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The Political Obstruction of Anti-Lynching Policy

Abstract

United States House of Representative Bobby Rush from Illinois's District 1 proposed the Emmett Till Anti-Lynching Act (H.R.35 - 116th Congress 2019-2020). This Act would classify lynching as a federal hate crime. This act has been passed through the House of Representatives but was blocked in the Senate by Rand Paul. This is not a new phenomenon. Anti-Lynching legislation has been repeatedly blocked in the United States Senate. As reported by congressional findings, on all three occasions where anti-lynching legislation would be passed the opposing party argued states' rights, threatened to use the filibuster, or used the filibuster. This research explores the political ambitions of Senator Paul in his decision to block the legislation to achieve a higher office. Simply, does the political ambitions of a candidate increase nomination potential and does party loyalty lead to promotions?

Introduction

On May 5, 2019, in Columbus Mississippi, Deondre Montreal Hopkins a 35-year-old African American man was found hanging from a tree. The Columbus Police Chief stated that the death was not a homicide (Brown, 2021). On the contrary, many civil rights activists contend that this act was yet another lynching. Since 2000, there have been eight suspected hangings of African Americans in the United States (Brown, 2021). In response to the recurrence of lynchings, U.S. Congressman from Illinois Bobby Rush, introduced House Resolution 35 also known as the Emmett Till Anti Lynching Act. This act classifies lynching as a federal hate crime. On February 26, 2020, the United States House of Representative passed the anti-lynching act. However, the passage of the lynching legislation in the United States Senate is the challenge to fully implement the act.

Historically, lynching is a representation of mob law that was historically used to punish, incite violence, and oppress African Americans. “In 1892, the Tuskegee Institute began to record statistics of lynchings and reported that 4,742 reported lynchings had taken place by 1968, of which 3,445 of the victims were Black.” (H.R.35 - 116th Congress 2019-2020). Senator Rush along with the support of the Congressional Black Caucus and Democratic colleagues wants this dreadful form of crime appropriately categorized for its racist origins. Nevertheless, Democrats faced opposition from a Senator from the state of Kentucky Rand Paul. Paul states that, “Under the statute as written, bruises could be considered lynching. That’s a problem, putting someone in jail for 10 years for some kind of altercation. And it also I think demeans how horrible lynching actually was,” Paul said” (Pickett 2020). Jill Colleen Jefferson, a lawyer and founder of the civil rights organization *Julian* asserts that there is a common trend by authorities to rule a hanging immediately a suicide (Brown 2021). The legislation will force departments to further investigate hangings.

Senator Paul’s vote against this legislation is a diversion to serve his own interest to sustain his position in the United States Senate. However, his position not to support the Emmet Till Anti Lynching Act is not a new phenomenon. George Henry White was an African American representative from North Carolina, who introduced the first anti-lynching bill in the United States. Since the introduction of this legislation, there have been over 200 anti-lynching bills introduced in Congress for the first half of the 20th Century (H.R.35 - 116th Congress 2019-2020). As a result of his pioneering, Representative Leonidas C. Dyer wrote 3 bills that came close to enactment in 1922. However, opponents of the legislation used the filibuster, and the threat of it, to block this type of legislation.

Traditionally, the lower chambers of Congress have passed anti-lynching policy. The United States Senate has never passed anti-lynching despite seven presidents from 1890-1952 supporting efforts by Congress to prevent lynching (H.R.35 - 116th Congress 2019-2020). In 2005, Senators Mary Landrieu and George Allen, addressed the United States Senate saying, “There may be no other injustice in American history for which the Senate so uniquely bears responsibility” (H.R.35 - 116th Congress 2019-2020). It is imperative to look at the behaviors of the U.S. Senate to explain why anti-lynching policy has not been enacted. Senator Rand Paul’s action to block the legislation may serve as political capital to gain the presidency.

