



Due Process Ignored: Lynching and American Culture

Curriculum Unit 14.03.01

by James P. Brochin

Introduction

The shameful history of lynching and extrajudicial violent actions, from hangings and torture to other violent acts, challenges our assumptions about America as a law-abiding society. In many lynchings, townspeople and others were accomplices, enthusiastic witnesses, and participants in the killings. "On a Sunday afternoon, April 23, 1899, more than two thousand white Georgians, some of them arriving from Atlanta on a special excursion train, assembled near the town of Newman to witness the execution of Sam Hose, a black Georgian...this one became a public spectacle. As in most lynchings, the guilt of the victim had not been proven in a court of law...The next morning, smoldering ashes and a blackened stake were all that remained." (Littwack, "Hellhounds." Without Sanctuary: Lynching Photography In America. Twin Palms Publishers, pp. 8-9.)

In accordance with the requirements and suggestions of the Yale New Haven Teachers Institute, this unit plan will be presented in the approximately the following manner: 1) a sustained "narrative," including a rationale for the particular approach chosen, the objectives the teacher hopes to achieve, and an account of the background information and content mastery one needs in order to teach the topic effectively; 2) "strategies," a section in which the teacher discusses in general terms the pedagogical methods best suited for conveying the unit's subject matter; 3) "classroom activities," not to be confused with lesson plans because these are meant to be more descriptive of actual teaching procedures, typically three in number; 4) a list of bibliographical resources suggested for other teachers interested in adapting it to their purposes, and, if appropriate, a separate list of resources for the students; and 5) an appendix describing the relation of the unit's content to school district, regional, and national standards, and any other appendices such as diagrams or charts employed in teaching the material.

Narrative, Rationale, Objectives, and Background Information and Content Mastery Needed Order to Effectively Teach This Unit

This Unit seeks to involve students in student-to-student discourse about lynching in America: causes; descriptions of the phenomenon in the South, the West, and other locales; the historical trajectory for its eventual end, and lessons to be learned.

Teachers should be mindful of the possible traumatic impact on students that teaching about such raw

violence poses. Here is a brief excerpt of a reflection about this issue by a teacher of freshmen in New York:

"Looking back on my first year of full-time teaching, I can still say with certainty that the lynching unit facilitated some of the most valuable discussions that I have had to date with students both inside and outside the classroom. Nevertheless, after discussing the risks and benefits of teaching such traumatic material with colleagues from universities in the United States and Canada and with students, I have become more circumspect about incorporating a unit about lynching into a freshman-level, general education course. Before I would teach such a unit again, I would assess the class more carefully than I did the first time around. In retrospect, there were important questions concerning teaching potentially traumatic material that I ought to have considered in advance: is it pedagogically appropriate to expose students to graphic images and texts? How do we recognize and accommodate the different ways that students will identify with the history they are studying? To what extent are we obligated to give students the freedom to opt out of a pedagogical encounter that will expose them to visual or written representations of violence?" (Tucker, Linda. "Not Without Sanctuary. Teaching About Lynching." Transformations. Vol. XI, No. 2.)

After reading about individual reactions to the harrowing stories told so harrowingly in *Without Sanctuary*, I quote their rough range as follows, and have proposed a unit plan which confronts the reality and detail of lynching with no explicit provision for students opting out or other modification for the possible sensitivities of an individual or group of students. I am aware that there are some uniquely disturbing aspects of lynching's long and awful history that distinguish it from other largely racially motivated violence, even the Holocaust. In many if not most lynchings, there was some veneer of legitimacy, in the form of vigilance committees that held trials and meted out punishment. Hundreds who seemed to view it as on the spectrum of normal often viewed the events. I know of no similar participation of German or occupied citizenry in large numbers to capture, try and execute individual Jews. The willing participants in the spectacle largely produced the postcards and photographs. Sometimes, body parts of the dead victim were sold as trophies. These factors could be uniquely upsetting to some students, particularly African American students. I recommend that the classroom teacher treat the unit in a similar way that one would treat a unit on the Holocaust. Know your students. Anticipate how and when the material might be overwhelming or cause disengagement. And remember that edifying lessons can be extracted from the experience. (We must be vigilant to guard against a repetition of such disregard for the rule of law. Some newspaper editors, even in the Deep South, protested)

