



Emmett Till Anti Lynching Act: A Decade Wrong Made Right

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Abstract

Nearly 200 times throughout history, anti-lynching legislation has been attempted but never succeeded. The first effort at this type of legislation was made in 1900 by Rep. George Henry White, who was the only Black member of Congress at the time. He stood on the floor of the House and read the text of his ground-breaking bill, which would have prosecuted lynchings at the federal level. Later, in committee, the bill was killed. Years later, Southern Democrats, many of whom opposed it in the name of "states' rights," filibustered a bill against lynching that Rep. Leonidas C. Dyer proposed and which passed the House but was rejected in the Senate. In all but a few states, the United States documented lynchings of more than 4,000 people between 1882 and 1968, the majority of them were African Americans. After a decade lynching is recognised as a hate crime, this is an important step forward in the history of the United States to continue the work of confronting the country's past in search of a brighter and more just future, even though it won't completely heal the terror inflicted on countless others or erase the horrific injustices to which tens of thousands of African Americans have been subjected over the generations.

Keywords:- Mob Lynching, Emmett Till Anti Lynching Act

I. Prelude

A statute that designates lynching as a federal hate crime, punishable by up to 30 years in prison, was signed into law by President Joe Biden. Although Biden stressed the importance of the legislation during a ceremony and complimented its widespread support, the path to approval of the measure has been difficult: it has taken supporters more than 100 years and 200 tries to succeed.

The Emmett Till Anti-lynching Act permits an act to be prosecuted as a lynching when a person conspires to commit a hate crime that results in death, serious bodily injury, and other serious harms. The act is named

after the 14-year-old boy who was kidnapped, brutally beaten, and shot by a mob of white men in Mississippi in 1955 before they threw him into a river.

Emmett Till, the son of Mamie Carthan (1921–2003) and Louis Till, was born in Chicago in 1941. (1922–1945). Mamie, Emmett's mother, was born in the Mississippi Delta town of Webb. The vast, multi-county territory of northwest Mississippi in the Yazoo and Mississippi river drainage is included in the Delta region. As part of the Great Migration of rural black families from the South to the North to escape violence, a lack of opportunity, and uneven treatment under the law, Carthan's family relocated to Argo, Illinois, close to Chicago when she was two years old. Carthan's mother's house was frequently utilised by other recent migrants as a way station while they were looking for jobs and homes since Argo attracted so many Southern migrants that it was given the nickname “Little Mississippi.”ⁱ

During the summer of 1955, Mamie Till Bradley's uncle, 64-year-old Mose Wright, paid her and Emmett a visit in Chicago and shared with them tales of life in the Mississippi Delta. Emmett wished to experience it firsthand. Wheeler Parker, a cousin of Wright's, and Curtis Jones, another relative, we're going to travel with Till. Sharecropper Wright, a part-time minister, was known as “Preacher” by his neighbours. He resided in Money, Mississippi, which is 8 miles (13 km) north of Greenwood and has three stores, a school, a post office, a cotton gin, and a few hundred residents. Emmett's mother warned him that Chicago and Mississippi were two different worlds and that he should be aware of how to act around white people in the South before he left for the Delta. He assured her that he did.

In 1882, data on lynchings first started to be gathered. Since then, more than 3,000 African Americans have died as a result of extrajudicial killings throughout the South, including more than 500 in Mississippi alone. Even though they were much less frequent by the middle of the 1950s, these racially motivated murders continued to happen between 1876 and 1930. To uphold white supremacy, interracial unions were outlawed throughout the South. Even the smallest hint that black men and white women would engage in sexual activity could result in serious consequences for black males. Following World War II, when African-American veterans began agitating for equal rights in the South, it was clear that the implementation of such Jim Crow laws had resumed.ⁱⁱ

Following the 1954 ruling in **Brown v. Board** of School to remove segregation in public education, which it found unconstitutional, racial tensions grew. Many segregationists thought that the decision would encourage interracial romance and marriage. White people vehemently disagreed with the court's decision; one county in Virginia closed all of its public schools to forbid integration. Other countries just disregarded the decision. Blacks have been politically disenfranchised before the turn of the century, but whites took additional steps to maintain this status quo. Blacks in the South were forcibly kept from even the appearance of social equality through the use of segregation.ⁱⁱⁱ

A black activist named **Lamar Smith** was shot and died in front of the county courthouse in Brookhaven for political organisation a week before Till landed in Mississippi. After being detained, three white suspects were quickly freed.^{iv}

