

I. Introduction

Enslavement was followed by decades of violence and intimidation intended to subordinate African Americans across the United States.¹ Racial terror, and lynchings in particular, pervaded every aspect of pre- and post-enslavement African American life.² African Americans faced threats of violence when they tried to vote, when they tried to buy homes in white neighborhoods, when they tried to swim in public pools, and when they made progress through the courts or in legislation.³ Led and joined by prominent members of society, and enabled by government officials, ordinary citizens terrorized African Americans to preserve a caste system that kept African Americans from building the same wealth and political influence as white Americans.⁴ Racial terror also continued the generational trauma that began during enslavement.⁵

While lynching, mob violence, and other forms of racial terror are no longer socially acceptable, the threat and legacy of terror continue to haunt African American communities.⁶ Such violence has found a modern form in extrajudicial killings of African Americans by police and vigilantes.⁷ Racial terror targeted at successful African Americans has contributed to the present wealth gap between African Americans and white Americans.⁸ Today, the monitoring of polling places by white supremacist groups evokes a history of violent suppression of Black voters.⁹

This chapter chronicles the racial terror inflicted on African Americans, including in California, and the lasting impact of racial terror. First, this chapter addresses the overarching purpose of racial terror as a method of social control. Second, this chapter will identify the perpetrators of racial terror, most notably the Ku Klux Klan (KKK), and their objective of preserving their dominance in society. This chapter pays special attention to the KKK's history and spread in California. Third, this chapter will discuss the various forms of racial terror, such as lynching, mob violence, and sexual violence. The chapter also identifies numerous instances of racial terror in California. This chapter shows how racial terror allowed white Americans to politically, economically, and socially subordinate African Americans. Finally, this chapter will discuss the consequences of racial terror, such as intergenerational trauma and the racial wealth gap, which continue to this day.



II. Objectives of Racial Terror: Social, Political, and Economic Oppression

The practice of racial terror began during enslavement and has continued ever since, developing through Reconstruction, Jim Crow, the 20th century, and today. A critical key to understanding the widespread use of racial terror is recognizing how its perpetrators sought to oppress African Americans socially, psychologically, politically, and economically in order to maintain a racial hierarchy.

As the journalist Isabel Wilkerson argues, a caste system is a social hierarchy created by people in a community that separates groups of human beings based on ancestry, skin color, or other characteristics that cannot be changed.¹⁰ In a caste system, one group of human beings is believed to be superior, while other groups are believed to be in-

ferior and treated as less than human.¹¹ In the racially ordered caste system of the United States, white people occupy this higher social position.¹² One pillar holding up the American racial caste system is the use of physical and psychological terror, which serves to control African Americans and prevent resistance.¹³ For this caste system to continue functioning, the rest of society, including government officials, only need to look the other way.¹⁴ For state and local government officials, this is a neglect of their duty to protect.¹⁵ In America, for centuries, the perpetrators of racial terror have rarely been held accountable for their violence, and so they have continued to enforce their dominant caste position.¹⁶

extensive conspiracy of insurrection in Charleston, South Carolina in 1822.²² The enslaved, led by the free African American carpenter Denmark Vesey, allegedly plotted to take over the city and kill all of its white residents, including women and children.²³ After the discovery of the alleged conspiracy, Vesey was arrested, along with dozens of enslaved persons.²⁴ Confessions and testimony against the alleged conspirators were procured in at least some instances by coercion and torture.²⁵ The prosecution had no physical evidence to support its case.²⁶ In the end, Vesey and thirty-four others were executed, although no insurrection ever occurred and no white person was actually killed.²⁷ Indeed, there is significant doubt as to whether any such insurrection plot ever existed.²⁸ Then-governor of South Carolina Thomas Bennet condemned the trial as

hasty and unreliable; his brother-in-law, Supreme Court Justice William Johnson, described the proceedings as perjury and “legal murder.”²⁹