Literature Review

Since Rand Paul is a central figure because he blocked anti-lynching legislation, it is important to see the likelihood of senators becoming presidential candidates. Senator Rand Paul ran for president in 2016. “Rand Paul’s relatively mainstream persona—calmer, more diplomatic, and more moderate than his father—was a big clue he was grooming himself for a presidential run” (Lind, 2016). His political ambition was to appeal to moderates. However, Paul now must appeal to the base of his party. Burden authored an article called *United States Senators as Presidential Candidates*. Here he asserts that the inferior performance of senators is more than a coincidence as his statistical data shows (Burden, 2002). This article further notes that, “The skills that aid senators in assembling coalitions and negotiating with colleagues might not serve them well when campaigning for an executive office that demands leadership and decisiveness” (Burden, 2002).

The question of whether the political ambitions of political candidates have led to the obstruction of legislation has not been studied. However, Burden did predict that it may be a disadvantage, but if a decision coincides with the party’s beliefs it may help a future candidates

potential to be nominated. As Nicolls notes in the *Dynamics of Executive Service: The Ambition Theory and the Careers of Presidential Cabinet Members*, “The theory is not so much concerned with predicting what a man’s ambitions will be over his entire career, but rather with taking a man’s ambitions and predicting them from his political behavior” (Nicholls, 1991). The research furthers how Paul’s decision puts him in a better position to be a candidate for the Republican National Convention.

The only information that has been gathered is information regarding the policy analysis, how many people were lynched, and reform efforts. “Although historians and journalist have written about lynching since the late nineteenth century, it is only in past 15 years that scholars have begun to explore this topic systematically” (Barrow, 2005). Therefore, there has not been an exploration of political ambitions after blocking this legislation. Barrow does provide a basis that legislation did prevent lynching in the Mid-Atlantic region, but their death penalty specifically targeted African Americans.

Furthermore, congressional findings report that anti-lynching legislation has been surfacing through congress for 100 years and it has been unsuccessful (H.R.35 - 116th Congress 2019-2020). In *The Press of Lynching's and African Americans* it is further explained that when the NAACP investigated lynching in Georgia in 1919, the Dublin Georgia Herald reported that the best thing the NAACP can do for the betterment of negroes of the country is to shut its filthy mouthpiece an organ of racial inequality and die in a grave filled with hogs' slops (Perloff, 2000). This information provides a basis of what voters' candidates will be appealing to. Not only will a candidate receive negative press coverage from the opposing party, but support from those who are against these efforts.

Finally, some see victims of lynching as martyrs for change (Lawrie 2010). However, it might be politically beneficial for someone to oppose this type of legislation if they depend on the votes from the opposition. Lawrie a writer for the Stanford Law Review criticizes Senator Rand Paul stating, “Stunningly insensitive to current events, mass mobilization against lethal police brutality and systematic anti-blackness” (Lawrie, 2021).

Methods

Ambition theory asserts that, “Politicians are rational actors who make political decisions consonant with their political ambitions to maximize the probability of realizing their ambitions” (Meezy, 1970). Mezey a political scientist who wrote *Ambition Theory and the Office of the Congressperson*, details the reasoning of Congress member’s ambitions. This is a proper model to assess the political ambitions of Senator Rand Paul. His blocking of anti-lynching policy is a calculated move to garner support from his constituents and party. Mezey asserts a hypothesis, “Successful majority party candidates are more likely to have held previous political office than successful minority party candidates” (Meezy, 1970). Congressional candidates in the majority party want to be reelected. Paul's motivation can be explored under this theory.

Political ambitions of Congressional leaders are not known amongst the public. Politicians announce their candidacy, and constituents then decide to choose them. Politicians are in the public eye, but voters only know the goals of politicians from their own words. While the media explores the political desires of constituents, there is not a definite breakdown of a Senator’s career goals, Ambition theory leads to test two hypotheses:

1) Senator Paul's blocking legislative goals of the opposing party increase his nomination potential

2) Senator Paul's partisan loyalty in voting leads to promotion in a political party

