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ARTICLE

THE APPLICATION OF CRITICAL RACE FEMINISM TO THE ANTI-LYNCHING MOVEMENT: BLACK WOMEN'S FIGHT AGAINST RACE AND GENDER IDEOLOGY, 1892–1920

Amii Larkin Barnard*

INTRODUCTION

One muffled strain in the Silent South, a jarring chord and a vague and uncomprehended cadenza has been and still is the Negro. And of that muffled chord, the one mute and voiceless note has been the sadly expectant Black Woman. . . . [A]s our Caucasian barristers are not to blame if they cannot quite put themselves in the dark man's place, neither should the dark man be wholly expected fully and adequately to reproduce the exact Voice of the Black Woman.¹

At the turn of the twentieth century, two intersecting ideologies controlled the consciousness of Americans: White Supremacy and True Womanhood.² These cultural beliefs prescribed roles for people according to their race and gender, establishing expectations for “proper” conduct. Together, these beliefs created a climate for

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1. ANNA J. COOPER, *A VOICE FROM THE SOUTH* i, iii (Oxford Univ. Press 1988) (1892).

2. BEVERLY GUY-SHEFTALL, *DAUGHTERS OF SORROW: ATTITUDES TOWARDS BLACK WOMEN, 1880–1920*, at 12 (Darlene C. Hines et al. eds., 1990).

lynch ideology to flourish. White Supremacy legitimized the *devaluation* of Black life, while True Womanhood provided the opportunity for the *taking* of Black life in the defense of a white woman's honor. Public acceptance of White Supremacy and True Womanhood ideologies rationalized the mistreatment and continued subjugation of Black people in general and Black women in particular.

Race segregation was the de facto, if not de jure, law throughout the country, as race determined access to the fundamentals of living and limited social interaction. Whites, regardless of class, were given what W. E. B. Du Bois characterized as the "subtlest form of human flattery—social superiority over masses of other human beings."³ White Supremacy proclaimed the intellectual, physical and moral superiority of whites over Blacks. White Supremacy demanded the total deference of Blacks to whites in every aspect of daily life.

A person's gender granted or denied basic freedoms, as women and men were viewed as having separate, defined spheres of influence. True Womanhood defined women as by nature physically delicate, intellectually weak and spiritually pure, thus making them naturally designed for a sheltered life outside the public sphere.⁴ The ideal of True Womanhood demanded purity, piety and deference to men. In return, a woman who behaved "like a lady" was sheltered from the harshness of the public sphere. True Womanhood commanded the protection of white ladies by white gentlemen. The cult of True Womanhood did not embrace Black women; simply put, Black women could not be ladies and, therefore, they did not deserve physical protection.

Lynching enforced and encouraged compliance with the race and gender hierarchies established under White Supremacy and True Womanhood ideologies. The practice was cloaked in chivalrous notions: the common justification for a lynching was retribution for the alleged rape of a white woman by a Black man. By incorporating common racial and gender stereotypes, this justification successfully masked the true identity of lynching as an instrument of Black subjugation wielded by whites.

The public spectacle presented by lynchings brought this form of racial oppression under the world's critical examination. However, lynching was only one of two violent devices used by whites to

3. Delores Janiewski, *Sisters Under Their Skins: Southern Working Women, 1880-1950*, in *SEX, RACE AND THE ROLE OF WOMEN IN THE SOUTH* 13, 26 (Joanne V. Hawks & Sheila L. Skemp eds., 1983).

4. GUY-SHEFTALL, *supra* note 2, at 12.

oppress Black people during the first decades of Blacks' freedom in the United States. The gendered racism of lynch ideology cast Black women as immoral and unworthy of respect, which facilitated their sexual exploitation by white men. Even contemporary civil rights leaders often overlooked the systematic rape of Black women by white men. Thus, White Supremacy and True Womanhood ideologies interlocked to leave Black women, members of disadvantaged gender and racial groups, at the bottom of the power hierarchy. Perhaps because of their weak political position and low social status, Black women recognized the oppressive nature of lynch ideology and its implications for their own continued sexual mistreatment and subjugation. Recognizing White Supremacy, True Womanhood, and the lynching mentality as tools of oppression, Black women rejected the application of these beliefs as contrary to reality and challenged their place in the minds of white and Black Americans.

This deconstructive process is not unlike that which is going on today by Critical Race and feminist scholars. Critical Race Theory is a relatively new movement in the study of law.⁵ Born out of the Critical Legal Studies tradition in 1987,⁶ Critical Race Theory embraces a loosely organized group of scholars whose works analyze the ways in which the law perpetuates the subordination of people of color on cultural, institutional and individual levels. In this Article, I attempt to analyze the Black women's anti-lynching movement of 1892-1920 from Critical Race Theory and feminist perspectives.

This Article examines the Anti-Lynching Movement, exploring the ways Black women fought the race and gender oppression that controlled their lives. Part I discusses the ideological justification for lynching. Part II recounts the achievements of Ida B. Wells, the first person to expose lynching as a complex conspiracy designed by whites to keep Blacks in a subordinate status. Part III

5. Seminal works include the following: Jose A. Bracamonte, *Minority Critiques of the Critical Legal Studies Movement*, 22 HARV. C.R.-C.L. L. REV. 297 (1987); Anthony E. Cook, *Beyond Critical Legal Studies: The Reconstructive Theology of Dr. Martin Luther King, Jr.*, 103 HARV. L. REV. 985 (1990); Kimberlé W. Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988).

6. Derrick Bell's work is credited with inspiring the Critical Race Theory movement. See, e.g., DERRICK A. BELL, JR., AND WE ARE NOT SAVED (1987); Derrick A. Bell, Jr., *Racial Remediation: An Historical Perspective on Current Conditions*, 52 NOTRE DAME L. REV. 5 (1976); Derrick A. Bell, Jr., *Waiting on the Promise of Brown*, 39 LAW & CONTEMP. PROBS., Spring 1975, at 341; Derrick A. Bell, Jr., *The Real Cost of Racial Equality*, CIV. LIBERTIES REV., Summer 1974, at 79.

reviews the Black women's club movement and its attack on lynching through its organization of reform efforts to defend the character of Black women. Part IV explores Black women's involvement in later years and the founding of the National Association for the Advancement of Colored People. Part V explores the attitudes about lynching held by three of the most prominent Black male figures of the time. Part VI analyzes how these anti-lynching efforts succeeded and failed in addressing the various facets of race and gender that were part and parcel of White Supremacist and True Womanhood ideologies.

The Article concludes that Black women's experience with white sexual violence gave them a unique perspective which allowed them to see through, or deconstruct, the "protection of white womanhood" justification for lynching.⁷ Black women—who received no benefit from a system that based preferences on "whiteness" and "maleness"—recognized the connection between lynching and rape as interdependent links in the system of white power. Subject to gendered racism, Black women perceived these abuses more clearly than white women or Black men. This perception enabled Black women to experientially and theoretically deconstruct the foundations of White Supremacy and bring about transformative social struggle through the Anti-Lynching Movement. At the same time, Black women's acceptance of prevailing standards and beliefs led them to defend their own sexuality and morality in terms of the oppressive behavioral code demanded of white "ladies."

I. THE FORMATION OF AN IDEOLOGICAL JUSTIFICATION FOR LYNCHING

The late 1800s were a hopeful time for most Black Americans. The abolition of slavery released many Black Americans from their status as mere chattel. Furthermore, the passage of the Fifteenth Amendment in 1870 and the Civil Rights Act of 1875 promised to guarantee the new Freemen and Freewomen citizenship rights equal to those enjoyed by their former masters. However, African-Americans' hopes of attaining equal citizenship rights turned out to be false hopes indeed. The Southern states, humiliated by their defeat in the Civil War, had no intention of guaranteeing African-Americans the rights imposed by the Reconstruction Congress. Over

7. Although the ideal of True Womanhood oppressed white women, they did not recognize the pedestal as a "gilded cage" until the 1930s. For their story, see JACQUELYN O'DOWD HALL, *REVOLT AGAINST CHIVALRY: JESSIE DANIEL AMES AND THE WOMEN'S CAMPAIGN AGAINST LYNCHING* (1979).

time, the Northern voices that had cried out for the abolition of slavery quieted, turning their attention to other matters and leaving the "Race Question" in the hands of the individual states.⁸

Ironically, the abolition of slavery eliminated whites' proprietary dominion over Blacks and necessitated the use of violence by whites to maintain the subordination of Black people. Embarking on a massive resistance against federally imposed programs and governance implemented during Reconstruction, the South successfully nullified the rights given to Black Americans during Reconstruction through numerous race-targeted programs and policies. One of the most noticeable mechanisms used to perpetuate race subordination was the passage of Jim and Jane Crow laws. These laws, however, were just the surface reflection of an intricate social structure designed to perpetuate white power without the institution of actual slavery.⁹

Lynching served as a most effective mechanism to perpetuate Blacks' subordination to whites: it meted out violent punishment to African-Americans who exhibited the smallest belief in racial equality, with far-reaching psychological effects on the Black community.¹⁰ Lynching was the extralegal capture of a person accused of committing a crime, where the accused was thereafter murdered by hanging or burning alive.¹¹ Black women who stepped out of line were not immune from this swift and sudden punishment, and neither were whites.¹² Many times, prisoners charged with, but not convicted of, crimes were forcefully¹³ taken from legal authorities

8. DOROTHY STERLING, *BLACK FOREMOTHERS: THREE LIVES* 71 (1979). Legislators began focusing on other issues, as evidenced by Congress' failure to respond to the Supreme Court's nullification of Sections 1 and 2 of the Civil Rights Act of 1875. See *The Civil Rights Cases*, 109 U.S. 3, 26 (1883) (holding that discriminatory acts by private individuals, when not supported by state law, are not within the power of Congress to remedy).

9. The convict lease system, peonage, and disenfranchisement also perpetuated subordination of the Black race. See Benno C. Schmidt, Jr., *Principle and Prejudice: The Supreme Court and Race in the Progressive Era. Part 2: The Peonage Cases*, 82 COLUM. L. REV. 646 (1982).

10. See DONALD L. GRANT, *THE ANTI-LYNCHING MOVEMENT: 1883-1932*, at 8 (1975).

11. JAMES E. CUTLER, *LYNCH LAW* 129 (1905).

12. *Id.* at 172-75.

13. Use of the word "forcefully" is somewhat inaccurate. Originally, mobs were portrayed as large, violent, and capable of overpowering local law enforcement agencies. Later evidence uncovered the fact that often law officers were sufficiently apprised of a scheduled lynching to take preventative action; however, due to political or social pressures (or simple complicity) they frequently did nothing to stop the mob. THE ASSOCIATION OF SOUTHERN WOMEN FOR THE PREVENTION OF LYNCHING, *SOUTHERN WOMEN LOOK AT LYNCHING* 7 (1937).

by a local mob and lynched.¹⁴ The abolition of slavery facilitated the use of lynching since it eliminated considerations which may have deterred violence against slaves. During slavery, white men enforced white dominance by whipping male slaves and raping female slaves.¹⁵ Rarely were slaves abused to the point where they were killed or maimed, for their owners had a property interest in their continued survival.¹⁶ No such mitigating interest existed after the war.

