

3-26-2014

The Black Experience in the United States: An Examination of Lynching and Segregation as Instruments of Genocide

Brandy Marie Langley

University of South Florida, think.harder89@gmail.com

Follow this and additional works at: <https://scholarcommons.usf.edu/etd>

 Part of the [African American Studies Commons](#), and the [Other History Commons](#)

Scholar Commons Citation

Langley, Brandy Marie, "The Black Experience in the United States: An Examination of Lynching and Segregation as Instruments of Genocide" (2014). *Graduate Theses and Dissertations*.
<https://scholarcommons.usf.edu/etd/5057>

This Thesis is brought to you for free and open access by the Graduate School at Scholar Commons. It has been accepted for inclusion in Graduate Theses and Dissertations by an authorized administrator of Scholar Commons. For more information, please contact scholarcommons@usf.edu.

The Black Experience in the United States: An Examination of Lynching and
Segregation as Instruments of Genocide

by

Brandy Marie Langley

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Liberal Arts
Department of Africana Studies
College of Arts and Sciences
University of South Florida

Major Professor: Edward Kissi, Ph.D.
Eric D. Duke, Ph.D.
Michael J. Berson, Ph.D.

Date of Approval:
March, 26 2014

Keywords: African American, violence, racism, nadir

Copyright © 2014, Brandy Marie Langley

Dedication

I would like to thank my loving family. Mom, you have encouraged me to follow my dreams even when you didn't understand them. Over the years, I have heard many fellow students complain about the goals their mothers and fathers set for them, and although you have always encouraged me to go far in life, you have never set limitations or boundaries that I had to follow. When I told you I wanted to go to USF to pursue a degree in Africana Studies, I am sure you were thinking I was crazy, but you encouraged me to move to Florida and pursue what made *me* happy. I could never thank you enough for that. Grandma, you are way too much awesome for one person! Thank you for always encouraging me, and allowing me to not only have a grandmother that I respected but also a grandmother I could call a friend. You have listened to hours and hours worth of phone calls expressing fear, excitement, and one cannot forget my numerous rants about my thesis, deadlines, and source problems. Even though you are 1,000 miles away, you still find a way to encourage me and help me through my life's challenges. I love you and thank you. Dad and Grandpa, you are, and always will be, my two main men. You have both encouraged me to pursue my dreams, and both of you have listened to my complaints about racial injustice in America, and other seemingly radical ideas, with open ears and an open heart. It is this profound amount of encouragement that has kept me going, not only through this Master's program, but through life. I have always known that no matter what I need, or what curve-ball life

throws my way, I will have each of you to pick me up. It seems these days that not many people can say that about their family, and I am very grateful that I can.

Table of Contents

Abstract	ii
Introduction	1
Chapter One: Conceptualizing Genocide: Raphael Lemkin	6
Social Scientists and Genocide Studies	14
The Black Experience in Genocide Historiography.....	21
Chapter Two: The Black Experience of Lynching: 1877-1951	25
Reconstruction and the Nadir: Background	25
Lynching	29
Lynching as Genocide	39
Chapter Three: The Black Experience of Segregation: 1877-1951	42
Segregation as Genocide	49
Conclusion	56
Bibliography	59

Abstract

This thesis analyzes lynching and segregation in the American South between the years 1877 and 1951. It argues that these crimes of physical and social violence constitute genocide against black Americans, according to the definitions of genocide proposed by Raphael Lemkin and then the later legal definition adopted by the United Nations. American law and prevailing white American social beliefs sanctioned these crimes. Lynching and segregation were used as tools of persecution intended to keep black people in their designated places in a racial hierarchy in the United States at this time period. These crimes were two of many coordinated actions designed to physically and mentally harm a group of people defined and targeted on grounds of race. These actions of mentally and physically harming members of the group do constitute genocide under both Lemkin's original concept of genocide and the United Nations' legal genocide definition. Studies of the black experience, although starting to gain some research popularity, are virtually absent from genocide historiography. This thesis aims to fill part of that void and contribute to the emerging studies of one of America's "hidden genocides."*

* "Hidden genocides" is a term that Alexander Laban Hinton, Thomas La Pointe, and Douglas Irvin-Erickson have used to describe intentional destruction of groups in human history (genocide) that are often denied, dismissed or neglected in popular and scholarly discussions about genocide. [Alexander Laban Hinton, Thomas La Pointe, and Douglas Irvin-Erickson. *Hidden Genocides: Power, Knowledge, Memory*. New Brunswick, NJ.: Rutgers University Press, 2014).

Introduction

This research seeks to examine the concept of genocide in its initial and later formulations and the black experience in America between 1877 and 1951. It focuses on lynching and segregation of black people as a racial and ethnic group. By looking at the literature on genocide, especially Raphael Lemkin's original idea of genocide, and the United Nations' definition of genocide, in 1948, this research observes that black people have been victims of genocide in the history of the United States.

This thesis emphasizes the importance of lynching and segregation as tools of genocide against black Americans during this time period. However, it is important to note that black people faced many forms of racial violence outside of lynching and segregation. This research prioritizes these events for three main reasons. One, lynching was oftentimes a public spectacle used to continue the subjugation of black people mentally and physically. Two, segregation was a system of degradation that was codified into law in all former Confederate states. Three, lynching, although not codified into law, was often sanctioned by local law enforcement agencies and the general public in most states (infamously in the South). The use of lynching and segregation to dehumanize a group of people deemed inferior constitutes genocide as defined by Raphael Lemkin and the United Nations.

Black people, all over the world, were deemed inferior by a pseudoscience called *eugenics*. This was an influential movement that took place in the first half of the 20th

century. In 1883, Francis Galton (the originator of the movement) defined eugenics as the “science of improving the stock” (Kuhl 1994: 4). The idea of eugenics and racial purity spread through the United States like a plague. In 1913, Geza Von Hoffman (a German racial hygienist), after living in the United States for many years, reported widespread acceptance of eugenic ideas throughout the United States (Kuhl 1994: 16). Eugenists put different races on a racial hierarchy—this hierarchy always began and ended the same way: white people on the top and black people at the very bottom. Eugenics has since been completely discredited as legitimate science. But, at the time when racist ideals permeated every aspect of life, white Americans took its findings as “scientific proof” of the “innate inferiority” of black people.

Although eugenicists tried to place all the shades of humankind into three categories, white, yellow, and black, Americans soon discovered that blackness is not always so easily detectable. The almost-unique “one-drop” racial rule in America declared that if a person had any African blood whatsoever they should be considered black. Whiteness was seen as racial purity, and miscegenation (sexual relations with a black person) was viewed as an aberration (Packard 2002: 100). At the end of the 19th century, racist ideals about the concept of marriage, blood, sexuality, and almost every facet of American life, impregnated the consciousness of Americans.

The focus of this research on the black experience in America from 1877 to 1951 is particularly important. 1877, according to Rayford Logan, marks the beginning of “the nadir” which is considered to be the darkest hour in American race relations between white and black Americans. This research focuses on the nature of race relations in America and how lynching and segregation were used as instruments of genocide

between the nadir (1877) and the introduction of the Civil Rights Congress's petition *We Charge Genocide*, in 1951. This petition shows an understanding by some black Americans that the United States perpetrated genocide against black people as a group on grounds of physical appearance or racial characteristics. This, however, was not the first time the black experience had been considered genocidal. In 1906, long before the introduction of the term "genocide" by Raphael Lemkin, W.E.B. DuBois discussed the intention of the United States to kill and actively produce living conditions that deliberately reduced black peoples' chances for survival (DuBois 1906: 162). DuBois argued that the horrible living conditions that were imposed on black people, and the use of mob violence against them are murder and not a warped version of "survival of the fittest" (DuBois 1906: 166). Due to these living conditions, lynching, violence, and "lack of respect" that most black people endured, DuBois predicted that most "Negroes will die out" (DuBois 1906: 164). He even referred, as early as 1906, to what was happening to black people as "extermination" (DuBois 1906: 170). According to DuBois, the majority of Americans (white and black) felt that in 1906, the "Negro" race will "die out" if their current "way of life" continued (DuBois 1906: 164). DuBois may not have given a name, like genocide, to what he felt was happening to black people in the United States, but his assessment of the black experience had much of the same language that Raphael Lemkin and the United Nations used in their definitions of genocide. DuBois, like Lemkin, understood that this condition of life was a crime that did not have a name. Du Bois bemoaned the calculated and deliberate "reduction of [black] chances of survival, and the deliberate encouragement of degeneration among them" (DuBois 1906: 162).

Chapter one of this thesis outlines the life of Raphael Lemkin and his creation of the term genocide. After discussing Lemkin's definition, this chapter explores the legal definition of genocide adopted by the United Nations in 1948. Subsequent to discussing Lemkin and the United Nations, chapter one analyzes, in detail, the many definitions of genocide brought forward by social scientists. Many of these social scientists agree that there should be a revisiting of Lemkin's original concept of genocide. Chapter one ends with a brief literature review of four scholars who have included the black experience in their discussions of genocide.

The second chapter of this thesis examines the black experience of lynching in America. It provides a brief history of Reconstruction, and the nadir, to better situate the crime of lynching within the history of the United States. After this brief introduction, the reader will learn what exactly constitutes lynching, how a typical lynching took place, and specific examples and stories of lynching. The end of this chapter focuses on lynching as a tool of genocide by using both Lemkin's and the United Nations definitions of genocide.

The third chapter focuses on segregationist practices in both the northern and southern United States—focusing predominately on Jim Crow segregation. At the beginning of the chapter there is a brief historical overview of segregation. Like the second chapter on lynching, the reader will find specific examples and stories of segregation that will, at the end of the chapter, be linked to Lemkin's, the United Nations', and other definitions of genocide.

This thesis seeks to demonstrate that black people have experienced genocide in the United States between 1877 and 1951. This thesis uses lynching and segregation to show a connection between the black experience and genocide. Until recently, the black experience of genocide in the United States has been largely ignored within genocide historiography. This research aims to trigger a new or continued interest in the study of the black experience in the United States as it relates to genocide.

Chapter One: Conceptualizing Genocide: Raphael Lemkin

Raphael Lemkin, a Polish lawyer, is the architect of the word genocide. He fled Poland on 6 September 1939 and arrived in Stockholm, Sweden later that year. From Sweden, Lemkin came to the United States arriving on 18 April 1941 (Curthoys and Docker 2008: 10). Upon his arrival in the United States he noticed the “colored only” signs which reminded him of the lone black man who lived in his hometown of Wolkowsyk, in Poland. Lemkin’s encounter with racial politics in America also reminded him of prejudices against Jews in Poland. As a Polish Jew, Lemkin contrasted “the feeling of curiosity and friendliness” that the single black man in Poland evoked and the hatred and disgust that over 3 million Polish Jews evoked in the same country (Curthoys and Docker 2008:11). Lemkin would, once again, deal with the treatment of black people, in the 1950s, after his term “genocide” was ratified by the United Nations and made into a legal convention.