After the formal end of enslavement, African American Southerners began to gain political and economic influence. As discussed in Chapter 2

on Enslavement, the Reconstruction Acts of 1867 gave voting rights to African Americans, and following the laws’ enactment, African American voter turnout reached nearly 90 percent in many jurisdictions.³⁰ During Reconstruction, approximately 2,000 African American men held a public office, including 600 African American state legislators, 18 African American state executive officials, 16 African American representatives elected to Congress, and two of the nation’s first African American senators.³¹ Nearly 20 percent of all public officials in the South were African American between 1870-1876.³² In spite of violence and other obstacles, African American Southerners began owning land, particularly in the Upper South (Delaware, Kentucky, Maryland, Missouri, North Carolina, Tennessee, Virginia, and Washington, D.C.).³³ Black land ownership grew to such an extent that by 1910, nearly half of the Black farmers in the Upper South owned land.³⁴ In addition, African American literacy rates surged from approximately 20 percent in 1870 to approximately 70 percent in 1910.³⁵

In 1876, partially as a result of a disputed presidential election, Reconstruction came to an end. In exchange for Democrats not blocking the certification of Republican Rutherford B. Hayes as President, Hayes and other Republicans agreed to remove federal troops from key locations of political conflict in the South.³⁶ With the

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end of Reconstruction, supporters of white supremacy returned to power.³⁷ They regained political, social, and economic control, and prevented African Americans from voting.³⁸ After federal troops no longer had a strong presence in the South, white southerners intensified the violent oppression of African Americans.³⁹ As shown in detail below, racial terror took on many forms throughout American history: lynchings, massacres, intimidation, murders, beatings, and police killings. Today, extrajudicial killings of African Americans by police and vigilantes represent a modern form of racial terror.⁴⁰

White Americans feared that newly empowered African Americans would destroy the racial hierarchy.⁴¹ The Ku Klux Klan and other white supremacists beat, burned, and killed African Americans.⁴² Terror pervaded every aspect of Southern life and had a devastating effect on the psyche of African Americans.⁴³ The perpetrators' principal goal was to use violence and intimidation to prevent African American people from voting, achieving equality,⁴⁴ and amassing political and economic power.⁴⁵ For example, white supremacists murdered African American political activists in the 1873 Colfax massacre and African American military members in the 1876 Hamburg massacre.⁴⁶ The Supreme Court's 1876 decision in *United States v. Cruikshank* enabled such violence to continue by making it more difficult to prosecute.⁴⁷ According to the then-governor of Louisiana, *Cruikshank*

“establish[ed] the principle that hereafter no white man could be punished for killing a Negro.”⁴⁸

White supremacists often targeted the greatest perceived threats to the caste system: African American political, economic, and social activities, and those

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perceived to be accomplished members of the African American community. After the end of Reconstruction, government actors in the South did little to correct the view that African American people did not deserve human dignity or basic legal and political rights.⁴⁹ Across the country, white people often rejected the idea that African Americans were equal to white Americans,⁵⁰ and used violence to preserve America's racial caste system.⁵¹

As explained below, racial terror advanced three main goals: maintaining the superior social position of white people; destroying African American economic competition and stealing African American wealth; and limiting the political influence of African American people while advancing white supremacy through government offices.

III. Perpetrators of Terror: Private Citizens, Government Support

Throughout American history, from enslavement to the present day, private citizens and government actors have perpetrated and enabled racial terror. Ordinary people committed heinous acts of violence, while others did nothing, watched, or obstructed investigations.⁵² Meanwhile, government officials often did nothing to prevent or prosecute racial terror—and sometimes encouraged or assisted the perpetrators.⁵³ Indeed, white supremacists and Ku Klux Klan members have held positions in all levels of American government.⁵⁴

Among the numerous perpetrators of racial terror, the Ku Klux Klan was especially prominent. The KKK is not the only hate group in American history, and oftentimes racial violence was and is committed by individuals unassociated with an organized group.⁵⁵ But because the KKK has been active and influential for several intervals during its long

history, it is centrally important to the history of racial terror in the United States.⁵⁶ Throughout its history, the Klan has targeted members of all racial groups, as well as Jews, Catholics, and others, but its origins were anti-Black.⁵⁷

The KKK was especially powerful during three periods. The first iteration of the KKK lasted from 1866 until 1869. After several decades of dormancy, the second iteration of the KKK lasted from 1915 until about 1944. The third version of the KKK arose in the 1950s and 1960s and went into decline in the 1980s. Each of these iterations will be discussed in greater detail below.

