a lawful act of Congress, none would support such legislation more earnestly than we of the South.

The Constitution does not say anything explicitly about the Civil Rights Act, which the Senate passed 41 years ago, or the Voting Rights Act, which turns 40 today. There always will be political voices that will find excuses to delay acting on the moral challenges of our time.

Finding the moral courage to deal with those challenges in our own time is the real test of leadership. What is it we are doing or failing to do today that would lead the Senate 50 years from now to apologize? That is the question.

I hope Congress will pass the Kennedy-Smith hate crimes bill as tangible proof to the victims of lynching that we will never again withhold our protection when Americans are persecuted and killed simply for being who they are.

When Mamie Till put her son on that train for Mississippi, he was wearing a watch he had been given by his father before his father died. The hands on that watch stopped when Emmitt Till was tortured and murdered.

Much has changed in the 50 years since Emmitt Till died, but some small

part of America's soul has always remained frozen in that time because of our failure to formally acknowledge that what happened was wrong. By apologizing to the victims of lynching—and by having the courage to protect the victims of hate crimes today—we can reclaim that piece of our soul and move forward in time as one Nation indivisible.

Mr. LEVIN. Mr. President, the opportunity has finally come to make the record right—to begin to balance what has been an imbalance. We have come to this floor to apologize for the silence of the U.S. Senate regarding the lynching of our fellow Americans, primarily African Americans.

Tonight, we begin to redress the lynching madness that swept our country from the 1880s and which continued unchecked through the 1950s, and even as recently as the 1960s. It is estimated that nearly 5,000 Americans were lynched during this time. African Americans were strung up from trees, burned at the stake, mutilated in the town square for all to see. Those who committed such atrocities went without punishment. Justice was not only denied, it was ignored, abdicated, and overthrown.

The victims were not just those who were killed. A lynching is not only a heinous and savage act against one person; it is an act of violence against the rights of an entire community. Its victims are everyone who hears its hateful message.

Ida B. Wells-Barnett explained well the nature of lynching in America. Born in Mississippi a few months before the signing of the Emancipation Proclamation, Ida Wells-Barnett was the editor and co-owner of a Black newspaper called "The Free Speech and Headlight." In 1900, she wrote:

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.

Lynching was an attack on the rule of law itself, and yet the U.S. Senate did not act against it. Antilynching legislation was called for by seven U.S. Presidents. The House of Representatives passed three antilynching bills. This body passed none, though many were introduced.

In 1935, Senator Edward Costigan spoke in favor of an antilynching bill he had introduced with Senator Robert Wagner. Having made a careful yet passionate argument for his proposed legislation, Senator Costigan concluded:

If one can mention, much less picture such appalling facts as I have recited without being revolted, he is indeed hardened out of all semblance to humanity. They destroy our claim to civilized life. They must not be permitted to multiply. Every repetition of mob brutality denies its victims the right of

speedy and impartial trial and the equal protection of laws guaranteed by the Constitution. No man can be permitted to usurp the combined functions of judge, jury, and executioner of his fellow men; and whenever any state fails to protect such equal rights, I submit that the federal government must do its utmost to repair the damage which is then chargeable to us all.

Faced with both the opportunity and the responsibility to act, the Senate simply failed. That failure is a permanent stain on this body, and we are not trying to wipe it away. We only hope that acknowledging it will allow for some national healing.

To the families of victims of lynching who sit in the Senate Gallery tonight, let me offer my personal sorrow over the injustice you have suffered. I hope our action today will bring you some comfort, though it cannot ease your loss.

As the ranking member of the Armed Services Committee, I also want to say a special word about the members of the American Armed Forces who were lynched in the country they had defended. Following both World War I and World War II, returning soldiers were lynched, many while still wearing their military uniforms. It is difficult to imagine a more unjust situation. There would be no new respect for these brave African Americans who had fought for our country, only the old order of injustice and hate.

Mr. President, it is easy for the Senate to apologize now. This is not a tough decision, only a somber one. But there are still tough decisions ahead. While we cannot bring justice to those who were lynched, we can continue to bring about the just society that was mocked and shredded by acts of lynching.

In that spirit, I hope that today is part of a larger effort toward racial reconciliation and justice. We can continue by honoring the Tuskegee Airmen with the Congressional Gold Medal for their contributions to our Nation's defense and to its progress, as proposed in bipartisan legislation, S. 392, introduced on February 16, 2005. And we can make progress on so many vital issues—education, health care, jobs—that would improve the lives of African Americans and all Americans. We have moved past lynching, but we have not reached justice. I hope we will not fail to act.

In closing, I would like to thank my able colleagues, Senator MARY LANDRIEU and Senator GEORGE ALLEN, for their diligence and leadership in bringing this healing resolution, which I was pleased to cosponsor, before the U.S. Senate.

Mr. MCCAIN. Mr. President, I am proud to be an original cosponsor of this important resolution. I commend my friends and colleagues, Senator LANDRIEU and Senator ALLEN, for their leadership on this important issue.

It is difficult to address this subject without noting the shameful record of Senate inaction on the issue of lynching. As noted in the text of the resolution, 4,742 people were lynched in the

United States between 1882 and 1968. During that time, 7 U.S. Presidents pushed for Congressional action on what had succeeded slavery as the ultimate expression of racism. Between 1920 and 1940, the House of Representatives passed strong antilynching measures on three different occasions. Sadly, the Senate failed to do its duty to enable antilynching legislation to be enacted, thus allowing this despicable, murderous practice to continue.

This Senate Resolution is long, long overdue. As we all know, the Senate has a basic Federal responsibility to provide protection to those in need. While our predecessors failed in that regard, we have an opportunity today to begin healing the wounds that this body's failures have inflicted upon the African American community for so many years.

The apology we issue today comes too late for the thousands of Americans brutally slain in this abhorrent manner. Hopefully, by our acknowledgment of wrongdoing, and our sincere apology, we can bring some solace to the family members who still recall—all too vividly—the horror of having a loved one murdered by lynching.

We must never forget the thousands of men, women and children who were deprived of life, human dignity, and the Constitutional protections that are to be accorded all U.S. citizens. We have a responsibility—to all Americans—to ensure that the tragedy of lynching, and this body's failure to address it, will neither be forgotten, nor repeated.

Mr. KENNEDY. Mr. President, I join my colleagues in condemning the shameful role of lynching in the Nation's history and the decades of refusal by the Nation, especially the United States Senate, to act against it. I commend my colleagues Senator LANDRIEU of Louisiana and Senator ALLEN of Virginia for bringing this important issue before the Senate floor and taking this long overdue action. And I thank the family members of the victims of lynching, many of whom traveled great distances to be here today.

The history of lynching is a stain on the Nation's past. Over 4,700 persons were lynched in the United States from the 1880s to the 1960s.

These lynchings involved acts of unspeakable cruelty. Many victims were shot, burned or hanged. Some of the victims were accused of criminal offenses, while others were attacked because of something they said or because they were in the wrong place at the wrong time.

The vast majority of victims were African Americans who were killed solely because of their race. In the year 1892 alone, 230 persons were lynched—at least one victim every other day. We must never forget that injustice. Many whites also fell victim to this brutality, singled out for their religion or ethnicity, their refusal to accept the racial hierarchy, or other reasons.

Lynching was devastating to African American communities. It struck fear

into the hearts and minds of African Americans, who knew they could be killed at any time for the most trivial of offenses or for no offense at all.

Year after year, the Federal Government and State and local governments failed to respond effectively to the danger. The perpetrators had little reason to fear that they would be prosecuted or convicted. In some cases, scheduled lynchings were announced in newspapers beforehand, demonstrating the unwillingness of local law enforcement to intervene. Photos of lynchings show onlookers grinning at the camera. The failure of local authorities to prevent these atrocities dehumanized, demoralized, and terrorized black Americans.

When the 370,000 African-American soldiers who served in World War I returned home, many believed that they had earned the equality they had previously been denied. Their hopes soon turned to frustration, as the discrimination of the pre-war years was renewed and reinvigorated. Even newly discharged soldiers were lynched, still wearing their uniforms.