When Lemkin first came to America he lectured all over the United States about the situation in Occupied Europe. These lectures made him a highly esteemed scholar throughout the U.S. In June 1942 he was offered a job as chief consultant to the Board of Economic Welfare in Washington, D.C. (Cooper 2008: 46). While Lemkin held his job as a consultant, he also spoke frequently with his colleagues about the planned attempt by the Nazi party in Germany to wipe out Jews in all areas under their control. His colleagues did not believe him (Cooper 2008: 46).

Lemkin drafted his seminal book *Axis Rule In Occupied Europe* before 1942 although the book appeared in print in 1944. It was the killing of Jews by the Einsatzgruppen in the Soviet Union that led Lemkin to outline his concept of genocide in detail. Lemkin had coined the term genocide, in 1933, from the Greek word *genos*, meaning nation or tribe, and the Latin word *cide*, meaning to kill. According to Lemkin, genocide does not only occur with the immediate destruction of a nation or group, “except when accomplished by mass killings of all members of the nation.” Lemkin intended his idea of “genocide” to mean “a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves.” In the book in which he outlined the details of his concept of genocide, Lemkin observed that, “the objectives of such a plan would be disintegration of the political and social institutions, or culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups” (Lemkin 1944: 79).

Lemkin wrote extensively on the destruction of indigenous groups in the Americas and the many atrocities that Africans had endured under European colonial rule. Lemkin understood that genocide did not necessarily mean “immediate destruction of a group”. He understood genocide to be a process, and noted the two phases of destruction associated with that process. One, destruction of the national pattern of the oppressed group. Two, imposition of the national pattern of the oppressor (Lemkin 1944: 79).

Black Americans and Native Americans (an indigenous group) have shared a common identity. They were both occupied groups that were conquered, colonized, subdued, and required to conform to subjugation. Because of the harsh nature of colonization and empire building, Lemkin's original concept of genocide is very useful when trying to fit these common experiences into genocide historiography. Lemkin did not restrict his definition of genocide to physical killing. He understood the importance of culture. Faith, language, way of dress, human dignity, security, and the liberty to make choices are what make humans feel alive, and in many ways, this is what life is about. Anytime a system of oppression took away these foundations of life, in Lemkin's view, genocide had occurred. Cultural and social annihilation is as much a part of Lemkin's definition as physical killing. He spent more time describing and defining cultural and social genocide and why that aspect of genocide is as important as physical killing. Lemkin meant genocide to be understood as not only an act of physical killing coordinated to annihilate a targeted group, but also the destruction of the foundations of life that allow human beings to have dignity and agency. Because of Lemkin's argument that social, cultural, and physical destruction constitute genocide, one can understand how the African American experience of lynching and segregation can fall under the definition of genocide provided by the architect of the term, Raphael Lemkin.

When *Axis Rule* was released it gained positive reviews from the New York Times (Cooper 2008: 62). Because of the immediate success of his book, and his growing reputation as a scholar on Occupied Europe, in May of 1945 Lemkin was offered a temporary appointment, as a lecturer, in the War Crimes Office of the Judge Advocate General's office. On 2 August 1945, an agreement was made to form an

International Military Tribunal to punish war criminals from Nazi Germany, so Lemkin's appointment in the War Crimes Office was extended (Cooper 2008: 63). War criminals were charged under the definition of "war crimes", "crimes against peace", and "crimes against humanity" (Lemkin's concept of genocide, outlined in *Axis Rule*, was not yet a legal term punishable under international law). In May of 1946, Lemkin went on an inspection tour of Europe. He stayed through the summer months until a decision was reached at Nuremburg. He visited displaced person camps, and he tried (with no success) to locate his mother and father (Cooper: 2008 69).

Axis Rule in Occupied Europe was the most talked about work in the Nuremburg court from 1945 to 1946. In it Lemkin had outlined a broad idea of genocide. Sir David Maxwell-Fyfe, British prosecutor at the Nuremberg trial, used the term "genocide" while cross-examining Constantin Von Neurath, the Foreign Minister of Germany between 1932 and 1938. Sir David asked: "Now, defendant, you know in this indictment in this trial we are charging you and your fellow-defendants with genocide which we say is the extermination of racial and national groups...." (Cooper 2008: 70). This was the first time the term genocide had been used to describe an act of mass violence in a court of law.

While in Europe, in 1946, Lemkin found out that his brother, Elias, and his sister-in-law, Lisa, and their two sons were alive and living in Berlin. They, along with two other family members, were the only known survivors of Lemkin's 49 family members. Lemkin, finding out that his mother had died in Poland, turned his fascination with the term genocide into a crusade for inscribing the crime into international law. In the same year Lemkin flew to Paris to introduce the concept of genocide to the committee

discussing “peace treaties between the Allies and Axis satellites” (Cooper 2008: 72-73). Lemkin’s efforts were rebuffed, and he fell into deep despair and became ill. He was taken to the American military hospital in the French capital. Lemkin remained ill, and while he was bed-ridden in the hospital, he heard, on the radio, about the General Assembly of the United Nations in New York. He begged his doctors to let him leave, and after physical examinations, they permitted his discharge. Lemkin took two months unpaid leave from the War Department to lobby the U.N. and the American Press for the adoption of his idea of genocide as a new legal concept in international law (Cooper 2008: 74).

Lemkin was successful in his lobbying, and on 11 December 1946, the General Assembly passed a resolution recognizing that genocide should be a crime under international law. The General Assembly invited member states to cooperate and create laws to prevent and punish the crime of genocide. The resolution of 1946 requested the UN Economic and Social Council to draft up a Convention on the crime of genocide that would be submitted “to the next regular session of the general assembly” (*United Nations General Assembly Resolution 1946*). Although the resolution used Lemkin’s concept of genocide, it failed to create a convention on the prevention and punishment of the crime of genocide. Lemkin, dissatisfied with this resolution, decided to move to New York, in 1947 to lobby for an international treaty banning genocide. His move to New York proved successful. On 28 March 1947 the Secretary-General Trygve Lie invited Lemkin, along with two other lawyers, Donnedieu de Vabres, a French judge of the Nuremberg trials, and Vespasian Pella, a Romanian legal expert, to draft a Convention on genocide (Cooper 2008: 89). The three men did not always agree on

what should be in the Convention, Lemkin, reportedly, “aroused the envy and antagonism of his older colleagues” (Cooper 2008: 90). The major disagreement between Lemkin and his two colleagues was whether or not “cultural genocide” should be a part of an international legal treaty on genocide. To Lemkin, culture was one of the most important things human beings possess, but his colleagues did not feel the same. The destruction of “culture”, to his colleagues, was not near as important as the brutal destruction of life (Cooper 2008: 90). Ultimately, cultural genocide, Lemkin’s belief that genocide did not have to be solely the killing of a group but also the destruction of cultural artifacts that have meaning to the group being targeted, was left out of the convention.

The year 1948 was important for Raphael Lemkin. He began working at Yale Law School, and, in the same year, his concept of genocide became part of international law in the *Convention on the Prevention and Punishment of the Crime of Genocide* of 9 December 1948. The Convention’s definition of genocide was only different from Lemkin’s original definition in one way: it refused to recognize the destruction of culture and cultural artifacts as genocide.

Article II of the Convention states that genocide:

“means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group” (United Nations 1948).

Subsections “a” through “d” of Article II can be applied to the black experience in America from 1877 to 1951: (a) black people were killed through the use of lynching, poor housing, poor healthcare, mob violence, and poor living conditions under segregation laws; (b) killing and segregation (notably in the South) caused serious bodily and mental harm to black people. Moreover, (c) segregation was a calculated attempt to inflict conditions of life on black people intended to bring about its “physical destruction” in whole or in part, and (d) by denying black people the necessary health care they needed, in times of illness, many of their members died needlessly, a situation that also affected the ability of the group to reproduce itself.

The first attempt to apply the new law of genocide to the historical experiences of a persecuted people was made by a group of black civil rights activists. In their “historic petition”, *We Charge Genocide*, submitted to the UN in 1951, the group outlined the numerous instances of violence committed by white civilians and lawmakers against black people in the United States. Because black people constituted a group defined as such by their physical appearance, and racist stereotypes, in state and federal laws, the violent actions against them were genocidal in nature.

The General Assembly did not adopt the petition because of “the limitations of UN power” at this time and the fact that it was near impossible to indict the United States at this stage of the Cold War” (Curthoys and Docker: 2008 19). Lemkin himself did not support the petition. The *New York Times* asked Lemkin, on 18 December 1951, what his ideas were concerning the petition Lemkin stated that it was an obvious diversion from what was happening in Europe, and he thought both William Patterson and Paul Robeson were “un-American elements, serving a foreign power” (Curthoys and Docker:

2008 19). In 1953 Lemkin wrote about the American black experience in *The New York Times*, and argued that black people were experiencing growing prosperity and they had not suffered “destruction, death, annihilation” which was the “essence of genocide” (*The New York Times* 1953: np).

Lemkin’s opposition to this historic petition which sought to legitimize his concept of genocide is not surprising if one looks at Lemkin’s inappropriate and racist arguments about colonization in Africa. Lemkin did believe that the Congolese experienced genocide from 1904 to 1908 but he ultimately “traced the cruelties in the Congo back to the alleged inborn savagery of the indigenous peoples” (Schaller 2009: 91). It is hard to know exactly why Lemkin voiced his opinions so brutally about the association of the American black experience with genocide. After all, when Lemkin first arrived in the United States, he saw certain resemblances between the Jewish experience under Nazi rule and the black experience in the South (Cooper 2008: 54). By 1951 his views had shifted. Lemkin was a professor at Yale University during this time, and in a country that promoted white privilege. His job could have easily been threatened had he supported a view that black people had experienced genocide in their history. It is also probable that Lemkin, having lost his parents and almost his entire family during Nazi occupation, was entirely focused on the experiences of Jews in occupied Europe. One can also not forget the fact that Lemkin was now part of white America, and he may have begun believing, even more so, the same race-based ideals of the Americans around him. Equally important, Lemkin wanted his concept of genocide to gain American approval in the UN, so it is highly likely that Lemkin did not wish to jeopardize

this by supporting views that were unpopular at the time (Curthoys and Docker 2008: 20).

Social Scientists and Genocide Studies

It did not take long for social scientists to express alternative views on the definition of genocide adopted by the UN, in 1948. Many of them focused on the importance of either narrowing or expanding the definition to include an array of genocidal experiences. Some scholars also believed that there needed to be a definition under international law that allowed for intervention before a crime was actually considered genocide by focusing on the “precursors of genocide” (Scheffer 2006: 237).

In 1980, Irving Louis Horowitz, a sociologist specializing in genocide and political theory, argued in his book, *Taking Lives: Genocide and State Power*, that there needs to be a distinction between vigilantism and genocide (Horowitz 1980: 10). Horowitz wanted genocide to be separated from other forms of mass murder and the way to do this was to make the difference between vigilantism and state-sanctioned violence known. According to Horowitz, genocide is conducted by the:

“approval of, if not direct intervention by, the state apparatus’; it reflects some sort of political support base within a given ruling class or national group’. Genocide is always a conscious choice and policy” (Horowitz 1980: 14).