Origins of the Ku Klux Klan

The first iteration of the Ku Klux Klan took shape in early 1866, during Reconstruction, and formally disbanded

in 1869.⁵⁸ After the Civil War ended, many white southerners resented Reconstruction and its policies, which threatened their superiority.⁵⁹ Reconstruction policies led to social, political, and economic gains by formerly enslaved people.⁶⁰

Around this time, the KKK emerged to oppose Reconstruction, led by former Confederate General Nathan Bedford Forrest and a group of Confederate veterans in Pulaski, Tennessee.⁶¹ This first version of the KKK consisted of ex-Confederates and other white southerners, and it was tacitly supported by most white southerners.⁶² Their hooded costumes were intended to represent the ghosts of Confederate soldiers and evoke the history of slave patrols.⁶³ Their hoods also allowed KKK members to remain anonymous as they spread fear and violence.⁶⁴ In order to re-exert control over the African American labor force and maintain white supremacy, the KKK used fear tactics and violence, such as robbery, rape, arson, and murder.⁶⁵ The KKK was effective at targeting its violence and intimidation tactics at African American voters, including hanging and beating African American officeholders.⁶⁶ It is unknown how many African American people were killed by white supremacists during Reconstruction, though it is estimated to be in the high thousands, if not tens of thousands.⁶⁷

In the late 1860s, the KKK began to decline as it succumbed to infighting and increased federal scrutiny.⁶⁸ The federal Enforcement Acts of 1870 and 1871, in conjunction with federal policing, helped weaken the KKK.⁶⁹ When the KKK formally disbanded by the end of Reconstruction, the KKK had achieved its objectives, as white southerners were able to openly revive many aspects of life during enslavement.⁷⁰ Having effectively intimidated and suppressed African American voters, and without the presence of federal troops to protect African American voters, white southerners were successful in

retaking control of state governments.⁷¹ Once in control, white supremacists passed laws to take away the rights that African American Southerners had gained during Reconstruction.⁷² It also became less necessary to wear a mask to commit violent crimes against African Americans, as public lynching became an openly accepted part of Southern culture and was tolerated by law enforcement.⁷³

State and local governments often looked the other way or supported the KKK. Although state governments

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passed laws in response to the KKK's violence, these laws were seldom locally enforced.⁷⁴ Sheriffs, prosecutors, local witnesses, and jurors were sympathetic to white supremacy or afraid of retaliation.⁷⁵ Some attacks were even led by local police.⁷⁶ Thus, few KKK members ever went to prison for their crimes.⁷⁷ And while the federal Enforcement Acts of the early 1870s helped lead to the dissolution of the KKK, the Supreme Court largely nullified the Enforcement Acts with its 1876 decision in *United States v. Cruikshank*, which hindered federal prosecutions and enabled white supremacist violence.⁷⁸

Second Iteration of the Ku Klux Klan

The second iteration of the Ku Klux Klan began in 1915, continued through the late 1920s and 1930s, and disbanded by 1944.⁷⁹ After the end of Reconstruction, the KKK remained dormant until 1915, when the California film industry played a unique role in reviving the KKK. That year, celebrated filmmaker D.W. Griffith released *The Birth of a Nation*, which was based on Thomas Dixon's novel *The Clansman*.⁸⁰ Made in and around Los Angeles, *The Birth of a Nation* is acknowledged both as one of the most pioneering and most racist films in cinematic history.⁸¹ President Woodrow Wilson praised *The Birth of a Nation* and showed the film at the White House—a federal government endorsement of white supremacy and anti-Blackness.⁸²

In writing *The Clansman*, Dixon openly wished to depict the “suffering” of white Southerners during Reconstruction and to advocate