The following posts are in response to James Allen's role as co-author of the book *Without Sanctuary: Lynching Photography in America*, narrator of the film with the same name, and a web site devoted to the message and content of the book:

"Thanks so much for this website. Modern day students, in general, do not understand the gravity of the race situation back at the beginning of the 20th c., so when I teach Langston Hughes's "Let America Be America Again," many of his points are lost. Lynching, subjected mostly on African-Americans, demonstrates the depth of the horrors blacks in the U.S. struggled against. As Charles W. Chesnutt notes in his *The Marrow of Tradition* (1901), the 13th, 14th, and 15th Amendments hardly meant the end of racial barbarism and the beginning of joy between the races, and this website shows the truth behind African-American furor then and continued calls for justice now. Thank you, James Allen, for your courage in posting these photos, and for your eloquence in speaking of them. (The book is incredible, too!)"

"I appreciate you making a web page of this, because I heard about it in class and seen some pictures, but to watch them on this web page brought tears to my eyes. My ancestors had a harsh life to live through. They lost their lives to stupidity and cruelty. Well I'm going to stop typing because this is really making me upset."

"I watched your movie. [James Allen, co-author of *Without Sanctuary* has produced a film, viewable on the Internet, combining the book's photographs with his narration.] I looked at many photographs. It all evokes deep feelings that remind me of the way I felt on 9-11. Human beings are capable of atrocities that seem impossible to me. I am glad that you have put this collection together, because I think it is important to look and see and know just how atrocious. I feel a personal commitment to ensure that nothing like this ever happens again, and yet, I think that there is little difference between these lynchings and war... Your collection is a reminder."

"I'm going to teach this to my sophomores, because it wasn't taught to me. I found out about the history of lynching when I was just out of college. And I still-still-don't understand why the true story of American history is not part of our curriculum. As part of a Social Justice Unit on Poetry, we will spend time looking at this collection of atrocities. If not now...when?"

"My US History class teacher showed this presentation [the film by Allen], and after it was over, there was a silence in the classroom that was deathly. As an African-American, I've always been into the history of my ancestors. I knew about lynchings, but a picture is worth a thousand words. A thousand words that left me stunned, in disbelief. These pictures made me feel angry, sad, and scared. They made me ask, why? They made me feel sick. This is one of the most touching experiences that I've ever had in my life, and it was in the form of a presentation. Something about the way the man [Allen] talks, something very haunting about it all. And the thing I found most disturbing, was not the pictures of the hanging corpses, but the smiling faces in the background. Farmers, and mothers, store owners, children smiling up at the dead and abused body of a human being. Christians, people who went to church everyday, and lived by the word of God. But, in a sense, maybe it's not so surprising that they believed in God. More people die in the name of religion than in the name of evil. This presentation showed me the importance to end ignorance. The world, whether India, Iraq, Rwanda, Spain, Brazil, America,... We are all one people. One species. We are all human beings and it only hurts us in the end when we allow our hearts to turn to stone. Yes, we all have our own cultures, our own beliefs, and faiths. But am I really that much different from you just because the tone of my skin may be darker, or your hair thin or thicker? We all have the same mind, the same hearts, the same red blood flows through our body. We all can either love, or hate, and this is one of the many messages that the hate needs to end, before it ends all of us."

The above quotes make a good argument for why the unit should be taught. But what about how it should be taught? First, it should be taught in the context of Reconstruction's eventual failure, and the West's development and conflict between whites and Mexicans. Second, it should be taught in a way that students face the horrors head on, without softening around the edges, but in a way that the students see themselves as experts, scholars, historians, and perhaps as outraged bystanders, and not only as shocked students. Should a teacher be Caucasian, or in my case, a mix of Caucasian and Mexican by nationality and Jewish by religion, the teacher might admit his/her distance from the events in the unit, or, for example, address a

similar experience such as anti-Semitism and relatives' murders during the Holocaust, and should stress the importance of expressing empathy and outrage as an underlying theme of the unit. All students should be able to express empathy and outrage, whatever their racial, ethnic, or language background. If the teacher is African American, the teacher might describe his experiences with prejudice or other experiences that connect him/her to the material in a personal way.