Horowitz observed that genocide can be a sporadic event, and “classic colonialism” can also be seen as genocidal because the colonizers generally wiped out populations of the people they colonized. The distinction Horowitz draws between vigilantism and genocide is important. However, Horowitz had a difficult time distinguishing between the experience of black people in the American South and the process of genocide because

he argues that the KKK, although a vigilante group, was supported by local law enforcement agents and through state courts. Horowitz responds to the petition *We Charge Genocide* (1951), and although he is sympathetic to the black experience, he does not believe that what happened to black people throughout American history is genocide (Horowitz 1980: 54). Horowitz does equate the brutal killing of thousands of black people to "benign neglect" (Horowitz 1980: 55), which could also be seen as genocidal considering state actors and leaders were purposefully neglecting to recognize the humanity and dignity of black people and the civil rights, under federal law, that they possessed after Emancipation. It seems that much of Horowitz's view of the black experience stems from his interest in comparing all forms of genocide to the Holocaust. Horowitz states, "it would be both dangerous and hyperbolic to equate the American treatment of its black citizens with the German Nazi treatment of its Jewish citizens" (Horowitz 1980: 55). One can definitely agree with Horowitz on this point, these two instances of genocide are definitely different, but why does one need to compare the black experience to that of the Holocaust at all? Why do some scholars rank various forms of oppression and degradation in a hierarchy or use the Holocaust as a yard-stick for measuring genocide? In his article, "The Atlantic Slave Trade and the Holocaust: A Comparative Analysis" Seymour Drescher (historian) wrestles with these same questions when he states that "in comparing historical catastrophes, there is a temptation to argue as though one could arrive at a hierarchy of suffering and cruelty or radical evil such that only one process reaches the apogee of uniqueness. Systems of human action are like Tolstoy's happy and unhappy marriages, all alike in some ways but each different in its own" (Drescher 2001: 112). David Stannard (historian) also

comes to the conclusion that it is a taken-for-granted assumption that the Holocaust is unique, and that assumption is “fundamentally” flawed (Stannard 2001: 249)

Sociologist Helen Fein proposed a new definition of genocide in 1984. She sees genocide as

“the calculated murder of a segment or all of a group defined outside of the universe of obligation of the perpetrator by a government, elite, staff or crowd representing the perpetrator in response to a crisis or opportunity perceived to be caused by or impeded by the victim” (Fein 1984: 7).

Fein removes from her definition of genocide any persecution of the target group that is nonlethal (Chalk and Jonassohn 1990: 15). However, Fein stays within the parameters of the UN definition by keeping political groups excluded from her definition. Because Fein’s definition only accounted for “calculated murder” and not indirect killing, and she excluded the wartime killing of civilians or soldiers in her idea of genocide (1984) Fein proposed a new definition in 1988 stating that genocide is:

“a series of purposeful actions by a perpetrator(s) to destroy a collectivity through mass or selective murders of group members and suppressing the biological and social reproduction of the collectivity. This can be accomplished through the imposed proscription or restriction of reproduction of group members, increasing infant mortality, and breaking the linkage between reproduction and socialization of children in the family or group of origin. The perpetrator may represent the state of the victim, another state, or another collectivity” (Chalk and Jonassohn 1990: 16).

Fein’s new definition does three major things. One, it includes political and social groups as possible victims of genocide. Two, deaths caused by warfare fall outside of the realm of genocide. Three, it omits the phrase “one-sided mass killing” from her definition in an attempt to allow victims who resist genocide, that is to say, victims who fight back, to be included in her definition of genocide. Fein’s definition acknowledges the realities of human nature—most human beings fight back when their rights are not

being recognized and they are being slaughtered, and Fein recognizes, in her definition, that this fighting back should not take the experience of the victims outside of the concept of genocide (Chalk and Jonassohn 1990: 16).

Fein, again, changed her definition in 1993 to “genocide is the sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat offered to the victim” (Fein 1993: 24).

Fein also discusses what she calls “ideological victims”. She makes the argument that Jews can be seen as “ideological victims” because they were “defined by ideology, propaganda and tradition, as outside the universe of obligation—enemies and inassimilable” (Fein 1993: 39). Although Fein does not believe the black experience should be considered genocide, her concept of an “ideological victim” can be directly applied to the history of racism, and the use of propaganda to perpetuate racism in the United States. Black people, since the time of slavery, and because of racist ideas, have fallen outside the “universe of obligation” of their persecutors.

Unlike Fein, Historian Frank Chalk and Sociologist Kurt Jonassohn believe that the idea of “one-sidedness” is important in defining genocide. Chalk and Jonassohn, in their book *The History and Sociology of Genocide* (1990), offer their own research definition of genocide. According to Chalk and Jonassohn, genocide is:

“a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator” (Chalk and Jonassohn 1990: 23).

Chalk and Jonassohn imply that for a particular case of mass murder to be considered a genocide, the process of murder has to be one-sided. This means that the group being killed has no means of responding to or fighting back against the perpetrator. Another important point in Chalk's and Jonassohn's definition is the phrase "defined by the perpetrator"—this means that groups are only groups as they are defined by the perpetrator (Chalk and Jonassohn 1990: 26). Thus Chalk's and Jonassohn's definition of genocide can be applied to the study of the black experience in the United States.

Psychologist, Israel Charny defined genocide in 1994 as:

"the mass killing of substantial numbers of human beings, when not in the course of military action against the military forces of an avowed enemy, under conditions of the essential defenselessness of the victims" (Tatz 2003: xi).

Charny's definition, like Chalk's and Jonassohn's, also mentions the importance of one-sidedness. Charny uses the term "defenselessness" instead of one-sidedness, but both convey the importance of the victim group's vulnerability in any process of genocide. Charny's definition also conveys the fact that genocide does not occur solely in war situations. It is important to note that Charny does not identify specific groups of people that need to be exterminated before genocide can take place, he merely mentions "groups". This is a stark difference from the UN's definition of genocide as found in the Genocide Convention. Because Charny omitted any mention of the specific details of the groups, he has made his definition applicable to many different forms of mass murder of different groups of people. Because his definition can be applied to

many instances of mass murder, Charny has argued that we should have different names for each form of genocide “like we do for various cancers” (Charny 2001: xi).

Genocide scholar Mark Levene, writing eleven years after Charny (2005), examines what he calls the nine “common attributes” of genocide (Levene: 2005 76):

“1. A government, or regime in control of a state, committed to the extrusion of a communal group or groups for political purposes and with the logistical and resource capacity to undertake this by means of direct physical extermination. 2. An occasion in which this is possible with minimum hindrance or outside interference. 3. A heightened sense of crisis when this occurs, government believing that there is extreme danger to itself and the state. 4. A prolonged but continuous sequence of killing over time and space with the enactment of genocide not reducible to a single act of mass murder. 5. Killing pursued regardless of age or gender distinctions. 6. The employment of state-organized, usually professional military and para-military personnel to spearhead the killing and other elements of the dominant population to participate in it. 7. An inability on the part of targeted group or groups to defend themselves or strike back in such a way as to noticeably halt or impede the killing. 8. A sense on the part of the government that the communal group is a genuine and serious threat to the well-being of the state and/or dominant group then, now and in the future, regardless of the coherence or cohesive unity of the group as a group. 9. The target group is the product of the perpetrator’s assemblage of social reality. Levene understands that the group is defined by the perpetrators, and the victim group may not believe themselves to be part of that group. The victims are seen as whatever the perpetrators what them to be” (Levene 2005: 76 & 88).

Most white people in America viewed black people to be inferior because of their appearance. Racist stereotypes against black people were promoted by the majority of white people in America. Black people did not place themselves in these racial categories assigned to them by white people, but nonetheless, they were still considered by most white people to be part of the racialized group.

Like other social scientists, Levene believes that genocide is a one-sided killing, but he argues that it can still be considered one-sided even if the group fights back if the

group cannot do any real damage or harm to the perpetrator. Like Chalk and Jonassohn, Levene emphasizes the importance of the group being defined by the perpetrator whether or not some individuals actually consider themselves to be part of the defined group.

Like Levene, David Scheffer takes a different approach to the concept of genocide. Levene argues for understanding the “common attributes” of genocide and discusses the problem of the definition of genocide itself (Levene 2005: 35-89). Scheffer, however, offers a new term in the social science debate on genocide. He argues, in his article “Genocide and Atrocity Crimes”, that the term genocide has morphed into something unrecognizable, and the best remedy to this problem is a re-naming of this concept into a term that is easily recognizable so Nations and NGOs can easily mobilize their responses to genocide (Scheffer 2006: 230). According to Scheffer, atrocity crimes are “high impact crimes” that show intent, and result in the deaths of a large number of victims (Scheffer 2006: 239). Scheffer argues that states should pay attention to the “precursors of genocide.” He sees these precursors as: “those events occurring immediately prior to and during a possible genocide.” In the view of Scheffer, governments and human rights organizations should use these precursors of genocide to “galvanize international action” on these atrocity crimes” (Scheffer 2006: 248).

Another sociologist, Martin Shaw, offers a new definition of genocide and a definition of what he calls “genocidal action”. Shaw states that genocide is:

“A form of violent social conflict, or war, between armed power organizations that aim to destroy civilian social groups and those groups and other actors who resist this destruction” (Shaw 2007: 154).

“Genocidal action” is the:

“action in which armed power organizations treat civilian social groups as enemies and aim to destroy their real or putative social power, by means of killing, violence and coercion against individuals whom they regard as members of the groups” (Shaw 2007: 154).

Shaw associates genocide with war and argues that even in a time of peace genocide itself is a form of war waged against a group the perpetrator has deemed inferior (Shaw 2007: 155). Shaw reverts back to Lemkin’s original definition by understanding that genocide is not solely a physical destruction of a group, but includes attacks on the group’s culture, or political and economic power. Shaw, like Lemkin, offers a broad definition of genocide that covers many aspects of the human experience (Shaw 2007: 155-156).

The Black Experience in Genocide Historiography

There have been many proposed definitions of genocide by social scientists, but there still remains a large gap in the historiography of genocide. The black experience has not been studied in any comprehensive manner by scholars who study genocide. The four most notable scholars who have included the black experience in their discussions of genocide are: Ann Curthoys, John Docker, Pero Dagbovie, and Adam Jones.

In Curthoys’ and Docker’s, chapter titled “Defining Genocide” they, like many other social scientists, deal with the definitional conundrum in genocide studies. What makes Curthoys’ and Docker’s chapter unique to the historiography of genocide is the way they discuss the 1951 petition by the Civil Rights Congress to the United Nations *We Charge Genocide*. The article details what the petitioners considered to be

genocidal in the black historical experience: lynching and other forms of assault and brutality (Curthoys and Docker 2008: 16). Curthoys and Docker argue that the petition, *We Charge Genocide*, should be featured in the historiography of genocide, and they also acknowledge that it has been remembered in black American history, but largely ignored in the historiography of genocide (Curthoys and Docker 2008: 16).

