

Learning to Lobby:
The Lessons of the NAACP's 1930s Federal Anti-Lynching
Campaign

Melissa Cooper

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University of East Anglia

School of Arts, Media, and American Studies

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ABSTRACT

Why the NAACP pursued anti-lynching legislation with such vigour despite a decade of defeat in the Senate is the key research question this thesis considers. In doing so it analyses two aspects of the NAACP's lobbying efforts during the 1930s: its attempts to push anti-lynching bills through Congress and its efforts to secure presidential endorsement for those bills.

New insights on how the NAACP learned to lobby can be gleaned by considering the NAACP, Congress, and the President, as key influences on the anti-lynching campaign. This thesis analyses previously neglected primary source material to shed light on President Franklin D. Roosevelt's influence on the anti-lynching campaign. Additionally, it interprets the anti-lynching campaign through a theoretical lens. It considers theories of lobbying in Congress, presidential power, and congressional obstruction to contextualise the institutions, politics, and politicians at play in the anti-lynching campaign.

Despite no anti-lynching legislation ever being passed, both Congress and the executive branch had a profound effect upon the NAACP's political education. In response to Congressional conservatism towards the anti-lynching campaign, and in order to push anti-lynching legislation through the legislative branch, the NAACP learned to overcome legislative obstruction and conform to norms and procedures dictated by Congress. By working with FDR—who, contrary to popular belief, had a liberal reformist attitude towards anti-lynching—the NAACP learned how to work with the executive branch and how to write stronger legislation. FDR helped NAACP activists to rhetorically frame anti-lynching in terms of the function of government and proposed strategies to give the federal government the power to prosecute lynchings. NAACP activists gained confidence in their tactics and optimism about achieving their objective from their political education. In contrast to the undertone of failure running through existing literature, the events of the anti-lynching movement instead highlight a theme of opportunity and hope for the NAACP.

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INTRODUCTION

Lynching—‘the ultimate expression of racism’—was a form of community sanctioned mob murder that occurred in all but four states of the Union.¹ Organisations worked to end the practice: the Association of Southern Women for the Prevention of Lynching, the Commission on Interracial Cooperation, American Civil Liberties Union, and the Writers League Against Lynching all denounced mob violence and sought to eradicate the crime.² But only one organisation, the National Association for the Advancement of Colored People (NAACP), launched a national campaign to hold the federal government responsible for protecting black lives.³ Fundamentally, lynching was a denial of constitutional due process—a right guaranteed under the Fourteenth Amendment. And so, with the belief that it was the federal government’s duty to uphold the Constitution, the NAACP attempted to push anti-lynching legislation through Congress. In 2005, the Senate recognised that protection from lynching was ‘the minimum and most basic of Federal responsibilities,’ and it passed a resolution in which it apologised ‘for the failure of the Senate to enact anti-lynching legislation.’⁴ Yet during the first half of the twentieth century, when Congress was presented with hundreds of opportunities to uphold the rule of law, no anti-lynching bill was passed.⁵

¹ According to Senate Resolution S.Res. 39, there were only four states in which lynchings did not occur. However, the records of Tuskegee Institute show that there were six states in which no lynchings occurred between 1882 and 1968. These states are Alaska, Connecticut, Hawaii, Massachusetts, New Hampshire, and Rhode Island. However, Alaska and Hawaii only became States in 1959—by which time lynching had all but died out as a practice. This might account for the Senate’s figure. Senate Resolution S.Res. 39, 109th Congress, 13 June 2005. Accessed on 18/06/2016 at <https://www.govtrack.us/congress/bills/109/sres39/text>; Zangrando, R. L., *The NAACP Crusade Against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980), 5.

² Dowd Hall, J., *Revolt Against Chivalry: Jessie Daniel Ames and the Women’s Campaign Against Lynching* (New York: Columbia University Press, 1993); Jack, J., ‘Ladies and Lynching: Southern Women, Civil Rights, and the Rhetoric of Interracial Cooperation,’ *Rhetoric and Public Affairs*, 14:3 (Fall, 2011), 493-510; Zangrando, *The NAACP Crusade Against Lynching*, 112-14.

³ Although the NAACP instigated the campaign, they sought help and resources from other organisations that were sympathetic to the cause to aid them in their national campaign. The Socialist Lawyers Association, the Congressional Education Society, the Women’s Peace Society, the Methodist Federation for Social Service, the Church League for Industrial Democracy, the National Urban League, the American Civil Liberties Union (ACLU), the Interdenominational Preachers Meeting of New York and Vicinity, and the League for the Defense of Political lobbied collectively with NAACP activists, especially during the first half of the 1930s. Memorandum re: meeting at new school for social research, 6 December 1933, Box I: C233, NAACP Papers, Library of Congress.

⁴ Senate Resolution S.Res. 39, 109th Congress, 13 June 2005.

⁵ Although no legislation was passed by the Senate, NAACP-sponsored anti-lynching bills passed the House of Representatives in 1921, 1937, and 1940.

Historians have concluded that the federal government failed to enact anti-lynching legislation because of the strength of the congressional obstruction that plagued the NAACP's lobbying efforts.⁶ Congressmen reasoned that lynching was a local issue and should be dealt with by the states, that lynching was already in decline and therefore a federal bill was unnecessary, that any federal anti-lynching legislation would be unenforceable, and that the proposed legislation itself was unconstitutional. These arguments justified opposition to the bills, and obstructive tactics, including filibusters, were subsequently employed to block passage of every anti-lynching bill introduced to Congress. Anti-lynching was therefore seen as an unsuccessful movement. The NAACP did not achieve its objectives and as a result this has not been seen as a significant campaign in the context of the broader civil rights movement. Failure and obstruction have been prominent themes where the history of the anti-lynching campaign has been concerned. At least, this has been the consensus.

However, in striking contrast to the consensus view, the archival material available does not paint a picture of failure.⁷ Instead it suggests that throughout the 1930s the NAACP was increasingly optimistic about the outlook of their campaign despite legislative obstruction. During their first attempt to pass legislation in 1934, the organisation calculated that there was 'a good chance' that the bill would pass, but in 1937 they predicted that the prospects for passage of a bill were 'exceedingly

⁶ Dray, P., *At The Hands of Persons Unknown: The Lynching of Black America* (New York: The Modern Library, 2003), 356-7, 361; Finley, K. M., *Delaying the Dream: Southern Senators and the Fight against Civil Rights, 1938-1965* (Baton Rouge: Louisiana State University Press, 2008); Grant, D. L., *The Anti-Lynching Movement: 1883-1932* (San Francisco: R and E Research Associates, 1975), 175; Holmes, M. S., 'The Costigan-Wagner and Wagner-Van Nuys Anti-Lynching Bills, 1933-1938' (MSc diss., University of Wisconsin, 1965); Janken, K. R., *Walter White: Mr. NAACP* (Chapel Hill: The University of North Carolina Press, 2003), 221-22, 231; Jonas, G., *Freedom's Sword: The NAACP and the Struggle Against Racism in America, 1909-1969* (New York: Routledge, 2005), 111; Rable, G. C., 'The South and the Politics of Antilynching Legislation, 1920-1940,' *The Journal of Southern History*, 51:2 (1985), 201-220; Sitkoff, H., *A New Deal for Blacks* (New York: Oxford University Press, 1978), 296-7; Sullivan, P., *Lift Every Voice: The NAACP and the Making of the Civil Rights Movement* (New York: The New Press, 2009), 108-9, 196-7; Weiss, N. J., *Farewell to the Party of Lincoln: Black Politics in the Age of FDR* (Princeton: Princeton University Press, 1983), 118-9; Zangrando, *The NAACP Crusade Against Lynching*, 212-15.

⁷ The archival collections consulted for this research are discussed later in this Introduction, but documents are largely drawn from the NAACP's organisational papers housed at the Library of Congress, Washington D.C., and the FDR Presidential Papers housed at the Franklin Delano Roosevelt Library in Hyde Park, New York.

favourable.’⁸ Despite escalating legislative obstruction during the decade, the NAACP’s confidence in the outlook of their anti-lynching legislation actually appeared to increase. While NAACP Secretary Walter White said that the organisation was careful not to ‘succumb to over-confidence,’ this was a clear indication that the NAACP thought that their legislation would pass.⁹ Why the NAACP’s confidence appeared to increase in the face of significant legislative obstruction during the 1930s and why the NAACP continued with their federal anti-lynching campaign for nearly twenty years despite being unable to push a bill through Congress is the central question of this thesis.

The NAACP’s Anti-Lynching Campaign

The National Negro Committee, which quickly evolved into the NAACP, adopted a platform in 1909 that denounced oppression, systematic persecution, disfranchisement, and lynching.¹⁰ The NAACP’s programme was based on W. E. B. Du Bois’ model of social progress which espoused a gradualist approach that established social and political equality, as well as legal integration as its end goal.¹¹ The Association’s broader work enlightened Americans about race prejudice, demanded that public school expenditure be the same for black and white children, and defended individuals in the courts when their civil rights were violated. Additionally, they advocated that Congress strictly enforce the Fourteenth and Fifteenth Amendments so that civil rights outlined in the constitution were guaranteed for all citizens.¹² With educated and cultured black men and women at the forefront of the organisation, the NAACP sought to become the driving force behind the civil

⁸ NAACP Press Release, 6 January 1935, Box I: C233, NAACP Papers, Library of Congress; Walter White to Organisations Cooperating on the Anti-Lynching Bill, 1 February 1937, Box I: C258, NAACP Papers, Library of Congress.

⁹ Ibid.

¹⁰ Rudwick, E. M., ‘The National Negro Committee Conference of 1909,’ *The Phylon Quarterly*, 18:4 (1957), 413-419.

¹¹ Sundaquist, E. J., (ed.) *The Oxford W. E. B. Du Bois Reader* (New York: Oxford University Press, 1996).

¹² that no person shall be deprived of life, liberty, or property, without due process of law, and that no person is denied the right to vote based on race or colour. ‘Platform Adopted by the National Negro Committee, 1909,’ accessed on 22/11/2014 at <http://www.loc.gov/exhibits/civil-rights-act/segregation-era.html>; Fourteenth and Fifteenth Amendment, US Constitution, accessed on 07/09/2016 at http://www.senate.gov/civics/constitution_item/constitution.htm#amendments.

rights movement. The eradication of lynching was a fundamental objective of the NAACP since their founding but it was only one aspect of their national agenda.

The NAACP's anti-lynching campaign spanned half a century from 1909 until roughly the 1950s.¹³ What the NAACP did during this time has been well documented.¹⁴ The Association's broad movement was conducted on multiple fronts using various tactics. These included strategies designed to reach a wide audience. Speaking tours, publishing articles in the *Crisis*, and mobilising the press to spread information about the Association's anti-lynching activities were all designed to educate and inform the public. Public rallies and mass meetings were held to arouse public sentiment against lynching and push the campaign forward, raise funds or stimulate public action—such as getting people to pressure local officials to act after a lynching. Creative projects, such as art exhibitions and writing books about lynching were also a part of the NAACP's campaign. Walter White's book *Rope and Faggot: A Biography of Judge Lynch* is a prime example of how the NAACP used its leaders to produce literature about the issues facing black Americans, critique southern culture and present evidence they found during their investigative work.¹⁵ In the first decade of the Association's existence the NAACP largely made localised efforts to investigate lynchings and bring known members of lynch mobs to justice by putting pressure on state officials to enforce the law. But unfortunately, the NAACP's activities had little success at directly stopping lynchings. Even after such wide-ranging activism, lynchings still occurred nationwide, and the success of the organisation in campaigning against lynching was not easily measurable.

Seeing few tangible results from their activism in the states, the NAACP saw that the introduction of a federal anti-lynching law was an alternative route to justice. Many victims of lynching were denied their constitutional right to due process, and

¹³ By the 1950s, barring a few exceptions, lynching as a practice had largely died out in the United States.

¹⁴ Grant, *The Anti-Lynching Movement*; Kellogg, C. F., *NAACP: A History of the National Association for the Advancement of Colored People, Vol I 1909-1920* (Baltimore: The John Hopkins University Press, 1967); Zangrando, *The NAACP Crusade Against Lynching*.

¹⁵ *Rope and Faggot* was based on White's first-hand experience of investigating over forty lynchings. In the book, White provided statistical evidence disproving the belief that lynching punished black men for raping white women. White also included sections that analysed the cultural and economic roots of lynching. The NAACP recognised the value of artistic and cultural projects that their members were involved in after the Harlem Renaissance championed black artists and their work. There was value in it because people could engage with anti-lynching in different ways. White, W., *Rope and Faggot: A Biography of Judge Lynch* (New York: Knopf, 1929).

consequently this was a primary concern to NAACP activists and provided its central justification for federal intervention. Lynching was often defended as a punishment for crimes committed. Crimes that victims were accused of included murder, rape, suspected incendiarism, train wrecking, introducing smallpox, writing a letter to a white woman, and some were even lynched without cause.¹⁶ Mob violence was a way for communities to dispense punishment which they thought was appropriate for certain crimes—regardless of the guilt of the accused. In the case of the 1920 lynching of Lige Daniels, Daniels was held in a jail in Center, TX. Captain W. A. Bridges was ordered to protect Daniels from the mob however Bridges claimed he could not ‘find any members of his company in time for mobilization.’¹⁷ Subsequently one thousand men stormed the jail, battered down the doors, destroyed the cell, removed Daniels, and hung him from a nearby oak tree.¹⁸ Even though Daniels was already in custody, the mob placed their own need for swift justice above the rights of the prisoner in custody. After being accused of crimes, victims rarely stood trial, and were denied any form of defence as lynch mobs exacted their own form of justice before the accused could face the courts. This was because the ideology of popular justice rested on the notion of popular sovereignty, the belief that government was rooted in the people.¹⁹ Consequently, the demands of the community were placed above the rights of the prisoner and communities enforced racial and class goals through ritualized, communally based punishment outside of formal law structures.

The NAACP’s early anti-lynching work demonstrated a lack of confidence in local law enforcement, showing how lynch victims were denied the equal protections of the law; they were not extended the same rights, privileges, and protections as other citizens and were easily surrendered to the mob. In addition to prisoners being denied due process, lynchers enjoyed unfair privileges in the judicial system even when there was evidence against them. The NAACP saw the repeated failure of the courts to prosecute lynchers as a clear failure of the states to enforce due process. In 1911, the NAACP investigated the lynching of Zach Walker in Coatesville, PA, and it

¹⁶ Ida. B. Wells-Barnett, *The Red Record: Tabulated Statistics and Alleged Causes of Lynching in the United States* (1895), accessed on 02/09/16 at <http://www.gutenberg.org/files/14977/14977-h/14977-h.htm#chap7>.

¹⁷ *Without Sanctuary*, accessed on 07/06/13 at http://withoutsanctuary.org/pics_49_text.html.

¹⁸ *Ibid.*

¹⁹ Pfeifer, M. J., *Rough Justice: Lynching and the American Society, 1874-1947* (Urbana: University of Illinois Press, 2004), 6.

highlighted the futility of state level activism for the Association. Walker pleaded self-defence after he killed a Coatesville police officer during a fight. Wounded from the fight, Walker was recuperating in hospital when he was abducted by a mob. After being dragged through the streets, Walker was burned alive.²⁰ The NAACP hired the William J. Burns detective agency to gather evidence to convict the lynchers. The Burns agency found the District Attorney to be in collusion with the lynchers from the outset and that there was little chance of prosecuting the case through official state channels.²¹ The NAACP took the case directly to the Governor of Pennsylvania, John K. Tener, but sustained efforts never resulted in the conviction of Walker's killers.²² Similarly, NAACP Secretary Walter White noted that he personally investigated the lynchings of Thomas Shipp and Abram Smith that took place in Marion, IN, on 7 August 1930. White secured the names of twenty-seven alleged members of the mob with evidence against them and handed his findings to the authorities. White recalled that Mrs Merle Wall, special representative of the Attorney General, wrote to him that there was little hope of bringing to trial any of the lynchers at Marion.²³ After years of similar attempts to bring lynchers to justice, to no avail, the NAACP recognised that they could not put faith in local and state law enforcement to stop lynch mobs, or prosecute lynchers after the fact, adding weight to the argument that the federal government should intervene.

The early 1920s provided the NAACP with their first opportunity to ask for constitutional protections to be enforced by campaigning for a federal anti-lynching bill. During its first decade, the NAACP lacked the funds to be able to steer a national movement. But in 1916, the Association set the target of raising \$10,000 to start an anti-lynching fund. With capital behind them the NAACP was able to respond to a request a few years later from Representative Leonidas C. Dyer who asked the NAACP to sponsor a bill to make lynching a federal crime.²⁴ The so-called Dyer bill,

²⁰ Kellogg, *NAACP: A History*, 212.

²¹ *Ibid*, 213.

²² *Ibid*, 213.

²³ Walter White to Mrs. Gustev Bachman, 24 September 1930, NAACP Papers, Part 7, Series B, Reel 2, on microfilm at Cambridge University Library.

²⁴ Dyer showed persistent interest in helping black Americans throughout his time in office. After the East St. Louis race riot in 1917, Dyer called for a joint House-Senate investigation of the incident, and then later urged the NAACP to sponsor a bill to make lynching a federal crime. Based on the recommendations of Moorfield Storey, a lawyer and first president of the NAACP, the Association argued that the bill was unconstitutional. Consequently, the NAACP did not immediately support the bill. But the NAACP supported the Dyer bill from 1919 onwards after Story altered his opinion on the

introduced in 1918, was grounded in the Fourteenth Amendment and was ‘an act to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.’²⁵ The bill stated that the failure of law enforcers to ‘make all diligent efforts’ to protect persons threatened by lynching amounted to a denial of due process and the equal protection of the law to victims of a mob.²⁶ Murder was already a crime in the states which meant that the NAACP could not solely focus on the punishment of lynchers because it was not the responsibility of the federal government to police and prosecute this crime. Instead, the bills allowed subsequent federal intervention only if the states failed in their duty to act themselves. The bill specified that law enforcement officials who failed to attempt to protect victims of lynching should be punished and that doing nothing to stop the mob was as punishable as the crime itself. The bill was passed by the House of Representatives but was stopped by a filibuster in the Senate. However, it was the passage of the Dyer bill in the House on 26 January 1922, and the favorable report it was given in its Senate Committee, that led the NAACP to believe that Congress-wide support could be achieved for a federal anti-lynching bill in future.

The federal anti-lynching campaign highlighted a shift in the NAACP’s anti-lynching strategies. Over time, the Association made an increasing number of appeals to the federal government to uphold the Constitution to address racial issues. Anti-lynching was therefore part of a broader program of national reform outlined by the Association. The NAACP made three key demands of the United States’ government to remedy the social ills it identified. The first was that there be ‘equal educational opportunities for all,’ where public school expenditure was the same for black and white children.²⁷ The second was that the Fifteenth Amendment be upheld and the right of black Americans to the ballot should be on ‘the same terms as other citizens’ in every part of the country.²⁸ The NAACP made legal challenges to address these two

bill. ‘NAACP History: Anti-Lynching Bill,’ accessed on 30/03/2017 at <http://www.naacp.org/zangrandooldest-and-boldest/naacp-history-anti-lynching-bill/>; Zangrando, *The NAACP Crusade Against Lynching*, 43-5.

²⁵ Dyer Anti-Lynching Bill, 1922 (viewed online at http://www.naacp.org/about/history/anit_lynching_bill/index.htm, 13/02/16).

²⁶ All of the NAACP’s subsequent anti-lynching bills were similar to the Dyer bill and grounded in the Fourteenth Amendment in the same way. Anon, ‘The Federal Anti-Lynching Bill’, *Columbia Law Review*, 38 (January 1938), 200.

²⁷ ‘Platform adopted by the National Negro Council, 1909,’ accessed on 22/11/2014 at <http://www.loc.gov/exhibits/civil-rights-act/segregation-era.html>.

²⁸ Ibid.

issues and they had Supreme Court victories with *Guinn v. United States* (1915) and *Brown v. Board of Education* (1954) in which the Grandfather Clause and segregated education, respectively, were deemed unconstitutional.²⁹ However, it was their anti-lynching campaign that satisfied the organisation's third demand: that 'the Constitution be strictly enforced and the civil rights guaranteed under the Fourteenth Amendment be secured impartially to all.'³⁰ It is the NAACP's pursuit of federal anti-lynching legislation after this point that is the focus of this study.

Scope of the Thesis

The NAACP used the Dyer bill as a model for their federal anti-lynching activism which spanned almost twenty years between 1933 and 1950.³¹ But this thesis concentrates on the NAACP's efforts during the 1930s. The decade represented the most intensive phase of the Association's campaign, and served to shape their lobbying efforts for years to come. After Walter White was promoted to Executive Secretary in 1931, he led the NAACP's most sustained efforts to pass a federal anti-lynching bill, despite criticism from within the NAACP that the organisation should pursue a more militant economic program.³²

But the key reason that the thesis explores the NAACP's efforts in the 1930s is because the greatest strategic and rhetorical shifts can be seen in the NAACP's lobbying activities between the start and end of the decade. For this reason, the bills that are the focus of this study are the Costigan-Wagner bill, the Van Nuys Resolution, and the Wagner-Van Nuys bill. The Costigan-Wagner bill was the first of the NAACP's bills in their renewed anti-lynching campaign. It was debated in Congress between 1934 and 1935 and was easily defeated in both the House and the Senate. The 1936 Van Nuys Resolution provided for senatorial investigations into the lynchings

²⁹ These Supreme Court decisions were significant victories for the NAACP as they accomplished fundamental aspects of their program. *Guinn and Beal v. United States*, 238 U.S. 347 (1915); *Brown et al. v. Board of Education of Topeka et al.*, 347 U.S. 483 (1954).

³⁰ 'Platform adopted by the National Negro Council, 1909,' accessed on 22/11/2014 at <http://www.loc.gov/exhibits/civil-rights-act/segregation-era.html>.

³¹ Appendix A documents the NAACP's lobbying efforts between 1920 and 1940.

³² James Weldon Johnson resigned in 1930. He was succeeded by Walter White, and Roy Wilkins took over as Assistant Secretary. The resignation of Du Bois on 11 June 1934 - Minutes of the Board of Directors, June 1934, Part 1, Reel 2, NAACP Papers, accessed on microfilm at the Library of Congress.

that occurred in the United States since the defeat of the Costigan-Wagner bill in 1935. It was designed to get recent and up-to-date lynching facts into the congressional record, and to attract support for further anti-lynching legislation. The Wagner-Van Nuys bill was the NAACP's second major attempt of the decade to pass a federal anti-lynching bill between 1937 and 1938. The Wagner-Van Nuys bill received the most hostile reaction from southern senators of all the anti-lynching bills, and was subject to a near seven-week filibuster.³³ But the changes that took place between the first and last bill in this study indicate that the NAACP gained new lobbying techniques, altered their rhetoric, and introduced different strategies. All of which suggests that the NAACP learned and were influenced throughout their time lobbying for anti-lynching legislation.

The 1930s were significant because NAACP activists saw the greatest potential to enact anti-lynching legislation during this time. The country was overwhelmed by the 1929 Wall Street Crash that left the nation in the most devastating economic depression of the century. Some members of the NAACP, including Du Bois, called for a program that helped to relieve the economic strain on black Americans.³⁴ Social commentator H. L. Mencken argued that the majority of Americans were 'hunting for cover, not for freedom,' and that this was not the time to pursue a national civil rights strategy.³⁵ But leaders Walter White and Assistant Secretary Roy Wilkins believed that the Depression had led to greater opportunities for radicalism. In later years, Wilkins lamented that the thirties were 'awash in revolutionary talk, fantastic dreams, and visions and radical formulas for restoring the country's shattered economy.'³⁶ Consequently, they thought this new attitude would also be transferred to the fight for civil rights, and to White and Wilkins, the time was right to launch a renewed national anti-lynching movement.

Recognising President Franklin D. Roosevelt's willingness to push through legislation to aid national recovery in the wake of the Depression, the NAACP hoped that the President would also lend his powers to aid the campaign for civil rights.

³³ The bills are sometimes talked about out of chronological order throughout the thesis so Appendix A shows the timeline of the various bills in Congress and key moments of the NAACP's efforts for reference.

³⁴ Tompkins Bates, B., 'A New Crowd Challenges the Agenda of the Old Guard in the NAACP, 1933-1941,' *The American Historical Review*, 102: 2 (April 1997), 341.

³⁵ Joshi, S. T., (ed.) *H. L. Mencken: Mencken's America* (Athens: Ohio University Press, 2004), 144.

³⁶ Wilkins, R., and Matthews, T., *Standing Fast: The Autobiography of Roy Wilkins* (New York: The Viking Press, 1982), 146.

Consequently, NAACP activists had great optimism at the outset of the New Deal era. And so, after a decade-long hiatus, the NAACP renewed their anti-lynching campaign in the 1930s with a bill that by the NAACP's own admission, was 'virtually identical' to the Dyer Bill.³⁷ The New Deal was a broad national programme of recovery implemented by President Franklin D. Roosevelt to limit the effects of the Great Depression. But on occasion, instances of discrimination arose within New Deal programmes. For example, qualified black Americans were denied the opportunity to serve in supervisory positions in the Civilian Conservation Corps (CCC) camps and black workers did not benefit under the National Recovery Act.³⁸ Whilst there were definite issues concerning inclusion and equality with some aspects of New Deal management, the programme overall brought optimism for the NAACP's and their anti-lynching campaign. Given FDR's wide-reaching policies, the NAACP recognised the potential for the president to endorse and support their federal anti-lynching bill. The 1930s was therefore the decade during which the NAACP had the greatest amount of communication with the White House over the issue of lynching. The NAACP's relationship with FDR during their anti-lynching campaign is important because Congress was just one avenue to legislative success; the NAACP also lobbied FDR to champion the bill on their behalf.³⁹ The NAACP targeted both Congress and the White House; lobbying these institutions constituted a significant part of their anti-lynching campaign in the 1930s. As such, this thesis will also consider the NAACP's efforts to lobby both of these branches of federal government.

The scope of my thesis encompasses the NAACP's most concerted efforts, where they channelled the most time, resources and effort in order to push through a

³⁷ Zangrando outlined the reasons why the NAACP took a decade-long hiatus from introducing any more anti-lynching legislation. He argued that the political climate in the 1920s was not favourable, and that the NAACP were going through a transitional stage. During this time, NAACP leaders questioned the direction of the organisation and what activities they should commit their limited resources to. Zangrando, *The NAACP Crusade Against Lynching*, 72-97; Walter White to Edward P. Costigan, 19 December 1933, Box I: C233, NAACP Papers, Library of Congress.

³⁸ NAACP Press Release, 27 April 1934, President's Personal File: 1336, FDR Library, New York; Telegram from Walter White to FDR, 6 July 1933, Box 206, NAACP Papers, Library of Congress; Walter White to FDR, 10 May 1933, Box 206, NAACP Papers, Library of Congress.

³⁹ NAACP also lobbied previous and subsequent presidents, including Woodrow Wilson, Warren G. Harding and later Harry Truman, but they too failed to engage with the lynching issue. Some, such as President Wilson met with activists and made empty promises, but did not make any public efforts to stop the practice. Others simply had no interest in taking any action and ignored the NAACP's efforts to contact them about it. And others, such as Truman, were unwilling to face political controversy in the name of lynching. Palmer, N., 'More Than a Passive Interest,' *Journal of American Studies*, 48:2 (2014), 417-443; Zangrando, *NAACP Crusade Against Lynching*, 39-40, 56-7, 187-8.

federal anti-lynching bill. The 1930s was a key period in the NAACP's anti-lynching campaign in terms of the development of the activists conducting the lobbying campaign, as well as the bills and strategies that they employed. Essentially, the decade offers the best insight into how the NAACP learned to lobby.

Historiography of the Anti-Lynching Movement

This thesis intersects with three separate historical debates of the twentieth century. The first concentrates on the significance of the NAACP's anti-lynching movement itself. The second debate centres on President Franklin D. Roosevelt and his record on civil rights. And the third debate focuses on the responsibility of the federal government towards civil rights and why the Senate prevented any anti-lynching bill from being passed. The work relevant to this thesis typically focuses on one of these areas, concentrating on just one aspect of the movement to add nuance to what is understood about anti-lynching, the presidency, or Congress. But this thesis considers the NAACP's anti-lynching campaign in relation to both Congress and the presidency to challenge current interpretations of the anti-lynching movement and federal responses to civil rights activism.

Much of what is understood about the NAACP's anti-lynching movement was articulated in what remains the most comprehensive account of it to-date: Robert Zangrando's, *The NAACP Crusade Against Lynching, 1909-1950*, published in 1980. Zangrando's scholarship explored the consequences of the campaign for the NAACP and for the emergence of the twentieth century civil rights struggle.⁴⁰ The anti-lynching movement had significance in that it was a defining moment for the NAACP. Zangrando argued that it ingrained the organisation into the public consciousness, the NAACP wove themselves into the liberal coalition on a national scale, that the anti-lynching fight set preconditions for most civil rights advances by mid-century, and that the NAACP set the tone and style of interracial protest for years to come following the anti-lynching movement. Additionally, NAACP lobbyists established contacts within governmental circles, gained training in public affairs and exposure to political practices at highest level.⁴¹ Anti-lynching, Zangrando argued, was an important part

⁴⁰ Ibid, 210-216.

⁴¹ Ibid.

of the organisational development of the NAACP. Zangrando's focus was predominantly on what happened as well as the chronology of the movement, and while this thesis does not disagree with many of his conclusions, it seeks to explain how and why these outcomes occurred.

Most of the studies centring on the anti-lynching movement, including Zangrando's, are broad in focus, encompassing the NAACP's wider efforts to prevent lynching in addition to their attempts to lobby for a federal bill in Congress. Zangrando notes the activists' battles to secure funds for the movement, their drives to educate the public about lynching, their efforts to publicise their activities, to name just a few. Smaller scale studies of the anti-lynching movement also focus on the NAACP's efforts outside of the legislature. Authors Donald L. Grant and Minnie Finch drew attention to specific aspects of the movement.⁴² These studies largely concentrate on the NAACP's investigations into the facts surrounding lynchings, a public education programme about the practice to dispel lynching myths, fundraising and membership drives, and their attempts to hold local and state authorities to account after a lynching.⁴³ In raising awareness of the variety of activities that made up the anti-lynching movement these studies praise the NAACP's capabilities to conduct such a wide-reaching campaign, despite the fact that they did not achieve their ultimate objective of pushing through an anti-lynching bill.

In these studies, there is relatively little detail of the NAACP's lobbying activities. The significance of the legislative aspects of the anti-lynching movement have been recognised, though largely in unpublished scholarship. These works examine the events that took place in Congress for specific anti-lynching bills. Robert Goldstein and Michael Holmes detail the efforts to pass anti-lynching legislation from the Dyer bill through to the Wagner-Van Nuys bill respectively.⁴⁴ They largely focus on the congressional debates on the bills, considering the objections over the bills, and why congressmen obstructed their passage. In doing so they reinforce the themes of racial conservatism and failure that are prevalent in most anti-lynching literature. The NAACP's inability to push through anti-lynching legislation features heavily in

⁴² Finch, M., *The NAACP: Its Fight for Justice* (Metuchen, NJ: The Scarecrow Press, 1981); Grant, *The Anti-Lynching Movement*.

⁴³ *Ibid.*

⁴⁴ Goldstein, R. P., 'The Dyer Anti-Lynching Bill: The Movement for Federal Control of Lynching, 1900-1922' (MA diss., University of Wisconsin, 1966); Holmes, 'The Costigan-Wagner and Wagner-Van Nuys Anti-Lynching Bills, 1933-1938'.

studies concerning their legislative efforts. Their failures are argued to be a result of the NAACP's powerlessness against conservative coalitions in the Senate who sought to prevent the passage of anti-lynching legislation. Consequently, the NAACP is given little agency in the legislative process.

In recent decades, the NAACP's role within the broader movement against lynching has been gradually diminished. Shawn Leigh Alexander's, *An Army of Lions: The Civil Rights Struggle Before the NAACP*, and Christopher Waldrep's, *African Americans Confront Lynching: Strategies of Resistance from the Civil War to the Civil Rights Era* contextualised the NAACP's efforts by establishing how they drew upon a useable past created by civil rights activists and organisations that came before them.⁴⁵ This type of research began the trend in recent scholarship to redistribute the credit for the ideas, actions, and innovations away from the NAACP. The Association and its achievements were then seen as a product of the efforts of all of the civil rights activists and organisations that had previously tried to achieve the same goals. Whilst it is valuable to acknowledge how movements develop over time, the significance of the NAACP efforts within the anti-lynching movement were lessened through these studies.

This trend has intensified in the last decade and the study of anti-lynching has virtually disappeared from current civil rights scholarship. In recent literature specifically concerned with the NAACP, anti-lynching is granted scant attention. In studies of the Association, published in 2009 to celebrate the NAACP's centenary, the anti-lynching movement is noticeably absent from the narratives.⁴⁶ One possible explanation for this is that the key events of the anti-lynching movement remain accepted as historical fact. Historians have agreed that no bill was passed because Southern Democrats obstructed their passage in the Senate,⁴⁷ that FDR failed to endorse the NAACP's anti-lynching legislation because he would not antagonise

⁴⁵ Alexander, S. L., *An Army of Lions: The Civil Rights Struggle Before the NAACP* (Philadelphia: University of Pennsylvania Press, 2012), xi-xviii; Waldrep, C., *African Americans Confront Lynching: Strategies of Resistance from the Civil War to the Civil Rights Era* (Lanham: Rowman & Littlefield Publishers, 2009).

⁴⁶ Jonas, G., *Freedom's Sword: The NAACP and the Struggle Against Racism in America, 1909-1969* (New York: Routledge, 2005); Sullivan, *Lift Every Voice*; Verney, K., and Sartain, L., (eds.) *Long Is the Way and Hard: One Hundred Years of the National Association for the Advancement of Colored People* (Fayetteville: The University of Arkansas Press, 2009).

⁴⁷ Goldstein, 'The Dyer Anti-Lynching Bill: The Movement for Federal Control of Lynching, 1900-1922'; Holmes, 'The Costigan-Wagner and Wagner-Van Nuys Anti-Lynching Bills, 1933-1938'; Weiss, *Farewell to the Party of Lincoln*, 99.

Southern Democrats,⁴⁸ and that anti-lynching was a failed movement.⁴⁹ The omission of the anti-lynching movement, especially from histories of the NAACP are worrying, and suggest that contemporary scholars find the anti-lynching movement to be void of significance.

But previous anti-lynching scholarship explains that the anti-lynching movement was actually very important to the NAACP, and to their later civil rights efforts. Given that much of the scholarship specifically written on the anti-lynching movement is largely concerned with what happened, rather than explaining why or how events played out as they did, there is significant scope to re-evaluate the events of the anti-lynching movement during the 1930s.

The second historiographical debate addressed by this thesis is whether or not President Franklin D. Roosevelt gave any attention to the issue of civil rights during his time in office. His involvement, or lack thereof, in the anti-lynching movement is typically seen as an indicator of FDR's stance on civil rights. There have been no dedicated studies to FDR and anti-lynching, but the subject features in studies that comment upon the President's stance on civil rights.⁵⁰ Zangrando was one of the first to highlight that although his actions against lynching were limited, FDR featured heavily in the anti-lynching movement because anti-lynching activists saw great potential for FDR to aid in the passage of an anti-lynching bill.⁵¹ FDR was therefore a regular target for the NAACP and their activism. Zangrando detailed the activists' efforts to involve him and the opportunities they gave him to support the movement. Zangrando was one of the first to cement the notion that FDR was reluctant to act upon the lynching issue.⁵²

⁴⁸ Katznelson, I., *Fear Itself: The New Deal and the Origins of Our Time* (New York: Liveright Publishing Corporation, 2013), 166-168; Weiss, *Farewell to the Party of Lincoln*, 106-7.

⁴⁹ Brown, M. J., 'Advocates in the Age of Jazz: Women and the Campaign for the Dyer Anti-Lynching Bill,' *Peace & Change*, 28:3 (July 2003), 384-5; Shapiro, H., *White Violence and Black Response: From Reconstruction to Montgomery* (Amherst: The University of Massachusetts Press, 1988), 282-84; Sullivan, *Lift Every Voice*; Waldrep, C., *African Americans Confront Lynching: Strategies of Resistance from the Civil War to the Civil Rights Era* (Lanham: Rowman & Littlefield Publishers, 2009), 90.

⁵⁰ Pauley, G. E., *The Modern Presidency & Civil Rights: Rhetoric on Race from Roosevelt to Nixon* (College Station: Texas A&M University Press, 2001), 24-30; Weiss, *Farewell to the Party of Lincoln*, 96-119.

⁵¹ Zangrando, *NAACP Crusade Against Lynching*, 98-165.

⁵² *Ibid*, 127-8.

Nancy J. Weiss was one of the first to offer a comprehensive analysis of FDR's relationship with black Americans. In *Farewell to the Party of Lincoln: Black Politics in the Age of FDR* she argued that even though FDR did not prioritise anti-lynching he still conveyed that he was interested in it through his wife, Eleanor Roosevelt.⁵³ The First Lady communicated with anti-lynching activists to denounce lynching and convey the administration's frustration at congressional resistance to passing a federal anti-lynching bill. In the grand scheme of things, whilst his silence over anti-lynching legislation was frustrating for activists, Weiss argues that because of his wife, this did not have a negative effect on FDR's relationship with the black electorate. Weiss as well as Kenneth Robert Janken largely reconstructed FDR's opinions on anti-lynching based upon Eleanor Roosevelt's communications with Walter White in which she relayed the President's opinions on the subject.⁵⁴ This is one of the most common lenses through which scholars have studied FDR's stance on lynching and in doing so it does suggest that FDR engaged with the lynching issue to an extent, if only in private. But in looking at the subject through a different lens—one that considers institutional politics—this thesis critiques the role of both Franklin and Eleanor Roosevelt to show that this is not the only way to gain insight on FDR's engagement with the anti-lynching campaign.

Much of the literature published on the subject since Weiss' work supports the argument that civil rights were not a central concern for the President. FDR is argued to have given more attention to emergency economic measures during the New Deal over any legislation—such as an anti-lynching bill—that might benefit black Americans. It is a widely-held interpretation that FDR would not support anti-lynching for fear of alienating Southern Democrats because he needed their votes to push through economic measures.⁵⁵ This narrative is the most common interpretation of

⁵³ Weiss, *Farewell to the Party of Lincoln*, 120.

⁵⁴ Janken, *Walter White: Mr. NAACP*, 199-232; Lash, J. *Franklin and Eleanor: The Story of Their Relationship Based on Eleanor Roosevelt's Private Papers* (New York: W. W. Norton & Company, 1971), 515-519; Weiss, N., *Farewell to the Party of Lincoln*, 104-118.

⁵⁵ Dray, *At the Hands of Persons Unknown*, 356-7; Hutchinson, E. O., *Betrayed: A History of Presidential Failure to Protect Black Lives* (Colorado: Westview Press, 1996), 34; Kato, D., *Liberalizing Lynching: Building a New Racialized State* (New York: Oxford University Press, 2016), 138; Kearns Goodwin, D., *No Ordinary Time - Franklin and Eleanor Roosevelt: The Home Front in World War II* (New York: Simon & Schuster, 1994), 163; King, D., *Separate and Unequal: African Americans and the US Federal Government*, revised edn. (Oxford: Oxford University Press, 2007), 31; Leuchtenburg, W., *The White House Looks South: Franklin D. Roosevelt, Harry S. Truman, Lyndon B. Johnson* (Baton Rouge: Louisiana State University Press, 2005), 58; McMahon, K. J.,

FDR's stance on anti-lynching. But it is important to note that anti-lynching in this context is often just used as an example and is rarely subject to rigorous analysis. Scholars often use the same quotes from the same primary sources to make the same argument. Evaluations of the primary source material relating to this debate have been unconvincing. Robert Zangrando was particularly guilty of this and many opportunities for analysing FDR's role in the anti-lynching movement were lost through Zangrando's writing style. He summarised a lot of conversations, especially those between the NAACP and FDR, as well as any of FDR's public references to lynching.⁵⁶ In doing so he overlooked vital clues about FDR's stance on lynching. Both Zangrando and others took FDR's words at face value, with little or no interrogation of their meaning or context. This has led to the formation of an accepted narrative that is rarely questioned.

There is only one key monograph that challenges the narrative that FDR was largely inactive towards anti-lynching and civil rights. In *Reconsidering Roosevelt on Race: How the Presidency Paved the Road to Brown*, Kevin McMahon looks at the subject through an institutional lens to understand how FDR used the federal institutions available to him as president to expand his civil rights agenda. McMahon argues that essentially FDR shaped the Supreme Court to move towards racial equality under the law.⁵⁷ Just as Rexford Tugwell considered FDR to be an architect of the 1930s in the wake of the Depression, McMahon argues that FDR also had a vision for civil rights reform.⁵⁸ McMahon's work gave FDR more credit for trying to instigate civil rights reform. Whilst this study was not focused on FDR and anti-lynching, McMahon recognised that FDR's expansion of the executive branch that aimed to expand the powers of the federal government in the process included an anti-lynching agenda. As part of the expansion, the Civil Rights Section of the Department of Justice was established at the close of the 1930s. The new department aimed to prosecute lynchings under existing laws after 1940. This suggested that FDR did try and find

Reconsidering Roosevelt on Race: How the Presidency Paved the Road to Brown (Chicago: The University of Chicago Press, 2004), 15; Patterson, J. T., *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939* (Lexington: University of Kentucky Press, 1967), 156-7; Pauley, *The Modern Presidency & Civil Rights*, 26-7; Sklaroff, L. R., *Black Culture and the New Deal* (Chapel Hill: The University of North Carolina Press, 2009), x.

⁵⁶ Zangrando, *NAACP Crusade Against Lynching*, 104, 112, 119, 124, 131-2.

⁵⁷ McMahon, *Reconsidering Roosevelt on Race*, 6-8.

⁵⁸ Tugwell, R. G., *FDR: Architect of an Era* (New York: MacMillan, 1967).

ways to end lynching during his second term in office, complicating the previously established narrative on FDR and anti-lynching. The book, however, does not consider Roosevelt's efforts in the legislative arena towards civil rights, and so there is significant scope to examine the subject further. The value of this work is in its approach. This thesis builds upon McMahon's work and looks at FDR's earlier engagement with anti-lynching through an institutional lens.

This debate tells us that the overwhelming consensus is that civil rights were not a priority for the President in the 1930s, and that his response to the anti-lynching movement was proof of this. Even McMahon's study that gives credit to FDR's efforts towards civil rights does not extend to the legislative arena so this notion has not really been challenged. This thesis argues that the standard narrative surrounding the 1930s anti-lynching movement with regards to FDR is unsatisfactory and the documents that survive leave much scope for analysis.

The final debate on which this thesis sheds light concerns congressional responses to black civil rights activism through which scholars have looked to understand racial conservatism in Congress and federal responses to civil rights. A lot of literature draws upon examples across the twentieth century, but most of these examples are from the 1950s and 1960s due to the emergence of the Civil Rights Movement, often with a focus on the movement to end legal segregation and guarantee citizens' voting rights.⁵⁹ The focus on civil rights during this period has been extremely valuable in understanding the relationship between activists and the federal government. But given that Congress carried out such aggressive filibustering and obstruction against anti-lynching legislation decades before this, the 1930s anti-lynching movement is also regularly analysed to shed light upon attitudes towards race in the US federal government. The scholarship that focuses on the 1930s has broadly agreed that Congress was complicit in maintaining racial hierarchies and upholding white supremacy.⁶⁰

How Congress did this has been a central research question in scholarship concerning federal responses to anti-lynching. Historians and political scientists have

⁵⁹ Just a few examples of work that largely focuses on examples from the 1950s and 1960s: Gellman, E. S., *Death Blow to Jim Crow: The National Negro Congress and the Rise of Militant Civil Rights* (Chapel Hill: University of North Carolina Press, 2012); King, *Separate and Unequal*; Sugrue, T. J., *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2009); Sullivan, *Lift Every Voice*.

⁶⁰ Patterson, *Congressional Conservatism and the New Deal*; Kato, *Liberalizing Lynching*.

come to the consensus that the methods used to prevent the passage of anti-lynching legislation—namely overt legislative obstruction—was a dominant symbol of white resistance to civil rights advancement.⁶¹ The southern filibuster is considered by Garth Koger to be one of the greatest hurdles that civil rights activists faced.⁶² This was argued to be the main cause of the NAACP's failure to achieve anti-lynching legislation. Filibusters and congressional obstruction have therefore been a leading strand of research. Filibusters were influential to both the outcome of the anti-lynching movement, as well as to how the Senate developed its tactics of resistance. Before the anti-lynching movement, the Senate had not systematically resisted legislation in this way.⁶³

The question of why the Senate responded to anti-lynching activism in this way is still contested. Eric Schickler argued that it was during the 1930s that New Deal liberalism and racial liberalism started to converge.⁶⁴ But it is a commonly held belief that this was not the case and the Senate resisted the anti-lynching movement because Congress was racially conservative. In *Getting Away with Murder: The Twentieth Century Struggle for Civil Rights in the United States*, Vanessa Holloway argues that the prejudices held by southern Democrats towards black Americans before they took office were what motivated them to filibuster anti-lynching legislation in the Senate.⁶⁵ Simply put, it was institutional racism that accounts for congressional resistance to anti-lynching legislation. It was for this reason that Congress was active in obstructing any civil rights legislation.

Others have considered that the federal government did not pass such legislation because the government would not be able to carry out what the legislation required of them. Thomas Sugrue suggested that federal inaction occurred as a result of a 'lack of administrative capacity.'⁶⁶ This was argued at the time as well, with many

⁶¹ Finley, *Delaying the Dream*, 2; Koger, G., *Filibustering: A Political History of Obstruction in the House and Senate* (Chicago: The University of Chicago Press, 2010), 116.

⁶² Koger, *Filibustering*, 116-124.

⁶³ Katznelson, I., Geiger, K., and Kryder, D., 'Limiting Liberalism: The Southern Veto in Congress 1933-1950,' *Political Science Quarterly*, 108 (1993), 283-306.

⁶⁴ Schickler, E., 'New Deal Liberalism and Racial Liberalism in the Mass Public, 1937-1968,' (March 2012) accessed on 20/06/16 at <http://faculty.georgetown.edu/hcn4/SpeakerPapers/Schickler.PDF>.

⁶⁵ Holloway, V. A., *Getting Away with Murder: The Twentieth Century Struggle for Civil Rights in the United States* (Maryland: University Press of America, 2015).

⁶⁶ Sugrue, T., 'All Politics is Local: The Persistence of Localism in Twentieth-Century America,' in Jacobs, M., Novak, W., and Zelizer, J. (eds.) *The Democratic Experiment: New Directions in American Political History* (Princeton: Princeton University Press, 2003), 311.

congressmen objecting to the anti-lynching legislation on the grounds that Congress did not have the capability to act because it was not constitutional for the federal government to do so. But Daniel Kato asserted that Congress had the capability to legislate should they choose. Kato quoted FDR, who said that the U.S. Constitution ‘is so simple and practical that it is possible always to meet extraordinary needs.’⁶⁷ Kato theorised that federal inaction over lynching was a choice of the federal government to maintain a policy of non-interference in racial matters despite being able to act on it should its members choose.⁶⁸

It has been noted that there are many methods of resisting civil rights activism, just as there were a multitude of reasons why this resistance occurred.⁶⁹ While this thesis does offer some insight into different methods of Congressional resistance, and why this occurred, it predominantly comments on the effects of this resistance upon black activists—notably the positive effects it had. This is something that has been completely neglected in scholarship to date because scholarship typically centres around Congress. But the anti-lynching movement offers a window into the mindset of Congress and its attitude towards race during the 1930s as well as the impact this had on activists themselves due to the NAACP’s extensive records of their lobbying efforts.

Methodology and Archival Sources

In exploring the key research question of why the NAACP continued to pursue anti-lynching legislation with such vigour despite a decade of defeat in the Senate, this thesis considers the two important aspects of the Association’s lobbying efforts: attempts to push anti-lynching bills through Congress and their efforts to secure presidential endorsement for those bills. Whilst previous scholarship has centred on either the NAACP, Congress, or the President, this study recognises that in fact, each one was a competing force in the anti-lynching movement and therefore all three need to be considered to achieve a more nuanced understanding of the anti-lynching

⁶⁷ Franklin D. Roosevelt, ‘First Inaugural Address,’ 4 March 1933, Washington D.C., accessed on 19/06/15 at <https://www.archives.gov/education/lessons/fdr-inaugural/> and referenced in Kato, *Liberalizing Lynching*, 1.

⁶⁸ Kato, *Liberalizing Lynching*, 18.