II. Dispute Between Bryant and Till

On August 21, 1955, Till arrived in Money, Mississippi. On August 24, he and his cousin Curtis Jones left the sermon their great-uncle Mose Wright was giving at church and went to Bryant's Grocery and Meat Market with several other local youngsters to buy sweets. The teenagers, who were offspring of sharecroppers, had spent the entire day picking cotton. The market, which was run by a white couple, Roy Bryant, 24, and Carolyn, 21, mostly catered to the area's sharecropper population. On that particular day, Carolyn was by herself in the front of the store while her sister-in-law was watching kids in the back. Jones played checkers across the street before leaving Till with the other boys.

The details of what happened in the store are still up for debate. The other guys claimed that Till had a picture of an integrated class from the Chicago school he attended, and Till boasted to the boys that the white kids in the image were his buddies, according to what Jones stated at the time. He said that the white female in the photo—or the white girl in a picture that had been included with his new wallet—was his girlfriend. Jones claims that one or more of the neighbourhood guys then dared Till to approach Bryant. Wright stated in a 2015 interview: “The white people remarked that we dared not dare him to go to the store. They claimed he had images of his white lover on hand. There weren't any photos. They didn't ever speak to me. I was never given an interview.” “Curtis Jones recanted his 1955 comments prior to his death and apologised to Mamie Till-Mobley,” the FBI report published in 2006 states. Some accounts, including statements made by some of the children who were loitering outside the store, claim that Till wolf-whistled at Bryant. Simeon Wright, Till's cousin, who was also in the store with him, claimed that Till whistled at Bryant and added, “I guess [Emmett] wanted to get a laugh out of us or something,” adding, “He was constantly fooling around, and it was hard to know whether he was serious.” Wright claimed that when the whistle blew, he got instantly terrified. Wright remembered, “Well, it scared us half to death. We were almost in shock, you know. We had never heard of anything like that, so we had to leave as soon as possible. whistling at a white woman by a black boy? What state is this? Mississippi? No.” The Ku Klux Klan and night riders were a part of daily life, according to Wright. A newspaper report from after his disappearance claimed that Till occasionally whistled to help with his stuttering. His mother reported that he occasionally had trouble pronouncing “b” sounds, and he may have whistled to get his way when asking for bubble gum. His speech was occasionally slurred. She claimed to have taught Till how to softly whistle to himself before speaking in order to aid in his articulation.^v

Bryant said during the murder trial that Till grabbed her hand and whispered, “How about a date, baby?” as she was stocking candies. After she managed to escape his hold, the young man allegedly followed her to the cash register, grabbed her waist, and asked, “What's the matter baby, can't you handle it?” Bryant claimed that Till helped the woman free herself, and Till responded, “You needn't be afraid of me, baby,” using “one 'unprintable' term,” and adding, “I've been with white ladies before.” Additionally, Bryant claimed that one of Till's associates entered the shop, grabbed him by the arm, and told him to leave. Timothy Tyson, a historian, claims that Bryant told him in an interview in 2008 that her testimony at trial—that Till had made verbal and physical advances—was untrue. Bryant claimed in her testimony that Till had gripped her waist and yelled obscenities, but she later admitted to Tyson that “that part's not real.” The 72-year-old said she couldn't remember

the remainder of what transpired. Tyson quotes Bryant as adding, "That youngster could never explain what happened to him because of anything he did." Bryant didn't say those things on the tapes Tyson made of the interviews he conducted with him. Additionally, Bryant's daughter-in-law Marsha Bryant claims that Bryant never informed Tyson of this part.^{vi}

III. Lynching

Roy Bryant aggressively questioned several young black men who entered the business after learning what had happened. That night, Bryant and J. W. Washington, a black guy, approached a black kid who was crossing a road. Bryant gave Washington the order to take the youngster into custody, place him in the back of a pickup truck, and drive him to be recognised by Carolyn's friend who had seen the incident with Till. The child in Bryant's store had references from friends or parents, and Carolyn's friend denied that the boy Bryant and Washington had detained was the one who had approached Carolyn. Bryant discovered the youngster involved in the incident was a Chicago native who was staying with Mose Wright.