Lynching was more than isolated acts of brutality. It was vigilante mob murder that became systemic, ritualized and condoned by a racist society. It became a cruel weapon of white supremacy which took the lives of many African Americans and terrorized whole communities. Along with Jim Crow laws, segregated schools and dismal lack of property rights, lynching was used as an organized weapon of oppression that denied the fundamental rights of tens of millions of African Americans. As W.E.B. DuBois stated, the things that "the white South feared more than Negro dishonesty, ignorance and incompetency, [were] Negro honesty, knowledge, and efficiency." Lynching was part of an organized attempt to oppress African-American communities and exclude them from the American dream.

In 1900, African-American Congressman George White introduced the first antilynching bill, only to see it die in committee. Brave men and women like Ida B. Wells, W.E.B. DuBois, and others in the NAACP, lobbied tirelessly for Federal antilynching legislation in the first half of the twentieth century. Their efforts succeeded in the House of Representatives, which passed such legislation three times between 1922 and 1940. Each time, however, the legislation died in the Senate.

In 1945, President Truman proposed a new antilynching bill, to make lynching a crime under Federal law. His proposal never made it out of the Senate Judiciary Committee.

We cannot undo the Senate's past failures to act against lynching. But we can and must do all we can to erase its bitter legacy.

Today, there is strong need to strengthen laws against hate crimes and other violence motivated by bigotry. As the Supreme Court has stated, bias-motivated violence is "more likely to provoke retaliatory crimes, in-

flict distinct emotional harms on their victims, and incite community unrest." Like acts of terrorism, hate crimes have an impact far greater than the impact suffered by individual victims; they are crimes against entire communities and against the whole Nation. Whether based on prejudice against the victim's race, religion, ethnic background, gender, disability, or sexual orientation, hate crimes are modern-day lynchings which threaten not just individuals, but our entire social and political order.

My colleague, Senator SMITH and I have introduced bipartisan legislation to strengthen our laws against hate crimes, and I urge all of our colleagues to support it. That bill passed the Senate last year and died in the House. We will not give up until it becomes law.

As each of us knows, the past has consequences for the present, and past acts of lynching over many decades contributed substantially to the disparities between African American and Whites. We cannot undo that history, but if we are sincere in our apology today, we must match our words with deeds and work harder together to close the gaps.

At the beginning of this year, members of the Congressional Black Caucus put forward a plan for doing so, and we should work to implement it as one of the most important issues before us in this Congress.

We need to do more to ensure the job security of African Americans, whose unemployment rate is 10.1 percent—almost double the national average and more than double the unemployment rate of Whites.

Thirty-four percent of African American children live in poverty, nearly double the national average. We know that education is the key to opportunity and a better life, and we should be doing more to improve education at every level. We need to do more to help the youngest children in American—and the earlier, the better. Head Start has a 30-year track record of achievement in preparing children for kindergarten. It makes an enormous difference for 300,000 young African American children.

We must meet our promise of fully funding the No Child Left Behind Act. The President's proposed budget shortchanges elementary education under the Act by \$12 billion—for a total deficit of \$39 billion since the school reform law was first enacted. The No Child Left Behind Act is already leaving 3 million children behind.

In fact, the President's proposed budget contains the first absolute reduction for education in a decade. It has a cumulative cut of \$40 billion for education over the next 5 years. One out of every three programs eliminated by the President is a program in the Department of Education.

We should also be doing more to fund opportunities for college. We know that African Americans are only half as likely as Whites to earn a college

degree. The current annual unmet need of a typical undergraduate now averages \$5,800. It is more important than ever to increase grant aid. Yet the Bush administration has proposed only a \$500 increase in the maximum Pell grant this year.

The budget also reduces a number of important programs to help African Americans, while preserving tax cuts for the rich and powerful. It proposes a 5-year freeze on child care funding, which will reduce the number of low-income children receiving this assistance by 300,000 in 2009. The budget also cuts \$10 billion over 5 years from Medicaid, the program that provides basic health care for the poor.

As we review our legislative priorities, we cannot forget that we have a special duty to address the malignant disparities created by long-standing racial bigotry in this country—of which lynching was the most vicious example but far from the only example.

It's fitting that we enact this apology today, the first day of the long overdue trial for the brutal lynching of civil rights workers James Chaney, Andrew Goodman, and Michael Schwerner in 1964. Those murders, 41 years ago this month, took the lives of three young men whose only offense was attempting to register African Americans to vote in Mississippi, and it shows how deeply rooted racial violence once was in American life. All of us hope that the prosecution now taking place in that case, like the Senate apology today, can begin to heal these bitter wounds of injustice that the nation still feels because of the sordid legacy of lynching.

I look forward to working with my colleagues to achieve the great goal of genuine equal opportunity for all our citizens. May the passage of this resolution mark a new beginning of race relations in America.

Mr. CRAIG. Mr. President, I rise to clarify the record concerning my support for the resolution before us today.

I chose to cosponsor this resolution because of my abhorrence for the crime of lynching. I have been told that the passage of this resolution will enable people whose families were affected by this terrible crime to resolve their frustration that Government authorities did not do more to stop it. If this resolution helps people deal with the past so that they can move on to the future, it is a worthwhile statement to make.

Having said that, I am aware of concerns that have been raised about possible "next steps" based on the Senate's action on S. Res. 39. Let me just say that this resolution should not be interpreted—at least so far as this Senator is concerned—as any kind of an endorsement for some claim of compensation based on any action or inaction of the Federal Government.

In fact, what brings me to the floor is a concern that the actions of a particular Senator long ago may be subjected to unfair, revisionist criticism

from our perspective today. The Senator in question is my predecessor, known as "the Lion of Idaho," William Borah.

Senator Borah was one of the leaders of the Senate in blocking consideration of the anti-lynching legislation. I think it is important for the record to show that whatever motives others may have had at the time for blocking this legislation, William Borah offered convincing justifications for his position rooted in serious constitutional and policy concerns.

This is the conclusion I have drawn from considerable historical research of the debates of the time, which has been condensed into a report by a talented law student, David Palmer, who served as my law clerk earlier this year. I am going to ask that this report be printed in the RECORD so that all my colleagues can review it. It is an absorbing read, and I think it supports the conclusion that Senator Borah made a principled stand at the time.

I ask unanimous consent that the report of David Palmer concerning William Borah's arguments against Senate action be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: Senator Craig

Fr: David Palmer

Re: William Borah's arguments against Senate anti-lynching bills in the 1920's & 1930's

William Borah spoke out in opposition to the anti-lynching bills presented to the Senate on several occasions during the 1920s and 1930s. He did this primarily for two reasons: first, Senator Borah felt that such a bill represented an unconstitutional exercise of federal rights in the realm of criminal law (an area which had previously been reserved for the states); second—to a lesser degree—Senator Borah argued that even if such a bill were constitutional, it would be an ineffective law meant largely to penalize the South. Combining these rationales, and noting that lynching was a relatively infrequent crime of increasing rarity with each passing year, he argued that the tremendous costs to state sovereignty through federal intrusion in this matter would be much more dangerous to the good of all than any uncertain benefits that might come through passing such a bill. In short, Senator Borah was not a racist; rather, he was a man of deep commitment to this nation's federalist system, and this memo will present his respective constitutional and policy arguments against the anti-lynching bills of his day.

1. WILLIAM BORAH'S CONSTITUTIONAL ARGUMENTS AGAINST THE ANTI-LYNCHING BILLS

Senator Borah felt that there were a number of constitutional infirmities with the anti-lynching bills he faced, although they all revolved around his firm belief in states' rights as a centerpiece of the entire government. His constitutional problems with the various anti-lynching bills, as well as his reasons for championing state sovereignty so strongly, are detailed below.

A. BORAH: THE FOURTEENTH AMENDMENT IS NOT AN ACCEPTABLE CONSTITUTIONAL BASIS FOR ANTI-LYNCHING BILLS

To put Senator Borah's arguments in context, the proponents of the anti-lynching bills typically based their opinion that such

bills were constitutional on two grounds: first, that the Federal Government must guarantee a republican form of government to all citizens; second, that the 14th Amendment's equal protection clause allowed for federal action in the face of state failure to prosecute lynchings. 79 Congo Rec. 6, 6524 (1935). Borah felt that the first point was "utterly irrelevant" (id.), and apparently so did his debating opponents, as almost all the constitutional debates Borah participated in dealt with aspects of the 14th Amendment.