⁶⁹ Lewis, G., *Massive Resistance: The White Response to the Civil Rights Movement* (London: Hodder Education, 2006), 20.

movement. For this reason, the sources used and methodology employed considers the NAACP's efforts within its institutional setting, explaining their lobbying efforts in the context of the two branches of federal government in which it operated.

In doing so, this thesis consults primary source material from two key archives. These are the NAACP's organisational papers housed at the Library of Congress, Washington D.C. and on microfilm at the University of Cambridge Library, as well as FDR's presidential papers located at the Franklin Delano Roosevelt Library, Hyde Park, N.Y. Within the NAACP's papers extensive organisational records were consulted. These included correspondences, records of day-to-day lobbying activities, reports from investigations into lynchings, and other documents collected throughout the period. These sources have been used by previous scholars of the anti-lynching movement primarily because they offer insights into the NAACP's activities, their battles in Congress, and their interaction with FDR. It is for these reasons that these sources are the focus of analysis in this thesis.

In contrast, there was only one file in the FDR Library that contained documents pertaining to lynching and anti-lynching: File 93-A. This is the only file that exists on the subject despite a decade of continuous communication between the White House and the NAACP, as well as from members of the public who wrote to the President on the subject. Because there are few presidential records relating to the anti-lynching movement, previous anti-lynching literature has been very limited in its insights into FDR's involvement with the movement. The predominant reason for this is that official records of FDR's meetings with NAACP leadership do not exist. Archivists at the FDR Library informed me that FDR never took notes of any of his meetings or conversations, making it difficult to gain any comprehensive account of his thoughts. Scholars of anti-lynching suffer from FDR's choice, and as a result, most historical interpretations of FDR's involvement in the anti-lynching movement have only been able to draw upon the same few documents that speak directly to the subject.⁷⁰ As a result, studies of his involvement exhibit a very similar narrative. However, this thesis draws upon sources within the FDR Library's collections that have been previously neglected by anti-lynching scholars to ascertain FDR's position on lynching and anti-lynching. My analysis draws upon FDR's anti-lynching rhetoric

⁷⁰ Weiss, *Farewell to the Party of Lincoln*, 96-119; Janken, *Walter White: Mr NAACP*, 199-232; Dray, *At the Hands of Persons Unknown*, 356-358.

and any instances when FDR spoke publicly about lynching. Shifting attention to FDR's speeches delivered throughout the 1930s reveals an alternate perspective on the President's attitudes towards lynching and anti-lynching, indicating that he was far more active in the anti-lynching campaign than has previously been thought. FDR's influence on the anti-lynching campaign is therefore evident in the sources that are available, even though they are few in number.

This thesis therefore contributes to movement history by offering a new way of studying activism as the theoretical frameworks through which it interprets the anti-lynching movement have not been used in combination before. Until now scholars have often taken the primary source material available at face value. However new insights on the anti-lynching movement can be gleaned by interpreting them through a theoretical lens that considers the institutional contexts in which the NAACP, Congress, and FDR operated. These are theories of lobbying in Congress, presidential power, and congressional obstruction that contextualise the institutions, politics, and politicians at play in the anti-lynching campaign. They shed light on the traditions, procedures, and structures at play behind the NAACP's activities.

Considering how the NAACP functioned as lobbyists challenges the characterisation of the NAACP as victims of legislative obstruction and shows that they were active participants in the legislative process.⁷¹ To date few scholars have drawn attention to the NAACP's lobbying activities. Charles Flint Kellogg's, *NAACP: A History of the National Association for the Advancement of Colored People, Vol I 1909-1920*, details the NAACP's lobbying activities in the 1920s. Zangrando goes further in *The NAACP's Crusade Against Lynching, 1909-1950*, to provide a history of their lobbying efforts from the organisation's founding to the 1950s. Both works outline the Association's early protests of mob violence, their efforts to dispel lynching myths, as well as the introduction of anti-lynching legislation at both state and national level.⁷² But neither considers how the NAACP actually functioned as lobbyists. This omission in the scholarship has denied the NAACP agency—the ability

⁷¹ The key works that underpin my understanding of how the NAACP lobbied the federal government are: Hansen, J. M., *Gaining Access: Congress and the Farm Lobby, 1919-1981* (Chicago: The University of Chicago Press, 1991); Kau, J., and Rubin, P., *Congressmen, Constituents, and Contributors: An Analysis of Determinants of Roll-Call Voting in the House of Representatives* (New York: Springer Science & Business Media, 1982); Wright, J., *Interest Groups and Congress: Lobbying, Contributions, and Influence* (London: Longman, 2003).

⁷² Kellogg, *NAACP: A History*, 216-246; Zangrando, *The NAACP Crusade Against Lynching*.

to influence—in the lobbying process. Theories of how interest groups operated in Congress aid in understanding how the NAACP operated as lobbyists, how effective the organisation was at lobbying, and helps to identify any lobbying missteps that were made by the activists. An analysis of the lobbying efforts to pass anti-lynching legislation is relevant to this study as it sheds light on the intentions and motivations of the NAACP, and allows the nuances in their lobbying campaign to be identified.

The actions of congressmen and their responses to the NAACP's activities is also important to take into account because congressmen ultimately decided the fate of the bills. As has been widely documented in the historiography, anti-lynching legislation was met with filibusters and obstructive tactics in Congress.⁷³ Viewing the anti-lynching movement in light of the politics behind legislative obstruction and congressional conservatism in Congress show how the NAACP's lobbying changed over time and explains how the NAACP found ways to circumnavigate the barriers they faced.⁷⁴ It also sheds new light on the make-up of opponents to the anti-lynching campaign, broadening our understanding of racial conservatism in Congress during the 1930s.

Presidential power is rarely considered important in relation to lobbying because typically presidents are not known to lobby or advocate on behalf of interest groups and therefore presidents are largely absent from studies of the relationship between lobbyists and Congress. However, as this thesis will argue, FDR had a significant role in the campaign. As such his powers as president are pertinent to understanding the NAACP's relationship with the White House during this time and what FDR realistically could have done as president in response to the NAACP's lobbying efforts.⁷⁵ By viewing FDR's interaction with the NAACP during the anti-

⁷³ Dray, P., *At The Hands of Persons Unknown: The Lynching of Black America* (New York: The Modern Library, 2003), 356-7, 361; Finley, *Delaying the Dream*; Holmes, 'The Costigan-Wagner and Wagner-Van Nuys Anti-Lynching Bills, 1933-1938'; Jonas, G., *Freedom's Sword: The NAACP and the Struggle Against Racism in America, 1909-1969* (New York: Routledge, 2005), 111; Rable, G. C., 'The South and the Politics of Antilynching Legislation, 1920-1940,' *The Journal of Southern History*, 51:2 (1985), 201-220; Sitkoff, *A New Deal for Blacks*, 296-7; Sullivan, *Lift Every Voice*, 108-9, 196-7; Weiss, *Farewell to the Party of Lincoln*, 118-9; Zangrando, *The NAACP Crusade Against Lynching*, 212-15.

⁷⁴ The following works underpin my understanding of legislative obstruction: Koger, *Filibustering*; Warwo, G., and Schickler, E., *Filibuster, Obstruction, and Lawmaking in the U.S. Senate* (Princeton: Princeton University Press, 2006).

⁷⁵ I consider theories of presidential power, particularly in relation to the Modern Presidency. Of particular use are: Neustadt, R., *Presidential Power and The Modern Presidents: The Politics of Leadership from Roosevelt to Reagan* (New York: The Free Press, 1990); Pfiffner, J. *The Modern*

lynching campaign through this lens, FDR's actions can be contextualised against the structures he was operating within, as well as the broader aims of the executive branch of government at the time. This resolves the question of presidential silence on anti-lynching as analysis of his involvement shows that he worked within the framework of the Modern Presidency to advance an anti-lynching agenda in line with the New Deal.

In summary, this thesis offers original insight into the anti-lynching movement firstly by considering the NAACP, Congress, and the President, as key influences on the movement in contrast to other studies that largely focus on one of them at a time. Secondly, it analyses previously neglected primary source material to shed light on the largely inaccessible topic of FDR's influence on the anti-lynching movement. And finally, this thesis interprets the primary source material available through a new lens that accounts for the political processes and structures at play in the anti-lynching movement. In combination, this approach allows for a reinterpretation of the significance of the anti-lynching movement, and it reveals that there is still much to uncover about the federal government's relationship with the civil rights movement.

Breakdown of Chapters and Summary of Argument

This thesis is divided into five chapters. The first chapter contextualises the NAACP's 1930s lobbying efforts and establishes the nature of the NAACP's approach to anti-lynching before their federal lobbying campaign. It explains how the NAACP's lobbying strategies in Congress were rooted in their previous efforts to stop lynching at local and state level. It explains how the anti-lynching movement was rooted in the ideology of W.E.B. Du Bois. Primarily, this chapter argues that the NAACP's investigations into lynching, their programme of education, as well as their proclivity for protest all formed the basis of their future lobbying campaign.

Chapters two and three interrogate the NAACP's battle against congressional conservatism and federal resistance to the anti-lynching bills throughout the 1930s. Informed by theories of interest group access and influence in Congress, chapter two analyses the NAACP's lobbying efforts to reveal that in addition to congressional obstruction, conservatism was also evident in the way Congress demanded the

Presidency (New York: Cengage Learning, 2010); Tulis, J., *The Rhetorical Presidency* (Princeton: Princeton University Press, 1987).

NAACP adhere to congressional norms and procedures. This redefines scholarly understanding of conservatism within Congress. Chapter three addresses more conventional notions of congressional conservatism by looking at the overt legislative obstruction that the anti-lynching bills faced. But it shifts the focus from Southern filibusters in the Senate to the NAACP's attempts to bypass this obstruction. Additionally, it considers the relationship between the NAACP, Democrats, and Republicans to demonstrate that anti-lynching bills faced obstruction from both parties.

Chapters four and five focus on how the NAACP reconciled their efforts with FDR's liberal reformist agenda. In chapter four, theories of presidential power help to explain FDR's response to the NAACP's efforts to gain presidential endorsement for their anti-lynching bills. The chapter attempts to reconcile the NAACP's expectations of the President with the FDR's capability to make lynching a federal crime using the powers of the executive office. This chapter challenges the standard narrative that FDR would not help the NAACP because he did not want to alienate southern senators. Chapter five accounts for the increased White House involvement in the NAACP's lobbying efforts after 1936. It traces the changes within federal anti-lynching legislation as well as the NAACP's communications with the executive branch to document FDR's influence on the bill, and how the NAACP aligned to New Deal rhetoric in order to further their anti-lynching aspirations.

The thesis' conclusion draws out the themes of the study. These are themes of opportunity and hope, contrasting the notions of failure prevalent in current historiography. It also briefly explores the legacy of the anti-lynching movement in terms of the impact it had on the organisation's future plan and programme, and the NAACP's approach to civil rights activism in subsequent years.

As the chapters will show, this thesis makes two principal claims. First, the legislative and executive branches of the federal government had opposing responses to the anti-lynching movement. This redefines what is known about federal responses to civil rights in the 1930s as current historiography claims that both Congress and the President were not supportive of anti-lynching legislation. Congress had a conservative response, they institutionalised the NAACP's lobbying tactics by making them conform to congressional norms and procedures, and also obstructed anti-lynching legislation. Both Republicans and Democrats worked purposefully to obstruct passage of the bill, either by means of a filibuster or by not voting for

measures that would break a filibuster. This dispels the notion that institutional racism in Congress was perpetuated solely by southern Democrats. It also contradicts the NAACP's belief that the majority of congressmen wanted to see an anti-lynching bill passed. This points more broadly to the absence of civil rights liberalism, highlighting the 1930s as a period of racial conservatism in Congress.⁷⁶ On the other hand—and contrary to popular belief—the executive office had a liberal reformist response towards anti-lynching. I argue that FDR *did* attempt to stop lynching using the powers of the Modern Presidency; he rhetorically framed anti-lynching in terms of the function of government and the New Deal and pursued legislative and institutional strategies to give the federal government the power to prosecute lynchings between 1933 and 1940. This suggests that the roots of the Modern Presidency's serious engagement with racial issues started as early as 1933. This challenges the conclusions of William Berman and Garth Pauley who suggest that this started with Truman in 1945.⁷⁷ Truman openly advocated civil rights reform in his rhetoric and established special committees, including the President's Committee on Civil Rights in 1946 to investigate the state of civil rights in the United States and to suggest possible reforms to improve them.⁷⁸ In suggesting that FDR engaged with civil rights long before this, the timeline of presidential engagement in civil rights is shifted forward over a decade.

The second argument this thesis makes is that the federal government had a fundamental role in advancing civil rights despite no anti-lynching legislation ever being passed. This was because through their interactions with Congressmen and the President, the NAACP learned how to lobby, and it taught them how to contend with conflicting political ideologies within the federal government. For the NAACP, legislative obstruction and regular defeat were not limiting factors but opportunities for growth—through the anti-lynching movement the NAACP gained their political education. Both Congress and the executive office had a profound effect upon how the NAACP framed their arguments and operated within the federal government. This is not to deny activists agency, instead it shows how movements are moulded by the

⁷⁶ This challenges Eric Schickler's argument that the germ of the convergence of New Deal liberalism and racial liberalism occurred in the 1930s. Schickler, 'New Deal Liberalism and Racial Liberalism in the Mass Public,' accessed on 20/06/16 at

<http://faculty.georgetown.edu/hcn4/SpeakerPapers/Schickler.PDF>.

⁷⁷ Berman, W. C., *The Politics of Civil Rights in the Truman Administration* (Columbus, OH: Ohio State University Press, 1970); Pauley, *The Modern Presidency & Civil Rights*, 31-57.

⁷⁸ Pauley, *The Modern Presidency & Civil Rights*, 31-57.

structures and political climate in which they operate. In the case of anti-lynching, the activism of the NAACP was both constrained and strengthened by the institutions of federal government; constrained because they had to work within the political process—they could not just demand passage of the bill—and conform to political norms, but strengthened because this forced them to learn to lobby and be more creative in their tactics when faced with obstruction, essentially making the NAACP more effective lobbyists.

Significance and Original Contribution to Scholarship

In revising the history of the NAACP's federal anti-lynching campaign, this thesis has significance in several areas of scholarship. Within anti-lynching scholarship this study elevates the importance of the movement to reveal how the NAACP operated as lobbyists, as well as the attitudes of the state towards legislation that benefitted black Americans. The anti-lynching movement was deeply important for the NAACP, and for national civil rights activism; even if they did not achieve it, the NAACP learned how to break black political impotency. By advancing from a position of protest and posturing to seriously engaging with the legislative process and the political agendas within it the NAACP gained a greater amount of agency in the legislative process than has ever been awarded to them before. The 1930s was therefore a pivotal moment for the NAACP in how they perceived the civil rights struggle and the organisation's position within it.

In the field of New Deal literature, this work adds nuance to the debate over the degree to which black Americans benefitted from the New Deal. If racial conservatism is at the foreground of the analysis, and if a political view of the 1930s is taken instead of an economic one, it can be seen that white privilege also extended beyond New Deal economic policy to also include the rule of law. This confirms the arguments of Harvard Sitkoff and George Lipsitz that blacks did not benefit from the New Deal. The New Deal government passed racialised social policies—such as the 1935 Wagner Act, that guaranteed the right of private sector employees to organise into trade unions, and the Social Security Act, a system of social welfare that provided federal assistance to those unable to work—that excluded sectors of the workforce. In doing so black Americans were denied the protections and benefits routinely afforded

to whites by the federal government.⁷⁹ But this argument is complicated if FDR's involvement in the anti-lynching movement is brought to light. While a legislative or institutional solution did not materialise during the 1930s, FDR attempted to apply the same liberal reformist approach that he applied to the economy to lynching, to bring anti-lynching under the umbrella of the New Deal.

More broadly, with both a racially conservative Congress, and a liberal President, this thesis comments upon the tension between liberalism and conservatism in twentieth century America. It suggests that instead of going through distinct periods of liberalism or conservatism, the two competing ideologies were in constant conversation and in constant competition within the federal government.⁸⁰ This conflict was an integral part of the legislative process and the anti-lynching movement reflects this. This was because the debate over anti-lynching was demonstrative of how politics functioned in the United States. Regardless of the motivations behind FDR's efforts to stop lynching, or Congress' attempts to impede the NAACP's anti-lynching and broader legislative agenda, it highlighted that competing ideologies both hindered efforts to enact reform but also offered opportunities to pass anti-lynching legislation at the same time. The competing ideologies within the federal government ensured that rigorous debate over anti-lynching took place to make sure that the bill was necessary, constitutional, and effective. The outcome of this particular legislative campaign shows that in that instance, conservatism triumphed over liberalism. But what this thesis aims to show is that regardless of this, the NAACP had many triumphs of their own in learning to lobby.

⁷⁹ Lipsitz, G., *Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 2006); Sitkoff, *A New Deal for Blacks*.

⁸⁰ As suggested by Richard Hofstadter's in his work *The Age of Reform*, the New Deal era was categorised as an era of reform as the nation looked to the federal government for salvation during the Great Depression. Hofstadter, R., *The Age of Reform* (New York: Vintage Books, 1955), 302-328.

CHAPTER ONE

The NAACP's Approach to Anti-Lynching

The chapters that follow explore how the anti-lynching movement was shaped through the NAACP's interaction with the executive and legislative branches of the federal government. But this chapter first contextualises those efforts and looks at what shaped the NAACP's anti-lynching approach between the founding of the Association—which was largely in response to lynching and mob violence—and the 1930s.⁸¹ It evaluates the NAACP's earlier attempts to campaign against lynching and shows the factors bearing on their decision to shift focus from protest to lobbying over the course of their campaign.

At the start of their anti-lynching campaign, the NAACP entered the Washington political arena as an organ of protest with entrenched progressive and liberal values. These included beliefs in positivism, education, the maintenance of social order, and they had a firm conviction that the state was a primary instrument for reform.⁸² It was these values that influenced the organisation's entire programme, including the anti-lynching campaign. They stemmed from the philosophies of the organisation's leaders as well as the culture of reform in which the organisation was founded. This was still important in the 1930s because it defined the NAACP lobbyists' outlook when they renewed their campaign for federal anti-lynching legislation. An anti-lynching campaign served the organisation's particular political aspirations; it addressed what activists believed to be one of the most pressing issues for black Americans at the time, whilst working towards equality through their gradualist approach.

Recent literature on the NAACP has also situated the organisation's anti-lynching efforts within the context of the activism that preceded it. Historians Shawn Leigh Alexander and Christopher Waldrep traced the NAACP's organisational and anti-lynching roots. Both agree that Du Bois' Niagara movement was not the only

⁸¹ Kellogg, C. F., *NAACP: A History of the National Association for the Advancement of Colored People, Vol I 1909-1920* (Baltimore: The Johns Hopkins University Press, 1967), 9-30; Zangrando, R. L., *The NAACP Crusade Against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980), 22-25.

⁸² Ellis, C., and Stimson, J. A., *Ideology in America* (Cambridge: Cambridge University Press, 2012), 3-4.

organisation that influenced the NAACP's activities.⁸³ In addition to Du Bois, it was the individuals and organisations that were active before the NAACP that laid the groundwork for the NAACP and their anti-lynching movement. In the decades preceding the founding of the NAACP, both the Afro-American League and the Afro-American Council organised in defence of civil rights, protested discrimination and lynching, and instituted a program of education to dispel racial myths.⁸⁴ The founders of these bodies were some of the first to try and build national non-partisan organisations. Their members went on to form the NAACP, bringing their knowledge and strategies for activism with them. This chapter will consider how NAACP activists in the 1930s built upon this useable past to formulate their approach to anti-lynching.

Early members of the NAACP included reformers such as Joel and Arthur Spingarn, Josephine Ruffin, Mary McLeod Bethune, Ida. B. Wells, Oswald Garrison Villard, Inez Milholland, Mary Church Terrell, John Dewey, Florence Kelley, Charles Edward Russell, and Walter Sachs. These members helped create a template for the NAACP's activism, translating Du Bois's model of social progress into a programme of activities that the Association carried out daily. These men and women drew upon their past experiences as reformers and lent their skills and strategies to the NAACP's work. The strategies the NAACP used to stop lynching were typical of the broader movement of progressive social reform. Before the 1930s, the Association largely undertook what the *Crisis* deemed to be 'quiet work.'⁸⁵ This included investigations, education drives, and protests at a local and state level. Middle class reformers at the turn of the century felt a sense of duty towards social improvement and protested to hold the government accountable for a host of issues such as conservation, healthcare, child labour and workplace safety, temperance, and women's rights.⁸⁶ The NAACP

⁸³ Alexander, S. L., *An Army of Lions: The Civil Rights Struggle Before the NAACP* (Philadelphia: University of Pennsylvania Press, 2012), 139; Waldrep, C., *African Americans Confront Lynching: Strategies of Resistance from the Civil War to the Civil Rights Era* (Lanham: Rowman & Littlefield Publishers, 2009).

⁸⁴ Alexander, *An Army of Lions*, 136-176.

⁸⁵ 'The Best of the Anti-Lynching Fights,' *The Crisis*, June 1935, 177. Accessed on 12/09/16 at <https://books.google.co.uk/books?id=ClgEAAAAMBAJ&printsec=frontcover#v=onepage&q=quiet%20work&f=false>.

⁸⁶ Liberals campaigned for reform in several areas. For example, the National Parks Service was founded in 1916 in the interest of conservation. Labour strikes were prominent, highlighting reformers drives for improved working conditions. The manufacture, sale or transportation of alcohol was prohibited with the ratification of the Eighteenth Amendment in 1919 after temperance groups blamed poverty and social ills on the consumption of alcohol. Additionally, suffragists rallied for women's suffrage until the ratification of the Nineteenth Amendment in 1920. Buenker, J. D., *Urban Liberalism and Progressive Reform* (New York: Charles Scribner's Sons, 1973).

had similar aspirations with regards to guaranteeing civil rights for all American citizens and demanded federal legislative reform to protect the lives of black Americans in the face of lynch mobs. The NAACP's efforts were reflective of the way social reformers operated during this era.

The NAACP's anti-lynching efforts up until the 1930s were therefore a product of the culture of reform in which the Association existed. This chapter considers what shaped the NAACP's approach to anti-lynching up until the 1930s, and why the NAACP carried some of these tactics through into their federal lobbying strategy.⁸⁷ Even though lobbying the federal government required a different skillset and alternative strategies, essentially, NAACP activists continued to think that their tried and tested tactics were still necessary and effective in the fight against lynching at the start of the 1930s.

Du Bois and the Intellectual Foundations of the NAACP's Anti-Lynching Campaign

One of the strongest guiding influences on the NAACP's anti-lynching movement was the organisation's political philosophy. W. E. B. Du Bois, the NAACP's resident intellectual, defined the organisation's overarching aims as well as their approach to preventing mob violence.⁸⁸ Positioned against other black intellectuals, such as Marcus Garvey and Booker T. Washington, at the turn of the century Du Bois aligned with the founding members of the NAACP. It was the rivalry between Washington and Du Bois that largely defined the basic terms of race relations in the United States—'militance versus conciliation, separatism versus assimilation, higher education versus

⁸⁷ The NAACP's lobbying in the 1930s is the focus of Chapter Two.

⁸⁸ Leading black intellectuals defined approaches to civil rights throughout the twentieth century, each believing that they offered the most viable solution for racial uplift and social progress. Marcus Garvey was strongly associated with Pan-Africanism—the ideology that asserted that through the global unity of Africans, social and economic uplift was possible—and advocated a global solution to American racial issues. Pan-Africanism advocated an escape from the existing capitalist system, and for black people to achieve self-realisation together outside of the United States. Du Bois also saw merit in the idea but the NAACP had little interest in Du Bois' global aspirations. Booker T. Washington, on the other hand, advocated that blacks should be taught to create their own opportunities through the Industrial Education program that he promoted, and to build their own businesses. Du Bois, *Dusk of Dawn*, in Huggins, N., *W. E. B. Du Bois: Writings* (New York: The Library of America, 1986), 755; Frederickson, G. M., *Black Liberation: A Comparative History of Black Ideologies in the United States and South Africa* (New York: Oxford University Press, 1995), 73; Washington, B. T., *The Future of the American Negro* (Boston: Small, Maynard & Company, 1902), accessed on 14/09/14 at <https://archive.org/details/futureofamerican00washuoft>, 195-6.

trade-school training.’⁸⁹ The NAACP favoured Du Bois because Washington promoted segregation as a means to social betterment and accepted ‘the alleged inferiority of the Negro races.’⁹⁰ The men and women of the NAACP chose to never accept a status of inferiority and instead saw legal redress and organised protest as the way to achieve equality as a fundamental right. It was Du Bois’ model of social progress that provided the NAACP’s justification for the pursuit of a federal anti-lynching campaign.

The type of reform advocated by the NAACP sought to improve the experience of black Americans in as many areas of society as possible. Du Bois recognised that the problems blacks faced were extensive. These included securing existence, labour and income, food and home, spiritual independence and democratic control of the industrial process, all of which Du Bois thought were necessary for blacks to gain equality in the United States.⁹¹ Ultimately, the NAACP’s work aimed to help black Americans compete with whites under capitalism. But Du Bois reasoned, ‘It would not do to concenter all effort on economic well-being and forget freedom and manhood and equality.’⁹² It was for this reason that the NAACP had a wide-reaching agenda to facilitate social progress on several fronts.

The first of these fronts was education. For Du Bois, the fight for civil rights could not happen independently of the education of blacks. It was partly for this reason that the NAACP was home to educated black Americans who advocated on behalf of the masses and why Du Bois strongly advocated the higher education of black people; a cultured and ‘talented tenth’ should lead the way and ‘scatter civilization’ amongst the mass of black Americans.⁹³ With educated and cultured black men and women at

⁸⁹ Bauerlein, M., ‘Booker T. Washington and W.E.B. Du Bois: The Origins of a Bitter Intellectual Battle,’ *The Journal of Blacks in Higher Education*, 46 (Winter, 2004-5), 114.

⁹⁰ Washington maintained that whites would eventually see the value of black people—if they worked hard enough—and grant them equal constitutional rights. Du Bois, W. E. B., *The Souls of Black Folk*, in Sundaquist, E. J., (ed.) *The Oxford W. E. B. Du Bois Reader* (New York: Oxford University Press, 1996), 126-127; Washington, B. T., *The Future of the American Negro* (Boston: Small, Maynard & Company, 1902), accessed on 14/09/14 at <https://archive.org/details/futureofamerican00washuoft>, 195-6.

⁹¹ Du Bois, *Dusk of Dawn*, in Huggins, N., (ed.), *W. E. B. Du Bois: Writings* (University of Cambridge Press, Cambridge, 1986), 557.

⁹² Ibid.

⁹³ Du Bois’ stance on education stood in contrast to that of Booker T. Washington’s Industrial Education policy. Whilst Du Bois agreed that black people could benefit from some sort of Industrial Education, he thought workers alone could not be the sole agents of social change. Du Bois, *The Souls of Black Folk*, in Sundaquist, *The Oxford W. E. B. Du Bois Reader*, 151; Bond, J., ‘The NAACP’s Commitment to Expanding Higher Education Opportunities for African Americans,’ *The Journal of Blacks in Higher Education*, 54 (2006), 72-73.

the forefront of the organisation, the NAACP sought to become the driving force behind the civil rights movement. This translated into the NAACP's organisational setting: legal and legislative battles, such as anti-lynching, were always accompanied with educational lecture tours, literature, press releases, and articles in the *Crisis*—the NAACP's organisational magazine—to educate the public about the issues present in its civil rights work. Educating blacks about the root of their poverty and oppression was vital if they were to achieve upward social mobility.

The NAACP highlighted increased black political participation as a fundamental goal. For Du Bois, blacks would never achieve equality if they did not have the power to hold authority accountable or have fair political representation.⁹⁴ But the barriers to political participation were great. Poll taxes, literacy tests, grandfather clauses, poor voter registration and the threat of physical violence kept many black Americans away from the polls.⁹⁵ The NAACP did make legal challenges to reduce the barriers to political participation and in later years had some success in doing so.⁹⁶ Disfranchisement was a pervasive issue throughout the NAACP's existence. Because many politicians were not dependent upon the black vote for re-election, black Americans had little political power.

Increased economic competition with white people was a key need according to Du Bois. Building and strengthening the black middle classes was important for blacks to carve out economic footholds. One reason that Du Bois opposed Booker T Washington's approach of industrial education was because if Washington's plan was to succeed within the existing economic and political system, Du Bois asserted, he would require capital, investors, and protection from expropriation, all of which were not readily available to black people.⁹⁷ In his essay critique of Washington, 'Of Mr. Booker T. Washington and Others,' Du Bois argued that by focusing on the economic problems of blacks Americans in the way that Washington did, it asked black people to sacrifice political power, civil rights, and the higher education of black youth in favour of prosperity.⁹⁸

⁹⁴ Du Bois, W. E. B., 'Votes for Women,' 1158-1160; 'The Black Man and the Unions,' 1173-1175, 'President Harding and Social Equality,' 1188-89, all essays in Huggins, *Writings*.

⁹⁵ Alexander, *An Army of Lions*, 135.

⁹⁶ The NAACP had success in the Supreme Court case, *Guinn and Beal v. United States* in which the court deemed Grandfather clauses unconstitutional. *Guinn and Beal v. United State*, 238 U.S. 347 (1915).

⁹⁷ 'Of Mr. Booker T. Washington and Others,' essay in Du Bois, *The Souls of Black Folk*, in Huggins, *Writings*, 392-404.

⁹⁸ *Ibid*.

Black Americans could not easily carve out economic footholds because the black middle class were targets of white discontent, and black businesses, homes, and lives were targeted and destroyed. In 1906, black Americans had managed to prosper in Atlanta, Georgia; there was an expanding community of black urban labourers, and black businessmen had carved out opportunities in the area.⁹⁹ However, by mid-September, dozens of rumours spread that black men were raping white women. Tensions rose in what historian Philip Dray called a ‘pique of sexual and racial hysteria,’ that was exacerbated and perpetuated by local newspapers.¹⁰⁰ In one instance a woman saw nothing more than a strange black man in her neighbourhood and called the police. One evening a lynch mob formed, searching for ‘a sinister looking Negro.’¹⁰¹ The mob grew until several thousand whites were chasing individual blacks and sweeping through the streets, targeting and smashing up black businesses. In order for business owners with property to have financial security and profit under capitalism, the NAACP thought that the protection of their right to do so was of fundamental importance. One way of doing this was to remove barriers, such as racially motivated violence. The protection of the middle class was important in the movement for equality to safeguard any economic growth.

An anti-lynching campaign was an integral part of the NAACP’s program because the threat of lynching prevented full participation in political, economic and social life. Even before the NAACP was founded, Ida B. Wells noted that lynching was used as a disincentive to petty capitalism, preventing black people from competing with white business. Tommie Moss, a friend of Wells,’ along with business partners Calvin McDowell and Will Stewart, opened up the People’s Grocery in the Curve, Mississippi. The men opened across the road from a white grocery store that held a monopoly in the area. The white store was run by a man named Barrett who attempted to remove his competition. Word spread that on Saturday night, March 5, 1892, a white mob was going to destroy the People’s Grocery.¹⁰² Moss, McDowell and Stewart asked for police protection but their store fell outside of the jurisdiction of the Memphis police. Instead, the three owners stationed armed men in the back of the

⁹⁹ Dray, P., *At the Hands of Persons Unknown: The Lynching of Black America* (New York: Random House, 2002), 163.

¹⁰⁰ *Ibid*, 164.

¹⁰¹ *Ibid*, 165.

¹⁰² Fradin, D. B., and Fradin, J. B., *Ida B. Wells: Mother of the Civil Rights Movement* (New York: Clarion Books, 2000), 40.

store to defend their property, and wounded some of the intruders. Convinced they had acted out of self-defence, Moss and his partners surrendered to the police the next day but were locked in jail. They were later removed from their jail cell and lynched for standing up for their rights.¹⁰³ The NAACP argued that black people should be able to rely upon the rule of law to protect businesses from expropriation, instead of having to use violent self-defence.¹⁰⁴ With this legal protection of black lives and their property, investments and economic gains could be made more securely. An anti-lynching movement was therefore an important part of the NAACP's agenda, because eradicating lynching would help black Americans feel safer to compete economically with whites.

An anti-lynching movement was also part of the NAACP's broader strategy for social progress and integration because it interrogated contemporary ideas about race. According to Du Bois, whose thoughts about race and class were almost unrivalled at the time, 'racism was at the core of every issue relating to power, economic production, culture and society.'¹⁰⁵ On this premise, the Association worked to show how racial ideology was present in the legal system, the education system, the political system, and in every day social relations, undermining a democracy that was valued by Americans nationwide. Major legislative acts in the civil rights arena for school desegregation, fair employment, fair housing, anti-discrimination in public places and accommodation—as well as the NAACP's anti-lynching bills—were all designed to enhance the competitive capabilities of black Americans.¹⁰⁶ As the NAACP was founded in response to mob violence, eradicating lynching was a worthy cause in itself but a legislative anti-lynching campaign served the NAACP's agenda because, if successful, it could have helped to remove the barriers to American civic and economic participation. A federal bill also fit the NAACP's legalistic gradualist approach that Du Bois advocated, making it a good fit for the Association. The

¹⁰³ Du Bois, *Dusk of Dawn*, in Huggins, *Writings*, 41-43.

¹⁰⁴ Ida B. Wells advocated violent self-defence as a last resort when all other forms of resistance failed. She encouraged blacks to own a Winchester rifle because if white Americans feared that they might die every time black Americans did then they would have greater respect for black lives. Wells-Barnett, I. B. *Southern Horrors: Lynch Law in all its Phases* (New York Age, 1892) accessed on 12/03/13 at <http://lincoln.lib.niu.edu/cgi-bin/philologic/getobject.pl?c.5755:7.lincoln>. In line with the organisation's liberalism, the NAACP deplored violent self-defence and any form of lawlessness.

¹⁰⁵ Du Bois, W. E. B., 'The Study of the Negro Problems,' *The Annals of the American Academy of Political and Social Science*, 568 (March 2000), 3. Originally published 1898.

¹⁰⁶ Fisher, S., 'Marxist Perceptions for Black American Equality,' *Phylon* (1960-), 45:1 (1st Quarter, 1984), 64.

NAACP's continued anti-lynching work was therefore justified largely by Du Bois' writings of the early twentieth century, and in their eyes, continued to justify their anti-lynching work well into the 1930s. The anti-lynching movement was therefore an integral part of the Association's broad civil rights agenda.

The Facts

Whilst the principles espoused by Du Bois underpinned the NAACP's justification for an anti-lynching movement, the Association's strategies were guided also by the culture of reform in which it operated. Part of a tradition of resistance to lynching, the NAACP adopted many of the methods and strategies promulgated by their predecessors and the founding members of the Association.¹⁰⁷ Founding NAACP member Ida B. Wells had a strong influence on the organisation's anti-lynching campaign as they adopted her methods of investigation and exposure as a dominant strategy. This was because, as John Shillady, Secretary of the NAACP, argued in 1919, 'none of the several pleas which has been made to explain or excuse [lynching] can stand the light of reason.'¹⁰⁸ Once the public and the authorities heard about the horrors of lynching, the Association's leaders thought, they were sure to condemn the practice. With a view to 'ascertain and publish the truth'—the NAACP challenged the legitimacy of lynching by investigating, recording, and publicising what happened during lynchings across the United States.¹⁰⁹ This approach influenced much of the NAACP's anti-lynching work, especially in the early years of the organisation's history, and was a method that the NAACP would utilise throughout their lobbying campaign.

The NAACP adopted Wells' techniques of resistance to lynching because they were important to formulating the most effective anti-lynching strategies. Wells investigated and documented cases of mob violence to detail the causes of lynching as well as to determine the best ways to stop lynching.¹¹⁰ Her publications *A Red Record*:

¹⁰⁷ Alexander, *An Army of Lions*, 139.

¹⁰⁸ NAACP, *Thirty Years of Lynching in the United States, 1889-1918* (New York: Negro University Press, 1969), originally printed 1919, in the 'Forward'.

¹⁰⁹ White, W., *A Man Called White: The Autobiography of Walter White* (Athens: University of Georgia Press, 1948), 42.

¹¹⁰ These causes included commonly held myths that black men were lynched because they raped white women, that lynching was necessary to protect white womanhood, and that the punishment of lynching always fit the crime. Wells worked to challenge these ideas. Historian Mary Brown points to Wells' work as the template for all future anti-lynching campaigns. Brown, M. J., *Eradicating This Evil: Women in the American Anti-Lynching Movement, 1892-1940* (Garland Publishers, 2000), 8.

Tabulated Statistics and Alleged Causes of Lynchings in the United States, 1892-1894 and *Southern Horrors: Lynch Law in all its Phases* established that black Americans were lynched to repress race riots and black insurrections, deny black citizens the vote, and to allow swifter punishment than the prevailing legal system allowed, to name just a few.¹¹¹ This groundwork allowed her to argue in *Southern Horrors* that the two most effective ways to stop lynchings were to threaten both the financial security and the lives of white people. Wells urged black workers to abandon their jobs, and leave the South in their thousands to bring ‘great stagnation in every branch of business,’ and to wield a weapon when all other forms of resistance failed, continuing the discourse of self-defence. She encouraged that ‘a Winchester rifle should have a place of honor in every black home’ because when white aggressors ran the risk of ‘biting the dust every time his Afro-American victim [did],’ he would arguably have greater respect for black lives.¹¹² Whilst the NAACP disavowed violent protest, they used the facts to justify their activism in the same manner as Wells did. Wells therefore defined strategies for investigation, exposure of facts about lynching, and using statistics to substantiate activism. The NAACP used this template for years to come, highlighting the significance of Wells’ contribution to the anti-lynching movement.

The NAACP sacrificed both financial resources and the personal safety of some of their leaders to accumulate lynching data in a similar vein to Wells. They collected news clippings and reports of lynchings nationwide to build a comprehensive archive of lynchings throughout the United States.¹¹³ Only cases where evidence of the lynching could be authenticated by the NAACP, an investigator, or a credible newspaper were documented.¹¹⁴ For some cases the NAACP sent one of its members or hired a private investigator to probe a recent lynching and discover the facts. Walter White often recalled his own experiences of ‘sleuthing,’ and on occasion he ‘passed’ for a white man to get communities to open up about the details of recent lynchings or

¹¹¹ Wells, I. B., *A Red Record: Tabulated Statistics and Alleged Causes of Lynchings in the United States, 1892-1894*, accessed on 18/05/14 at <http://lincoln.lib.niu.edu/cgi-bin/philologic/getobject.pl?c.5813:3.lincoln>; Wells-Barnett, I. B. *Southern Horrors: Lynch Law in all its Phases* (New York Age, 1892), accessed on 01/09/2016 at <http://www.gutenberg.org/files/14975/14975-h/14975-h.htm>.

¹¹² ‘Self-Help’ in Wells-Barnett, *Southern Horrors*.

¹¹³ The NAACP were not the only ones to do so: the *Chicago Tribune*, as well as Tuskegee Institute recorded the number of lynchings and published their findings annually.

¹¹⁴ *Ibid.*

race riots.¹¹⁵ White claimed that on three occasions he had to make a quick escape after locals' suspicions were aroused as to his identity.¹¹⁶ White recalled that his investigations into the Chicago race riot of 1919 almost cost him his life after he was shot at by a black man who mistook him for a white man.¹¹⁷ White risking his life to obtain such information, showed just how valuable evidence and information about lynchings were to the organisation's anti-lynching movement.¹¹⁸ Without it, the NAACP's only response to a recent lynching was to 'telegraph a protest to the governor.' From previous experience, the NAACP realised this tactic would achieve little more than a little publicity in the local newspapers.¹¹⁹ The NAACP activists expended so much time and resources to obtain lynching data because they believed that it offered the possibility of engaging in more effective activism.

It was the different ways in which information could be used that gave it value. First and foremost, the NAACP published this data to educate the public about lynching and challenge commonly held beliefs about lynching. One of their most circulated pamphlets, *Thirty Years of Lynching in the United States, 1889-1918*, summarised one hundred lynchings that took place across the country.¹²⁰ Through these publications and investigations, the NAACP argued that many stereotypes about black men as hypersexualised brutes, and the myth about the necessity to defend white womanhood, still prevailed. White claimed that the publication offered a 'revelation of the falsity of the relation between lynchings and rape,' and that the title 'amazed those who read it' as it revealed that less than one-sixth of all victims of lynchings had been accused of sex crimes.¹²¹ Having detailed accounts of a lynching allowed White to ascertain the cause of the mob violence under investigation and provide evidence to

¹¹⁵ 'Passing' occurs when a person classified as a member of one racial group is accepted as a member of a different group. This could be temporary or permanent and people's motivations for doing so vary across time periods and geographical regions. Hobbs, A., *A Chosen Exile: A History of Racial Passing in American Life* (Cambridge, MA: Harvard University Press, 2014); White, *A Man Called White*, 40-2.

¹¹⁶ White, W., 'I Investigate Lynchings,' January 1929, *American Mercury*, accessed on 04/02/17 at <http://nationalhumanitiescenter.org/pds/maai3/segregation/text2/investigatelynchings.pdf>

¹¹⁷ White described himself as having 'light skin and blue eyes,' which allowed him to pass for white during his investigations. *Ibid.*

¹¹⁸ In addition to lynchings, cases of discrimination were also investigated by NAACP leaders. For example, Roy Wilkins and journalist George Schuyler went to investigate reports of discrimination in the Mississippi Flood Control Projects in 1932. Ryan, Y., *Roy Wilkins: The Quiet Revolutionary and the NAACP* (Lexington: University Press of Kentucky, 2014), 15.

¹¹⁹ White, *A Man Called White*, 40.

¹²⁰ NAACP, *Thirty Years of Lynching in the United States*.

¹²¹ White, *A Man Called White*, 42.

challenge myths. Facts added weight to their arguments and allowed the NAACP to challenge the racial stereotypes perpetuated in the rhetoric surrounding lynching.

With this information, the NAACP could make more targeted protests and appeals, and present authorities with the evidence needed to prosecute those responsible. After the death of Claude Neal—who was lynched for the suspected rape and murder of Lola Cannidy—White hired special investigator Edward ‘Buck’ Kester for \$75 to go to Florida and gather ‘all the gruesome details possible together with any photographs of the body, crowd, etc., and as much evidence as is possible as to the identity of the leaders and members of the mob.’¹²² In particular, White instructed Kester to find ‘any evidence that Neal actually did or did not rape and murder Lola Cannidy.’¹²³ The NAACP used published facts and investigative reports to pressure local and federal authorities to act, to keep the horrors of lynching in the public consciousness, and to dismiss the notion that black men should be lynched because they raped white women. Kester reported that there was ‘little room for doubt’ that Neal killed Cannidy but ‘no evidence at all that there was any rape’ as the pair had been having sexual relations for some time.¹²⁴ Investigations helped the Association to establish the chain of events that led to the lynching, to discover who the perpetrators were, and to see if any wrongdoing or injustice had been done on the part of the authorities.

The details of brutal lynchings, and the emotive language in which it was described, allowed the NAACP to employ shock tactics and gain support for their national efforts. So, later, when the NAACP turned to the federal government to enact an anti-lynching law the NAACP also used facts to gain support for their bills. In 1934, White sent copies of Kester’s report on the Neal lynching to the President and First Lady, every member of Congress, 225 coloured press and approximately 150 white press, radio stations, Writers’ League Against Lynching members, and to specific columnists and editors, to name just a fraction of the recipients.¹²⁵ Cases that so blatantly proved the NAACP’s case for reform were therefore distributed as far and

¹²² Letter from Walter White to Edward Kester, 31 October 1934, NAACP Papers, Part 7, Series A, Reel 9, on microfilm at the Cambridge University Library.

¹²³ Ibid.

¹²⁴ Kester concluded that Neal had killed Lola after she became engaged to a white man, and she wanted to end relations with Neal. NAACP, ‘The Lynching of Claude Neal,’ 1934, NAACP Papers, Part 7, Series A, Reel 9, on microfilm at the Cambridge University Library.

¹²⁵ Memorandum for Walter White, 14 November 1934, NAACP Papers, Part 7, Series A, Reel 9, on microfilm at the Cambridge University Library.

wide as possible. In Congress, in particular, the NAACP used the facts they obtained to dispute claims that an anti-lynching law was not needed, and to argue that lynching was not just a racial or a sectional issue.¹²⁶

White recalled, ‘the campaign for federal legislation publicized the facts about lynching.’¹²⁷ But it was the facts that formed the foundation of the NAACP’s anti-lynching campaign as it gave them the conviction to correct congressmen who defended mob violence or questioned the need for legislation, gave them the evidence they needed to present to congressional committees, and gave the justification for their national efforts in the first place. Lynching facts and statistics were therefore still just as important to the NAACP in the 1930s as they were when the Association first deplored the use of mob violence in 1909. But there was a shift away from using this evidence to provoke outrage and protest towards an effort to lobby. Nevertheless, accumulation and presentation of the facts continued to be a central feature of the NAACP’s activism and future lobbying campaign.

Education

Education was central to the NAACP’s program during their early years and one of the organisation’s key aims was to change perceptions about lynching. Education was important, leaders reiterated, because Americans remained ignorant about commonly perpetuated stereotypes and myths. If people knew the facts, argued the NAACP, then black Americans would be better equipped to help themselves and the ignorance of white Americans would be reduced. Such a program was designed to promote the philosophy of the NAACP over other reformers, to relay the findings of their investigations and research into the race issue, and to gain support—both moral and financial—for their activities and campaigns. By the 1930s, traces of the activists’ programme of education was evident in their lobbying activities. The campaign for anti-lynching legislation relied upon the NAACP’s efforts to persuade congressmen to vote for their bills and increase public sentiment against lynching. Education was a key method through which the NAACP tried to achieve this.

¹²⁶ Walter White’s Statement before the Senate Sub-Committee on the Judiciary on the Costigan-Wagner Anti-Lynching Bill, S. 1978, 20-21 February 1934. Box I: C234, NAACP Papers, Library of Congress.

¹²⁷ White, *A Man Called White*, 42.

The primary mouthpiece through which the NAACP educated its members was the organisation's magazine, the *Crisis*. Edited by Du Bois until 1934, and afterwards by Roy Wilkins, the object of the *Crisis* was to 'set forth those facts and arguments which show the danger of race prejudice,' through newspaper articles, editorials, and opinion pieces reflecting the views of both black and white America.¹²⁸ Issued monthly, it set the tone for the organisation's work and aimed to impart the inspiration that was needed for the success of the NAACP and for the larger civil rights movement.¹²⁹ The circulation and readership demographic of the *Crisis* is largely unknown although it is thought that in the North, particularly in the first decade of its existence, readership was limited to educated and literate blacks and whites. This meant that through this medium, the NAACP were largely preaching to the converted. While roughly eighty percent of all *Crisis* readers were black, the NAACP's propaganda, particularly over their first decade, failed to reach working-class blacks and non-members.¹³⁰ As the *Crisis* only reached NAACP members, Du Bois and the NAACP were trying to educate members who already subscribed to its point of view. It would have to utilise other methods if it was to reach Americans nationwide and change the opinions of those who participated in the maintenance of white supremacy.

To reach a wider audience the NAACP often embarked on speaking tours of the United States to promote the Association and increase membership numbers and public support. Du Bois and Joel Spingarn, chairman of the NAACP's board from 1914, went on speaking tours to promote the Association throughout the first decade of the organisation's existence. Often this involved criticising other reformers in order to champion their own work. Just like preachers from the pulpit, these men proffered their ideas about the best way to solve racial inequality. 'I let myself go about Washington tonight,' reported Spingarn after one 1914 speech in which he publicly criticised Booker T. Washington and his approach to racial inequality.¹³¹ By denouncing Washington the speakers emphasised that the Association's work was the best way to achieve social and legal equality, and pointed out that the likes of Washington would only hinder efforts for the uplift of black Americans. In three

¹²⁸ 'The Crisis,' in Huggins, *Writings*, 1131.

¹²⁹ Wolters, R., *Du Bois and His Rivals* (Columbia: University of Missouri Press, 2003), 86.

¹³⁰ Johnson, B. L., *W. E. B. Du Bois: Toward Agnosticism, 1868-1934* (New York: Rowman & Littlefield Publishers, 2008), 106-7; Kellogg, *NAACP: A History*, 150.

¹³¹ Joel Spingarn quoted in Wolters, R., *Du Bois and His Rivals* (Columbia: University of Missouri Press, 2003), 86.

speaking tours, Spingarn and Du Bois reached audiences of up to seventy thousand people, and while not all of those who attended a lecture would go on to join the NAACP, these were valuable forums to the fledgling organisation.