Data and Variables

The ability to test these hypotheses is determined by quantitative and qualitative data. This is a case study of the Senator's behavior. The variables to assess nomination potential are as follows: media coverage, constituent support, and party loyalty. The variables present will be explored through voting records and articles. These factors increase a candidate's nomination potential by showing that the party's agenda will be pushed by the candidate given the position, and their presence will garner voter turnout. Therefore, these factors should explain why Senators vote the way they do. Prominent individuals in the Republican Party like, Mitch McConnell, Elise Stefanik, and Donald Trump are proper to review because like Rand Paul they made key legislative votes or are currently the faces of the political party. They had to do something to spark the party's interest which led to their appointments. After which, Rand Paul's voting record and political ambitions will be explored. This will give us a conclusion why anti lynching legislation can never be enacted.

Analysis

It is imperative to review the civil rights voting record of Senator Paul as well as Congresswoman Stefanik and Mitch McConnell to better understand Republican approach to civil rights. Stefanik is the new conference chair of the House Republican Conference and McConnell is the Senate Minority leader. They can be looked at as models of what the party believes in as

McConnell represents the upper chambers and Stefanik represents the current state of the party, being elected to the third ranking position in the party. Also, former President Donald Trump is the face of the Republican This will give a better understanding of why Senator Paul blocked the anti-lynching legislation.

Figure 1-1 Senator Paul’s Key Civil Rights Votes

Legislation	Vote	Date
Grassley Amendments to VAWA	Yes	February 7, 2013
Amendment to remove the authority under VAWA for tribal courts to try non-Native Americans accused of raping Native Americans	Yes	February 11, 2013
Employment Non-Discrimination Act of 2013	No	November 7, 2013
Amendment to provide equal social security and veteran's benefits for same sex couples	No	March 26, 2015
Amendment to reauthorize the Runaway and Homeless Youth and Trafficking Prevention Act and add protections for LGBT youth	No	April 22, 2015
Amendment to strike protections for LGBT youth from the	Yes	April 22, 2015

Runaway and Homeless Youth Act		
Amendment to include civil rights protections for LGBT students	No	June 4, 2015
Agriculture Improvement Act of 2018	No	June 28, 2015
Rescinding CFPB rule that extended anti-discrimination protections to auto loans	Yes	April 18, 2018

Senator Paul's voting record on these issues are not shocking since his party has constantly run on that marriage is between one man and one woman. Further, LGBTQ persons are not viewed as a suspect class by the party. There are some moderates who believe in personal autonomy, but for the most part LGBT persons are not seen as oppressed. Also, the Violence Against Women's Act provisions have repeatedly been scrutinized as unconstitutional by members of the Republican Party. In *United States v Morrison* 529 U.S. 598 the Supreme Court ruled in a 5 to 4 decision that the civil remedy which allowed a woman to sue her rapist was unconstitutional. This case was divided on party lines. The Republicans O'Connor, Rehnquist, Thomas, Scalia, and Kennedy. Paul has demonstrated that he does not vote in favor of minority groups. It may increase his favorability if he is voting like his majority leader.

Mitch McConnell is now known as the Senate Minority Leader. However, he used his power and majority to usher in an era with 6 Conservative Supreme Court Justices. Also, his voting record displays the Republican Party's motive during that time. McConnell leans very conservative as well on social issues. McConnell's vote shows the rejection of the Republican Party's to protect minority groups. Senator Paul's ideology aligns with his party.

Figure 1-2 McConnell Key Senate Votes

Legislation	Vote	Date
Legislative Appropriations (Ban on federal funding for affirmative action)	Yes	July 20, 1995
Employment Non-Discrimination Act (Prohibit job discrimination on sexual orientation)	No	September 10, 1996
Disadvantaged Enterprise Program (10% highway funds go to minorities and women)	No	March 6, 1998
Reauthorization of Violence Against Women Act	No	March 6, 1998
Law Enforcement Enhancement Act (Adding sexual orientation in with hate crimes)	No	June 11, 2002
Marriage Protection Amendment	Yes	June 7, 2006
The Conventions on the Rights of Persons with Disabilities	No	December 4, 2012
Reauthorization of Violence Against Women Act	No	February 12, 2013
For the People Act	No	June 22, 2021