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“Armed crowds searching for a negro,” Chicago. (1922)

white supremacy.⁸³ *The Birth of a Nation*, recognized as historically inaccurate racist propaganda, adhered closely to the source material's racism.⁸⁴ For instance, the film portrayed lynching as rightful retribution against an African American man accused of sexually assaulting a white woman.⁸⁵ Griffith would later say that the heroic depiction of the KKK coming to rescue the South from African American advancement during Reconstruction "was needed to serve the purpose."⁸⁶

The Birth of a Nation was a nationwide blockbuster, and its popularity led directly to the KKK's revival just months after its release.⁸⁷ During a five-year national roadshow of the film from 1915 to 1919, a scholar found that the film incited significant increases in racial violence.⁸⁸ The counties where the film was shown were five times more likely to have a lynching or race riot, and three times more likely to have a KKK chapter after the movie's arrival.⁸⁹ As a result of this surge in recruitment, there were four to five million KKK members by the mid-1920s.⁹⁰ The film remained a KKK recruiting tool for decades.⁹¹

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Unlike the first iteration of the KKK, this version had a broader geographic base of support beyond the South, including in California.⁹² This second version of the KKK was generally considered to be less violent, as it focused on gaining influence through the political process.⁹³ In this regard, it succeeded: during the 1920s, the KKK's membership included state government officials in Alabama, Colorado, Georgia, Indiana, Louisiana, Oklahoma, Oregon, and Texas.⁹⁴ Neither major political party was willing to formally repudiate the KKK out of fear of political repercussions.⁹⁵

Regardless of its political turn, the second iteration of the KKK remained violent. In the summer of 1921, the KKK engaged in whippings and tar-and-feather raids.⁹⁶ According to the Southern Poverty Law Center, the KKK also "use[d] acid to brand the letters 'KKK' on the foreheads of [African Americans], Jews, and others" whom the KKK considered to be anti-American.⁹⁷ In the mid-1920s, the KKK launched a terror campaign including lynchings, shootings, and whippings against African Americans, Jews, Catholics, Mexicans, and other immigrant groups.⁹⁸

Eventually, after a series of scandals, in-fighting, and a change in public perception of its image, the second iteration of the KKK lost credibility, and its membership declined in the late 1920s and 1930s.⁹⁹

Third Iteration of the Ku Klux Klan and Hate Groups Today

A third version of the Ku Klux Klan arose in the 1950s and 1960s.¹⁰⁰ While the KKK still exists today, it has been in decline since the late 1980s.¹⁰¹ This time, the KKK returned to its anti-Black roots to counter the social and political gains sought by the Civil Rights Movement.¹⁰² This version of the KKK was particularly violent against African Americans and civil rights workers in the South.¹⁰³ For example, in 1963, the KKK detonated a bomb at a Birmingham Baptist church that killed four African American girls and injured several more.¹⁰⁴ KKK members also murdered three civil rights workers in Mississippi in 1964.¹⁰⁵ As recently as 1981, Klansmen in Mobile, Alabama lynched African American 19-year-old Michael Donald.¹⁰⁶ His mother brought a civil

suit against the KKK and won a \$7 million award after one of the perpetrators admitted he was carrying out an organization-wide directive to harass, intimidate, and murder African American people.¹⁰⁷

An essential part of the success of the KKK is that their actions and ethos were sanctioned by white society—a

recurring theme in the history of racial terror.¹⁰⁸ Rarely did the perpetrators face punishment, as ministers, editors, sheriffs, police officers, judges, and elected officials ignored or participated in the violence.¹⁰⁹ Having supporters and members in prominent positions of power allowed the KKK to act with impunity.¹¹⁰ For example, the KKK was able to commit lynchings in front of a public audience and leave bodies on display—all without intervention by law enforcement.¹¹¹ Witnesses often obstructed any investigation or prosecution for these acts by refusing to give information.¹¹² Police not only refused to intervene, but also gave the KKK information about potential targets.¹¹³ Thus, where the KKK led, white society followed, participated, and looked on.