Regarding the 14th Amendment, Borah consistently argued that any attempt to apply the amendment to the actions of individuals by the Federal Government should be rejected, as the amendment's framers specifically rejected this idea. Id. at 6362. The anti-lynching bills invariably allowed the Federal Government to step in at some point to prosecute the perpetrators of a lynching if a state had not done its law-enforcement job, thus mandating federal intrusion into law enforcement against individual action which was not undertaken by the states. Borah argued that this simply cannot be justified under the 14th Amendment, as such a capacity for law enforcement by the Federal Government (against individuals not acting as official representatives of a state) was explicitly rejected by those who originally passed the 14th Amendment. Id.

In a later debate (in 1937), Borah similarly argued that the 14th Amendment contains no clause whatsoever allowing the Federal Government to go into a state and establish civil liability for damages between citizens of the state, or between citizens and a subdivision of a state (as would have been allowed in that year's bill). He further argued that this anti-lynching bill was such a new proposition—constitutionally speaking—that the people of the United States should be consulted in the form of passing this bill as a constitutional amendment. Borah feared that it would ultimately result in the "elimination of the states." 81 Congr. Rec. 8,8746-8 (1937).

Additionally, Borah argued that if our nation were really concerned about the equal protection of the law being enforced where it is needed, then the 1937 bill should not have exempted violence due to "gangsterism" and racketeering. This was the area in which he felt that most states had truly failed to enforce the law. Instead, the exemption reinforced in Senator Borah's mind that the anti-lynching bill was really a sectional bill aimed at punishing the south while exempting the northern states for their own law enforcement failures. Id. at 8753.

Finally, in 1938 Senator Borah cited several Supreme Court cases for the proposition that the 14th Amendment was not designed to transfer any power from the states to the Federal Government for protecting the lives, liberty and property of a particular state's citizens. 83 Congr. Rec. 2, 1492 (1938). Borah concluded his 14th Amendment arguments by stating that the only way a state could be liable under that amendment—in this area of the law—is if it were to not pass laws protecting its citizens from lynching. Id. at 1495. Because the states had done that, and given that the framers of the 14th Amendment (and the Supreme Court) had rejected the idea that the amendment transferred any power to the Federal Government for enforcing the criminal law, Senator Borah strongly opposed using the 14th Amendment as a basis for the anti-lynching bills.

B. BORAH: MCCULLOCH V. MARYLAND PRECLUDES THE ANTI-LYNCHING BILLS

Senator Borah attacked the 1938 anti-lynching bill on an additional ground: it would have allowed the Federal Government to bring suit on behalf of an individual

against a division of a state (a county) if the officials of the division had not enforced anti-lynching laws. Borah noted that this ability for one sovereign to bring suit against another sovereign was precluded by a continuous line of Supreme Court cases beginning in 1819 with *McCulloch v. Maryland*, 17 U.S.316. Id. at 1490.

Senator Borah began this argument by pointing out that *McCulloch* held the ability of one sovereign to tax another is the ability to destroy it, and this therefore is not constitutionally permissible. He further argued that the ability of one sovereign to bring suit against another is an equivalent power, and therefore it is unconstitutional on that ground as well. Finally, in response to another senator's argument, Borah went through a detailed list of how the Supreme Court had repeatedly issued decisions supporting his view (even in the cases decided since the passage of the 14th Amendment). Id. at 1491.

There are three key points Borah made in support of this *McCulloch* argument. First, he pointed out that the anti-lynching bill would have allowed the Federal Government to sue counties on behalf of individuals, and these suits against counties would constitute direct interference by the Federal Government with the power of states over their counties. Numerous Supreme Court decisions have disallowed such actions because of their impingement on state sovereignty. Id. at 1492.

Second, Borah argued that suing counties was the same thing as suing states (an idea supported by numerous Supreme Court decisions), and states could never consent to be sued by another sovereign (at most they could consent to be sued by their citizens). Id. at 1493.

Last, he argued that states cannot be found liable for the actions of their employees when those employees are not acting in an official capacity. As states already had anti-lynching laws on their books, Borah argued that any lack of enforcement by state officials of those state laws indicated that county officials were not acting in an official capacity during the dereliction of their responsibilities. Therefore, to allow the Federal Government to take action against those officials would be to allow the government to sue the states (through their counties) in situations where no official state conduct had occurred. 83 Congr. Rec. 1, 141 (1938). This, Borah argued (citing several Supreme Court decisions for this proposition), is constitutionally impermissible. 83 Congr. Rec. 2, 1494 (1938).

C. BORAH'S MISCELLANEOUS CONSTITUTIONAL ARGUMENTS

In addition to the constitutional arguments already discussed, William Borah included two other, albeit less-emphasized, legal objections to the anti-lynching bills in his speeches. One such argument was an objection to the trigger of Federal intervention under these bills: when only one man committed a lynching, it did not allow Federal jurisdiction; rather, it required the actions of a group of people, and thus "the Constitution is being made subject to construction in accordance with the number of persons present when the crime takes place." 79 Congr. Rec. 6, 6677 (1935). Borah concluded this argument by saying that the act should be rejected because "we certainly have not one Constitution for a half dozen and another Constitution for an individual." Id. at 6504.

Another point that Borah made regarding the constitutionality of the anti-lynching bills dovetails with his *McCulloch* arguments. He posed a question on the floor which implied that the particular anti-lynching bill

before the Senate would create a cause of action for an individual against a county (and therefore a state), thus allowing an individual to sue a state—which is explicitly barred by the 11th Amendment. 83 Congr. Rec. 1, 965 (1938). While the senator to whom Borah asked this question replied that the suit technically was to be brought in the name of the United States Government on behalf of an individual, it is clear that this question was designed to cover Senator Borah's bases. In other words, if the suit was undertaken by the United States against a state, then the *McCulloch* reasoning would apply to make it unconstitutional; alternatively, if the action was undertaken by an individual, the 11th Amendment would apply. In either case the act would be unconstitutional.

D. BORAH: THE ANTI-LYNCHING BILLS WOULD DESTROY ESSENTIAL STATES' RIGHTS

Near the conclusion of William Borah's final speech regarding the anti-lynching bills, he summarized his position by stating that his only interest in opposing these bills was in preserving the integrity of the State. To him, the state was and remained "the fountain source of the people's power in the Government; and when that is destroyed, democratic government is at an end." 83 Congr. Rec. 2, 1496 (1938). Racism did not enter that consideration, as his words and actions reveal a man of great devotion to the ideals of our federal system. Moreover, given the complete lack of a constitutional basis for any federal anti-lynching law, Borah felt that such a measure would constitute a naked intrusion by the Federal Government into state sovereignty. Furthermore, while Senator Borah repeatedly said that he had great respect for what the senators backing the anti-lynching bills were trying to do, he also could not allow any such bill to pass out of the Senate in order to have its constitutionality ruled on by the Supreme Court (as several senators had suggested as a course of action) without "stultifying" his own convictions. 79 Congr. Rec. 6, 6673-4 (1935). If the law were to be somehow found constitutional under an increasingly activist court, Borah felt that through this bill the Congress would "have utterly annihilated all State sovereignty." Id. This was a possibility he could never support.

A primary reason Senator Borah so passionately opposed the anti-lynching bills was that allowing federal intrusion through those bills would create a principle of law that he felt would justify further intrusion in almost unlimited circumstances. While supporters of such bills could argue that the legislation only allowed federal intrusion under limited circumstances, the legal principle of the matter was of supreme importance to William Borah. He stated "[i]f the Federal Government can send a United States marshal into the State of Tennessee to arrest a sheriff because he has failed to protect a colored man from violence, it can, under the same principle, send a United States marshal into the State of New York to arrest a sheriff, or other officer on whom the duty is imposed, because he neglected to protect the life of a citizen against the violence of thugs." 83 Congr. Rec. 1, 141 (1938). Therefore, while an anti-lynching bill might only take a limited amount of power from the states in the short-term, Senator Borah was a man who looked at the long-term future; he saw that any such bill such held grave implications for the sovereignty of states. Along these lines, he also argued that allowing this level of federal intrusion would indicate the complete displacement of our nation's federalist system. After all, if a state could not be entrusted exclusively to enforce its own laws, then he felt there was no such thing as local government. Id.