It was important for the NAACP that their efforts to educate filtered out beyond their existing membership who were already in support of their cause. In addition to the *Crisis*, the NAACP used alternate publications to reach audiences who did not pay for the magazine. Pamphlet literature was disseminated in far greater numbers than the *Crisis*; these were short publications of few pages that provided information on particular issues or on the NAACP's work. Some pamphlet titles from 1921 included 'Done in 1920 Program for 1921,' 'A Ten Year Fight Against Lynching,' 'An American Lynching,' 'Disfranchisement of Colored Americans,' and 'The NAACP vs the KKK.'¹³² In just one month—September 1921—the NAACP National Office sent out 9,091 pieces of literature, suggesting that across the years literature like this was wide reaching.¹³³ They were sent to members, friendly organisations, potential members, church groups, and later to congressmen, to agitate, reinforce the need for action, and of course, to educate the ignorant. They were effective propaganda, winning the NAACP new members who wanted, in the words of convert Ellen Lund of the New Haven District Epworth League, 'more fully to identify... with the work for justice and greater opportunities for the Negro.'¹³⁴

These publications allowed the NAACP to educate on specific issues, such as lynching, disfranchisement, unfair employment practices, and other social ills. In their pamphlets about lynching, the NAACP made use of the factual information they collected to reinforce the idea that justice was the responsibility of the state. Armed with statistical data, as well as written accounts in the case of lynchings, the NAACP aimed to 'bring home to the American people their responsibility for the persistence of this monstrous blot on America's honor.'¹³⁵ The one hundredth lynching summarised in their publication *Thirty Years of Lynching in the United States, 1889-1918* taught people that it was possible for the state to uphold the rule of law in the face of a lynch mob.¹³⁶ The case study described the city Mayor's 'promptitude and

¹³² 'Report of the Secretary to the Board of Directors,' February 1920, Box I: A15, NAACP Papers, Library of Congress.

¹³³ 'Report of the Acting Secretary to the Board of Directors,' October 1920, Box I: A15, NAACP Papers, Library of Congress.

¹³⁴ Ellen Lund to Walter White, 4 March 1935, Box I: C237, NAACP Papers, Library of Congress.

¹³⁵ Shillady, J. R., 'Forward,' in NAACP, *Thirty Years of Lynching in the United States*.

¹³⁶ *Ibid*, 10.

courage' in calling out the Home Guard to quash a mob in North Carolina, and outlined how Judge B. F. Long of the Superior Court sentenced fifteen white men from fourteen months to six years in prison for participating in the riot.¹³⁷ Although not overt in their message, the NAACP ended the pamphlet with this case study designed to reinforce their message and make it known that lynchings, and the subsequent inaction on the part of the state, were not inevitable.

The organisation also aimed to educate the public about the best solutions to the problems facing black Americans. It was for this reason that they also produced literature advocating their own program. As the NAACP's legal committee was busy drafting an anti-lynching bill at the beginning of the 1930s, the NAACP enlisted support for the measure by educating about the need for a federal anti-lynching law. A two-page pamphlet published in 1934 and named 'A Federal Law to Curb Lynching,' stated that lynching was not a sectional or a racial issue, and that the need for a federal anti-lynching law was clearly rooted in the fact that the states had failed to act in cases of lynching.¹³⁸ This type of propaganda, accompanied with their claims in the press that 'only federal law will stop mobs,' was instrumental in positioning the NAACP as the champion of civil rights, as the most knowledgeable about the lynching issue, and the most capable of stopping the crime.¹³⁹

Such literature also gave strength to the NAACP's direct lobbying efforts in both Congress and the White House in the 1930s. The NAACP was keen to educate congressmen on the facts, disprove their opponents' arguments, and gain support for their anti-lynching legislation. NAACP activists also kept FDR up to date on lynching statistics throughout the campaign. 'During 1934 the total of lynchings has already reached the alarming number of 18,' they informed him, convinced that if he knew how bad the situation was he would act—or, more importantly, endorse their anti-lynching legislation.¹⁴⁰ The NAACP believed that in part, FDR's and congressmen's objections to anti-lynching measures were due to ignorance of the facts or because they did not appreciate the gravity of the lynching situation. But, as the NAACP would

¹³⁷ Ibid, 27-8.

¹³⁸ 'A Federal Law to Curb Lynching,' National Association for the Advancement of Colored People, 1934, Box I: C206, NAACP Papers, Library of Congress.

¹³⁹ NAACP Press Release, 1 December 1933, Box I: C206, NAACP Papers, Library of Congress.

¹⁴⁰ Petition 'To the Honorable Franklin D. Roosevelt, President of the United States,' 27 December 1934, Box I: C236, NAACP Papers, Library of Congress.

later find out, it would take more than facts to overcome institutional racism or gain presidential support.

Proven to increase the membership numbers of the organisation, and differentiate the NAACP against other reformist groups, the NAACP always retained their educational program alongside any of their campaigns. Education became an important facet of the NAACP's anti-lynching work and NAACP leadership committed time and effort to this tactic. The Association still advocated the use of lectures, literature, and public meetings in 1935 as they actively devised strategies to build public sentiment against lynching and increase public support for their legislative measures.¹⁴¹ Even if their tactics did not persuade congressmen to vote for the anti-lynching bill, increasing public sentiment for the bill could build a support base that would allow the lobbyists to apply greater political pressure if it was needed in the future.

Protest as a Tried and Tested Method

While NAACP activists adopted tactics from individuals and organisations who preceded them, they also chose to use methods that they had developed themselves. Protest was one of the tactics that the NAACP had fine-tuned over the years, and it was one of the Association's most favoured.¹⁴² The NAACP's protests were grounded in their moral ideas about what was right and wrong; they took many different forms and took place locally, regionally, and nationally. Protests were intended to elevate the voice of black Americans, make a spectacle, make their voices heard, and educate Americans by raising awareness. The NAACP had minor successes using protests in the decades preceding the 1930s. Consequently, NAACP activists used protest tactics in their anti-lynching campaign in Washington because lobbyists thought that it was a tried and tested method that could achieve results.

¹⁴¹ 'Possible Ways of Building Public Sentiment Against Lynching,' 14 October 1935, Box I: C238, NAACP Papers, Library of Congress.

¹⁴² In this section, I define protest as words or actions that object or disapprove of something. This can include oral and written statements or rallies and marches, for example. I also talk about lobbying as a form of protest. Lobbying in protest refers to the NAACP's specific attempts to pass/prevent legislation, or prevent the election of an individual to office, on the grounds that the NAACP objected to either a policy or a person up for election. But I make the distinction, because lobbying is not always done in protest of a person or a policy. Whilst lobbying can be used a method of protest, lobbying is not always done in opposition to something.

NAACP protests took place on a weekly, and sometimes daily, basis. Such public declarations served as a constant reminder to the nation that there were still issues of racism to be resolved, as well as to cement the notion that the NAACP would never accept discrimination and prejudice. In its simplest form, protest involved public condemnation of racism, lynchings, and inequality. The NAACP achieved this through regular press releases to both the black and white press, containing information about recent lynchings, cases of overt racism, or court cases in which they were currently involved.¹⁴³ The Association also hung a banner outside their Manhattan headquarters that read, 'A Man Was Lynched Yesterday,' every time they were informed that a lynching had taken place.¹⁴⁴ This was a visible protest on one of the busiest streets in the city that made people aware of the frequency of lynchings. Protesting in this way let the public know that racism was not an acceptable practice. When lynchings occurred, the NAACP made it clear that it was deplorable to defend lynchings, take part in a lynching, or fail to uphold the rule of law; no target was immune if they had done wrong. These protests were a constant reminder of the organisation's activism and that there were issues that would not be resolved without public support and funding.

Mass protest rallies or marches were employed to elevate an issue to the national headlines and gain media attention, often in response to race riots or particularly brutal lynchings. On 28 July 1917, the NAACP organized a 'negro silent protest parade' in New York City in which between 8,000 and 10,000 black Americans marched in lines from 59th St. and Fifth Avenue to 23rd St. and Madison Square. They organised the march 'to bring the murderers of our brothers, sisters and innocent children to justice,' in both the East St. Louis race riot and the lynching of Jesse Washington in Waco, TX.¹⁴⁵ But their silence reflected their condemnation of American acceptance of racial violence; leaders deemed it a crime for anyone 'to be silent in the face of such barbaric acts.'¹⁴⁶ Men, women, and children filled the streets of New York to reach the nation's consciousness, and its conscience. Du Bois and the other organisers of the parade also hoped that it would make President Woodrow

¹⁴³ Meeting of the NAACP Board, 'Report of the Secretary,' February 1920, Box A15, NAACP Papers, Library of Congress; Letter to the Editor of the New York *Telegram* from NAACP Director of Publicity, 24 September 1930, Box 206, NAACP Papers, Library of Congress.

¹⁴⁴ 'A Man was Lynched Yesterday,' photograph accessed online on 26/01/2017 at <http://www.loc.gov/pictures/item/2015647092/>.

¹⁴⁵ 'Negro Silent Protest Parade,' 24 July 1917, Part 7, Series B, NAACP Papers, Library of Congress.

¹⁴⁶ *Ibid.*

Wilson live up to his campaign promise to implement anti-lynching legislation and protect black lives.

Sometimes publicity alone was insufficient to achieve tangible results, but the NAACP still used protest to pressure the authorities into doing their duty. The NAACP extended their protest up the ladder of authority, from local police, to state prosecutors, mayors, state governors, and even the President when they felt that laws had been violated and nothing was being done about it. When Walter White first joined the NAACP's ranks, a black sharecropper, Jim McIlherron, was burned to death in Estill Springs, Tennessee, for defending himself when his employer beat him. Sending a telegraph to the Governor was the NAACP's standard response to cases of lynching but the national office knew that without the facts, protesting to the Governor after a lynching 'would do nothing more than possibly secure a few lines of publicity.'¹⁴⁷ In this case, the NAACP used their investigative work to strengthen their appeals, and sent White to Tennessee to discover the facts. The NAACP therefore combined their tactics to put forward a more significant and irrefutable protest to the Governor.

The organisation's predilection to protest made its way into all areas of their work, including their early attempts at lobbying.¹⁴⁸ These attempts were mostly protests to the federal government against the poor treatment of blacks in federal projects. After the 1927 Mississippi floods, hundreds of thousands lost their homes and lived in Red Cross camps for months. The federal government was accused of favouring whites in the recovery operations, but it was the treatment of black labourers who were forced to participate in the relief efforts that the NAACP found most deplorable. Roy Wilkins and George Schuyler spent three weeks undercover as labourers in camps to investigate the claims. The men found that most black workers received a dollar or two dollars a day—half of that paid to white workers. A system of peonage 'organized by the federal government [U.S. Army Corps of Engineers] and paid for with American tax dollars' was in place, designed to push black labourers to work as much as possible for as little pay as possible.¹⁴⁹ Wilkins published his findings as 'Mississippi River Slavery 1933' in the *Crisis*. The NAACP generated national interest by engaging in a letter writing campaign to Congress, publishing articles in

¹⁴⁷ White, *A Man Called White*, 40.

¹⁴⁸ Ware, G., 'Lobbying as a Means of Protest: The NAACP As An Agent of Equality,' *The Journal of Negro Education*, 33:2 (Spring, 1964), 103-110.

¹⁴⁹ Mizelle, R. M., *Backwater Blues: The Mississippi Flood of 1927 in the African American Imagination* (Minneapolis: University of Minnesota Press, 2014), 125.

black newspapers, and bombarding members and non-members alike with information about debt peonage to heighten black Americans' awareness of life inside levee camps.¹⁵⁰ But their appeals to Secretary of Commerce Herbert Hoover and President Calvin Coolidge to provide relief and protection for displaced black Americans failed to deliver an acceptable solution. In response, the NAACP demanded attention from the War Department, and sponsored a resolution, introduced by Senator Wagner, in the 72nd Congress, calling for a senatorial investigation of levee camps.¹⁵¹ The NAACP lobbied in support of the resolution and after a period of filibustering, the Senate passed the resolution allowing Wagner to head the investigation into the government's Mississippi Flood Control Project.¹⁵² This provided momentum for the NAACP as they successfully demanded the attention of the federal government.

But it was their lobbying to prevent the nomination of Judge John J. Parker to the Supreme Court in 1929 that cemented the practice of lobbying as a means of protest in the NAACP's strategic repertoire. In 1920, a decade prior to his nomination, Parker made comments to the Greensboro *Daily News* in support of a 1900 disfranchisement law. This came five years after the Supreme Court had declared the grandfather clause unconstitutional in 1915. Parker stated that 'the participation of the Negro in politics is a source of evil and danger to both races and is not desired by the wise men in either race or by the Republican party of North Carolina.'¹⁵³ The NAACP argued that Parker's own statements 'condemn him as unfit to sit on the U.S. Supreme Court,' and for this reason the NAACP launched a lobbying campaign to prevent his selection.¹⁵⁴ NAACP lobbyists sent a wave of press releases to news distributing agencies, kept track of senators' positions on the nomination and notified members in various states of when and how strong pressure should be exerted on them. The NAACP also urged editors to give editorial support to the fight, and White, Spingarn and Du Bois addressed mass meetings. When Parker's nomination was rejected by a vote of 41 to 39, the *Crisis* reported that 'the outstanding blows against the Parker nomination were struck by the National Association for the Advancement of Colored People,' and

¹⁵⁰ Ibid, 127.

¹⁵¹ Ibid, 145.

¹⁵² Ibid, 148.

¹⁵³ Judge John Parker, Greensboro *Daily News*, 1920, quoted in 'The N.A.A.C.P. Battle Front,' *The Crisis*, June 1930, 196. Accessed on 11/09/16 at <https://books.google.co.uk/books?id=s1cEAAAAMBAJ&pg=PA196&dq=the+crisis+judge+parker&hl=en&sa=X&ved=0ahUKEwj0I31uYfPAhUDuhoKHZyKBzYQ6AEIHDA#v=onepage&q=parke&r&f=false>.

¹⁵⁴ Ibid, 196.

hailed their protests as ‘the greatest political victory which united Negro America has won since the Civil War.’¹⁵⁵ But its significance, the article argued, was in the fact that as a result of this achievement, the black man was ‘No longer as a suppliant who might be disregarded at will or convenience, but... a full-fledged citizen and a bearer of political responsibility and power, the Negro’s voice was heard.’¹⁵⁶ The perceived power in this type of protest spurred the NAACP on to launch their anti-lynching campaign in the 1930s. Their efforts gave them experience in Washington politics, if only a little. But most importantly, it gave the NAACP the perception that they had influence in the federal political arena. Although the campaign against Parker was not directly a part of their anti-lynching programme, this victory energised the NAACP activists who thought they could use similar methods in the fight against anti-lynching.

Since their founding, the NAACP’s methods of protest proved effective for the organisation. Although their private protests to authorities were largely ineffective, their large scale public protests raised awareness of their cause, and demonstrated that they were capable of organising in large numbers. Attempts at lobbying in protest to get the government’s attention and force their hand to reject a nomination or guarantee civil rights in relief efforts were some of the NAACP’s proudest achievements outside of the courts before the 1930s. It was therefore unsurprising that such a successful tactic was adopted again on the national stage throughout their anti-lynching campaign. After all, they brought their experience with them, and it just so happened that the NAACP were most experienced with protest tactics.

Conclusion

Despite their efforts, the NAACP’s early strategies to stop lynching were ultimately unsuccessful; no lynchers were punished and no lynchings had been prevented as a result of this type of activism. The Association had made little progress on the lynching issue since their founding; the numbers of lynchings even increased in the early 1930s.¹⁵⁷ This raises the question of why the NAACP fell back on these methods during their two decade long federal lobbying campaign. But it was because these

¹⁵⁵ Ibid, 196-7.

¹⁵⁶ Ibid.

¹⁵⁷ The NAACP claimed that this was a result of heightened racial tensions during the Depression.

strategies were deep-rooted within the organisation and had proven to be effective in their earlier efforts that the NAACP still relied upon these tactics.

What shaped the Association's efforts in the 1930s was in large part due to the people who made up the organisation in its early years. Du Bois' liberal political philosophy was important in determining their anti-lynching strategy because it defined their approach and aims. Founded on these beliefs, the NAACP decided to pursue non-violent, legalistic, and gradualist methods from the outset. Just like their efforts to end discrimination and legal segregation, the anti-lynching movement was part of a broader strategy to achieve equality.

Ida B. Wells cemented their determination to discover the facts, and demystify lynching. This belief in positivism meant that the Association placed great importance on having the facts; they thought that knowledge of the realities of lynchings would change minds and gain support for their campaign. Their investigative work was the bedrock of their anti-lynching campaign. Fundamentally, investigative work allowed the Association to understand the lynching issue and to test out what did and did not work in the fight against the practice. Knowing the causes, the contributing factors, and the context to many lynchings provided all the evidence the NAACP needed to claim that a federal anti-lynching bill was needed. Statistical evidence could also be presented to the public, to the authorities, and to Congress to educate people about lynching, and to support any legal arguments they made. It therefore was a prominent aspect of their anti-lynching work, and was evident in their lobbying. Having proof of the horrors and injustices displayed in lynching cases became ever more important in Congress, as the activists had open and strong opposition to persuade otherwise.

But when the NAACP found themselves capable of influencing federal decisions with their protests, it gave NAACP leaders the belief that protest was still an effective type of activism. The NAACP national office seemed to have more success on the national stage than it did with local authorities. The prevention of Judge Parker's nomination to the Supreme Court opened up new possibilities for the future of the anti-lynching campaign. NAACP activists therefore showed no fear in lobbying the federal government for a federal anti-lynching bill because lobbying appeared particularly effective to the activists in light of their victory against Parker.

The NAACP's early work led the Association to focus on federal legislation in the 1930s instead of state action. Du Bois' philosophy put the onus on the government to guarantee the rights of individuals and protect them from lynch mobs.

Its investigative work showed NAACP leaders that state authorities were mostly unwilling or unable to stop lynchings. In addition, success in protesting the federal government against the Parker nomination and for investigations into levee camps in Mississippi Flood Control Projects showed the Association that its activists could influence national politics. Collectively, these factors led the NAACP's national office to seek a federal solution to lynching in the 1930s and continue to do so for the proceeding two decades. It was therefore a combination of ingrained tactics, and minor successes that shaped the NAACP's anti-lynching up until the 1930s. Although this statistic cannot be directly or solely linked to the NAACP's efforts, a Gallup poll showed that by 1937, 70 per cent of Americans agreed that Congress should enact a law that would make lynching a crime.¹⁵⁸ This supported the NAACP claims that the majority of Americans wanted to see an end to lynching as the decade progressed, reinforcing their conviction that they could alter public opinion through their work. If the NAACP could alter public opinion, then logic followed that they could alter the opinions of the government using the same methods.

¹⁵⁸ Gallup, G. H., *The Gallup Poll: Public Opinion 1935-1971*, Vol. 1, 1935-1948 (New York: Random House, 1972), 48.

CHAPTER TWO

Congress and the Shaping of the NAACP's Lobbying Practices

The NAACP lobbied the legislative branch of the federal government for nearly two decades in order to achieve passage of an anti-lynching bill.¹⁵⁹ Having been predominantly an organ of protest for the preceding two decades, lobbying posed a new challenge for the NAACP in the 1930s.¹⁶⁰ Lobbying in protest, like they had done to oppose Judge Parker's Supreme Court nomination, was very different to lobbying in favour of an anti-lynching bill. It required skills of persuasion instead of mere statements of condemnation. Yet the NAACP's lobbying is not a widely-studied aspect of their programme; organisational histories describe the Association's activism, their drive towards reform, and their congressional campaigns to pass anti-lynching legislation, but the details of the organisation's lobbying efforts are seldom talked about and rarely analysed.¹⁶¹ With few experiences of lobbying in Washington, it was no surprise that the NAACP's efforts left significant room for improvement. But over the course of the decade, their lobbying strategy and tactics changed; the Association shifted from a position of protest to serious engagement with the political process. In the interest of understanding the evolution of the NAACP's lobbying practices this chapter analyses the congressional influences that shaped them.

Political science theory about how interest groups function in Congress offers a lens through which to interpret the changes to the NAACP's lobbying strategy. The NAACP's lobbying efforts can be analysed in relation to three main theories: political resources, access to congressmen, and persuasion.¹⁶² Viewing the anti-lynching

¹⁵⁹ Dür, A., and Mateo, G., 'Gaining Access or Going Public? Interest Group Strategies in Five European Countries,' *European Journal of Political Research*, 52:5 (August 2013), 660-686; Wright, J. R., *Interest Groups and Congress: Lobbying, Contributions, and Influence* (Longman: New York, 2003), 26.

¹⁶⁰ There were numerous ways in which the NAACP might gain influence in Congress. Lobbying consisted of a broad range of activities including establishing and maintaining working relationships with legislators, launching advertising campaigns, organising and mobilising at the grassroots level, researching policy issues, making campaign contributions, gathering information about the voting intentions of legislators, communicating with legislators and their staff, and testifying before congressional committees. Dür and Mateo, 'Gaining Access or Going Public? Interest group strategies in five European countries,' 660-686; Wright, *Interest Groups and Congress*, 26.

¹⁶¹ Ware, G., 'Lobbying As A Means of Protest: The NAACP As An Agent of Equality,' *The Journal of Negro Education*, 33:2 (Spring, 1964), 103-110; Zangrando, R. *NAACP Crusade Against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980). These works do discuss some of the NAACP's lobbying activities but neither assess the significance or consequences of those efforts.

¹⁶² Hansen, J. M., *Gaining Access: Congress and the Farm Lobby, 1919-1981* (Chicago: The University of Chicago Press, 1991); Kau, J., and Rubin, P., *Congressmen, Constituents, and*

movement through this lens reveals why the NAACP used particular lobbying methods, how effective they were, and any lobbying missteps they made that might warrant any objections. This approach is significant because it contributes an alternate way of studying movement history that brings the process of reform to the fore, and, more importantly, it shows that NAACP activists had agency—the ability to influence—in the lobbying process, something that they have previously not been given credit for.

An analysis of the NAACP's lobbying reveals that their strategy changed in response to congressional resistance and obstruction. While the idea of congressional resistance to anti-lynching bills is not new—in fact congressional obstruction, particularly in the form of filibustering, is one of the most widely recognised aspects of the anti-lynching movement—congressional objection to the NAACP's lobbying itself is yet to be explored.¹⁶³ These objections were primarily verbal or conveyed to the NAACP through written correspondence. An analysis of these interactions reveal that critiques of the NAACP's lobbying efforts were not always meant to derail the activists or their anti-lynching bills, and feedback on their methods was sometimes given with the hope that the NAACP might succeed. Regardless of congressmen's motives in highlighting the NAACP's inexperience, this was evidence of a particular type of congressional conservatism faced by the NAACP. This chapter explores this phenomenon, broadens scholarly understanding of congressional conservatism, and looks beyond overt legislative obstruction as the only way in which Congress challenged the NAACP's lobbying efforts.

Objections arose when the NAACP openly, and often unknowingly, defied congressional norms. This was a particular kind of conservatism whereby Congress demanded that the NAACP conform to behaviour befitting lobbyists. Essentially, Congress institutionalised the NAACP's lobbying practices. The NAACP was moulded by this conservatism; it helped them become more effective lobbyists as they

Contributors: An Analysis of Determinants of Roll-Call Voting in the House of Representatives (New York: Springer Science & Business Media, 1982); Wright, *Interest Groups and Congress*.

¹⁶³ Holloway, V. A., *Getting Away with Murder: The Twentieth Century Struggle for Civil Rights in the U.S. Senate* (Lanham: University Press of America, 2015), 1; Hutchinson, E. O., *Betrayed: A History of Presidential Failure to Protect Black Lives* (Boulder: Westview Press, 1996), 12, 40; Katznelson, I., *Fear Itself: The New Deal and the Origins of Our Time* (New York: Liveright Publishing Corporation, 2013), 166-168; Shapiro, H., *White Violence and Black Response: From Reconstruction to Montgomery* (Amherst: The University of Massachusetts Press, 1988), 283; Weiss, N. J., *Farewell to the Party of Lincoln: Black Politics in the Age of FDR* (Princeton: Princeton University Press, 1983), 99, 107.

learned how to reduce objections to not only their proposed legislation, but their own approach as well. Obstruction provided the NAACP with an opportunity to learn, and was not solely, as other scholars have concluded, a limiting factor for the NAACP.¹⁶⁴ Washington D.C. became the arena in which the NAACP would learn just what it took to pass legislation in Congress. The campaign for the 1934 Costigan-Wagner bill tested the effectiveness of their lobbying skills, and the positive and negative responses to the Association's actions became an important source of feedback that allowed the Association to hone their strategy.

A Lack of Financial and Political Resources

It is a dominant perspective on interest group influence that lobbyists can be effective in swaying Congress through their use of political resources.¹⁶⁵ This can include either financial or organisational assets. However, not all of these methods were available to the NAACP throughout their lobbying campaign. Restricted in the ways they could influence congressmen, particularly by a lack of financial resources and political power, the NAACP were limited to direct lobbying to secure votes within the legislative process. Whilst NAACP activists gained lobbying skills throughout the decade, at the start of their campaign when they only had very modest resources available to them, the NAACP's lobbying techniques were influenced by organisational limitations. Consequently, NAACP activists relied upon informational lobbying techniques to push their anti-lynching bills through Congress during this time.

Making campaign contributions was not an option for the NAACP in the 1930s. Lobbyists often paid to maintain their presence in Washington, support candidate elections, and contribute to party funds. There is debate regarding the level of influence financial contributions can achieve. Some scholars have found no link

¹⁶⁴ Goldstein, R. P., 'The Dyer Anti-Lynching Bill: The Movement for Federal Control of Lynching, 1900-1922' (MA diss., University of Wisconsin, 1966); Holmes, M. S., 'The Costigan-Wagner and Wagner-Van Nuys Anti-Lynching Bills, 1933-1938' (MSc diss., University of Wisconsin, 1965).

¹⁶⁵ For literature on this theory see: Goldstein, K. M., *Interest Groups, Lobbying, and Participation in America* (Cambridge University Press: Cambridge, 1999); Hansen, *Gaining Access*; Kau, and Rubin, *Congressmen, Constituents, and Contributors*; Kollman, K., *Outside Lobbying: Public Opinion and Interest Group Strategies* (Princeton: Princeton University Press, 1998); Sorauf, F. J., *Inside Campaign Finance: Myths and Realities* (Yale University Press: New Haven, 1992).

between money and votes.¹⁶⁶ Others have found that contributions can only buy access to Congressmen and time with committee members to discuss issues.¹⁶⁷ Nevertheless, the NAACP did not have the finances to lobby in this way during the 1930s. Most of the NAACP's funds came from donations made by their own membership. As Secretary of the NAACP, White often wrote to the Association's branches for funds to help fight 'the grim struggle.'¹⁶⁸ During the anti-lynching campaign he told them to 'raise as much money as possible to help pay the cost of publicity, travelling expenses of witnesses, etc.,' but more often than not members contributed as little as \$1 at a time.¹⁶⁹ Whilst the Association did apply for larger grants, they found that few organisations were willing to fund black activism.¹⁷⁰ As a result, the NAACP's anti-lynching fund remained modest and did not allow for both lobbying expenses and campaign contributions.

'We are conducting this campaign on a shoe-string,' White proclaimed, as financial limitations affected all areas of the Association's lobbying.¹⁷¹ The Secretary reported to the NAACP's Board of Directors that he was not able to afford to send all necessary telegrams to senators and complained that the lobbyists had 'no funds for stenographic services, which frequently necessitated the Secretary and volunteer workers working as late as two and three o'clock in the morning.'¹⁷² The NAACP's finances were so stretched that White had to relay to Will Alexander of the Commission on Interracial Cooperation (CIC) they 'won't be able to pay the expenses of witnesses,' witnesses that Alexander had secured to testify at congressional hearings in Washington.¹⁷³ The organisation had to pay staff wages, as well as fund

¹⁶⁶ Grenzke, J. M., 'PACs and the Congressional Supermarket: The Currency is Complex,' *American Journal of Political Science*, 33 (February 1989); Wawro, G., 'A Panel Profit Analysis of Campaign Contributions and Roll Call Votes,' *American Journal of Political Science*, 41 (2001) 563-579; Wright, J. R., 'PACs, Contributions, and Roll Calls: An Organizational Perspective,' *American Political Science Review*, 79:2 (1985), 400-414.

¹⁶⁷ Hall, R. L., and Wayman, F. W., 'Buying Time: Moneyed Interests and The Mobilization of Bias in Congressional Committees,' *American Political Science Review*, 84:3 (1990), 797-820.

¹⁶⁸ Walter White to NAACP Branches, 29 November 1933, Box I: C206, NAACP Papers, Library of Congress; Walter White to NAACP Branches, 29 January 1934, Box I: C233, NAACP Papers, Library of Congress.

¹⁶⁹ Ibid.

¹⁷⁰ Waldrep, C., *African Americans Confront Lynching: Strategies of Resistance from the Civil War to the Civil Rights Era* (Lanham: Rowman & Littlefield, 2009), 66-7.

¹⁷¹ Walter White to Will Alexander, 30 January 1934, Box I: C233, NAACP Papers, Library of Congress.

¹⁷² 'Report of the Secretary to the Board of Directors on the Costigan-Wagner Anti-Lynching Bill,' 6 May 1935, Box I: C238, NAACP Papers, Library of Congress.

¹⁷³ The NAACP called on their connections with other activist organisations to supply witnesses and experts to testify in front of congressional committees. Will Alexander of the CIC was a frequent

court cases, and the rest of their program. Lobbying was only one area of the NAACP's work and they could not direct all of their resources to the anti-lynching campaign. This meant that the NAACP could barely cover their own expenses, let alone provide additional financial incentives to convince congressmen to vote for the anti-lynching bill.

In addition to limited financial resources, the NAACP lacked sufficient political resources. Political resources refer to political power achieved through political mobilisation. Organising to influence could potentially have real impact on legislative outcomes, and this aspect of interest group relations is undisputed by scholars.¹⁷⁴ The more political power a group has, the more pressure their membership can put on congressional representatives. Pressure could be exerted by asking members to urge congressmen to vote a certain way, or by threatening a congressman's career by voting for other candidates who were more sympathetic to the lobbyists' cause. The NAACP knew that mobilisation of their members could be an effective lobbying strategy and its first port-of-call on any campaign was to ask its members to demand action from their local representatives. They encouraged members to express their opinions about lynching to their elected officials, and implore them to stop the crime. An NAACP press release issued shortly after the NAACP started drafting the Costigan-Wagner bill rallied their 378 branches to interview their congressmen and senators seeking pledges of support for their proposed anti-lynching bill in Congress in January 1934.¹⁷⁵ In doing so, the branches helped the national office to collect information on how particular representatives might vote. The importance the NAACP placed upon its membership contacting local representatives highlighted the Association's awareness that congressional representatives' votes could be swayed by their constituents' opinions on a bill.

Another way of exerting political pressure was at the polls. The NAACP encouraged its members to bear in mind a politician's stance on anti-lynching when electing them to office. Motivating a Senator with the idea of losing their position in office was a common strategy for the anti-lynching lobbyists and when a congressman indicated that they were hostile to a federal anti-lynching bill, the NAACP wasted no

contact who White called upon frequently for resources. Walter White to Will Alexander, 2 February 1934, Box I: C234, NAACP Papers, Library of Congress.

¹⁷⁴ Hansen, *Gaining Access*; Kollman, *Outside Lobbying*; Goldstein, *Interest Groups*.

¹⁷⁵ NAACP Press Release, 1 December 1933, Box I: C206, NAACP Papers, Library of Congress.

time in employing this tactic. ‘Voters should cast their votes solidly against any man who endorses lynching or who refuses to vote for anti-lynching laws, regardless of party lines or previous “good will.” Negroes... must use every weapon at their command and they must use them in a fight to the finish.’¹⁷⁶ But the NAACP suggested that they had more sway with the black electorate than was actually the case. The NAACP knew how a vote could be secured, but could not reinforce their knowledge with action: the NAACP’s membership was not large enough to influence the decision of congressmen in every state. Additionally, many black people still faced restrictions on voting because of poll taxes, literacy tests, and other legal or illegal means imposed by white authorities. In February 1934, Walter White reported to the Senate Sub Committee on the Judiciary that the Association boasted a membership of eighty-five thousand.¹⁷⁷ This meant that spread across the country, even if all members voted according to the NAACP’s recommendations, it would have had little effect upon electoral outcomes. This was pointed out to Roy Wilkins by the editor of the *Kansas City Call*, C. A. Franklin, who said that, ‘my opinion is that the NAACP’s great need is mass appeal... you will come into real power only after the Negro in the streets thinks of the N. A. A. C. P. as his big brother.’¹⁷⁸ The Association still did not have mass appeal and legislators knew that they did not have the electorate behind them.

In addition to a small membership, the NAACP also had a small lobbying team. Despite the anti-lynching campaign being an initiative of the NAACP’s national office, the vast majority of the organising efforts and direct lobbying in Washington stemmed from one man: Walter White. White coordinated the lobbying campaign with the help of Assistant Secretary Roy Wilkins; he organised, gathered evidence and information to present to legislators and committees, and personally lobbied many congressmen. While this was a great achievement, White’s personal reach was finite. He could not be in two places at once, and he was not permanently based in Washington to lobby at the political epicentre. Although White’s correspondence was voluminous, he could not lobby entirely by himself. But due to a lack of personnel,

¹⁷⁶ Ibid.

¹⁷⁷ Statement of Walter White before the Senate Sub-Committee on the Judiciary on the Costigan-Wagner Anti-Lynching Bill, 20-21 February 1934, Box I: C234, NAACP Papers, Library of Congress.

¹⁷⁸ C. A. Franklin to Roy Wilkins, 26 January 1935, Box I: C236, NAACP Papers, Library of Congress.

the organisation had a sporadic and understated presence in Washington as White split his time between the Capitol and the NAACP's New York offices.

In terms of lobbying, blacks remained far behind groups such as labour, farmers, and business lobbyists in the political power that they could muster in Congress.¹⁷⁹ For this reason, and due to the NAACP's small national staff, the Association co-ordinated its lobbying activities with other organisations. The Socialist Lawyers Association, the Congressional Education Society, the Women's Peace Society, the Methodist Federation for Social Service, the Church League for Industrial Democracy, the National Urban League, the American Civil Liberties Union (ACLU), the Interdenominational Preachers Meeting of New York and Vicinity, and the League for the Defense of Political Prisoners pooled their resources with the NAACP to lobby for the anti-lynching bill. But even collectively they had little political experience.¹⁸⁰ Black Americans were not a previously well-organised group, many of them were not in unions, and they were not represented in many areas. None of these organisations had experience in pushing through a federal bill, and while collectively their membership was larger and increased the pool of political resources the NAACP could draw upon, anti-lynching was not the sole focus of all these organisations. They each had their own agendas and priorities so these organisations could not contribute all of their resources to the anti-lynching lobby.

The NAACP was very aware of the potential influence it could have over a congressional vote if only it had the resources. The organisation ran the campaign on an extremely tight budget, and were unable to offer financial incentives to gain access and influence in Congress. Furthermore, the Association's membership was only a tiny fraction of the population at the time, meaning that their ability to influence elections and representatives' opinions, especially when many black Americans were still disenfranchised, was wishful thinking at best. For the NAACP, this meant the activists had to lobby by providing convincing information about the benefits of anti-lynching legislation. Despite this, gathering information and educating people about the facts was a key tenet of the NAACP's activism, so they had considerable experience in using this tactic. But with non-procedural avenues unavailable to them,

¹⁷⁹ Weiss, *Farewell to the Party of Lincoln*, 62-3.

¹⁸⁰ Memorandum re: meeting at new school for social research, 6 December 1933, Box I: C233, NAACP Papers, Library of Congress.

the NAACP's lobbying efforts, at the start of their campaign, were largely shaped by these limitations.

Informational Lobbying

The limited organisational resources of the NAACP defined how its activists functioned as lobbyists in the first half of the 1930s. The NAACP were restricted to the use of persuasion-orientated lobbying tactics to influence legislative decisions whereby activists presented Congress with convincing arguments to support their bill.¹⁸¹ This type of lobbying played to the NAACP's strengths as they had to accumulate and present facts to support their arguments, something the organisation had been doing for decades. However, the NAACP's particular type of informational lobbying—typically lobbying to influence policy decisions by strategically transmitting information that would secure legislators' votes—often relied on moral protest.¹⁸² Protest as a form of lobbying was ineffective and legislators remained unconvinced by both the NAACP's lobbying methods and moral arguments.

The NAACP participated in congressional committee hearings on anti-lynching bills, in which the activists supplied information from subject experts to convince legislators of the necessity, constitutionality, and effectiveness of their proposed legislation. Among the experts who testified in 1934 before the Senate Subcommittee on the Judiciary on the Costigan-Wagner bill were lawyer Charles H. Tuttle, former U.S. attorney for the southern district of New York, Herbert K. Stockton, and Professor Karl Llewellyn of Columbia University Law School. The Writers League Against Lynching also elected Fannie Hurst, Heywood Broun, Stuart Chase, Harry Hansen and Faith Baldwin to appear.¹⁸³ The type of information presented by these witnesses varied in nature. Some reassured legislators of the

¹⁸¹ Victor, J. N., 'Gridlock Lobbying: Breaking, Creating, and Maintaining Legislative Stalemate,' in Cigler, A. J., and Loomis, B. A. (eds.), *Interest Group Politics*, 8th Edn. (CQ Press: Washington D.C., 2012), 243.

¹⁸² One of the key theories about how lobbyists function is the informational theory of interest group lobbying proposed by John R. Wright in his seminal text *Interest Groups and Congress: Lobbying, Contributions, and Influence*. Wright argued that the ways that interest groups operate is to first gain access to legislators, and then to influence their policy decisions by strategically transmitting information that would secure legislators' votes. Wright, *Interest Groups and Congress*. For a critique of the model see: McQuide, B., 'Information & Interest Group Lobbying in Congress: Policy vs. Political Information' (PhD thesis, University of Illinois, 2007).

¹⁸³ Walter White to Julia Peterkin, 2 February 1934, Box I: C234, NAACP Papers, Library of Congress.

constitutionality of the bill, the need for such a measure, as well as seeking to convince legislators that the bill would be both enforceable and effective. Walter White also gave a statement before the Senate Sub-Committee in which he aimed to dispel lynching myths by addressing common misconceptions, in doing so justifying the need for a federal bill. One of these misconceptions, ‘which is still believed by otherwise well-informed and fair-minded persons is that there is some connection between lynching and sex offenses by Negroes on white women.’¹⁸⁴ Furthermore, White tried to dismiss the notion that lynching was a sectional or a racial issue; he presented evidence that showed that white people were lynched, in both the North and South. The Secretary produced evidence from contemporary studies such as James H. Chadbourn’s *Lynching and the Law* and Arthur Raper’s *The Tragedy of Lynching* to add weight to his arguments.¹⁸⁵ In combination with examples drawn from the NAACP’s years of investigative work, the activists provided accurate, up-to-date information, about lynching that helped them make their case for an anti-lynching bill.

Direct lobbying was not solely about convincing others of the benefits of anti-lynching legislation, it also provided the NAACP with information in return. At the start of their anti-lynching campaign the activists used this technique ‘to line up senators and congress’ to ascertain their positions on anti-lynching legislation.¹⁸⁶ Some Senators gave a favourable response. For example, Senator William W. Barbour wrote: ‘I assure you that I am actively supporting the Costigan-Wagner Bill, as I believe it to be a necessary step forward in our civilization.’¹⁸⁷ Others refused to support the bill because they believed it to be unconstitutional, or that the bill would not solve the lynching issue. These efforts informed the NAACP of the legislators opposed to the bill, what their specific objections were, and how many Congressmen they would need to convince to vote in favour of the bill. It helped them to determine

¹⁸⁴ Walter White’s Statement before the Senate Sub-Committee on the Judiciary on the Costigan-Wagner Anti-Lynching Bill, S. 1978, February 20-21 1934, Box I: C234, NAACP Papers, Library of Congress.

¹⁸⁵ These were the very same resources that the Department of Justice (DOJ) used in 1937 to make their desk-based assessment of the necessity of the Wagner Van-Nuys bill (See chapter 5). This evidence convinced DOJ attorney’s that there was a difference between how local law enforcement treated lynching cases in comparison to other homicides, as only 0.01% of lynchings were punished. The NAACP therefore used this compelling evidence, written by experts, throughout their campaigns to persuade congressmen of the inability of the states to punish lynchers.

¹⁸⁶ ‘Memorandum Re: meeting at new school for social research’, 6 December 1933, Box I: C233, NAACP Papers, Library of Congress.

¹⁸⁷ Senator Barbour to Roy Wilkins, 2 February 1934, Box I: C234, NAACP Papers, Library of Congress.

whether congressmen needed information to reinforce their position or to change it. The NAACP could then address the specific uncertainties that individual legislators had. They disseminated information about the status and prospect of bills under active consideration, provided information about the electoral implications of legislators' decisions to support or reject pending legislation, and they predicted the likely economic, social or environmental consequences of proposed policies.¹⁸⁸ According to John Wright this was based on the idea that legislators are motivated by three basic goals: 'reelection, good public policy, and influence within the legislature'¹⁸⁹ Direct lobbying was beneficial for the NAACP because responses of congressmen guided the activists' lobbying and provided them with information about the extent to which congressmen needed to be convinced to vote for the bill.

In response to those legislators who opposed the anti-lynching bill, the NAACP addressed each individual concern with specific information designed to change congressmen's opinions on particular issues. NAACP activists drafted responses to the four key chief concerns in a document designed to increase support for the Costigan-Wagner bill.¹⁹⁰ The Association tried to improve confidence in the bill by stating that previous objections raised to the Dyer bill—namely that lynching was both a sectional and a racial issue—were no longer relevant. In a letter to the Chair of the Board of the Women's International League for Peace and Freedom, Mrs. Hannah Clothier Hull, White explained an argument he used in Congress. 'The recent lynchings in California and Governor Rolph's outrageous statement have helped mightily towards minimizing the racial issue.'¹⁹¹ Rolph was reported to have defended the lynching of two white men in San Jose, and subsequently refused to prosecute the

¹⁸⁸ Wright, *Interest Groups and Congress*, 88.

¹⁸⁹ *Ibid.*, 83.

¹⁹⁰ The four arguments against the bill and the NAACP's responses were: 1) That the bill was unconstitutional. In response to this the NAACP offered to send a twenty-page brief written by Charles H. Tuttle, former United States Attorney at New York, in which he cites all of the legal cases in support of federal action. 2) A practical objection raised was that federal action would not really stop lynching because it could act only after lynchings occurred. But the NAACP argued that 'the mere threat of federal legislation has operated to deter lynchings.' They cited the drop in lynchings from 63 in 1922 to 28 in 1923 following the campaign for the Dyer anti-lynching bill as evidence of this. 3) It was contended that a federal law would not be more effective than the state laws against lynching. To this, the NAACP answered that federal action would be much freer from local influences and it would be more vigorous. 4) Penalties against the country were unfair. The NAACP claimed that this clause in the legislation called upon people's self-interest as taxpayers and argued that in counties in which fines had been imposed, the number of lynchings per year declined dramatically according to Prof. James H. Chadborn of the University of North Carolina. 'Support the Federal Anti-Lynching Bill!' NAACP, undated, Box I: C206, NAACP Papers, Library of Congress.

¹⁹¹ Walter White to Mrs. Hannah Clothier Hull, 6 January 1934, Box I: C233, NAACP Papers, Library of Congress.

lynchers.¹⁹² Rolph's remarks helped the NAACP to argue that the law was not being upheld even when the victims of lynching were white. It reinforced the argument for the necessity of the bill because it showed how authority figures such as Rolph helped to support and uphold the practice of lynching, and it showed that lynching was not specifically a racial issue or solely a problem of the South.

But the NAACP frequently relied upon moral protest to both reaffirm and change congressmen's opinions on the anti-lynching bill. To those congressmen who had already agreed to vote for the anti-lynching bill, the NAACP forwarded copies of the bill and reports of recent lynchings, such as that of Claude Neal in 1934. The distribution of pamphlets such as these were designed to reinforce a congressman's objection to lynching. White also used details of Neal's murder to convince senators who had previously voted against federal anti-lynching legislation to change their mind. Included in the Neal report were details of the crime of which Neal was accused, the gruesome details of Neal's murder, as well as the evidence that the NAACP's investigator had collected regarding the role of law enforcement and their failures to protect their prisoner.¹⁹³ He thought that, given the gruesome facts, and presented with evidence to prove that injustices had taken place, senators would fulfil a moral duty to uphold the rule of law. In a telegram to Senator Dieterich, a chief opponent of the Costigan-Wagner bill, White reminded him that 'good citizens would never allow lynching.'¹⁹⁴ Details of lynchings were used to continue to disgust anti-lynching supporters, as well as argue that the law was not being upheld to convince others to change their minds. But these arguments were largely grounded in morality, designed to amplify the horrors of lynching to garner a sympathetic response, and support for their bill. But congressmen still objected to the bill regardless of these arguments as they did not always vote according to the NAACP's moral compass.

Another pitfall in their informational approach was that activists were not always able to supply trustworthy information to back up their claims. Some legislators argued that the bill would not prevent lynchings because federal action would only be taken after a lynching occurred. In response, NAACP lobbyists offered lynching statistics they collected to suggest that the number of lynchings would

¹⁹² Zangrando, *NAACP Crusade Against Lynching*, 104.

¹⁹³ NAACP Pamphlet, 'The Lynching of Claude Neal,' 1934, NAACP Papers, Part 7, Series A, Reel 9, on microfilm at the Cambridge University Library.

¹⁹⁴ Telegram from Walter White to Senator William H. Dietrich, 27 October 1934, NAACP Papers, Part 7, Series A, Reel 9, on microfilm at the Cambridge University Library.

decrease as a result of the bill. 'The answer is that the mere threat of federal legislation has operated to deter lynchings. Following the national campaign for a lynching bill in 1922, lynchings in 1923 dropped to 28 from 63 for the previous year.'¹⁹⁵ Their logic then followed that the downward trend would continue if the Costigan-Wagner bill was passed. Unfortunately, the NAACP had no evidence to link the fall in the rate of lynchings to their lobbying efforts for the Dyer bill. It was established at the time that the occurrence of lynchings was also affected by socio-economic conditions, local customs, and demographics, to name just a few.¹⁹⁶ The NAACP were unable to explain how the bill would actually work in practice so the NAACP used statistics selectively, ignoring the other factors that may have contributed to the trend in order to make their point. So, while this prediction about the consequences of the Costigan-Wagner bill supported the NAACP's argument, it was unfounded nonetheless and undermined their efforts.

The NAACP often undermined their own efforts by sending contradictory, and sometimes harmful, information to congressmen. Their letters and requests for support for the bill sometimes sounded desperate and did not inspire confidence in their anti-lynching bill. Senator James Couzens highlighted this issue when Roy Wilkins asked for his support for their federal anti-lynching bill.¹⁹⁷ After Wilkins implied that the bill was in danger of not being reported favourably by the Senate Judiciary Committee, Couzens replied that 'there is very little that others of us can do,' especially given 'the unfavourable report contained in your letter.'¹⁹⁸ In the hope of gaining support when the bill needed it most, the NAACP sometimes reported on the dire situation the bill was in and argued that congressmen should vote for it or else it would fail.¹⁹⁹ The Association thought that this would pressure the congressmen to assist the bill, but

¹⁹⁵ 'Support the Federal Anti-Lynching Bill!' NAACP, undated, Box I: C206, NAACP Papers, Library of Congress.

¹⁹⁶ Chadbourn, J. H., *Lynching and the Law* (Chapel Hill: University of North Carolina Press, 1933); Raper, A. F., *The Tragedy of Lynching* (Montclair: Patterson Smith Publishing Corporation, 1969), originally published in 1933 by Dover Publications.

¹⁹⁷ Senator James Couzens to Roy Wilkins, 3 February 1934, Box I: C234, NAACP Papers, Library of Congress.

¹⁹⁸ Roy Wilkins to Senator James Couzens, 2 February 1934, Box I: C234, NAACP Papers, Library of Congress; Ibid.

¹⁹⁹ The NAACP often adopted this approach with FDR also. One way the activists tried to inspire FDR to act on their behalf they would contacted him to inform him of a 'crisis' with the bill. If the President did not act, they argued, 'all the efforts that have been put forth are about to go for naught' without his support. Walter White to FDR, 18 February 1938, Box I: C230, NAACP Papers, Library of Congress.

telling legislators that the bill was about to fail was not a convincing reason for anyone to vote *for* the bill.