Elise Stefanik was appointed as the House Republican Conference chair after Representative Liz Cheney was ousted from the party (Breuninger, 2021). Her voting record is important because it shows how she aligns with the party. It is clear from these votes that she

aligns with the agenda of the current Republican Party. She went from being a moderate that flipped a Democratic seat to a profound Trump loyalist. Stefanik stated in October 2016 that she opposed Trump's position regarding Vladimir Putin, and when the Hollywood Access new coverage was leaked, she deemed Trump's statement as offensive (Honderich, 2021). It was not until she started aligning herself with Trump that she was considered for this type of promotion. Her votes clearly show her political ambitions, but her connection to the former president allowed her to gain the position in the party.

Figure 1-3 Elsie Stefanik Key Senate Votes

Legislation	Vote	Date
Objection to the certification of Arizona's Electoral Votes	No	January 6, 2021
Objection to certification of Pennsylvania Electoral Votes	Yes	January 7, 2021
Second Articles of Impeachment Against Donald Trump	No	January 13, 2021
To Provide LGBTQ with protection under civil rights law	No	February 25, 2021
Pathway to citizenship for certain immigrants	No	March 18, 2021
Pregnancy Accommodations for workers	Yes	May 14, 2021

Donald Trump is still being discussed in media, and his political positions still influence the Republican Party.

Figure 1-4 Donald Trump's Important Statements

Public Statement	Date
Political correctness is country's problem not my problem	August 6, 2015
Respectfully check mosques, we have to look at profiling	June 19, 2016
Proud Boys: Stand back and stand by	September 29, 2020
Aside from Lincoln no one has done more for Black's than me	October 22, 2020
Proud Boys: Stand back and stand by	
Transgender Protections are destroying women's sports	February 28, 2021

Conclusion

It is time to return to review the hypothesis:

- 1) Senator Paul's blocking legislative goals of the opposing party increase his nomination potential
- 2) Senator Paul's partisan loyalty in voting leads to promotion in a political party

First, Senator Paul's blocking legislative goals of the opposing party increase his nomination potential. The answer is yes, but there are some implications. First, findings demonstrate it is normal for members of the Republican party to block civil rights legislation. This shows party alignment, but also party loyalty. As stated, before political scientist Burden believes that the inferior performance of Senators is more than a coincidence. What he is saying is that a Senator voting on party lines is normal. Anti-lynching legislation has been repeatedly blocked, so the Senator did not do anything significant. His party loyalty boosts his nomination attention. However, it is about attracting attention from the current party leadership. For example, Elise

Stefanik changed her moderate views, and aligned with the face of the party Donald Trump. This is also a factor of her becoming the conference chair of the Republican Party.

Second, Senator Paul's partisan loyalty in voting leads to promotion in a political party. Simply, his partisan voting has not led to him receiving a promotion in the Republican Party. It is possible that party loyalty can lead to political promotion. This is not the case for Senator Paul. Other outside factors must be explored such as media coverage, who can politically benefit the party, and what connections the candidate has in the party. Party loyalty is simply not enough to receive a promotion in the political party.

Further research that should be conducted is to see if the two-party system prevents moderate candidates from getting promotions. Rand Paul starting out was a political moderate. He was remarkably like Stefanik, she was more beneficial in bringing women to the Republican Party. As Honderich 2021 reports, Stefanik launched the E-PAC to increase female Republican candidacy. The party must also see an individual as beneficial to bring them into a leadership position. A position in a high political office is also about benefiting the political party in the long term.

In conclusion, Rand Paul's blocking of anti-lynching legislation may have been a political strategy to help gear for a presidential run. However, it does not mean that he will receive that promotion. His party alignment helps further his chances of becoming the presidential candidate in 2022. There are other factors that must be explored to see if he is a viable candidate. As outrageous as Trump was, he was able to get the voting base. Also, the benefits from the party long-term is what a political party is looking for.

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