Additionally, Senator Borah included in his speeches some powerful language as to why he felt so strongly about protecting states' rights. In one speech, he explained that the experiences uniquely gained in local government shaped the political views of the founders of this nation. 83 Congr. Rec. 2, 1496 (1938). In another debate, he explained that in 1922 he opposed, in committee, the Dyer anti-lynching bill in part because he was convinced that it is not sound national policy "to remove responsibility from the different local governments of the communities for the enforcement of the law. In the long run that results in breaking down all sense of duty upon the part of the citizen." 79 Congr. Rec. 6, 6673-74 (1935).

Moreover, this opposition to encroaching federal power is consistent with Senator Borah's views on other New Deal legislation as detracting from state sovereignty. Regarding such legislation he went on record as stating that "we can only have a great Federal Union by having great individual sovereign States." Id. Concerning all of these measures (including the anti-lynching bill), Borah expressed his heartfelt feeling that "there is nothing in all the realm of government more essential to the happiness and well-being of the American people than the right of local self-government," and the increased power by the Federal Government constituted an ever-growing threat to this happiness and well-being. Id.

In sum, Senator Borah felt that states necessarily had to retain their sovereign powers to make this union a great one. Any detraction from that power, particularly one with such far-reaching principles for federal intrusion as would be created under this bill, would be devastating to our federal system. Given the complete lack of constitutional support for such a bill in his eyes, William Borah could not in good conscience allow any of the anti-lynching bills to leave the Senate and potentially destroy the sovereignty of the states under an overreaching Supreme Court. Senator Borah was a deep believer in states' rights, his words and actions consistently supported that view, and to ascribe racism to him as a motivation is to both blatantly ignore the historical record as well as demean a man who dedicated his Senate service to furthering the form of government that would provide the greatest good for Americans of all races. As the Senator himself put it (in reference to the final anti-lynching bill put before him): "[t]his, Mr. President, is another compromise with a vital principle of our dual system of government. It is bartering with the future for the supposed and transient demands of the present, and at a time when the present is taking care of the problem. It is another instance in which our confidence in our scheme of government is not strong enough to say to all races, all creeds, all groups, and all factions: Your problems, however serious, are subordinate to the principles of this Government, and you must work them out within the compass of the long-tested and well-accepted principles of democracy." 83 Congr. Rec. 1, 143 (1938).

II. WILLIAM BORAH'S POLICY ARGUMENTS AGAINST THE ANTI-LYNCHING BILLS

Although Senator Borah's opposition to the anti-lynching bills was primarily based on his belief that such legislation represented an unconstitutional infringement on states' rights, he also opposed the bills as poor policies. In his view, even if such bills were constitutional, they would merely result in an ineffective law that would destructively penalize the South. Given that lynching was declining each year as a crime, Borah believed that instituting an ineffective—and potentially damaging—bill to stop

a disappearing crime was simply not worth the price to be paid in greatly eroded state sovereignty. This section will detail William Borah's beliefs that creating federal anti-lynching laws would be poor national policy—even if they were somehow deemed constitutional.

A. BORAH: THE ANTI-LYNCHING BILLS ARE POTENTIALLY HARMFUL SECTIONAL MEASURES

In an extended speech given in 1938, Senator Borah assumed, for purposes of arguing the wisdom of adopting such a policy, that the anti-lynching bill before the Senate was constitutional. He then attacked the potential law on several grounds, beginning with his belief that the bill was nothing more than a sectional measure aimed at the South. 83 Congr. Rec. 1, 138-9 (1938). By sectional measure, Borah meant that he believed this legislative measure to be based on the same idea that inspired so much of northern policy towards the South during Reconstruction: a desire to punish the area because the southerners were incapable of self-government. *Id.* Although the senator did not offer in his 1938 speech a great amount of evidence as to why this was a sectional measure, it seems clear from his earlier speeches regarding the exception of "gangsterism" from prosecution that he felt anti-lynching legislation was aimed at a crime primarily occurring in the South while simultaneously exempting northern cities and states from their own law enforcement failures.

Senator Borah further explained that a measure aimed at the South would be both undeserved by the region and potentially harmful to the nation. He felt that the South had dealt as well as could possibly be expected with its "race problem" in the 70 years since the Civil War, and this was in part evidenced both by the economic progress of southern blacks as well as the lower per capita arrest rate by southern blacks (as compared to northern blacks). He finally stated his belief that nations are held together by more than just laws; mutual respect, confidence and tolerance from one part of the country to another is essential too. Borah feared that passing such a sectional bill would arouse old problems in the south that could potentially disrupt national unity. *Id.*

B. BORAH: THE ANTI-LYNCHING BILLS WILL BE INEFFECTIVE

Another policy argument that Senator Borah advanced against anti-lynching legislation was that it would be ineffective. He first stated this belief in the Congressional Record in 1935 when he argued that the legislation would be useless because lynching can only be effectively prevented by educating people. 79 Congr. Rec. 6, 6674 (1935). Borah reiterated that same argument in 1938, when he stated that educating both races "to understand their responsibility to society" would be the best way to end lynching, and he also noted that such education was underway in the South. 83 Congr. Rec. 1, 139 (1938).

Additionally, Borah argued that the actual enforcement of the federal law would be ineffectual for two reasons. First, he pointed out that the Federal Government is simply incapable of enforcing criminal law; he cited the federally-controlled District of Columbia and its extraordinary murder and crime rate as his primary example of this ineptness. *Id.* His second reason aligned with his concern that this was a sectional bill: Senator Borah felt that if Congress were to pass a bill that the South would interpret as aimed at them, then it would be completely unrealistic to expect southerners—even those employed by the Federal Government—to enforce the anti-lynching laws to any greater degree than the state anti-lynching laws. He firmly

believed that laws could not be enforced without being backed by public opinion. *Id.*

C. BORAH: LYNCHING IS DISAPPEARING AS A PROBLEM IN THE UNITED STATES

A final policy argument that Senator Borah made against anti-lynching laws is that it was a disappearing crime. In 1937 he offered the statistic that 40,000,000 Americans were living in poverty to support Senator Pepper's argument that the Senate should be dealing with the problems of the nation's poor instead of "debating an anti-lynching bill, when the total toll of lynching last year, I think, was about 11, one of the minor categories of crime, nationally speaking, in the United States." 82 Congr. Rec. 1, 158 (1937). One year later Borah argued that lynching had dramatically decreased in the United States since 1918, and it had almost disappeared in many states by 1938. Given the extremely small number of lynchings in the two years prior to the introduction of the 1938 anti-lynching bill (combined with the national trend towards fewer lynchings each year) Senator Borah concluded that there was not a sufficient problem to justify judging the southern states (through passing a sectional measure against them) as having failed in their provision of free government. 83 Congr. Rec. 1, 140 (1938).

III. POTENTIAL PROBLEMS WITH WILLIAM BORAH'S STATEMENTS

Although Senator William Borah's speeches convey the message that his real motivation for opposing anti-lynching legislation was based on his concern for state sovereignty, he did make one particular comment that needs to be addressed for its potential racial offensiveness. In 1938, Borah referred to a quotation by Henry W. Grady as true, and this quotation described the white and black races as two "utterly dissimilar races on the same soil—with equal political and civil rights—almost equal in numbers but terribly unequal in intelligence and responsibility." *Id.* at 141. While this quote does on its face seem to be an overtly racist comment, there are a few reasons why this quote should not be taken as evidence that William Borah fought the anti-lynching bills because he was himself a racist.

The first reason this is so is that following this quotation, Borah put what he meant by it in context. As he explained, he felt that no race of people would have the capacity to assume full citizenship following years of being enslaved. *Id.* (Borah then argued that the efforts by the South in the years since Reconstruction were the best that could be expected given the circumstances of the region's past, and therefore the region should not be punished by this sectional bill.) Given his statement that no race could have assumed full citizenship following such treatment, it implies that Borah considered any lack on the part of the blacks to be a result of their slavery rather than an innate racial defect. While it is not a flattering statement, it is not strictly a racist remark; instead, Borah does seem to indicate that any race under similar conditions would be unequal in some regards to the enslaving race.

More important, William Borah's other speeches all strongly reinforce the point that his opposition to the anti-lynching bills were purely based on his views of the importance of state sovereignty. He repeatedly praised the intentions of his Senate colleagues who supported the anti-lynching bills, and none of those opponents ever imputed any racist motives to his beliefs. While opposing senators may have disagreed with his constitutional views, there is no record whatsoever that Borah's views were not legitimately held in this and other areas of federal expansion. To try and read such a motivation into the Congressional Record is to engage in re-

visionist history with no basis other than a personal agenda. Any description of William Borah as being racially motivated to oppose the anti-lynching legislation ignores all of the written record in order to manufacture a preferred reason for the senator's views.