Whilst not always successful in doing so, the informational lobbying carried out by NAACP activists aimed to reassure congressmen about the position of the bill and if it was likely to pass, confirmed that it would be effective in stopping lynching, and educated congressmen about lynching and the necessity for the bill. The NAACP corresponded extensively with congressmen and continued this type of lobbying throughout the anti-lynching campaign, proving themselves effective with this activity. However the specifics of what they told legislators often hindered their efforts. Ultimately, the anti-lynching bill did not pass after the NAACP used these tactics from 1934-5; they were not effective enough to push legislation through congress. By providing information that could easily be argued against, painting a negative picture of the position of the bill in Congress, relying on moral arguments, and asking congressmen to act when the bill was tied up in committee, the NAACP unintentionally sabotaged their own efforts, leaving congressmen unconvinced that they should vote for the anti-lynching bill.

Defying the (Congressional) Norm

After establishing their lobbying tactics throughout the first half of the decade—even though some of them undermined their own efforts—NAACP activists expected their activism to reward them with favourable votes for their anti-lynching bills. But on occasion, the activists received criticism instead. It was Congress that regulated the behaviour of lobbyists because they controlled the legislative process. The NAACP—and any other activists or lobbyists trying to push through legislation—had to adhere to congressional rules and norms in order to engage with the legislative process. These unwritten norms were largely unknown to the inexperienced NAACP lobbyists and with no one to guide them, and with limited lobbying experience, they often violated such norms. Introducing bills and initiating procedures, for example, were the responsibility of congressmen. In their inexperience, the NAACP often overstepped their bounds as lobbyists and violated such congressional norms.²⁰⁰ Congressmen

²⁰⁰ Hansen, *Gaining Access*; Gerrity, J. C., Hardt, N. S., and Lavelle, K. C., 'The Interest Group: Staff Connection in Congress: Access and Influence in Personal, Committee and Leadership Offices,' *PS*:

were quick to pull the NAACP up on these incidents. In doing so they exhibited a particular type of congressional conservatism; Congress objected to the NAACP's approach and demanded institutional conformity in the way NAACP activists lobbied and approached congressmen, shaping how the NAACP operated in Washington.

Typically, lobbyists were not allowed open access to Congress or to act like an elected representative. They were not allowed to initiate congressional procedures, for example. But Walter White's enthusiasm and commitment to see NAACP anti-lynching bills progress through Congress often caused him to forget his limits. In 1936, NAACP activists wrote to one hundred and ninety Democratic congressmen to try to circulate a petition to call a House Democratic Caucus.²⁰¹ Representative John D. Dingell explained why he considered White's lobbying to be improper: 'You as an outsider, not a member of Congress, should work through some member of Congress. You, nor any individual, has a right to cross-examine a Congressman from another district. Much less do you have the right to attempt the calling of a caucus as you undertook to do.'²⁰² Dingell's complaint was that White was too direct and he tried to act like a member of Congress. In this instance, when White questioned the views of congressmen on their anti-lynching stance, Dingell highlighted that White was not working in the way that Congress expected of him. Dingell suggested that NAACP activists should behave in a proper manner in Congress; implicit in his words was that there was a right and wrong way for the NAACP to lobby. Dingell advised White that in future: 'the best thing for you to do... is to enlist the aid of some friend in Congress whose privilege it is to do so. Then you will not arouse any animosity, not against the anti-lynching bill necessarily but against your plan and method of bringing it out.'²⁰³ Dingell implied that enlisting help of 'friends in Washington' was an exercise in

Political Science and Politics, 41:4 (October 2008), 913-917; Wolpe, B. C., *Lobbying Congress: How the System Works* (Washington, D. C.: Congressional Quarterly, 1990).

²⁰¹ A House Democratic Caucus is a group of representatives that share Democratic party membership. The caucus meets to elect party leadership in the House, to approve committee assignments, to make caucus rules, debate matters of party discipline and is a forum in which the party develops and communicates party policy and legislative priorities. The NAACP's aim was to get a rule to bring the anti-lynching bill before that session of Congress. Generally, those who attend any caucus are required as a matter of honour to vote in the House itself as the majority of the Caucus have voted on a particular piece of legislation. If the NAACP managed to get the support of the Democratic Caucus for an anti-lynching bill then they would have a favourable majority vote when it was brought up for a vote in the House. Walter White to Congressman Thomas F. Ford, 26 March 1936, Box I: C251, NAACP Papers, Library of Congress;

²⁰² Representative John D. Dingell to Walter White, 20 June 1936, Box I: C251, NAACP Papers, Library of Congress.

²⁰³ *Ibid.*

observing congressional norms. While White had the help of a few senators he still did a lot of direct lobbying himself. In this case, it was improper for White to be proposing congressional action, and his contacts should have been the ones to put forward these types of ideas. This encounter was a lesson in how the NAACP should use the congressional contacts they had to minimise antagonism towards their efforts. But during the first few years of the 1930s, the NAACP had few contacts who held office in Congress. Consequently, NAACP activists had few legislators to inform them of such rules.

But within the relationships that the NAACP did cultivate, they were supposed to be mutually beneficial: the activists were expected to contribute to relationships just as much as congressmen. In return for a vote, or for a favour, it was an unwritten rule that activists were supposed to give congressmen something of value too. In 1936, Representative Emanuel Celler refused to sign a petition to call a Democratic Caucus upon the request of the Association, protesting the fact that the NAACP did not acknowledge the work he did to introduce the Costigan-Wagner bill in the House in 1934. According to White, Celler said that, 'It's always called the Costigan-Wagner bill and I am never mentioned by your association for the speeches I have made and the work I have done. I don't want to have anything to do with your association because you've never seen fit to give me credit.'²⁰⁴ The NAACP lobbyists did not always take into consideration that congressmen might want something, such as credit, in return for the work they did on behalf of the lobbyists. Congressmen were quick to inform the NAACP of this expectation and this taught the activists that individual relationships were fragile and that the Association had to give something in return for what they asked. In not considering the needs of congressmen, the NAACP opened themselves up for criticism, as well as jeopardised some of the relationships they formed. This taught the NAACP that once gained, relationships with congressmen could just as swiftly be lost. Demanding that the NAACP give credit where credit was due, Celler set the expectation that relationships between lobbyists and congressmen should be mutually beneficial.

Much of the NAACP's lobbying efforts were carried out independently and without the aid of congressional contacts. But this led to criticism not only of their

²⁰⁴ Walter White to Representative Emanuel Celler, 27 March 1936, Box I: C251, NAACP Papers, Library of Congress.

actions but also of the timing of them. NAACP activists lobbied at abnormal times, in comparison to seasoned lobbyists, trying to persuade congressmen to act when, at time in the legislative process, it was essentially pointless to do so. Senator James Couzens offered Roy Wilkins a word of advice after Wilkins contacted him regarding his support for the bill while it was tied up in committee hearings—a time when congressmen outside of that committee had little influence on a piece of pending legislation.²⁰⁵ Couzens advised that ‘your efforts should be devoted to the committee reporting the bill to the Senate. Unless that happens, there is very little that others of us in the Senate can do about the matter.’²⁰⁶ The NAACP wrote to Congressmen at any point in the process—they did not know that their lobbying would be more effective at certain points in the process. The NAACP lacked knowledge about timing their communications effectively. But the advice given by congressmen shows that some were willing help the NAACP improve, and that congressional conservatism was not necessarily an attack on the NAACP or an objection to anti-lynching. By doing what was expected of them, it was implied that the NAACP would have a greater chance of success, and would not rile congressmen with improper or poorly timed communications.

The conservatism displayed by congressmen shaped the NAACP’s lobbying because NAACP activists started to conform to the norms of which they were made aware. During their time lobbying in Washington, the NAACP did start to bow to congressional conservatism in order to reduce resistance to their methods and shut down opportunities for both the organisation and the anti-lynching bill to be criticised. The NAACP did this by trying to increase their access to Congress and congressmen. Relationships were highly valuable to an organisation such as the NAACP as access to congressmen could provide them with information about the bill’s progress, enable them to enlist other congressmen to lobby on their behalf, and teach them about legislative procedures.²⁰⁷ White attempted to reconnect with the few existing contacts he made the previous decade for assistance with their campaign, including former

²⁰⁵ After a bill is introduced, it is referred to a senate committee according to the bill’s subject matter. The committee then hold hearings on the bill, possibly ask for reports from experts or government agencies, consider revisions to a bill, for example. The committee then votes to report the legislation to the full Senate chamber. ‘Legislative Process: How a Senate Bill Becomes a Law,’ accessed on 07/02/2016 at <https://www.senate.gov/reference/resources/pdf/legprocessflowchart.pdf>.

²⁰⁶ Senator James Couzens to Roy Wilkins, 3 February 1934, Box I: C234, NAACP Papers, Library of Congress.

²⁰⁷ Hansen, *Gaining Access*; Wolpe, *Lobbying Congress*; Gerrity, Hardt, and Lavelle, ‘The Interest Group: Staff Connection in Congress.’

Representative Leonidas C. Dyer of Missouri and Senator Edward P. Costigan of Colorado.²⁰⁸ The Secretary cultivated particularly good relationships with the Senators who lent their names to the anti-lynching bill: Senators Costigan and Wagner. Gaining access was hugely beneficial because, as it has been noted, ‘interest groups exchange technical expertise and political information [with legislators]... in return for access to the policy process, be it control over policy outcomes or monitoring information on the political process.’²⁰⁹

The NAACP’s relationship with Senators Costigan and Wagner did just that; it taught the anti-lynching lobbyists what kind of information they should provide in order to be effective in committee hearings, a particular part of the political process. An example of this came after White received a letter from journalist and social critic, H. L. Mencken, in which Mencken made ‘a very important and valuable suggestion—namely, that all persons concerned in the notorious Armwood lynching on the Eastern Shore of Maryland be required to testify. The more hostile or reluctant the witnesses, the more valuable will be the effect of their hostility or reluctance to testify in showing the country at large how necessary it is that federal action be taken against lynching.’²¹⁰ Mencken’s letter arrived as White was contemplating the best arguments to present to the congressional committees, and which lynching examples should be used to justify a federal anti-lynching bill. But his relationship with Senators Costigan and Wagner allowed White to discuss Mencken’s suggestion with them.²¹¹ White could discuss policy options, how to proceed with the legislation, and problems that arose along the way, showing just how beneficial increased access to Congress was for the Association.

With the help of these newfound allies, White addressed the specific criticisms he received from other congressmen in order to hone his lobbying skills. When White was told to get congressmen to lobby on his behalf, he developed a beneficial relationship with Costigan who offered to push the bill in Congress. This demonstrates the NAACP responded to criticisms in order to succeed. But Costigan’s efforts also highlights the Senator’s own investment in a positive legislative outcome. When

²⁰⁸ Telegram from Walter White to Senator Edward P. Costigan, 2 January 1933, Box I: C233, NAACP Papers, Library of Congress.

²⁰⁹ Beyers, J., and Braun, C., ‘Ties that count: explaining interest group access to policymakers,’ *Journal of Public Policy*, 34:1 (April 2014), 95.

²¹⁰ Walter White to Senator Edward P. Costigan, 7 February 1934, Box I: C234, NAACP Papers, Library of Congress.

²¹¹ *Ibid.*

Costigan was unable to attend a committee hearing on the Costigan-Wagner bill due to other commitments, Costigan reassured White that he would use his position in Congress to help the bill progress: ‘I can be of more service after the bill is reported out [of the committee]. Then will come the task of getting the bill up for consideration and that, as you know, will take a good deal of personal work and button-holing of senators.’²¹² Costigan became the NAACP’s main educator in the lobbying process; he gave White information on procedure and what would be required to be able to overcome the next legislative hurdle they would face. But most importantly, as a result of their close working relationship, Costigan was willing to give ‘all the time and effort I possibly can’ to assist in lobbying for the bill.²¹³

Access to Senators Costigan and Wagner also granted White access to the spaces these men occupied. When in Washington, White informed his correspondents that ‘I can always be reached during the day at Sen. Costigan’s office.’²¹⁴ White conducted his lobbying from inside Costigan’s office, allowing him to see how a congressman operated on a day-to-day basis and to hear news from Capitol Hill as soon as it happened. This geographical proximity to Washington politics allowed White to observe how Congress functioned, as well as the President’s relationship to the legislative branch of federal government. But this level of access took Walter White two years—from 1933 to 1935—to achieve, highlighting just how long it took to build this type of relationship with congressmen, and that the activists did not learn the finer points of lobbying overnight. Nevertheless, increased access to Congress and productive relationships with even just a couple of congressmen gave the NAACP greater insight into the process and instructions on how they should behave.

Due to their inexperience, the NAACP defied many of Congress’ norms in their attempts to lobby for anti-lynching legislation. White’s approach even alienated some members of Congress as he was perceived to have acted in a manner unbecoming a lobbyist. This was largely due to the fact that NAACP activists had few contacts inside Washington to guide them on what they should and should not do. But they listened to the criticism they received and they started to modify their lobbying strategies as a result. In analysing the NAACP’s attempts to gain access to Congress,

²¹² Senator Edward P. Costigan to Walter White, 20 February 1934, Box I: C234, NAACP Papers, Library of Congress.

²¹³ Ibid.

²¹⁴ Walter White to Eleanor Roosevelt, 24 April 1935, Box 93-A, Papers as President, FDR Library.

it is evident that the access they did gain, even only to a few congressmen, proved to be particularly advantageous for the Association. By late 1935, White referred to Senator Costigan using his nickname, 'Chief,' when addressing him in correspondence, demonstrating that he was capable of turning a formal relationship between a lobbyist and a legislator into a friendly and productive working relationship.²¹⁵ Objections to White's approach to lobbying and to his behaviour in Washington D.C. made the Secretary realise that objections would not only be raised to the bill itself but to their behaviour as well. Taking on board feedback enabled the NAACP to hone their lobbying skills, gain a greater understanding for the written and unspoken rules surrounding lobbying in Congress, and in turn comply with the way in which Congress demanded the activists behave. As a result, the close relationships Walter White formed enabled him to discuss strategy, learn from those in office, keep up to date with progress on the anti-lynching bill, hear any information about congressional processes, and have geographical proximity to the action in Washington. The congressional conservatism towards the activists' behaviour therefore helped to shape the NAACP's lobbying during the first few years of their anti-lynching campaign.

The Institutionalisation of the NAACP's Lobbying Practises

In the years that followed the NAACP's campaign for the Costigan-Wagner bill, NAACP activists realised that adhering to Congressional norms and procedures was beneficial to their efforts. The NAACP's lobbying efforts between 1936 and 1939 showed evidence of a change in strategy that was a significant shift away from the informational lobbying techniques the NAACP employed previously. Instead of waiting for congressmen to support anti-lynching after presenting them with 'the facts,' the NAACP became more proactive in assuring passage of the bill. For the campaigns after 1935—including efforts to pass the Van Nuys Resolution in 1936 and the Wagner-Van Nuys bill in 1937-38—the NAACP shifted from using person-centred persuasive tactics to process-orientated strategies that adhered to congressional procedures. This change in strategy came as a direct result of the

²¹⁵ Walter White to Senator Edward P. Costigan, 24 December 1935, Box I: C239, NAACP Papers, Library of Congress.

resistance they faced in the previous attempt to pass the Costigan-Wagner bill. By honing in on political process to pass legislation, the NAACP shifted away from their moral rhetoric, and focused instead on ensuring the proper function of democratic government. This signalled a move away from protest towards serious engagement with politics and the political process.

Evidence of the NAACP's shift to conform to institutional norms was evident in the ways they tried to push through legislation in the face of obstruction. Legislative obstruction was a defining feature of Congress, in both the House of Representatives and Senate. It was a common and important part of the legislative process, and by no means exceptional to the anti-lynching bills. In May 1936, thirty one anti-lynching bills were being held up by the House Judiciary Committee because the Committee Chairman Hatton W. Sumners boasted that he would never permit a favourable report on an anti-lynching bill as long as he was chairman.²¹⁶ In this instance, the NAACP recognised that an informational approach would not work and chose to adopt 'practical step[s],' to tackle the obstruction.²¹⁷ The NAACP attempted to use a new method of legislating which involved calling a House Democratic Caucus.²¹⁸ The aim was to get the Caucus to give a definitive opinion on anti-lynching legislation (so the majority who had promised to support anti-lynching legislation could enter their declaration of support into the *Congressional Record*), and then request a rule from the House Rules Committee for immediate consideration of the bills pending in the Judiciary Committee.²¹⁹ House membership consisted of 321 Democrats, 104 Republicans, 7 Farm Laborites, and 3 Progressives. If the Democratic Caucus voted to support the anti-lynching bills, then all Democrats were required 'as a matter of honour' to vote in the House as the Caucus majority voted.²²⁰ The representatives who intended to obstruct anti-lynching legislation from being debated and voted upon would be obliged to support it if that's what the Caucus decided. Using the Democrats' own procedures against them was a clever way of circumventing Democratic opposition and getting the party to declare their support, if that was what the majority

²¹⁶ Walter White to Eugene Cheeks, 12 May 1936, Box I: C251, NAACP Papers, Library of Congress.

²¹⁷ Walter White to James B. Dufy, 7 April 1936, Box I: C251, NAACP Papers, Library of Congress.

²¹⁸ See p. 68 for an explanation of a House Democratic Caucus.

²¹⁹ House Rules Committee procedures, Accessed on 02/04/16 at <https://rules.house.gov/about>.

²²⁰ Congressman Robert Crosser to Eugene Cheeks, 28 April 1936, Box I: C251, NAACP Papers, Library of Congress.

decided. Southern Democrats could not filibuster a caucus, and the NAACP could indirectly obtain their support through the conventions of the caucus.

The friendly relationships garnered through the NAACP's access to Congress taught them about the finer points of legislative processes and how to reduce obstruction to their strategies. Virginia E. Jenckes, Representative for Indiana, gave her support for the Caucus petition when asked, and also advised White that the petition should be circulated by a member of Congress in order to 'remove any possible charge of lobbying.'²²¹ White took heed of this advice and replied that he was 'taking up with several of the introducers of the bills...the matter of circulation of the petition.'²²² White's receipt of this advice indicated that the NAACP had gained allies in Congress, allies who sought to help them succeed by giving them information that could prevent further obstruction.²²³ But by complying with legislative procedure in the way that Jenckes advised, the NAACP overcame that obstruction. When asked to present the petition for a Caucus on one sheet of paper, White retraced his steps and recirculated a single petition to comply with Taylor's technicality.²²⁴ In doing so the activists produced a petition that Taylor accepted. Unfortunately, congressmen obstructed their efforts whether or not the NAACP took preventative measures like the one Jenckes suggested. But the NAACP could keep the bill on track by following procedure and doing what was asked of them.

This particular decision to petition the Democrats to call a Caucus demonstrated that NAACP activists had thought logically about the strategies that could realistically help them pass the legislation instead of, as they had done in the past, merely protest that lynching should be legislated against. The NAACP decided to initiate a call for a meeting of the Democratic Caucus after weighing up the options available to them; they worked out which strategy would reap the greatest reward.²²⁵ The NAACP could have used a more traditional strategy to stimulate action in the

²²¹ Virginia E. Jenckes to Walter White, 21 March 1936, Box I: C251, NAACP Papers, Library of Congress.

²²² Walter White to Virginia E. Jenckes, 26 March 1936, Box I: C251, NAACP Papers, Library of Congress.

²²³ Unfortunately, some congressmen found ways to obstruct the NAACP regardless. In trying to prevent a Caucus being called, when the NAACP had enough signatures on their petition to call a caucus, the Caucus Leader, Edward T. Taylor, would not accept the petition because it was on separate sheets of paper, and he claimed that all signatures had to be on a single petition. Walter White to Thomas F. Ford, 10 April 1936, Box I: C251, NAACP Papers, Library of Congress.

²²⁴ Ibid.

²²⁵ Memorandum from Walter White to Senator Costigan, 2 April 1936, Box I: C240, NAACP Papers, Library of Congress.

House; they could have circulated a discharge petition to force the Judiciary Committee to release their anti-lynching bill for a vote on the House floor. But White was opposed to this option; he argued that petitions created hostility, and therefore seldom ever passed when voted upon, that it would take a long time to collect all the necessary signatures on the petition, that thirty days had to elapse after the signatures had been obtained before action could be taken, and that they anticipated that the Democratic leaders would attempt to block the petition delaying passage until the next session of Congress.²²⁶ Absent were the NAACP's impassioned protests and in their place were institutional procedures. White had fully debated using both the discharge petition and calling a Democratic Caucus, but concluded that the Caucus method would have fewer negative consequences and a clear-cut declaration of policy and principle by the Caucus would have 'almost as much effect as the passage of the legislation itself.'²²⁷ The NAACP's lobbying strategies were targeted to overcome specific obstacles. In doing so the organisation displayed greater engagement with the political process establishing themselves as credible lobbyists.

Unfortunately, the NAACP's shift to procedural methods did not prevent obstruction. In fact, activists faced a barrage of obstruction by Congress as a result. Unsurprisingly, some Democrats were not keen to declare their stance on anti-lynching legislation and the lobbyists reported that, 'Every trick was called out of the bag' by the Democrats to avoid making a definite statement on anti-lynching in the Caucus.²²⁸ In addition to the difficulty that White had in circulating the petitions, when the NAACP had successfully submitted the petition, Taylor made sure there was no quorum present when the Caucus was eventually held on 22 May 1936. It was revealed that Taylor had not given forty-eight hours' notice of the meeting to Democrats before the Caucus was scheduled.²²⁹ Furthermore, the Caucus was scheduled for a Friday knowing that most Congressmen would have left town for the weekend.²³⁰ The NAACP deemed these tactics to be unfair and dishonest, as most were used to make sure that Congress adjourned before any debate or vote on anti-lynching legislation

²²⁶ Ibid.

²²⁷ Although the NAACP decided against circulating a discharge petition at this point, they did use this strategy in future efforts to secure passage of anti-lynching legislation. Walter White to James B. Dufy, 7 April 1936, Box I: C251, NAACP Papers, Library of Congress.

²²⁸ NAACP Press Release, 23 May 1936, Box I: C251, NAACP Papers, Library of Congress.

²²⁹ Ibid.

²³⁰ Ibid.

could take place.²³¹ But it shows that Congress had to strengthen their resistance to prevent NAACP activists from getting the Democratic Party to declare their stance on anti-lynching legislation. It was a credit to how much the NAACP had developed their strategies; they had learned legislative procedures that could force members of Congress to participate in a Caucus and support anti-lynching legislation—if that is what the Caucus majority decided.

Nevertheless, the NAACP's new focus on the legislative process highlighted their shift from a position of protest to one that indicated serious engagement with the legislative process. The lobbyists' efforts later in the decade showed a greater depth of knowledge regarding lobbying and legislating, which they used when they realised informational lobbying was ineffective. Efforts to legislate using the Caucus method, and making sure no objections could be raised over their efforts to do so show just how much the NAACP shifted their strategy in response to earlier objections to their lobbying practices. Even though Democrats tried to avoid the event, the NAACP still managed to force a Democratic Caucus to take place, proving their new tactics to be far more effective than at the beginning of the decade. This newfound focus on function of government and democratic process within their lobbying strategy was an important reflection of just how much Congress helped to shape their activism in the federal political sphere.

Conclusion

Due to their organisational set-up, some avenues of lobbying were not available to the NAACP. They did not have extensive financial or political resources with which to influence legislators in Congress. Initially this was one of the biggest influences in how NAACP activists lobbied. But after putting these informational lobbying techniques into practice, their efforts had limited impact. This was largely due to the activists' lack of knowledge about the legislative process and their inexperience in direct lobbying when the Costigan-Wagner bill passed through Congress in the early

²³¹ In addition to these actions, Congressmen were also asked to withdraw their signatures from the petition to call a Democratic Caucus by Democratic leaders. Walter White to Emanuel Celler, 18 April 1936, Box I: C251, NAACP Papers, Library of Congress. When the caucus petition was submitted, speaking engagements were then arranged to take the signers of the petition, such as Representatives Gavagan of New York, Ludlow of Indiana, and Ford of California, out of the state when the caucus was called. Walter White to Eleanor Roosevelt, 5 April 1936, Box I: C240, NAACP Papers, Library of Congress.

1930s. The lobbyists were rarely persuasive in their communications, and they frequently acted inappropriately for lobbyists, often unknowingly and in ignorance.

But the NAACP's lobbying efforts became more effective over the course of the 1930s as the Association adopted more process-orientated strategies, such as legislating using the caucus method. Analysing the NAACP's lobbying efforts through a theoretical lens helps to explain why the NAACP's lobbying strategy changed over the course of the 1930s. This approach also exposed a particular type of congressional conservatism directed towards the NAACP's lobbying methods. While the NAACP's lobbying may have been ineffective at times, congressmen's responses to their lobbying taught NAACP representatives about their missteps, prompting the activists to change their strategy and rethink their approach. In small ways, congressmen nudged the NAACP to conform to congressional norms and to learn the best way to approach congressmen. This indicated a more subtle level of congressional conservatism that helped define NAACP lobbying strategies in future years. Congressmen were quick to keep the activists in check when they had made any transgressions and made it clear on occasion that the NAACP would have to conform to congressional norms and proper procedures otherwise they would arouse more antagonism to both their lobbying efforts and in turn their anti-lynching bill.

It was this congressional conservatism that shaped the NAACP's lobbying activities. White and Wilkins stopped expecting congressmen to be shocked by the details of lynchings and they learned how to progress their anti-lynching bill when the bill faced obstruction and when persuasion alone was ineffective. Gradually, through informing NAACP activists when they had done wrong, or when they needed to adjust their approach, Congress institutionalised the NAACP's lobbying efforts. The result of this was that the NAACP became much more knowledgeable about lobbying, Congress, and politics, proving that congressional conservatism aimed at the NAACP was not always crippling. In this case, the feedback they received led them to stop 'looking for salvation from the whites,' as Du Bois had previously described their efforts, and it was actually a driving force for the Association to forge relationships in Washington and find their own solutions to their legislative issues.²³²

²³² Du Bois, W. E. B., *Dusk of Dawn*, in Huggins, N., *Writings* (New York: The Library of America, 1986), 770.

CHAPTER THREE

The NAACP's Battle against Racial Conservatism in Congress

Subtle congressional conservatism—such as resistance to the NAACP's lobbying activities—influenced the way in which the NAACP lobbied in Congress, making the Association 'an ever more effective machine for justice.'²³³ But it was the more overt legislative obstruction the Association faced that plagued the NAACP's efforts to push through anti-lynching legislation during the 1930s. This chapter considers conventional notions of congressional conservatism by looking at this overt legislative obstruction. This obstruction took many forms.²³⁴ Tactics included the direct filibuster, holding up the bills in committee, or extending debates on other legislation to prevent the anti-lynching bills from being scheduled for debate before Congress adjourned. Congressional obstruction posed significant challenges during all of the NAACP's attempts to legislate, but it was the direct filibusters in the Senate that were particularly effective in preventing passage of federal anti-lynching bills.

After the failure of the 1934 Costigan-Wagner bill, when the NAACP considered introducing further anti-lynching legislation a year later, former Missouri Representative and sponsor of the Dyer anti-lynching bill, Leonidas C. Dyer, warned the NAACP that 'there is no chance whatsoever' for the legislation in the present Congress because 'no Democratic congress will ever enact antilynching legislation with any teeth in it.'²³⁵ Dyer recognised the threat of legislative obstruction in the Senate to the passage of any anti-lynching bill. His assessment reflected the traditional narrative that it was Southern Democrats and the filibusters that they undertook that was the dominant reason why the federal government failed to uphold the rule of law when pressured to pass an anti-lynching bill.²³⁶ The filibusters held significance, it has

²³³ Patterson, J. T., *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939* (Lexington: University of Kentucky Press, 1967), 15-17; NAACP Resolution, 25-30 June 1935, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

²³⁴ Legislative obstruction is a commonly used method to manipulate the passage of legislation.

Notably it was not always intended to prevent the passage of a bill. Individuals or small groups regularly obstructed congressional business to gain advantages; congressmen obstructed, or threatened to obstruct, legislation for numerous reasons such as to request specific or general amendments to a bill, to make demands for additional provisions, or to request a delay to gain more information. Howard, N. O., and Roberts, J. M., 'The Politics of Obstruction: Republican Holds in the U.S. Senate,' *Legislative Studies Quarterly*, 40:2 (May 2015), 273-4.

²³⁵ Leonidas C. Dyer to Walter White, 28 January 1935, Box I: C237, NAACP Papers, Library of Congress.

²³⁶ Finley, K. M., *Delaying the Dream: Southern Senators and the Fight Against Civil Rights, 1938-1965* (Baton Rouge, Louisiana State University Press, 2008); Patterson, *Congressional Conservatism*

been argued, because it was not until anti-lynching legislation was lobbied for that Congress started to systematically apply the filibuster, a tactic that was employed regularly to inhibit civil rights legislation throughout the century.²³⁷ Having such an impact on Senate procedure, as well as on the NAACP's efforts, the filibusters have attracted considerable attention in analyses of the anti-lynching movement.²³⁸

In contrast to this historiography, the analysis in this chapter shifts attention away from the filibusters towards the NAACP's efforts to overcome these filibusters. As historian Keith Finley stated, 'caricaturing white opposition solely in terms of its most egregious actions obfuscates less dramatic but arguably more important facets' of white resistance to the civil rights movement.²³⁹ By examining the NAACP's efforts to overcome the filibusters more closely, assumptions made by both the NAACP at the time and historians decades later can be challenged. The first assumption is that the predominant reason anti-lynching bills did not pass was because of southern filibusters. While the filibusters themselves cannot be disputed as they did indeed block the passage of all anti-lynching bills, it should not be assumed that racially conservative southern senators were the only ones responsible for this. The second assumption that can be challenged is the NAACP's hypothesis that their anti-lynching bills would pass should they ever be brought up for a vote.

The experience of trying to overcome or bypass legislative obstruction therefore challenged the NAACP's understanding about who obstructed passage of anti-lynching legislation and why they were doing it. The NAACP's perceptions changed as a result throughout the second half of the 1930s as the NAACP discovered their anti-lynching bills were met with resistance from both Republicans and Democrats. Legislative obstruction shaped the nature of the NAACP's lobbying strategies for the anti-lynching campaign, and had a profound impact on both their

and the New Deal; Rable, G. C., 'The South and the Politics of Anti-Lynching Legislation, 1920-1940,' *Journal of Southern History*, 51 (May 1985), 220.

²³⁷ Wawro, G. J., 'The Filibuster and Filibuster Reform in the U.S. Senate, 1917-1975: Testimony Prepared for the Senate Committee on Rules and Administration,' 22 April 2010, 2. Accessed on 03/11/16 at http://www.columbia.edu/~gjlw10/rules_committee_statement_final.pdf.

²³⁸ Holloway, V. A., *Getting Away with Murder: The Twentieth Century Struggle for Civil Rights in the United States* (Maryland: University Press of America, 2015), 25-31; Hutchinson, E. O., *Betrayed: A History of Presidential Failure to Protect Black Lives* (Colorado: Westview Press, 1996), 40; Weiss, N. J., *Farewell to the Party of Lincoln: Black Politics in the Age of FDR* (Princeton: Princeton University Press, 1983), 99-119; Zangrando, R. L., *The NAACP Crusade Against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980), 128-9, 142, 150-2.

²³⁹ Finley, *Delaying the Dream*, 2.

present and future lobbying efforts; legislative obstruction was a significant part of the Association's political education.

Support of and Opposition to Anti-Lynching Legislation

In the lead-up to most of their attempts to pass anti-lynching legislation, NAACP activists were always confident that 'enough votes to assure passage [of the bill] were already pledged.'²⁴⁰ NAACP activists wrote to Congressmen or spoke with them to ascertain their position on their anti-lynching legislation. From these discussions, the NAACP calculated that their bill had reached the required level of support to pass should it be brought up for a vote. This was indicative of the way the NAACP perceived congressional support for their anti-lynching bills. They took congressmen at their word when they pledged to vote for a bill. In hindsight, the NAACP faced significant and continuous obstruction, and the support pledged would not secure passage of anti-lynching legislation. The NAACP was also well-aware of the strength of opposition after the defeat of the Dyer bill in 1922. Why, then, the NAACP was so confident in its calculations that their subsequent bills would pass if they were brought up for a vote is a central concern. The NAACP had different lobbying tactics for the bills' opponents and for their supporters. It is therefore important to understand who the Association considered to be their friends in the anti-lynching fight and who they considered their opponents in order to explain the activists' strategy.

The NAACP's progressive roots and a belief in positivism influenced the organisation's perception of support and opposition for anti-lynching legislation in Congress. Throughout their campaign, the NAACP never doubted that they had majority support for all of their anti-lynching bills in both the House of Representatives and the Senate. This opinion was largely formulated based on the facts and figures they collected in the form of reports and polls.²⁴¹ In 1937, their own counts from speaking to Senators as well as from polls that circulated in Washington directly informed the Association that they had enough support for the Wagner-Van Nuys bill to pass. Polls published in *Congressional Intelligence* said that 'the bill can pass the

²⁴⁰ Walter White to Senators Costigan and Wagner, 21 April 1934, Box I: C235, NAACP Papers, Library of Congress.

²⁴¹ Walter White to Senator Bennett Champ Clark, 15 May 1937, Box I: C259, NAACP Papers, Library of Congress.

Senate if it should come to a vote.’²⁴² This reassured the NAACP that the bill did indeed have majority support and that the only thing they had to worry about was getting the bill to a vote in the first place. As they had done in the past, NAACP activists trusted in ‘the facts’ and the counts that told them their bill had majority support.

As well as the polls, the NAACP’s own experience confirmed that the most difficult aspect of the legislative process that they had to contend with, in terms of opposition, was a lengthy southern filibuster in the Senate. Because the senators most outspoken against the anti-lynching campaign were southern, the NAACP thought that it was only this ‘small minority’ in the Senate who prevented the bill being brought to a vote.²⁴³ This affected the NAACP’s focus. Anticipating opposition from these individuals, from the first meetings on the lobbying strategy for the Costigan-Wagner bill they were the primary targets of the NAACP’s protests and persuasive tactics. Their strategy from the outset was to divide southern opposition by securing a southern Congressman to introduce the bill and encourage open displays of support for anti-lynching legislation.²⁴⁴ Apart from writing to other congressmen, the NAACP concentrated their efforts on what they knew might be an obstacle.

NAACP activists believed that after they had attempted to reduce legitimate concerns about the anti-lynching bills and increased public support for them that this would reduce the likelihood of a southern filibuster taking place. White believed that positive public sentiment for the bills would directly correlate to votes in favour of the bill. As such the Association placed great importance on getting their own members, as well as those in friendly organisations, to send letters and telegrams of support for the bill to their state representatives. In 1935, Walter White boasted to Marvin McIntyre that there was increased support for the anti-lynching bill from white southerners. Resolutions passed by Southern organisations such as the Woman’s Missionary Council of the Methodist Episcopal Church, South, led White to believe that this support had ‘materially lessened opposition’ from Southern Congressmen.²⁴⁵ ‘We do not believe that there be any fear of a sustained filibuster,’ he continued.²⁴⁶

²⁴² Ibid.

²⁴³ Walter White to FDR, 22 January 1938, Box I: C230, NAACP Papers, Library of Congress.

²⁴⁴ Minutes of Meeting on Federal Anti-Lynching Legislation, , Box I: C233, NAACP Papers, Library of Congress.

²⁴⁵ Walter White to Marvin McIntyre, 1 May 1934, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

²⁴⁶ Ibid.

When expressions of support appeared to outweigh those of opposition, the NAACP was confident that the bill would be brought up for a vote. But there was no proof that there was any correlation between public sentiment—which was not easy to measure anyway—and votes in Congress. Nonetheless during the early 1930s, increased numbers of expressions of support influenced the NAACP’s perceptions of the strength of the opposition they faced.

But the NAACP swiftly learned not to assume that senators would vote for a bill even if the people in the state they represented were in favour of that legislation because congressional alliances were an additional factor in how a congressman would vote on a particular policy. A prime example of this came in 1937, when Walter White tried to prevent Senator Bailey of North Carolina from participating in a proposed filibuster of the Wagner-Van Nuys bill. Bailey admitted to Senator Wagner that to his own amazement, from the number of protests his office had received about his participation in the filibuster, he discovered that North Carolina favoured the anti-lynching bill. Despite this, Bailey said that ‘he had promised “the boys” to go along with them on the filibuster and he “had to keep his word.”’²⁴⁷ However, White believed they had done all the right things to reduce legitimate opposition and increase public support for the legislation. For this reason the Association did not force matters, and let events play out in Washington, D.C. Believing they had done enough to secure favourable votes, the activists became complacent as they assumed they were in control of the legislative process.

The NAACP never had reason to suspect that they had opposition from anyone other than southern Democrats. Republicans had openly supported the anti-lynching movement since the progressive era and so the NAACP had little reason to doubt their commitment to the cause. It was even a Republican congressman, Leonidas C. Dyer, who first solicited the help of the NAACP in 1918 to assist with a federal anti-lynching bill. A few days before Dyer introduced his anti-lynching bill to the House of Representatives in 1918 he contacted the NAACP and sent them a draft of his measure. On 13 May of that year the NAACP Board of Directors voted to actively support the bill and work with the Republican Representative. White told Dyer that members of the NAACP would testify in committee hearings for the bill, and the NAACP would

²⁴⁷ Walter White to Jonathan Daniels, 27 December 1937, Box I: C260, NAACP Papers, Library of Congress.

launch a national campaign to rouse public support for it.²⁴⁸ This partnership propelled the NAACP into national politics and gave them their first experience at federal lobbying. Because they were approached by Republicans to help with the anti-lynching bill, the NAACP formed a cooperative relationship with members of the Party on civil rights issues.

The wider Republican Party, too, expressed their commitment to stopping lynching. Since 1896 the Republican platform gave increasingly strong support to anti-lynching. The Republicans condemned lynching in their 1896 and 1912 platforms but made no serious effort to do anything about it at the time.²⁴⁹ In 1920, whilst not directly supporting the Dyer bill, the Republican platform urged Congress ‘to consider the most effective means to end lynching.’²⁵⁰ At the same time, President Harding reaffirmed this sentiment when he said that ‘the Federal Government should stamp out lynching and remove that stain from the fair name of America.’²⁵¹ But by 1928 the Party declared that, ‘We renew our recommendation that the Congress enact at the earliest possible date a Federal Anti-Lynching Law so that the full influence of the Federal Government may be wielded to exterminate this hideous crime.’²⁵² These declarations, increasing in their level of support each time, led the NAACP to believe that the Republican Party was friendly to the anti-lynching movement. As a consequence, Republican commitment to securing an anti-lynching bill was never scrutinised by the Association.

Despite these obvious pledges of support, the NAACP did not wholly embrace the Republicans and their platform. The NAACP envisaged some problems with associating anti-lynching with the Republican Party. Knowing that anti-lynching legislation would also require support from southern Democrats to pass the Senate, the NAACP was worried that making this a party policy would deter Democrats from supporting the bill. When they launched their own independent federal anti-lynching campaign in the 1930s, the NAACP therefore launched the campaign in the hope of achieving bi-partisan support. The NAACP was advised by Ludwell Denny, of the

²⁴⁸ Sherman, R. B., *The Republican Party and Black America: From McKinley to Hoover, 1896-1933* (Charlottesville: University Press of Virginia, 1973), 179.

²⁴⁹ *Ibid.*, 176.

²⁵⁰ *New York Times*, 23 July 1920, in Sherman, *The Republican Party and Black America*, 181.

²⁵¹ *Ibid.*

²⁵² Republican Party Platform of 1928, accessed on 13/09/16 at <http://www.presidency.ucsb.edu/ws/?pid=29637>; ‘A Federal Anti-Lynching Law?’, NAACP White Press Release, 3 October 1930, Box I: C206, NAACP Papers, Library of Congress.

Scripps-Howard Newspaper Alliance, that ‘it would be better to have a Democrat’ introduce the Costigan-Wagner bill in Congress than the Republicans who did so in the previous decade.²⁵³ The NAACP followed this advice and approached congressmen to introduce their legislation in 1934.²⁵⁴ White reported to Costigan, ‘our efforts to find a southerner, however, have not been successful.’²⁵⁵ Unsurprisingly, southern senators were not lining up to introduce the bill on the NAACP’s behalf. Southern Congressmen felt that sponsoring such a bill would be ‘political suicide’ as they were dependent upon a white electorate for return to Congress.²⁵⁶ In trying to find a Democrat to introduce the bill, the NAACP shifted their strategy from the decade before to include Democrats in their lobbying efforts to bolster support from both parties and to encourage the notion that the bill was not an attack on the South by northern liberals.²⁵⁷ As the Republicans had already declared their support, the NAACP paid more attention to what they could do to win over Democratic support.

The NAACP therefore had a tendency to trust the reports about support that they received. Denunciations of lynching by southern institutions suggested to the NAACP that this was proof of growing public sentiment against lynching. The NAACP also took congressmen at their word when they said there would not be a sustained filibuster during the early years of the anti-lynching campaign. Furthermore, Republicans included anti-lynching in their Party Platform for a number of years suggesting that they were agreeable to the idea of anti-lynching legislation. This meant that the NAACP saw visible signs that they had the support to push through the anti-lynching bill and they had little reason to doubt those who offered support. Filibusters only highlighted the opposition of the minority of congressmen that was already anticipated. No doubt was therefore cast upon the other congressmen involved in the legislative process.

²⁵³ Ludwell Denny to Walter White, 27 December 1933, Box I: C233, NAACP Papers, Library of Congress.

²⁵⁴ Walter White to Edward P. Costigan, 19 December 1933, Box I: C233, NAACP Papers, Library of Congress.

²⁵⁵ *Ibid.*

²⁵⁶ Walter White to Mrs. Hannah Clothier Hull (Chairman of the Board of the Women’s International League for Peace and Freedom), 18 January 1934, Box I: C233, NAACP Papers, Library of Congress.

²⁵⁷ Walter White to Ludwell Denny, 13 December 1933, Box I: C233, NAACP Papers, Library of Congress.

Reframing the Debate around the NAACP's Attempts to Invoke Cloture

Southern Democrats have been credited for successfully obstructing all attempts to pass legislation by using filibusters to prevent anti-lynching bills from being brought to a vote.²⁵⁸ As such, *who* obstructed passage of anti-lynching legislation has never been challenged. The filibusters in which southern senators participated have always been the focus of academic analysis because they were the most dramatic and obvious reflection of southern sentiment towards lynching—and the most apparent reason for why the bills never passed. But the filibusters only provide half of the story.²⁵⁹ Decentring the filibusters and focusing instead on the NAACP's efforts to invoke cloture reveals that Republicans were also active in obstructing passage of anti-lynching legislation, and what is known about legislative obstruction can be re-examined.²⁶⁰

By 1938 NAACP activists were no longer confident that their persuasive lobbying tactics could convince senators not to obstruct their bills. This prompted the NAACP to look for other ways in which to influence the legislative process. As excellent as their arguments for anti-lynching legislation were, some congressmen such as Senators Bilbo of Mississippi and Borah of Idaho, still objected to the Wagner-Van Nuys bill and the NAACP had no way to change their mind. The activists started to search for other ways to prevent or stop a filibuster. One suggestion involved voting southern senators out of office and replacing them with candidates sympathetic to the Association's civil rights agenda.²⁶¹ But, as previously discussed, the NAACP did not have this kind of political power. Furthermore, Roy Wilkins recognised that 'there isn't anything that can be done.' In speaking about Senator Borah, he said, the Senator had been in the Senate so long that 'he is an institution.'²⁶² So, when persuasive tactics failed, and other options would be ineffective, the NAACP turned from focusing on persuading the people they had no influence over, to focusing on the legislative process to stop the filibuster.

²⁵⁸ Finley, *Delaying the Dream*; Patterson, *Congressional Conservatism*; Rable, 'The South and the Politics of Anti-Lynching Legislation, 1920-1940,' 220.

²⁵⁹ Filibusters were a senator's constitutional right and last line of defence against legislation they opposed.

²⁶⁰ Cloture was, and still is, a method to limit debate on a pending bill in the Senate by securing a vote on that bill after an agreed number of hours of debate has come to an end. If two thirds of Senators agreed, then a vote could be forced on the NAACP's anti-lynching bill.

²⁶¹ R. E. Arnold to Roy Wilkins, 6 January 1938, Box I: C260, NAACP Papers, Library of Congress.

²⁶² Roy Wilkins to R. E. Arnold, 8 January 1938, Box I: C260, NAACP Papers, Library of Congress.

The NAACP's previous lobbying helped them to discover a new strategy that had the potential to end to any filibuster. The access the activists gained to Congress through their earlier lobbying efforts allowed them to intercept the rumours and information circulating around Capitol Hill. Through these channels, White heard of a speech that Senator George Norris of Nebraska gave in which he mused about how a filibuster on the anti-lynching bill could be broken. He argued that this could be achieved through 'a strict and technical enforcement of the rules.'²⁶³ Norris referred to Senate Rule 22: the rule to invoke cloture. As the Senate filibuster on the Wagner-Van Nuys bill was fiercer and more prolonged than any other filibuster on an anti-lynching bill, the NAACP was keen to use this method. It is important to note that from the 66th to the 86th Congresses (1919 – 1960), only twenty-three cloture votes took place. Of those, only four were successful so a cloture vote was not guaranteed.²⁶⁴ Despite this, cloture was significant for the NAACP at the time because it meant that a vote on the bill was possible even with strong objection from a small number of senators. It gave the NAACP hope, agency, and the knowledge that they could influence Congress using its own rules and procedures. It challenged the inevitability of defeat.

Not only did this have a profound effect upon their strategy, but it also made the NAACP question their understanding of who obstructed the passage of the anti-lynching bills. The NAACP doubted that the Democrats were solely to blame when their first attempt to invoke cloture failed. Even with this technical knowledge of congressional procedure, the NAACP could not end the filibuster on the Wagner-Van Nuys bill. This was because in arguing against cloture, senators defended the right to filibuster. One Republican Senator wrote, 'I am in favour of the [anti-lynching] bill and shall vote for it,' but 'I shall never vote to curb this freedom of debate and thus wipe our Democracy's final and last defense against dictatorship.'²⁶⁵ But this argument made little sense to the Association and they questioned why a Republican senator would not wish for the bill to be voted on if he had previously given his support for anti-lynching. Before the Wagner-Van Nuys bill was brought up for debate, the Association reported that more than seventy senators had either pledged in writing to

²⁶³ NAACP Press Release, 21 January 1938, Box I: C261, NAACP Papers, Library of Congress.

²⁶⁴ Wawro, 'The Filibuster and Filibuster Reform in the U.S. Senate, 1917-1975,' 4.

²⁶⁵ Anon to John C. Hepkins, Jr., 27 January 1938, Box I: C261, NAACP Papers, Library of Congress.

vote for the bill or indicated unmistakably in polls that they were in favour of it.²⁶⁶ If they had enough support for the bill, then it followed that the NAACP should have had enough support to invoke cloture, and get the anti-lynching bill brought up for a vote. But this was not the case.²⁶⁷

By using this new tactic, fresh opposition manifested itself; the strategy challenged the NAACP's assumption that only southern Democrats opposed the legislation. The NAACP's efforts showed that Republicans, too, obstructed the anti-lynching bill. Republican senators became the new target of NAACP lobbying after it was calculated that they would be the ones to decide the cloture vote. Roy Wilkins worked out that 'there are 76 Democrats in the Senate, of whom 23 are definitely opposed to the bill... but 53 are not 2/3rds of 96.'²⁶⁸ Republican senators would be needed to pass the motion, and while this should have been good news for the NAACP, an Association press release reported that Republican Senators were 'hanging back' from invoking the rule.²⁶⁹ Wilkins noted that Republican senators such as Minority Leader Charles McNary and John Hamilton protested that they were against cloture as a matter of principle.²⁷⁰ Wilkins pointed out the double standard in this argument after he found out that McNary would not vote to invoke cloture on anti-lynching but previously did so on 'banking and tariff bills and on other bills, including the migratory birds refuges bill.'²⁷¹ NAACP activists only started to notice these kinds of contradictions after they gathered statistics and information about how senators voted in previous attempts to invoke cloture. This baffled the NAACP given that the Dyer bill passed a Republican-controlled House of Representatives in the 1920s and Republican congressmen had openly supported the legislation. But as Republicans were the ones to decide the outcome of the vote—a vote that was denied twice during the 1938 filibuster—the NAACP came to accept the proposition that 'a [Republican] vote against cloture might conceivably be a vote against the bill.'²⁷²

²⁶⁶ NAACP Press Release, 31 December 1937, Box I: C260, NAACP Papers, Library of Congress.

²⁶⁷ All the NAACP's efforts to invoke cloture were unsuccessful.

²⁶⁸ 'Present Status of Anti-Lynching Bill, H.R. 1507,' 25 January 1938, Box I: C261, NAACP Paper, Library of Congress.

²⁶⁹ NAACP Press Release, 21 January 1938, Box I: C261, NAACP Papers, Library of Congress.

²⁷⁰ Memorandum: 'Present Status of Anti-Lynching Bill. H. R. 1507,' 25 January 1938, Box I: C261, NAACP Papers, Library of Congress.