Lynching was most prevalent from 1882 to 1923.¹⁷ All together, over 3000 people were murdered in this manner during this period.¹⁸ Although the victims were overwhelmingly African-American men, lynching victims included significant numbers of Black and white women¹⁹ as well as numbers of Native Americans, Mexican-Americans, Asian-Americans, and foreigners.²⁰ Lynchings occurred primarily in the Southern states: Mississippi, Georgia, and Texas had the highest occurrence rates.²¹ Blacks were

14. ARTHUR F. RAPER, *THE TRAGEDY OF LYNCHING* 44 (1933).

15. Slave owners raped Black women to "breed" more slaves, since the freedom of children depended on the status of the mother. *See generally* BLACK WOMEN IN WHITE AMERICA: A DOCUMENTARY HISTORY 151-52 (Gerda Lerner ed., 1972) [hereinafter BLACK WOMEN]. This reinforced white dominance by ensuring the continued reproduction of slaves. Such violent intervention by whites also effectively prevented Black families from having any sense of autonomous group identity.

16. MICHAEL R. BELKNAP, *FEDERAL LAW AND SOUTHERN ORDER: RACIAL VIOLENCE AND CONSTITUTIONAL CONFLICT IN THE POST-Brown SOUTH* 4 (1987).

17. ROBERT L. ZANGRANDO, *THE NAACP CRUSADE AGAINST LYNCHING, 1909-1950*, at 6 (1980). In 1923, recorded lynchings numbered less than fifty. *Id.* Reliable data before 1882 does not exist, as 1882 is the first year *The Chicago Tribune* began compiling lynching statistics. GRANT, *supra* note 10, at 1.

Due to the peculiar nature of the crime, statistics on lynching vary. It is virtually impossible to collect data on so-called "legal lynchings," cases in which the victims were given the procedural semblance of a trial but their "guilt" was predetermined. In addition, commentators have noted that increased anti-lynching sentiment in the 1920s forced lynchers to use different, more secretive measures to murder Blacks. *See* ZANGRANDO, *supra*, at 4. Assuming this clandestine approach was also used earlier, lynching statistics are probably low. This author uses Ida B. Wells's data, originally taken from *The Chicago Tribune*. (As a white newspaper, its statistics were more conservative than other sources.)

18. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, *THIRTY YEARS OF LYNCHING IN THE UNITED STATES, 1889-1918*, at 39 (1919).

19. From 1882 to 1903, an estimated 63 women were lynched—40 Black women and 23 white women. Reasons for lynching included a range of charges, from murder and theft to "race prejudice" and miscegenation. CUTLER, *supra* note 11, at 172.

20. For a breakdown of statistics with specific regard to gender, race, and cause, see *id.* at 171-73.

21. ZANGRANDO, *supra* note 17, at 5.

more likely to be lynched in thinly settled areas of the country with small Black populations.²²

Whites mainly used the charge of rape or attempted rape by a Black man as their justification for lynching. However, other asserted charges for lynching included attempted murder, murder, theft, or arson.²³ In addition, a range of minor charges were documented as "cause" for lynching: Turning state's evidence, refusing to turn state's evidence; testifying against a white man; insulting or slandering a white man; writing insulting letters to a white man; writing a letter to a white woman; proposing marriage to a white woman; paying attention to a white girl; forcing a white boy to commit a crime; refusing to give the right of way to white persons; riding in a train with white passengers; trying to act like a white man; having a bad reputation; introducing smallpox; resisting assault; testifying for another Black person; being found under a bed in a white man's house; and being related to a Black man already lynched.²⁴ A cursory review of these charges shows that lynching was not merely a punishment for alleged rapists; it was the white man's response to the breach of an oppressive code of conduct expected of Blacks.²⁵

To understand the circumstances which precipitated lynching, it is necessary to examine the sociopolitical consciousness around the turn of the century. The White Supremacist beliefs that lay at the core of lynching gave it a terrifying logic.²⁶ White Supremacy rested upon the myth of the intellectual, moral, and cultural inferiority of the Black race. The slavery system was founded and maintained on this premise. Social Darwinism permeated thought during this time and neatly complemented White Supremacist ideology. Applying Darwin's "survival of the fittest" theory to humans, Social Darwinism predicted the doom of an inferior race. The extrapolated theory stated that whites were superior; therefore,

22. RAPER, *supra* note 14, at 27-29.

23. FRANK SHAY, *JUDGE LYNCH: HIS FIRST HUNDRED YEARS* 79 (1938).

24. *Id.* at 79-81. White men were occasionally lynched for certain offenses, such as wife-beating, incest, and seduction (presumably of white women since crimes against Black women went unpunished). Black men were not punished for committing these charges against Black women. *Id.* at 80.

25. As stated by one contemporaneous researcher, "[a] mob is a mob, not because of what it does, but because of what it is." RAPER, *supra* note 14, at 45. To me, this quote references the communal nature of the mob—a group of people, psychologically bonded by the need to defend against a perceived threat to white existence and morally justified by the legitimating ideologies of White Supremacy and True Womanhood.

26. This may be why lynching was so widespread and why mobs included women and some of the very "best" citizens of the towns.

mixing of blood between the Black and white races would necessarily produce offspring that were physically and mentally inferior.²⁷ One believer stated, "amalgamation or miscegenation of the whites and the Negroes is not a leveling [sic] up but rather a leveling down process; at best nothing otherwise than building up the Negro by lowering the white."²⁸ Fearing that Blacks' social and political equality would lead inevitably to intermarriage and biracial generations of offspring,²⁹ supremacists predicted the demise of America and the white race.³⁰

This racist ideology was gendered to the core. During this time, white men viewed white women as the moral repositories of the race. Idealized as pure, chaste beings, white women controlled the fate of the white race because they reproduced.³¹ For the superior race to survive, white women could not cross the color line and bear inferior offspring. To prevent such mixing, white women and Black men had to be segregated from each other to prevent them from establishing an affinity for one another.³² This theory legitimized every type of segregation possible—from Jim and Jane Crow laws to the prevention of casual social contact between white women and Black men.³³ This biological justification also freed white men from ideological restraints regarding the morality of their sexual relations with Black women, while it limited white women to sexual relations with white men only. For a white man to rape a

27. See THEODORE G. BILBO, TAKE YOUR CHOICE: SEPARATION OR MONGRELIZATION 198-221 (1947).

28. WINFIELD H. COLLINS, THE TRUTH ABOUT LYNCHING AND THE NEGRO IN THE SOUTH 150 (1918).

29. It is assumed in White Supremacist theory that Black men desired relationships with white women. However, many Black leaders strongly advocated Black "racial integrity." See ALEXANDER CRUMMELL, AFRICA AND AMERICA: ADDRESSES AND DISCOURSES 46-51 (1891).

30. COLLINS, *supra* note 28, at 120-22. One supremacist concluded that the high incidence of crime and disease in the Black community might lead to the extinction of Blacks, and that "[a]s this . . . [came] about the Negro [would] gradually cease to be such a problem . . ." *Id.* at 163.

31. See BILBO, *supra* note 27, at 224. The responsibility for keeping the white blood "pure" was neatly handed to white women. As three-time U.S. Senator Theodore Bilbo wrote, "[a]s disgraceful as the sins of some white men may have been, they have not in any way impaired the purity of Southern Caucasian blood." *Id.* at 57.

32. Jessie Daniel Ames noted the irony implicit in the need to keep white women and Black men apart: "'I have always been curious about the . . . white mentality,' . . . 'which as far back as I remember assumes that only segregation and the law against intermarriage keep . . . white women from preferring the arms of Negro men.'" Letter from Jessie Daniel Ames to Lulu Daniel Ames (July 3, 1965), quoted in HALL, *supra* note 7, at 154. See generally BILBO, *supra* note 27, at 222-41.

33. BILBO, *supra* note 27, at 224.

Black woman was believed a sinful transgression *on the white race* (not the Black woman).³⁴ However, for a white woman to “cross over” and voluntarily engage in a sexual relationship with a Black man³⁵ would signal the demise of the superior race.³⁶ To prevent this from happening, lynch ideology removed individual choice from the realm of possible realities—the ideology presumed “that any white woman [who had sexual] intercourse with a [B]lack man had been ‘raped.’”³⁷

A. *The Myth of the Black Rapist*

The Myth of the Black Rapist developed and gathered its greatest strength at the turn of the century, a time when Blacks were beginning to challenge the rigid social and economic hierarchy of the South.³⁸ As a part of White Supremacist theory, the “Black Rapist” was the proffered justification for lynching, and it flourished “by virtue of its constant repetition.”³⁹ The rape justification gained acceptance due to a white cultural belief that Black men wanted to sexually possess white women. Two other white cultural beliefs contributed to this premise: White culture idealized white women as the cherished and admired jewels of a superior race; and a belief in the exaggerated sexuality of Black men had developed since the early days of the slave trade. From this perspective, white culture believed that Black men naturally desired to have white women at any cost. One white man attempted to explain this alleged desire:

Black men . . . find ‘something strangely alluring and seductive . . . in the appearance of the white woman; they are aroused and stimulated by its foreignness to their experience of sexual

34. *Id.*

35. Besides social pressures against establishing relationships with Black men, white women were taught to fear Black men as rapists. As noted by Jacquelyn Hall, “the threat of rape cannot be seen . . . simply as a rationalization used to obscure the real function of lynching. Rather, the two phenomena [are] intimately connected, for the fear of rape, like the threat of lynching, served to keep a subordinate group in a state of anxiety and fear.” HALL, *supra* note 7, at 153.

36. White men would also lose white women as their exclusive sexual “property.”

37. HALL, *supra* note 7, at 154. Even where white women and Black men were involved in consensual relationships, there was an incentive for women to falsely cry rape—the status of ladyhood was withdrawn from women who “crossed the color line.” *Id.* at 152, 154.

38. Perhaps not surprisingly, the popularity of the myth also increased at the time the first women’s rights activists attempted to organize in the South. *Id.* at 153.

39. GRANT, *supra* note 10, at 10.

pleasures, and it moves them to gratify their lust at any cost and in spite of every obstacle.⁴⁰

White culture believed that Black men were of such limited virtue and intelligence that the crime of rape meant nothing to them. Therefore, lynching was viewed as an extreme but just punishment for an equally extreme crime.⁴¹ In addition, some whites considered lynching a necessary deterrent.⁴²

This view largely ignored plantation life in the years before and during the Civil War when white men left their wives and daughters under the protection of Black men.⁴³ Many areas in the South were sparsely populated; on plantations, Blacks outnumbered whites.⁴⁴ However, Black men's alleged predisposition to rape did not surface during the preceding century.⁴⁵ Under White Supremacist theory, the explanation lay in slavery's restraining influence upon the "natural state" of the Black race:

Although the regulations adopted by masters for the control of the Negroes during slavery times may have served as a check upon their natural sexual propensities, however, since emancipation they have been under no such restraint and as a consequence they have possibly almost reverted to what must have been their primitive promiscuity.⁴⁶

Viewed from this perspective, whites considered lynching as a necessary mechanism to restrain Blacks from literally ravaging the South.

40. PHILIP A. BRUCE, *THE PLANTATION NEGRO AS FREEMAN* 83-84 (1889), quoted in HALL, *supra* note 7, at 146. The quote also reveals a Victorian obsession with sexuality. A dialectic was created which "cast white women *en masse* in the role of the 'ice goddess'; upon black women were projected the fears and fascinations of female sexuality." HALL, *supra* note 7, at 156.