IV. CONCLUSION

Senator William Borah was a passionate advocate for states' rights, and this—rather than racism—was the basis for his opposition to the anti-lynching bills presented to the Senate during the 1920s and 1930s. Senator Borah felt that those bills were unconstitutional for several reasons, and the 14th Amendment was certainly not a sound basis for them to pass constitutional muster. Moreover, Borah saw the anti-lynching bills as creating a principle that would justify repeated and destructive federal intrusion into the state sovereignty that was necessary for our nation's well-being. Finally, as lynching had dramatically decreased in the United States by the late 1930s, and given the Senator's feelings that anti-lynching legislation would be an ineffective solution to that disappearing problem (while at the same time threatening national unity), William Borah strongly believed that passing an anti-lynching bill would needlessly destroy our nation's federalist system without solving any problems at all.

In his final Senate speech against an anti-lynching bill, Senator Borah eloquently concluded by arguing that a loose interpretation of the 14th Amendment would contribute to the downfall of our governmental system, and that "a few lives will be lost if we do not pass this measure, . . . which we will all regret. But many lives were lost to establish this Government, to establish this dual system, and the happiness and contentment of many millions will be lost if we do not preserve it." 83 Congr. Rec. 2, 1497 (1938).

Mr. KOHL. Mr. President, I rise today not only to show my support for S. Res. 39 but also to honor the achievements of Dr. James Cameron, the oldest living lynching survivor. Dr. Cameron moved on from his horrific early experience with racial hatred to found America's only Black Holocaust Museum. His life story and work are a source of hope and pride for many survivors of racial violence.

Dr. Cameron was born in LaCrosse, WI, in 1914 and moved to Indiana as a teenager. In Indiana, he accompanied two friends involved in an armed robbery that turned to rape and murder. Though Dr. Cameron ran away well before the crime was committed, all three young men were taken to jail. The Ku Klux Klan stormed that jail on August 7, 1930, hung Dr. Cameron's two friends and beat Dr. Cameron severely. Dr. Cameron survived but spent another 6 years in jail for crimes he did not commit.

Dr. Cameron has never let us forget the injustice done to him and to too many other victims of lynching and other forms of racial violence. After moving back to his home State of Wisconsin, he founded the Black Holocaust Museum in Milwaukee. This unique museum lays bare our Nation's violent past of racism and slavery. Dr. Cameron's efforts to shine a light on this disturbing aspect of our history have opened the eyes of thousands to the suffering of African-Americans—not only in the age of slavery but also in

the decades that followed. As painful as the exhibits in his museum are to view, they are a necessary reminder of the costs of racial hatred—and of the apology we owe to the families torn apart by acts of racial hatred.

Because of my great respect for Dr. Cameron—and because he has opened our eyes to the great crimes committed by this nation by not ending lynching—I am cosponsoring S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact antilynching legislation. The history of lynching in America is an atrocious one indeed. Between the years 1882 and 1968, some 4,700 people were lynched. And though, over that same period, nearly 200 antilynching bills were proposed, none made it past the Senate.

That lack of action is truly a black mark on this institution's history and legacy. An apology cannot erase our crimes—but an acknowledgment of the costs of our inaction is a first step toward ensuring we never again let hate and racism run unchecked through our great Nation.

Ms. SNOWE. Mr. President, I rise today as a cosponsor and strong supporter of S. Res. 39, an apology on behalf of the United States Senate, for its inaction during one of this Nation's darkest chapters. Today, my colleagues and I, through this legislation, offer an apology to the victims of lynching, and their families and descendants, for the Senate's failure to enact antilynching legislation throughout the course of this Nation's history. Despite the fact that, at key junctures in our Nation's history, the House of Representatives passed, and the President stood ready to sign, Federal law to actively eliminate lynching throughout the country, such legislation died in the Senate, as did the many victims of this heinous crime who might have been saved by the passage of such law.

Following the Civil War, and as Reconstruction ended Federal troops withdrew their presence from the States that had been in rebellion, lynching became the most extreme form of racial oppression in the South. Between 1881 and 1964, at least 4,749 reported lynchings took place, with most of the victims being black; all but four States had at least one lynching on record. However, 99 percent of the perpetrators of these crimes escaped any punishment, as State and local authorities refused to investigate and prosecute these cases, and those who were charged with lynching were regularly acquitted by all-white juries.

Unprotected by State authorities, African-Americans and civil rights groups sought protection from the Federal Government, the same authority that rid this Nation of the scourge of slavery. As a result of the Reconstruction amendments to the Constitution, the Federal Government had the express power to pass legislation under the 13th and 14th Amendments to use

the full force of the Federal Government's law enforcement authority to put an end to lynching. In fact, between 1890 and 1952, seven Presidents petitioned Congress to halt lynching, and almost 200 antilynching bills were introduced in Congress. Most notably, on three on three occasions between 1920 and 1940, the House of Representatives passed strong antilynching bills. And equally as regrettably, all three of these bills died in the United States Senate.

That is why I find S. Res. 39 to be entirely appropriate, and frankly long overdue. This resolution, offered by my colleagues Senator LANDRIEU and Senator ALLEN, constitutes a formal apology by the Senate "to the victims and survivors of lynching for its failure to enact antilynching legislation." It further expresses this Chamber's sympathy and regret to the descendants of these victims. Undoubtedly, a measure of this nature may stand as insignificant when compared to the sad legacy of men, women, and children dying at the hands of racist, bigoted vigilantism. Yet it is my hope that this resolution, which we will pass tonight, will help heal some of the wounds for the surviving family members of the victims of lynching.

This effort has been a long time coming, and I am thankful for the involvement of my colleagues, present and former, who have taken part in supporting this effort. I thank the sponsors of this resolution, Senators ALLEN and LANDRIEU, as well as all other cosponsors of this resolution, 60 in number altogether. I also want to thank Janet Langhart Cohen and her husband, our former colleague and fellow Mainer Bill Cohen. Their devotion to championing this cause helped to raise my awareness of this issue, and I am sure many of my colleagues have similar feelings.

For decades after the Civil War, too many of our fellow Americans suffered from the murderous actions of lynching bees and the fear and intimidation that accompanied those actions. People of all backgrounds fell victim to lynch mobs in nearly every State, but this burden fell especially hard on our fellow citizens in the African American community. Needless to say, the Senate bears no direct responsibility for these crimes, nor does this resolution suggest anything along those lines. However, the Senate's sin was one of omission. At critical junctures in our history, when the tide of the terror wrought by lynching could have been stemmed by passage of Federal legislation, the Senate single-handedly blocked such action. For this inaction, at times when this legislative body was needed the most, we in the Senate express our heart-felt apology to those whose suffering could have been avoided.

I yield the floor.

Mr. LOTT. Mr. President, I would like to state my support for the nomination of Thomas B. Griffith to the

U.S. Court of Appeals for the D.C. Circuit. I believe that Mr. Griffith will serve the Federal judiciary with honor and distinction.

Mr. Griffith served as Senate Legal Counsel while I was majority leader, and I found him to be intelligent, honorable, and supremely qualified for this position on the Federal bench. As Senate Legal Counsel, he represented the Senate, its committees, Members, officers, and employees in litigation relating to their constitutional powers and privileges; advised committees about their investigatory powers and procedures; and represented the institutional interests of the Senate with honor.

He was appointed to that nonpartisan position by a unanimous resolution sponsored by the leaders on both sides of the aisle. In addition to his service to this body, Mr. Griffith has obtained extensive legal experience in private practice in civil, criminal and regulatory matters.

Mr. Griffith currently serves as assistant to the president and general counsel of Brigham Young University, a position he has held since August of 2000. As general counsel for BYU he is responsible for advising the university on all legal matters, including the management of all litigation involving the university.

Evidence of qualification can also be found in Mr. Griffith's outstanding academic record. He graduated *summa cum laude* from BYU, receiving high honors with distinction from its Honors Program. He later received his Juris Doctor from the University of Virginia School of Law and served on the editorial and articles review board of the Virginia Law Review.

Mr. Griffith has the support of a broad, bipartisan group of attorneys and law professors, including Abner Mikva, former Chief Judge of the Court of Appeals for the D.C. Circuit.