²⁷¹ Roy Wilkins to Mrs Sara Pelham Speaks, 10 February 1938, Box I: C261, NAACP Papers, Library of Congress.

²⁷² Memorandum from Walter White to Roy Wilkins, 26 January 1938, Box I: C261, NAACP Papers, Library of Congress.

At the beginning of 1938, Spingarn said to FDR that ‘the question of lynching transcends party lines’ as it was an issue that united black voters from across the political spectrum.²⁷³ What Spingarn did not realise was that the issue of lynching also transcended party lines in Congress. While southern senators were the loudest in their objections to the bill, they actually detracted attention from others who also did not favour the bill. As noted by historian of the southern fight against civil rights in the senate, Keith Finley, ‘southern senators could not have blocked significant civil rights advances without the support of their northern colleagues, or in this case, Republicans.’²⁷⁴ The filibusters that occurred up until this point meant that Republicans never had to declare that they did not support the legislation—they could pay lip service to the NAACP by pledging their support but be secure in the knowledge that southern senators would not let the bill be brought to a vote. But Walter White claimed that on their first attempt to invoke cloture, ‘all the Republicans with the exception of Senator [Arthur] Capper’ voted against cloture.²⁷⁵ This defies the conventional narrative that southern Democrats were chiefly the ones who opposed federal anti-lynching legislation.

After the cloture votes, the NAACP started to doubt Republican commitment to a civil rights agenda. For the previous fifteen years Wilkins believed the Republican Party was ‘sincere’ when it professed a desire to enact a federal anti-lynching law.²⁷⁶ The Party Platform of 1928 was clear about their support of an anti-lynching bill.²⁷⁷ But when Republicans did not seize the opportunity to enact such legislation, Wilkins speculated that the move was strategic and that Republicans might have been using the bill as ‘political bait’ to lure black voters back to the Party.²⁷⁸ The reluctance of almost the entire Republican bloc to vote for cloture on the anti-lynching bill suggests that there is still much more to be understood about the dynamics of who opposed anti-lynching legislation.²⁷⁹ By decentring the filibuster, or looking at the anti-lynching

²⁷³ J. E. Spingarn to FDR, 19 January 1938, Box 7, File 93-A, Papers as President: Official File, FDR Papers, FDR Library.

²⁷⁴ Finley, *Delaying the Dream*, 4.

²⁷⁵ Walter White to Senator Lodge, 29 January 1938, Box I: C261, NAACP Papers, Library of Congress.

²⁷⁶ Roy Wilkins to Harry J. Capehart, 10 February 1938, Box I: C261, NAACP Papers, Library of Congress.

²⁷⁷ Republican Party Platform of 1928, accessed on 13/09/16 at <http://www.presidency.ucsb.edu/ws/?pid=29637>.

²⁷⁸ *Ibid.*

²⁷⁹ There is scope for further scholarship here as Republican responses to civil rights are often overlooked, especially in the anti-lynching case study.

movement from alternative perspectives, the different opponents of the movement are revealed, complicating our understanding of racial conservatism in Congress.

The Political Threat of Black Americans

In addition to revealing more about *who* opposed federal anti-lynching legislation, the NAACP's attempts to invoke cloture also helped the activists to understand *why* the bills faced so much obstruction. Why the Republicans and Democrats actively prevented enacting anti-lynching legislation that would uphold the rule of law has been a central concern of historians and political scientists studying congressional conservatism. While some have argued that it was because the federal government did not have the capability or the capacity to do so, others claimed that it was a choice to passively maintain the status quo.²⁸⁰ But congressmen's words and actions indicated that, at least for the few willing to voice their reasons, their obstruction of anti-lynching legislation was racially motivated.

One congressman in particular articulated that his reasons for opposing anti-lynching legislation were less about the past and more about the future. As early as 1936, Senator James F. Byrnes, a prominent figure in the Democratic filibuster of the Costigan-Wagner bill, predicted what White would do if their anti-lynching bill passed: '[White] would come back with a bill to open the schools, hotels and restaurants in Washington to negroes, and the next step would be to abolish Jim Crow laws in the South.'²⁸¹ Byrnes feared that the passage of the anti-lynching bill would lead to increased black political power and that blacks would have 'as full run [in Washington D.C.] as in New York or other northern cities.'²⁸² Byrnes recognised the potential for the NAACP to use an anti-lynching bill as a legal precedent that could aid other legislation that could help black Americans to make economic and political gains and opposed it on these grounds. But Byrnes made these comments to the Greenville S.C. *News* as his comments were too discriminatory to gain traction openly

²⁸⁰ Scholarship that argues the federal government did not have the capacity: Sugrue, T., 'All Politics is Local: The Persistence of Localism in Twentieth-Century America,' in Jacobs, M., Novak, W., and Zelizer, J., *The Democratic Experiment* (Princeton: Princeton University Press, 2003), 311.

Scholarship that argues that the federal government could pass anti-lynching legislation if they wanted to: Holloway, *Getting Away with Murder*; Kato, D., *Liberalizing Lynching: Building a New Racialized State* (New York: Oxford University Press, 2016), 18.

²⁸¹ 'Jim Crow Battle Next?' Greenville, S.C. *News*, 14 January 1936, Box I: C260, NAACP Papers, Library of Congress.

²⁸² *Ibid.*

in Congress. It is difficult to make generalisations about the reasons why all, or at least many, congressmen opposed anti-lynching legislation because overt racism was less acceptable in Congress by the mid 1930s. As a result, fewer congressmen openly voiced their opinions in the same manner as Byrne. However, these views indicated towards pervasive underlying sentiments of the white elite—and they manifested themselves in the legislative obstruction the NAACP faced throughout the decade.

This highlights that to some congressmen that black Americans were a political threat with the capability of influencing federal politics in the future; if they gained economic and political ground with the capability to influence federal policy then they could be a threat to the white federal establishment. Originally, Hugo Blalock created the political threat model in order to understand lynchings; it contends that black Americans, when armed with the vote, had the potential to influence southern political institutions. Lynching was therefore one technique used to discourage and punish black political participation.²⁸³ The same model can be used to interpret legislative obstruction of the anti-lynching bills. While lynchings were an extra-legal method, filibusters and obstructive tactics used by congressmen can be interpreted as legal ways of preventing black political participation at a federal level. Obstructing anti-lynching bills achieved two things. Firstly, it prevented the NAACP from using anti-lynching legislation as a legal precedent to introduce other legislation that could benefit black Americans. Secondly, if no federal anti-lynching bill was passed then this indirectly allowed lynching to continue unchecked, which maintained local disincentives for black Americans to participate politically at the local level. This had far reaching consequences for any federal anti-lynching bill and future civil rights legislation.

Congressmen's concerns about the future were therefore directed towards the anti-lynching campaign launched by the NAACP. The intensity of legislative obstruction to those efforts increased as the NAACP became more effective lobbyists

²⁸³ Hugo Blalock posed that lynchings were a response to perceived 'power threat' and discrimination 'resulted from a conscious rational attempt on the part of elites to subordinate the minority to their own interests.' Blalock H., *Toward a Theory of Minority-Group Relations* (New York: John Wiley & Sons, 1967), 109. While scholars have since questioned the validity of Blalock's theory, there are specific examples of lynchings used to stop black political participation. Scholars who have questioned Blalock's conclusions: Tolnay, S. E., and Beck, E. M., *A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930* (Urbana: University of Illinois Press, 1995), 167; Reed, J. S., 'Percent Black and Lynching: A Test of Blalock's Theory,' *Social Forces*, 50:3 (March 1972).

and as the passage of anti-lynching legislation seemed more likely. By 1938, reports circulated around Washington that the NAACP had enough votes for the Wagner-Van Nuys bill to pass should it be brought up for a vote—although the results of the votes for cloture later cast doubt over this assertion.²⁸⁴ The NAACP’s methods for trying to bring the bill to a vote reflected how knowledgeable and confident they had become as lobbyists. They called for a Democratic caucus to force southern senators to toe the party line in supporting their bill with the majority, they circulated discharge petitions to get their bill out of committees and onto the House floor for debate, and they attempted to invoke cloture at every available opportunity after they learned of the rule to limit the ways in which congressmen could stall or prevent passage of their bill.²⁸⁵ These were aggressive tactics that, with enough signatures or votes, could realistically influence the legislative process.

There was also evidence that some congressmen were threatened by the strength of the Wagner-Van Nuys bill itself. The bill, according to the Department of Justice, was more likely to pass the constitutional test than any previous piece of anti-lynching legislation.²⁸⁶ But congressmen tried to sabotage the passage of the bill by pushing through an alternative anti-lynching bill instead: the Mitchell bill.²⁸⁷ The battle that ensued over the Mitchell bill speaks volumes about the opponents to anti-lynching. If they were willing to support an anti-lynching bill—if only to defeat the NAACP’s more effective one—it suggested two things. Firstly, that congressmen thought that the NAACP’s bill might actually pass, and secondly, that they had doubts about their own abilities to hold off the NAACP. After years of attempting to prevent the NAACP from pushing through an anti-lynching bill, support for the Mitchell bill was significant. After all, if congressmen were confident that they could stop the NAACP’s anti-lynching bill, why would they bother to support an arguably weaker

²⁸⁴ NAACP Press Release, 31 December 1937, Box I: C260, NAACP Papers, Library of Congress; Walter White to Senator Bennett Champ Clark, 15 May 1937, Box I: C259, NAACP Papers.

²⁸⁵ Walter White to James P. B. Duffy, 7 April 1936, Box I: C251, NAACP Papers, Library of Congress; Joseph Gavagan to Walter White, 23 February 1937, Box I: C251, NAACP Papers, Library of Congress; NAACP Press Release, 4 February 1938, Box I: C261, NAACP Papers, Library of Congress; NAACP Press Release, 11 February 1938, Box I: C261, NAACP Papers, Library of Congress; Walter White to NAACP Branch Officers, 6 December 1938, Box I: C263, NAACP Papers, Library of Congress.

²⁸⁶Memorandum from Assistant Attorney General Brien McMahon to Attorney General Homer Cummings, 3 June 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

²⁸⁷ The Mitchell bill was introduced in 1935 by Democrat Arthur Mitchell, the only black Representative in Congress at the time. White, W., *A Man Called White: The Autobiography of Walter White* (Athens: University of Georgia Press, 1995), 172.

bill? The NAACP was convinced of the Mitchell bill's inferiority to their own. Activists documented a list of the 'outstanding weaknesses' of the Mitchell bill, considering it to be significantly weaker than their own bill.²⁸⁸ One of the reasons that congressmen thought that this would be an effective end to the NAACP's movement was because they did not think that the NAACP—who had been campaigning for anti-lynching legislation for nineteen years at this point—'would have the nerve to oppose passage of a bill introduced by the one Negro member of Congress.'²⁸⁹ But Roy Wilkins asserted that the nation would be 'better off with no bill passed than with a weak bill,' and so the NAACP lobbied against the Mitchell bill in 1939.²⁹⁰ If the Mitchell bill was pushed through, then Congress would not pass another anti-lynching bill as well, which would prevent the NAACP's bill from ever being passed. This spurred the NAACP on to vehemently oppose any action on the Mitchell bill. With the organisation's help, the Mitchell bill was defeated by a vote of 257 to 122.²⁹¹

The overarching aims of their opponents did not dawn on NAACP leaders until 1938 when the Wagner-Van Nuys bill was put aside to debate FDR's proposed relief measure. It was then that the NAACP became conscious of the fact that 'the fight for the Anti-Lynching bill is far greater than a fight for the Negro or against lynching.'²⁹² Communications over a proposed amendment to the \$250,000,000 Relief Bill highlighted that the sentiments Senator Byrnes evoked two years earlier in the *Greenville S. C. News* were indeed an important factor in opposing anti-lynching bills. Senator Wagner proposed to introduce an amendment to the Relief Bill that included provision for workers on projects financed by the bill to have the right to bargain collectively with employers. Wagner phoned White to report that southern senators

²⁸⁸ The weaknesses were: '1. Contains no definition of lynching, 2) Advances no justification for the assumption of jurisdiction by the federal courts over the heads of State Tribunals, 3) Contains no designation of particular court for criminal jurisdiction, 4) Contains no specification of particular jurisdictional elements to be shown, which elements would seem to give rise to justification for federal action in a given case, 5) Contains no special provisions for the enforcement of the civil judgement provided for, 6) Contains no provisions against the contingency of the victims being transported across jurisdictional boundaries.' 'A General Summary of the Outstanding Weaknesses of H.R.4457 – Mr Mitchell's Bill,' undated, Box I: C237, NAACP Papers, Library of Congress.

²⁸⁹ White, *A Man Called White*, 172.

²⁹⁰ James Weldon Johnson to Walter White, 24 January 1938, Box I: C230, NAACP Papers, Library of Congress.

²⁹¹ White, *A Man Called White*, 172.

²⁹² Memorandum from Walter White to Roy Wilkins, 24 February 1938, Box I: C261, NAACP Papers, Library of Congress. On 21 February 1938, senators voted 58-22 to put the Wagner-Van Nuys bill aside and take up an essential relief measure proposed by FDR. But with no confirmed date to bring the Wagner-Van Nuys bill up for debate again afterwards, this vote to take up the Relief Bill essentially defeated the anti-lynching bill in that session of Congress. NAACP Press Release, 25 February 1938, Box I: C261, NAACP Papers, Library of Congress.

were bitterly opposed to the amendment and ‘exceedingly nasty in their attitude.’²⁹³ Senator John Overton of Louisiana opposed the amendment on the grounds that Wagner’s sole purpose in suggesting it was ‘to permit Negroes to organize, particularly Negro workers on the Mississippi Flood projects.’²⁹⁴ Once again, it suggested that congressmen were opposed to any bills that would allow black Americans to gain political power. Reflecting on these comments, Wagner and White linked the objections to the Relief Bill amendment to the objections to the anti-lynching bills. Both bills would allow black Americans to feel safer and more secure to enter into economic competition with whites. White noted that this demonstrated ‘the real economic basis of the fight by the reactionaries who will oppose not only anti-lynching legislation but all progressive legislation.’²⁹⁵ Blocking an anti-lynching bill, as well as an amendment to allow workers to organise collectively, prevented the potential of economic stability for black Americans. This indicated that objections to an anti-lynching bill were about more than lynching itself. It was also more broadly about how blacks could benefit if barriers to social progress were removed.

But the irony was that black Americans lacked the political power to be able to really influence congressional votes. It only took a few senators to filibuster and thwart the legislative program of the NAACP because black Americans lacked the power to vote these men out of office. Despite counting enough sure votes to pass should the bill be voted on, White stated that it took so few senators for the majority who were committed to the bill to be ‘powerless to bring the bill to a vote.’²⁹⁶ It was not until 1938 that White fully realised the limits of black influence in politics and that this was why an anti-lynching bill had not yet passed. White believed in the anti-lynching cause. He believed that the facts justified federal intervention. He believed in the effectiveness of the legislation. But it was at this point that White realised that a belief in a cause was not enough, and there was one significant thing preventing black Americans from political and economic gain: a lack of political power. Congressmen were not compelled to consider the interests of black people in their policy making decisions because the black electorate was small and lacked influence.

²⁹³ Memorandum from Walter White to Roy Wilkins, 24 February 1938, Box I: C261, NAACP Papers, Library of Congress.

²⁹⁴ Ibid.

²⁹⁵ Ibid.

²⁹⁶ NAACP Press Release, 20 April 1935, Box I: C238, NAACP Papers, Library of Congress; NAACP Press Release, 31 December 1937, Box I: C260, NAACP Papers, Library of Congress; Walter White to FDR, 22 February 1938, Box I: C230, NAACP Papers, Library of Congress.

At this point in time, the NAACP was not the political threat that southern senators perceived it to be. But the activists must have done a great job to suggest otherwise if their opponents would expend so much time, effort, and federal funds to obstruct their efforts.

This made the NAACP realise that the passage of any bill they drafted or sponsored could not be passed with effective lobbying alone. This had to be backed up with black votes. In an analysis of the 1938 anti-lynching fight in the *Crisis*, one article noted that, ‘the true lesson of the anti-lynching bill, namely, that citizens must have the right to vote if they expect to have their interests represented and protected.’²⁹⁷ But the idea that black Americans needed more political power to achieve their political goals was not a new concept. The need to increase political power was recognised by Du Bois and was reflected in the NAACP’s early work.²⁹⁸ Furthermore, it was something that the lobbyists were encouraged to include in their 1930s programme before they took up another anti-lynching fight. In 1934, the Committee on Future Plan and Program, established just before the NAACP decided to fully launch a new crusade against lynching, reported that the NAACP’s program did not guarantee economic and political freedom for the black masses and that it was an important pursuit in order for black Americans to progress socially and economically.²⁹⁹ Even though the NAACP was aware of the lack of black political power, the fact that the NAACP campaigned for individual issues such as anti-lynching and desegregation without that political power behind them highlighted how the national branch was more focused on the particular issues that black people faced instead of how it might achieve social and political change. It was only in 1939 that the NAACP came to the sobering realisation that a lack of political power significantly affected their ability to campaign for specific issues. It was an important turning point in the NAACP’s anti-lynching fight because it turned the Association’s attention to the broader political issue at work. It gave the activists a new appreciation of the process of reform and they were no longer focused solely on the problem of lynching.

Congressional attempts to block the passage of anti-lynching legislation therefore could be argued to be attempts to discourage black Americans from current

²⁹⁷ NAACP Press Release, 18 March 1938, Box I: C261, NAACP Papers, Library of Congress.

²⁹⁸ ‘Of Mr. Booker T. Washington and Others,’ essay in Du Bois, *The Souls of Black Folk*, in Huggins, *Writings*, 392-404.

²⁹⁹ Report of the Committee of Future Plans and Program, NAACP Papers, Part I, Reel 9, on microfilm at the University of Cambridge Library.

and future political participation. The extensive legislative obstruction the NAACP faced aimed to stop blacks from being able to gain economically from federal legislation—whether being free to enter into capitalist competition with whites without fear of violence, or by having the power to collectively organise the black workforce. The NAACP pushed for anti-lynching legislation so that black Americans could feel freer to enter into economic competition with whites. But it was at this point that White realised that the federal government were putting political barriers up in addition to the economic barriers blacks faced in the community, completely altering the NAACP’s perception of the reality of getting future civil rights legislation passed.

Conclusion

For the NAACP activists, their experience with obstruction was one of the most challenging aspects of their efforts to legislate. Not only because the NAACP’s tactics of protest and persuasion were insufficient when faced with a barrage of obstruction but also because it opened their eyes to unforeseen opponents. While it is important to study the filibusters, focusing on them exclusively gives too much agency to a minority of congressmen and detracts from the views of the hundreds of other legislators involved in the legislative process.

Reframing the analysis around the attempts to invoke cloture allows for congressional conservatism towards anti-lynching to be re-examined. Congress can be argued to be racially conservative across party lines because a greater number of congressmen opposed the bill than was first thought. Previously, it was southern Democrats who were accused of preventing the passage of anti-lynching legislation between 1920 and 1950. But the attempts to invoke cloture during the filibuster of 1938 show that the entire Republican bloc, apart from one Senator, refused to vote for cloture. This new opposition from congressmen who previously claimed to be ‘friendly’ shifted the NAACP’s understanding of who opposed anti-lynching during the 1930s. It suggests that there were gradations in white opposition to anti-lynching, and that even if congressmen did not participate in the most egregious obstructive actions, they might still quietly obstruct the bills by not voting to end filibusters.

While the NAACP was well-aware of the reasons why congressmen opposed anti-lynching legislation throughout the campaign—these included concerns over the constitutionality, infringements on states’ rights, and worries over the enforceability of the bill—they were unaware of the more deep-rooted reasons until 1938. But it was

at this point that Senator Overton of Louisiana openly declared that he wanted to prevent black Americans from gaining economically or politically by agreeing to the amendment which would allow them to organise. This was a revelation for NAACP activists and it opened their eyes to what they would need to do to achieve legislative reform in the future.

1938, the year in which the battle to push through the Wagner-Van Nuys bill ensued, was a pivotal year for the NAACP. It was the year in which the organisation had the greatest amount of knowledge about the legislative process and about the extent of the challenge they faced from racially conservative congressmen. No longer were they naive about their opponents, and as a consequence they could work on the deeper issues that prevented black Americans from participating politically. Understanding what prevented them from pushing the bill through was an important realisation because it informed the NAACP that the issues ran far deeper than the anti-lynching legislation itself.

CHAPTER FOUR

A New Deal for Mob Violence

Congressional conservatism taught the NAACP about the legislative processes that allowed the activists to develop and improve their lobbying skills. But they were still unable to push through anti-lynching legislation despite their best efforts. With limited success persuading congressmen to vote for their anti-lynching bills, the NAACP looked for other ways to secure passage of the bills in Congress. It was for this reason that the NAACP lobbied the executive branch of government at the same time. With growing public concern over the treatment of black Americans, President Franklin D. Roosevelt (FDR) faced increasing domestic and international pressure to curtail mob violence. Even Adolf Hitler encouraged FDR to deplore American mob violence: ‘I would consider it a great favor,’ he wrote, ‘if you would use your own good and powerful office to better protect your defenseless [sic] black people.’³⁰⁰

Throughout the NAACP’s existence, its leaders had always called upon sitting Presidents to take a firm stance against lynching but their calls were never satisfactorily answered.³⁰¹ The nature of the New Deal offered hope that FDR may lend his powers to help struggling black Americans too. The NAACP were therefore encouraged to demand the inclusion of blacks in New Deal agencies, and fight for fair access to relief projects. The NAACP also pressured FDR for his endorsement and support of their anti-lynching legislation.

The presidential actions that could result in the passage of the NAACP’s anti-lynching bill were numerous as FDR had a fine-tuned method for passing legislation. First, he assembled data and information from studies in the field of the proposed legislation, then he publicised the legislation to generate public support and to bring to bear the influence of constituents on their Congressmen. Using his relationship with congressional leaders he would later see that his bills were referred to sympathetic committees to ensure their passage.³⁰² The President could therefore influence legislation through his personal relationships with individual senators, something the

³⁰⁰ Adolf Hitler to FDR, 1 June 1933, Box 7, File 93-A, Papers as President: Official File, FDR Papers, FDR Library.

³⁰¹ Hutchinson, E. O., *Betrayed: A History of Presidential Failure to Protect Black Lives* (Colorado: Westview Press, 1996), 9-26; Zangrando, R. L., *The NAACP Crusade Against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980), 37-40.

³⁰² Binkley, W. E., *President and Congress* (New York: Vintage Books, 1962), 317.

NAACP were keen to exploit. If presidential endorsement or active support for the Costigan-Wagner bill was obtained then, in essence, the president could lobby on behalf of the NAACP, relieving the civil rights activists of their mammoth task

In theory the liberalism espoused by the President aligned with the liberalism championed by the NAACP as both advocated greater state intervention to remedy social inequalities. The Association maintained that it was the federal government's responsibility to protect black lives and the New Deal offered hope to reformers who sought greater federal intervention in problems such as poverty, poor housing, unemployment, and lynching. For this reason, and because the Association were under the impression that the President favoured the bill, the NAACP came to expect either 'open or quiet support' from the White House.³⁰³ But while FDR expressed hopes for anti-lynching legislation, he took no steps to turn those aspirations into a reality during the push for the Costigan-Wagner bill.

While FDR did not make the step from rhetoric to legislation, from moral criticism to law, his silence did not represent an unwillingness to tackle lynching. Instead, it pointed to a disconnect between the NAACP's expectations and what was realistically within FDR's power as the nation's leader. The NAACP sought crime control, which was typically a concern of the states, whereas FDR was more concerned with the criminal justice system, something that he could shape from the executive office. The president would not endorse a cause purely on moral grounds, it also had to be within the federal government's capability to act—something that was limited by the Constitution. By comparing the NAACP's expectations of the President to FDR's own strategy for anti-lynching, an alternative explanation for FDR's silence on the Costigan-Wagner bill, as well as the reason why the NAACP failed to gain presidential endorsement, becomes clear.

FDR's Anti-Lynching Rhetoric

FDR's stance on anti-lynching is typically defined by his public silence on the NAACP's federal anti-lynching bills. Historians have explained and excused this silence by FDR's need to remain quiet on controversial subjects in order to push

³⁰³ Walter White to Albert E. Barnett, 16 January 1934, Box I: C233, NAACP Papers, Library of Congress.

through New Deal economic reforms.³⁰⁴ FDR's aides argued that it would not be politically expedient for him to be associated with the anti-lynching movement and consequently often kept anti-lynching, and the NAACP, from the President's attention.³⁰⁵ But several speeches given by FDR suggest that the narrative was a lot more complex. FDR actually confronted lynching throughout his presidency, and spoke publicly about it three times between 1933 and 1935. Surprisingly, scholars have neglected to analyse FDR's anti-lynching rhetoric. This is largely because on the rare occasions that FDR spoke about lynching, his speeches were framed in such a way that meant lynching never seemed like his central concern. Nevertheless, they offer a new insight into the President's views and clearly reveal that, just like his New Deal economic reforms, FDR framed lynching in the language of social and political disrepair, extending his 'new philosophy of government' to encompass lynching.³⁰⁶ While FDR did not outline any specific policies on lynching in his speeches, they suggest that he aimed to expand the powers of the federal government to broaden its capacity to fight lynching in a different way to the NAACP. FDR's practice of using rhetoric to frame future policy refers to what scholars have deemed 'the rhetorical presidency,' an essential feature of the 'modern presidency.'³⁰⁷ While FDR appeared to take no action on lynching, instead he laid the foundations for future federal action by establishing his own anti-lynching rhetoric. Considering FDR's anti-lynching rhetoric between 1933 and 1935—the period when he was seen to take the least action

³⁰⁴ There is very little archival material available regarding FDR's stance on lynching. Historians have therefore taken FDR's silence on anti-lynching bills, and his failure to endorse the movement as evidence that he had no interest in ending lynching. Kearns Goodwin, D., *No Ordinary Time - Franklin and Eleanor Roosevelt: The Home Front in World War II* (New York: Simon & Schuster, 1994), 163; Katznelson, I., *Fear Itself: The New Deal and the Origins of Our Time* (New York: Liveright, 2014), 167-8; McMahon, K. J., *Reconsidering Roosevelt on Race: How the Presidency Paved the Road to Brown* (Chicago: University of Chicago Press, 2004), 40; Weiss, N. J., *Farewell to the Party of Lincoln: Black Politics in the Age of FDR* (Princeton: Princeton University Press, 1983), 106-7.

³⁰⁵ Janken, K., *Walter White: Mr. NAACP* (Chapel Hill: University of North Carolina Press, 2003), 219.

³⁰⁶ FDR, Message of the President to the Congress of the United States, 3 January 1934, FDR Papers, Master Speech File, Series 2, Reel 2, on microfilm at the FDR Library; FDR, Speech to the Federal Council of Churches of Christ in America, 6 December 1933, FDR Papers, Master Speech File, Series 2, Reel 2, on microfilm at the FDR Library.

³⁰⁷ Krebs, R. R., 'Tell Me A Story: FDR, Narrative, and the Making of the Second World War,' *Security Studies*, 24:1 (Jan-March, 2015), 133; Pfiffner, J. *The Modern Presidency* (New York: Cengage Learning, 2010); Tulis, J., *The Rhetorical Presidency* (New Jersey: Princeton University Press, 1987).

against lynching—reveals how the President legitimised potential future federal reforms against the practice.

While on the surface the President appeared to merely denounce mob violence, the broader context of the 1933 speech FDR made to the Federal Council of Churches of Christ in America (FCC) actually contained the seed of what would become FDR's public strategy towards lynching during his time in office.³⁰⁸ Steeped in moral rhetoric, FDR's speech was well-targeted for that particular religious audience.³⁰⁹ FDR praised the Churches for being 'the greatest influence in the world.'³¹⁰ For him this made church representatives the perfect audience to 'spread the gospel of unselfishness' and accept 'a new philosophy of government,' to usher in his new regime.³¹¹ If the church was on board with his policies, then Roosevelt believed, its representatives would filter this down to their congregations; churches could influence public opinion at a time when Roosevelt was looking for public support for his policies. It was here that FDR asserted that 'we know that [lynching] is murder and a deliberate and definite disobedience of the Commandment, "Thou shall not kill."' ³¹² FDR highlighted the immorality of lynching and guided his audience to denounce lynching with him.

Although his speech was steeped in moral rhetoric, FDR brought the rhetoric of civil rights in line with the New Deal by framing mob violence in bureaucratic language. He suggested that lynching, just like America's other social ills, was another sign of a country in disrepair; first and foremost, lynching was a symptom of broken government. He acknowledged that, 'The judicial function of government is the protection of the individual and of the community through quick and certain justice. That function in many places has fallen into a sad state of disrepair.'³¹³ FDR argued that lynching had flourished because the government had failed to ensure due process and the equal protection of the law, something that he attributed to the corruption of those in 'high places.' But FDR declared, 'we do not excuse those in high places or in

³⁰⁸ In this speech FDR spoke for the first time publicly about lynching.

³⁰⁹ FDR's vision for modern America was entrenched in moral rhetoric, a strategic choice made by presidents trying to rally the nation around a particular cause. Shogan, C. J., *The Moral Rhetoric of American Presidents* (College Station: Texas A&M University Press, 2006), 14.

³¹⁰ The Federal Council of Churches of Christ in America was a white religious organisation and around twenty-five Christian denominations were represented at the meeting. FDR, Speech to the Federal Council of Churches of Christ in America, 6 December 1933, FDR Papers, Master Speech File, Series 2, Reel 2, on microfilm at the FDR Library.

³¹¹ Ibid.

³¹² Ibid.

³¹³ Ibid.

low who condone lynch law.’ He deplored participants of lynch mobs and stated that in order to fix the situation, ‘it must be part of our program’ to re-establish the proper function of government.³¹⁴ Anti-corruption was a recurrent crusade throughout FDR’s career; he previously took a strong stance against Tammany Hall, the Democratic political machine and engine of political corruption that dominated New York City politics during the nineteenth century.³¹⁵ FDR’s emphasis on lynching as a result of corrupt government was therefore entirely consistent with his pre-existing views.

By framing lynching in terms of government instead of in terms of race, FDR attempted to make lynching a less controversial issue. As such, the solution to lynching, according to FDR, was to tackle the root cause; lynching was a problem of government that could in turn be solved by the proper function of government. While lynching had been talked about in terms of the law for a century by social commentators, activists, and journalists—even the NAACP made these arguments to justify federal intervention—the federal government had never done so until this point.³¹⁶ In no uncertain terms FDR situated his anti-lynching rhetoric firmly within the context of his nation-building New Deal policies that legitimised the expansion of federal powers in the national interest. Crime, just like economic crises, could be solved by strong government, he argued. FDR therefore called for ‘action by collective government... toward the ending of practices such as [lynching].’³¹⁷ But framing lynching in this way simplified the causes of lynching, ignored the plethora of causes that had been identified by anti-lynching activists over time, and overlooked the institutional racism prevalent in the criminal justice system. Additionally, it meant that lynching was no longer a problem particular to black Americans, and instead it became a problem of United States law enforcement. This was a significant speech as it clearly marked FDR’s desire to end lynching and hinted that this should be achieved at the federal level, just not on the NAACP’s terms.

Following FDR’s denunciation of lynching in his speech to the FCC, the NAACP activists were convinced of FDR’s interest in seeing an end to lynching. Walter White even sent a telegram to the President expressing his gratitude. ‘Thank

³¹⁴ Ibid.

³¹⁵ LaCerra, C., *Franklin Delano Roosevelt and Tammany Hall of New York* (New York: University Press of America, 1997).

³¹⁶ Since their founding the NAACP framed lynching in terms of race and the law, whereas FDR firmly framed lynching in terms of the law and only the law.

³¹⁷ FDR, Speech to the FCC.

you a thousand times,' White exclaimed, 'for your magnificent and unequivocal condemnation of lynching tonight. Twelve million negroes and many millions of whites applaud your every word.'³¹⁸ The excitement of a presidential statement that both condemned lynching and advocated federal action meant that NAACP activists expected FDR to progress towards an endorsement of their federal anti-lynching bill. Consequently, White bombarded the White House with letters and telegrams imploring the President to speak out in favour of the Costigan-Wagner bill. Stephen Early, FDR's Press Secretary, commented that White's file of correspondence was 'voluminous' as he relentlessly sought presidential endorsement.³¹⁹ While FDR's first speech unequivocally denounced lynching he did not outline how the federal government would act. But given the NAACP had a ready-made next step in the form of their anti-lynching bill, it made sense to them that FDR would go on to endorse their bill.

Proving that his comments on lynching in his speech to the FCC were not a one-off, the President reaffirmed his commitment to stop lynching a month later in his State of the Union Address on 3rd January 1934. FDR claimed that 'crimes of organized banditry, cold-blooded shooting, lynching, and kidnapping have threatened our security.'³²⁰ He called for their 'immediate suppression' and asked Congress to cooperate to build 'a new structure designed better to meet the present problems of modern civilization.'³²¹ While lynching was not a primary focus of the State of the Union address, its inclusion in the speech indicated a firm desire for the eradication of lynching. The State of the Union address typically allows a president to recommend issues to Congress for their consideration. Given that in the rest of the speech FDR mentioned providing further relief for unemployment, regulating business, ending crimes that stemmed from Prohibition, seeking repayment of debts owed by foreign nations, and taxation reform—all areas that he later took action on—his inclusion of lynching in this particular speech was a compelling indicator that anti-lynching was on the president's agenda.

³¹⁸ Walter White to Franklin Roosevelt, 6 December 1933, NAACP Papers, Box I: C206, Library of Congress.

³¹⁹ Stephen Early to Mrs Scheider, 5 August 1935, Eleanor Roosevelt Papers, Box 623, FDR Library.

³²⁰ Franklin D. Roosevelt, State of the Union Address, 3 January 1934, Master Speech File, Series 2, Reel 2, FDR Papers, on microfilm at the FDR Library.

³²¹ Ibid.

FDR's anti-lynching rhetoric was inextricably bound with his rhetoric surrounding the 'war on crime.' The war on crime was an initiative that saw the federal government expand their role towards crime control to tackle crimes that developed out of the Prohibition era.³²² In order to achieve this, under FDR's advisement, the Department of Justice (DOJ) proposed a legislative program for tackling crime that was deemed the 'Twelve Point Program.'³²³ The Program dealt with racketeering, the transportation of stolen property in interstate or foreign commerce, stealing from banks operating under the laws of the United States, and fleeing the state to avoid prosecution or the giving of testimony, to name just a few.³²⁴ Both the DOJ and the Federal Bureau of Investigation (FBI) pursued agendas that would increase federal authority to tackle a range of crimes during the first half of the 1930s. Whilst a provision to make lynching a federal crime was not explicitly part of this program, FDR's anti-lynching rhetoric suggested that federal powers could be expanded to tackle lynching in the same way. Open support for an anti-lynching measure was likely to lose FDR support in Congress, but in extending federal powers to fight crime more broadly, lynching could be tackled by the institutions of federal law enforcement.

Evidence of this alternative approach to tackling lynching came at an address given by FDR to a national conference on crime convened by Attorney General Homer Cummings between 10th and 13th December 1934.³²⁵ The conference met to discuss the future of federal crime control and was attended by six hundred representatives from national, state, and local institutions, as well as independent organisations.³²⁶ The conference appealed to its delegates for ideas on how to transform federal crime control and FDR gave an address to the delegates that escalated his anti-lynching rhetoric and revealed his own remedy for lawlessness. His address featured recurrent themes from his previous speeches showing that lynching would be included in a broader program for crime control.

³²² Potter, C. B., *War on Crime: Bandits, G-men, and the Politics of Mass Culture* (New Jersey: Rutgers University Press, 1998), 110.

³²³ 'A Twelve Point Program,' address by Attorney General Homer Cummings to the Continental Congress of the Daughters of the American Revolution, 19 April 1934, accessed on 29/01/16 at <http://www.justice.gov/ag/speeches-5>.

³²⁴ From an address at "The Attorney General's Crime Conference," 10 December 1934, in Swisher, C., (ed.), *Selected Papers of Homer Cummings: Attorney General of the United States, 1933-1939* (New York: Charles Scribner's Sons, 1939), 43-4.

³²⁵ Transcript of FDR's 'Address to the Conference on Crime', 10 December 1934, accessed online at <http://www.presidency.ucsb.edu/ws/index.php?pid=14792>.

³²⁶ Swisher, *Selected Papers of Homer Cummings*, 50.

FDR advocated a dispassionate response to lynching; he diverted public attention away from the crime itself towards more practical solutions. The President mused, ‘At one moment popular resentment and anger may be roused by an outbreak of some particular form of crime such, for example, as widespread banditry; or at another moment, of appalling kidnappings; or at another, of widespread drug peddling; or at another, of horrifying lynchings.’³²⁷ But the American people, Roosevelt argued, ‘must realize the many implications of that word “crime.” It is not enough that they become interested in one phase only.’³²⁸ While FDR mentioned lynching, he only did so to reinforce his point that the practice could not be reduced by targeting participants in lynch mobs alone. In doing so, he distanced himself from the NAACP’s Costigan-Wagner bill that focused specifically on lynching and bringing lynchings to justice.

With no specific crimes on the agenda, it was clear that the conference was about the function of federal government and how to make it a more effective machine for tackling crime. FDR asserted that the federal government was not prepared to deal with contemporary crime and lamented that criminals ‘have been better equipped and better organized than have the officials who are supposed to keep them in check.’³²⁹ According to the conference programme, the delegates considered ‘crime prevention, detection, apprehension, police administration, prosecution, court organization and administration.’³³⁰ There were significant problems with many of these phases of crime control that were identified as contributing factors in lynchings. Some lynchings were advertised in advance and could have been prevented with a more efficient response from law enforcement. Additionally, law enforcement had trouble in apprehending lynchings; members of mobs frequently absconded, or were well known to have taken part in a mob but were still never apprehended. Few lynchings were ever prosecuted at local or state level either, indicating that there were several aspects of the criminal justice system and crime control practices which could be reformed to stop lynchings. FDR made a direct statement regarding the increase of federal power, and more specifically, its capability to tackle crime. The President proclaimed that, ‘Widespread increase in capacity to substitute order for disorder is the remedy.’³³¹ This was a distinct rhetorical escalation from a year earlier when he had only alluded

³²⁷ FDR, ‘Address to the Conference on Crime.’

³²⁸ Ibid.

³²⁹ Ibid.

³³⁰ Ibid.

³³¹ Ibid.

to the idea of federal intervention. It reflected the nature of FDR's rhetorical methods. He would float an idea and then gradually strengthen the rhetoric surrounding it until he could assert what he wanted, and felt that he would be supported.

It appeared then, that both the NAACP and FDR had the same goal: for the federal government to take responsibility for lynching. FDR's methods for doing so, however, were profoundly different to the NAACP's. Instead of endorsing the NAACP's federal anti-lynching bill that sought to bring lynchers to justice—something that might have hurt his broader New Deal legislative agenda—FDR used strategic rhetoric in speeches. This rhetoric suggested that a better way to stop lynching was to expand the powers of federal law enforcement to make the state more effective at each phase of crime control, removing the need to make lynching a federal crime or for FDR to publicly support the NAACP's anti-lynching campaign. Framing lynching in this way was subtle and unless FDR's speeches were read and interpreted side by side, the thrust of his arguments were easily missed. The speeches were spaced out over the period of a year and to make things even less clear, they were never solely about lynching. His anti-lynching rhetoric was presented alongside other New Deal reforms, especially in his State of the Union speech and his address to the crime conference. But FDR's lack of public endorsement for the Costigan-Wagner bill cannot merely be explained away as a lack of interest in the issue. The President did not simply ignore lynching because it was politically expedient to do so. Instead, FDR was active in shaping his own anti-lynching strategy, it was just not the one the NAACP advocated.

Gaining Access, Not Influence

The NAACP pursued presidential endorsement for their anti-lynching bill because FDR denounced lynching in December 1933 and January 1934. When the NAACP introduced the Costigan-Wagner bill into Congress in January 1934 it made sense to the Association that FDR, having denounced lynching, would go on to support the NAACP's anti-lynching measures. But as time passed and FDR made no clear endorsement, the NAACP could not understand why FDR would not speak out in favour of their bill. Its leaders therefore made unceasing demands of FDR between 1933 and 1935. The President, however, continued to take no action on the Costigan-

Wagner bill and ignored the NAACP's requests. Whilst the need to make up for their lobbying failures in Congress led the NAACP to seek help from the White House in the first place, the organisation also held the conviction that 'the White House favors the passage of the bill.'³³² It was for this reason that NAACP activists persisted even when White House staff sought to keep Walter White and anti-lynching from FDR's attention. But the access they achieved indirectly through First Lady Eleanor Roosevelt did not influence FDR's position on anti-lynching legislation.³³³ Furthermore, communication with Mrs. Roosevelt led the NAACP to believe the President was actually more invested in the Costigan-Wagner bill than his silence over it would suggest.

In order to gain FDR's support for the Costigan-Wagner bill, the NAACP had to lobby the President. But before the NAACP could influence the President they had to gain access to him. At first White adhered to White House procedure and approached Roosevelt's Appointment Secretary, Marvin McIntyre, for 'the opportunity to have a few minutes with the President.'³³⁴ But McIntyre always denied the NAACP's requests; he was described by White's biographer, Kenneth Janken, as a staffer who was more favourably disposed to southern politicians, and someone who 'filter[ed] out African American perspectives from the President's attention.'³³⁵ Deference to southern politicians, however, was not the only reason that White was kept from the White House; he faced negative racial stereotyping from White House staff that earned him an unfavourable reputation. This was evident in a memorandum sent by Stephen Early, White House Press Secretary, to Eleanor Roosevelt, that aimed to discourage her from engaging with him. When White House staff kept anti-lynching from FDR's attention, White pursued access to the President indirectly through First Lady Eleanor Roosevelt to circumnavigate White House staff.³³⁶ Early's memo was a

³³² NAACP Press Release, 2 April 1934, Box I: C235, NAACP Papers, Library of Congress.

³³³ White, W. F., *A Man Called White: The Autobiography of Walter White* (Athens: University of Georgia Press, 1995), 170.

³³⁴ Walter White to Marvin McIntyre, 14 April 1934, Box 93-A, Papers as President: Official File, FDR Library.

³³⁵ Marvin McIntyre to Walter White, 24 April 1934, Box 93-A, Papers as President: Official File, FDR Library; Marvin McIntyre memorandum for Mrs. Scheider, 14 March 1935, Eleanor Roosevelt Papers, Box 623, FDR Library; Janken, K., *Walter White: Mr. NAACP* (Chapel Hill: University of North Carolina Press, 2003), 219.

³³⁶ White believed that Eleanor Roosevelt had influence with the President because she advised him on occasion. Throughout FDR's time in office, Mrs. Roosevelt often acted as FDR's eyes and ears, and advised him on what she saw when she travelled around the country. Borrelli, M. A., 'The First

character assassination of White based upon commonly perpetuated stereotypes of black males. Early painted White as belligerent in his attempts to communicate with the President. Early claimed White had been ‘bombarding’ the President with telegrams and letters, ‘demanding’ passage of the Costigan-Wagner bill before Congress adjourned, and ‘complaining’ about the War Department’s policy regarding the assignment of black officers in CCC camps. Early evaluated the tone of White’s letters as ‘decidedly insulting,’ confrontational, and aggressive, feeding into the stereotype of the belligerent black male.³³⁷ White suffered discrimination by White House staff and this had a significant bearing upon White’s ability to access the President.

Early’s arguments sought to invalidate Walter White’s efforts and taint his reputation in the White House in order to distance the administration from White and anti-lynching, and convince Eleanor Roosevelt to not grant White the access he sought. In order to further discourage Eleanor Roosevelt from communicating with White, Early depicted White as a violent ‘troublemaker,’ criminalising the Secretary in the process.³³⁸ The depiction of black men as inherently violent is an enduring stereotype; lynching was often justified by the physical threat that blacks posed to white society.³³⁹ McIntyre justified this view by telling of an incident that took place in the Capitol Building restaurant in which White allegedly ‘demanded that he be served, apparently deliberately creating a troublesome scene, compelling his eviction from the restaurant.’³⁴⁰ Although White was not explicitly described to have committed an overtly violent act, the language used in the memo suggested that White deliberately escalated the situation, and the need for White’s eviction from the building incriminated White as physically threatening. The accusations that White was insulting, a troublemaker, and someone whose actions were largely ‘for publicity purposes’ were all laced with notions of moral inferiority. The immorality of black

Lady as Formal Advisor to the President: When East (Wing) Meets West (Wing),’ *Women and Politics*, 24:1 (2002), 25-45.

³³⁷ Marvin McIntyre memorandum for Mrs. Scheider, 14 March 1935, Eleanor Roosevelt Papers, Box 623, FDR Library.

³³⁸ Stephen Early memorandum to Mrs Scheider, 5 August 1935, Eleanor Roosevelt Papers, Box 623, FDR Library.

³³⁹ Sniderman, P. M., and Piazza, T., *The Scar of Race* (Cambridge, Ma.: Belknap Press, 1993), 36-7; Schuman, H., Steeh, C., and Bobo, L., *Racial Attitudes in America: Trends and Interpretations* (Cambridge, MA: Harvard University Press, 1985).

³⁴⁰ Marvin McIntyre memorandum for Mrs. Scheider, 14 March 1935, Eleanor Roosevelt Papers, Box 623, FDR Library.

Americans was also a widely held view.³⁴¹ Notably, the letter did not even mention White's lobbying efforts, the anti-lynching campaign, or the resistance they faced in Congress. Instead it attacked White personally, and used this as grounds to deny White access to the White House.

White was unaware of the extent of the White House staff's tactics to block access to the President at the time, but in his autobiography White noted that, 'the lean and saturnine Marvin McIntyre... had intercepted my letters and telegrams, showing none of them to the President.'³⁴² White was forced to seek indirect access to FDR because he could not get an appointment by asking for one through the 'regular channels.'³⁴³ Believing that if he could spend just a few minutes with the FDR, he could convince him to endorse and support the anti-lynching bill, White sought indirect access to the President through other contacts in the White House with just as much vigour. At first, White approached Irvin and Elizabeth McDuffie, FDR's valet and maid respectively. Elizabeth McDuffie suggested black artists and glee clubs that might sing in the White House, and occasionally voiced concerns about discrimination to the President.³⁴⁴ She was going to serve as his 'SASOCPA'—'self-appointed-secretary-on-colored-people's-affairs.'³⁴⁵ However, the McDuffies' influence was extremely limited; employed in service jobs, and not in the president's inner circle, White would not have been able to lobby the President through these contacts.

The other connection that White developed was closer to FDR. Walter White conversed frequently with First Lady Eleanor Roosevelt and despite Early's attempts to prevent her involvement, she was sympathetic to the NAACP's plight. Consequently, Mrs. Roosevelt was key in helping White gain access to the President during their crusade to pass the Costigan-Wagner anti-lynching bill between 1934 and 1935. During this time, White urged Mrs. Roosevelt to soften FDR's objections to the Costigan-Wagner bill, persuade him to insist on congressional votes, to arrange meetings with the president for him, to make appearances and speeches at events, get FDR to speak out against lynching or in support of anti-lynching legislation, and to

³⁴¹ Myrdal, G., *An American Dilemma: Vol I*. (New York: Harper and Brothers Publishers, 1944), xli-xliii.

³⁴² White, *A Man Called White*, 168.

³⁴³ Walter White to Eleanor Roosevelt, 8 March 1935, Eleanor Roosevelt Papers, Box 623, FDR Library.

³⁴⁴ Weiss, *Farewell to the Party of Lincoln*, 38.

³⁴⁵ McDuffie, E., 'FDR Was My Boss,' *Ebony*, VII (April 1952), 65.

present FDR with articles or information regarding the lynching situation.³⁴⁶ Mrs. Roosevelt complied with many of the NAACP's requests and she even arranged for White to meet informally with the President to discuss anti-lynching legislation.³⁴⁷ Mrs. Roosevelt achieved two main things in her communication with White. Firstly she reaffirmed the notion that the administration opposed lynching. This was consistent with FDR's rhetoric and led White to persist in seeking FDR's endorsement. But in communicating that message to White, she also unofficially placed the administration in favour of anti-lynching legislation. But FDR did not support the NAACP's anti-lynching legislation and so Mrs. Roosevelt significantly increased the NAACP's expectations of gaining presidential endorsement for their bill when FDR had made it clear that this would not happen.