41. COLLINS, *supra* note 28, at 58. Collins advocated "two codes of law suited, as nearly as possible, to each race." *Id.*

42. "The Negro is a creature that lives in the present and even postponement of punishment robs it of much of its force." *Id.* at 70. However, despite the presumed deterrent effect of lynching, Collins states his contradictory belief that Black men were so ignorant of the magnitude of their crimes that when accused and standing trial, they enjoyed the experience because it was the first time in their lives they found themselves "in a position of prominence." *Id.* at 59-60.

43. *Id.* at 31-32.

44. Thomas N. Page, *The Negro: The Southerner's Problem* (1904), reprinted in *RACISM AT THE TURN OF THE CENTURY: DOCUMENTARY PERSPECTIVES 1870-1910*, at 143 (Donald P. DeNevi & Doris A. Holmes eds., 1973).

45. *Id.* at 142, 146-47. The ideological justification for lynching changed over time. See ANGELA Y. DAVIS, *WOMEN, RACE & CLASS* 185-90 (1981).

46. COLLINS, *supra* note 28, at 95.

B. *The Myth of the Promiscuous Black Woman*

As illustrated above, consensual sexual intercourse between a white woman and a Black man was the ultimate symbol of Black and white equality and a direct threat to the racial hierarchy of the post-war South.⁴⁷ White Supremacist theory implicitly sanctioned the possession of a Black woman by a white man. This was legitimized by a white cultural belief that Black women were promiscuous and sexually demanding.⁴⁸ In keeping with True Womanhood ideology, men were morally weak creatures; women were the keepers of sexual virtue. White culture therefore viewed Black women as outside the Victorian ideal of True Womanhood—" '[a] Negro woman [could not] be a lady.'"⁴⁹ A 1904 magazine article written by a Southern white woman displays beliefs commonly held at the time:

[D]egeneracy is apt to show most in the weaker individuals of any race; so negro women evidence more nearly the popular idea of total depravity than the men do. They are so nearly all lacking in virtue that the color of a negro woman's skin is generally taken (and quite correctly) as a guarantee of her immorality [Black women] are the greatest menace possible to the moral life of any community where they live. And they are evidently the chief instruments of the degradation of the men of their own race I sometimes read of virtuous negro women, hear of them, but the idea is absolutely inconceivable to me I cannot imagine such a creation as a virtuous black woman.⁵⁰

White supremacists asserted that just as slavery had restrained the criminal nature of Black men, it had held the natural immorality of Black women in check.⁵¹ Some argued that after the Civil War the entire Black race had reverted back to its original primitive state.

In addition to the requisite moral character, being a lady also meant that a woman did not work outside the home (and therefore, received no pay for labor).⁵² Economic circumstances forced most Black women to work outside the home,⁵³ which automatically ex-

47. See BILBO, *supra* note 27, at 227.

48. COLLINS, *supra* note 28, at 95. Whites blamed Black women's allegedly promiscuous nature for the alleged propensity of Black men to rape white women, because Black women were "the chief instruments of the degradation of the men of their own race." A Southern White Woman, *Experiences of the Race Problem*, THE INDEPENDENT, Mar. 7, 1904, at 590, 593.

49. COOPER, *supra* note 1, at 32.

50. A Southern White Woman, *supra* note 48, at 593.

51. COLLINS, *supra* note 28, at 94-95.

52. Janiewski, *supra* note 3, at 13.

53. Economic circumstances forced most women, regardless of race, to seek paid employment. Ladyhood was a status truly reserved for a privileged few whites who had

cluded them from ladyhood. Perhaps because they were excluded from the privileged moral classification of True Womanhood, "Black women's not working attracted the same public scrutiny that white women's work evoked."⁵⁴ Black women "were considered 'lazy' or 'impudent' rather than suitably ladylike when they resisted heavy labor and long hours."⁵⁵ Subject to the "double jeopardy" of being both Black and female, African-American women suffered the greatest abuses of white society.

Because Black women had abdicated their moral and sexual responsibility, white men could not be held liable for the rape of Black women.⁵⁶ White men blamed their victims and were exonerated for their crimes. Undeserving of respect and incapable of virtue, Black women were continually and systematically raped by white men. Mary Church Terrell wrote:

Throughout their entire period of bondage colored women were debauched by their masters. From the day they were liberated to the present time, prepossessing young colored girls have been considered the rightful prey of white gentlemen in the South, and they have been protected neither by public sentiment nor by law. In the South, the negro's home is not considered sacred by the superior race.⁵⁷

White women often did nothing to prevent the sexual abuse of Black domestic workers by their husbands.⁵⁸ Many white women preferred this type of unfaithfulness to an affair involving another white woman because a sexual liaison with a Black woman was not perceived by white society as a substantial threat to the marriage.⁵⁹

means. PAULA GIDDINGS, *WHEN AND WHERE I ENTER: THE IMPACT OF BLACK WOMEN ON RACE AND SEX IN AMERICA* 48-49 (1984).

54. Janiewski, *supra* note 3, at 13.

55. *Id.*

56. Incredibly, many white men believed their actions were "welcome attention" to Black women. HALL, *supra* note 7, at 156.

57. Mary Church Terrell, *Lynching from a Negro's Point of View*, 178 N. AM. REV. 853, 865 (1904), reprinted in BEVERLY W. JONES, *QUEST FOR EQUALITY: THE LIFE AND WRITINGS OF MARY ELIZA CHURCH TERRELL, 1863-1954*, at 167, 178 (Darlene C. Hines et al. eds., 1990) [hereinafter *Lynching From a Negro's Point of View*].

58. GUY-SHEFTALL, *supra* note 2, at 59. The intersecting ideologies of White Supremacy and True Womanhood effectively prevented women of both races from forging a coalition to challenge abuse against them as women. Black and white women were "separated on the symbolic level even when their actual positions were converging." Janiewski, *supra* note 3, at 13-14.

59. GIDDINGS, *supra* note 53, at 87. One Black woman wrote,

I know of more than one colored woman who was openly importuned by White women to become the mistress of their husbands, on the ground that they, the white wives, were afraid that, if their husbands did not associate with colored women they would certainly do so with outside white women.

Furthermore, Black men afforded little substantive protection for Black women against white rape or assault. Mechanisms such as lynching prevented Black men from protecting their wives, mothers, sisters, or daughters.

The intersecting ideologies of White Supremacy and True Womanhood created a complex system of social, economic, and psychological alliances and contradictions. Through White Supremacist ideology, white men had exclusive access to white women. Both Black men and white men could access and rape Black women. Lynching effectively removed Black men from economic, social, psychological, or sexual competition with white men. White women and poor white men were psychologically separated from their Black counterparts as their skin color gave them a hierarchical stake in the system.⁶⁰ Under True Womanhood, the privileges of white women depended on a subjugated class of women against which "ladies" could be measured. Finally, society considered Black men superior to Black women due to their gender. At the bottom of the social hierarchy, Black women—individually and through organized efforts—set out to attack this complex web of sexism, racism and ignorance.

II. BIRTH OF A MOVEMENT: IDA B. WELLS AND THE ANTI-LYNCHING CRUSADE

Against this sociopolitical backdrop, the anti-lynching movement was born from the typewriter of Ida B. Wells.⁶¹ Wells became

Id.

Some white men "urged their sons to take Negro mistresses and thus protect the chastity of white women, a somewhat analogous practice to that of ancient Rome when Solon caused female slaves 'to be brought to the city and exposed to save other women from assaults on their virtue.'" WALTER F. WHITE, *ROPE AND FAGGOT: A BIOGRAPHY OF JUDGE LYNCH* 62 (1929). One theory holds that white male guilt over miscegenation may have led to a psychological need to atone for their actions by exalting white womanhood through lynching. See HALL, *supra* note 7, at 156.

60. One effective coalition that could have been forged during this time was between Blacks and poor whites, groups that both suffered from the South's economic establishment. The theory of White Supremacy drove a permanent wedge between these two classes. As rivals in the labor market with Blacks, poor whites blindly accepted the economic status quo in exchange for the psychological security of knowing that there was "a floor below which no whites would fall." Clarence A. Bacote, *Negro Proscriptions, Protests, and Proposed Solutions in Georgia, 1880-1908*, 25 J.S. HIST. 471, 472 (1959). This psychological benefit has been referred to as "existential capital" by Critical Race Theorist Anthony E. Cook.

61. Raised in Tennessee in the years just after Emancipation, Wells overcame personal struggles in her life that forged her pragmatic and strong character. For a detailed personal account of her life, see IDA B. WELLS, *CRUSADE FOR JUSTICE: THE*

the person arguably most responsible for setting the anti-lynching movement in motion. A teacher and journalist by occupation, Wells's shrewd intellect and uncompromising dedication to justice, combined with her willingness to assume great risk for her personal safety, led her down the path of heroism. Wells's ability to see through the white justification for lynching, combined with her determination to expose the facts through her journalism in newspapers and pamphlets, made her one of the most feared and respected people of her time.

While a schoolteacher in Tennessee, a simple train ride helped Wells find her true calling. Traveling by train, Wells ignored the "Blacks Only" car, taking a first-class seat in the ladies' coach as was her usual practice.⁶² Shocked and insulted when the train conductor instructed her to move to the smoking car (where Blacks were assigned), she refused.⁶³ After the conductor removed Wells with the help of two other men, Wells sued the railroad and won five hundred dollars.⁶⁴ She wrote a news article recounting her success in hopes that it would encourage other African-Americans to fight for their rights.⁶⁵ Impressed with her writing ability, the editor gave Wells a weekly column. By 1886, Wells's columns appeared throughout the country in Black newspapers.⁶⁶

During her early twenties, Wells criticized the inadequacy of the school system in which she worked. Wells consequently was fired and changed careers permanently.⁶⁷ Editor and half-owner of *The Free Speech*, Wells campaigned against segregation and the Jim and Jane Crow laws.⁶⁸ At the founding of the all-male Afro-American League in 1891, Wells addressed the audience regarding the role of Black women in the struggle for equal rights.⁶⁹ Stressing the importance of education and self-respect, Wells called for the entire

AUTOBIOGRAPHY OF IDA B. WELLS (Alfreda M. Duster ed., 1970) [hereinafter CRUSADE FOR JUSTICE].

62. *Id.* at 18. Trains were segregated by sex and race at this time, except that "gentlemen" accompanying "ladies" sat in the (white) ladies' car. Nurses were the only Black persons allowed in the ladies' car.

63. *Id.*

64. *Id.* at 19. See *Chesapeake, Ohio & Southwestern R.R. Co. v. Wells*, 85 Tenn. 613, 615 (1887). However, the verdict was overturned on appeal, and Wells was required to pay court costs. STERLING, *supra* note 8, at 77. Wells was the first person to sue in state court to enforce her rights after the Civil Rights Act had been nullified by the Supreme Court. *Id.* at 72. Other women sued during this time, with mixed success.

65. STERLING, *supra* note 8, at 73.

66. *Id.*

67. *Id.* at 76; see also CRUSADE FOR JUSTICE, *supra* note 61, at 37.