Between 2:30 and 3:30 in the morning on August 28, 1955, Bryant and Milam travelled to Mose Wright's home. Milam had a pistol and a flashlight with him. He enquired as to Wright's home's three Chicago-born youngsters. There were eight individuals living in the compact two-bedroom cottage, including Till, who shared a bed with another relative. Wright was directed to "the nigger who did the talking" by Milam. The men were given money by Till's great-aunt, but Milam declined as he hurried Emmett into his clothes. Till was from the north and didn't know any better, according to Mose Wright, who alerted the men. After that, Milam reportedly asked Wright, "How old are you, preacher?" Wright reportedly replied, "64." If Wright told anyone, Milam threatened that he wouldn't survive to be 65. Till was escorted to the truck by the men. Wright claimed he overheard someone in the car answer "yes" when they asked if the boy was present. Wright responded, "It seemed like it was a lighter voice than a guy's," when asked if the voice belonged to a man or a woman. Bryant and Milam claimed they would have taken Till by the store to have Carolyn identify him but did not because they claimed Till admitted to being the one who had spoken to her in a 1956 interview with *Look* magazine, in which they confessed to the crime.^{vii}

In a green pickup truck, they secured Till inside before heading for Money, Mississippi. They brought Till back to Bryant's Grocery, where they allegedly sought out two black guys. The men then made their way to a Drew barn. On the way, they reportedly pistol-whipped him and rendered him unconscious. Willie Reed, who was 18 at the time, observed the truck as it passed. Reed remembered seeing "two black males" in the rear and "two white men" in the front seats. Although the two black guys later denied being there, some have theorised that they were Milam's employees and were made to assist with the beating.

Two boys who were fishing in the Tallahatchie River discovered Till's enlarged and deformed body three days after his kidnapping and death. His body was weighted by a fan blade that was wrapped in barbed wire and fastened around his neck, and his skull was severely mangled. He had also been shot above the right ear, had an eye pulled out of its socket, and had been battered on the back and hips.

IV. Aftermath

Although lynchings and racially motivated killings had been common in the South for years, the circumstances of Till's death and the timing of it served as a catalyst to bring the story of a 14-year-old kid who was reportedly murdered for defying a social caste system to national notice. Till's murder sparked emotions about segregation, law enforcement, North-South relations, Mississippi's social status quo, the NAACP and White Citizens' Councils' activities, and the Cold War, all of which were played out in a drama that was published in newspapers across the country and overseas.

Till's body was prepared for burial by dressing, encasing it in lime, and putting it in a pine coffin. It might have undergone embalming in Mississippi. Mamie Till Bradley insisted that the body be sent to Chicago, and later claimed that she sought to prevent her son's burial being carried out right away in Mississippi by contacting numerous local and state officials in both Illinois and Mississippi. After death, a doctor examined the body.

Intense public outrage was sparked by images of his dismembered corpse that were published across the nation, most notably in Jet magazine and The Chicago Defender, both black media. The black community in Chicago was “aroused like it has been over any such incident in recent history,” according to The Nation and Newsweek. Later, Time chose one of the Jet photos of Mamie Till standing over her dead son's damaged body, “For almost a century, African Americans were lynched with regularity and impunity,” reads one of the “most influential images of all time, the public could no longer pretend to ignore what they could not see because of a mother's commitment to reveal the barbarism of the crime.” On September 6, Till was laid to rest in Alsip, Illinois' Burr Oak Cemetery.^{viii}

For murder, Bryant and Milam were charged. Hamilton Caldwell, the state's prosecutor, expressed scepticism about his ability to secure a conviction in a case of white violence against a black man accused of insulting a white woman. A local black newspaper and The New York Times both expressed astonishment at the indictment and admiration for the decision. The prosecuting attorney, Gerald Chatham, was anxious that his office wouldn't be able to win a guilty judgement despite the strong evidence because of the high-profile remarks made in Northern media and by the NAACP. Bryant and Milam initially had trouble obtaining attorneys to represent them due to their limited financial resources, but five attorneys at a Sumner law company donated their services pro gratis.

V. Trial

Since Till's body was discovered here, the trial was held in the county courtroom in Sumner, the administrative centre of Tallahatchie County to the west. There was just one boarding house in Sumner, and reporters from all over the country were constantly in town. “The first great media event of the civil rights movement,” according to David Halberstam, was the trial. According to a reporter who covered the trials of Bruno Hauptmann and Machine Gun Kelly, this trial received the most media attention he had ever seen. Black tourists couldn't check into any hotels. Black congressman Charles Diggs from Michigan and Mamie Till Bradley

both showed up to give testimony during the trial. At T. R. M. Howard's house in Mound Bayou, Bradley, Diggs, and other black journalists lodged.