Curthoys and Docker make an illuminating connection between the Nazis, in Nazi Germany, and white supremacists in the United States by referring to an observation made by Robert H. Jackson, a Judge at the Nuremberg trials. According to Jackson, the world had already observed “with particular horror, the genocidal doctrines and actions of the American white supremacists’ against the African American people—looting and burning homes, killing children, raping of women...” (Curthoys and Docker 2008: 17). Curthoys and Docker observe that in the context of the Cold War the United Nations and the United States recoiled from acknowledging the injustices experienced by black people in the history of the United States (Curthoys and Docker 2008: 19). These injustices of racism and lynching were not confined to the South. They happened beyond the American South. Like Curthoys and Docker, Pero Dagbovie, a historian, makes the point that the black experience can be seen as genocide under the UN definition of genocide and also under the many definitions that have been offered by social scientists. He criticizes Fein and Horowitz for their dismissal of the black experience as genocide. Dagbovie argues that although various groups of continental Africans have been analyzed in genocide studies, the experience of black Americans throughout the history of the United States is undeniably missing. He discusses the slave trade, segregation, lynching, birth control, sterilization, and the Tuskegee Syphilis

Experiment and how these experiences have “conjured up notions of genocide” within the black community (Dagbovie 2010: 16).

Adam Jones, in his edited book, *Genocide: A Comprehensive Introduction*, discusses slavery in the United States in relation to genocide and how lynching can be seen as a tool of genocide. Jones argues that American slavery should be considered an act of genocide. He dismisses the claims that slavery cannot be genocidal because the master-class depended on the survival of their slaves and exhibited no intent to destroy them. Jones states that American slavery is a case of genocide because of the “incalculable social losses” that West Africa experienced because of the Atlantic Slave Trade (Jones 2011: 39). Jones also discusses the petition *We Charge Genocide* written by the Civil Rights Congress, charging the government of the United States with the crime of genocide, only 11 months after the genocide convention was adopted. Jones equates the cold reception the petition received to the fact that United Nations General Assembly, in the early stages of the U.N.’S evolution, was largely dominated by the United States (Jones 2011: 41). In his chapter “Strange Fruit” and the Gendered Politics of Lynching” Jones argues that lynching should be seen as a “genocidal attack” largely against black males. He concludes that it was fear of minority power that brought “white men and women... together to orchestrate and celebrate these grotesque spectacles of mutilation and race murder.” Lynching was designed to terrorize the black community,” and that laid the foundations of the “social and economic marginalization” that black people still endure in America today (Jones 2011: 487).

The black experience in America is yet to be integrated into mainstream genocide studies which are focused on the Holocaust, the Armenian genocide, the

Cambodian genocide, the Rwandan genocide or the destruction of indigenous populations in the Americas. With such a wealth of black history, the lack of a black presence in genocide historiography is alarming.

Chapter Two: The Black Experience of Lynching: 1877-1951

This chapter provides a historical narrative of the lived experiences of many black people from the years 1877 to 1951. It examines the history of Reconstruction and the Nadir especially the cultural and historical implications of the racial violence against black people in the United States from 1877 to 1951. This chapter focuses on lynching and situates it in the discourse on genocide. Lynching was a form of physical, mental, and social violence against a racial group or people who were defined as such in the United States at the period covered by this research.

Reconstruction and the Nadir: Background

Rayford W. Logan was the first historian to refer to the black experience in America between the years 1877 and 1901 as the “nadir”. He chose to set these dates apart from the entirety of the black experience because of the violence used by white people in the United States against black people during this time. According to Logan, the period from 1877 to 1901 can be described as “the Dark Ages of recent American history” (Logan 1954: x). In Logan’s book, *The Negro In American Life and Thought: The Nadir 1877-1901*, he discusses the many disappointments that black people had to endure at the end of Reconstruction, and the many ways that white Americans fought to maintain supremacy over black people in the South. The nadir was marked by a sharp increase in violence that was perpetrated against black Americans by, most notably, white people in the South. After federal troops were pulled out of the south in 1877,

violence against black people was deemed necessary to maintain white supremacy in the South.

Reconstruction was a period in American history, after the Civil War, when the federal government took a “hands-on” policy towards race relations in the southern, former Confederate states. The federal government understood that without assistance and vigilance on the former Confederacy. Black people would be forced into a form of pseudo-slavery. The humiliation that Southerners felt from losing the Civil War only bolstered their thoughts about black inferiority. The uncompensated emancipation of white southerner’s former slaves led to, and even encouraged, state-sanctioned violence against black people after reconstruction (Logan 1954: 4).

The Fourteenth and Fifteenth Amendments of the U.S. Constitution protected the political, civil, and legal rights of black people and prohibited the government from denying citizens the right to vote based on their race. Because of the protection of black people’s individual rights, these two additional Amendments to the Constitution of the United States offended the former Confederacy. The view of Republican Senator William Windom of Minnesota (1879) reflects the opinions of most southerners during this time. The Senator stated, in 1879 that “the black man does not excite antagonism because he is black, but because he is a *citizen*, and as such may control an election” (Logan 1954: 7). Black people should not be accorded U.S. citizenship because that will give them power to control or influence elections (Logan 1954: 7). This fear of black citizenship and stereotypes about black bestiality led the majority of southern white people to conclude that lynching was an appropriate means to perpetuate white supremacy in the South.

Reconstruction, the attempt by the United States government to “fix” race relations in the South, was a failure. Because radical Reconstruction principles and laws tried to make black people equal under the law, white southerners tried everything in their power to keep black people “in their place”, and to maintain control of their own state governments by “resorting to fraud, intimidation and murder” (Logan 1954: 9). Logan calls the period after Reconstruction “the new civil war” (Logan 1954: 10). He does this for good reasons. Many groups committed racial violence against black people in order to restore the idea of white supremacy, and stood up against federal troops and enforced “home rule”. These vigilante organizations included: Regulators, Jayhawkers, The black Horse Cavalry, the Knights of the white Camellia, the Constitutional Union Guards, the Pale Faces, the white Brotherhood, the Council of Safety, the '76 Association, the Rifle Clubs of South Carolina, “and above all, the Ku-Klux Klan terrorized, maimed and killed a large number of Negroes” (Logan 1954: 10).

White Rule was reestablished in some southern states as early as 1869 because of the violence by white-supremacist groups, the disfranchisement of thousands of black Americans, and the (forced) laissez-faire attitude the United States government had towards the South (Logan 1954: 10). The Compromise of 1877 gave the presidency of the United States to Rutherford B. Hayes (Republican), and mandated the withdrawal of federal troops promoting racial equality in the South. Now there was no government force regulating the treatment of black people in the South (Ortiz 2005: 27). The Compromise of 1877 officially limited the power of the national government and allowed states and city governments to rule their own territories, because of this, successive Federal Governments had no power to prosecute “ordinary crimes”—lynching fell under

this category. In states where racist politicians, who refused to punish lynching, took charge, the American political system insulated the “most lawless” from indictment (Waldrep 1951: vx).

In 1877, President Rutherford B. Hayes began making speeches in the South about the withdrawal of Federal Troops who had been sent to control racially-motivated violence against black people. Hayes spoke of a unified America that needed to forget the hatred of the Civil War, and a South that needed to be a home for everyone. A reporter for the New York Tribune noted that Hayes’s speech was greeted with applause from his white counterparts, but he couldn’t help but notice the “less enthusiastic” attitudes from black people that he could find in the crowd (Logan 1954: 24). By the end of 1877, every southern state’s power had fallen back into the hands of the men who held black people as slaves (Waldrep 1951: xxv). The eight years following Hayes’s Presidency were no better. From the years 1881 to 1889, Presidents Garfield, Arthur and Cleveland allowed violence and disfranchisement of black people to go unchecked.

This structure of state governments allowed community-sanctioned violence to flourish. Lynching only proliferated because it found legitimacy in community approval of such behavior. With the use of lynching, white southerners intended to continue slavery. Southern white people could only maintain their place at the top of the “racial hierarchy” by acting violently independent of the law (Waldrep 1951: xxv).

Lynching

Scholars who study lynching do not have an agreed-upon definition on what constitutes lynching. According to Francis Grimke, a researcher, “lynching has no technical meaning.” It is used as a descriptive adjective for “lawless acts” by persons who choose to violate established law (Chadbourn 1933: 29). Grimke’s main concern, and a rightful concern for anyone who studies lynching, is the lack of data on those lawless acts when States had different ideas and laws about lynching. The data on lynching is skewed because there were no answers to two fundamental questions: One, What is lynching? Two, What constitutes a mob? States had a difficult time pinning down exactly what these two things are, so that makes it difficult for researchers to have exact numbers and know how many lynchings took place in a particular time. It also made it difficult to punish people for a crime that had no definition (Chadbourn 1933: 37). Of course, one can easily assert that lynching was not made punishable on purpose to keep white supremacy unchecked in the South. Black people in America understood lynching as the killing of a man, woman, or child by a crowd of white people without punishment. The idea of lynching took control of black communities because they were unpredictable, and the white power structure did not protect black people from such atrocities (Waldrep 1951: xv).

A definition of lynching was offered by the U.S. Congress in 1922. This definition states that lynching is “five or more persons acting in concert without authority of law, to kill or injure any person in the custody of any peace officer, with the purpose or consequence of depriving such person of due process of law or the equal protection of the laws” (Dray 2002: viii). The Southern Commission on the Study of Lynching (SCSL)

,in 1933, defined lynching as a number of people who have come together to murder a person and it is carried out in a public fashion with “scores, hundreds, and not uncommonly thousands of eyewitnesses”. The SCSL separates a lynch mob from gang activity because mobs act in secret and lynch mobs operate in the public eye to openly “defy the law” (Chadbourne 1933: 47).

In his book, *At the Hands of Persons Unknown: The Lynchings of black America*, Philip Dray observes that lynchings formed “an undeniable part” of the daily lives of black people. He notes that “men brought their wives and children along to the [lynching] events, posed for commemorative photographs (some had portable printing operations at the site of the lynching), and purchased souvenirs of the occasion as if it had been a company picnic” (Dray 2002: 18). The idea of lynching as a type of grand performance was not odd. Lynching as performance was commonplace. One can even see how lynching was viewed as theater in the ways lynching was written about and discussed in the early 20th century. The use of performance-based language peppers the accounts of lynching (Fuoss 1999:9). The crime of lynching was usually publicized by white communities as if it was a circus in local newspapers and on radio stations to garner a bigger crowd. If not enough people could make it to a lynching, it was postponed so the newspaper had a few extra days to get the word out (Fuoss 1999: 6). Because of the demand of such performances, many times trains were delayed and rescheduled to permit the transportation of people to and from designated lynching sites. One company even changed their fares and offered cheaper round trip tickets so more people could witness a lynching. When all the visitors flooded in from outside of town, in some cases, police actually directed traffic for the event. When a victim was

taken, they were paraded around town so the public could get one last look at him. Many times a type of makeshift stage was built for the torturing and burning of the victim. The stage was not always enough to give a good view to spectators. During lynchings trees, rooftops, and upper story windows were filled with onlookers eager to see the “show”. It is recorded that during the lynching of Ell Persons in Memphis, Tennessee, vendors sold chewing gum, soda, and sandwiches (Fuoss 1999: 7).