68. STERLING, *supra* note 8, at 75, 76.

69. *Id.* at 77.

race to fight together, particularly against the segregated train cars.⁷⁰ The train cars were of particular concern to Wells and other Black women; they represented the most obvious refusal to respect Black women as ladies.⁷¹

The focus of Wells's campaign changed completely in 1892 when a close childhood friend of hers, Thomas Moss, was lynched. Up until this time, Wells believed that lynching was the somewhat excusable response of impassioned whites against a criminal rapist.⁷² However, Moss had been lynched for defending his successful grocery business against an armed attack by local whites; there had been no allegations of rape.⁷³ He had been lynched for acting in self-defense. After Memphis officials made no attempt to indict the lynchers (whose names were publicly known), Wells advised her neighbors to leave the city for the unsettled Oklahoma Territory.⁷⁴ Her neighbors left in droves—six thousand in a period of two months.⁷⁵ Memphis suffered an appreciable economic loss of Black clientele.⁷⁶

This event led Wells to realize that lynching was really a matter of white social and economic power. She wrote:

I [became] convinced that the Southerner [has] never gotten over his resentment that the Negro [is] no longer his plaything, his servant, and his source of income. The federal laws for Negro protection . . . had been made a mockery by the white South. . . . This still seemed not enough to 'keep the nigger down.' Hence came lynch law.⁷⁷

Uncompromisingly committed to justice, Wells decided to discover the true factual circumstances surrounding lynchings. Aware that the charge of rape was the typical justification for lynching and armed with the knowledge that Thomas Moss had not been accused of any crime, Wells queried whether other innocent men had been lynched as well.⁷⁸

The year 1892 signalled the high water mark of lynching—241 Black men and women in that year.⁷⁹ Wells examined newspaper

70. *Id.* at 78.

71. *Id.* at 77–78.

72. HALL, *supra* note 7, at 79.

73. CRUSADE FOR JUSTICE, *supra* note 61, at 64.

74. STERLING, *supra* note 8, at 80.

75. *Id.*

76. *Id.*

77. CRUSADE FOR JUSTICE, *supra* note 61, at 70–71.

78. *Id.* at 80–81.

79. Ida B. Wells-Barnett, *Lynch Law in America*, ARENA, Jan. 1900, at 15, reprinted in MILDRED I. THOMPSON, *IDA B. WELLS-BARNETT: AN EXPLORATORY*

accounts of lynchings from the previous decade and discovered that rape had been alleged in only one-third.⁸⁰ Wells believed that once lynching was exposed as nothing more than racial hatred, it would no longer be socially justifiable. She traveled around the South for three months, investigating the scenes of lynchings and interviewing witnesses. The information Wells culled confirmed her suspicions: in many cases, Black men had been lynched for having consensual relationships with white women.⁸¹ Additionally, she discovered that almost every lynching became a case of rape only *after* the lynching became public.⁸²

Ignoring the advice of friends, Wells continued publishing her candid journalism. Following eight lynchings in the period of one week, Wells boldly penned an article declaring,

Eight Negroes lynched since last issue of the Free Speech, three for killing a white man, and five on the same old racket — the alarm about raping a white women. The same program of hanging, then shooting bullets into the lifeless bodies.

Nobody in this section of the country believes the old threadbare lie that Negro men rape white women. If Southern white men are not careful, they will over-reach themselves and public sentiment will have a reaction. A conclusion will then be reached which will be very damaging to the moral reputation of their women.⁸³

Wells stood on perilous ground; to “question the purity of southern white women was like attacking God and country.”⁸⁴

Wells set out for a tour of the North before the editorial was printed.⁸⁵ When she arrived in New York she was told that she could not return to Memphis;⁸⁶ whites, incensed at her attack on white womanhood, had destroyed her press and run the other *Free*

STUDY OF AN AMERICAN BLACK WOMAN, 1893–1930, at 239 (Darlene C. Hine et al. eds., 1990).

80. STERLING, *supra* note 8, at 81.

81. *Id.* In one extreme case, a white woman pursued a Black man until he quit his job to avoid her. After they were found together, the woman alleged rape. *Id.*

82. Mary M.B. Hutton, *The Rhetoric of Ida B. Wells: The Genesis of the Anti-lynch Movement* 38 (1975) (unpublished Ph.D. dissertation, Indiana University) (available at the Library of Congress).

83. IDA B. WELLS-BARNETT, *Southern Horrors: Lynch Law in All Its Phases, in ON LYNCHINGS* 4 (Arno Press 1969) (1892) [hereinafter *Southern Horrors*].

84. STERLING, *supra* note 8, at 82. The Wilmington riot of 1898 was sparked by a similar accusation, when a news article stated that white women were not attacked by Black men but in fact “willingly granted their favors to black men.” RICHARD M. BROWN, *STRAIN OF VIOLENCE: HISTORICAL STUDIES OF AMERICAN VIOLENCE AND VIGILANTISM* 209 (1975).

85. STERLING, *supra* note 8, at 82.

86. *Id.*

Speech journalists out of town.⁸⁷ Whites threatened to lynch her if she returned.⁸⁸

To Wells, these threats confirmed her belief that lynching would not cease until the ideology which legitimized the practice was demythologized. Wells firmly believed that people did not oppose lynching because they did not understand the widespread use of lynching as a tool of white oppression. Wells would have agreed with one observer who noted that "public discussion and condemnation of the practice of lynching . . . , a stronger public sentiment against it, [and] a deeper realization of the seriousness of the lynching problem in the United States" would lead to a decline in the number of lynchings.⁸⁹ Wells was skeptical of the law's ability to redress grievances; she had observed firsthand that the legal system was one of many institutions whites used to systematically subjugate Blacks.⁹⁰ Instead, Wells set out to change public sentiment so that alleged rape would no longer be viewed as a justifiable excuse for lynching.

She began writing in New York for the *New York Age*.⁹¹ In order to avoid charges of exaggeration and falsehood, Wells used lynching statistics collected by *The Chicago Tribune*. She strove for greater exposure of the facts surrounding most lynchings, but white newspapers were not interested.⁹² In October 1892, a group of Black New York Clubwomen raised five hundred dollars at a testimonial fundraiser in Wells's honor.⁹³ Later that year, Wells used

87. Black-owned presses such as *The Free Speech* often took such risks. The day after Wells's piece ran, *The Daily Commercial* reprinted it on their front page, responding: "The fact that a black scoundrel is allowed to live and utter such loathsome and repulsive calumnies is a volume of evidence as to the wonderful patience of Southern whites. . . . [But t]here are some things that the Southern white man will not tolerate" *Southern Horrors*, *supra* note 83, at 4-5.

88. STERLING, *supra* note 8, at 83.

89. J. E. Cutler, *Proposed Remedies for Lynching*, 13 *YALE REV.*, Aug. 1904, at 194, 201, reprinted in 13 *YALE REV.*, OLD SERIES 1892-1911 194, 201 (1969).

90. See Ida B. Wells-Barnett, *The Economical and Social Status of Negro Women of the North*, ORIGINAL RTS. MAG., Mar. 1910, at 41.

91. STERLING, *supra* note 8, at 83.

92. CRUSADE FOR JUSTICE, *supra* note 61, at 77-78. Wells regularly published two columns with the *Age*. Although this paper was on the exchange list of many white newspapers, Wells did not become aware of any commentary in them concerning her depictions of and comments upon Southern lynchings. *Id.*

93. STERLING, *supra* note 8, at 84. See also, *infra* notes 114-51 and accompanying text for a discussion of Black Women's Clubs.

This event was Wells's first public speaking engagement, and she was terrified. CRUSADE FOR JUSTICE, *supra* note 61, at 79. A committee of 250 women from New York and Brooklyn organized the event, inviting other "leading women" from Boston and Philadelphia to come as well. *Id.* at 78. The committee sat behind Wells on a

this money to publish *Southern Horrors: Lynch Law in All Its Phases*, the first of Wells's many pamphlets disseminating facts about lynching.⁹⁴ In it, Wells advocated self-defense, stating:

The only time an Afro-American who was assaulted got away has been when he had a gun and used it in self-defense. The lesson this teaches and which every Afro-American should ponder well, is that a Winchester rifle should have a place of honor in every black home, and it should be used for that protection which the law refuses to give. When the white man who is always the aggressor knows he runs as great [sic] risk of biting the dust every time his Afro-American victim does, he will have greater respect for Afro-American life.⁹⁵

In her writing, Wells concentrated on casting doubt upon the "protection of white womanhood" justification for lynching. She proclaimed:

[M]any men have been put to death whose innocence was afterward established; and to-day, . . . no colored man, no matter what his reputation, is safe from lynching if a white woman, no matter what her standing or motive, cares to charge him with insult or assault.⁹⁶

The frequent birth of dark-skinned babies by white women was no secret, and Wells's writing explored the reality that few would mention—many white women were attracted to Black men and had consensual sexual relationships with them. By exposing these liaisons as consensual, Wells stripped lynching of its false chivalrous trappings, disallowing white supremacists their socially accepted justification. She highlighted the contradictory morality of white men, who raped Black women but then burned and hung Black men for allegedly doing the same thing to white women.⁹⁷

Wells's popularity grew, and news of her anti-lynching campaign spread to England.⁹⁸ Her belief in the power of public opin-

platform facing the audience. After music and a few addresses by other women, Wells stepped forward and began to speak. *Id.* at 79. Through her fears, she read from her account of the lynching of her friend, Thomas Moss. *Id.* Wells credits the testimonial as being responsible for the start of the Black women's club movement, as well as the beginning of her public speaking career. *Id.* at 81, 87.

94. STERLING, *supra* note 8, at 84. At that time, pamphlets were commonly used to disseminate political opinion and debate.

95. *Southern Horrors*, *supra* note 83, at 23.

96. THOMPSON, *supra* note 79, at 237.

97. Wells also spoke out against anti-miscegenation statutes and other segregationist measures, believing these practices eroticized a temptation that would not be present otherwise.

98. The gruesome burning of Henry Smith in Paris, Texas in 1893 sent shock waves across the Atlantic. Smith had been accused of sexually molesting and murdering a five-year-old girl. "He had been arrested and imprisoned while preparations were

ion led Wells to accept an invitation to bring her anti-lynching campaign there.⁹⁹ A Scottish woman by the name of Isabelle Fyvie Mayo, who was active in the fight against the caste system in British India, heard of Wells's fight in America and invited her to come to the United Kingdom to speak on the conditions of lynching in the United States.¹⁰⁰ Aware that this was a rare opportunity to influence white opinion and possibly exert international pressure on America, Wells set out for England in April of that same year.¹⁰¹ Well-known for her oratory skills, Wells made speeches throughout England and gained a great deal of sympathy in the English press.¹⁰²

In 1894, Wells was invited back to England. She was received by the Reverend C. F. Aked of Liverpool, one of the most influential and talented preachers of the time.¹⁰³ During her stay, Wells met with highly influential members of Parliament and society, speaking on over one hundred occasions.¹⁰⁴ British support for her campaign resulted in the formation of the British Anti-Lynching Committee which exerted economic and political pressure on the United States.¹⁰⁵ In an attempt to exert political pressure on the United States, England decreased its imports of Southern cotton, which it had been consuming at a high rate as a result of its exploding industrial economy.¹⁰⁶ The white American press, incensed at the bad publicity Wells generated towards the South, consistently denounced Wells. Despite these denunciations, Wells's campaign and the resulting criticism from England were effective. Wells noted:

As a result [of all the negative publicity,] the lynching record of 1893 began steadily to decline and has never since been so high.

made to burn him alive. The local papers issued bulletins . . . schoolchildren had been given a holiday . . . and the railroads ran excursions and brought people of the surrounding country to witness the event." *CRUSADE FOR JUSTICE*, *supra* note 61, at 84.

99. *Id.* at 85.

100. *Id.*

101. Wells stated, "It seemed like an open door in a stone wall. . . . The white press . . . was the medium through which I hoped to reach the white people of the country, [who] alone could mold public sentiment." *Id.* at 86. It was fashionable for British society to receive Black Americans during this time period; for instance, Frederick Douglass had campaigned in England during the abolitionist movement. Hutton, *supra* note 82, at 53-55.