Five days of the trial were held in September 1955, and some present recalled sweltering heat. 280 people were present in the courtroom, all of them were black and seated in separate parts. Black publications were invited, as were reporters from major national newspapers. Black reporters were compelled to sit in the segregated black section, away from the white press, and further from the jury. Black on-lookers returning after lunch were greeted by Sheriff Strider with a cheery “Hello, Niggers!” The court was run with an unexpected lack of formality, according to some guests from the North. On the job, jury members were permitted to consume beer, and many white male onlookers were armed.^{ix}

The defence attempted to raise questions about the identify of the body discovered in the river. They claimed it was impossible to positively identify it and questioned if Till was actually dead. Additionally, the defence claimed that despite the fact that Bryant and Milam had kidnapped Till from his great-home, uncle's they had later released him. The defence counsel sought to show that Mose Wright, who was referred to by both the prosecution and the defence as “Uncle Mose” and “Mose,” was unable to identify Bryant and Milam as the individuals who abducted Till from his cabin. They saw that no other lights in the home were on, and that only Milam's flashlight had been used that night. The night they seized Till, Milam and Bryant introduced themselves to Wright; Wright claimed to have only seen Milam in good light. Wright's testimony was regarded as extraordinarily brave. Perhaps for the first time ever in the South, a black man testified in court about a white man's culpability while still alive.

Mamie Till Bradley stated that she had told her son to observe proper behaviour in Mississippi and that if the time ever came for him to be asked to kneel before a white person and beg for forgiveness, he should do so without hesitation. The identification of her kid in the Chicago coffin and a \$400 life insurance policy she had bought for him were both called into question by the defence.

Leflore County Sheriff George Smith, Howard, and other black and white reporters searched for Collins and Loggins as the trial went on. They were unable to, but they did locate three witnesses who had seen Milam, Bryant, Collins, and Loggins on Leslie Milam's farm. Two of them claimed to have heard cries, blows, and someone being thrashed. One witness spoke so softly that the judge repeatedly told him to speak up; he claimed to have heard the victim yell: “Lord, take mercy on mama. Have mercy, Lord.” Sheriff Strider gave testimony in support of his claim that Till was still alive and that the body found in the river was white. The body had been in the water for too long for it to be Till, according to a doctor from Greenwood who testified on the witness stand that it was too decomposed to identify.

One prosecuting counsel stated in the closing arguments that although what Till did was illegal, it just called for a spanking and not a death sentence. Gerald Chatham criticised the sheriff and doctor's remarks that suggested a conspiracy while fervently pleading for justice. Mamie Bradley expressed her admiration for his summary. The defence argued that the prosecution's account of what happened the night Till was murdered was unlikely and said that if Bryant and Milam were found guilty, the jury's “forefathers” “would turn over in their

graves.” In Mississippi, there were only three potential verdicts in cases of capital murder: life in prison, the death penalty, or acquittal. After 67 minutes of deliberation on September 23, the all-white, all-male jury—neither women nor blacks were allowed—acquitted both defendants. One member said, “If we hadn't paused to drink pop, it wouldn't have taken that long.”

Even though Bryant and Milam admitted to abducting Till, a grand jury declined to charge them for abduction in November 1955. In front of the grand jury, witnesses Mose Wright and Willie Reed who saw Milam enter the shed where screams and blows were heard gave their accounts. In order to shield Wright, Reed, and another black witness who testified against Milam and Bryant from retaliation for their testimony, T. R. M. Howard covered their relocation expenses to Chicago after the trial. To avoid being discovered, Reed later changed his identity to Willie Louis and continued to reside in the Chicago region until his passing on July 18, 2013.

Major worldwide newspapers as well as socialist, religious, and socialist periodicals expressed shock at the verdict and harsh criticism of American society. Newspapers in the South, especially those in Mississippi, reported that the judiciary had carried out its duties. After the trial, Till's case remained in the press for several weeks, provoking discussion about black justice and the legitimacy of Jim Crow society among prominent segregationists, the NAACP, and newspaper readers.

VI. Lynching now and then

According to a new research by the Equal Justice Initiative, between 1865 and 1950, there were close to 6,500 “racial terror lynchings” in America. In only the period of Reconstruction following the Civil War, between 1865 and 1877, approximately 2,000 Black people were lynched by white mobs, according to the research. A group defines a racial terror lynching as “violent and public acts of torture that traumatised Black people throughout the country and were widely sanctioned by state and federal officials,” which they claim peaked between 1880 and 1940.