This alters the narrative surrounding Eleanor Roosevelt's involvement in the anti-lynching movement and suggests that the consequences of her actions were not entirely positive. Her role as conduit between FDR and Walter White has been uncontested by scholars for decades.³⁴⁸ Current interpretations of Mrs. Roosevelt's influence argue that she was able to assure black audiences that it was 'not the intention of those at the top' that black Americans should be subject to discrimination. Nancy J. Weiss, and later Doris Kearns Goodwin, claimed that these comments, combined with Eleanor's willingness to engage with black Americans, boosted the image of the administration.³⁴⁹ In Kearns Goodwin's book *No Ordinary Time*, the

³⁴⁶ Walter White to Eleanor Roosevelt, 3 December 1934, Box 606, Eleanor Roosevelt Papers, FDR Library; Walter White to Eleanor Roosevelt, 18 March 1935, Box 623, Eleanor Roosevelt Papers, FDR Library.

³⁴⁷ White, *A Man Called White*, 169-70.

³⁴⁸ Abramowitz, M., 'Eleanor Roosevelt and Federal Responsibility and Responsiveness to Youth, the Negro, and Others in Time of Depression' (PhD thesis, New York University, 1970); Black, A. M., *Casting Her Own Shadow: Eleanor Roosevelt and the Shaping of Postwar Liberalism* (Columbia: Columbia University Press, 1996); Hareven, T., 'The Social Thought of Eleanor Roosevelt' (PhD thesis, Ohio State University, 1965), 156; Hickok, L., *Eleanor Roosevelt: Reluctant First Lady* (New York: Dodd Mead, 1980); Black, R., *Eleanor Roosevelt* (New York, 1940); Janen, K., *Walter White: Mr. NAACP* (Chapel Hill: University of North Carolina Press, 2003); Lash, J., *Eleanor and Franklin: The Story of Their Relationship Based on Eleanor Roosevelt's Private Papers* (New York: Norton, 1970), 515-519; Sirgo, H. B., "Women, Blacks and the New Deal." *Women & Politics*, 14:3 (1994), 57-76; Weiss, *Farewell to the Party of Lincoln*, 105-119; Wiesen Cook, B., *Eleanor Roosevelt, Vol. 2, 1933-1938* (New York: Viking Press, 1999); Wilson, J. H., and Lightman, M., *Without Precedent: The Life and Career of Eleanor Roosevelt* (Indianapolis: Indiana University Press, 1984).

³⁴⁹ Kearney, J., *Anna Eleanor Roosevelt: The Evolution of a Reformer* (Boston: Houghton Mifflin Company, 1968), 84-5; Kearns Goodwin, D., *No Ordinary Time – Franklin and Eleanor Roosevelt: The Home Front in World War II* (New York: Simon & Schuster, 1994), 163-165; Weiss, *Farewell to the Party of Lincoln*, 120.

author noted that ‘though the president had taken no specific initiatives in behalf of the Negroes, and had failed to support the antilynching campaign, he managed, with Eleanor’s substantial help, to convey to blacks that the administration was on their side.’³⁵⁰ In the case of anti-lynching, Mrs. Roosevelt said that FDR was specifically on their side with regards to the Costigan-Wagner bill too. This contradicted what FDR suggested in his speeches, and on the occasion when White met informally with FDR, as arranged by Mrs. Roosevelt. White recollected that he gained ‘only a moral victory’ as the President agreed that there was a need to end lynching but he was ‘frankly unwilling to challenge the Southern leadership of his party.’³⁵¹

Additionally, Mrs. Roosevelt was aware that FDR would not speak out in favour of the anti-lynching legislation as he had personally informed his wife of his objections to it. When Eleanor enquired if FDR would ask Congress to pass an anti-lynching bill on behalf of the NAACP in early 1936, FDR replied in a memorandum, ‘In view of the simple fact that I keep repeating to Senate and House leaders that the White House asks only three things of this Congress (appropriations, a tax bill and a relief bill)... I think that no exceptions can be made at this session.’³⁵² While Mrs. Roosevelt openly communicated these objections to White it highlighted the fact that she knew that FDR had no intention of pushing anti-lynching legislation on his congressional agenda and that he was unwilling to grant the NAACP’s requests. This indicates that anything that Mrs Roosevelt then said to White that deviated from FDR’s position was said of her own volition.

When relaying FDR’s refusals to comply with White’s demands, Mrs. Roosevelt had a tendency to give a hopeful spin to each situation. Minor embellishments to FDR’s words gave the NAACP hope of presidential action when FDR made no such commitment to do so. When relaying FDR’s message that he would not ask Congress to push the Costigan-Wagner bill through she said to White, ‘I have spoken to the President about your letter of February 28 concerning the Costigan-Wagner Bill. He says, in view of the fact that he is only asking three things of Congress, he does not see how he could specify this particular bill.’ But she also speculated on FDR’s actions, ‘Of course he is quite willing that it should be pushed

³⁵⁰ Kearns Goodwin, *No Ordinary Time*, 163-165.

³⁵¹ White, *A Man Called White*, 169-70.

³⁵² FDR to Eleanor Roosevelt, 9 March 1936, Box 623, Eleanor Roosevelt Papers, FDR Library.

by Congress itself, and I feel quite sure he will give it any help he can.’³⁵³ FDR did not say this last part in his memorandum to Eleanor. But in trying to give the NAACP a positive outlook she alluded to potential presidential action that could help the bill. Placing the administration in favour of anti-lynching legislation has previously been considered to be a positive consequence of her correspondence. But in this instance, it only highlighted the contradiction between the President’s words and his actions, or lack thereof towards the anti-lynching bill.

Mrs. Roosevelt’s correspondence implied that FDR was taking an active role in aiding the passage of the Costigan-Wagner bill. With each new lynching, and each hurdle in pushing legislation through Congress, the NAACP remained convinced that any new information about recent lynchings or legislative obstruction in Congress would convince FDR to offer his help to remedy the situation despite his earlier objections. After the particularly brutal lynching of black farmhand Claude Neal in Marianna, Florida, White sent reports of the Association’s investigation into the lynching to highlight the NAACP’s case for legislative reform and dispute claims that an anti-lynching law was not needed.³⁵⁴ In the hope that details of this gruesome lynching would sway the president in the Costigan-Wagner bill’s favour, White contacted Mrs. Roosevelt to champion the bill on their behalf. She replied, ‘I talked with the President yesterday about your letter and he said that he hoped very much to get the Costigan-Wagner Bill passed in the coming session. The Marianna lynching was a horrible thing.’³⁵⁵ Eleanor’s use of the verb ‘get’ suggested that FDR’s actions would aid the passage of the Costigan-Wagner bill. Continuously opposing lynching and alluding to presidential action through subtleties in the language she used, Eleanor Roosevelt gave the NAACP hope that FDR had an interest in seeing the Costigan-Wagner bill passed. She continued to imply that FDR supported anti-lynching legislation and on more than one occasion Mrs. Roosevelt suggested that FDR was ‘going to do everything he could’ and that he was working ‘quietly’ to avoid raising

³⁵³ Eleanor Roosevelt to Walter White, 16 March 1936, Box 623, Eleanor Roosevelt Papers, FDR Library.

³⁵⁴ McGovern, J. R., *Anatomy of a Lynching: The Killing of Claude Neal* (Baton Rouge: Louisiana State University Press, 1992); NAACP, ‘The Lynching of Claude Neal,’ 1934, NAACP Papers, Part 7, Series A, Reel 9, on microfilm at the Cambridge University Library; Memorandum for Walter White, 14 November 1934, NAACP Papers, Part 7, Series A, Reel 9, on microfilm at the Cambridge University Library.

³⁵⁵ Eleanor Roosevelt to Walter White, 23 November 1934, Eleanor Roosevelt Papers, Box 606, FDR Library.

opposition to the bill.³⁵⁶ Denouncing lynching and suggesting the president would act gave the NAACP hope that FDR was on their side and had an interest in seeing the Costigan-Wagner bill passed because of a genuine interest in seeing an end to the crime.

With the intention of being optimistic after the Neal lynching, in addition to speculating on her husband's actions, Mrs. Roosevelt also speculated about the future response of the Department of Justice to the crime. The NAACP demanded action from the DOJ on the case because Neal was taken from a jail cell in Alabama and across state lines by lynchers to Florida, where Neal was later killed. The NAACP attempted to get Attorney General Cummings to act under the 1934 amendment to the Lindbergh Kidnapping Act. The statute was enacted as part of FDR's legislative program for crime control and it enabled federal action for crimes against a person who is held 'for ransom or reward or otherwise.'³⁵⁷ But Cummings did not yield to the NAACP's requests. 'I have serious doubts,' he wrote in an internal memo, 'whether a court, bearing in mind that is it a criminal statute, would give it so sweeping an interpretation,' because he did not believe that Congress passed a kidnapping statute wide enough in scope to use in the prosecution of lynchings.³⁵⁸ Despite this, and without contacting the DOJ to determine their official stance, Mrs. Roosevelt wrote to White, 'I wish very much the Department of Justice might come to a different point of view and I think possibly they will.'³⁵⁹ White was overjoyed after reading the First Lady's letter. It 'brightens the scene immensely,' he replied, 'in bringing us good news that the President is hoping to get the Costigan-Wagner bill passed in the coming session of Congress and that the Department of Justice may act in the Claude Neal case.'³⁶⁰ Mrs. Roosevelt's wishful thinking only set Walter White and the NAACP up for further disappointment when both FDR and the DOJ continued to take no action.

By instilling the NAACP with hope about future federal action, Eleanor Roosevelt actually delayed progress on their broader anti-lynching campaign. As the NAACP saw the opportunity for federal action, the Association continued to invest

³⁵⁶ Eleanor Roosevelt quoted in Janken, K. R., *Walter White: Mr. N.A.A.C.P.* (Chapel Hill: University of North Carolina Press, 2003), 209.

³⁵⁷ The Lindbergh Law as quoted in Attorney General Homer Cummings to Assistant Solicitor General MacLean, 28 November 1934, in Swisher, *Selected Papers of Homer Cummings*, 38-39.

³⁵⁸ *Ibid*, 38-39.

³⁵⁹ Eleanor Roosevelt to Walter White, 23 November 1934, Box 606, Eleanor Roosevelt Papers, FDR Library.

³⁶⁰ Walter White to Eleanor Roosevelt, 23 November 1934, Eleanor Roosevelt Papers, Box 606, FDR Library.

time, money, and effort in pursuing legislative avenues that the administration did not support—and would be difficult to push through Congress without open public support by FDR. However, the Association’s reactions show that the NAACP had great trust in the First Lady and her insider knowledge. She had a great personal ability to form positive political alliances. However, Mrs. Roosevelt was clearly ill-informed on the stance of the DOJ, and regularly told Walter White that FDR hoped the bill would pass when he personally advocated for alternative solutions. They trusted her suggestions over their years of experience in communicating with the White House and the constant rejection they faced from federal law enforcement agencies in their attempts to bring lynchings to justice.

But with little direct communication with FDR, Walter White had to interpret the president’s intentions through Mrs. Roosevelt’s letters. Desperate for any scrap of presidential interest in the subject, White therefore read any positive message he received from Eleanor as confirmation of FDR’s support for the bill. White wrote once that, ‘I know personally of the President’s deep interest in lynching and of his desire to see the Costigan-Wagner bill passed.’³⁶¹ This was evidence that Eleanor did not dispel the notion that FDR would not actively support the bill and that she had reinforced White’s belief instead. What was an attempt to instil hope when the outcome looked bleak led Walter White to believe that FDR supported a bill that he had openly said he would not push through Congress. Eleanor unambiguously told White that FDR wanted to see the bill passed. Instead of destroying the NAACP’s hope of realising their objective of securing presidential endorsement for their federal anti-lynching bill, Eleanor Roosevelt offered the NAACP hope despite knowing that FDR would not endorse the bill. Unsurprisingly, the access that she offered did not equate to influence as White was unable to secure endorsement for the Costigan-Wagner bill. In suggesting that the executive branch would take more action than they actually did, and placing the administration in favour of anti-lynching legislation, Mrs. Roosevelt raised the NAACP’s expectations of FDR and the administration. Consequently, NAACP leaders became ever more frustrated when FDR did not speak out in favour of their bill. Mrs. Roosevelt’s communications therefore did not have entirely positive consequences for the administration. While black Americans may have seen the First Lady’s engagement with the lynching issue as a symbol of

³⁶¹ Walter White to FDR, 6 May 1935, Box 623, Eleanor Roosevelt Papers, FDR Library.

friendship, in this case it only made the NAACP more sceptical of FDR's ability to ensure that the civil rights of black Americans were protected.

Federal Responsibility towards Crime

The differences in how the NAACP and FDR aimed to stop lynching are clearer when the scope of presidential powers to prevent lynchings is taken into account. Essentially, there were limits to the President's liberalism and although FDR's speeches revealed plans to bring lynching in line with his broader program for federal crime control, FDR could not constitutionally accede to the NAACP's requests to make lynching a federal crime. An examination of the federal government's obligation to oversee crime control and criminal justice helps to explain why FDR pursued his own policy initiatives and did not endorse the NAACP's Costigan-Wagner bill.

On the surface, the NAACP's demands for crime control appeared to ask more than was possible from the federal government's constitutionally defined role in the criminal justice system. With the aim of 'indicting and punishing the lynchers,' NAACP board member Mary White Ovington wrote to FDR to convince him to make 'this barbarous crime a federal offense.'³⁶² But until the 1930s, crime control—the specific ways in which law enforcement policed, investigated, and prosecuted crimes—was largely dealt with by the states.³⁶³ The only exceptions to this were outlined in the U.S. Constitution which established federal responsibility to provide for the punishment of specific crimes including counterfeiting currency, piracy and felonies committed on the high seas, offenses against the law of nations, and treason.³⁶⁴ The federal government had its own prosecutors in the U.S. Attorney offices nationwide, as well as its own prisons, but both of these institutions had a limited focus on the narrow-range of crimes that fell under the federal government's

³⁶² Mary White Ovington to FDR, 4 January 1935, Box I:C236, NAACP Papers, Library of Congress.

³⁶³ For scholarship on the constitutionality of anti-lynching legislation see: Dyer, L. C. and Dyer G. C., 'The Constitutionality of a Federal Anti-Lynching Bill,' *Washington University Law Review*, 13:3 (January 1928) 186-199; Harvey, W. B., 'Constitutional Law – Anti-Lynching Legislation,' *Michigan Law Review*, 47:3 (January 1949) 369-377; Reeder, J., 'Federal Efforts to Control Lynching' (MA diss., Cornell University, 1952).

³⁶⁴ Article I, Section 8 and Article III, Section 3, U. S. Constitution, accessed on 07/09/2016 at http://www.senate.gov/civics/constitution_item/constitution.htm?vm=r.

jurisdiction.³⁶⁵ Overall, the federal government had a greater responsibility to ensure the proper function of government and to guarantee the rights of citizens than it did towards crime control. Crime, including lynching, was a concern of the states. While it was the job of the states to carry out justice, it was the federal government's role to observe that states carried out justice according to the Constitution. The Constitution did not, therefore, give the federal government the power to combat murder—which was what the NAACP demanded—so FDR could not easily make lynching a federal crime under contemporary laws. It meant that the institutions of federal law enforcement would require additional powers, granted by Congress, to do so.

The NAACP's demands were not born out of ignorance of the federal government's responsibility towards crime control, instead they responded to a visible growth in the federal government's role in crime control during the 1930s. During FDR's first term, federal law enforcement agencies were reformed and expanded; both the DOJ and FBI underwent a period of significant transformation. This was largely a response to the DOJ's 'war on crime' and as a result of official reports produced by the National Commission on Law Observance and Enforcement that surveyed the status of the national criminal justice system in the years preceding FDR's inauguration.³⁶⁶ In order to make a larger number of crimes a federal offense, the DOJ pursued the 'Twelve Point Program.'³⁶⁷ While lynching was not on that agenda, federal law enforcement moved to obtain broader powers to fight crime throughout the decade.

During this period, high profile interstate crimes contributed to a nationwide atmosphere conducive to an interventionist federal crime policy. The rise of kidnappings, in particular, captured the nation's attention. Kidnapping was a crime

³⁶⁵ Marion, N., *A History of Federal Crime Control Initiatives, 1960-1993* (Westport, CT: Praeger, 1994), 24.

³⁶⁶ FDR's predecessor, Herbert Hoover, had ordered a National Commission on Law Observance and Enforcement, better known as the Wickersham Commission, which reported in 1931. This was the first survey of the status of the national criminal justice system. It highlighted its flaws, as well as the areas that were in need of reform. On 29 July 1935, the FBI created the National Academy, its first national police training program. National standards of federal policing were implemented in order to improve the function of law enforcement across the country. Federal Bureau of Investigation, *The FBI: A Centennial History, 1908-2008* (Washington, D.C.: U.S. Government Printing Office, 2008), 25.

³⁶⁷ 'A Twelve Point Program,' address by Attorney General Homer Cummings to the Continental Congress of the Daughters of the American Revolution, 19 April 1934, accessed on 29/01/16 at <http://www.justice.gov/ag/speeches-5>.

that targeted middle-class and wealthy Americans, where ordinary citizens were taken and held for ransom. In 1933 alone, there were twenty-seven kidnappings that made the national headlines.³⁶⁸ Crime was national entertainment, and subsequently the federal government's responsibility to tackle crime appeared to increase due to the national coverage it received. One kidnapping had particular significance. The twenty-month old son of famous aviator Colonel Charles Lindbergh was kidnapped on 1st March 1932. After a search of the home, a ransom note demanding \$50,000 was found on the nursery window. A large-scale investigation was launched and a dozen more ransom notes followed. But after months of searching, the child was found dead on 12th May less than five miles from the family home. Federal agencies were involved in the investigation almost from the start and the case was a success story for federal law enforcement, as the culprit, Bruno Hauptmann, was apprehended using the latest scientific approach to solving crime.³⁶⁹ Such crimes glorified the role of law enforcement, and demonised criminals, helping to legitimise plans to increase federal power to fight crime. When crime was prominent in the media and at the forefront of public concern, Americans looked to the national government to respond and take action on problems that affected the nation.³⁷⁰ The case led to the passage of the Federal Kidnapping Act, better known as the Lindbergh Law, which gave the FBI jurisdiction in kidnapping cases as well as some flexibility in pursuing public enemies across state lines. It was a significant step in increasing federal powers to fight crime.

The NAACP saw the possibility for the government's crime agenda to work to their advantage; they linked lynching and kidnapping to provide an alternative justification for federal intervention in lynching cases under existing laws. Acknowledging that 'that there is no law at present authorizing [the DOJ] to proceed against the lynchers as lynchers,' the NAACP recognised the potential to extend the Federal Kidnapping Act to intervene in specific cases of mob violence.³⁷¹ This showed the NAACP's awareness of the limitations preventing the DOJ from acting in cases of lynching, and highlighted their ingenuity at trying to find ways to stop lynching that were beyond the scope of their pending legislation but already within the remit of the

³⁶⁸ Potter, *War on Crime*, 109.

³⁶⁹ Federal Bureau of Investigation, *The FBI*, 23.

³⁷⁰ Marion, *A History of Federal Crime Control Initiatives*, 1-2.

³⁷¹ Walter White to Homer Cummings, 20 November 1934, Eleanor Roosevelt Papers, Box 606, FDR Library, New York.

DOJ. In the wake of the Claude Neal lynching, when White wrote to Attorney General Cummings in an attempt to get him to punish the lynchers with the authority given to the DOJ under the Lindberg kidnapping law, Cummings explained that the matter of expanding the scope of the Lindberg Act was ‘primarily one of broad legislative policy,’ and their proposal should be submitted to the Congress rather than to the executive branch.³⁷² But this was clearly an avoidance tactic because Cummings had already planned to strengthen the Lindberg law as part of the DOJ’s agenda for crime to extend the DOJ’s reach even further.³⁷³

The proposed laws on the Twelve Point Program were mostly designed to protect property and capital, reinforcing the NAACP’s perception that the government was not there to protect civil rights under the scope of the New Deal. Despite constant pressure from the NAACP for the DOJ to add lynching to this program, the Department refused to accede to the NAACP’s requests.³⁷⁴ Consequently, Walter White referred to the institution as the ‘Department of (White) Justice’ in an article in the *Crisis* because of its apparent lack of concern for justice for the lives of black people.³⁷⁵ Historian Clare Potter reaffirmed this notion and argued that lynching was not specifically on the agenda because the war on crime ‘projected a vision of a moral and efficient state,’ designed to rally white middle class voters around the New Deal, strong government, and increased federal intervention without disturbing racial or class hierarchies.³⁷⁶

But there was a more practical reason for the DOJ’s inaction: the Attorney General’s hands had been tied by a previous Supreme Court decision. In 1883, the Court decided in *United States v. Harris* that portions of the Civil Rights Act of 1871 (popularly known as the Ku Klux Klan Act) were unconstitutional.³⁷⁷ The Civil Rights Act of 1871 was the third of a series of Enforcement Acts designed to stabilise a society in flux. During Reconstruction, members of the Ku Klux Klan terrorized black

³⁷² Ibid; Homer Cummings to Walter White, 6 March 1936, Eleanor Roosevelt Papers, Box 623, FDR Library.

³⁷³ ‘A Twelve Point Program,’ address by Attorney General Homer Cummings to the Continental Congress of the Daughters of the American Revolution, 19 April 1934, accessed online 29/01/16 at <http://www.justice.gov/ag/speeches-5>.

³⁷⁴ Homer Cummings to Walter White, 6 March 1936, Eleanor Roosevelt Papers, Box 623, FDR Library.

³⁷⁵ White, W., ‘U.S. Department of (White) Justice’, *The Crisis*, October 1935, 309-310.

³⁷⁶ Potter, *War on Crime*, 110.

³⁷⁷ ‘Enforcement Acts,’ accessed online 29/10/16 at <http://www.senate.gov/artandhistory/history/common/generic/EnforcementActs.htm>.

citizens for exercising their right to vote, running for public office, and serving on juries. The Civil Rights Act was designed to diminish harassment of black voters and it empowered the president to use the armed forces to combat those who conspired to deny equal protection of the laws, and allowed them to suspend habeas corpus to enforce the act if necessary. But the Supreme Court's 1883 decision stated that Congress could not extend its powers to enforce the Fourteenth Amendment to private conspiracies to violate civil rights, such as lynchings.³⁷⁸ The DOJ could not easily draw upon existing laws, such as the Civil Rights Act, to intervene in lynchings. This meant that in order for a federal response to lynching to be effective and constitutional, a targeted strategy was required to extend the powers of the department.

Even though the NAACP hoped the DOJ would tackle crimes that deprived black Americans of life and liberty, the department had a lengthy history of neglect towards black Americans. The institutions of federal law enforcement had a record of persecuting blacks, particularly black activists. Leaders and members of the NAACP were the focus of Bureau of Investigation (BOI) suspicions for years.³⁷⁹ W. E. B. Du Bois was the subject of a BOI investigation during the First World War when the *Crisis* and other black papers such as the *Chicago Defender* were suspected of disrupting the racial status quo. Du Bois' 1919 'Essay toward a History of the Black Man in the Great War,' and a later essay named 'Returning Soldiers,' raised concerns that the *Crisis* was radicalising black troops.³⁸⁰ Black publications faced censorship and federal departments continued to collect evidence against black activists. Fears of bolshevism and anarchism resulting from the Red Scare led to suspicion of the phenomenon known as the 'New Negro'—a black consciousness characterised by confidence, assertiveness, and militancy that emerged after the First World War.³⁸¹ The chances of the DOJ seeking justice for lynchings at the request of the NAACP was therefore unlikely because radicals—such as leaders of the NAACP—were generally perceived

³⁷⁸ *United States v. Harris*, 106 U. S. 629 (1883).

³⁷⁹ The Bureau of Investigation was so-called from 1908-1935, at which time its name changed to the Federal Bureau of Investigation.

³⁸⁰ Kornweibel, Jr., T., *"Seeing Red": Federal Campaigns against Black Militancy, 1919-1925* (Bloomington: Indiana University Press, 1999), 56-7; Krenn, M. L., *Race and U.S. Foreign Policy from 1900 through World War II* (Oxford: Taylor & Francis, 1998), 91-4.

³⁸¹ Jordan, W. G., *Black Newspapers and America's War for Democracy* (Chapel Hill: University of North Carolina Press, 2003), 134.

as suspects to federal law enforcement agencies.³⁸² Of their own volition the FBI in particular would continue to investigate and collect information on black activists, making the connection between blacks and communists to criminalise black voices.

Under laws at the time, then, the DOJ did not have any obligation to accede to the NAACP's demands. Due to the increased demand for crime control placed upon the DOJ, Cummings suggested that federal intervention was not the answer to every social problem. 'During recent years,' he noted, 'there has been an increasing demand for the extension of federal power under an apparent assumption that therein lies the remedy. Unfortunately, it is not a problem which can be so easily solved.'³⁸³ Cummings had to disavow the claim that FDR and the DOJ could solve everything; the federal government was limited to which crimes it could tackle and it was not simple for FDR to do as the NAACP asked. This meant that institutions of reform had certain constraints within which they had to work. FDR had to work within the powers of his presidency, and the DOJ could only act in accordance with constitutional law. It was for this reason that they could not meet the NAACP's demands.

Conclusion

Between 1933 and 1935 there was a disjuncture between the NAACP's expectations of the federal government and the capability and capacity of the government to make lynching a federal crime, or use federal resources to prosecute recent lynchings, as they demanded. In the same way that the NAACP had to work in accordance with congressional procedures through their early lobbying efforts, if the NAACP wanted the support of the White House they had to make requests and suggestions within the constitutional constraints to which the President and institutions of federal law enforcement had to adhere.

³⁸² The FBI continued its persecution of black Americans decades later when the Black Panthers received national attention. The Bureau established a special Counter Intelligence Program (COINTELPRO) to neutralise these political dissidents; Extensive FBI files on the Black Panthers are available on the FBI online archives at <https://vault.fbi.gov/cointel-pro/cointel-pro-black-extremists>; O'Reilly, K., 'The Roosevelt Administration and Black America: Federal Surveillance Policy and Civil Rights During the New Deal and World War II Years,' *Phylon* (1960-), 48:1 (1987), 12-25.

³⁸³ From an address at "The Attorney General's Crime Conference," 10 December 1934, in Swisher, *Selected Papers of Homer Cummings*, 43-4.

FDR argued, ‘I did not choose the tools with which I must work.’³⁸⁴ So, making use of the tools that were available to him—namely presidential rhetoric and the institutions of federal law enforcement—FDR laid the foundations for how he would tackle lynching. FDR rhetorically assumed federal responsibility for mob murder in his speech to the FCC, in his State of the Union address in 1934, as well as at the Attorney General’s Conference on Crime, by arguing that lynching was a problem of the function of government. FDR therefore aimed to solve lynching in the same way as the country’s economic problems, by expanding the powers of the federal government, this time for the purpose of federal crime control and criminal justice. Essentially, he aimed to bring lynching under the umbrella of the New Deal. But although this message was consistent, it was also very subtle; his anti-lynching rhetoric was often brief or presented alongside rhetoric on other economic or social issues. He never made lynching the sole focus of his speeches.

Mrs. Roosevelt confused FDR’s message by relaying it in her reassuring style. She contradicted FDR’s rhetoric and the NAACP came to expect a more active response from the President on its own federal anti-lynching bill. But after the Costigan-Wagner bill succumbed to the Senate filibuster without any words of support from FDR, Walter White resigned from his position as member of the Advisory Council for the Government of the Virgin Islands. In his resignation letter, White wrote, ‘It is a matter of great disappointment that you as President did not see your way clear to make a public pronouncement by means of a message to the Senate or otherwise, giving your open endorsement to the anti-lynching bill... It is my belief that the utterly shameless filibuster could not have withstood the pressure of public opinion had you spoken out against it.’³⁸⁵ White’s reaction was telling of his expectations of the President. White desired the executive action that Eleanor Roosevelt had suggested and was outraged enough to resign his position when that did not transpire. By placing the administration in favour of the NAACP’s anti-lynching bill, Eleanor only set White up for disappointment and anger when FDR remained silent.

But the federal government did not have an obligation to intervene in lynching cases regardless of the NAACP’s demands. The DOJ could not prosecute lynchings

³⁸⁴ White, *A Man Called White*, 169.

³⁸⁵ Walter White to Franklin Roosevelt, 6 May 1935, Eleanor Roosevelt Papers, Box 623, FDR Library.

as a result of the Supreme Court's decision that portions of the Civil Rights Act of 1871 were unconstitutional and the department could not extend their powers for this purpose. Even though the DOJ's program for crime control was visibly expanding during the 1930s and the Attorney General's Twelve Point Program offered hope that federal kidnapping laws could be extended to prosecute lynchings, the NAACP's expectation for the federal government to act against lynchings was not one that the departments under the authority of the executive branch could easily comply with.

CHAPTER FIVE

FDR and the Shaping of Anti-Lynching Legislation

When the Costigan-Wagner bill was introduced to Congress in 1934, the organisation's legal committee declared that the legislation itself was 'as effective a bill as [they were] able to draft.'³⁸⁶ But after the failure of the Costigan-Wagner bill in 1935, there were subtle but noticeable differences in the NAACP's anti-lynching bills, rhetoric, and legislative strategy. The key tenets of its subsequent anti-lynching bills focused more on law enforcement than it did on lynchers. Why these changes occurred is a central concern of this chapter. The Association rarely entertained criticism of the legislation itself and often arranged a battery of legal experts to refute challenges instead of changing any questionable parts of the bills. But the changes in the activists' strategy suggest that the NAACP considered an alternative way to pass anti-lynching legislation. If NAACP lawyers were unable to produce legislation better than the Costigan-Wagner bill, it suggests that the NAACP's legislative agenda was influenced by others outside of the NAACP.

Historian Christopher Waldrep suggested that the NAACP changed their rhetoric in response to a battle between the Association, the International Labor Defense (ILD), the Association for Southern Women for the Prevention of Lynching (ASWPL), and Tuskegee Institute.³⁸⁷ Definitions of lynching became increasingly politically divisive throughout the 1930s and each organisation sought to define lynching in their own way to justify their activism. The ASWPL used a narrower definition with which fewer cases of violence could be categorised as a lynching. This benefited the southern women who claimed that their methods for preventing lynching were effective. But Waldrep argued that the NAACP shifted their rhetoric to define lynching less as a type of community punishment, as they had done for the previous decade, and more as a problem of law enforcement. A looser definition with which more cases of violence could be called a lynching made their case that lynching was still very much occurring and that there was still a pressing need for Congress to pass federal anti-lynching legislation. While this is a valid argument, it does not explain

³⁸⁶ Walter White to Edward P. Costigan, 19 December 1933, Box I: C233, NAACP Papers, Library of Congress.

³⁸⁷ Waldrep, C., 'War of Words: The Controversy over the Definition of Lynching, 1899-1940,' *The Journal of Southern History*, 66:1 (February 2000), 80-1.

why the NAACP's rhetoric focused more heavily on law enforcement than on lynchers.

In contrast, this chapter argues that the changes in the NAACP's rhetoric and in the type of legislation they pursued after 1935 occurred because FDR had a hand in shaping the NAACP's efforts. The legislative changes aligned neatly with FDR's anti-lynching rhetoric of the early 1930s. This chapter therefore asserts that FDR had a significant influence on the NAACP's anti-lynching rhetoric in the second half of the decade. It was at this point that FDR granted the NAACP greater access to himself and the institutions of federal government, and used the powers of the executive office to help shape the future of the anti-lynching campaign. While a conservative Congress taught the NAACP about legislative procedure, the liberal executive branch taught the NAACP about how to draft more effective legislation, legislation that would enable both the NAACP and FDR to make the transition from anti-lynching rhetoric to anti-lynching reform. This chapter ultimately explores the extent and constraints of the blossoming relationship between the NAACP and the White House and studies how they worked together to advance the anti-lynching agenda.

From Rhetoric to Reform

Between 1935 and 1937, FDR accepted the possibility of finding a constitutional legislative solution to lynching. During this time, FDR allowed NAACP representatives to meet with him to discuss the future of the anti-lynching campaign.³⁸⁸ In November 1935, FDR's assistant, Marvin McIntyre, wrote a memorandum to FDR's appointment secretary saying that, 'When the President returns from Warm Springs he wants to see Walter White.' More significantly, McIntyre added, 'he really wants to see him this time.'³⁸⁹ This move was clearly out of character as FDR had to reassure staff that he was serious, but it marked the beginning of several years of cooperation between the NAACP and the White House. At the President's request the NAACP was granted access to the White House, was privy to his advice, reaped the benefit of his skills as legislative leader, and was given access to the institutional resources and personnel at the President's command. This directly challenges the

³⁸⁸ Telegram from Walter White to FDR, 13 November 1935, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

³⁸⁹ Memorandum from M.A.L. to MAC, 18 November 1935, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

thesis that FDR made no effort towards stopping lynching; while FDR did not support the Costigan-Wagner bill, the NAACP's subsequent bills were heavily influenced by the Roosevelt Administration. The President's efforts after 1935 built upon the anti-lynching rhetoric of his speeches between 1933 and 1934; this reaffirmed FDR's commitment to end lynching and demonstrated his willingness to facilitate reform.

Using his experience as legislative leader FDR advised the NAACP on their future legislative strategy after the failure of the Costigan-Wagner bill.³⁹⁰ FDR proposed two measures: the 1936 Van Nuys Resolution and the 1937 Wagner-Van Nuys anti-lynching bill. The provisions of the Van Nuys Resolution, named after Democratic Senator Frederick Van Nuys of Indiana, authorised a Senate subcommittee to investigate the facts and circumstances surrounding the fourteen lynchings that took place after the filibuster of the Costigan-Wagner bill.³⁹¹ While another anti-lynching bill may have seemed to be just another part of the NAACP's national campaign, the Van Nuys Resolution, in particular, was somewhat of an anomaly. The NAACP previously rejected the idea of a congressional investigation because leaders considered it a diversionary tactic to the organisation's overarching objective. In 1921, White said that such a commission would not serve any purpose other than 'to give a few jobs and defer action by the Congress against lynching for several years.'³⁹² But in 1936, against the wishes of the NAACP's membership, White confirmed that the NAACP were concentrating their efforts 'on the President's first suggestion of a Senatorial investigation of the lynchings.'³⁹³ Given their prior reluctance, their agreement to pursue the Resolution suggested that the NAACP activists deferred to FDR's experience and expertise. Maintaining a working relationship with the President required a certain amount of deference to FDR's legislative suggestions. FDR thought that anti-lynching reform could be stimulated by the Van Nuys Resolution by putting up to date information about the practice into *Congressional Record*. But on this occasion the NAACP justified their support for the

³⁹⁰ Within this role as legislative leader, as outlined in the Constitution, the president can recommend measures and legislation to Congress for consideration.

³⁹¹ Final Draft of Van Nuys Resolution, 3 January 1936, Box 93-A, Papers as President: Official File, FDR Library.

³⁹² Walter White to Moorfield Storey, 26 April 1921, Box I: C76, NAACP Papers, Library of Congress.

³⁹³ Walter White to FDR, 14 March 1936, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library; Walter White to Eleanor Roosevelt, 28 January 1936, Box 623, Eleanor Roosevelt Papers, FDR Library.

measure because they hoped that ‘out of the revelation which this investigation will make that there will be a strong body of public sentiment’ for anti-lynching legislation, something that the NAACP had worked to achieve for years.³⁹⁴ This was demonstrative of the nature of the developing relationship between the activists and the President; even if the NAACP did not agree with the resolution, it gained them presidential support for an anti-lynching measure that could be built upon to pass other measures off the back of its findings.

FDR’s input aligned the NAACP’s legislative rhetoric with his own anti-lynching narrative, in which civil rights abuses were the result of the improper functioning of government. His influence shifted the focus of the NAACP’s legislation from the lynchers towards the role of United States law enforcement officers and their handling of lynchings. This was evident in the Van Nuys Resolution which primarily focused on how authorities dealt with mob violence by probing the actions taken by the responsible law enforcement authorities in their attempts to punish lynchers.³⁹⁵ This resolution was significant because it asked the NAACP, as well as those debating the Resolution in Congress, to focus on the role of law enforcement over those who had committed the crime.

Whilst FDR’s suggestion to introduce the Van Nuys Resolution did indicate that he started to use his powers as president to further the anti-lynching campaign, it also served as a reminder that his willingness to get involved had its limits. FDR did not use any of his other powers—such as lobby for the bill, generate public support, or use his relationships with congressmen—to secure passage of the resolution.³⁹⁶ So, when the Resolution faced obstruction just like every other NAACP measure, FDR did not take any action to secure its passage. The Van Nuys Resolution was actually approved by the Senate Judiciary Committee but was held up for over a month in 1936 by the Audit and Control Committee as some of the committee’s members—Democratic Senators James Byrne of South Carolina and Nathan Bachman of Tennessee—refused to meet to approve the \$7,500 budget that had been allocated for the investigations. The NAACP remained the face of the legislation, and FDR took no action to smooth its passage, and so the measure was subject to as much obstruction

³⁹⁴ Walter White to Eleanor Roosevelt, 28 January 1936, Box 623, Eleanor Roosevelt Papers, FDR Library.

³⁹⁵ Final Draft of Van Nuys Resolution, 3 January 1936, Box 93-A, Papers as President: Official File, FDR Library.

³⁹⁶ Binkley, W. E., *President and Congress* (New York: Vintage Books, 1962), 317.

as the others. Input from FDR did not automatically equate to the passage of legislation; there were limits to the president's involvement with the NAACP and its anti-lynching campaign, and public support for the Resolution was one of those limits.

But the failure of the Van Nuys Resolution did not spell the end of the NAACP's relationship with FDR. Instead, what followed was the drafting of an anti-lynching bill more in line with the organisation's previous efforts, and one that aligned with FDR's rhetoric of underperforming offices of law enforcement on the lynching issue. It was at this point that FDR agreed to meet NAACP President, Joel Spingarn, 'in order to work out some form of anti-lynching legislation "that can pass."' ³⁹⁷ From Spingarn's words, it is possible to infer that FDR did not believe that previous versions of the bill were good enough to be enshrined in law. But what resulted from Spingarn's conversation with FDR was a piece of anti-lynching legislation—the Wagner-Van Nuys bill (Senate bill S.1709)—that was focused solely on the function of law enforcement. Working alongside the President forced NAACP activists to revise their legislation, consider the central concerns of the President, and meet his standards. Those standards were what he outlined between 1933 and 1934 to bring lynching under the New Deal framework.

While the Van Nuys Resolution started to shift the focus of anti-lynching, the provisions in the Wagner-Van Nuys bill marked the NAACP's deeper commitment to a more bureaucratic drive to fix problems in the criminal justice system, and their move away from legislating against lynching itself. The Wagner-Van Nuys bill made provisions to increase the federal government's capacity to fight lynching. One provision detailed plans for criminal prosecution of an officer of the state in the federal courts if they fail to prevent a lynching, protect a prisoner in custody, or fail to use due diligence to apprehend and prosecute members of lynch mobs. Another part proposed civil liability enforceable in the federal courts against a sub-division of a state with police functions in which a lynching occurred. A third was that a civil suit could then be brought for the benefit of the victim's next of kin. The bill also allowed for an extension of the Federal Kidnapping Statute to include the transportation in interstate commerce by the lynch mob. This was because some victims—such as Claude Neal—were transported across state lines by a mob to be lynched. Lastly, the bill granted the

³⁹⁷ J. E. Spingarn to FDR, 14 November 1936, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

Attorney General of the United States powers to investigate and prosecute lynchings should a complaint be made to him, and if the lynching occurred under the aforementioned conditions.³⁹⁸ The provision for the prosecution of officers of the state instead of private citizens was the most significant. This aimed to encourage law enforcement officers to carry out their duties without prejudice, fixing the broken criminal justice system through the function of government in the same way that FDR had outlined in 1933. All in all, the NAACP made nine key changes to the Costigan-Wagner bill to ensure that the Wagner-Van Nuys bill met the President's standards.³⁹⁹

In addition to suggestions regarding legislative strategy, FDR delegated the personnel and resources available to him as President to further improve the NAACP's Wagner-Van Nuys bill. In doing so, FDR provided the NAACP with previously unattainable access to the institutions of federal law enforcement under his command. After an initial draft of the Wagner-Van Nuys bill, FDR asked Attorney General Homer Cummings to 'study the bill with a view to determining whether it will survive the constitutional test,' and to meet with NAACP activists to give them informal advice about how to refine their bill before they introduced it in Congress.⁴⁰⁰ In addition to twelve suggested changes that were 'merely suggested improvements in the wording of the bill,' Assistant Attorney General Brien McMahon recommended that the NAACP improve their amendment of the Federal Kidnapping Act—also known as the Lindberg Law—that covered lynching in interstate commerce.⁴⁰¹ Joel Spingarn thought that the DOJ provided 'very constructive suggestions' on the bill,

³⁹⁸ The NAACP also wanted such provisions in earlier drafts of their anti-lynching bills. The significance, however, is that the NAACP no longer sought justice against lynchers, and instead focused almost entirely on the role and duty of law enforcement. Wagner-Van Nuys Bill, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

³⁹⁹ Memorandum from Assistant Attorney General Brien McMahon to Attorney General Homer Cummings, 8 February 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library, 2-3.

⁴⁰⁰ Ibid; Attorney General Homer Cummings to FDR, 11 February 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library; J. E. Spingarn to FDR, 27 January 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴⁰¹ According to the DOJ, the NAACP had not provided sufficient detail about specifically how the Lindberg Law would be used. Appendix C in the memorandum suggested a more precise amendment to the Kidnapping Statute. McMahon proposed that the following passage, 'and whoever shall knowingly transport or cause to be transported, or aid or abet in transporting in interstate or foreign commerce, any person or persons for the purpose of lynching,' should be incorporated into an existing paragraph of the Lindberg Law to specify exactly how it would be amended. Memorandum from Assistant Attorney General Brien McMahon to Attorney General Homer Cummings, 8 February 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library, 16-17, Appendix C.

changes that the NAACP were keen to adopt.⁴⁰² This exercise in drafting legislation taught the NAACP that it was important to be detailed and specific in suggested amendments to reduce the likelihood of objections to the bill. FDR's role in asking the DOJ to help the NAACP implied that FDR was invested in the NAACP's success. It is also important to help understand how the NAACP improved in their abilities to draft legislation over the course of the 1930s, in this case with the help of DOJ lawyers.

The DOJ's engagement with the anti-lynching bill had great significance because FDR was reassured that the NAACP had produced effective and constitutional legislation—two of his main concerns prior to this point. The DOJ reaffirmed that the NAACP had seriously responded to previous congressional concerns in the legislation.⁴⁰³ In a report produced by McMahon, in which he evaluated the NAACP's draft legislation as well as the need for such legislation at that point in time, he acknowledged that most objections to the previous anti-lynching bill were no longer relevant to the Wagner-Van Nuys bill. The claim that the bill was an infringement of states' rights was no longer an issue as 'it has been shown that the bill is a proper exercise of the power granted to Congress to enact legislation to prevent denials of the rights guaranteed by the first Section of the 14th Amendment.'⁴⁰⁴ It was argued also that the Costigan-Wagner bill was sectional and directed against the South. McMahon reasoned that contemporary scholarship, such as James H. Chadbourne's 1933 publication *Lynching and the Law*, had already showed that mob violence occurred nationwide and not just in the South.⁴⁰⁵ Statistical evidence quashed Senator Borah's objection that if the federal government should be given grounds to punish lynchers then it should also be given the power to prosecute all murders, whether by a mob or by an individual.⁴⁰⁶ By dismissing these objections, the DOJ put

⁴⁰² J. E. Spingarn to Mrs. Scheider, 18 February 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴⁰³ When doubt had been cast on their anti-lynching bills in the past, the NAACP never considered that this was a problem of the bill, believing congressmen were presenting arguments to obstruct their efforts and prolong debate on the bills. To refute these concerns, the NAACP would present evidence from expert witnesses. The changes the NAACP made to the Wagner-Van Nuys bill therefore shows that the NAACP's response to criticism this time was different.

⁴⁰⁴ Memorandum from Assistant Attorney General Brien McMahon to Attorney General Homer Cummings, 8 February 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library, 13-14.

⁴⁰⁵ *Ibid*, 14; Chadbourne, J. H., *Lynching and the Law* (Chapel Hill: University of North Carolina Press, 1933).

⁴⁰⁶ In a 30-year period only 0.8% of the lynchings were followed by convictions, according to Chadbourne in *Lynching and the Law*. This statistic was compared to the number of homicides that

some of FDR's reservations to rest and reassured him that the Wagner-Van Nuys bill was much improved from the last.

The second way in which the DOJ's involvement was significant was because their findings gave credence to the NAACP's arguments. For the first time the DOJ acknowledged that lynchings were handled differently to homicides by law enforcement. They provided the evidence needed to define police authorities as underperforming, supporting the President's rhetoric of broken government, and justified the need for federal action. McMahon's report recognised that there were specific institutional problems with law enforcement in cases of lynching.⁴⁰⁷ McMahon acknowledged, 'there is a breakdown in the local law so far as the prosecutions of lynchings are concerned,' and that there had been 'a denial of equal protection in the case of lynching.'⁴⁰⁸ In doing so, the DOJ recognised that there were institutional problems within law enforcement agencies nationwide. This confirmed the NAACP's analysis of lynchings, and it validated their activism.

Showing that FDR used the powers of the presidency to take action on lynching fundamentally challenges the historiography on the subject. Robert Zangrando noted that FDR made some legislative suggestions after 1935 but thought this was a suggestion to placate the NAACP and appeal to black voters before the 1936 presidential elections—not a strategic move to give the federal government the power to combat lynching.⁴⁰⁹ The most credit that FDR has received in regard to lynching came from political scientist Kevin McMahon in 2004. McMahon argued that FDR instructed the Justice Department to find innovative ways to tackle lynching in 1939—as part of a policy designed to expand federal capacity to tackle civil rights abuses. Ultimately McMahon reasoned that this was to create an institutional atmosphere conducive for the Supreme Court to also expand their civil rights agenda. Notably, McMahon does not claim that it was because of any particular anti-lynching agenda

were punished throughout the same period. According to *Homicide in the United States* by Harrington Cooper Brearley, 44 per cent of homicides were punished. McMahon subsequently concluded that the objection was based upon the false assumption that the states had as effective laws against lynching as they had against other crimes. Ibid, 14.

⁴⁰⁷ Ibid, 14.

⁴⁰⁸ Ibid.

⁴⁰⁹ Zangrando, R., *The NAACP Crusade Against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980), 131-2.

that the President had.⁴¹⁰ But for the rest of the 1930s, FDR is given no credit by McMahon or any other scholar for attempting to end lynching. Most end the story at the President's choice not to support the NAACP's legislation between 1934 and 1935.⁴¹¹ However it was in the years following 1935 that FDR proved to be most active in the fight against lynching.

After 1936, the NAACP's strategy was aligned with FDR's bureaucratic vision of America following the NAACP's adherence to the President's legislative suggestions. Given the activists' desire to see federal anti-lynching legislation passed, and their longing for advice and endorsement from the President, it was not too difficult to see why White and Spingarn were easily persuaded that the Van Nuys Resolution and Wagner-Van Nuys bill were the best course of action, even if they were not convinced of the effectiveness of the Resolution. But the significance of the changes in their drafts of legislation lay in their engagement with the White House and the political issues that they addressed as a consequence. The NAACP drafted legislation that, according to the DOJ, could realistically be adopted by the federal government, giving them the powers they needed to intervene in lynchings. The NAACP came to the conclusion that they had a bill with 'real teeth in it' after FDR's direction, and the DOJ's suggested improvements.⁴¹² The NAACP's relationship with FDR therefore proved to be very beneficial. By heeding FDR's and the DOJ's advice on the Wagner-Van Nuys bill, the Association produced a far more influential bill which, according to the DOJ, was capable of being upheld by the Supreme Court.

⁴¹⁰ McMahon, K. J., *Reconsidering Roosevelt on Race: How the Presidency Paved the Road to Brown* (Chicago: University of Chicago Press, 2004), 144-150.

⁴¹¹ Dray, *At the Hands of Persons Unknown*, 356-7; Hutchinson, E. O., *Betrayed: A History of Presidential Failure to Protect Black Lives* (Colorado: Westview Press, 1996), 34; Kato, D., *Liberalizing Lynching: Building a New Racialized State* (New York: Oxford University Press, 2016), 138; Kearns Goodwin, D., *No Ordinary Time - Franklin and Eleanor Roosevelt: The Home Front in World War II* (New York: Simon & Schuster, 1994), 163; ; Leuchtenburg, W., *The White House Looks South: Franklin D. Roosevelt, Harry S. Truman, Lyndon B. Johnson* (Baton Rouge: Louisiana State University Press, 2005), 58; McMahon, *Reconsidering Roosevelt on Race*, 15; Pauley, G. E., *The Modern Presidency & Civil Rights: Rhetoric on Race from Roosevelt to Nixon* (College Station: Texas A&M University Press, 2001), 26-7; Sklaroff, L. R., *Black Culture and the New Deal* (Chapel Hill: The University of North Carolina Press, 2009), x.