New Haven School District's history curriculum, post civil war, is a mile wide and an inch deep. It begins by asking the worthy question: Did Reconstruction succeed in putting the country back together and in defining and protecting the rights of African Americans? Many subjects are covered in few pages in the textbook offered to "College" level students, including the Reconstruction Amendments, Black Codes, the KKK, the Freedmen's Bureau, election of black Congressmen and Senator Hiram Revels, poll taxes, Jim Crow laws and segregation. There is no real effort to introduce, explain, interpret, or to deeply describe lynching: the motives for, the numbers of victims by region and state, the psychology of participants and bystanders, and the efforts to criminalize the act federally and in individual states. The curriculum and text entirely leaves out the "other" lynching events, particularly on the frontier, and in the West: there were white victims, Asian victims, and Hispanic victims. There is little doubt that the clear majority of victims were African Americans: "There are 2805 [documented] victims of lynch mobs killed between 1882 and 1930 in ten southern states. Although mobs murdered almost 300 white men and women, the vast majority, almost 2,500 of lynch victims were African-American. Of these black victims, 94 percent died in the hands of white lynch mobs. The scale of this carnage means that, on the average, a black man, woman, or child was murdered nearly once a week, every week, between 1882 and 1930 by a hate-driven white mob" (Tolnay, Stuart and E.M Beck, *A Festival of Violence: An Analysis of Southern Lynchings 1882-1930*, Urbana and Chicago, Ill: University of Illinois Press, 1992.)

My students generally understand the fact that lynching existed, that it was usually done to African Americans, that it may have had to do with the KKK and scaring African Americans from voting. They fail to understand the deeper cultural divide between primarily southern whites and African Americans, the often sexual nature of the accusations against the victims, and the extent of acceptance of the act, shown in many famous images of smiling or indifferent bystanders.

The District curriculum completely leaves out any discussion of extrajudicial hangings and other lynchings in the West or other places outside the South. "The lynching of persons of Mexican origin or descent has been largely overlooked by historians of American mob violence. This essay offers the first attempt to construct a systematic set of data on the subject. The authors contend that between 1848 and 1928, mobs lynched at least 597 Mexicans. Traditional interpretations of western violence cannot account for this phenomenon. The actual causes of mob violence against Mexicans were several-fold: race and the legacy of Anglo American expansion, economic competition, and diplomatic tensions between Mexico and the United States. Throughout this era, Mexicans formulated numerous means of resistance against Anglo mobs. These included armed self-defense, public protest, the establishment of mutual defense organizations, and appeals for aid to the Mexican government." (Corrigan, William and Clive Webb. "The Lynching of Persons of Mexican Origin or Descent in the United States, 1848 to 1928." *Journal of Social History*. Volume 37, No. 2, Winter, 2003)

Ken Gonzalez-Day's book, *Lynching in the West (1850-1935)*, estimates that a much lower total of Mexicans were lynched (132) than do Corrigan and Webb. (597). The value of Gonzalez-Day's book is based on a number of unique elements: Gonzales-Day begins by photographing lynching sites in order to show empty spaces which are symbols of the forgotten history of lynching in the West. He tries to reconstruct the circumstances surrounding the lynchings that had occurred in the spaces he was photographing. The result is

an original and moving record of a lost time. Gonzales-Day explores the development of lynching photography. The author tries to explain why the history of lynching in the West has been obscured until now, popular misconceptions of frontier justice as race-neutral and the role of the anti-lynching movement in shaping the historical record. Most usefully, the book breaks down each and every extrajudicial killing by date, name, town, county, alleged crime, and racial origin. In total, according the book, 352 persons were lynched, a plurality of whom is identified as Mexicans.

Due Process and Equal Protection Under the Law: The 5th and 14th Amendments

The 5th Amendment provides, in pertinent part, as follows: "No person shall be deprived of life, liberty, or property...without due process of law." When it was ratified in the 18th Century, slaves were property, not citizens. Mexicans, Asians, and Native Americans were also not citizens. The 5th Amendment was interpreted to apply only to the federal government, not state government. Thus, prior to the ratification of the 14th Amendment during Reconstruction, due process was reserved only under federal law, for whites of European (non-Spanish) descent, and, arguably, for freed blacks. The broader right to equal protection under the law did not exist until the adoption of the 14th Amendment.

