

ASSEMBLY RESOLUTION No. 249

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Urges Congress to make lynching a federal crime.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/18/2021)

1 **AN ASSEMBLY RESOLUTION** urging Congress and the President to
2 enact legislation making lynching a federal crime.
3
4 **WHEREAS**, The act of lynching has been used to intimidate and
5 terrorize the Black community in the United States with the goal of
6 fortifying white supremacy; and
7 **WHEREAS**, In the years after the Civil War, acts of lynching were most
8 often perpetrated by white mobs against Black individuals under the
9 guise of punishment for alleged crimes based on scant, or entirely
10 fabricated evidence, for which the individual who was lynched
11 received no due process; and
12 **WHEREAS**, The most common form of lynching was a public hanging
13 in front of a large crowd which allowed photographs of the
14 individual who was lynched to be taken and published as a warning
15 to other Black citizens not to challenge the white power structure;
16 and
17 **WHEREAS**, The vast majority of perpetrators escaped punishment by
18 State or local officials and on many occasions local elected officials
19 and law enforcement played an active role in the lynching; and
20 **WHEREAS**, Although lynchings are often associated with the American
21 South and the Jim Crow era, lynching occurred in all but four U.S.
22 states; and
23 **WHEREAS**, Lynching marginalized people of color in the country's
24 political, economic, and social systems and inflicted deep traumatic
25 and psychological scars on the entire African-American
26 community, witnesses, survivors, and family members; and
27 **WHEREAS**, Lynchings prompted Africans-Americans to form the
28 National Association for the Advancement of Colored People,
29 which worked to end segregation and acts of terror against Black
30 Americans; and
31 **WHEREAS**, On June 13, 2005, 90 members of the United States Senate
32 apologized to the victims of lynching and the descendants of those
33 victims for failure of the Senate to enact anti-lynching-legislation,
34 yet the federal government has not made lynching a federal crime;
35 and
36 **WHEREAS**, Recognizing lynching as a federal crime would ensure an
37 individual who perpetrates a lynching would receive the same
38 punishment without regard to the state in which the crime occurred
39 and send a strong message that the federal government will not
40 tolerate racially motivated hate crimes; and
41 **WHEREAS**, The Emmett Till Anti-Lynching Act, H.R. 55, will specify
42 lynching as a hate crime and a deprivation of civil rights as
43 protected by the Civil Rights Act of 1968 and is currently in
44 committee for review; and
45 **WHEREAS**, Protecting the public against extreme violence such as
46 lynching is a basic requirement of the federal government and
47 failure to act continues to burden the African-American community
48 which was humiliated by racial segregation and Jim Crow and
49 terrorized by lynchings; and

1 **WHEREAS**, To remedy past and present racial injustice, the President
2 and Congress should enact legislation and make lynching a federal
3 crime after nearly 100 years of unsuccessful legislative efforts;
4 now, therefore,

5
6 **BE IT RESOLVED** by the General Assembly of the State of New
7 Jersey:

8
9 1. This House urges Congress and President Biden to enact
10 legislation making lynching a federal crime in the United States.

11
12 2. Copies of this resolution, as filed with the Secretary of State,
13 shall be transmitted by the Clerk of the General Assembly to the
14 President of the United States, Majority and Minority Leaders of the
15 United States Senate, the Speaker and Minority Leader of the
16 United States House of Representatives, and to each member of
17 Congress elected from this State.

18
19
20 **STATEMENT**

21
22 This resolution urges Congress and President Biden to make
23 lynching a federal crime.

24 Lynchings were public acts of racial terrorism, intended to instill
25 fear in the entire Black community by those wishing to further
26 white supremacy across the country. Acts of lynching were most
27 commonly perpetrated by white mobs against African-American
28 individuals and the vast majority of perpetrators received no
29 punishment. On many occasions, local elected officials and law
30 enforcement officers played an active role in the lynching.
31 Lynching was a pervasive act used to interfere with the exercise of
32 federally protected liberties, housing rights, and free exercise of
33 religion.

34 Throughout the 20th century nearly 200 anti-lynching bills were
35 introduced in Congress and between 1890 and 1952, seven
36 Presidents petitioned Congress to end lynching, however no
37 legislation was ever signed into law. Currently, there are multiple
38 bills pending in Congress that make lynching a federal crime,
39 including the Emmett Till Anti-Lynching Act, H.R. 55. Congress
40 should take affirmative action on this bill and make lynching a
41 federal crime.

42 After almost a century of unsuccessful legislative efforts,
43 Congress should enact legislation for the crime of lynching, or any
44 attempt or conspiracy to commit lynching.