⁴¹² Walter White to FDR, 1 April 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

The NAACP's Shift to Using New Deal Rhetoric

The NAACP continued to seek advice from FDR after the failure of the Van Nuys Resolution because of what the President offered them. FDR presented an opportunity to collaboratively produce an improved anti-lynching bill that according to the president had a better chance of being passed by Congress.⁴¹³ But as the NAACP gained greater access to the President, correspondence between FDR and the Association indicated that the demands that the NAACP made of the President after 1935 changed. Previously, NAACP leaders demanded that FDR endorse and openly support anti-lynching legislation, and encourage Congress to pass the Costigan-Wagner bill.⁴¹⁴ But by 1936, the NAACP no longer asked FDR to make lynching a federal crime, or to get the bill passed for them; they did not ask him to act on their behalf. The anti-lynching activists adapted politically to benefit from the President's expertise; in order to work with the president, the NAACP worked within the framework of the New Deal and within the constitutional constraints placed on the federal government's ability to oversee crime control. Their communications show how they moved from protest—a tactic that did not progress their legislative agenda—to communicate with FDR on his terms and engage with the political issues that the president raised when he spoke publicly about lynching.

Increasingly after 1935, the NAACP sought advice from FDR about the function of government; they discussed rules and regulations with FDR and his staff to navigate the legislative process and secure the passage of the bills they had worked on together. In 1936, when the Association tried to submit a petition to call for a Democratic Caucus in the House of Representatives that would force the Party to express a definitive position on the anti-lynching bill, the move faced obstruction from southern Democrats.⁴¹⁵ After the NAACP lobbyists were told that they had submitted the petition incorrectly, as the signatures were not all on the same piece of paper, Walter White questioned congressional practices with FDR. 'Although the rules of the House, for example, do not prescribe the precise form in which a petition should be

⁴¹³ J. E. Spingarn to FDR, 14 November 1936, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴¹⁴ Walter White to Albert E. Barnett, 16 January 1934, Box I: C233, NAACP Papers, Library of Congress; Walter White to FDR, 30 December 1933, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴¹⁵ For an explanation of a Democratic Caucus and the NAACP's reasons for trying to call one see p. 68.

signed,' the way in which the NAACP had done it was 'not acceptable to the Leader of the Caucus.'⁴¹⁶ In this case, congressmen requested for the petition to take a certain format when the rules did not specify it. This was therefore a discussion about unwritten congressional rules, or norms. The NAACP questioned if they were being treated fairly or if they were being given the run-around by the Democratic Party, and they expected FDR to clarify the rules to ensure the proper function of government.

NAACP leaders also wrote to expose corrupt and broken government. In doing so, the activists positioned themselves as advisors/experts who could be trusted to uncover unfair political behaviour and positioned themselves as allies of FDR's New Deal philosophy. Even though much of the obstruction the NAACP faced in Congress was carried out in accordance with the institution's rules, the NAACP favoured the explanation that they were being denied their democratic right to lobby. When the Association faced fierce criticism for attempting to call the Democratic Caucus—because unsurprisingly, Democrats were not keen to declare their position on anti-lynching legislation—White asked FDR: 'Do you not agree that we have a right to ask that the caucus make a clear-cut statement of policy on anti-lynching legislation?'⁴¹⁷ By appealing to their 'rights,' the NAACP attempted to draw FDR in as an arbiter of justice, to enforce congressional rules and guarantee that the process worked in the activists' favour. The insinuation that members of Congress denied the NAACP a 'right' to call a Democratic Caucus painted the federal government as corrupt.

Instead of asking the President to act to secure passage of their bill, after 1935 the NAACP adopted FDR's New Deal rhetoric about broken government to get the president to influence the legislative process to prevent unfair government action. The NAACP was mistaken if they thought that FDR could assist them with this; the president had no power to govern congressional procedures given the separation of powers. But the organisation's rhetoric aimed to encourage FDR to do what he had suggested he would do in his speeches to the FCC and the Crime Conference in 1933 and 1934 respectively: to fix broken government using the institutions of government.⁴¹⁸ The NAACP did this by trying to get FDR to assure them that their

⁴¹⁶ Walter White to FDR, 24 April 1936, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴¹⁷ Ibid.

⁴¹⁸ FDR, Speech to the Federal Council of Churches of Christ in America, 6 December 1933, FDR Papers, Master Speech File, Series 2, Reel 2, on microfilm at the FDR Library; Transcript of FDR's

position on the congressional agenda would be secure. After a special order was made to make the anti-lynching bill the second order of business of the Senate, the NAACP requested ‘assurance from you that any and all efforts to circumvent this special order do not meet with your approval.’⁴¹⁹ Senator James Byrnes—a leading opponent of the anti-lynching bill—stated that attempts would be made to make the government reorganisation bill a priority instead. Another example of this came in 1937, after the House Judiciary Committee reported out a weaker bill—the Mitchell anti-lynching bill—in an attempt to prevent passage of the Gavagan bill. NAACP lobbyists described this as an act of ‘trickery’ to FDR and declared that they would not tolerate ‘chicanery and treachery of this character.’⁴²⁰ In this instance, the House Judiciary Committee had not done anything undemocratic. In fact, they had reported out an anti-lynching bill favourably—something the NAACP had been trying to get them to do for years. But it was the rhetoric that the NAACP used that was important here. The NAACP wished for the President to ensure that the process was being carried out according to the rules and agreements that had been made, and if not, to intervene and rectify the agenda to make sure that their anti-lynching bill was brought up for debate. The NAACP was clearly asking too much of FDR because the order of business in Congress is typically carried at their own discretion. But the NAACP’s focus on process here was important; it was something that they took with them in all their future legislative endeavours.

This focus on process was evident in the NAACP’s attempts to get FDR to direct their lobbying strategy when their own plans were knocked off course. In doing so, the activists hoped to determine the best way to pass legislation and increase the likelihood that their bill would be passed. By 1937 there were over sixty anti-lynching bills introduced into the House of Representatives. Unfortunately for the NAACP, they were not the only ones to introduce anti-lynching legislation.⁴²¹ The NAACP complained to the President that ‘our initiative has been taken away from us’ and that they were waiting for word from him to ‘give us our cue to further action,’ after New

‘Address to the Conference on Crime’, 10 December 1934, accessed online at <http://www.presidency.ucsb.edu/ws/index.php?pid=14792>.

⁴¹⁹ Telegram from Walter White to FDR, 6 November 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴²⁰ Telegram from Walter White to FDR, 1 April 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴²¹ This put the NAACP in competition with those bills as the House Judiciary Committee would only recommend one, if any, of these bills for debate on the House floor.

York Representative Hamilton Fish circulated a discharge petition to take the anti-lynching bill with his name on out of the hands of the Judiciary Committee in just the same way the NAACP had planned to do with the Gavagan Bill.⁴²² When the NAACP's plan did not work as they hoped it would, the activists turned to FDR for instruction. But it is worth noting that FDR was much more amenable to answering the Association's requests at this time. In response to the NAACP's dilemma, FDR replied he would be 'glad to discuss it' in person, showing that he was more open to giving the NAACP strategic advice, especially when it was he who had suggested the strategy in the first place.⁴²³ This was a stark shift from earlier years when FDR would not even read the NAACP's correspondence, let alone respond personally. FDR willingly discussed strategy and problems that arose with the NAACP periodically, suggesting that the relationship between the NAACP and FDR was built and strengthened on the NAACP's ability to adapt their rhetoric and strategy to one that FDR was willing to work with.

There was a clear shift to New Deal rhetoric in the NAACP's communications with FDR; they had learned to communicate with FDR on his terms. In the same vein as in their legislative changes, their communications with the President shifted from focusing on lynching to the function of government. Not only did the NAACP look to FDR for advice but they also appealed to the president to ensure that he fulfilled his duty—even if he was limited by the constraints of the executive office and was not able to do all that they asked. Walter White summed this up by stating that they looked to FDR, 'to establish the principle of federal guaranties against derelict state officers and state governmental subdivisions which fail to do their duty in according equal protection and due process of law against lynching mobs.'⁴²⁴ The Association had a greater degree of success with this approach in soliciting responses from FDR than they had with their previous protests against lynching. Their shift to New Deal rhetoric

⁴²² The Wagner-Van Nuys Bill was referred to as the Gavagan Bill in the House of Representatives. The bills were held up in Committee after Congressman Hatton W. Sumners of Texas, Chairman of the House Judiciary Committee, boasted that he would never permit a favourable report on an anti-lynching bill as long as he was chairman of the Judiciary Committee. Walter White to Eugene Cheeks (Editor of *The Cleveland Guide*), 12 May 1936, Box I: C251, NAACP Papers, Library of Congress; J. E. Spingarn to FDR, 5 March 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴²³ FDR to J. E. Spingarn, 18 March 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴²⁴ Walter White to FDR, 22 January 1938, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

played a significant part in how the organisation was viewed politically. The NAACP's ability to adapt to their political environment has been noted by scholars, and by the end of the 1930s, even though the NAACP still criticised the Roosevelt administration for the treatment of blacks in New Deal agencies and for its failure to fully address the needs of blacks during the Depression, nevertheless, the NAACP gained the label of liberal New Dealers.⁴²⁵

Working on the President's Terms

The President's engagement with the anti-lynching movement, and his help to shape their bills, had both positive and negative consequences. It reaffirmed the notion that the President was interested in the cause, and it gave the NAACP access to the White House and some of the resources and personnel at FDR's disposal. Though while the NAACP's expectations of their anti-lynching bill had been realigned—for example, they knew that the federal government could not make lynching a federal crime and that their bill would have to extend federal powers so it could intervene—their expectations for FDR on one level had not changed. They still expected open public engagement with the bill, especially because FDR had helped shape this legislation and quietly supported it. For the NAACP, his help and support was not enough because they still believed that his endorsement would secure the passage of the bill, which to the NAACP was the most important aspect. But this was something that they would not get; any engagement with anti-lynching had to be on the president's terms.

Increased interaction with the president created a bond of trust between the activists and the President, and the NAACP was keen for the President not to renege on his promises. The NAACP's demand for public endorsement of their legislation occurred, in part, as a result of the meetings that they had with FDR. Joel Spingarn protested to FDR that in past interviews, 'you have assured me that you would throw your support behind the Anti-Lynching Bill or at least in favor of immediate action in

⁴²⁵ Kirby, J. B., *Black Americans in the Roosevelt Era: Liberalism and Race* (Knoxville: University of Tennessee Press, 1982), 181-2; Meier, A., and Bracey, J. H., 'The NAACP as a Reform Movement, 1909-1965: "To Reach the Conscience of America,"' *The Journal of Southern History*, 59: 1 (February 1993), 4, 21.

regard to it, in such a manner that would receive public attention.⁴²⁶ But NAACP member, Carl Murphy, complained that ‘the President has made no public statement on the anti-lynching bill since it has been in Congress.’⁴²⁷ The problem was that FDR kept some promises and broke others, but the NAACP expected he would keep them all. FDR had worked on the bill with the NAACP when he said he would, and so the activists expected him to keep his word in just the same way when he promised to openly support the bill. But this was not the case and even though FDR had not spoken publicly about the bills throughout the 1930s, they expected him to do so at that point.

The NAACP justified their expectations in strategic terms. The NAACP’s reason for such requests shifted from their previous moral stance, and instead they argued that the president should comply because the bill needed active support to pass. While the Wagner-Van Nuys bill was up for debate in the Senate in 1938, FDR’s Relief Bill— a bill for additional appropriations of \$250,000,000 for the relief of the unemployed as provided for in the Emergency Relief Appropriation Act of 1937— threatened to spell the end for the anti-lynching bill.⁴²⁸ Senators voted 58 to 22 to put aside the anti-lynching bill to debate the Relief Bill, ending a six-week filibuster. While there was talk of continuing the debate on the anti-lynching bill after the Relief Bill was dealt with, the NAACP feared that if FDR did not ensure the anti-lynching bill was scheduled for debate again on the Senate calendar that it would cause the ‘death of the bill,’ and it would encourage ‘the forces of reaction and bigotry’ to use the same methods to defeat other legislation.⁴²⁹ In theory, this was within FDR’s power, he could have asked congressmen to ensure the anti-lynching bill was brought up again. But FDR did not comply. Despite his help in drafting the bill, FDR’s silence on the bills led the NAACP to doubt the depth of FDR’s commitment. They argued that FDR should speak publicly to ensure passage of the bill to prove that he supported a bill that he had helped shape. But this was not enough of an incentive for FDR to try to influence the Senate’s agenda.

⁴²⁶ J. E. Spingarn to FDR, 19 January 1938, Box 2538, Papers as President: Official File, FDR Papers, FDR Library.

⁴²⁷ Carl Murphey to Marvin McIntyre, 5 February 1938, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴²⁸ "Letter to the Speaker of the House on Unemployment Relief," Franklin D. Roosevelt, 10 February 1938. Accessed online on 25/09/15 at <http://www.presidency.ucsb.edu/ws/?pid=15597>.

⁴²⁹ Walter White to FDR, 18 February 1938, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

The reality was that the NAACP needed FDR's public support because they still depended upon his political influence to overcome legislative obstruction. During the 1938 filibuster, both of the NAACP's attempts to invoke cloture in January and February were unsuccessful.⁴³⁰ Despite learning methods to bypass obstruction, giving the activists hope that they could finally defeat a filibuster, the NAACP was not yet able to achieve this and their bills continued to be obstructed. Once again, the NAACP's last resort was to appeal to the President. All the NAACP wanted was 'One strong word' from FDR to, 'practically assure passage' of the bill.⁴³¹ During the filibuster, the NAACP pleaded to FDR that 'your intervention and your intervention alone can end this disgraceful filibuster.'⁴³² The NAACP still had not perfected their lobbying strategies at this point, and even though they had the knowledge of how to get the bill passed, they were unable to secure the passage of the bill. While they had a much improved piece of legislation, they still had the same problems in getting the bill passed. The NAACP's error was to assume that on this occasion, FDR would help, given that he helped to shape the bill.

FDR only remained publicly silent, though. In 1938, he offered more quiet support than he had ever done previously. Joel Spingarn thanked the President for the action he took to secure passage of the bill: 'I cannot tell you how deeply I appreciate the promise you made to me on Thursday that in your letter to Senator Barkley at the close of the Special Session you would include the Anti-Lynching Bill among the bills that demanded immediate action on the part of the Congress.'⁴³³ But Spingarn was grateful, not just to get the anti-lynching bill on the calendar, but because he was 'most anxious' that people should realise what part FDR took in the enactment of the measure.⁴³⁴ Not satisfied with quiet support for the bill, the NAACP was keen to publicise FDR's involvement when it would further their cause and potentially help the enactment of the Wagner-Van Nuys bill. The NAACP wanted congressmen to know of FDR's involvement because it would show that he supported the measure,

⁴³⁰ Roy Wilkins to NAACP Branch Officers, 1 February 1938, Box I: C261, NAACP Papers, Library of Congress; NAACP Press Release, 18 February 1938, Box I: C261, NAACP Papers, Library of Congress.

⁴³¹ Telegram from Walter White to FDR, 3 August 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴³² Walter White to FDR, 22 January 1938, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴³³ J. E. Spingarn to FDR, 18 December 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

⁴³⁴ Ibid.

even if he did not openly say it. They also wanted the President to be on the record, once and for all, in support of the legislation.

While it was within FDR's capability to accede to many of these demands, the President benefitted from the legislation passing through Congress with as little personal involvement as possible. Anti-lynching was still contentious and therefore he would retain a greater amount of support from congressmen if his name was not heavily associated with the measure.⁴³⁵ At the time, the administration and Attorney General's office were keen to suggest that there was no evidence to document FDR's involvement with working with the NAACP, or that the DOJ had given the NAACP any assistance with the anti-lynching bill. Attorney General Homer Cummings suggested to FDR that 'we should limit our approach to this matter to oral discussion. We can give all the necessary help in this way without putting the Department in the position of having given advice to any private group.'⁴³⁶ The DOJ did not want to be seen to be prejudiced when they would be later be asked for an opinion on it by a Senate Committee when the bill was under consideration. But it implied that the President also did not want himself, or his Administration, to be associated with the Wagner-Van Nuys bill. Whilst there is no direct evidence to suggest why this was the case, that year FDR was running for his second term in the presidential elections and needed to win the public's vote. Additionally, he was trying to push through legislation to replace the New Deal measures that were deemed unconstitutional by the Supreme Court. For this FDR still needed the support of southern congressmen. Either way, FDR would evade controversy if he avoided voicing any sentiments in support of an anti-lynching bill publicly. Once again, FDR's staff believed that pragmatism should prevail, and that it would be politically expedient for the administration to help the NAACP quietly.

FDR's public silence reaffirmed for the NAACP once and for all that working with the President would always be on his terms, and they did not have any influence over how FDR would act on behalf of the bill. FDR would only give as much support as he wanted to, not what the NAACP expected. This was significant for the NAACP because it reminded them of their place at the bottom of the political hierarchy of

⁴³⁵ The additional appropriations that FDR asked for—the Relief bill that eventually displaced the Wagner-Van Nuys bill from the Senate calendar—was an example of this.

⁴³⁶ Attorney General Cummings to FDR, 11 February 1937, Box 93-A, Papers as President: Official File, FDR Papers, FDR Library.

influence. The NAACP depended upon FDR to speak out for the legislation this time around, especially after the assurances the President had made. But while the relationship between the NAACP and the White House had definitely improved, this taught the NAACP that access to FDR's knowledge and resources did not lead to political influence with the President, and they should not rely on others to pass their legislation for them.

Conclusion

From their relationship with FDR, the NAACP gained tremendous insight into the legislative process. One way that the NAACP improved relations was to adopt the strategies and rhetoric of the New Deal. It was easier and more fruitful to communicate with FDR using similar rhetoric that centred on law and order instead of lynching. This was evident in the NAACP's new focus on the function of government. With greater recognition of federal limitations and capabilities to intervene in lynching the NAACP found FDR more amenable to working with the organisation. The wording of the Van Nuys Resolution, and Wagner-Van Nuys bill were evidence that the NAACP had seriously attempted to accommodate these limitations as the Wagner-Van Nuys bill clearly set out to grant the Attorney General the power to intervene according to the Constitution. They were no longer focused on bringing lynchings to justice, and this was an important shift for an organisation which had spent the previous three decades protesting the crime and attempting to prosecute lynchings.

From this the NAACP learned how to work with the White House, and the Department of Justice, two institutions previously hostile to the NAACP's efforts, to produce effective legislation. This achievement can largely be attributed to the previously undocumented relationship the NAACP had with FDR that endured for the duration of the Van Nuys Resolution and Wagner-Van Nuys bill campaigns after 1935. This relationship taught the NAACP how to write better legislation, and it granted the NAACP access to political spaces and personnel, allowing them to build relationships in more influential circles.

The relationship also confirmed that there were limits to what the NAACP could achieve with the support that the President offered. The NAACP was at the mercy of the President, and they had no influence over him, his legislative agenda, or his actions. Despite years of trying, the NAACP did not convince FDR to secure

passage of the bills they had worked on together and the bills floundered without a word from FDR. As Joel Spingarn told FDR, if the Wagner-Van Nuys bill was defeated because of the filibuster then it would be ‘a fatal blow to those of us who have accepted your leadership and held out to Negro citizens that your administration would see that the threat of lynching would be lifted from over their heads by federal legislation.’⁴³⁷ The NAACP looked to FDR throughout the latter half of the 1930s and relied on his legislative and strategic expertise. FDR’s silence on the bill was a disappointment but this only highlighted the NAACP’s dependence on the President at a time when their lobbying skills were still imperfect.

FDR’s involvement highlighted his ability to manipulate a situation to his advantage, without public knowledge, in order to minimise controversy. The public were unaware of FDR’s influence and were disappointed that the President had not verbally endorsed the Wagner-Van Nuys bill. In a letter to FDR, one member of the public wrote, ‘your failure to give active support to the Wagner-Van Nuys Anti-Lynching Bill, when it was before the Senate, caused grave concern and deep disappointment to the many citizens like myself who have supported and rejoiced in your courageous and progressive leadership of our great country.’⁴³⁸ Mr Weston interpreted a lack of verbal endorsement as a sign of inaction—exactly as the majority of Americans did during the campaign for the Costigan-Wagner bill—and had no knowledge of FDR’s involvement in shaping the legislation itself. The White House were keen to protest, assuring Weston that, ‘the Administration had put forth every effort.’⁴³⁹ But FDR was given no credit by the public at the time or by historians in subsequent years.

FDR’s engagement with anti-lynching throughout the 1930s showed the President’s enduring—but limited—commitment to anti-lynching. FDR’s actions since the failure of the Costigan-Wagner bill showed that he became significantly more invested in finding a solution to lynching after that point. Without the federal authority to prosecute lynchings, the President met with NAACP activists to talk strategy, and advised them about what they should do to push legislation through.

⁴³⁷ J. E. Spingarn to FDR, 19 January 1938, Box 2538, Papers as President: Official File, FDR Papers, FDR Library.

⁴³⁸ M. Moran Weston, II to FDR, 24 March 1938, Box 93-A, FDR Papers, Papers as President: Official File, FDR Library.

⁴³⁹ Marvin McIntyre to Reverend Jenkins, 26 February 1938, Box 93-A, FDR Papers, Papers as President: Official File, FDR Library.

More significantly, FDR worked together with these men in order to draft legislation that had a better chance of being voted favourably on than any previous legislation. The nature of the Van Nuys Resolution and the Wagner Van Nuys bill suggest FDR had a hand in shaping them. The legislation centred the language on law enforcement and sought to give the federal government the authority to prosecute in lynching cases, echoing the sentiment of his anti-lynching rhetoric of the 1930s. Furthermore, the campaign for the passage of the Wagner-Van Nuys bill led to at least one noteworthy moment: the Department of Justice admitted that lynch victims were denied due process of law, and that states did not have effective laws against lynching.

This is a very different interpretation of FDR's anti-lynching legacy compared to the silent and inactive president who is portrayed in literature on the anti-lynching movement. The evidence in this chapter suggests that FDR effectively transformed his anti-lynching rhetoric expressed in the early 1930s into anti-lynching initiatives in the second half of the decade. It is evident that FDR's influence was substantial, both rhetorically and strategically, as he actively and consciously shaped the NAACP's civil rights strategies.

CONCLUSION

Learning to Lobby

1937 was arguably the height of the NAACP's lobbying campaign. In that year, the House of Representatives passed the Wagner-Van Nuys anti-lynching bill, the Senate Judiciary Committee also voted favourably on it, and a special Senate resolution guaranteed the bill would be brought up on the Senate floor for debate and kept there until it was disposed of.⁴⁴⁰ This was the most promising outlook for any anti-lynching bill. Consequently, the optimism of NAACP activists was high and they were surer than ever that the bill would pass at that time. Polls published in *Congressional Intelligence* agreed with the NAACP's independent Senate vote counts which claimed that the Wagner-Van Nuys bill had the required number of votes to pass should it be brought up for a vote.⁴⁴¹ It was as close to the passage of an anti-lynching bill that the NAACP would ever get.⁴⁴²

But instead of being proud of their own achievements and consider this as proof that the NAACP activists had gained more effective lobbying skills and tactics since the beginning of the decade, Walter White sought to praise FDR instead. 'It seems too bad' that FDR did not openly support the Wagner-Van Nuys bill, he wrote to Felix Frankfurter, Professor of Law at Harvard University, 'since passage of the bill is now almost definitely assured he should... get some credit since he has done some things for the bill without publicity.'⁴⁴³ While FDR did help the NAACP to refine their legislation, gave them strategy suggestions, and worked quietly behind the scenes, he never openly supported any anti-lynching bill in Congress. Realistically FDR could have done a lot more for the anti-lynching bills than he did. Although they did not achieve it—unsurprisingly, as a filibuster postponed the Wagner-Van Nuys bill's

⁴⁴⁰ The bill was known as the Gavagan bill in the House of Representatives and the Wagner-Van Nuys bill in the Senate. NAACP Press Release, 11 June 1937, Box I: C259, NAACP Papers; Memorandum from Walter White to NAACP Branches, 'The Gavagan-Wagner-Van Nuys Anti-Lynching Bill H.R.1507,' 8 December 1937, Box I: C259, NAACP Papers, Library of Congress.

⁴⁴¹ Walter White to Senator Bennett Champ Clark, 15 May 1937, Box I: C259, NAACP Papers, Library of Congress.

⁴⁴² The NAACP did go on to secure passage of the Gavagan-Fish bill, named after Hamilton Fish and Joseph Gavagan, in the House of Representatives on 10 January 1940. The bill passed by a margin of 252 votes to 131. Similar to every other anti-lynching bill, it later languished in the Senate. Zangrando, R. L., *The NAACP Crusade Against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980), 162-164.

⁴⁴³ Walter White to Felix Frankfurter, 29 November 1937, Box I: C259, NAACP Papers, Library of Congress.

position on the Senate calendar in the first few months of 1938—the NAACP learned about the process of legislation and the workings of government during their anti-lynching campaign. While NAACP activists did not recognise their own achievements as important at that moment, this thesis does.

Anti-lynching was the movement through which the NAACP gained their national political education. They shifted from an approach rooted in their progressive era values of positivism, morality, and protest, to one that adhered to traditional Congressional processes. They learned to appreciate that the tactics used outside of the legislative process did not marry well with congressional norms. Their demands were not met with action, and so the organisation adapted, learned new skills and strategies, in order to function more effectively as lobbyists in Congress.

This was significant for the organisation both for the remainder of their anti-lynching campaign, which spanned another decade, and for the future of their activism. Fundamentally, the NAACP learned to lobby. They learned to work within institutional structures and to use congressional procedures to their advantage. The NAACP learned both of these things during the course of their anti-lynching campaign and while they were not always successful in executing them, their newfound focus on procedure put significant pressure on congressmen who wished to see the bill fail. By the end of the decade, congressmen who opposed the bills doubted their own abilities to hold off the NAACP's efforts and had to pull out all the stops to prevent the passage of the anti-lynching bills.

A Decade of Opportunity

This thesis re-examined the barriers that the NAACP faced and what this meant for their anti-lynching efforts, as well as their greater objectives as a civil rights organisation. It is undeniable that the NAACP faced a myriad of hurdles throughout their anti-lynching campaign. To name just a few, their lobbying methods were criticised by congressmen who argued that they did not act appropriately, they encountered fierce resistance to their legislation, and NAACP leaders were side-lined by White House staff who sought to keep them and their campaign from the president's attention. But it was these challenges of lobbying that offered the greatest opportunity for the organisation to learn how to be effective in the national political arena.

The challenges they faced propelled them forwards instead of holding them back. NAACP activists were required to look for alternative—and often more effective—methods than persuasion to legislate whenever a barrier was placed in their path. When congressmen objected to their improper behaviour, the NAACP found allies to lobby on their behalf. When bills were held up in committee hearings, delaying any movement of the bill through Congress, the NAACP found procedural methods—such as gaining the required number of signatures for a discharge petition—to stimulate progress. When the anti-lynching bills faced repeated filibusters, the NAACP attempted to invoke cloture to bypass debate. It was the activists' ability to lobby more effectively, and their newly acquired knowledge of what they needed to do in order to push the anti-lynching bills through that spurred them on. The way in which the NAACP adapted their lobbying approach to respond to, directly challenge, or bypass congressional conservatism proves that the organisation was not completely powerless in the face of obstruction. The NAACP had a great deal of agency throughout the anti-lynching movement, even if this is not immediately obvious given the outcome of their efforts.

The 1930s was therefore a decade of opportunity for the NAACP. This helps to explain why their anti-lynching campaign continued with such determination despite repeated failure to push the bill through. New skills and knowledge of how to push legislation through in the face of obstruction provided untapped opportunities for the Association. While the activists antagonised congressmen and defied the norms of lobbying in Congress at the start of their campaign, they continued to adapt their strategy to employ tactics they picked up, learned to act appropriately in Congress, and found ways to reduce opposition to their bills. One of their biggest gains was the knowledge of the legislative process because this allowed the organisation to try and bypass a lot of their struggles in Congress against congressmen who opposed anti-lynching legislation. But as the decade progressed and the NAACP gained both knowledge and lobbying experience, NAACP leaders also became increasingly confident about the outcome of their lobbying efforts. Each time they learned a new tactic it offered a greater chance of success in their next legislative attempt. Their education was cumulative, and their optimism appeared to increase with experience as the 1930s progressed.

Furthermore, the NAACP created opportunities for themselves by being politically flexible. At the beginning of the decade, the NAACP clung to their

progressive ideology and tried and tested strategies of fact finding, education, and protest. But their lobbying methods sometimes fell short of congressional expectations and they were accused of inappropriate behaviour at times. The NAACP activists took account of these experiences, the negative as well as the positive and increasingly conformed to congressional norms and procedures in order to function more effectively as lobbyists. Additionally, the NAACP adopted the language and methods of the liberal President in order to gain access to the White House, and to advance their anti-lynching bill. This shows that the NAACP adopted the suggestions of both conservatives and liberals and learned how to work amongst competing ideologies in the branches of federal government. Once they realised they had a better chance of success, NAACP activists shaped their campaign—at the suggestions of both congressmen and the President—to give themselves the greatest chance of success. The political education that NAACP activists gained instilled in them confidence in their tactics and optimism about the possibility of achieving their overarching objective. In contrast to the undertone of failure that runs through existing literature, the events of the anti-lynching movement instead highlight a theme of opportunity and hope for the NAACP.

The Federal Government and Anti-Lynching

The role of the state in anti-lynching has been explored in this thesis, and it has been shown that the federal government influenced how NAACP activists operated within both the executive and legislative branches. Both Congress and the White House made it clear to the NAACP that they had to work according to the procedures, and capabilities of those institutions. Activism—within the federal government at least—is therefore in part determined by the structures in which it operates. Scholars have never considered how the NAACP were influenced by the federal government apart from the obvious obstruction the organisation faced in trying to pass legislation. But there were many ways, some subtle and some more obvious, in which both the legislative and executive branches of the federal government affected the NAACP's campaign. In doing so, this actually gave the NAACP more agency as they learned to function effectively in Washington political circles.

Congress was racially conservative during the 1930s. Consequently, attempts to influence and hinder the NAACP's efforts occurred almost daily. When attention is diverted from Senate filibusters, it is evident that congressional conservatism manifested itself in many ways. This included congressmen disapproving of the way in which the NAACP lobbied, to making the organisation jump through hoops in order to submit petitions, what Walter White referred to as 'subterfuges' and 'political trickery,' to senators not voting to invoke cloture.⁴⁴⁴ Obstruction was always carried out according to the democratic procedures of Congress, as congressmen took advantage of loopholes, but it was nonetheless frustrating for the activists. These different examples of obstruction meant that there were gradations in the level of congressional opposition to anti-lynching; the filibusters were just one example of the most extreme type of opposition in Congress, not the total extent of congressional resistance to the NAACP's lobbying. Different examples of obstruction, particularly the NAACP's failed attempts to invoke cloture, highlight that both Democrats and Republicans stood in the way of economic and political opportunities for black Americans. But what seems clear is that the attempts to stop the NAACP from pushing any anti-lynching legislation through Congress were evidence that congressmen actively chose to suppress NAACP efforts. They did not just passively allow the status quo to prevail, it was an active process into which some congressmen expended a great deal of time, federal funds (in sustaining filibusters for so long), and effort to stop the NAACP from achieving their objectives. The anti-lynching bill could have set a precedent and been a stepping stone for the NAACP to pursue further federal legislation. Members of Congress openly said that they wanted to deny the NAACP this. In doing so, they chose to deny black Americans legislation that would have benefitted them politically or economically.

Standing in stark contrast to Congress, President Roosevelt adopted and maintained a much more liberal approach to anti-lynching throughout the 1930s. FDR spoke out against lynching, and framed the solution in terms of the New Deal. His influence on the NAACP was also significant. He used the resources under the umbrella of the modern presidency to influence the NAACP's anti-lynching rhetoric—shifting the NAACP's focus from lynchers to law enforcement—as well as their

⁴⁴⁴ Walter White to Eleanor Roosevelt, 5 April 1936, Box I: C240, NAACP Papers, Library of Congress.

strategy in shaping their legislation to make it more effective, enforceable, and constitutional. This is an important departure from the standard narrative in previous scholarship that stated that FDR shunned the anti-lynching movement for political expediency. Interpreting FDR's words and actions in light of his presidential power to act alters his record on civil rights in the decade.

After the Wagner-Van Nuys bill fell victim to a filibuster in the Senate in 1938, FDR continued his commitment to fighting lynching without the NAACP. On 3 February 1939, the president's new Attorney General, Frank Murphy, announced the creation of a Civil Liberties Unit to work within the Criminal Division of the Department of Justice.⁴⁴⁵ FDR restructured the DOJ to make it more efficient, giving it the personnel to investigate violations of civil rights guaranteed by the federal government. Though FDR's creation of the department reflected the broader context of political reform and judicial activism in the 1930s, racial equality was never emphasized per se. The creation of the department recognized the black struggle and included them, albeit in a separate administrative program.⁴⁴⁶ Later renamed the Civil Rights Section (CRS), the subdivision had significant consequences for FDR's plans to stop lynchings using the federal government and was a visible effort to address civil rights concerns.

The establishment of the CRS offers an explanation to why FDR decided to help the NAACP between 1936 and 1938 with their legislative agenda yet still largely remained silent about his involvement. FDR's anti-lynching rhetoric in the early 1930s was geared towards finding institutional solutions for lynching instead of legislative solutions. Bringing lynching under the umbrella of the DOJ's war on crime suggested that the President wanted to find a way to give the Attorney General the power to fight lynching. But it was only after the establishment of the CRS that FDR had the

⁴⁴⁵ Under the umbrella of the modern presidency, one of the ways in which FDR started to expand and shape the remit of the executive office, was to expand the executive branch itself. This expansion came as a result of the Brownlow report. In January 1937, FDR submitted the findings of the Brownlow Committee, titled *Administrative Management in the Government of the United States*, to Congress. The report found that 'the American government at the present time is limited and restricted.' Even more directly, it stated that 'the president needs help. His immediate staff assistance is entirely inadequate.' What resulted from the report was permission from Congress to drastically reorganise the federal departments that were directly answerable to the president. The President's Committee on Administrative Management, 'Administrative Management in the Government of the United States', January 1937, accessed on 19/07/15 at <http://users.polisci.wisc.edu/kmayer/408/Report%20of%20the%20Presidents%20Committee.pdf>.

⁴⁴⁶ Capeci Jr., D. J., 'The Lynching of Cleo Wright: Federal Protection of Constitutional Rights during World War II,' *The Journal of American History*, 72:4 (March 1986), 871.

infrastructure—in the form of a specialised government department designed for that purpose—filled with staff who were dedicated to stopping lynching and civil rights violations. In the meantime, the most viable solution to lynching was the NAACP’s anti-lynching bill. FDR pursued this legislative avenue as it was the best option available to him at the time—and because he wanted to take action to stop lynching as soon as possible, before he had the capacity to implement a bureaucratic strategy to do so. And so, after the Brownlow Report was published, FDR started to expand the institutions under the umbrella of the executive branch. At this point he had the option to either continue to support the NAACP and their anti-lynching bills, or use the institutions under his control to intervene in lynchings. FDR chose to diverge from the NAACP’s legislative program and pursue bureaucratic methods. With the option to pursue other avenues, FDR did just that, suggesting that FDR thought it would be better to stop lynching in this way than pursue a legislative solution. This also implies that between 1936 and 1938, the NAACP’s anti-lynching legislation was the most viable option at the time.

The establishment of the CRS signalled FDR’s rejection of the NAACP’s strategy to pass federal anti-lynching legislation and an acceptance of the federal government’s responsibility towards ensuring civil rights. The creation of the department did not mean, however, that the Attorney General had the authority to prosecute lynchings. Lynching still was not a federal crime. Attorney General Francis Biddle, appointed in August 1941, directed CRS lawyers to use existing laws to punish lynching. Lawyers Albert E. Arent and Irwin L. Langbein devised the strategy a couple of years earlier under the direction of the section’s first head, Henry A. Schweinhaut.⁴⁴⁷ The scheme called for the utilization of Reconstruction statutes to prosecute violations of federally protected rights. Sections 51 and 52 of Title 18 of the U.S. Code were derived from the 1866 Civil Rights Act and the 1870 Enforcement Act and with some imaginative interpretation could be used to allow the federal government to act in lynching cases when law enforcement clearly failed in their duties.⁴⁴⁸ FDR did not ask the department to place lynching on the department’s federal legislative program but by using existing statutes it signalled an important shift from legislative initiatives to bureaucratic ones.

⁴⁴⁷ Ibid, 146.

⁴⁴⁸ Rotnem, V. W., ‘The Federal Civil Right “Not to be Lynched,”’ *Washington University Law Quarterly*, 28:2 (January 1943), 61.

FDR's new civil rights department was not only an attempt to bring lynching within the remit of the Department of Justice, but it was also an anti-lynching strategy that bypassed the legislative process. By having the Department of Justice investigate lynchings using existing statutes, the Attorney General did not require additional congressional authority to take action on lynching. The department had to find a way to tackle lynching, knowing that any new legislation would be blocked by an 'inevitable' filibuster.⁴⁴⁹ They used the existing statutes to investigate and prosecute lynchings in the hope that the Supreme Court would accept their methods.⁴⁵⁰ Regardless of how the department operated to stop lynching, the move was a clear development of FDR's pre-existing anti-lynching plan and evidence of a decade long commitment to tackle mob violence.

It can therefore be said that anti-lynching was an issue that divided the federal government. There was a constant tension between conservatism and liberalism throughout the decade. Congress did everything in its power to prevent the federal government from taking responsibility for lynching, and the President did (almost) everything in his power to find a solution in the face of obstruction. But this dichotomy between obstruction and reform was not exceptional to the anti-lynching movement and was instead indicative of the way in which the federal government works and reflective of the checks and balances system built into the federal government. Nevertheless it was these competing ideologies of the legislature and the executive branch that gave the NAACP different insights into the political climate, and the ways to achieve reform. The federal government therefore had a significant impact on the NAACP's campaign.

The Legacy of Anti-Lynching

The legacy of the NAACP's congressional lobbying was long lasting and had a significant effect upon the NAACP's future program. The overt congressional obstruction practiced by both Democrats and Republicans called into question how NAACP leadership perceived the barriers to political and social equality. Overt

⁴⁴⁹ 'Summary of activity in the field of Civil Rights enforcement,' 1942, quoted in McMahon, K. J., *Reconsidering Roosevelt on Race: How the Presidency Paved the Road to Brown* (Chicago: The University of Chicago Press, 2004), 163-4.

⁴⁵⁰ *Ibid*, 163-4.

legislative obstruction was designed to actively suppress any policy with the potential to benefit black Americans politically or economically. Only a few years earlier, in response to the NAACP's Future Plan and Program in 1935, Roy Wilkins wrote a memorandum to Walter White saying that he was convinced 'that the masses of Negroes in this country are concerned with lynching, discrimination, segregation... I am afraid that if we go off too heavily on a theoretical social and political and economic program, we will find that we shall have cut ourselves loose from the support of the bulk of our followers.'⁴⁵¹ Their focus in the 1930s was on the issues that they thought black people wanted to be tackled, not on securing the process through which they would be able to address those issues. Through lobbying for anti-lynching legislation the NAACP's perceptions of what should constitute their organisational programme changed.

By 1938, White realised that it would be easier to agitate and push for reform if black Americans held a more secure economic position and had significant political power. Essentially, the ease with which the NAACP's efforts were stymied by senators highlighted the importance of voting rights to the NAACP. In an analysis of the 1938 anti-lynching fight in the *Crisis*, one article noted that this was the 'true lesson of the anti-lynching bill,' and that black Americans must act quickly 'to secure the franchise which is now being denied them through one method or another.'⁴⁵² A new focus on voting rights was swiftly integrated into the NAACP's program. Usually, after a legislative set-back or defeat of an anti-lynching bill, the NAACP met with sympathetic organisations and members to formulate a new plan of action for the future of the anti-lynching campaign. However, after the filibuster on the Wagner-Van Nuys bill, a press release reported that the Association 'is not calling any conference on the anti-lynching bill at this time.'⁴⁵³ While the anti-lynching campaign was not completely side-lined, work began immediately on the 'fight to secure the ballot.'⁴⁵⁴ An NAACP press release noted that by March 1938 the Association had already sent instructions to its 400 branches, youth councils, and college chapters 'to stimulate registration and voting.'⁴⁵⁵ Legislative obstruction required the NAACP to see the

⁴⁵¹ Memorandum from Roy Wilkins to Walter White, undated (approx. 1934-5), Box I: A18, NAACP Papers, Library of Congress.

⁴⁵² NAACP Press Release, 18 March 1938, Box I: C261, NAACP Papers, Library of Congress.

⁴⁵³ NAACP Press Release, 11 March 1938, Box I: C261, NAACP Papers, Library of Congress.

⁴⁵⁴ Ibid.

⁴⁵⁵ Ibid.

bigger picture. By moving to increase voter registration, the organisation admitted that there were more prominent issues than anti-lynching at that point because black Americans were being held back politically. The logic followed that with more black Americans voting, the balance of political power would tip in their favour at a local level as well as in the national political arena, and in turn, black voices would be both heard and respected by politicians.

The NAACP used tried and tested methods of legal redress to tackle the barriers to voter registration; it sought legal precedents to prove that the Fifteenth Amendment was still being violated and secure voting rights. Some states adopted numerous measures such as the poll tax, or literacy tests, designed to systematically disenfranchise black Americans and poor whites; at this point in time only three per cent of black Americans were registered to vote. The NAACP reported that ‘suitable test cases will be instituted in the courts’ and that legislative measures were being considered.⁴⁵⁶ The proceeding decade witnessed many drives for black voter registration by the NAACP and other organisations. In 1946 the Atlanta Urban League spearheaded a campaign that included a coalition of organisations to register new black voters in the region. Groups including black Republicans, black Democrats, and the NAACP managed to register 14,368 new black voters in a two-month period.⁴⁵⁷ Subsequently, Mayor of Atlanta, William B. Hartsfield, was willing to make more concessions to the black community as a result. This helped to affirm the belief that black political power could actually result in fairer political representation. The anti-lynching fight therefore concentrated the NAACP’s attention on how the organisation would achieve some of its national aims.

The other great legacy of the anti-lynching movement came as a result of the NAACP’s interaction with FDR and the executive branch of government. Even though they never fully got what they wanted from FDR at the time—active support or open endorsement for their anti-lynching bills—they maintained pressure on the President over the years as they realised that presidential endorsement of their efforts could benefit them greatly. The organisation’s rapport with the President taught them how to operate in the White House, how to behave around the president and his staff, and

⁴⁵⁶ Ibid.

⁴⁵⁷ Holmes, R. A., ‘Black Suffrage in the Twentieth Century,’ *Georgia Encyclopedia*, accessed on 14/09/16 at <http://www.georgiaencyclopedia.org/articles/government-politics/black-suffrage-twentieth-century>.

how to build a relationship with the nation's leader. Walter White went from being blocked from the President by his staff after being labelled 'one of the worst and most continuous of trouble makers,' to enjoying the benefits of the President's quiet engagement with their campaign.⁴⁵⁸ During that transition, the NAACP learned both about the role of the president and the limitations on the powers of the office, that FDR had to work within institutional constraints. This was a valuable lesson because it adjusted their expectations of FDR—and subsequent presidents—and of what he was willing and capable to do for them.

This stood the NAACP in good stead in the future, especially when civil rights became a national issue on a far greater scale than it was in the 1930s. By the time of the civil rights movement in the 1950s and 1960s, the tables had turned. Instead of the NAACP seeking presidential support, the NAACP was being courted by presidential candidates, as well as Presidents. Both John F. Kennedy (JFK) and Lyndon B. Johnson (LBJ) sought the NAACP's help in pushing through civil rights legislation. JFK and LBJ both sought a relationship with the NAACP. They contacted Roy Wilkins for advice and assistance. The day after JFK was assassinated, Wilkins received a phone call from LBJ, the first of dozens over the coming years. Johnson wished to open his administration by completing the most important tasks that the Kennedy administration had yet to accomplish. When he met with LBJ, Wilkins recalled that 'he wanted to talk about the Civil Rights Bill and what the people in the civil rights movement needed to do to get the bill past Congress.'⁴⁵⁹ President Johnson saw Wilkins and the NAACP as leaders of the civil rights movement, especially in the area of legislative reform. Wilkins had a significant and long lasting relationship with the executive branch, and several presidents. Advising on the state of race relations in the United States, and working with the President again on civil rights legislation was a significant position to be in and a testament to what Wilkins learned as White's assistant during the anti-lynching movement. Writing on Wilkins, Yvonne Ryan noted that Wilkins largely advocated for process rather than protest, having a preference for the machine of reform.⁴⁶⁰ As Walter White's successor as Executive Secretary of the

⁴⁵⁸ Stephen Early memorandum to Mrs Scheider, 5 August 1935, Box 623, Eleanor Roosevelt Papers, FDR Library.

⁴⁵⁹ Wilkins, R., and Matthews, T., *Standing Fast: The Autobiography of Roy Wilkins* (New York: The Viking Press, 1982), 295.

⁴⁶⁰ Ryan, Y., 'Leading From the Back: Roy Wilkins's Leadership of the NAACP,' in Verney, K., and Sartain, L., (eds.) *Long Is the Way and Hard: One Hundred Years of the National Association for the Advancement of Colored People* (Fayetteville: The University of Arkansas Press, 2009), 44.

organisation, Wilkins took heed of the lessons of the anti-lynching movement and took them forward into future campaigns.

In summary, the anti-lynching movement was significant for the NAACP, as well as for the civil rights movement in general, in which the NAACP played an important role. This thesis challenges the historiography of both the anti-lynching movement itself, literature on the federal government's engagement with civil rights, as well as FDR's record on civil rights. The lessons of anti-lynching, for the NAACP, drove them forward as what they learned gave them greater opportunity for success. The competing political positions of both the legislature and the President shaped the movement, and forced the NAACP to learn how to lobby the institutions it was working with. This resulted in a much more knowledgeable NAACP which afterwards knew exactly what it would take to achieve effective political reform and realise the aspirations of the organisation in the future.

ABBREVIATIONS

ACLU	American Civil Liberties Union
ASWPL	Association of Southern Women for the Prevention of Lynching
BOI	Bureau of Investigation
CCC	Civilian Conservation Corps
CIC	Commission on Interracial Cooperation
COINTELPRO	Counter Intelligence Program
CRS	Civil Rights Section of the Department of Justice
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FCC	Federal Council of Churches of Christ in America
FDR	Franklin D. Roosevelt
ILD	International Labor Defense
JFK	John F. Kennedy
LBJ	Lyndon B. Johnson
NAACP	National Association for the Advancement of Colored People

BIBLIOGRAPHY

Archival Material

Beinecke Library, University of Yale, Cambridge MA, United States of America.

Walter White and Poppy Cannon Papers

Series 1: Boxes 1-6, 8, 11.

Series 2: Boxes 22, 24, 25, 28.

Cambridge University Library, Cambridge, United Kingdom.

NAACP Papers, on microfilm.

Franklin Delano Roosevelt Library, Hyde Park, NY, United States of America.

Eleanor Roosevelt Papers

White House Correspondence, 1933-45

Box 267 – Govt. Dept. 1934 Hi – Ihlder, John.

Box 268 – Personal Letters 1936, Co - Davis, Jerome.

Box 280 – Govt. Dept. 1935 Ca – Cummings, Homer.

Box 574 – Personal Letters 1933, Co – De.

Box 599 – Personal Letters 1934, My – Par.

Box 606 – Personal Letters 1934, White – Z.

Box 623 – Personal Letters 1935, Wa – Wi.

Box 662 – Personal Letters 1937, Wat – Z.

Box 679 – Personal Letters 1938, W – Z.

Box 704 – Personal Letters 1939, Wa – Wh.

Box 731 – Personal Letters 1940, War – Wils.

Box 754 – Personal Letters 1941, War – Wi.

Box 775 – Personal Letters 1942, Ve – Wi.

Box 795 – Personal Letters 1943, Wh – 1944 Alf.

Speech and Article File

Box 1403 – Undated 1935 – Undated 1936.

Eleanor Roosevelt Pamphlet Collection

FDR Papers, Official File

OF 93A-93B

Box 7 – Colored Matters (Negroes)

Box 8 – Colored Matters (Negroes)

Master Speech Series 2: “You have nothing to fear but fear itself:” FDR and the New Deal, on microfilm

Reels 2, 3, 11, 14, 17, 22.

Library of Congress, Washington D.C., United States of America.