The 14th Amendment, ratified and adopted by the Constitution on July 9, 1868, provides in pertinent part, as follows: "Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

How was it possible that America went from the legally accepted view that slaves were property, not people, to emancipated citizens guaranteed protection afforded all citizens, including due process and equal protection? The history of reunification after the Civil War provides the answer. State legislatures in former Confederate states, except Tennessee, refused to ratify the amendment. The Reconstruction Acts imposed military government until new civil governments were established and the 14th Amendment was ratified. Congress also passed a law requiring that a former Confederate state must ratify the 14th Amendment before "said State shall be declared entitled to representation in Congress." So, former Confederate states were given a choice, refuse to ratify or lose representation in Congress indefinitely. Their assent to the amendment showed little of the deep resistance, near revolt, which would emerge as Reconstruction ended and Union soldiers were withdrawn (1877), and the dark days of Jim Crow and lynching would take hold.

During the pre-Civil War decades, the Deep South had become so dependant on slavery for its economic well-being and survival that freedmen in their midst became natural targets of resentment, hatred, and fear. No longer would masters have an incentive to keep slaves healthy and salable. Plantation society, the millionaire grower class, was gone, except in the vestigial form as part of sharecropping. Blacks were now competition in the fight for economic survival in the war ravaged and economically distraught South. Though emancipation through Lincoln's Declaration and later postwar 13th Amendment should have come as no great surprise to a nation and South well versed in the generations-long debates over slavery, the Reconstruction Amendments

(13th - universal emancipation, 14th - citizenship, due process, and equal protection, and 15th - voting rights for black men, forced upon Southern states as quid pro quos for re-entry into the Union) were thoroughly rejected by the vast majority of Southern state governments and populations.

In this context, with freedmen seen as a direct threat, that some of the differences, and similarities, between Southern lynching and Western lynching emerge. The central visual image of Western lynchings is a man hanging from an oak tree (the "Hanging Tree"), and as Gonzalez-Day recounts one case (Lynching in the West, p. 2):

"On October 17 [1861], Mrs. Leck...was working in the small shop that she and her husband owned downtown Los Angeles when she was brutally stabbed and robbed...People began to assemble in front of the small storefront after she was discovered. Word spread through the crowd that a suspect had been identified. Her was rounded up and brought before the angry crowd. A rope was placed around his neck. One eyewitness detailed how the angry mob dragged the accused down Alameda Street, observing that by the time they had turned onto Aliso Street the loathsome creature had been stabbed so many times that her was nearly dead already. In spite of his rapidly declining health, he was strung up by the vigilantes just blocks from the sheriff's office. The newspaper summarized the popular sentiment surrounding the case when it wrote, 'A butchery such as he committed was enough to stir our citizens to call aloud for instant vengeance. This was no ordinary case. A helpless and feeble woman, a mother, with two little children playing around her, is set upon by this devil in human form, and mangles and mutilated until life is extinct, for the purpose of gain. No death is too horrible for such a monster, and the yawning gates of hell opened to receive him none too soon.'... This particular monster was named Francisco Coat and he was 15 years old... he was Mexican...denied due process, stabbed, dragged, and hanged with a rope by a group of European and Anglo-Americans that had chosen to take the law into their own hands."

In the South, lynchings were often far more brutal. The very first paragraph of this Unit Plan, on p. 1, leaves out the more awful details of Sam Hose's. I continue as follows:

"Hose had, in self-defense, thrown his axe at his boss Alfred Cranford, who threatened Hose with a gun. Cranford died. "Within two days, newspapers reported an altogether different version. Cranford had been eating dinner when Hose-"a monster in human form"-sneaked up on [Cranford], buried an ax in his skull, and after pillaging the house, dragged Mrs. Cranford into the room where her husband lay dying and raped her. If versions of Cranford's death varied, the story of Sam Hose's fate did not. After stripping Hose of his clothes and chaining him to a tree, the self-appointed executioners stacked heroine-soaked wood high around him. Before saturating Hose with oil and applying the torch, they cut off his ears, fingers, and genitals, and skinned his face. While some in the crowd plunged knives into the victim's flesh, others watched 'with unfeigning satisfaction' (as one reported noted) the contortions of Sam Hose's body as the flames rose, distorting his features, causing his eyes to bulge out of their sockets, and rupturing his veins. The only sounds that came from the victim's lips, even as his blood sizzled in the fire, were, 'Oh, my God! Oh, Jesus.' Before Hose's body had even cooled, his heart and liver were removed and cut

into several pieces and his bones were crushed into small particles. The crowd fought over these souvenirs. Shortly after the lynching, one of the participants reportedly left for the state capitol, hoping to deliver a slice of Sam Hose's heart to the Governor of Georgia, who could call Sam Hose's deeds 'the most diabolical in the annals of crime.'"