This nominee has also served on the American Bar Association Central European and Eurasian Law Initiative's Advisory Board. With the CEELI, he participated in the training of judges and lawyers in Croatia, Serbia, Russia, the Czech Republic and several other countries and has actively worked to establish a regional judicial training institute in Prague. His experiences in these unique endeavors should be of particular value during his tenure on the bench.

Additionally, between 1991 and 1995, Mr. Griffith dedicated hundreds of hours in the pro bono representation. He has also represented disadvantaged students in the public school system in North Carolina during due process hearings that accompanied disciplinary actions.

The American Bar Association has stated that Mr. Griffith is qualified for this position in the Federal judiciary, and I concur.

Mr. LEAHY. Mr. President, the resolution for consideration today details the Senate's shameful failure to pass

anti-lynching legislation despite several attempts. Even as seven Presidents called for anti-lynching legislation, and the House three times passed such bills, the Senate has steadfastly refused to act.

At least 4,749 people were reported lynched between 1881 and 1964, with the vast majority of the victims being African-American. Shockingly, 99 percent of the perpetrators of these horrible acts escaped punishment from State or local authorities.

My State was one of only four or five States that did not have a lynching during that time. It wasn't just one or two States. It was every State in the Union, every State of the then-48 States with the exception of only four or five.

Even though my State did not have any, I cosponsored this resolution because I believe an apology is in order. I have cosponsored this resolution because an apology is surely in order, and I believe Senator LANDRIEU deserves great credit for bringing this important issue to the Senate's attention.

This public act of contrition is an important gesture today to take responsibility for the civil rights misdeeds of the past. But it is also an opportunity for Congress to show the country that we will not tolerate similar offenses. As we pass this resolution, it is fitting to carry this principle to the present and act in kind to prevent civil rights and human rights abuses occurring now in this country and around the world.

As we pass this resolution, we should also recognize that it is long past the time to pass the Local Law Enforcement Enhancement Act, which would strengthen and extend our Federal hate crimes law. The Senate has repeatedly passed this bill, with 65 votes in the last Congress. The Republican leadership in the House, with the acquiescence of the Bush White House, has killed it. It is fitting that we apologize for past inaction, but that does not obviate the need to solve today's problems.

By the same token, we should reauthorize the Voting Rights Act in this Congress and not wait for 2007. We need to ensure that this law, one of the most important bills of the 20th century, remains in effect to safeguard the fundamental right of all citizens to participate fully in our democracy.

We should also remember the leading role this country played in drafting the Universal Declaration of Human Rights, which was modeled on our own Bill of Rights. As the country that, especially since the Second World War, has been looked to around the world as a beacon of hope for victims of arbitrary arrest, torture, and the denial of fundamental freedoms, we need to set a far better example than we are today. The atrocities and dehumanizing mistreatment that have occurred in U.S. military detention facilities in Afghanistan, Iraq and Guantanamo, are eerily reminiscent of some of the despicable

acts described in this resolution. In addition, the continued assistance the administration is providing to foreign security forces that violate human rights, directly contradict the message we are trying to send with this resolution. We should not be satisfied with long overdue apologies. There are serious human rights problems that we need to address today.

A few years ago, I had the opportunity to examine the book "Without Sanctuary: Lynching Photography in America," which is referred to in this resolution. The haunting photographs in this book make plain the evil that lurked in this Nation not very long ago, and make it impossible to accept the fact that the individuals and mobs that committed these heinous acts by and large suffered no consequences. This resolution deserves our immediate approval, and I hope it provides some comfort to the descendants of the victims of these horrible crimes.

Mr. KYL. Mr. President, it is every citizen's duty to know American history. One fact we must reckon with is that our experiment in self-government began in a compromise with the existence of slavery. As the American experiment went forward, protections granted to slavery in the Constitution—a document that never explicitly mentioned slavery—were dismantled. The cost was great: Brother fought against brother in the Civil War, largely over whether "the peculiar institution" would be allowed to thrive in the United States. When, at the end of that terrible conflict, the 13th amendment was put in the Constitution, slavery was abolished.

Yet while a pernicious institution was now, thankfully, illegal, its aftereffects were still felt in the former slave States. Postwar reconstruction was supposed to restore the natural and the civil rights of the former slaves and their descendants; but State and local authorities did not enforce those rights. The lynching of African Americans, and other forms of persecution, would persist into the 20th century, to the shame of every decent citizen.

Candidly facing this history is important. We must not forget the wrongs of the past—nor that we have had leaders willing to come forward and stand against those wrongs. From the Continental Congress passing the Northwest Ordinance of 1787, which banned slavery in the region northwest of the Ohio River, to the words and deeds of Frederick Douglass and Abraham Lincoln, to the civil rights movement of the 1960s, brave men and women reaffirmed for all of us the principles of human equality and consent of the governed on which our Nation was founded.

Lincoln declared: "Those who deny freedom to others deserve it not for themselves, and under a just God, cannot long retain it."

I support Senate Resolution 39 in the name of honesty and national unity. As Senators representing Americans of all colors and creeds, we ought to give due

recognition to past injustices. Even more importantly, we ought to live today by Lincoln's dictum. We must make sure our laws and our practices always reflect our belief in individual worth and equality under the law. This belief held in common is what has helped Americans—whatever their race, religion, or background—to succeed.

Mr. FEINGOLD. Mr. President, the Senate has accomplished some wonderful things for this country. But sometimes this body makes grave mistakes. Today, by passing the resolution apologizing to the victims of lynching, we acknowledge one of the gravest. The use of the filibuster and other dilatory tactics to prevent the enactment of a law criminalizing lynching is among the darkest chapters in the history of the U.S. Senate. This resolution is a small but important step toward helping us come to terms with the Senate's disgraceful failure over a period of many years, at the beginning of this century, to protect our citizens. I congratulate Senators LANDRIEU and ALLEN for their work to bring this resolution before the Senate.

There are few crimes as despicable and contrary to the rule of law as lynching. The practice was born of hatred, racial or otherwise, and disdain for our criminal justice institutions. Unfortunately, lynching occurred throughout the United States, with cases documented in all but four states. From 1881 to 1964, there were 4,749 recorded victims of lynching. Of these victims, 3,452 were African Americans. Worse still, in nearly all cases of lynching before 1968, local and state law enforcement officials failed to investigate or prosecute the perpetrators.

An anti-lynching law would have allowed Federal prosecutors to bring the perpetrators of lynching to justice. On three occasions, the House passed anti-lynching bills, but each time a small group of Senators filibustered the proposals in the Senate.

Although a resolution cannot make up for the terrible injustice perpetrated against the victims of lynching and their families, this resolution is, at least, a positive step toward recognizing the Senate's past mistakes. There is much more that the Senate must do to address continuing racial injustice in this country. But this resolution is a worthy effort. I am proud to support it, and I am pleased that the Senate will pass it tonight.

Mrs. LINCOLN. Mr. President. I rise today in support of Senate Resolution 39.

This resolution acknowledges a dark period in the history of our Nation and the history of this institution. It was a time of racial intolerance, hatred and violence, that took the lives of 4,742 people, mostly African Americans, between 1882 and 1968. It was also a time when this body failed to fulfill its moral and constitutional responsibilities to pass significant legislation

which may have prevented many of these deaths.

During this time, there were 284 victims of lynching in my home State of Arkansas. It was a crime that was documented in over 46 States. To properly punish those responsible, Congress tried on over 200 occasions to pass antilynching legislation but on each occasion it came to the Senate floor, it was defeated.

While we can never adequately express the deep sympathy and regret in our hearts, I am hopeful this long overdue acknowledgment and apology brings some sense of solace to the descendants of victims of lynching. This was a moment in our nation's history that was at odds with the principles upon which we were founded, and a moment at odds with our future. When we acknowledge the misdeeds of our past and demonstrate a willingness to learn the lessons from those actions, we build upon the many things that unite us all to make our Nation stronger and a better place to live.

Mrs. BOXER. Mr. President, today we in the Senate are finally apologizing to the descendants of the nearly 5,000 victims of lynching, primarily African Americans, for our failure to enact antilynching legislation.

Even though the House of Representatives passed three strong antilynching measures between 1920 and 1940, the Senate filibustered all of those measures. This was wrong, and this resolution is long overdue.