102. For reprints of newspaper articles regarding Wells's visit, see *CRUSADE FOR JUSTICE*, *supra* note 61, at 95-102.

103. *Id.* at 126.

104. Hutton, *supra* note 82, at 53-55.

105. GIDDINGS, *supra* note 53, at 92.

106. *Id.*

Nor have there been the reckless statements by prominent persons in defense or condonation of lynching there were before this crusade began. The universally accepted statement that lynching was necessary because of criminal assaults of black men on white women has almost entirely ceased to be believed.¹⁰⁷

The number of lynchings began to steadily decline in 1893, a change which has been directly attributed to Wells.¹⁰⁸

After 1895, Wells's activities and criticisms received less press coverage.¹⁰⁹ She married in 1895 and spent more time raising her family in later years.¹¹⁰ However, Wells continued her crusade against lynching until her death in 1931, speaking throughout the United States and dedicating her efforts to the establishment of educational and other facilities for poor Blacks.¹¹¹ One commentator noted that Wells's refusal to compromise herself likely took her continuing contributions out of the limelight after 1895, a time when the Black middle class had a tendency to rely on white philanthropy and power.¹¹² Never one to capitulate to political expediency, Wells remained one of Booker T. Washington's longtime critics, when most Blacks were reluctant to criticize him.¹¹³

III. THE BLACK WOMEN'S CLUB MOVEMENT

A. *Black Women's Clubs Attack on Negative Image of Black Women*

While Ida B. Wells attacked myths about Southern white women, the Black women's club movement targeted the negative image of Black women. Club members were, for the most part, members of a rapidly growing Black middle-class; these women were increasingly frustrated with a society that refused them respect despite their education and social position.¹¹⁴ Early clubs concentrated on philanthropic efforts in their communities, such as creating much-needed

107. CRUSADE FOR JUSTICE, *supra* note 61, at 189-90.

108. GIDDINGS, *supra* note 53, at 92. Wells herself referred to her trip to England as a "searchlight" that stung the "press and pulpit" across the country and abroad. CRUSADE FOR JUSTICE, *supra* note 61, at 189.

109. THOMPSON, *supra* note 79, at 130.

110. CRUSADE FOR JUSTICE, *supra* note 61, at 241; *see generally id.* at 247-51.

111. THOMPSON, *supra* note 79, at 128.

112. *Id.* at 129-30.

113. It took Du Bois eight years longer than Wells to openly disassociate with the Washington camp. *Id.* at 8. After 1903, Du Bois and Wells both opposed Washington's takeover of the Black press and other Black protest organizations. STERLING, *supra* note 8, at 140.

114. DOROTHY C. SALEM, *TO BETTER OUR WORLD: BLACK WOMEN IN ORGANIZED REFORM, 1890-1920*, at 8-9 (Darlene C. Hines et al. eds., 1990).

care for children and the aged.¹¹⁵ These local clubs were geared more toward social, rather than political, reform.

Prior to 1895, local clubs formed all over the country, mainly as a result of Wells's moving testimonial in October 1892.¹¹⁶ Initially, the primary goal of the club movement was the moral and intellectual education of its women. To this end, kindergartens, day care, and vocational training were established.¹¹⁷ A high priority was placed on the protection of young Black women. In the words of one mother: "There is no sacrifice I would not make, no hardship I would not undergo rather than allow my daughters to go in service where they would be thrown constantly in contact with Southern white men, for they consider the colored girl their special prey."¹¹⁸ Meetings updated women on new developments in child care; members learned home craft skills and discussed moral reforms, particularly temperance.¹¹⁹

The club movement gained momentum in 1895 with the creation of the National Federation of Afro-American Women.¹²⁰ This national meeting brought local clubs from around the country together. A letter written by the president of the Missouri Press Association sparked the meeting. Addressed to the British press, this letter attacked the morals of all Black women and those of Ida B. Wells in particular,¹²¹ proclaiming that "the [Black] race was devoid of morality and that the women were prostitutes, natural liars, and thieves."¹²² These accusations crystallized the anger of many

115. *Id.* at 12.

116. See *supra* note 93 and accompanying text. The most famous was the New Era Club founded by Mrs. Josephine St. Pierre Ruffin in January 1893 after she heard Wells speak. GRANT, *supra* note 10, at 29. Wells herself founded the Chicago Women's Club in 1893. CRUSADE FOR JUSTICE, *supra* note 61, at 121-22. Wells's activism inspired many Black women to strive for social change. See STERLING, *supra* note 8, at 62. Although Wells and the Black Clubwomen had similar goals, they often disagreed on the method of attack. Wells's tactics were too confrontational for most of the Clubwomen. Wells, in turn, believed the Clubwomen were not progressive enough. See THOMPSON, *supra* note 79, at 72.

117. THOMPSON, *supra* note 79, at 72.

118. A Southern Colored Woman, *The Race Problem: An Autobiography*, THE INDEPENDENT, Mar. 17, 1904, at 586, 587.

119. HALL, *supra* note 7, at 78-82. The Colored Women's Christian Temperance Union, companion to the powerful all-white Women's Christian Temperance Union, was very important to women of the growing Black middle-class.

120. SALEM, *supra* note 114, at 20-22.

121. At the time, Wells was directing an anti-lynching campaign in England. *Id.* at 20-21.

122. SALEM, *supra* note 114, at 21 (letter from James W. Jacks, president of the Missouri Press Association to Florence Balgarnie, white secretary of the Anti-Lynching Society of England). The letter responded to the criticism of white American leaders by

Black women who had resentfully tolerated such rhetoric and its attendant discrimination.¹²³ Margaret Murray Washington, wife of Booker T. Washington, believed that Black women were "suddenly awakened by the wholesale charges of the lack of virtue and character."¹²⁴

In 1896, the National Federation of Afro-American Women united with other clubs to become the National Association of Colored Women (NACW); the organization elected Mary Church Terrell its President.¹²⁵ An Oberlin graduate and the daughter of a wealthy political leader, Terrell led the NACW in its work for improving education and health opportunities for Blacks.¹²⁶ Adopting the motto "Lifting As We Climb," the NACW concentrated on improving the lives of its poorest populations.¹²⁷ Terrell wrote that the NACW members:

[had] determined to come into the closest possible touch with the masses of our women, through whom the womanhood of our people is always judged. . . . [T]he dominant race in this country insists upon gauging the Negro's worth by his most illiterate and vicious representatives rather than by the more intelligent and worthy classes. . . . By coming into close touch with the masses of our women it is then possible to correct many of the evils which militate so seriously against us and inaugurate the reforms, without which, as a race, we cannot hope to succeed.¹²⁸

Black women lecturers in England. This letter was not published at the time. Instead, the contents of the letter were circulated by Josephine Ruffin, a Clubwoman and editor of the *Women's Era*. Many women reformers responded with written opinions. *Id.* at 20-21.

123. SALEM, *supra* note 114, at 21. Black clubwomen particularly resented and agitated against segregated train cars, where they were refused admission to the "ladies' car," regardless of whether or not they were holding a first class ticket. *Id.* at 8. Black women were also denied respectful titles such as "Mrs." or "Miss." BLACK WOMEN, *supra* note 15, at 163-64, 470-71.

124. Mrs. Booker T. Washington, *Club Work Among Negro Women, in PROGRESS OF A RACE; OR, THE REMARKABLE ADVANCEMENT OF THE AMERICAN NEGRO* 177, 179 (Robert R. Moton ed., 1929).

125. For an autobiographical account of Terrell's life, see MARY CHURCH TERRELL, *A COLORED WOMAN IN A WHITE WORLD* (Nat'l Ass'n of Colored Women's Clubs 1968) (1940).

Terrell, the daughter of a former slave who became one of the wealthiest Blacks in the country, was a highly educated woman who, despite her privileged upbringing, became an agitator in her own right. GIDDINGS, *supra* note 53, at 18-19. Terrell led the Black women's club movement and fought lynching through more traditional channels than did Wells.

126. STERLING, *supra* note 8, at 131.

127. Mary Church Terrell, *What Role is the Educated Negro Woman to Play in the Uplifting of Her Race?*, reprinted in *TWENTIETH CENTURY NEGRO LITERATURE* 172-76 (Daniel W. Culp ed., 1902).

128. *Id.* at 175.

B. *Black Women's Clubs as Leaders in the Anti-Lynching Movement*

Wells generated much of the support that led to the creation of the clubs, but her agenda was very different.¹²⁹ Although the clubs supported Wells in her efforts, mainly by raising crucial funds for publishing, they were not comfortable with agitating.¹³⁰ As stated by one commentator, the political activity of Clubwomen such as Mary Church Terrell was "genteel . . . but persistent and courageous."¹³¹ Unlike Wells, these women came from middle class backgrounds and were not comfortable with confrontation.¹³² Furthermore, Booker T. Washington, whom Wells openly opposed, exerted direct and indirect political influences over many of the Clubwomen.¹³³

As time went on and the situation for African-Americans did not appreciably improve, some Clubwomen were more willing to take a public stand on lynching. However, the Black women's clubs did not make anti-lynching efforts a primary goal until after 1900.¹³⁴ In 1904, an article appeared in the *North American Review* that cited "the talk of social equality" as the cause of recent rapes and subsequent lynchings.¹³⁵ Stating that the virtue of women was beyond Black men's experience, the author advocated the emasculation of Black men as a possible solution.¹³⁶

In response, Terrell wrote *Lynching from a Negro's Point of View*,¹³⁷ which charged that the cause of lynching was "race hatred, the hatred of a stronger people toward a weaker who were once held as slaves."¹³⁸ Rejecting out of hand the rape justification for lynch-

129. THOMPSON, *supra* note 79, at 72.

130. *Id.* at 76.

131. BLACK WOMEN, *supra* note 15, at 206.

132. See THOMPSON, *supra* note 79, at 72.

133. Margaret Murray Washington, his wife, was a leading clubwoman. Mr. Washington may have held specific sway over Mary Church Terrell since her husband was a federal judge appointed by President Roosevelt at Booker T. Washington's recommendation. STERLING, *supra* note 8, at 137. "[T]hroughout the presidential terms of Theodore Roosevelt and William Howard Taft, [Booker T. Washington] had the final say on all black appointments to federal office." *Id.* at 140.

134. SALEM, *supra* note 114, at 52.

135. Thomas N. Page, *The Lynching of Negroes—Its Cause and Prevention*, 178 N. AM. REV. 33, 44–45 (1904).

136. *Id.* at 44. Presumably, the author was making reference to white culture's belief that Black women (the only women Black men were presumed to have intimate contact with) were incapable of morality and virtue. See also *supra* notes 47–60 and accompanying text.

137. *Lynching From a Negro's Point of View*, *supra* note 57, at 167.

138. *Id.* at 174.

ing, Terrell attacked the idea that Blacks' desire for "social equality" had any relation to the violent crime of rape:

It is safe to assert that, among the negroes who have been guilty of ravishing white women, not one had been taught that he was the equal of white people or had ever heard of social equality. . . .