Lynching in the West provides a clear and succinct larger meaning to the story of lynching in California, which I believe can be applied nationwide: "In considering the history of both legal and extralegal forms of execution in California, this chapter rests on a singular assertion: in a representative democracy, justice must be more than majority opinion alone. The judiciary was established as the third branch of government to establish equality under the law, and while its boundaries have expanded beyond those individuals it initially sought to protect, its reliance on legal precedence has helped to ensure that no ruling can completely disregard past rulings. As trying as it may be to the patience of the community, the right to due process remains the defining principle of the U.S. judicial system.

"The history of lynching demonstrates that without a legal code of law, justice is little more than a fleeting passion - mob rule. Indeed, many individuals today may share the sense of anxiety and frustration felt by those first waves of "American" settlers, who regularly bemoaned the length and cost of capital punishment in editorials and published letters. In one such letter, addressing a posse that had set out in search of a band of Latino robbers, an unnamed author echoed the dominant view of the Anglo-American community at the time: 'We hope the companies will shoot down the ruffians, should they find them. We want no prisoners, to saddle the county with their support for months, winding up with the farce of trial and acquittal.'"

Certainly law did exist, both in the South and in the West. However, in thousands of lynchings, it was ignored. Even when the law and rights were supposed to be administered fairly, they were largely turned into a sham, as in the events told of in Devil in the Grove, and in the case of *Brown v. Mississippi*, 297 U.S. 278 (1936) (confession by torture).

Unit Purpose and Essential Questions

The unit purpose is for students to be able to understand and explain the role that lynching played in post-Reconstruction American history, well into the 20th Century. The Essential Questions are:

- 1) What purpose(s) did lynching serve in the South, West, and elsewhere?
- 2) Whether there were any righteous citizens or journalists, among white society, who condemned lynching? If so, what made them different?
- 3) What explains the inaction of police, local politicians, and courts in the face of thousands of mob lynchings?
- 4) How and when did lynching in large numbers end?

Academic Setting and Assessments

The unit is to be used in a large urban public school with great diversity among ethnic groups and levels of past academic preparation. It would be taught in an honors US History II and/or Civics class. The target audience would be eleventh grade.

Next year, for the first time in many years, I will be teaching honors US History II/Civics. In addition, all classes will be block classes of about 80-90 minutes each, three times a week. This is exciting and should present greater opportunities for a rigorous, rewarding and deep treatment of the subject.

The material for the unit is designed to be covered in nine sessions, divided into roughly three sections: Section One: Reconstruction failures, white resistance and the growth of lawlessness, early lynching history, attempts to pass federal anti-lynching laws; Section Two: The Bystander's dilemma, and lynching outside the South; and Section Three: The law comes around, *Brown v. Mississippi* and substantive due process, and how did lynching end beginning around 1935.

The primary teaching method will be class discussion, using primary sources such as first person accounts. Assessments will be in the form of student led presentations/debates, and discussions, some of which will be recorded and posted on the Internet as Podcasts.

Recommendations for prior knowledge

Teachers intending to use this unit with students should be sure to gain background knowledge on the following topics, and impart that knowledge to students in an order tailored to a scope and sequence chosen by the teacher.

- Abolition and Civil War
- Reconstruction, Reconstruction Amendments, and conditions for reunification
- Post Reconstruction history of the South: Jim Crow Laws, the KKK, voting rights abuses such as poll taxes, literacy tests, Grandfather clauses
- Settlement of the West
- Accounts of lynching in the South and the West, and elsewhere (according to Tolnay and Beck, in *A Festival of Violence*, "In addition to the punishment of specific criminal offenders, lynching in the American South had three entwined functions: first, to maintain social order over the black population through terrorism; second, to suppress or eliminate black competitors for economic, political, or social rewards; third, to stabilize the white class structure and preserve the privileged status of the white aristocracy")
- In the West, the usual explanation for many lynchings was that they were part of "frontier justice," a kind of substitute for the legal process. Gonzalez-Day's book and its exhaustive appendices contain fine details about each lynching: date, name, town, county, alleged crime, and ethnic origin of the victim. Many alleged crimes were those expected in the West: horse theft,

murder, robbery, but there are others that stand out, like "Chinese Riot." The author is careful to debunk the notion that Western lynchings were not racially motivated: a plurality of the victims was Mexican or Mexican American, and many were Native Americans and Asian. Few were black.