Lynching, a widely acknowledged practice that continued until the middle of the 20th century, was a shameful chapter in our history. It was mob justice at its most heinous, motivated by racial and ethnic hatred. And it was a national problem occurring in all but four States in our country.

While passing this apology is important, it not going to right every wrong. And it does not absolve us of our responsibility to continue to work to provide justice in American society.

Justice at the polls for those who are made to stand in line for hours to exercise their right to vote.

Justice in the schools so that every child has an equal educational opportunity.

Justice in the workplace so that no worker will face discrimination.

Let us use this opportunity not only to apologize for a shameful injustice but to dedicate ourselves to eradicating the remaining injustices in our society.

Mr. HARKIN. Mr. President, I am here to speak on the Senate's need to redress a past wrong. For more than 6 decades, the Senate attempted to pass legislation outlawing the terrible act of lynching. And for more than six decades, against the wishes of many Presidents and a majority of Congressmen and Senators, a small minority of Senators prevented any antilynching legislation from passing this body. Three times the House passed bills with severe penalties for perpetrators of this

crime, and three times companion bills failed to garner enough support to stop a filibuster in the Senate. Today, it is time for atonement—and for a belated apology on behalf of the United States Senate.

My colleagues and I have drafted this resolution to apologize for the past mistakes of this governing body. This terrible crime was a widespread phenomenon in the late 19th century and throughout the first half of the 20 century. It was practiced in some 46 states.

Mark Twain once termed lynching as an "epidemic of bloody insanities." Compounding the tragedy of lynching is that fact that some 99 percent of the perpetrators of these crimes failed to receive any punishment for their actions.

This resolution cannot make up for the Senate's past failures, but it will serve as a statement of remorse from this body. It has been said that one cannot judge the past through the lens of the present, but lynching should have been viewed as a crime in any time. The Senate, through this legislation, apologizes for its past mistakes, and seeks to redress the failure of this body to protect Americans from violent and sadistic behavior.

No longer will this body permit an "epidemic of bloody insanities" to overtake this Nation.

Mr. JEFFORDS. Mr. President, I would like to express my support for Senate passage of S. Res. 39, a resolution of apology for the Senate's failure to pass anti-lynching legislation.

Some may wonder about the need to pass this resolution concerning events that occurred decades ago. I believe it is important that light be shown upon, and a discussion occur, about these horrific events. As the famous saying goes, "Those who do not know history are doomed to repeat it." There were almost 5,000 documented cases of mob lynching in the United States since the Civil War. It is important to note that many historians believe this number should be doubled to include the undocumented cases that occurred.

Lynchings occurred almost everywhere in the United States, and were in many cases examples of so-called mob justice which thwarted the decisions of or shortcut the American judicial system. Despite the national scope of these events, the Senate refused to pass anti-lynching legislation that would provide greater protection to innocent victims and bring the guilty to justice.

While we cannot reverse the decisions made by previous Senates, we can at the very least, offer our apologies and highlight this shameful period in American history. Only by exposing these terrible events, discussing how they occurred, and learning from them can we hope to avoid repeating them in the future.

Ms. MIKULSKI. Mr. President, today the Senate acknowledges the dark side of our history. We apologize for a ter-

rible wrong—the Senate's repeated failure to adopt anti-lynching legislation. This legislation is long, long overdue. I join my colleagues in offering this resolution as a way of saying how profoundly sorry we are that the Senate did not act decades earlier—when action might have saved lives. We also recommit ourselves to ensuring that this will never happen again.

The horrific practice of lynching is a stain on our Nation—and on our souls. There were over 4,700 documented lynchings in the United States. There were 29 documented lynchings in Maryland. These lynchings were public events, with members of the community colluding—either directly or indirectly—in this horrifying practice. It was no accident that they made them public—they were sending a message to other African Americans in the community. These crimes left thousands of people dead and families and communities scarred. Yet 99 percent of these murderers were never arrested or tried for their crimes.

For many in Maryland, the history of lynchings is not an abstraction—it is the history of their family or their community. The Washington Post reported about a 1906 lynching in Annapolis, where Henry Davis was lynched on a bluff near College Creek just days before Christmas. There was George Armwood, who was lynched and burned by a mob in Princess Anne's County, and King Davis—who was lynched in Brooklyn, MD on Christmas Day in 1911. Many institutions throughout the Nation have tried to document the extent of this racial violence—but so many incidents went unreported that we will never have a true account of how many African Americans were murdered.

Billie Holiday, a Baltimore native, tried to capture the despicable practice of lynching in her 1939 song "Strange Fruit." Her career suffered because of the painful honesty of this song. Her record label refused to record it, and some of her concerts were cancelled. Yet Holiday's perseverance turned "Strange Fruit" into one of the "most influential protest songs ever written" and an inspiration for those fighting for racial justice.

The Senate tried several times to put an end to this monstrous practice by outlawing it, but each time the measure died. This is a horrific failure that cost American lives. This failure will always be a scar on the record of the United States Senate.

Today we apologize for this tragedy, though no action now can right this wrong. Although we acknowledge this dark side of our history, we cannot and should not want to erase it. We must ensure that it serves as a lesson about a time when we failed to protect individual rights and preserve freedom.

This legislation is important to recognizing the evil of lynching and the failure of government to protect its citizens. It also stands as a symbol of our commitment to move our Nation

forward so we can truly be a symbol of democracy.

Next week in Baltimore, we will open the Reginald Lewis Museum of African American History and Culture. It will be a proud day—the celebration of a strong and proud history that has made our Nation great. This museum documents the courageous journeys toward freedom and self-determination for African Americans in Maryland and in America. Yet history must also acknowledge this dark side of our history. We must educate the next generations about the proud history, and mighty struggle that African Americans have endured in the United States.

Today, this resolution stands as a painful reminder of that history. Yet it should also stand as a guiding principle—that we must always fight to protect the rights of all Americans. This resolution acknowledges that the Senate was wrong when it failed to enact anti-lynching laws. But it also empowers us to move forward to do all that we can to strengthen opportunity for all Americans, to fight discrimination in every form and to ensure that we vigorously protect the rights of all Americans.

Mr. ALEXANDER. Mr. President, this past February, I introduced the resolution celebrating Black History Month that follows these remarks. Thirty five other Senators have joined me in this effort. I offered this resolution in the spirit of my late friend Alex Haley, who lived his life by the words “Find the Good and Praise It”. These six words are etched on his tombstone in the front yard of his grandparents’ home in Henning, TN. When Alex was a boy, he would sit on the front porch steps of that home on summer evenings listening to his great aunts rock in their chairs and tell the stories that eventually became *Roots*, the story of the struggle for freedom and equality.

It is in that spirit that the Black History Month resolution honors the contributions of African Americans throughout our history, recommitments the United States Senate to the goals of liberty and equal opportunity for every American, condemns the horrors of slavery, lynching, segregation, and other instances in which our country has failed to measure up to its noble goals, and pledges to work to improve educational, health, and job opportunities for African Americans and for all Americans.

African Americans were brought forcibly to these shores in the 17th century. From that dark beginning, however, these men and women and their descendants have overcome great obstacles. They continue to do so, and have taken a prominent place among the many people of diverse backgrounds who have come together here to form a single nation. African Americans have made and continue to make significant contributions to the economic, educational, political, artistic, literary, scientific, and technological

advancement of the United States of America.

Black History Month, and this discussion in the Senate today, offer an opportunity to remind ourselves that the United States of America is a work in progress. Ours is the story of a people establishing high ideals, and then struggling to reach them, often falling short, rarely achieving them, but always recommitting ourselves to trying again. This is why we continue to say that anything is possible in America, that no child shall be left behind, and that we will pay any price to defend freedom, although we well know that we will never quite reach such lofty ideals.

Perhaps the most ambitious of our goals is the proposition, expressed in the Declaration of Independence, that “all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. . . .” Our most conspicuous failure to reach this goal is the treatment of African Americans. Slavery, lynching, and segregation are all disgraceful examples of times when this Nation failed African Americans, when we failed to live up to our own promise of that fundamental truth that all men are created equal.

However, for almost every time that we have failed, we have then struggled to come to terms with the disappointment of that failure and recommitted ourselves to trying again. Where there once was slavery, we enacted the 13th and 14th amendments abolishing slavery and declaring equal protection under the law for all races. After segregation, came *Brown v. Board of Education* and the Voting Rights Act. There are so many moments like these in our history. We should celebrate these moments, but we should not stop there. We celebrate and remember our history so that we can learn its lessons and apply them today. Today’s wrongs are begging for attention. African Americans in this country face significant and often crippling disparities in education, health care, quality of life, and other areas where the Federal Government can play a role.