There were 3,446 lynchings of Black Americans, who made up the bulk of the 4,743 lynchings that took place in the United States between 1882 and 1968, according to research from the NAACP, which defines a “lynching” as “the public murdering of an individual without receiving due process.” As in the 1918 Texas lynching of 15 Latin Americans in one night and the 1871 mass killing of Chinese people, other minority groups and certain white people have also been the victims of lynching.^x

According to historian Leon Litwack in *Trouble in Mind: Black Southerners in the Age of Jim Crow*, lynching was not only about a Black person being hanged by the neck but also about “the slow, meticulous, sadistic, often very innovative kinds of torture and mutilation.” Hewitt claimed that some contemporary homicides can still be regarded as lynchings because of this. Because it doesn't feel current and real, lynching “may feel like a word that is starting to lose its force to some people,” Hewitt said. However, it is a kidnapping or attempted kidnapping. It is cruel. When someone is kidnapped, it can occasionally result in sexual abuse. It is homicide. Examples of contemporary lynchings that fall under this criterion abound: Abner Louima was severely

assaulted and sodomised by white police officers in New York City in 1997 using a wooden stick. James Byrd Jr. was abducted, beaten, chained to a car, and carried for three miles before he passed away in 1998. The recent lynchings of George Floyd and Ahmaud Arbery were described as such by many. Both guys were killed by white men after being kept against their will, publicly beaten, and tortured.

VII. The New Law

The newly passed legislation would give lynching legal definition under federal law. "Whoever conspires to commit a hate crime offence, which includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or which attempts to kill shall, if death or serious bodily injury results from the offence, be imprisoned for not more than thirty years, fined in accordance with this title, or both," the law states^{xi}. The statute also allows the federal government the authority to file additional charges against offenders, particularly groups of offenders. No matter what part they played in an attack, anyone who collaborates to conduct a crime will be held equally accountable. According to a Justice Department representative, prosecutors will be allowed to charge a defendant under both the new anti-lynching legislation and the pre-existing provisions. Additionally, the law may draw more attention to the countless unsolved murders of Black individuals. "These incidents are frequently categorised as suicides because there is frequently insufficient evidence to identify the offender and bring charges. But many of these cases might actually be traditional lynchings", Hewitt noted^{xii}.

Robert Fuller and Malcolm Harsch, two Black men, were found hanged in Southern California just a few days apart in 2020. Authorities asserted that neither death was the result of foul play, but both families had their doubts. There were no additional inquiries into either death. Without new information, federal prosecutors are unlikely to file charges, but because lynching is now defined by law, lawmakers hope that prosecutors may be persuaded to take another look at these incidents.

VIII. Conclusion

Uncertainty exists on how the new legislation will treat fatalities caused by law enforcement. When it comes to the police, Hansford, the Howard law professor, said, "we normally think of excessive force under Section 1983, which allows someone to sue the government if they've been a victim of police brutality." These prohibitions against hate crimes are often reserved for offenders who are not police officers on duty at the time of the crime.

For instance, academics have proposed that, should investigations turn up proof that law enforcement officials were involved, Sandra Bland's death, who reportedly died by hanging herself in a jail cell after being stopped by a police officer for a traffic infraction in Texas in 2015, could be considered a lynching. A police officer might claim that they were protecting themselves even if such proof surfaced, according to Hansford, and the DOJ might be less likely to pursue a police officer with lynching.

Despite the fact that several observers saw the death of George Floyd as a lynching, Minnesota's attorney general decided not to prosecute former police officer Derek Chauvin for a hate crime, saying there was no proof that Floyd's ethnicity was a factor in Chauvin's decision to kneel Floyd to death. Even though Chauvin eventually faced charges from the DOJ, none of them related to hate crimes were brought against him.

“This bill goes beyond simply stating that we no longer carry out executions. It expands upon the body of legislation that the Department of Justice already has in place”, according to Hewitt.

But whether the Department of Justice intends to even employ the new legislation will determine how powerful it is. There is more room for reconciliation and a broader understanding of the effects of lynching on entire communities. These regulations ensure that offenders serve more time in prison but don't take into account how the family will progress financially and mentally. America still needs to acknowledge the need for healing for our entire society.

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