-Infamous but atypical lynchings, such as Leo Frank. In 1913, Frank was convicted of murdering Mary Phagan, a 13-year-old employee of the Atlanta pencil factory that Frank managed. After Georgia's governor commuted his death sentence, a mob stormed the prison where Frank was being held and lynched him. Frank became the only known Jew lynched in American history.

-Anti-lynching activists, such as Ida B. Wells, the early years of the NAACP (women's suffragist, investigative journalist, and activist for the abolition of lynching around the turn of the 20th Century)

-The history of the Dyer Anti Lynching and other bills (nearly 200) not passed by Congress. (On June 13, 2005, in a resolution sponsored by senators Mary Landrieu of Louisiana and George Allen of Virginia, together with 78 others, the US Senate formally apologized for its failure to enact the Dyer and other anti-lynching bills "when action was most needed." From 1882-1968, "...nearly 200 anti-lynching bills were introduced in Congress, and three passed the House. Seven presidents between 1890 and 1952 petitioned Congress to pass a federal law." None was approved by the Senate because of the powerful opposition of the Southern Democratic voting bloc.

-The decline and near end of lynching. Why? One reason given is that the first KKK was disbanded in the 1930's. A second, by way of my own speculation, is that the 1930's would mark the approximate time that most of those who lived through the Civil War and Reconstruction would have passed away. A third, and despite the federal government's failure to have passed an anti-lynching law, the federal government became much more active, and exerted more power under the Interstate Commerce clause. "The sharp decline in lynchings after 1922 had something to do with the fact that early in that year the Dyer Anti-Lynching Bill was passed in the House of Representatives. The Dyer Anti-Lynching Bill provided fines and imprisonment for persons convicted of lynching in federal courts, and fines and penalties against states, counties, and towns that failed to use reasonable efforts to protect citizens from mob violence. The filibuster of the Southern senators who claimed that anti-lynching legislation would be unconstitutional and an infringement upon states' rights killed it in the Senate. However, the long discussion of the Dyer Anti-Lynching Bill was of great importance to the decline. Southern white organizations also began to condemn lynchings during the two decades before World War II. Among them were the Commission for Interracial Cooperation, which did research and issued publications which provided additional facts on lynchings, and the Association of Southern Women for the Prevention of Lynching, which was founded in Atlanta in 1930." (Gibson, Robert. "The Negro Holocaust: Lynching and Race Riots in the United States, 1880-1950." The Yale New Haven Teachers Institute. </curriculum/units/1979/2/79.02.04.x.html>

Challenges and Hopes About How to Engage Students:

- 1) How can the unit quickly get students into a dialog about the subject (s) so that they are learning from one another and so that the teacher lectures only when necessary? (This is what the learning will look like.)
- 2) How can students teach themselves and each other, in such a way that deepens, extends, and makes relevant the subject matter? (This is what the learning will be about.)
- 3) How can the unit expand the subject matter to include lynching in the West and other places outside the south, in such a way that maintains a historical connection to the most common form of lynching, with African Americans as it victims. (Making connections)
- 4) How can the unit get students to feel and express outrage and empathy about the subject, and so they can feel and express outrage and empathy about other historical events, as well as current events? (This is an enduring understanding.)

Resources

Resources for teacher and students include those that are contained in the annotated bibliography, and will also include visual resourced, first person accounts, and films. The following are four samples of classroom activities out of a total maximum of nine (three teaching weeks: nine 80 minute classes).

Day One Classroom Activities: Introduction to The Unit and the Unit Themes

A. Learning Objectives-The students will be able to

- 1) describe their personal reactions to a lynching;
- 2) interpret the 14th amendment, with emphasis on the due process clause;
- 3) define and describe lynching; and
- 4) define the goals of Reconstruction

B. Initiation Strategy: In order to get them right into it, students are shown six graphic photos of lynchings. Students will, in writing and orally, describe what they see. They will share their writing with the rest of the class, each student stand to deliver their writing.