Negroes who have been educated in Northern institutions of learning with white men and women, and who for that reason might have learned the meaning of social equality and have acquired a taste for the same, neither assault white women nor commit other crimes, as a rule.¹³⁹

Terrell recognized that "a belief in social equality leads Black men to rape" theory was another attempt by whites to keep Blacks from education and other avenues toward success.¹⁴⁰ Her article pointed out the Southern preference for illiterate Blacks, a group Terrell believed more criminal in nature, yet who were "coddled and caressed by the South[,] . . . held up as bright and shining examples of what a really good negro should be."¹⁴¹ According to Terrell, whites maligned Blacks who "aspire[d] to knowledge and culture" since they represented a threat to white power.¹⁴²

Lynching, Terrell believed, would end only when "all classes of white people . . . respect the rights of other human beings, no matter what may be the color of their skin."¹⁴³ Terrell called on Blacks to recognize their systemic oppression by whites:

We must study carefully and conscientiously the questions which affect [the black race] most deeply and directly. Against lynching, the convict lease system, the Jim Crow car laws and all other barbarities and abuses which degrade and dishearten us, we must agitate with such force of logic and intensity of soul that the oppressor will either be converted to principles of justice or be ashamed to openly violate them.¹⁴⁴

Terrell attended several of the all-white National American Woman Suffrage Association (NAWSA) conventions. Her attendance led to the adoption of a resolution concerning Black women's

139. *Id.* at 169-70.

140. Terrell pointed out that "[t]he only form of social equality ever attempted between the two races, and practiced to any considerable extent, is that which was originated by the white masters of slave women, and which has been perpetuated to them and their descendants even unto the present day." *Id.* at 170.

141. *Id.*

142. *Id.*

143. *Id.* at 180.

144. Mary Church Terrell, *The Duty of the NACW to the Race*, AME CHURCH REV., Jan. 1900, at 340, reprinted in JONES, *supra* note 57, at 139, 149.

participation in NAWSA.¹⁴⁵ Such interaction with and acceptance by white women's political organizations aided the Clubwomen's efforts to address and remedy the special racial and gender problems confronting Black women.

Terrell and other Clubwomen recognized that the sexual exploitation of Black women was another tool of oppression used by whites. In an essay entitled "The Duty of the NACW to the Race," Terrell wrote:

The duty of setting a high moral standard devolves upon us as colored women in a peculiar way. Slanders are circulated against us every day, both in the press and by the direct descendants of those who in years past were responsible for the moral degradation of their female slaves. While these calumnies are not founded in fact, they can nevertheless do us a great deal of harm, if those who represent the intelligence and virtue among us do not, both in our public and private life, avoid even the appearance of evil.¹⁴⁶

Black Clubwomen hoped to educate white women about the rape and sexual exploitation of Black women taking place in their own homes and to shame them into taking moral responsibility for these occurrences.

This educational process involved a steady presentation of views and a continual urging of interaction between the women of the two races. For instance, in 1919, the NACW submitted a list of grievances to the Women's Missionary Council Committee on Race Relations. This list placed the safety of Black women working in

145. STERLING, *supra* note 8, at 132. However, the NACW did not take on suffrage as a primary goal until 1912, when women's suffrage was officially endorsed by the organization. SALEM, *supra* note 114, at 104-05. Some Black women viewed suffrage as closely linked to the problem of lynching. See Ida B. Wells-Barnett, *How Enfranchisement Stops Lynching*, ORIGINAL RTS. MAG., June 1910, at 42, reprinted in THOMPSON, *supra* note 79, at 267, 269. Critical of Black men who, in large numbers, sold their votes, Black women valued the ballot highly. In her article *How Enfranchisement Stops Lynching*, Ida B. Wells called the ballot "the only protection to citizenship":

[The Negro] was advised that if he gave up trying to vote, minded his own business, acquired property and educated his children, he could get along in the South without molestation. But the more lands and houses he acquired, the more rapidly discriminating laws have been passed against him by those who control the ballot, and less protection is given by the lawmakers for his life, liberty and property. . . .

With no sacredness of the ballot there can be no sacredness of human life itself. For if the strong can take the weak man's ballot, when it suits his purpose to do so, he will take his life also.

Id. at 269. See also Mary Church Terrell, *The Justice of Woman Suffrage*, 4 CRISIS 243 (1912), reprinted in JONES, *supra* note 57, at 307.

146. JONES, *supra* note 57, at 148.

domestic service at the top of their concerns.¹⁴⁷ Later, at a landmark meeting of Southern white women in 1920, Charlotte Hawkins Brown was one of four Black speakers invited to address the group.¹⁴⁸ She charged white women with responsibility for changing the future:

The negro women of the South lay everything that happens to the members of her race at the door of the Southern white woman. . . . [W]e all feel that you can control your men. We feel that so far as lynching is concerned that, if the white women would take hold of the situation, that lynching would be stopped. . . . I want to say to you, when you read in the paper where a colored man has insulted a white woman, just multiply that by one thousand and you have some idea of the number of colored women insulted by white men.¹⁴⁹

This meeting led some white women to organize the Commission on Interracial Cooperation, a group created to ease racial tensions in a way that was acceptable to whites. The group adopted the Black Clubwomen's suggestions and acknowledged responsibility for the protection of young Black women employed as domestic servants.¹⁵⁰

Terrell and the Clubwomen viewed lynching as part of a larger system that operated to oppress and degrade the Black race. They recognized that it would be difficult for a Christian nation to morally and publicly justify the lynching and rape of Black men and women once African-Americans were respected as human beings. They believed that if they changed white community standards, lynching would no longer be defensible and it would cease.¹⁵¹ According to this way of thinking, social status and morality would lead to civil rights; if Black people could earn the respect of whites then nothing could legitimately be denied them. Abiding by this reasoning, Black Clubwomen endeavored to instill in every Black woman the desire for self-betterment so that the achievements of African-Americans would multiply and their value as a people could not be questioned.

147. BLACK WOMEN, *supra* note 15, at 458-59, 462.

148. Charlotte H. Brown, *Speaking Up for the Race at Memphis, Tennessee, October 8, 1920*, reprinted in BLACK WOMEN, *supra* note 15, at 467.

149. *Id.* at 470.

150. *Inter-racial Co-operation: Constructive Measures Recommended by Southern White Women*, 1921 S. WORKMAN 35.

151. In *Lynching From a Negro's Point of View*, Mary Church Terrell stated, "the greatest obstacle in the way of extirpating lynching is the general attitude of the public mind toward this unspeakable crime." JONES, *supra* note 57, at 181.

The Clubwomen did not attempt legal redress. Generally speaking, they avoided the courts for two reasons. First, in their experience legal avenues had proven fruitless in the past. Second, these women had more experience and influence in the social community where women's groups exerted organized influence than in the male-dominated legal sphere. Instead, the Clubwomen's anti-lynching strategy focused on shaming white society into accepting moral responsibility for its continued devaluation of Black life through lynching and rape. These efforts directly attacked the Myth of the Promiscuous Black Woman which facilitated and justified the sexual exploitation of Black women as a group by white men. However, their blind acceptance of True Womanhood ideology re-mythologized Black women under a standard which kept them subordinate to white and Black men.

IV. BLACK WOMEN'S INVOLVEMENT IN LATER YEARS: THE FOUNDING OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

The Afro-American League, founded in 1887, was the first organization dedicated to securing civil rights for Blacks. Later known as the Afro-American Council, the organization had twenty-three state chapters by its first national convention in 1890.¹⁵² In spite of its national foothold, the Council failed to gain a large following in the Black community. Nevertheless, the Council enjoyed the active leadership of Wells, Du Bois and others until Booker T. Washington gained control and succeeded in squelching any possibility that the organization would threaten his accommodationist stance on racial issues.¹⁵³

In 1906, an event occurred which crystallized anger in the Black community. President Roosevelt summarily discharged three companies of Black soldiers for their alleged involvement in a shooting in Brownsville, Texas.¹⁵⁴ The town was the scene of a violent race riot between the white citizens of the town and an all-

152. LOUIS R. HARLAN, *BOOKER T. WASHINGTON: THE MAKING OF A BLACK LEADER 1856-1901*, at 193 (Oxford Univ. Press 1972).

153. In 1899, Wells served as financial secretary on the all-male Afro-American Council's executive committee despite the objections of Bookerites, who objected to her on political and then sexist grounds. Next, Wells headed the Afro-American Council's anti-lynching bureau until Washington obtained control and replaced Wells with Mary Church Terrell. STERLING, *supra* note 8, at 140. Du Bois and Wells also opposed Booker T. Washington's takeover of the Black press and protest organizations. *Id.*

154. *Id.*

Black regiment stationed there.¹⁵⁵ The men were denied a court martial and were discharged dishonorably. While most African Americans were surprised and angered by the severity of the President's action, Booker T. Washington was apologetic.¹⁵⁶ Events such as Brownsville led many Black activists to reject Booker T. Washington's conciliatory approach and adopt a more confrontational one.¹⁵⁷

From 1900 to 1910, the Anti-Lynching Movement began to gain greater support, both from Blacks who were now better organized to protect their interests (and more willing to fight for them) and whites who were less tolerant of the South's "solution" to its race problems.¹⁵⁸ Founded in 1909 as an interracial body, the National Association for the Advancement of Colored People (NAACP)¹⁵⁹ was the first organization to effectively challenge the power of "the Washington machine."¹⁶⁰ Both Terrell¹⁶¹ and Wells were among those who founded the Association, much to the disapproval of many Black men. Mary Terrell's efforts as a charter member of the NAACP confirmed her break with Washington, and she and Wells thus found a common ground from which to fight lynching.¹⁶²

Importantly, the NAACP secured a mass following in the Black community. This achievement was due to the immense support and leadership of the Black Clubwomen who made community support of the organization a priority. These women had years of

155. GIDDINGS, *supra* note 53, at 106.

156. *Id.*

157. *Id.* at 141.

158. SALEM, *supra* note 114, at 148-55.

159. *Id.* at 106. At this time, Booker T. Washington was possibly the most powerful Black leader.

160. See HARLAN, *supra* note 152, at ix. His accommodationist stance made him popular among Southern whites, who "showered" him with money and political favor. *Id.* "He was able to buy black newspapers and bend their editorials to his viewpoint, to control college professors and presidents through his influence with philanthropists, [and] to infiltrate the leading church denominations and fraternal orders." *Id.* Washington also served as Presidential advisor in many capacities. *Id.* The immense control he wielded became known as "the Washington machine." For further information, see *id.* at 254-71.

161. After this point in time, Terrell became more outspoken, particularly against the Washington machine. STERLING, *supra* note 8, at 141. In fact, Washington indirectly threatened Judge Terrell's career, stating that Mrs. Terrell's "embarrassing" involvement with the NAACP might threaten the judge's reappointment. He wrote, "Of course I am not seeking to control anyone's actions, but I simply want to know where we stand." *Id.*

162. See SALEM, *supra* note 114, at 150-51 for a more detailed look at the conflict between Wells's and Terrell's politics.

experience in organizing and reaching out to the Black community for support. Through their fundraising efforts, the NAACP established both a solid financial base and a strong support network from which it drew strength.¹⁶³

After World War I, the NAACP emerged as the primary organizational body opposing lynching.¹⁶⁴ It adopted Wells's position that lynching was the most formidable obstacle to Black progress in American society, a social cause that most Blacks by this time were ready to rally behind.¹⁶⁵ The organization used its resources to compile and disseminate information about lynching and its victims. In 1919, the NAACP published a study entitled, *Thirty Years of Lynching in the U.S., 1889-1918*.¹⁶⁶ The study directly adopted Wells's rhetoric and published lynch statistics by the crime charged, the race of the victim, and the state where it occurred.