There are different ways to acknowledge those times when Americans have failed to live up to our lofty goals. The Senators from Louisiana and Virginia, who are also co-sponsors of our Black History Month resolution, have chosen to apologize for the actions of some earlier Senators as a way of expressing their revulsion to lynching. I also condemn lynching, and this Black History Month resolution condemns lynching. But, rather than begin to catalog and apologize for all those times that some Americans have failed to reach our goals, I prefer to look ahead. I prefer to look to correct current injustices rather than to look to the past. Maya Angelou once wrote, “History, despite its wrenching pain, cannot be unlived, but if faced with courage, need not be lived again.”

There is no resolution of apology that we can pass today that will teach one more child to read, prevent one more case of AIDS, or stop one more violent crime. The best way for the United States Senate to condemn lynching is to get to work on legislation that would offer African Americans and other Americans better access to good schools, quality health care and decent jobs. By joining together in our Black History Month resolution, 35 members of this body commit ourselves to do just that, to find more ways to look to the future, and to continue to contribute to this work in progress that is the United States of America.

I don’t know what my friend Alex Haley would say about this Senate resolution or that Senate resolution. But I do know how he celebrated Black History Month. He told wonderful stories about African Americans and other Americans who believed in the struggle for freedom and the struggle for equality; he minced no words in describing the terrible injustices they overcame. He said to children that they were living in a wonderful country of great goals, and that while many in the past often had failed to reach those goals, that we Americans always recommit ourselves to keep trying.

Mr. CORNYN. Mr. President, I wish to associate myself with the articulate and poignant remarks of the junior Senator from Tennessee. He is absolutely right, of course, that the era of widespread lynching in our nation’s history is deplorable. And he is right that we must look to the future, to ensure that such crimes are never again allowed to occur.

There are different ways to acknowledge those times when Americans have failed to achieve the goals we have set for ourselves. The Senator from Tennessee quotes Maya Angelou, who once wrote, “History, despite its wrenching pain, cannot be unlived, but if faced with courage, need not be lived again.” Indeed, let us learn from the past, and look forward with such courage.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I know we have other Senators on their way to the Chamber to speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I am here tonight on behalf of my colleague from Virginia, Senator ALLEN, and all of our colleagues who participated in the debate to close out this evening on this very important and historic resolution, S. Res. 39, which has apologized formally, officially, and with great sincerity to the thousands of victims of

lynching and to their descendants. It was, as was stated most eloquently and passionately on this floor, a very dark chapter, indeed, in American history, but a real mark against this Senate that, despite the repeated pleas of the victims and their families, thousands of Americans, the House of Representatives, and seven Presidents, of both parties, the Senate failed to act.

Tonight the Senate has admitted its mistake and has taken a very positive step in admitting failure so that we can have a brighter future. I know that many of these victims and their families—"survivors" is really a better word—have triumphed against this evil. Many were African Americans, but they were people of all different races and religious backgrounds. Many of them were here tonight and have been with us all day today.

I know their names are part of the record, but again they were James Cameron, 91 years old, a victim of lynching who miraculously survived to tell his story; Doria Johnson, the great-granddaughter of Anthony Crawford—Grandpa Crawford, as he has been called—from Abbeville, SC—what a story that family has to tell. Dan Distel, the great-grandson of Ida Wells. What a brave and historic journalist she was. In the face of literally constant threats to her life, she continued to write. What a role model for journalists everywhere of the courage of what it really takes to tell a story. And she did it.

We had many other family members and history professors with us today. There was a tremendous effort that enabled us to get to the floor tonight. As I wrap up, I want to again thank the staff. I thank my staff, including Jason Matthews, my deputy chief of staff; Kathleen Strottman, legislative director; Nash Molpus, who is with me on the floor. Our staff has been very helpful. Senator ALLEN's staff has also been remarkable and so many have contributed to this effort.

I had many quotes to choose from, Mr. President, to end tonight. Really, there were hundreds of them that would be appropriate. But one was especially appropriate, for the close of this debate because, while it ends one chapter, it begins many new chapters in the history of our Nation. The woman I will quote from is one I have admired my whole life. I have read much about her and have been taught a lot about her. I will read this quote from this particular woman because it took guts to say what she did, at a time when people in America didn't want to hear it. This came at a time when people didn't want to hear what women had to say, generally, about any subject, let alone the subject of injustice and intolerance not only in our Nation but the world.

The woman I will quote is Eleanor Roosevelt, who actually led a group of descendants into this Chamber in 1938 to urge the Senate, hopefully by their presence, to act—men and women who

came with their own being, their own bodies to try to tell the Senate what you are reading about isn't true; these are innocent people. Eleanor Roosevelt escorted them to this Chamber and, of course, through all of their mighty efforts, actions were not taken, but not through any fault of hers. What I want to quote is what she wrote about universal human rights. I read this as a young legislator. Of course, we read lots of things, and some things stick and some don't. This particular quote is seared into my heart. I try to remember it every chance I get. I read it often, and I would like to read it tonight because it is very relevant to the debate that we have had. She wrote:

Where, after all, do universal human rights begin? In small places, close to home—so close and so small they cannot be seen on any maps of the world. Yet they are the world of the individual person, the neighborhood he lives in, the school or college he attends, the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close at home, we shall look for them in vain in the larger world.

We have heard stories today—hundreds of stories about these small places close to home—trees in a public square, river banks, levees, streets, alleys, open fields, behind school buildings, and in front of stores. This is where people want to experience dignity and justice. Some of these towns are so little they may still not be on any map of the United States. Maybe in some of these towns—because of what happened in the past—there are very few people who live there. And some of these places are quite large, where you can find them on the map. I think it is instructive for the Senate, as we make this sincere apology tonight, that we really take a breath and be very introspective to think about where these small places are in America, where these places of any size are in America, and recommit ourselves to be honest about our failings and our shortcomings, to be honest about the fact that we are not always as courageous as we should be.

But when we come to a point where we know we made the wrong decision, we didn't act in the best interests of our country or the American citizens who look to us for their protection and their support, we should at least be able to sincerely say we are sorry. That is what we did tonight. I thank Eleanor Roosevelt. I am forever grateful for her great leadership for the country and for thousands of Americans, people of all races, who advocated for justice and freedom at great expense to their own life—which is not what most of us experience today, gratefully—with great expense to their reputation, their livelihood. She was really not understood or appreciated in the world in which she lived.

There were many children in the Senate today, these children and great,

great, great-grandchildren. Some of the victims and some of the journalists who have written about this in the past were here. Let's make sure they know the truth and they know that tonight we apologize.

Thank you, Mr. President.

Mr. BENNETT. Mr. President, I have listened with great interest to the presentations that have been made on the floor and wish to be associated with the sentiments involved.

I come from a State that does not have a history of lynchings, but that does not mean I should be absolved from the concern that all Americans should have over the lynchings that have occurred. I note that it was the filibuster that made it possible for the Senate to be the body that blocked this legislation in the past. I would hope that in the future, we would all realize that the filibuster should be used for more beneficial purposes than that.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPORTANCE OF CONSULTATION ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I spoke on the Senate floor last week about the benefits to all if the President were to consult with Members of the Senate from both sides of the aisle on important judicial nominations. I return today to emphasize again the significance of meaningful consultation on these nominations because it bears repeating given what is at stake for the Senate, the judiciary and this country.

In a few more days the United States Supreme Court will complete its term. Last year the chief justice noted publicly that at the age of 80, one thinks about retirement. I get to see the chief from time to time in connection with his work for the Judicial Conference and the Smithsonian Institution. Sometimes we see each other in Vermont or en route there, and I am struck every time by his commitment. I marvel at him. I think that his participation at the inauguration earlier this year sent a powerful positive message to the country. I know that the chief justice will retire when he decides that he should, not before. He has earned that right. I have great respect and affection for him and he is in our prayers.

In light of the age and health of our Supreme Court justices, speculation is accelerating about the potential for a Supreme Court vacancy this summer. In advance of any such vacancy, I have called upon the President to follow the constructive and successful examples set by previous Presidents of both parties who engaged in meaningful consultation with Members of the Senate