C. Lesson Strategy:

- Students
are
1. divided into six groups of 4
 2. Students are asked to look up and write down the definition of lynching.
Each group is given a first person passage written by a witness to a lynching. Students will divide the passage into four, then rehearse reading it out loud, using a rubric for public speaking developed by the teacher. Then, students will take turns reading the passage aloud. This reading will be recorded and will be used by students at a later date for creation of another project.
 - 3.
 4. Teacher will explain in brief, the context and goals of Reconstruction, and its eventual demise. Teacher will explain the 13th, 14th, and 15th Amendments, and the South's deep resistance to its goals, especially in establishing and protecting the rights of former slaves.

D. Closure: Teacher poses and explains the homework question.

E. Homework: Students read newspaper stories about examples modern lynching and will print those stories and bring them in for discussion on day two. The question posed will be "Why did lynching exist and what purpose do forms of it still serve today?" (In the South, lynching imposed and/or maintained white supremacy, to show to all that the law would not oppose it, and since so many of its witnesses went along with it as a spectacle, normalized it within the white culture.)

Day Two Classroom Activities: The White Supremacy Movement and Lawlessness in the West

A. Learning Objectives-The students will be able to:

- 1) Define and describe white supremacy and its goals;
- 2) Describe the early history of the KKK and its goals and methods;
- 3) Describe the earlier examples of lynching in the South;
- 4) Describe and explain the reasons for early lynchings in the South;
- 5) prepare a graphic representation of lynching statistics; and
- 6) Compare and contrast lynchings in the South and in the West, and other locations.

B. Initiation Strategy:

Students are shown a 15 minute clip of To Kill a Mockingbird, the part of the film where Jem, Scout, and Dill go to the jailhouse, where Atticus is guarding Tom Robinson, and when a lynch mob shows up.

C. Lesson Strategy:

1. In the six groups already assignment from Day One, students research the topics described in the Learning Objectives above. Each student in the group will be responsible for a distinct part of the presentation to be made on Day Three. (1 hour)

D. Closure: Teacher explains the homework.

E. Homework: Each student prepares a one-page paper to present orally on Day 3.

Day Seven Classroom Activities: Mob Rule, Brown v. Mississippi, and The End of Lynching

A. Learning Objectives-The students will be able to:

- 1) Define and describe the duties of citizens to one another;
- 2) Define and describe student attitudes about cooperating with police in preventing or reporting crime (the witness or bystander problem)
- 3) Define and describe how mob rule intimidates the law abiding into silence

B. Initiation Strategy: Teacher presents the following hypotheticals: What would you do if a gang of thugs came to you next door neighbor's house, set a cross on fire, and dragged him out of the house into the dark. What would you do if a known gangster was threatening to kill your best friend and neighbor?

C. Lesson Strategy:

1. After the initiation, students will have a ten-minute discussion and/or debate on the two questions.
2. In the groups given above, students will use most of the class time to research those topics today.

D. Closing: Students report out on the progress on the topic research.

E. Homework: Students write one page answering the questions that was debated.

Day Eight Classroom Activities: Oral Presentations and Planning a Podcast Debate

A. Learning Objectives-The students will be able to:

1) plan a debate about the issues presented in Day Seven.

2) or, plan a debate about an issue or issues chosen by students from the unit.

3) have the debate on the final day of the unit, the next and last class of the unit..

B. Initiation Strategy: Teacher models and explains the debate format for tomorrow.

C. Lesson Strategy:

1. Students will present up to six five-minute presentations on the assignment topics. Students will then discuss and agree on a debate question (s) and will plan for doing in on the last day of the unit. (Day Nine). A minimum of three microphones would be placed around the room, a student would serve as the host and moderator, two students would serve as sound technicians, and all students would be expected to participate. Students would form into pros and cons. Students would present arguments, rebut opposing arguments, and then follow a more open-ended discussion format. All of this would be digitally taped, later edited, and posted on the Internet as a class Podcast.

D. Closing: Teacher plays five minutes of another debate/discussion.

E. Homework: Students plan and write the points that they will try to make in the debate.

ANNOTATED BIBLIOGRAPHY: RESOURCES FOR TEACHERS AND STUDENTS

Braziel, Donna Evans. "A History of Lynching in the United States." ACLA.net
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King, Gilbert. Devil in the Grove: Thurgood Marshall, the Groveland Boys, and the Dawn of a New America. New York: Harper Perennial, 2013. (Thurmond Marshall's courageous defense of "the Groveland Boys" in the face of a false charge of rape.)