Black Clubwomen continued to support the NAACP and its activities. Across the country, Clubwomen gave speeches, wrote articles, and organized NAACP branch offices throughout the United States to educate the community and investigate discrimination.¹⁶⁷ Clubwomen raised necessary funds for defending men accused of serious crimes, such as murder.¹⁶⁸ These efforts culminated in 1922 with the founding of the Committee of Anti-lynching Crusades, with Mary B. Talbert presiding as national director.¹⁶⁹ State directors were established in forty states, where fifteen hundred women successfully campaigned for one million dollars. However, despite the efforts of the NAACP and other groups, a federal anti-lynching

163. *Id.* at 155-59.

164. August Meier, *Foreword* to ON LYNCHINGS, *supra* note 83.

165. The Afro-American Council, founded in 1898 to oppose lynching, had been stifled by the Washington machine, whose financial contributions to the organization ensured that the Council would not become militant. GRANT, *supra* note 10, at 32. Previous male-dominated organizations such as the Afro-American League had concentrated on segregation and other reforms, failing to secure a mass following. *Id.* at 25.

166. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, *supra* note 18.

167. SALEM, *supra* note 114, at 166.

168. A SURVEY OF THE BLACKS' RESPONSE TO LYNCHING 20 (J. Helen Goldbeck ed., 1973) [hereinafter SURVEY]. The NAACP's major breakthrough came in the form of the 1925 *Sweet* case, where it successfully defended an accused murderer who escaped a lynch mob in Detroit. This case established self-defense as precedent in cases where innocent Black people were attacked by mobs. AUGUST MEIER & ELLIOTT RUDWICK, FROM PLANTATION TO GHETTO 243 (3d ed. 1976); SURVEY, *supra* at 20.

169. CYNTHIA NEVERDON-MORTON, AFRO-AMERICAN WOMEN OF THE SOUTH AND THE ADVANCEMENT OF THE RACE, 1895-1925, at 226 (1989). Talbert was the first woman to receive the NAACP's Springarn Medal for her contributions. *Id.*

bill was never enacted into law.¹⁷⁰ Huge efforts in 1922 successfully helped a bill pass in the House but it was subsequently defeated by a Senate filibuster.¹⁷¹ Anti-lynching efforts achieved greater legislative success at the state level. The efforts of the Committee led to the passage of thirteen state anti-lynching laws by the year 1925.¹⁷²

V. BLACK MEN'S VIEWS OF LYNCHING AS ESPOUSED BY THREE INFLUENTIAL BLACK LEADERS

After examining the attitudes Black women leaders held about lynching and rape, it is equally important to understand the attitudes and beliefs Black men held on these subjects. Frederick Douglass, William Edward Burghardt Du Bois, and Booker T. Washington were perhaps the three most influential Black men at the turn of the century.¹⁷³ These men had divergent experiences which influenced their views about the practice of lynching. During their lifetimes, Douglass, Du Bois, and Washington expressed various opinions about the causes of lynchings as well as about the justifications asserted for the occurrence of lynchings. While their views differed, all three men failed to address white men's systematic rape of Black women as a tool of subjugation. Instead, these men either defended the morality of Black women or rationalized the alleged behavior of Black men. They failed to link the various tools of oppression as an interlocking system of oppression.

Frederick Douglass was in the twilight of his life when Wells's anti-lynching agitation began; however, he still spoke out against this mechanism of oppression. He challenged the justifications presented for lynchings. Douglass denied the truth of allegations that Black men were prone to rape.¹⁷⁴ He denied the allegations on three grounds:

The first ground is, the well established and well-tested character of the Negro on the very point upon which he is now so violently and persistently accused. I contend that his whole history in bondage and out of bondage contradicts and gives the lie to the allegation. My second ground for doubt and denial is based upon what I know of the character and antecedents of the men

170. Federal anti-lynching bills had been introduced yearly since 1911 by Representative Leonidas Dyer, a white anti-lynching supporter. GRANT, *supra* note 10, at 158.

171. *Id.* at 159. For an historical overview of federal anti-lynching legislation efforts during this time period, see CLAUDINE L. FERRELL, NIGHTMARE AND DREAM: ANTI-LYNCHING IN CONGRESS, 1917-1922 (Harold Hyman & Stuart Bruchey eds., 1986).

172. NEVERTON-MORTON, *supra* note 169, at 226.

173. SURVEY, *supra* note 168, at 4.

174. FREDERICK DOUGLASS, WHY IS THE NEGRO LYNCHED? 8 (1895).

and women who bring this charge against him. My third ground is the palpable unfitness of the mob to testify and which is the main witness in the case.¹⁷⁵

Thus, Douglass used his personal experience to defend the general character of Blacks and to question the motives and veracity of lynching practitioners. He noted the potency of mob action and the distortion of facts inherent in the mob experience. In addition, Douglass denounced the legitimacy of mob rule and its role in the lynching process.

But Douglass did not merely question the accuracy with which lynchings were reported. He examined the justifications commonly asserted to ratify the lynching practice. With regard to the charge of rape as justification for lynching, he wrote:

Some of the Southern papers have denounced me for my unbelief in this charge and in this new crusade against the Negro, but I repeat I do not believe it. . . . I reject it because I see in it evidence of an invention called into being by a well-defined motive, a motive sufficient to stamp it as a gross expedient to justify murderous assault upon a long enslaved and hence a hated people. . . . [I]t bears upon its face the marks of being a fraud, a make-shift for a malignant purpose.¹⁷⁶

Like Wells, Douglass viewed lynching as a device "intended to blast and ruin the Negro's character as a man and as a citizen."¹⁷⁷ Rather than serving as a punishment for crime, lynching served to punish Blacks for their aspirations to social justice and equality.

W. E. B. Du Bois had a contradictory view of the lynching practice. Unlike Douglass, Du Bois believed that ignorance and lack of education ultimately led Black men to rape, which in turn resulted in lynchings. Although Du Bois consistently and fervently defended the character of Black women and denied any suggestion that their alleged sexual immorality was responsible for Black men's alleged sexual violence, the myth of White Supremacy controlled the consciousness of Du Bois himself.¹⁷⁸ In a thoroughly detailed study which compared the crime conviction statistics of whites, Blacks, and other races, Du Bois concluded "there is no doubt of a (sic) large prevalence of sexual crime among Negroes. This is due to the sexual immorality of slavery, the present defenselessness of a proscribed caste, and the excesses of the undeveloped classes of Ne-

175. *Id.* at 8.

176. *Id.* at 15.

177. *Id.*

178. GUY-SHEFTALL, *supra* note 2, at 13.

groes."¹⁷⁹ Thus, Du Bois accepted the characterization of Blacks as criminal, and then proceeded to excuse the alleged criminal behavior.¹⁸⁰ He failed to criticize the basic premise used to justify lynching. This failure is somewhat shocking since Du Bois's own statistics revealed that twice as many Black men were lynched for alleged murder as were lynched for alleged rape.¹⁸¹ Also surprising is Du Bois's fundamental assumption that the Black men convicted of any crime were actually guilty.

Although Booker T. Washington did not make the justification of rape the focus of his attack, he denounced lynchings in speeches, printed articles, and through his political connections.¹⁸² Along with Du Bois, Booker T. Washington believed that lack of education sparked lynchings. Washington believed ignorant whites perpetrated lynchings against a relatively narrow target group: that "the [black] men who [were] lynched [were] invariably vagrants, men without property or standing."¹⁸³ He believed property ownership and education would lead whites to respect Black men, and that once these assets were attained there would be a commensurate end to lynching. In asserting that lynchings targeted poorer and uneducated Blacks, Washington's viewpoint directly contradicted the responses voiced by his critics. One of Washington's biggest critics, Ida B. Wells, responded that it was exactly the reverse: whites objected to the educated, propertied African-Americans who thought they were equal, not to the "servant or working class of Negroes, who [knew] their places."¹⁸⁴

Consistent with his accommodationist views, Washington did not advocate conflict or political protest as he believed this only exacerbated the problem.¹⁸⁵ As one scholar has noted, Washington was blind to the elaborate social and economic machinery that sys-

179. W. E. B. DU BOIS, SOME NOTES ON NEGRO CRIME 16 (May 24, 1904).

180. This type of argument was problematic at best. Whites could easily point to this as direct evidence that Blacks were devoid of morals and incapable of understanding human values. As noted by Douglass, the charge of rape was an instrument "fitted to drive from the criminal all pity and fair play and all mercy," and "nothing could have been hit upon better calculated to accomplish its brutal purpose"—the continued subjugation of Blacks. DOUGLASS, *supra* note 174, at 14–15.

181. DU BOIS, *supra* note 179, at 14.

182. SURVEY, *supra* note 168, at 4.

183. GRANT, *supra* note 10, at 38.

184. Ida B. Wells-Barnett, *Booker T. Washington and His Critics*, WORLD TODAY, Apr. 1904, at 518–21, reprinted in THOMPSON, *supra* note 79, at 255, 259.

185. Washington's approach stands in complete contrast with Wells's agitation. SURVEY, *supra* note 168, at 4.

tematically subjugated Blacks.¹⁸⁶ Washington's actions and views no doubt were substantially limited by his dependence on white philanthropy and power. His most notable contribution in the anti-lynching campaign was the release of lynching statistics to the American press by the Tuskegee Institute, the college Washington founded.¹⁸⁷

VI. HOW THE ANTI-LYNCHING MOVEMENT DIFFERED FOR BLACK MEN AND BLACK WOMEN

Black men such as Douglass, Du Bois, and Washington failed to perceive the use of lynching against Black men and the use of rape against Black women as comparable weapons inextricably bound to one another in a system of white domination. They were acutely aware that white society was determined to maintain the racial caste system; however, their experiences as members of the dominant sex protected them from the particular sufferings of Black women—such as vulnerability to rape—which in turn prevented them from certain ways of seeing.¹⁸⁸ Likewise, their different cultural experiences probably played a significant role. Douglass's view of lynching probably evolved from his experience with Southern resistance to the abolishment of slavery. Unlike Du Bois and Washington, he was familiar with white supremacist tactics of subjugation and disempowerment, as he had fought these battles first as a slave. In contrast, Du Bois and Washington were Northerners who had not been enslaved.

Although Douglass saw lynching much in the same way that Wells did, he did not make the connection between lynching and rape that Black women did. Du Bois's analysis of lynching did not proceed even as far as Douglass's since he accepted the Myth of the Black Rapist to be true.¹⁸⁹ Similarly, the NAACP, whose leadership was consistently dominated by men, devoted its energies en-

186. GRANT, *supra* note 10, at 39.

187. *Id.* Washington did not publicly attack lynching until shortly before his death in 1915. See Booker T. Washington, *Is the Negro Having a Fair Chance?*, 75 CENTURY, Nov. 1912, at 46–55.

188. White women did not realize their own entrapment in the True Womanhood ideology until the 1930s, when Jessie Daniel Ames founded the Association of Southern Women for the Prevention of Lynching (ASWPL). HALL, *supra* note 7, at 159. For a thorough account of white women's struggle with lynching ideology, see *id. passim*.