These accounts demonstrate that lynching was an organized form of violence. It was a planned event, and it is within this planning that intent can be found. Lynching was a spectators’ sport, and the majority of the white public approved of this physical violence towards black Americans. After a lynching took place it was very common, ritualistic even, for the body of the victim to be dragged through the streets of the black neighborhood as a warning. Placards and signs were also used as a warning to black communities. Many of them read as follows: “this is how we treat lazy niggers”, “This is the beginning, who is next?” and “Every white man in Navarro County pleads guilty” (Fuoss 1999: 19). These signs prove that lynching was not a mere exercise in vigilante justice. Lynch mobs had an agenda to fulfill, and the intent was to use lynching to keep black people in their designated place as a servile and dehumanized group in the white-ruled South. Southern white people lynched black men, women, and children not because they did anything wrong or deserved to be killed with impunity, but because they were simply part of the targeted group. Black people were part of the group the perpetrators defined as inferior thus putting black people out of the “universe of obligation” of white society, in the South, to use Helen Fein’s notable phrase in genocide studies.

Lynching was used to induce conformity and fear in the black community. It was not only the unlucky victim who was murdered at the hands of lynch mobs, but it was also the rest of the community and black America that felt the noose—even if it was only a mental one. As Fuoss put it, lynching was used as a “not-soon-to-be-forgotten object lesson” about “hegemonic power, the importance of knowing one’s place, and the danger of stepping out of line” (Fuoss 1999: 17). Even when the crime of lynching was done in private with only a few perpetrators, it was still a performance meant to frighten and control black people who heard the news. In “private” lynchings the perpetrators would hang the victims from bridges, trees, poles, and other objects allowing the victim’s body to become an object of public amusement.

According to Philip Dray, this public celebration of murder of black people stemmed from the American Revolutionary War. The Revolutionary War helped foster two major beliefs in the United States: localism, the preference for one’s own particular region, and instrumentalism, the belief that the truth of an idea lies in its usefulness for action (Dray 2002: 20). With these beliefs in place in the southern United States, white people could excuse the action of lynching because it was believed to be the best idea for their region (the South), and the truth of the idea of lynching stemmed from the ways it worked to keep black Americans in “their place”. Because of these beliefs stemming from the Revolution, vigilantism during the 19th century became commonplace. Some towns even had “vigilance committees” that were made up of ordinary citizens who were allowed to enforce the law and patrol their communities. However, groups of vigilantes would sometimes come together to deal with a specific threat. Dray, who studies mob violence, labels lynch mobs “instant vigilantism” since the perpetrators often get

together for a moment (to lynch a man or woman), and then disperse “almost immediately” after their crime is complete (Dray 2002: 22).

After the Civil War, the emancipation of slaves did not lead to emancipation of black people from racial prejudice and mob violence. After black people were emancipated from slavery, they posed a threat to the Southern way of life, white Supremacy, and reminded many white people of the humiliating defeat that the South suffered at the hands of the North and the many black soldiers who fought alongside them. For many white supremacists in America lynching became an extralegal way to assert their domination over a group of people they believed to be inferior to them. Many crimes of lynching took place in “black Belt Counties” where black people lived as share-croppers or wage hands on big plantations. These workers were considered valuable as long as they were productive and stayed in their designated place on the racial hierarchy. From 1889 to 1930 lynching rates were highest in areas of the South that struggled economically, and the cultural institutions were less stable. Most white people in these areas were uneducated, and felt the pressure to assert their domination over black people in order to maintain a sense of superiority that they could not gain through a battle of wits (Raper 1933: 5).

Black people in America knew and understood what lynching meant in the United States. Black organizations, and their white allies, fought the crime of lynching at the federal level numerous times as they tried to pass Anti-lynching Bills through Congress. The Dyer Bill passed by 230 to 119 votes in the House of Representatives on 26 January 1922, but was held up by the Senate and ultimately filibustered by Southern Democratic senators from Mississippi, Louisiana, and Texas (*The Chicago Defender*

1940: 14). Southern Democrats saw the anti-lynch bills as unconstitutional interferences from the federal government on the rights of States. After the Dyer Bill was successfully filibustered, Senator Theodore G. Bilbo (D- Mississippi) proposed another bill—one that would deport all African Americans to Liberia—as if this was the answer to the problem of lynching in America (*The Chicago Defender* 1940: 14). In 1935, a Democratic Senator from Colorado, Edward P. Costigan, tried to pass another anti lynching bill, The Costigan-Wagner Bill would make it possible to punish law enforcement officials who did not protect their detainees from extralegal persecution (Costigan 1935: 172). Once again, the bill did not pass.

The National Association for the Advancement of Colored People (NAACP) is best known for its involvement in the protesting of racial violence, especially lynching. The NAACP was born out of the violence of the August 1908 race riot in Springfield, Illinois, where six black people were killed, fifty were injured, and thousands fled for their lives. Because of the rise in lynching in the early 1900s, NAACP membership grew from less than 200 to more than 50,000 members nationwide by 1919. Above all, the NAACP was a legal tool used by black Americans to combat lynching and segregation. The NAACP lobbied Congress to pass an anti-lynching bill, although the bill failed, the NAACP was still successful in raising public awareness of the problem (Kirk 2009: 54).

It is difficult to know the exact number of men and women who were lynched from 1877 to 1951. Lynch mobs did not keep account of their victims. From 1892 to 1944, the Tuskegee Institute recorded 3,417 incidents of lynching; however, Ida B. Wells, an anti-lynching campaigner, in 1892, estimated that from the end of the Civil War through the 1890s as many as 10,000 black people were killed in a manner that

would constitute lynching (Dray 2002: xi). Congressional reports noted that many Negroes were lynched yearly,” but their disappearance is shrouded in mystery” (Patterson 1951: 58). The perpetrators were never charged with the crime of lynching because the communities in which they committed these crimes approved of lynching. Lynchings were also condoned by the sheriff, or other law enforcement officials, of the town (Patterson 1951: 10).

Lynching statistics vary by region. However, each of the 45 states and territories, between the years 1882 and 1903, had lynched at least one or more people (Cutler 1905: 181): The estimated total number of lynchings from this time period is 2,060—which is an average of 93 per year (Cutler 1905: 171). The crime of lynching was so pronounced throughout the United States that “early observers considered it a measure of American distinctiveness” (Brundage 1997: 2). Although more lynching happened in the South than any other region in the United States, it is important to note that all states practiced lynching as a form of extralegal violence and terror. There are obvious differences between the populations being lynched in each region of the United States—in the South, more than three times as many black people were lynched than white people. Yet in the West, white people were the frequent victims (there were far fewer black people in the North and West than the South—this accounts for the difference in numbers) (Cutler 1905: 181).

Black people were lynched for an array of reasons. Ida B. Wells, in her book, *The Red Record*, lists purported rape, murder, arson, robbery, assault, wife beating, attempted murder, attempted robbery, self-defense, insulting white people, as the grounds for lynching (Wells 1892: 82-86). Black men and women (and sometimes white

people), if accused or suspected of committing any of these crimes, could face the ultimate form of torture—lynching. Most lynchings were done by either hanging or shooting (Cutler 1905: 191). One of the more brutal cases of lynching, the lynching of Sam Hose, was sanctioned by the Georgia authorities in 1899. This is clear evidence of official support of this particular instrument of murder. They cautioned the people of Georgia to not interfere with “the people’s will”, to make “the black brute” suffer for his “hellish crime” (Dray 2002: 5). W.E.B. Du Bois read the allegations against Sam Hose in a newspaper and travelled to Georgia in the hope of helping the young man escape his terrible fate. According to Du Bois, usually when a black man was accused of raping a white woman it was a false accusation that was used to stir up the town into committing the crime of lynching.

In Sam Hose’s case, this is what happened as Du Bois has recorded: Sam Hose got into a quarrel with his boss over his pay. The boss did not want to pay Hose what he owed him and a fight ensued—a fight that Hose’s boss lost. Hose killed his boss, and to arouse the community’s fury. Hose was accused of raping his boss’s wife (Dray 2002: 7). Although purported rape was one of the leading justifications for lynchings in the South, only 25 percent of lynching was actually the result of that allegation. Hose was eventually caught by the mob. The crowd of over one thousand screamed “burn him” as they led him to the tree that was chosen to be his coffin. Hose was reported to be “shaking like a leaf”. The lynch mob tortured Sam Hose for about half an hour. The perpetrators cut off his ears, fingers, toes, and genitals before covering him in oil and burning him alive. As Hose was burning his attempts to break free loosened the chain that had been wrapped around his body. The men grabbed a long, strong, branch and

pushed him back into the flames (Dray 2002: 14-15). After lynching took place, the perpetrators would sell the remains of the body, or the chains and ropes (which happened in the case of Sam Hose) that held the person in place as a souvenir (Dray 2002: 14).

Until the early 1900s, it was customary in the South for postcards of lynching acts to be made and sold to celebrate what had taken place. In 1891 a postcard from Alabama, had a photograph of a lynched black man, and the message on the back read: “this fucking nigger was hung in Clanton, Alabama, Friday August 21, 1891, for murdering a little white boy in cold blood for 35 cents cash” (Dray 2002: 103).

There are many real-life examples of black Americans being lynched by white communities. The examples are many and they show the brutality of racial violence in the United States during this time period. Sheriff Andrew F. Stanf held a “mock lynching” of Wiley Davie after he was accused of stealing a shotgun in Wisconsin in 1912. The Sheriff gathered an excited mob and took Davie to a tree, hung a rope around his neck, and extracted a confession from the young man (The Chicago Defender 1912: 6). In Tennessee on May 31, 1918, Tom Devert was burned at the stake by a mob of white people, after the lynching was completed they threatened the entire black community (The Chicago Defender 1918: 9). On September 9, 1936, a mob of 150 men stormed the county Jail and “forced” the jailor, John Pitt (a white man), to hand over his keys. They lynched the 21 year-old, and his body was found on the roadside four hours later by Sheriff J.T. Brown (The Chicago Defender 1936: 16). In Duck Hill, Mississippi, on April 13, 1937, two black men were lynched with the use of a blowtorch. The Daily News of Jackson, Mississippi, applauded the lynching and the Columbus Mississippi Dispatch

declared that it was “sick and tired” of the South being “blamed for lynchings” (The Chicago Defender: 1937: 1). In 1924, in Madison, Florida, a 20 year-old black man, Jesse James Payne, was taken from an unguarded jail cell. His body was found seven miles from the jail riddled with shotgun slugs. The Sheriff Lonnie Davis was the only person with keys to the Jail, and Jesse Payne was accused of raping the daughter of the Sheriff’s sister—which makes motive undeniable (The Chicago Defender 1945: 1). On December 23, 1945, Mr. and Mrs. O’Day Short and their two small daughters were burnt to death by a mob who did not want them moving into a “white neighborhood” (Patterson 1951: 60). On August 8, 1947, near Minden, Louisiana (Patterson 1951: 65), a lynch mob of an estimated 12 men (two of these men were deputy sheriffs) tried to kill two black males. The mob succeeded in killing one, John C. Jones, but failed in killing his cousin, Albert Harris Jr. Albert feigned death and managed to escape, but not before he witnessed his cousin die in agony as the mob castrated him, and used a blowtorch to further mutilate his body (The Chicago Defender 1947: 4). In 1949, a black male, Caleb Hill, was lynched in Georgia. A rumor that he had “attacked” a sheriff was enough to turn a mob into a frenzy of “blood-thirsty bloodhounds” (The Chicago Defender 1949: 6). On February 7, 1951, the body of John Melvin and William Battle were both found naked and partially burnt, the body of G.W. Batchelor was found in a “corn crib”, and the one-year-old “son of Tom George Battle was found dead in bed and Battle himself was found shot in the arm” (Patterson 1951: 77).