Cutler, Elbert. Lynch-Law: An Investigation Into the History of Lynching in the United States. New York: Longmans, Green & Co., 1905 (A detailed history of lynching, published over a hundred years ago)

Giddings, Paula J. Ida: A Sword Among Lions: Ida B. Wells and the Campaign Against Lynching. New York: Harper Collins, 2009 (about Ida Wells' struggle against lynching)

Allen, James. Without Sanctuary: Lynching Photography In America. (a large collection of lynching photographs, notable for its variety, showing lynchings of Southern blacks, whites in California, and some Hispanic victims. Also has a valuable and graphic written section at the start of the book and photographic notes in the back)

Blackmon, Douglas A. Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II. (How did the South re-enslave blacks after the Civil War? Includes a section on convict leasing.)

Brown v. Mississippi, 279 U.S. 278 (1936) In Brown, the Supreme Court for the first time relied on the due process clause of the Fourteenth Amendment to exclude a confession. In Brown, the coercion and threats involved lynching and torture.

The Dyer Anti-Lynching bill (Failed 1922 attempt to pass a federal law on lynching)

Garland, David. "Penal Excess and Surplus Meaning: Public Torture Lynchings in Twentieth-Century America." *Law and Society Review*. Volume 39, No. 4 (2005) (An interpretation of the penal context and meanings of public torture lynchings. This may help explain their "normality." The penal character of these lynchings increased the probability that local (and even national) audiences would tolerate them and thus made them a strategic form of violence in struggles to maintain racial supremacy.)

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Gonzalez-Day, Ken. *Lynching in the West: 1850-1935*. (Accounts of lynching in the United States have primarily focused on violence against African Americans in the South. Ken Gonzales-Day reveals racially motivated lynching as a more widespread practice. His research uncovered 350 instances of lynching that occurred in the state of California between 1850 and 1935. The majority were perpetrated against Latinos, Native Americans, and Asian Americans; more Latinos were lynched in California than were persons of any other race or ethnicity.)

Lingeman, Richard. "Oh Pioneer." *The Sunday New York Times Book Review*. (May 18, 2008) ("If slavery is America's original sin, lynching is its capital crime." A review of Paula Giddings book on Ida Wells and lynching)

Tolnay, Stuart and E.M Beck, *A Festival of Violence: An Analysis of Southern Lychings 1882-1930*, Urbana and Chicago, Ill: University of Illinois Press, 1992. (a statistical study of lynching in ten Southern states, investigating its causes; valuable for its quantitative tables. "In addition to the punishment of specific criminal offenders, lynching in the American South had three entwined functions: first, to maintain social order over the black population through terrorism; second, to suppress or eliminate black competitors for economic, political, or social rewards; third, to stabilize the white class structure and preserve the privileged status of the white aristocracy")

Tucker, Linda. "Not Without Sanctuary. Teaching About Lynching." *Transformations*. Vol. XI, No. 2.

ANNOTATED FILMOGRAPHY

To Kill a Mockingbird. Dir. Robert Mulligan. 1962. (An innocent Tom Robinson is nearly lynched)

Mississippi Burning. Dir. Alan Parker. 1988. (FBI searches for three missing civil rights workers)

Within Our Gates. Dir. Oscar Micheaux. 1915 (oldest surviving film made by an African American director. A dramatic feature film, it show racial violence in Jim Crow South including a lynching.)

APPENDIX

Standards Addressed:

- CCSS.ELA-LITERACY.CCRA.R.1 Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.
- CCSS.ELA-LITERACY.W.5.2 Write informative/explanatory texts to examine a topic and convey ideas and information clearly.
- CCSS.ELA-LITERACY.W.5.7 Conduct short research projects that use several sources to build knowledge through investigation of different aspects of a topic.
- CCSS.ELA-LITERACY.W.5.8 Recall relevant information from experiences or gather relevant information from print and digital sources; summarize or paraphrase information in notes and finished work, and provide a list of sources.
- CCSS.ELA-LITERACY.W.5.9 Draw evidence from literary or informational texts to support analysis, reflection, and research.

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