NAACP Papers

Part I: Board of Directors Files

Box A15 – Board of Director Meeting Reports. 1920-1924, issued by committees and officers of the Association, including the Secretary, Treasurer, Field Secretary and Publicity Director. (1920-1924).

Box A16 – Board of Director Meeting Reports, 1925-1929.

Box A17 – Board of Director Meeting Reports, 1930-1934.

Box A18 – Board of Director Meeting Reports, 1935-1939.

Part I: Administrative File, 1885-1949

Box C154 – Anti-Lynching Funds, 1919-1924, 1934-1937.

Part I: Subject File

Box C194 – American Civil Liberties Union, 1931-1935.

Box C206 – Art Exhibit, 1934-1936.

Box C230 – Anti-Lynching.

Box C233 – Congressional Action, Anti-Lynching bills, 1928-1934.

Box C234 – Congressional Action, Anti-Lynching bills, 1934.

Box C235 – Congressional Action, Anti-Lynching bills, 1934.

Box C236 – Congressional Action, Anti-Lynching bills, 1935.

Box C237 – Congressional Action, Anti-Lynching bills, 1935.

Box C238 – Congressional Action, Anti-Lynching bills, 1935.

Box C239 – Congressional Action, Anti-Lynching bills, 1936.

Box C240 – Congressional Action, Anti-Lynching bills, 1936.

Box C251 – Gavagan, Joseph A., Anti-Lynching bill and petitions, 1936.

Box C252 – Gavagan, Joseph A., Anti-Lynching bill and petitions, 1937.

Box C256 – Van Nuys, Frederick, lynching investigation resolution, 1935-6.

Box C258 – Wagner, R., and Van Nuys, F., Anti-Lynching bill, 1937.

Box C259 – Wagner, R., and Van Nuys, F., Anti-Lynching bill, 1937.

Box C260 – Wagner, R., and Van Nuys, F., Anti-Lynching bill, 1938.

Box C261 – Wagner, R., and Van Nuys, F., Anti-Lynching bill, 1938.

Box C262 – Wagner, R., and Van Nuys, F., Anti-Lynching bill, 1938.

Box C263 – Wagner, R., and Van Nuys, F., Anti-Lynching bill, 1938.

Box C331 – Lectures, Meetings, and Protests, Anti-Lynching.

Box C336 – Lynching, Mob Violence, and Race Riots, 1905-1918.

Box C342 – Lynching, Mob Violence, and Race Riots, 1937-1940.

Box C401 – Race Relations, 1938-39, Scottsboro Boys, 1931-39.

Part I: Speech and Article File, 1913-1939

Box C420 – Du Bois, Johnson, Grimké, Houston, Miller, Ovington.

Box C421 – Schuyler, Seligmann, Spingarn, Wagner, White, Wilkins.

Part I: Special Correspondence (on microfilm)

Reel 8 – Franklin and Eleanor Roosevelt, 1931-38.

United States' National Archives, College Park, MD, United States of America.

Department of Justice Papers

British Library Newspaper Archives, Colindale, London.

Chicago Defender - Reel January-June 1933

Newspapers and Magazines

Ebony

The Crisis

Published Primary Sources

Gallup, G. H., *The Gallup Poll: Public Opinion 1935-1971, Vol. 1, 1935-1948* (New York: Random House, 1972).

National Association for the Advancement of Colored People, *Thirty Years of Lynching in the United States, 1889-1918* (New York: Negro University Press, 1969), originally printed 1919.

Swisher, C. B. (ed.), *Selected Papers of Homer Cummings: Attorney General of the United States, 1933-1939* (New York: Charles Scribner's Sons, 1939).

Roosevelt, F. D. *The Complete Presidential Press Conferences of Franklin D. Roosevelt* (New York: Da Capo Press, 1972).

Online Primary Sources

'A Man was Lynched Yesterday,' photograph accessed online on 26/01/2017 at <http://www.loc.gov/pictures/item/2015647092/>.

Allen, J., and Littlefield, J., *Without Sanctuary: Photographs and Postcards of Lynching in America*, accessed on 07/06/13 at <http://withoutsanctuary.org/pics49text.html>.

Attorney General Homer Cummings, 'A Twelve Point Program': Address to the Continental Congress of the Daughters of the American Revolution, 19 April 1934, accessed on 29/01/16 at <http://www.justice.gov/ag/speeches-5>.

Dyer Anti-Lynching Bill, 1922 (viewed online at http://www.naacp.org/about/history/anit_lynching_bill/index.htm, 13/02/16).

'Enforcement Acts,' accessed 29/10/16 at <http://www.senate.gov/artandhistory/history/common/generic/EnforcementActs.htm>.

Federal Bureau of Investigation, 'FBI files on the Black Panthers,' accessed at <https://vault.fbi.gov/cointel-pro/cointel-pro-black-extremists>.

Franklin D. Roosevelt, 'First Inaugural Address,' March 4, 1933, Washington D.C., accessed on 19/06/15 at <https://www.archives.gov/education/lessons/fdr-inaugural/>.

———, 'Letter to the Speaker of the House on Unemployment Relief,' 10 February 1938. Accessed on 25/09/15 at <http://www.presidency.ucsb.edu/ws/?pid=15597>.

- , ‘Transcript of Address to the Conference on Crime,’ 10 December 1934, accessed on 26/01/16 at <http://www.presidency.ucsb.edu/ws/index.php?pid=14792>.
- Holmes, R. A., ‘Black Suffrage in the Twentieth Century,’ *Georgia Encyclopedia*, accessed on 14/09/16 at <http://www.georgiaencyclopedia.org/articles/government-politics/black-suffrage-twentieth-century>.
- House Rules Committee procedures, accessed on 02/04/16 at <https://rules.house.gov/about>.
- ‘Legislative Process: How a Senate Bill Becomes a Law,’ accessed on 07/02/2016 at <https://www.senate.gov/reference/resources/pdf/legprocessflowchart.pdf>.
- ‘NAACP History: Anti-Lynching Bill,’ accessed on 30/03/2017 at <http://www.naacp.org/zangrandooldest-and-boldest/naacp-history-anti-lynching-bill/>.
- ‘Platform Adopted by the National Negro Committee, 1909,’ accessed on 22/11/2014 at <http://www.loc.gov/exhibits/civil-rights-act/segregation-era.html>.
- Republican Party Platform of 1928, accessed on 13/09/16 at <http://www.presidency.ucsb.edu/ws/?pid=29637>
- ‘Senate Resolution S.Res. 39, 109th Congress,’ 13 June 2005. Accessed on 18/06/2016 at <https://www.govtrack.us/congress/bills/109/sres39/text>.
- Testimony Prepared for the Senate Committee on Rules and Administration,’ 22 April 2010. Accessed on 03/11/16 at http://www.columbia.edu/~gjlw10/rules_committee_statement_final.pdf.
- The President’s Committee on Administrative Management, ‘Administrative Management in the Government of the United States’, January 1937, accessed on 19/07/15 at <http://users.polisci.wisc.edu/kmayer/408/Report%20of%20the%20Presidents%20Committee.pdf>.
- ‘U.S. Constitution,’ accessed on 07/09/2016 at http://www.senate.gov/civics/constitution_item/constitution.htm?vm=r.
- Wawro, G. J., ‘The Filibuster and Filibuster Reform in the U.S. Senate, 1917-1975: Testimony Prepared for the Senate Committee on Rules and Administration,’ 22 April 2010, accessed on 03/11/16 at http://www.columbia.edu/~gjlw10/rules_committee_statement_final.pdf.
- Wells-Barnett, I. B., *A Red Record: Tabulated Statistics and Alleged Causes of Lynching in the United States* (1895), accessed on 02/09/16 at <http://www.gutenberg.org/files/14977/14977-h/14977-h.htm#chap7>.
- Wells-Barnett, I. B. *Southern Horrors: Lynch Law in all its Phases* (New York Age, 1892) accessed on 12/03/13 at <http://lincoln.lib.niu.edu/cgi-bin/philologic/getobject.pl?c5755:7.lincoln>.
- White, W., ‘I Investigate Lynchings,’ January 1929, *American Mercury*, accessed on 04/02/17 at <http://nationalhumanitiescenter.org/pds/maai3/segregation/text2/investigatelynchings.pdf>.

Court Cases

Guinn and Beal v. United States, 238 U.S. 347 (1915).

Brown et al. v. Board of Education of Topeka et al., 347 U.S. 483 (1954).

United States v. Harris, 106 U. S. 629 (1883).

Monographs

Alexander, S. L., *An Army of Lions: The Civil Rights Struggle Before the NAACP* (Philadelphia: University of Pennsylvania Press, 2012).

Allerfeldt, K., *Crime and the Rise of Modern America: A History from 1865-1941* (New York: Routledge, 2011).

Altschuler, G. C., *Race, Ethnicity, and Class in American Social Thought, 1865-1919* (Wheeling, IL: Harlan Davidson, 1982).

Austermuhl, F., *The Great American Scaffold: Intertextuality and Identity in American Presidential Discourse* (New York: John Benjamins Publishing Company, 2014).

Bayor, R. H. *Race and the Shaping of Twentieth-Century Atlanta* (Chapel Hill: University of North Carolina Press, 1996).

Bechtel, H. K., *State Police in the United States: A Socio-Historical Analysis* (Santa Barbara: Greenwood Press, 1995).

Berman, W. C., *The Politics of Civil Rights in the Truman Administration* (Columbus, OH: Ohio State University Press, 1970).

Black, A. M., *Casting Her Own Shadow: Eleanor Roosevelt and the Shaping of Postwar Liberalism* (Columbia: Columbia University Press, 1996).

Black, R., *Eleanor Roosevelt: A Biography* (New York: Duell, Sloan & Pearce, 1940).

Blalock, H. M., *Toward A Theory of Minority-Group Relations* (New York: John Wiley & Sons, 1967).

Binkley, W. E., *President and Congress* (New York: Vintage Books, 1962).

Boyle, K., *Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age* (New York: Henry Holt and Company, 2004).

Broderick, F. L., *W.E.B. Du Bois: Negro Leader in a Time of Crisis* (Redwood City: Stanford University Press, 1959).

Brown, M. J., *Eradicating This Evil: Women in the American Anti-Lynching Movement, 1892-1940* (New York: Garland Publishers, 2000).

Brown, R. M., *The South Carolina Regulators* (Cambridge, MA: Belknap Press, 1963).

Brundage, W. F., *Lynching in the New South: Georgia and Virginia, 1880-1930* (Urbana: University of Illinois Press, 1993).

Buenker, J. D., *Urban Liberalism and Progressive Reform* (New York: Charles Scribner's Sons, 1973).

Calder, J. D., *The Origins and Development of Federal Crime Control Policy* (Westport: Praeger, 1993).

Carter, D. T., *Scottsboro: A Tragedy of the American South* (Baton Rouge: Louisiana State University Press, 2007).

Chadbourne, J. H., *Lynching and the Law* (Chapel Hill: University of North Carolina Press, 1933).

- Chalmers, D. L., *Hooded Americanism: The History of the Ku Klux Klan* (Durham: Duke University Press, 2007).
- Cruse, H., *The Crisis of the Negro Intellectual* (New York: Morrow, 1967).
- Cutler, J. E., *Lynch Law: An Investigation Into the History of Lynching in the United States* (London: Longmans, Green and Co., 1905).
- Dowd Hall, J., *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching* (New York: Columbia University Press, 1993).
- Dray, P., *At The Hands of Persons Unknown: The Lynching of Black America* (New York: The Modern Library, 2003).
- Elder, S., and Ornstein, N. J., *Interest Groups, Lobbying and Policymaking* (Washington D.C.: Congressional Quarterly, 1978).
- Ellis, C., and Stimson, J. A., *Ideology in America* (Cambridge: Cambridge University Press, 2012).
- Fairclough, A., *Better Day Coming: Blacks and Equality, 1890-2000* (New York: Penguin Books, 2001).
- Federal Bureau of Investigation, *The FBI: A Centennial History, 1908-2008* (Washington, D.C.: U.S. Government Printing Office, 2008).
- Filler, L., *The Muckrakers* (Redwood City: Stanford University Press, 1993).
- Finch, M., *The NAACP: Its Fight for Justice* (Metuchen, NJ: The Scarecrow Press, 1981).
- Finley, K. M., *Delaying the Dream: Southern Senators and the Fight against Civil Rights, 1938-1965* (Baton Rouge: Louisiana State University Press, 2008).
- Fradin, D. B., and Fradin, J. B., *Ida B. Wells: Mother of the Civil Rights Movement* (New York: Clarion Books, 2000).
- Frazier, E. F., *Black Bourgeoisie* (New York: Free Press, 1965).
- Frederickson, G. M., *Black Liberation: A Comparative History of Black Ideologies in the United States and South Africa* (New York: Oxford University Press, 1995).
- Gellman, E. S., *Death Blow to Jim Crow: The National Negro Congress and the Rise of Militant Civil Rights* (Chapel Hill: University of North Carolina Press, 2012).
- Goldstein, K. M., *Interest Groups, Lobbying, and Participation in America* (Cambridge: Cambridge University Press, 1999).
- Goldstone, L., *Inherently Unequal: The Betrayal of Equal Rights by the Supreme Court, 1865-1903*. 1st U.S. ed. edn (New York: Walker & Company, 2011).
- Grant, D. L., *The Anti-Lynching Movement: 1883-1932* (San Francisco: R and E Research Associates, 1975).
- Hadden, S. E., *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, MA: Harvard University Press, 2001).
- Hansen, J. M., *Gaining Access: Congress and the Farm Lobby, 1919-1981* (Chicago: The University of Chicago Press, 1991).
- Hickok, L., *Eleanor Roosevelt: Reluctant First Lady* (New York: Dodd Mead, 1980).
- Hobbs, A., *A Chosen Exile: A History of Racial Passing in American Life* (Cambridge, MA: Harvard University Press, 2014).
- Holloway, V. A., *Getting Away with Murder: The Twentieth Century Struggle for Civil Rights in the United States* (Maryland: University Press of America, 2015).

- Hofstadter, R., *The Age of Reform* (New York: Vintage Books, 1955).
- Howe, I., and Coser, L., *The American Communist Party: A Critical History* (New York: Da Capo Press, 1974).
- Hutchinson, E. O., *Betrayed: A History of Presidential Failure to Protect Black Lives* (Colorado: Westview Press, 1996).
- Janken, K. R., *Walter White: Mr. NAACP* (Chapel Hill: The University of North Carolina Press, 2003).
- Johnson, B. L., *W. E. B. Du Bois: Toward Agnosticism, 1868-1934* (New York: Rowman & Littlefield Publishers, 2008).
- Jonas, G., *Freedom's Sword: The NAACP and the Struggle Against Racism in America, 1909-1969* (New York: Routledge, 2005).
- Jordan, W. G., *Black Newspapers and America's War for Democracy* (Chapel Hill: University of North Carolina Press, 2003).
- Kato, D., *Liberalizing Lynching: Building a New Racialized State* (New York: Oxford University Press, 2016).
- Katznelson, I., *Fear Itself: The New Deal and the Origins of Our Time* (New York: Liveright Publishing Corporation, 2013).
- Kau, J., and Rubin, P., *Congressmen, Constituents, and Contributors: An Analysis of Determinants of Roll-Call Voting in the House of Representatives* (New York: Springer Science & Business Media, 1982).
- Kearns Goodwin, D., *No Ordinary Time - Franklin and Eleanor Roosevelt: The Home Front in World War II* (New York: Simon & Schuster, 1994).
- Kearney, J., *Anna Eleanor Roosevelt: The Evolution of a Reformer* (Boston: Houghton Mifflin Company, 1968).
- Kelley, D. G., *Hammer and Hoe: Alabama Communists During the Great Depression* (Chapel Hill: University of North Carolina Press, 1990).
- Kellogg, C. F., *NAACP: A History of the National Association for the Advancement of Colored People, Vol I 1909-1920* (Baltimore: The John Hopkins University Press, 1967).
- Kennedy, S., *Jim Crow Guide to the U.S.A: The Laws, Customs and Etiquette Governing the Conduct of Nonwhites and Other Minorities as Second-Class Citizens* (London: Lawrence & Wishart, 1959).
- King, D., *Separate and Unequal: Black Americans and the US Federal Government*, revised edn. (Oxford: Oxford University Press, 2007).
- Kirby, J. B., *Black Americans in the Roosevelt Era: Liberalism and Race* (Knoxville: University of Tennessee Press, 1982).
- Koger, G., *Filibustering: A Political History of Obstruction in the House and Senate* (Chicago: The University of Chicago Press, 2010).
- Kollman, K., *Outside Lobbying: Public Opinion and Interest Group Strategies* (Princeton: Princeton University Press, 1998).
- Kornweibel, Jr., T., *"Seeing Red": Federal Campaigns against Black Militancy, 1919-1925* (Bloomington: Indiana University Press, 1999).
- Krenn, M. L., *Race and U.S. Foreign Policy from 1900 through World War II* (Oxford: Taylor & Francis, 1998).
- LaCerra, C., *Franklin Delano Roosevelt and Tammany Hall of New York* (New York: University Press of America, 1997).

- Lash, J. *Franklin and Eleanor: The Story of Their Relationship Based on Eleanor Roosevelt's Private Papers* (New York: W. W. Norton & Company, 1971).
- Leuchtenburg, W., *The White House Looks South: Franklin D. Roosevelt, Harry S. Truman, Lyndon B. Johnson* (Baton Rouge: Louisiana State University Press, 2005).
- Lewis, G., *Massive Resistance: The White Response to the Civil Rights Movement* (London: Hodder Education, 2006).
- Lipsitz, G., *Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 2006).
- Marable, M., *Black American Politics: From the Washington Marches to Jesse Jackson* (New York: Verso, 1985).
- , *How Capitalism Underdeveloped Black America: Problems in Race, Political Economy and Society* (Boston: South End Press, 1983).
- Marion, N., *A History of Federal Crime Control Initiatives, 1960-1993* (Westport, CT: Praeger, 1994).
- Markovitz, J., *Legacies of Lynching: Racial Violence and Memory* (Minneapolis: University of Minnesota Press, 2004).
- McGovern, J. R., *Anatomy of a Lynching: The Killing of Claude Neal* (Baton Rouge: Louisiana State University Press, 1982).
- McMahon, K. J., *Reconsidering Roosevelt on Race: How the Presidency Paved the Road to Brown* (Chicago: The University of Chicago Press, 2004).
- Mills, C. W., *White Collar: The American Middle Class* (Oxford: Oxford University Press, 1953).
- Mizelle, R. M., *Backwater Blues: The Mississippi Flood of 1927 in the African American Imagination* (Minneapolis: University of Minnesota Press, 2014).
- Myrdal, G., *An American Dilemma: Vol I* (New York: Harper and Brothers Publishers, 1944).
- Neustadt, R., *Presidential Power and The Modern Presidents: The Politics of Leadership from Roosevelt to Reagan* (New York: The Free Press, 1990).
- Newark, V. R., *Lynching in North Carolina: A History, 1865-1941* (Jefferson, NC: McFarland, 2009).
- Omi, M., and Winant, H., *Racial Formation in the United States: From the 1960s to the 1990s*, 2nd ed. edn (New York: Routledge, 1994).
- Osofsky, G., *Harlem: The Making of a Ghetto; Negro New York, 1890-1930* (New York: Harper & Row, 1966).
- Ottanelli, F. M., *The Communist Party of the United States: From the Depression to World War II* (London: Rutgers University Press, 1991).
- Patterson, J. T., *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939* (Lexington: University of Kentucky Press, 1967).
- Patterson, O., *Rituals in Blood: Consequences of Slavery in Two American Centuries* (New York: Basic Civitas, 1999).
- Pauley, G. E., *The Modern Presidency & Civil Rights: Rhetoric on Race from Roosevelt to Nixon* (College Station: Texas A&M University Press, 2001).
- Pepper, J., *American Negro Problems* (New York: Workers Library Publishers, 1928).

- Pfeifer, M. J., *Lynching Beyond Dixie: American Mob Violence Outside of the South* (Urbana: University of Illinois Press, 2013).
- , *Rough Justice: Lynching and the American Society, 1874-1947* (Urbana: University of Illinois Press, 2004).
- Pfiffner, J. *The Modern Presidency* (New York: Cengage Learning, 2010).
- Potter, C. B., *War on Crime: Bandits, G-men, and the Politics of Mass Culture* (New Jersey: Rutgers University Press, 1998).
- Raper, A. F., *The Tragedy of Lynching* (Montclair: Patterson Smith Publishing Corporation, 1969), originally published in 1933.
- Ross, B. J., *J. E. Spingarn and the Rise of the NAACP, 1911-1939* (New York: Atheneum, 1972).
- Rude, G. F. E., *The Crowd in History: A Study of Popular Disturbances in France and England, 1730-1848*, revised edn. (London: Serif, 2005).
- Rudwick, E. M., *W. E. B. Du Bois: A Study in Minority Group Leadership* (Philadelphia, 1960).
- Rushdy, A. H. A., *American Lynching* (New Haven: Yale University Press, 2014).
- Ryan, Y., *Roy Wilkins: The Quiet Revolutionary and the NAACP* (Lexington: University Press of Kentucky, 2014).
- Saxton, A., *The Rise and Fall of the White Republic: Class, Politics and Mass Culture in Nineteenth Century America* (London: Verso, 1990).
- Schuman, H., Steeh, C., and Bobo, L., *Racial Attitudes in America: Trends and Interpretations* (Cambridge, MA: Harvard University Press, 1985).
- Shapiro, H., *White Violence and Black Response: From Reconstruction to Montgomery* (Amherst: The University of Massachusetts Press, 1988).
- Sherman, R. B., *The Republican Party and Black America: From McKinley to Hoover, 1896-1933* (Charlottesville: University Press of Virginia, 1973).
- Shogan, C. J., *The Moral Rhetoric of American Presidents* (College Station: Texas A&M University Press, 2006).
- Sitkoff, H., *A New Deal for Blacks* (New York: Oxford University Press, 1978).
- Sklaroff, L. R., *Black Culture and the New Deal* (Chapel Hill: The University of North Carolina Press, 2009).
- Sniderman, P. M., and Piazza, T., *The Scar of Race* (Cambridge, MA: Belknap Press, 1993).
- Sorauf, F. J., *Inside Campaign Finance: Myths and Realities* (New Haven: Yale University Press, 1992).
- Spear, A. H., *Black Chicago: The Making of a Negro Ghetto, 1890-1920* (Chicago: University of Chicago Press, 1967).
- Sugrue, T. J., *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2009).
- Sullivan, P., *Lift Every Voice: The NAACP and the Making of the Civil Rights Movement* (New York: The New Press, 2009).
- Tolnay, S. E., and Beck, E. M., *A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930* (Urbana: University of Illinois Press, 1995).
- Topping, S., *Lincoln's Lost Legacy: The Republican Party and the African American Vote, 1928-1952* (Gainesville: University Press of Florida, 2008).
- Tugwell, R. G., *FDR: Architect of an Era* (New York: MacMillan, 1967).

- Tulis, J., *The Rhetorical Presidency* (Princeton: Princeton University Press, 1987).
- Vila, B., and Morris, C., *The Role of Police in American Society: A Documentary History* (Santa Barbara: Greenwood Press, 1999).
- Waldrep, C., *African Americans Confront Lynching: Strategies of Resistance from the Civil War to the Civil Rights Era* (Lanham: Rowman & Littlefield Publishers, 2009).
- Warwo, G., and Schickler, E., *Filibuster, Obstruction, and Lawmaking in the U.S. Senate* (Princeton: Princeton University Press, 2006).
- Weiss, N. J., *Farewell to the Party of Lincoln: Black Politics in the Age of FDR* (Princeton: Princeton University Press, 1983).
- Westley, W. A., *Violence and the Police* (Cambridge, MA: The MIT Press, 1970).
- White, W., *Rope and Faggot: A Biography of Judge Lynch* (New York: Knopf, 1929).
- Wiesen Cook, B., *Eleanor Roosevelt, Vol. 2, 1933-1938* (New York: Viking Press, 1999).
- Wilson, J. H., and Lightman, M., *Without Precedent: The Life and Career of Eleanor Roosevelt* (Indianapolis: Indiana University Press, 1984).
- Wolpe, B. C., *Lobbying Congress: How the System Works* (Washington, D. C.: Congressional Quarterly, 1990).
- Wolters, R., *Du Bois and His Rivals* (Columbia: University of Missouri Press, 2003).
- Wood, A. L., *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940* (Chapel Hill: University of North Carolina Press, 2011).
- Wright, J., *Interest Groups and Congress: Lobbying, Contributions, and Influence* (London: Longman, 2003).
- Wade, W. C., *The Fiery Cross: The Ku Klux Klan in America* (New York: Simon and Schuster, 1987).
- Zangrando, R. L., *The NAACP Crusade Against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980).
- Zeigler, H., *Interest Groups in American Society* (New Jersey: Prentice-Hall, 1964).

Edited Collections

- Brundage, W. F. (ed.), *Under Sentence of Death: Lynching in the South* (Chapel Hill: The University of North Carolina Press, 1997).
- Cigler, A. J., and Loomis, B. A. (eds.), *Interest Group Politics*, 8th Edn. (Washington D.C.: CQ Press, 2012).
- Huggins, N. (ed.), *Writings* (New York: The Library of America, 1986).
- Jacobs, M., Novak, W., and Zelizer, J. (eds.) *The Democratic Experiment: New Directions in American Political History* (Princeton: Princeton University Press, 2003).
- Joshi, S. T., (ed.) *H. L. Mencken: Mencken's America* (Athens: Ohio University Press, 2004).
- Singh, R., (ed.) *Governing America: The Politics of a Divided Democracy* (Oxford: Oxford University Press, 2003).

- Sundaquist, E. J., (ed.) *The Oxford W. E. B. Du Bois Reader* (New York: Oxford University Press, 1996).
- Verney, K., and Sartain, L., (eds.) *Long Is the Way and Hard: One Hundred Years of the National Association for the Advancement of Colored People* (Fayetteville: The University of Arkansas Press, 2009).

Autobiographies

- Walters, A., *My Life and Work* (New York: Fleming H. Revell Company, 1917).
- White, W., *A Man Called White: The Autobiography of Walter White* (Athens: University of Georgia Press, 1948).
- Wilkins, R., and Matthews, T., *Standing Fast: The Autobiography of Roy Wilkins* (New York: The Viking Press, 1982).

Journal Articles

- Anon., 'The Federal Anti-Lynching Bill,' *Columbia Law Review*, 38 (January 1938), 199-207.
- Bauerlein, M., 'Booker T. Washington and W.E.B. Du Bois: The Origins of a Bitter Intellectual Battle,' *The Journal of Blacks in Higher Education*, 46 (Winter 2004-5), 106-114.
- Berg, M., 'Black Civil Rights and Liberal Anticommunism: The NAACP in the Early Cold War,' *The Journal of American History*, 94:1 (2007), 75-96.
- Beyers, J., and Braun, C., 'Ties that Count: Explaining Interest Group Access to Policymakers,' *Journal of Public Policy*, 34:1 (April 2014), 93-121.
- Black, A. M., 'The First Lady of Civil Rights. Casting Her Own Shadow: Eleanor Roosevelt and the Shaping of Postwar Liberalism,' *The Journal of Blacks in Higher Education*, 13 (1996), 140-141.
- Blair, D. M., "'I Want You to Write to Me": Eleanor Roosevelt's Use of Personal Letters as a Rhetorical Resource,' *Western Journal of Communication*, 72:2 (October 2008), 415-433.
- Blee, K. M., 'Racial Violence in the United States,' *Ethnic and Racial Studies*, 28:4 (July 2005), 599-619.
- Bond, J., 'The NAACP's Commitment to Expanding Higher Education Opportunities for African Americans,' *The Journal of Blacks in Higher Education*, 54 (2006), 72-73.
- Borrelli, M. A., 'The First Lady as Formal Advisor to the President: When East (Wing) Meets West (Wing),' *Women and Politics*, 24:1 (2002), 25-45.
- Brown, M. J., 'Advocates in the Jazz Age: Women and the Campaign for the Dyer Anti-Lynching Bill,' *Peace & Change*, 28:3 (2003), 378-419.
- Burns, A., 'Without Due Process: Albert E. Pillsbury and the Hoar Anti-Lynch Bill,' *American Nineteenth Century History*, 11:2 (2010), 233-252.
- Butler, S. A., 'The Art of Negotiation: Federal Arts, Civil Rights, and the Legacy of Marian Anderson Concert, 1939-43,' *Winterthur Portfolio*, 40:4 (Winter

- 2005), 175-204.
- Capeci Jr., D. J., 'The Lynching of Cleo Wright: Federal Protection of Constitutional Rights during World War II,' *Journal of American History*, 72:4 (March 1986), 859-887.
- Carle, S. D., 'Race, Class and Legal Ethics in The Early NAACP (1910-1920)', *Law and History Review*, 20:1 (2002), 97-146.
- Carrigan, W. D., and Webb, C., 'The Lynching of Persons of Mexican Origin or Descent in the United States, 1848 to 1928,' *Journal of Social History*, 37:2 (Winter 2003), 411-438.
- Cornfield, D. B., 'The US Labor Movement: Its Development and Impact on Social Inequality and Politics,' *Annual Review of Sociology*, 17 (1991), 27-49.
- Curry, T. J., 'The Fortune of Wells: Ida B. Wells-Barnett's Use of T. Thomas Fortune's Philosophy of Social Agitation as a Prelegomenon to Militant Civil Rights Activism,' *Transactions of the Charles S. Peirce Society: A Quarterly Journal in American Philosophy*, 48:4 (2012), 456-482.
- Davis, D. A., 'Not Only War Is Hell: World War I and African American Lynching Narratives,' *African American Review*, 42:3/4 (Fall/Winter 2008), 477-491.
- De La Roche, R. S., 'Why Is Collective Violence Collective?' *Sociological Theory*, 19:2 (2001), 126-144.
- Du Bois, W. E. B., 'The Study of the Negro Problems,' *The Annals of the American Academy of Political and Social Science*, 568 (March 2000), 13-27. Originally published 1898.
- Dür, A., and Mateo, G., 'Gaining Access or Going Public? Interest Group Strategies in Five European Countries,' *European Journal of Political Research*, 52:5 (August 2013), 660-686.
- Dyer, L. C., and Dyer G. C., 'The Constitutionality of a Federal Anti-Lynching Bill,' *Washington University Law Review*, 13:3 (January 1928), 186-199.
- Eisenberg, B., 'Only for the Bourgeois? James Weldon Johnson and the NAACP, 1916-1930,' *Phylon (1960-)*, 43 (1982), 110-124.
- Fairclough, A., 'Thurgood Marshall's Pursuit of Equality through Law,' *Critical Review of International Social and Political Philosophy*, 7:4 (Winter 2004), 177-199.
- Fields, B., 'Slavery, Race and Ideology,' *New Left Review*, 181 (1990), 95-118.
- Fisher, S., 'Marxist Perceptions for Black American Equality,' *Phylon (1960-)*, 45:1 (1st Quarter, 1984), 52-66.
- Ford, W. D., 'Constitutionality of Proposed Federal Anti-Lynching Legislation,' *Virginia Law Review*, 34:8 (1948), 944-953.
- Gellman, E. S., and Roll, J. H., 'Owen Whitfield and the Gospel of the Working Class in New Deal America, 1936-1946,' *The Journal of Southern History*, 72:2 (2006), 303-348.
- Gerrity, J. C., Hardt, N. S., and Lavelle, K. C., 'The Interest Group: Staff Connection in Congress: Access and Influence in Personal, Committee and Leadership Offices,' *PS: Political Science and Politics*, 41:4 (October 2008), 913-917.
- Goluboff, R. L., 'The Thirteenth Amendment and the Lost Origins of Civil Rights,' *Duke Law Journal*, 50:6 (2001), 1609-1685.
- Grenzke, J. M., 'PACs and the Congressional Supermarket: The Currency is

- Complex,' *American Journal of Political Science*, 33:1 (February 1989), 1-24.
- Hall, R. L., and Wayman, F. W., 'Buying Time: Moneyed Interests and The Mobilization of Bias in Congressional Committees,' *American Political Science Review*, 84:3 (1990), 797-820.
- Harrell, J. A., 'Negro Leadership in the Election Year 1936,' *The Journal of Southern History*, 34:4 (1968), 546-564.
- Harvey, W. B., 'Constitutional Law – Anti-Lynching Legislation,' *Michigan Law Review*, 47:3 (January 1949), 369-377.
- Hittinger Barrow, J., 'Lynching in the Mid-Atlantic, 1882-1940,' *American Nineteenth Century History*, 6:3 (2005), 241-271.
- Hoelscher, S., 'Making Place, Making Race: Performances of Whiteness in the Jim Crow South,' *Annals of the Association of American Geographers*, 93:3 (2003), 657-686.
- Houston, R., 'The NAACP State Conference in Texas: Intermediary and Catalyst for Change, 1937-1957,' *The Journal of African American History*, 94:4 (2009), 509-528.
- Howard, N. O., and Roberts, J. M., 'The Politics of Obstruction: Republican Holds in the U.S. Senate,' *Legislative Studies Quarterly*, 40:2 (May 2015), 273-294.
- Humes, E., 'How the GI Bill Shunted Blacks into Vocational Training,' *The Journal of Blacks in Higher Education*, 53 (2006), 92-104.
- Jack, J., 'Ladies and Lynching: Southern Women, Civil Rights, and the Rhetoric of Interracial Cooperation,' *Rhetoric and Public Affairs*, 14:3 (Fall 2011), 493-510.
- Janken, K. R., 'From Colonial Liberation to Cold War Liberalism: Walter White, the NAACP, and Foreign Affairs, 1941-1955,' *Ethnic and Racial Studies*, 21:6 (November 1998), 1074-1095.
- Jean, S., "'Warranted" Lynchings: Narratives of Mob Violence in White Southern Newspapers, 1880-1940,' *American Nineteenth Century History*, 6:3 (September 2005), 351-372.
- Johnson, M. G., 'The Contribution of Eleanor and Franklin Roosevelt to the Development of International Protection for Human Rights,' *Human Rights Quarterly*, 9:1 (1987), 19-48.
- Johnson, T., "'Death for Negro Lynching!" The Communist Party, USA's Position on the African American Question,' *American Communist History*, 7:2 (2008), 243-254.
- , "'We Are All Illegal Here": The Communist Party, Self-Determination and the Alabama Share Croppers Union,' *Science and Society*, 75:4 (2011), 454-479.
- Jones, J., 'Race and Gender in Modern America,' *Reviews in American History*, 26:1 (1998), 220-238.
- Katznelson, I., Geiger, K., and Kryder, D., 'Limiting Liberalism: The Southern Veto in Congress 1933-1950,' *Political Science Quarterly*, 108 (1993), 283-306.
- King, D., 'A Strong or Weak State? Race and the U.S. Federal Government in the 1920s,' *Ethnic and Racial Studies*, 21:1 (1998), 21-47.
- Klarman, M. J., 'Rethinking the Civil Rights and Civil Liberties Revolution,' *Virginia Law Review*, 82:1 (1996), 1-67.

- Krebs, R. R., 'Tell Me A Story: FDR, Narrative, and the Making of the Second World War,' *Security Studies*, 24:1 (Jan-March 2015), 131-170.
- Lersch, K. M., and Mieczkowski, T., 'Violent Police Behaviour: Past, Present and Future Research Directions,' *Aggression and Violent Behaviour*, 10 (2005), 552-568.
- Levine, D.U., Fiddmont, N. S., Stephenson, R. S., and Wilkinson, C., 'Differences between Black Youth Who Supported the Black Panthers and the NAACP,' *The Journal of Negro Education*, 42:1 (1973), 19-32.
- Mack, K. W., 'Rethinking Civil Rights Lawyering and Politics in the Era before "Brown,"' *The Yale Law Review*, 115:2 (2005), 256-354.
- Martin, C. H., 'Race, Gender, and Southern Justice: The Rosa Lee Ingram Case,' *The American Journal of Legal History*, 29:3 (1985), 251-263.
- Meier, A., and Bracey, J. H., 'The NAACP as Reform Movement, 1909-1965: "To Reach the Conscience of America"', *The Journal of Southern History*, 59:1 (1993), 3-30.
- Meier, A., and Rudwick, E., 'Attorneys Black and White: A Case Study of Race Relations within the NAACP,' *The Journal of American History*, 62:4 (1976), 913-946.
- Murray Jr., H. T., 'The NAACP Versus the Communist Party: The Scottsboro Rape Cases, 1931-1932,' *Phylon (1960-)*, 28:3 (1967), 276-287.
- Muzik, E. J., 'Victor L. Berger: Congress and the Red Scare,' *The Wisconsin Magazine of History*, 47:4 (Summer 1964), 309-318.
- Novkov, J., 'Rethinking Race in American Politics,' *Political Research Quarterly*, 61:4 (2008), 649-659.
- O'Reilly, K., 'The Roosevelt Administration and Black America: Federal Surveillance Policy and Civil Rights During the New Deal and World War II Years,' *Phylon (1960-)*, 48:1 (1987), 12-25.
- Osofsky, G., 'Progressivism and the Negro: New York. 1900-1915,' *American Quarterly*, 16:2 (1964), 153-168.
- Ozlak, S., and Shanahan, S., 'Racial Policy and Racial Conflict in the Urban United States, 1869-1924,' *Social Forces*, 82:2 (2003), 481-517.
- Palmer, N., 'More Than a Passive Interest,' *Journal of American Studies*, 48:2 (2014), 417-443.
- Pfeifer, M. J., 'The Northern United States and the Genesis of Racial Lynching: The Lynching of African Americans in the Civil War Era,' *The Journal of American History* (December 2010), 621-635.
- , 'Wisconsin's Last Decade of Lynching, 1881-91: Law and Violence in the Postbellum Midwest,' *American Nineteenth Century History*, 6:3 (September 2005), 227-239.
- Rabaka, R., 'The Souls of Black Radical Folk: W. E. B. Du Bois, Critical Social Theory, and the State of Africana Studies,' *Journal of Black Studies*, 36:5 (2006), 732-763.
- Rable, G. C., 'The South and the Politics of Antilynching Legislation, 1920-1940,' *The Journal of Southern History*, 51:2 (1985), 201-220.
- Reed, J. S., 'Percent Black and Lynching: A Test of Blalock's Theory,' *Social Forces*, 50:3 (March 1972), 356-360.
- Rotnem, V. W., 'The Federal Civil Right "Not to be Lynched,"' *Washington*

- University Law Quarterly*, 28:2 (January 1943), 57-73.
- Rudwick, E. M., 'The National Negro Committee Conference of 1909,' *The Phylon Quarterly*, 18:4 (1957), 413-419.
- Sears, J. M., 'Black Americans and the New Deal,' *The History Teacher*, 10:1 (1976), 89-105.
- Sirgo, H. B., 'Women, Blacks and the New Deal,' *Women & Politics*, 14:3 (1994), 57-76.
- Steele, R. W., 'Fear of the Mob and Faith in Government in Free Speech Discourse, 1919-1941,' *The American Journal of Legal History*, 38:1 (1994), 55-83.
- Stovel, K., 'Local Sequential Patterns: The Structure of Lynching in the Deep South, 1882-1930,' *Social Forces*, 79:3 (2001), 843-880.
- Stueck, W., 'Progressivism and the Negro: White Liberals and the Early NAACP,' *Historian*, 38:1 (1975), 58-78.
- Tompkins Bates, B., 'A New Crowd Challenges the Agenda of the Old Guard in the NAACP, 1933-1941,' *The American Historical Review*, 102:2 (1997), 340-377.
- Topping, S., "'Supporting Our Friends and Defeating Our Enemies": Militancy and Nonpartisanship in the NAACP, 1936-1948,' *The Journal of African American History*, 89:1 (2004), 17-35.
- Waldrep, C., 'National Policing, Lynching, and Constitutional Change,' *Journal of Southern History*, 74:3 (2008), 589-626.
- , 'War of Words: The Controversy over the Definition of Lynching, 1899-1940,' *The Journal of Southern History*, 66:1 (February 2000), 75-100.
- Wallace, M. F., 'The Good Lynching and "the Birth of a Nation": Discourses and Aesthetics of Jim Crow,' *Cinema Journal*, 43:1 (2003), 85-104.
- Ware, G., 'Lobbying as a Means of Protest,' *The Journal of Negro Education*, 33:2 (Spring 1964), 103-110.
- Wawro, G., 'A Panel Profit Analysis of Campaign Contributions and Roll Call Votes,' *American Journal of Political Science*, 41 (2001) 563-579.
- Weiss, N. J., 'The Negro and the New Freedom: Fighting Wilsonian Segregation,' *Political Science Quarterly*, 84:1 (March 1969), 61-79.
- Williams, K. E., 'Resolving the Paradox of Our Lynching Fixation: Reconsidering Racialized Violence in the American South after Slavery,' *American Nineteenth Century History*, 6:3 (2005), 323-350.
- Williams, Y. R., 'Permission to Hate: Delaware, Lynching, and the Culture of Violence in America,' *Journal of Black Studies*, 32:1 (2001), 3-29.
- Winant, H., 'Race and Race Theory,' *Annual Review of Sociology*, 26 (2000), 169-185.
- Wright, J. R., 'PACs, Contributions, and Roll Calls: An Organizational Perspective,' *American Political Science Review*, 79:2 (1985), 400-414.
- Young, H., 'The Black Body as Souvenir in American Lynching,' *Theatre Journal*, 57:4 (2005), 639-657.

Unpublished Theses

- Abramowitz, M., 'Eleanor Roosevelt and Federal Responsibility and Responsiveness to Youth, the Negro, and Others in Time of Depression' (PhD thesis, New York University, 1970).
- Goldstein, R. P., 'The Dyer Anti-Lynching Bill: The Movement for Federal Control of Lynching, 1900-1922' (MA diss., University of Wisconsin, 1966).
- Hareven, T., 'The Social Thought of Eleanor Roosevelt' (PhD thesis, Ohio State University, 1965).
- Holmes, M. S., 'The Costigan-Wagner and Wagner-Van Nuys Anti-Lynching Bills, 1933-1938' (MSc diss., University of Wisconsin, 1965).
- McQuide, B., 'Information & Interest Group Lobbying in Congress: Policy vs. Political Information' (PhD thesis, University of Illinois, 2007).
- Reeder, J., 'Federal Efforts to Control Lynching' (MA diss., Cornell University, 1952).
- Hill, K., 'Resisting Lynching: Black Grassroots Responses to Lynching in The Mississippi and Arkansas Deltas, 1882-1938,' (PhD thesis, University of Illinois at Urbana-Champaign, 2009).

Online Secondary Resources

- Ames, J. D., *Southern Women and Lynching* (October 1936). Accessed on 12/04/13 at <http://womhist.alexanderstreet.com/teacher/DBQaswpl6.htm>.
- Schickler, E., 'New Deal Liberalism and Racial Liberalism in the Mass Public, 1937-1968' (March 2012). Accessed on 20/06/16 at <http://faculty.georgetown.edu/hcn4/SpeakerPapers/Schickler.PDF>.
- Washington, B. T., *The Future of the American Negro* (Boston: Small, Maynard & Company, 1902). Accessed on 14/09/14 at <https://archive.org/details/futureofamerican00washuoft>.

APPENDIX A

The NAACP's Federal Anti-Lynching Campaign Timeline, 1918-1940

1918

Mar 11 – Leonidas C. Dyer asked the NAACP to sponsor a federal anti-lynching bill. The NAACP were initially hesitant because NAACP lawyers were concerned about the constitutionality of the bill. The NAACP agreed to sponsor the bill later in 1919.

Apr 8 – Dyer introduces his anti-lynching bill, H. R. 11279.

1921

April 11 – Dyer introduces his latest anti-lynching bill, H. R. 13, to the 67th Congress of the United States.

Oct 20 – Dyer bill reported out favourably by the House Judiciary Committee.

1922

Jan 25 – House agreed to debate the anti-lynching bill. The speaker had to close the chamber and send the Sergeant at Arms in search of absentees to achieve a quorum.

26 – House of Representatives passes Dyer bill with a vote of 231 to 119.

June 30 – Senate Judiciary Committee endorsed the Dyer bill.

Sept 21 – Dyer bill brought up for debate in the Senate in the final few days of that sessions of Congress. On the same day, Democrat Byron Harrison of Mississippi was given the floor, and a filibuster started on the Dyer bill to prevent a vote from being called.

Dec 2 – Republicans held a caucus and decided to scrap anti-lynching from their legislative agenda.

1933

Nov 9 – Walter White informs the NAACP's Board that the Association's Legal Committee were preparing a new anti-lynching bill.

Dec 7 – The NAACP convened a meeting in New York City of several organisations to coordinate all efforts behind a single anti-lynching measure.

1934

- Jan 5 – Costigan-Wagner bill, S. 1978, introduced to Congress.
- Apr 12 – Senate Judiciary Committee reported the Costigan-Wagner bill favourably to the Senate.
- Jun 18 – End of Senate filibuster on the Costigan-Wagner bill. Filibuster was led by South Carolina’s ‘Cotton Ed’ Smith

1935

- Jan Costigan and Wagner re-introduced the anti-lynching bill at the start of the 74th Congress.
- Feb 12 – Senators Costigan and Wagner made a fifteen-minute radio presentation to gain support for the Costigan-Wagner bill on CBS network. This was facilitated by NAACP activists.
- Mar 15 – NAACP organise an Art Commentary on Lynching held at the Arthur U. Newton Galleries, New York City.
- Apr Costigan-Wagner bill faced another filibuster in the Senate and eventually succumbed to it.
- May 6 – Walter White resigns as member of the Advisory Council for the Government of the Virgin Islands in protest over FDR’s silence on the Costigan-Wagner bill.

1936

- Jan 2 – Walter White met with FDR to discuss anti-lynching.
- 6 – Van Nuys introduced the Van Nuys Resolution, Res No. 211.
- Feb 13 – Senate Judiciary Committee reported the Van Nuys Resolution favourably to the Senate. But the resolution then languished for over a month in the Audit and Control Committee.
- May 22 – House Democratic Caucus met to discuss its anti-lynching agenda but no quorum was present.
- Jun 74th Congress adjourned with anti-lynching still unresolved.

1937

- Jan 5 – Joseph Gavagan’s anti-lynching bill introduced to the House, H.R. 1507.
- 8 – Arthur Mitchell’s rival anti-lynching bill introduced to the House, H.R. 2251.

- Feb 15 – Wagner-Van Nuys anti-lynching bill introduced to Senate, S. 1709.
 19 – Gavagan introduced a resolution to make his anti-lynching bill a special order of business.
- Apr 15 – Gavagan bill voted on and passed by the House.
- Jun 10 – Senate Sub-Committee reported favourably on Gavagan Bill, H.R. 1507, substituting it with the text of the Wagner-Van Nuys bill, S. 1709.
- Aug 11 – Vote on Resolution making H.R. 1507 special order of business of Senate until it was disposed of at the next session of Congress immediately following the Farm bill. Carried by a 2/3rd vote.
- Nov 23 – Farm Bill taken up for debate, putting the Wagner-Van Nuys bill aside.
- Dec 20 – Unanimous consent agreement on Senator Barkely’s suggestion to take up H. R. 1507 on 6 January 1938.

1938

- Jan 6 – Debate began on Gavagan-Wagner-Van Nuys anti-lynching bill, H.R.1507.
 Filibuster by southern senators began.
 27 – First attempt at cloture. Lost by a vote of 37 to 51.
- Feb 17 – Second attempt at cloture. Lost by a vote of 42 to 46.
 22 – Senators voted 58 to 22 to put aside the anti-lynching bill to debate the Relief Bill, ending a six-week filibuster, in order to debate the President’s bill for the Senate to appropriate an additional \$250 million to the Works Progress Administration (WPA) budget.

1939

- Jan Gavagan acted as sponsor for a new NAACP anti-lynching bill in the House. Senators Wagner, Van Nuys and Capper acted as sponsors in the Senate.
- May 3 – NAACP gained 218 signatures required to discharge the Gavagan bill from House committee. But Congress adjourned days later with no vote on the anti-lynching bill.
- Nov Arthur Spingarn, Walter White, and Thurgood Marshall met with Representatives Gavagan and Fish to plan a bipartisan effort to pass the Gavagan bill in the House.

1940

- Jan 10 – House passed Gavagan-Fish anti-lynching bill by a vote of 252 to 131 for the second time ever.
- Feb 7 – Spingarn and White meet with FDR to discuss anti-lynching.
- Mar 25 – Senate Judiciary Committee reported the Wagner-Van Nuys-Capper bill favourably to the Senate.
- Oct By this point in time, the Senate had done nothing to push through the Wagner-Van Nuys-Capper bill despite the recommendation of the Senate Judiciary Committee and the bill was buried.

Information in this timeline was collected from NAACP Papers, Library of Congress as well as from Zangrando, R. L., *The NAACP Crusade Against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980).