Lynching as Genocide

These brutal tactics that lynch mobs used against their victims reveal that black people were seen as existing outside of white society's [moral and legal] "universe of obligation". Most white people America believed that black people were an inferior, sub-human species, and therefore, these brutal tactics were not only allowed but also accepted and justified by the public. Lynching was not a mere act of random violence or vigilantism. It was a coordinated plan by the perpetrators to induce fear and conformity in the targeted group (black people). This forced compliance to a racial order that dehumanized black people caused serious mental harm, to this target group consistent with both Lemkin's and the United Nations' definition of genocide. With the use of lynching, southern white people undermined the foundations of life for southern black people. Lynching was a direct attack on the comfort, liberty, and the peace of mind that any human being should enjoy. Because of the constant threat of violence, death, and torture by lynch mobs, black people had their dignity and humanity severely undermined. According to Lemkin, one's dignity is an essential foundation of one's life. The physical killing of black people in America, at this time period, was consistent with Lemkin's original idea of genocide. According to Lemkin, genocide is a coordinated plan of several actions used to undermine the essential foundations of life of the target group with the intention to destroy a group in whole or in part. Lynching was just one aspect of this coordinated plan to destroy black people in America (the target group).

Lynching was a product of racial prejudice that had deep roots in the complicated history of race relations in the United States. Cutler argues that although racial prejudice "does not justify the lynching of Negroes", it made it easier for the perpetrators to justify

it and for the bystanders to condone it (Cutler 1905: 207). Indifferent bystanders and law enforcement officials lent lynching a semblance of legality. The fact that thousands of onlookers rushed to witness the gruesome details of lynching, only added to the perpetrators' feeling of indifference. In cases of genocide the bystanders play a larger role in promoting atrocities. The racist stereotypes that black men were "bestial" and "insatiable ... rapists" fueled the rage against black men that led to lynchings (Dray 2002: 4). This myth that black men had an uncontrollable urge to rape white women encouraged lynching as a means of social control and a way to protect fragile white women (Raper 1951: 8). When a black man was accused of raping a white woman, as in the case of Sam Hose, and many others, mobs of "determined men" quickly launched a manhunt for the accused (Dray 2002: 4). White people commonly believed that all black aspirations—the attainment of money, education, or any accomplishment of any kind were means used to get in the bed of a white woman (Dray 2002: 60). Historians now concede that the real concern that white Southerners of the late 19th and early 20th centuries had was the loss of their white privilege. If black people were allowed to be successful, and if they were allowed to show human agency, this was a direct threat to the ideology of white supremacy. The successful black man or woman represented just as serious a threat as the "black rapist" to the maintenance of the Southern way of life—a life only made through white privilege and the maintenance of it (Dray 2002: 61).

Many white Americans claimed that lynching was a way to prevent the rape of white women by black men. However, the crime of lynching never reduced these crimes or allegations of the crime, and vengeful reactions to crime (Cutler 1905: 223). Thus, lynching was used as a tool for keeping black people subjugated. Cutler makes the

most poignant observation about the justification of lynching when he states that, “we cannot justify the practice of lynching on any ground whatever, yet the fact remains that it has been repeatedly justified in one way or another” (Cutler 1905: 226).

The lynching of black people in the Southern region of the United States should not be viewed as some random and spontaneous acts of violence. The crimes of lynching that took place, largely in the South, from 1877-1951, were calculated and coordinated by Southern white people with intent to physically destroy a racial group (black people) in whole or in part; and to induce fear and conformity of black people to an ideology of white supremacy. The black experience of lynching, in the American South, is consistent with Lemkin’s original idea of genocide. Lynching was used as a tool of genocide. Southern white people systematically destroyed black humanity and dignity. Southern white people physically killed black people and imposed a calculated condition of fear on black communities. The mental harm that lynching caused among black people cannot be underestimated. Imposing mental and bodily harm on a group deemed inferior by the perpetrator is consistent with both Lemkin’s original formulation of the concept of genocide and the definition ratified by the United Nations. The bodies of one, two, or even three lynched victims at a time, had a larger impact on black society as a whole.

Chapter Three: The Black Experience of Segregation: 1877-1951

In 1883 the United States Supreme Court decided that the Civil Rights Act of 1875, which guaranteed black Americans equal right to public accommodations and public transportation, was unconstitutional, therefore, making segregation legal in the United States (Logan 1954: 37). Segregation, the system of separating all public and private facilities based on race, occurred everywhere in the United States, but most infamously (and arguably more violently), in the former Confederacy (Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, and Texas). Segregation was a system of laws based on white supremacist thinking and mainly on the fear that white Americans had about race mixing (Mack 1999: 379). Segregation was a form of collective oppression that excluded black people from mainstream (white) America (Liberato et al. 2008: 230). Segregation “promoted ideologies of white supremacy and African American inferiority in the USA” (Liberato et al. 2008: 231). This chapter will primarily focus on Jim Crow segregation, but Defacto segregation in the North will also be addressed.

After *Plessy v Ferguson* (1896), a Supreme Court case that condoned segregation by upholding the legal doctrine of “separate but equal”, Jim Crow segregation spread across the South like wildfire (Packard 2002: 84). There was not a single facet of southern life that was not segregated. Jim Crow was in place to ensure that black people would not be allowed for a moment to forget their inferior status in the United States. Although the “separate but equal” doctrine stated that both parts would

be equal, the black part would be “indisputably and often grotesquely inferior to its white counterpart” (Packard 2002: 87).

Segregation promoted white supremacy, socially and economically (Liberato et al. 2008: 237). Because of segregation, land was not distributed fairly and evenly, so many black people were forced to work as sharecroppers as late as the 1960s (Liberato et al. 2008: 231). Sharecropping was very much like slavery, in the way that black people (and some poor white people) worked on a portion of an “owners” land and paid the owner for goods used and rent. The system of sharecropping was made in such a way as to not allow the workers to get out of debt, so they would always owe the owner of the farm money, so they could never leave his or her employment. Segregation served as a way to keep black people “in their place”, and it was a control of physical space (Liberato et al. 2008: 237).

The demand for segregation only occurred after the abolition of slavery in 1865. Slavery kept black people in their place without the use of segregation. Black people had to work and live in close proximity to their white owners and overseers, so the idea of segregation was only necessary after emancipation. After black people were freed from slavery, there was a brief period of reconstruction (as discussed in Chapter Two), and after Reconstruction ended, segregation was implemented in most parts of America. The demand for segregation came from fear. Fear of job competition, miscegenation, the rape of white women and an array of other Fears most closely resulting from white supremacist ideals demanded for strict segregation policies. Working-class white Americans were the biggest supporters of segregation laws

because black men were their main competitors in the work force, and usually, working-class white Americans only had the color of their skin to boast about to black people.

After 1890, there was a “rising tide” of racial prejudice in the United States. Blackface performances, books, plays, “science”, and other media for portraying every day American life were full of racist stereotypes and the hailing of white superiority. Both the racist literature (most famously Thomas Dixon’s *The Birth of a Nation*), celebrated “the policy of racial repression” (Spear 1967: 161).

Before the 1883 U.S. Supreme Court decision that made the Civil Rights Act of 1875 unconstitutional, there was already state-sanctioned (codified into law) segregation based on race (Mack 1999: 380). Many scholars such as Kenneth Mack and Paul Ortiz, believe that the only effect the Supreme Court decision had on segregation was that now segregation could be written into law because segregation was a part of Southern life “shortly after the Civil War if not before” (Mack 1999: 378). The first Jim-Crow law was a railroad segregation law passed in 1881 (two years before the U.S. Supreme Court decision) in Tennessee (Mack 1999: 382). In 1887 Florida, following Tennessee, also segregated its railroad cars; Texas was not far behind in 1889 prescribing “small criminal fines” to sitting in a railroad car that was not designated for a person’s race (Mack 1999: 385). Impeding on the ability to move about the country freely is a form of social and economic segregation. The system of segregation also barred shop owners from serving black people. It encouraged state-sanctioned violence against black men and women who violated this rule. When black people moved into places where they were forbidden to live under the rigid laws of segregation, they were often murdered by lynching (Liberato et al. 2008: 238).

All public spaces in the Jim-Crow South were segregated, such as: hospitals, housing, schools, theaters, accommodations, buses, trains, restaurants, and even in death—cemeteries (Patterson: 1951: 5). Because of segregation, all private and semi-private hospitals in the Southern states, and most hospitals in the north refused to admit black patients and also black doctors. Since large numbers of the black population in the United States resided in the South, most black people had a problem finding healthcare. Most black women had to give birth at home, or in “over-crowded Negro” wards at the few public hospitals that admitted black people (Patterson 1951: 128). Worst still, they were rarely admitted to medical colleges in the United States, and because of this there was only one black doctor per every 4,409 black Americans (their white counterparts had one white doctor for every 843 white people). As Patterson and his co-petitioners note, in the South the “proportion of white doctors to the white population [was] 22 times greater than the proportion of Negro doctors to the Negro population” (Patterson 1951: 128). Since black people were usually denied health insurance, they could not pay for healthcare costs out of pocket. Health insurance companies did not deny black people insurance because they were black. Health insurance companies understood that working in lower-wage jobs (as most black people did) exposed them to many health hazards, so the insurance premiums for low-income workers were much higher than the insurance premiums for workers in white-collar jobs (Patterson 1951: 128). Black people could very rarely afford health insurance, yet 73 percent of black families in the South received less than \$2,000 a year, and more than 20 percent of black Americans received less than \$500 a year. And it was these low

wages, the poor living conditions, and the hazardous jobs that black people were forced to accept, that complicated their health conditions (Patterson 1951: 128-129).

If black people could not get out of the stringent Jim-Crow laws that affected their lives in the South, they were forced to work in menial jobs, and they were oftentimes the last hired and the first fired. These jobs paid so little, and because of the 40 million homes that were “out of bounds” for purchase by black people, black Americans were forced into ghettos (Patterson 1951: 129). This segregated housing was usually filthy and disease-ridden (Patterson 1951: 5). A typical picture of an urban black household in Atlanta is a cramped, one-story shack with two to three rooms, unpainted, and very few had water or sewage. Because of this, black housing was a fertile environment for respiratory diseases, tuberculosis, pneumonia, diarrhea, enteritis, dysentery, and childhood cholera. Because of these horrible living conditions that segregation imposed on black people, the death rate of black Americans (as of 1948) was much higher than the death rate of white Americans. In 1948, the death rate for black people was 1,127.5 out of 100,000, and the death rate for white people in that same year was 972.1 out of 100,000. About 32,000 African Americans died each year due to the imposition of poor living and health conditions from 1948 to 1951 that, indeed, is a shocking statistic (Patterson 1951: 126).