189. See *supra* notes 179–81 and accompanying text. This is unfortunate, as Du Bois, an active leader in the NAACP, was one of a few Black men who vocalized concern for the exploitation of Black women. Du Bois's essay, *The Damnation of Women*, called Black women "daughters of sorrow." W. E. B. DU BOIS, DARKWATER: VOICES FROM WITHIN THE VEIL 172 (1969).

tirely to the fight against lynching.¹⁹⁰ The organization failed to address the problem of the sexual exploitation of Black women by white men that had been a longstanding priority of the Black women's clubs.¹⁹¹

Black women's collective experience with white sexual violence led them to be suspicious of white men's stake in protecting white women's chastity.¹⁹² The practices of lynching and rape treated Black men and women more like animals than human beings. Lynchings often became public holidays, festive spectacles characterized by brutalization and mutilation of the victim's body. Likewise, rape illustrated a complete disregard for Black women as human beings. The frequency of lynchings and rapes betrayed a complete lack of the most basic respect among whites for Black life. Black women, *because they were Black women*, recognized the connection between lynching and rape very clearly and realized that Blacks could not successfully fight White Supremacy without also addressing the sexual exploitation of Black women.

Ida B. Wells was the first Black activist to see through the "protection of white womanhood" justification for lynching. She revealed the connection of White Supremacist ideology and True Womanhood in a system that sacrificed Black men on the altar of white racial "integrity" while it excused the continued sexual exploitation of Black women by white men. Wells's sledgehammer tactics knocked Southern white women off their pedestals, exposing the myth of the Black rapist as a lie. Experience with white sexual violence led her to be skeptical of White Supremacist notions that mandated keeping the races apart. She was aware of white women who had voluntarily entered into relationships with Black men; therefore, she believed the rape justification for lynching to be the trumped-up charge of a white woman fearing the loss of her protected status.¹⁹³

Following Wells's lead, thousands of Black Clubwomen attacked their prescribed role in True Womanhood ideology, rejecting out of hand white society's belief that Black women were promiscuous.¹⁹⁴ The Black women's clubs served as an organizational body

190. SALEM, *supra* note 114, at 179.

191. For discussion of the priorities of the NAACP, see SALEM, *supra* note 114, at 148-55.

192. See *supra* notes 156-61 and accompanying text.

193. See *supra* notes 83-84, 96-97 and accompanying text.

194. For a discussion of this theory, see *supra* notes 47-57 and accompanying text.

to oppose lynching, as well as a forum from which to destroy beliefs about their immorality and worthlessness as a group.

Ultimately, Wells and the Black Clubwomen's actions directly threatened the use of White Supremacy as a legitimating ideology¹⁹⁵ of oppression. These women recognized that the acceptance and condonation of White Supremacy on institutional and cultural levels leads to the acceptance of White Supremacy on an individual level.¹⁹⁶ They took action to counteract this result. In order to dismantle the legitimacy of White Supremacy on an institutional and cultural level, they addressed the ideology as it manifested itself on an individual level—the Myths of the Black Rapist and the Promiscuous Black Woman. Wells demystified the ideological justification for lynching by examining the facts surrounding lynching and exposing the Myth of the Black Rapist as a lie. The Black Clubwomen demythologized the Myth of the Promiscuous Black Woman by publicizing the fact that Black women's sexual experiences were not necessarily sensual or consensual.¹⁹⁷ In questioning white assumptions regarding the nature of Black women and men, Black women, the most subordinated group, implicitly questioned the authority by which whites acted. This in turn undermined white power and led to transformative social struggle.

The Black Clubwomen's efforts to prove the humanity, devotion to Christian values, culture, grace, and intellectual ability of the entire Black race, however, betrayed their acceptance and rejection of the True Womanhood ideology surrounding white women. They accepted True Womanhood's image of women as the superior moral and chaste force of society. However, they rejected the interjection of White Supremacist ideology into True Womanhood ideology, which denied Black women access to the pedestal of ladyhood.

195. "Legitimizing ideology" has been defined as a belief system that justifies the existing order by making those who dominate and those dominated believe that the existing power structure is legitimate and natural. It leads to the self-fulfilling prophecy that "one can do little about the existing order, because it is right." Anthony E. Cook, Class Lecture at Georgetown Univ. Law Ctr. (Sept. 3, 1991).

196. Anthony E. Cook, Class Lecture at Georgetown Univ. Law Ctr. (Aug. 27, 1991). This principle is the fundamental tenet of Critical Race Theory.

197. In Critical Race Theory (CRT), this process of attacking social ideology by contrasting it with personal life experiences has been called "experiential deconstruction," and is one of four prongs of CRT activity. Anthony E. Cook, Class Lecture at Georgetown Univ. Law Ctr. (Aug. 29, 1991). The other three are: 1) theoretical deconstruction (opening up fixed binary opposites such as "black" and "white" to examine and expose their interdependency to clear space for discussion), 2) reconstructive theorizing (visualizing alternatives to the existing social order), and 3) transformative social struggle. *Id.*

The Black Clubwomen aspired to approval from white society, as exemplified by their acceptance and assimilation of white upper-class values.¹⁹⁸

In contrast, Wells dismantled the myth of white womanhood as pure and chaste, publicizing white women's choice to enter into relationships with Black men. Wells's strength lay in her independence from white philanthropy, which kept her free to criticize anyone and anything. Class status was likely a factor—Wells, who grew up in poverty, more effectively deconstructed White Supremacist ideology than her wealthier counterpart, Mary Church Terrell, whose upper-class status and fear of losing it almost assuredly restricted her ability to think and act.¹⁹⁹

Although Wells's approach differed from that of the Black Clubwomen, her acceptance of True Womanhood ideology was similar.²⁰⁰ Despite her progressive insight, Wells failed to critique the legitimacy of True Womanhood as a method of liberation for Black women. The cult of True Womanhood legitimized men's oppression of women and kept Black and white women racially divided. In adopting True Womanhood as a theology of liberation from the oppressive practices of rape and lynching, Black women were, in some sense, replacing one system of domination (White Supremacy) with another (True Womanhood).

However, the appropriation by Black women of True Womanhood as a reconstructive theology of liberation was not without positive consequences. The appropriation itself changed the oppressive ideology.²⁰¹ Subject to the values of their culture, Black women accepted the ideal of True Womanhood to the extent that it offered them respect and protection from sexual abuse. Because they valued family and were deeply committed to fundamental Christian values, as were many of their white sisters, those components of True Womanhood ideology were appealing. In spite of these similarities, True Womanhood for Black women was different in one important aspect. Because of their unique history, Black women

198. See *supra* notes 117–19 and accompanying text.

199. See *supra* notes 125–33. Once a person is given a stake in a hierarchical system, they are less likely to seek to undermine that system.

200. As noted by one historian, the Black Clubwomen's approach to lynching "was frequently tangential—a defense of black womanhood and the black home, instead of the expose tactics [Wells] favored." BLACK WOMEN, *supra* note 15, at 211–12.

201. This inverted use of oppressive ideology as a device of liberation is analogous to the attempted use of Christianity by whites to legitimate slavery. African-Americans, however, reconstructed this ideology to found "a manifesto of their God-given equality." See Cook, *supra* note 5, at 1018; see *id.* at 1018–21.

generally did not subscribe to that part of the white woman's role that taught her to take a second seat to men.²⁰² Ladyhood was different for them: it did not presuppose obedience to men. Black women's devout faith in Christianity instructed them that all were equal under God, and this belief was the foundation for their fight against traditional notions of women's proper place.²⁰³

Black men did not necessarily agree. Most Black men adopted the True Womanhood ideal of white culture, opposing women's participation in the public sphere.²⁰⁴ Many Black men embraced the Victorian ideal of womanhood and "were also opposed to black women assuming a public role and receiving the kind of education that would de-emphasize their most important function in life—motherhood."²⁰⁵ Many Black women resented and fought this oppression from within their own ranks.²⁰⁶ They rejected Black and white men's arguments against suffrage and other rights of citizenship for women more easily than white women did.²⁰⁷ The fight against lynching was therefore different for Black women; Black men fought one system of oppression while Black women battled two.

VII. CONCLUSION

The Anti-Lynching Movement was a formidable struggle with intersecting gender and race ideologies. While White Supremacist ideology denied all Blacks a chance at social or economic equality, the ideal of True Womanhood further excluded Black women and facilitated their systemic sexual exploitation. Lynching was the most powerful device for maintaining racial inequality at the turn of the century. Disenfranchisement and segregation laws alone could not support White Supremacy; only lynching provided the moral justification for the continued subjugation of Blacks.²⁰⁸ The Myth of the Black rapist and the Myth of the Promiscuous Black Woman

202. See GIDDINGS, *supra* note 53, at 58; Janiewski, *supra* note 3, at 22–23.

203. BLACK WOMEN IN NINETEENTH CENTURY AMERICAN LIFE 28 (Bert J. Loewenberg & Ruth Bogin eds., 1976).

204. GUY-SHEFTALL, *supra* note 2, at 97. Black men, the natural allies of Black women in a society psychologically wedded to White Supremacy, were given a stake in the existing hierarchy through True Womanhood ideology.

205. *Id.*

206. *Id.* at 98.

207. Many Black women had not experienced as great a power imbalance in their relationships with Black men as white women had in their relationships with white men. During slavery Black women were ultimately subject to white slaveowners.

208. White Supremacist ideology regarding gender and race roles, particularly relating to African-American women, permeates modern consciousness to this day. See

facilitated the killing of Black men and the sexual exploitation of Black women. This legitimating ideology devalued Blacks as human beings and obscured the true reasons behind the lynch-murder practice.

The Black women's Anti-Lynching Movement was, in essence, a transformative social struggle brought about by the application of what are known today as principles of Critical Race Theory. Subject to economic, social, and sexual abuse, Black women's experiences at the bottom of the power hierarchy gave them insight into the web of oppression omnipresent in their lives. Without a stake in the system—lack of maleness and whiteness—Black women were not as easily held captive by the mythologies that dominated other subjugated classes of white women, Black men, and poor white men. Contrasting their own life experiences with the prevailing myths, they attacked the “protection of white womanhood” justification for lynching and protested the sexual abuse of Black women by white men, eroding the myths that degraded Black women.²⁰⁹ In doing so, they changed public opinion, making lynching and rape less defensible. Dismissing the social ideology that did not reflect their reality, Black women embraced that part of True Womanhood ideology that demanded respect for women and protection from abuse.²¹⁰ In visualizing alternative models and rejecting what the world would have made of them, Black women took a hand in creating an image of themselves.

DAVIS, *supra* note 45, at 172 (discussing the Myth of the Black Rapist as it relates to modern times).

Most recently, members of the Ku Klux Klan were convicted of the March 20, 1981, lynching of 19 year-old Michael Donald in Mobile, Alabama. *Cox v. State*, 585 So. 2d 182 (Ala. Crim. App. 1991), *cert. denied*, 112 S. Ct. 1676 (1992) (upholding conviction for murder); *Hays v. State*, 518 So. 2d 749 (Ala. Crim. App. 1985) (upholding conviction for capital murder and setting aside sentence of death and remanding for sentence of life without parole). The brutal circumstances surrounding the murder are recounted in detail in Frank Judge, *Slaying the Dragon*, AM. LAW., Sept., 1987, at 83.

In addition, a recent rash of twenty-two reported “suicides” in Mississippi jails has raised suspicion that lynchings persist to this day. Peter Applebome, *Death in a Jailhouse: The Ruling, a Suicide; The Fear, a Lynching*, N.Y. TIMES, Feb. 21, 1993 at 18.

209. This is known as “experiential deconstruction,” the tenets of Critical Race Theory. Cook, *supra* note 197.

210. This is known as reconstructive theorizing. *Id.*