Hostility towards black people is seen in greater volumes where higher numbers of black people competed for jobs that white men wanted. In 1910, nearly of all black people in the United States lived in the South. However, due to segregation and racial violence, great numbers of black people relocated to Northern cities (the Great Migration). By 1930 almost 75 percent of New York City black people were from the

South, and in the same year, 90 percent of Detroit's black population came from the South (Packard 2002: 111). Interest in segregating the South resulted from the fear of white southerners who saw able-bodied black men as a direct threat to their livelihood. These racial feelings were "carefully nurtured" by the white power structure eager to see working-class Americans divided along racial lines. Segregation laws nourished white supremacy in the United States. Although Jim Crow laws were more stringent in the South, it is important to note that segregation practices, especially after the Great Migration, were also visible in most northern states.

In the article "I Still Remember America: Senior African Americans Talk about Segregation", Ana Liberato, Dana Fennell, and William L. Jeffries interviewed ten black men and women who lived in the South during segregation. Two of the interviewees remembered racial violence against members of their race who had become successful even while living under Jim Crow. Some black people living under Jim Crow still managed to become successful business owners or business professionals because segregation made black-owned business a necessity. Mr. Johnson who lived in Alachua County, Florida, recalled that "the KKK... burned crosses in front of Negro houses... They were nasty" (Liberato et al. 2008: 238). Mrs. Howard who lived in Miami, Florida, also remembered a man who had a little coffee shop in the city. The KKK didn't want him to have a store as a "colored man." "His body was torn apart and thrown [in] to the river... the KKK did it. That was so bad. We never forgot that" (Liberato et al. 2008: 238). In the petition, *We Charge Genocide*, the authors list real-life accounts of murder because of segregation laws. Matthew Avery, a student at A & T college in North Carolina, was killed on December 8, 1950 because he was refused admission into a

white-only hospital, Hosea W. Allen was killed on September 26, 1948 when he asked to be served a bottle of beer at a bar that refused to serve black people, Otis Newsom (a veteran) was killed during the week of April 4, 1948 because he asked a gas station operator to service his car, Leroy Foley died, in August 1950, after three hours of misery because an all-white hospital refused to serve him, Willie Pitman, a taxi driver, was killed on May 28, 1947 because he was performing a “white job”, and on February 6, 1951 a prominent black dentist was “beaten to death” after he witnessed two white men molesting two black girls (Patterson 1951: 13-15).

Many black people experienced racial violence in public spaces. Mrs. Jordan, a former resident of Putman County, Florida, noted that she was “chased down the street by University of Florida students. They liked to chase Negroes with baseball bats and water balloons. And they would also come to our neighborhood because they were allowed to do so... We really went through a lot” (Liberato et al. 2008: 238). Mr. Johnson (also mentioned above) remembered a black man “walking with his wife in downtown (Florida). There was a soldier club downtown and they went there. They [KKK] told this man’s wife to run away because they was [sic] going to kill her husband. And they killed him... They could kill you for anything. They did a lot of nasty things. They did a lot of burnings, too” (Liberato et al. 2008: 238). Although many black Americans testified to the brutalities and harsh conditions of segregation, it is also important to note that black people confined to segregated housing also came to appreciate the strength in their numbers (Packard 2002: 113). This sense of togetherness and the organizations and institutions that sprang out of black

communities allowed for the growth of the NAACP and later the Civil Rights movement (Kirk 2009: 54).

Segregation as Genocide

The Civil Rights Congress, in the petition *We Charge Genocide*, declared that segregation was a form of dehumanization closely related to the “Hitler-like theory” of the “inherent inferiority of the Negro” (Patterson 1951: 8). *The Crisis*, the NAACP’s magazine edited by W.E.B. DuBois, made links between Nazism and American segregation as early as 1933 (Whitfield 2012: 59). When two survivors of the Holocaust, Gabrielle Edgcomb and Elie Wiesel, were brought to the American South, in 1957, they were struck by the similarities between the Nazi treatment of European Jews and segregation laws in the Southern United States. The cover of Edgcomb’s book, *From Swastika to Jim Crow*, has two haunting photographs: an American taxi cab with an inscription: “white Only”, and a park bench in Europe with the words “Nur Fur Arier” (For Aryans Only).

World War II illuminated the fact that racism and anti-Semitism stemmed from, “a common need to scapegoat and to enact a compulsive aggressiveness against others” (Whitfield 2012: 61). It was European Jewish exiles who were more likely to make comparisons between racial policies in America and Nazism. They had seen segregation used for sinister purposes and could, no doubt, see the connection between what they experienced in parts of Europe and what was taking place in the American South (Whitfield 2012: 61). Anne Skorecki, a Polish Jew refugee, who arrived in New Orleans in 1949, stated that she could never get used to the “outward signs of

segregation” (Whitfield 2012: 63). It was not only European refugees that could make connections between the American South and Nazi-occupied Europe, but also Americans who had been abroad. Lillian Smith, a writer, lived abroad during the tyranny of the Third Reich. When Smith came back to the United States, she directly equated the KKK to the Nazis by calling the KKK “an authentic folk movement” that displayed “kinship” with the German Nazis (Whitfield 2012: 63). white supremacy— be racism or anti-Semitism had a common link: civilian Germans and civilian American white people used “intimidation and fear” to perpetrate cruelty against their fellow human beings.

The features of segregation outlined in this chapter fit into Lemkin’s and the United Nations’ definitions on genocide as we have already observed in the Chapter One. Article II of the Genocide Convention, subsection (c), states that genocide involves “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”. Segregation laws were intended, in part, to physically destroy, totally or partially, black people as a racial group. Lemkin had argued that genocide occurs when a series of actions take place. These include assaults on the “security, liberty, health, [and] dignity” of individuals in their capacity as members of a target group, and also when the group’s “essential foundations” of life are undermined with the intention of destroying the group. Segregation made it impossible for the group to have a sense of belonging to America as a nation (Lemkin 1944: 79).

Stereotypes about black people have been permitted in American society since slavery. It is these stereotypes that encouraged lynching and segregation. From both Lemkin’s and the UN’s concepts of genocide, segregation can be considered as an instrument of genocide. Segregation undermined the foundations of life of the targeted

group by stripping the group of its “security, liberty, health, dignity and even the lives of the individuals belonging to such groups” (Lemkin 1944:79). Lemkin’s definition of genocide points out the importance of both physical killing, and attacks on the living conditions of a target group in determining a case of genocide. Segregation can also be seen as genocidal in nature by the UN’s definition of genocide (1948). According to the UN, genocide occurs when acts are committed “with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group.” Segregation falls into the following subsections: (a) Killing members of the group, (b) causing serious bodily or mental harm to members of the group, and (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. The lack of adequate medical care and the horrible living conditions that most black people were forced to live in during segregation, resulted in the deaths of members of this targeted group. The dehumanization of black people through federal and state laws condoning segregation directly caused mental harm to the victims. Segregation was the most violent expression on how black people were deemed expendable in the South. Segregating black people from white people set up an immediate us/them dichotomy, and in the case of the United States, reinforced the already existing white/black dichotomy. Therefore, segregation was not only a by-product of white racism, but it also fostered white supremacy and racial prejudice. Segregation presumed that racial differences between black people and white people necessitated discrimination against black Americans in housing and other basic requirements for survival (James 1994:412). Because of racist ideas and a general hatred of black people by white people, segregation was used as a way to enforce conditions of life that would bring

about the ultimate, but gradual, physical destruction, in whole or in part, of black people as a group defined on the bases of their physical appearance and their presumed threat to the economic well-being of white people in the South.

Scholars who study genocide such as, Irving Louis Horowitz and Helen Fein, have concluded that the black experience bears no resemblance to genocide (Fein 1993; Horowitz 1980). Had Horowitz and Fein carefully reviewed the black experience of segregation, it would have struck them that the similarities between genocide and segregation are undeniable. In the Holocaust, for instance, segregation was used as a way to dehumanize a group of people. Life in Jewish Ghettos in Nazi-occupied Europe took away the rights of Jews to security, liberty, health, and dignity (Lemkin 1944: 79). This thesis argues the black experience of segregation should also be seen as one of the calculated measures taken to exterminate a target group.

These instances of racial violence occurred in public spaces. This shows growth of a genocidal mentality by many white people and the white-controlled state apparatus. According to Horowitz, genocide is conducted by the approval of such behaviors by the state apparatus, and it “reflects some sort of political support base within a giving ruling class or national group” (Horowitz 1980: 14). Segregation was codified into law in many states showing a political support base for such beliefs and behaviors. Horowitz, however, concludes that the black experience in the United States was not genocidal because he believes the shared experiences of black people to be a mere case of vigilantism when in fact, lynching and segregation can both be seen as calculated acts used to bring about the physical, emotional, and cultural destruction of the group.

Helen Fein has also argued that when victims of genocide are often “defined by ideology, propaganda and tradition” and they are seen by the perpetrators as “enemies” or subhuman creatures, who are “inassimilable”. She calls this type of target group “ideological victims” because it is the ideas and stereotypes of the oppressor that victimizes the group (Fein 1993: 3). Although Fein does not connect the black experience in the United States to her concept of “ideological victims”, this thesis seeks to create that connection. Negative stereotypes about black people through propaganda created and reinforced the fantasy of white supremacy and the ideological assumptions about the innate inferiority of black Americans. These feelings and ideologies placed black people outside of the “universe of obligation” of most white people, in the South, between 1877 and 1951 encouraging segregationist laws and lynching of black people. In order for a population to be murdered with impunity and separated from white society, that population has to be completely dehumanized. Dehumanization is the thread that connects all experiences of genocide together, and it is this same thread that connects the black experience of genocide to all the classical cases of genocide that genocide scholars study.

The idea of the control of physical space is important in the history of black Americans (or any oppressed group for that matter) because of the understanding of the concept of “freedom”. According to Paul Ortiz in his book, *Emancipation Betrayed: The Hidden History of black Organizing and white Violence in Florida from Reconstruction to the Bloody Election of 1920*, after emancipation black people understood freedom to mean having control of one’s own body (Ortiz 2005: 11). Subsequently, if one has control of his or her body, one should also have control over where the body is

located—the use of segregation by white people was not the “freedom” that black people had envisioned after emancipation. This liberty to have control over one’s own body was taken away with segregation laws, and this lack of liberty and dignity black experiences in the South directly connect to Lemkin’s original concept of genocide. Black people having the freedom to make their own choices on where they want to work, worship, study, and vote is crucial to a group’s feeling of belonging. Segregation made it impossible for black people to have that sense of national belonging that is a crucial foundation of life. Lemkin viewed these social and cultural aspects of life to be very important, and if a group was stripped of these “foundations” of life, that group was a victim of genocide.

Segregation, as it is practiced in the South can be associated with Lemkin’s definition of genocide (as stated above), and also with his two phases of destruction that he understood to be part of the processes of genocide. Lemkin argued that the destruction of the national pattern of the oppressed group and then imposition of the national pattern of the oppressor are two key processes that can be associated with genocide (Lemkin 1944: 79). Through the use of segregation, state authorities in the South forced black people to conform to subjugation for the benefits of white builders of the United States. Empire or nation building and colonization were key aspects of Lemkin’s original understanding of genocide. Lemkin understood that it is not only the physical destruction of a group that constitutes genocide, but also the destruction of that group’s culture, religion, dignity and survival that make up the essence of genocide. The United Nations definition was written specifically for the purpose of prosecuting criminals after World War II, and cannot be used as the only source for understanding

differing experiences of genocide. Lemkin's definition was not written for prosecuting perpetrators of genocide, but rather for understanding the historical and sociological processes of genocide. The black experiences of lynching and segregation in America can fit into Lemkin's broader concept of genocide, and some of the key provisions of the UN's Convention on the Prevention and Punishment of the Crime of Genocide of December 1948.

Conclusion

This thesis examined the lynching and segregation of black Americans between 1877 and 1951 as a racial and ethnic group in America. By looking primarily at Raphael Lemkin's original definition of genocide, and the United Nations' legal definition of genocide, this research observed that black people have been victims of genocide in the history of the United States.

On the basis of evidence of lynching and segregation, it is clear that black people were victims of a peculiar case of genocide. This was not a case of genocide, like the Holocaust, where Jewish people were forced into work camps, gassed, and killed by the millions. This case of genocide is peculiar in the way that lynching and segregation were used as two coordinated acts to physically and mentally harm black people. Unlike the more well-known cases of genocide, black Americans were allowed to continue their existence (for the most part) in the United States, but they were marginalized, objectified and killed through segregation and lynching among other measures intended to deprive them of life, liberty and the pursuit of happiness.

Segregation separated black people in the United States, at this period, from mainstream (white) society. This harmed their sense of national belonging in a manner consistent with what Lemkin called the destruction of the "essential foundations" of the life of a target group in a genocide (Lemkin 1944: 79). Black men and women were brutally killed, for sport and amusement, by the thousands, in the American South.

Lynching was made into a public spectacle where lynch mobs, as perpetrators of genocide, built stages, sold tickets, changed train routes, sold body parts, sent photographs of lynching as postcards (allowed by the USPS), and dragged the victims' body from the back of a truck (Fuoss 1999: 7). Lynching only continued because of the public support and state tacit approval it received. Therefore, one can conclude that the hatred and indifference of the state governments and majority of white people betrayed the intent to destroy black people in the United States as a group from 1877 to 1951.

To demonstrate that black people experienced genocide at this period in American history, this research used primary and secondary sources including: black newspapers, petitions, articles, and books. These sources contain evidence that support the thesis that black people in America, between 1877 and 1951, experienced genocide through the use of lynching and segregation. It is important to note that for the purpose of this thesis only the crimes of lynching and segregation were considered, but this is only a fragment of the persecution of black people at this period. There were other coordinated acts against black Americans aimed at destroying them, in a whole or in part as a group. They include rape and disenfranchisement. Although this thesis could not explore these two crimes, it raises them as topics for future research.

The evidence of genocide against America's black population is available, yet the black experience is invisible in genocide studies. This does not necessarily mean that there is a conspiracy to keep this history of black Americans from genocide historiography, but it could mean that there are not many scholars who study black American history and who also have knowledge in the field of genocide studies. However, some scholars, such as Helen Fein, Irving Louis Horowitz, and Seymour

Drescher have touched on the experience of black people in America. They have, however, only touched on the black experience of slavery in the Americas. By focusing solely on slavery, it is easy to deny that black people experienced genocide in American history since the act of enslavement itself lacks a requisite intent to destroy the enslaved group. But, slavery is only a portion of the vast American history, and cannot sum up the history of black people in the United States.

If the United States were to recognize that black Americans have experienced genocide, black people would have legal cause for redress. This recognition could open claims for compensation and memorialization. That fear of retribution or legal action is probably the main reason why the history of black Americans, documented and discussed in this work, have not been given the attention it deserves in genocide historiography. One hopes that this essay will spark a new or renewed interest in the study of the black experience in the United States beyond slavery as an important topic in the study of genocide.

Bibliography

Primary Sources

Newspapers

The Chicago Defender, 1910-1947

New York Amsterdam News, 1923-1935

Books and Articles

Dubois, W.E.B. "The Future of the Negro Race in America." *DuBois on Reform: Periodical-Based Leadership for African Americans*. Ed. Brian Johnson. Lanham: AltaMira Press, 2005. 160-171.

Lemkin, Raphael. *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. New Jersey: The Lawbook Exchange, Ltd. 1944. Print.

Liberato, Ana S. Q, Dana Fennell, and William L. Jeffries IV. "I Still Remember America: Senior African Americans Talk about Segregation." *Journal of African American Studies*. Vol. 12 (2008): 229-242. Web.

Logan, Rayford W. *The Negro in American Life and Thought: The Nadir 1877-1901*. New York: The Dial Press, Inc., 1954. Print.

Patterson, William. *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of The United States Government Against the Negro People*. New York: Civil Rights Congress, 1951. Print.

UN General Assembly. *Prevention and Punishment of the Crime of Genocide*, 9 December 1948.

Wells, Ida B. *Southern Horrors and Other Writings: The Anti-Lynching Campaign Of Ida B. Wells, 1892-1900*. Boston and New York: Bedford Books, 1997. Print.

Secondary Sources

Branam, Chris M. "Another Look at Disfranchisement in Arkansas, 1888-1894." *The Arkansas Historical Quarterly* vol. LXIX, No. 3 (2010): 245-256. Web.

Chadbourn, James Harmon. *Lynching and the Law*. Chapel Hill: University of North Carolina Press. 1933. Print

Chalk, Frank, and Kurt Jonassohn. *The History and Sociology of Genocide*. New Haven and London: Yale University Press, 1990. Print.

Charney, Israel. "Intervention and Prevention of Genocide." *Genocide a Critical Bibliographic Review*. Ed. Israel Charney. New York: Facts on File Inc. 1988. 20-38.

Cooper, John. *Raphael Lemkin and the Struggle for the Genocide Convention*. New York: Palgrave Macmillan, 2008. Print.

Costigan, Edward P. "Should the Costigan-Wagner Anti-Lynching Bill be Passed by Congress?" *Congressional Digest* (1935): 172-178. Web.

Curthoys, Ann, and John Docker. "Defining Genocide." *The Historiography of Genocide*. Ed. Dan Stone. New York: Palgrave Macmillan, 2008. Print.

- Cutler, James. *Lynch-Law: An Investigation into the History of Lynching in the United States*. New Jersey: Patterson Smith, 1905. Print.
- Dagbovie, Pero Gaglo. *African American History Reconsidered: New Perspectives on Black History and its Profession*. Champaign: University of Illinois Press. 2010. Print.
- Davis, David. "Not Only War is Hell: World War I and African American Lynching Narratives." *African American Review* vol. 42, no. 3 (2008): 477-491. Web.
- Dray, Philip. *At The Hands of Persons Unknown: The Lynching of black America*. New York: The Modern Library, 2002. Print.
- Drescher, Seymour. "The Atlantic Slave Trade and the Holocaust: The Comparative Analysis." *Is the Holocaust Unique? Perspectives on Comparative Genocide*. Ed. Alan S. Rosenbaum. Boulder: Westview Press, 2001. 91-117.
- Fein, Helen. *Accounting for Genocide*. Chicago and London: University of Chicago Press. 1984. Print
- Fein, Helen. *Genocide a Sociological Perspective*. London: Sage Publications Ltd. 1993. Print.
- Fuoss, Kirk W. "Lynching Performances, Theatres of Violence." *Text and Performance Quarterly* (1999): 1-37. Web.

Hinton, Laban Alexander, Thomas La Pointe, and Douglas Irvin-Erickson.

Hidden Genocides: Power, Knowledge, Memory. New Brunswick:
Rutgers University Press. 2014. Print.

Horowitz, Irving Louis. *Taking Lives: Genocide and State Power*. New Brunswick:
Transaction Publishers. 1980. Print.

James, David. R. "The Racial Ghetto as a Race-Making Situation: The Effects of
Residential Segregation on Racial Inequalities and Racial Identity." *Law & Social
Inquiry*. (1994).407-432. Print.

Kirk, John A. "The Long Road to Equality." *History Today*. (2009) 52- 58. Web.

Kuhl, Stefan. *The Nazi Connection*. Oxford: Oxford University Press. 1994. Print.

Kuper, Leo. *Genocide: its Political use in the 20th Century*. New Haven: Yale University
Press. 1982. Print.

Levene, Mark. *The Meaning of Genocide: Genocide in the Age of the Nation State*.
London And New York: I.B. Tauris & Co. Ltd. 2005. Print.

Mack, Kenneth W. "Law, Society, Identity, and the Making of the Jim Crow South:
Travel and

Segregation on Tennessee Railroads, 1875-1905. *Law and Social Inquiry* (1999):
377-409. Print.

Ortiz, Paul. *Emancipation Betrayed: The Hidden History of black Organizing and white Violence in Florida from Reconstruction to the Bloody Election of 1920*. Berkeley: University of California Press, 2005. Print.

Packard, Jerrold M. *American Nightmare: The History of Jim Crow*. St. Martins Griffin: New York. 2002. Print.

Raper, Arthur. *The Tragedy of Lynching*. Chapel Hill: University of North Carolina Press. 1933. Print.

Shaw, Martin. *What is Genocide?* Cambridge: Polity. 2007. Print.

Schaller, Dominik J. and Jurgen Zimmerer. "Raphael Lemkin's View of European Colonial Rule in Africa: Between Condemnation and Admiration." *The Origins of Genocide: Raphael Lemkin as a Historian*. New York: Routledge, 2009. 87-94.

Sheffer, David. "Genocide and Atrocity Crimes." *Genocide Studies and Prevention* vol. 1, No. 3 (2006): 229-250. Web.

Spear, Allan. "The Origins of the Urban Ghetto 1870-1915." 153-166. Web.

Tatz, Colin. *With Intent to Destroy: Reflecting on Genocide*. London and New York: Verso. 2003. Print.

Waldrep, Christopher. "National Policing, Lynching, and Constitutional Change." *The Journal Of Southern History* vol. LXXIV, no. 3 (2008): 589-626. Web.

Waldrep, Christopher. *African Americans Confront Lynching: Strategies of Resistance From the Civil War to the Civil Rights Era*. Lanham: Rowman and Littlefield Publishers. 1951. Print.

Whitfield, Stephen J. "The South in the Shadow of Nazism." *Southern Cultures* (2012): 57-75. Web.