While the KKK no longer enjoys the degree of sociopolitical power it once held,¹¹⁴ contemporary white supremacist groups have taken up the KKK's mantle to threaten the dignified existence of African Americans and others. The 2017 white nationalist rally in Charlottesville,¹¹⁵ the Proud Boys,¹¹⁶ and a 2021 "White Lives Matter" rally in Orange County¹¹⁷ have variously invoked the symbols, propaganda, and ideology of the KKK.

California

Neither racial terror nor the Ku Klux Klan were confined to the South.¹¹⁸ During Reconstruction, the federal government did not send troops to California, as a non-slave state.¹¹⁹ This allowed white supremacy groups to flourish in the West.¹²⁰ The western KKK complemented

pressuring other public officials.¹³¹ In 1922, for example, Democrat Thomas Lee Woolwine lost his bid for governor, suggesting that his fight against the KKK was a political liability.¹³² The KKK backed winning candidate Republican Friend Richardson—who was believed to have been a KKK member, and which he never denied.¹³³

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their southern counterparts by violently asserting white superiority against the perceived threat of racial outsiders.¹²¹ As the African American population in California was relatively small at the time, the KKK and other hate groups mainly terrorized Chinese communities.¹²²

During the second iteration of the KKK, California became a “strong Klan state” with a sizable and violent Klan resurgence in the 1920s.¹²³ Shortly after the release of *The Birth of a Nation*, the KKK emerged in San Francisco, establishing a KKK presence in California for the first time.¹²⁴ KKK chapters in Los Angeles, Oakland, Fresno, Riverside, Sacramento, Anaheim, and San Jose soon followed.¹²⁵

The KKK’s national magazine, *Imperial Night-Hawk*, shows that California ranked 11th out of all 48 states in terms of the number of KKK events held between March 1923 and November 1924.¹²⁶ By hosting 89 events in that 20-month period, California even outranked the old enslavement states of Mississippi, Louisiana, North Carolina, and Tennessee.¹²⁷

California’s KKK consisted of prominent individuals who held positions in civil leadership and police departments.¹²⁸ Its members were largely middle-class, educated Protestants who, in socioeconomic terms, were not much different from their neighbors.¹²⁹ These KKK members registered to vote (in higher percentages than non-members), joined civic organizations like the Chamber of Commerce and rotary club, and sought political power by running for elected office or supporting candidates who sympathized with the KKK.¹³⁰

The California KKK exerted significant political influence in the 1920s, winning seats on city councils, gaining control of the press and airwaves in some towns, and

While the KKK declined on a national scale in the 1930s with the Great Depression, and after the 1925 trial and conviction of the KKK’s then-leader, California’s KKK remained active through the 1940s and into the 1950s.¹³⁴ As detailed below, the KKK had branches—and spread terror—throughout the state, and exercised significant power in local governments.

The Ku Klux Klan in Southern California.

Los Angeles was the epicenter of Ku Klux Klan activity in California.¹³⁵ Prominent and numerous city government

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About fifty members of the Ku Klux Klan held a cross burning ceremony on a small ranch outside of Sacramento. Gun-toting guards wearing Klan outfits and helmets surrounded the ranch, while members made speeches and paraded around the burning cross. (May 3, 1980)

officials were KKK members or had KKK ties, including the mayor, district attorneys, and police officers.¹³⁶ Due to aggressive recruitment efforts beginning in 1921, several KKK branches formed in Los Angeles.¹³⁷ KKK chapters also formed in the nearby communities of Santa Monica, Huntington Park, Redondo Beach, Hermosa Beach, Long Beach, Glendale, San Pedro, and Anaheim.¹³⁸

By the 1920s, the Los Angeles Police Department (LAPD) was “a den of corruption” that was infiltrated with KKK members who practiced retaliatory policing in the city’s African American neighborhoods.¹³⁹ “In speaking to the police, you are frequently talking to the Klan,” warned the *Eagle*, an African American Los Angeles newspaper.¹⁴⁰ Los Angeles Deputy Sheriff Nathan Baker regularly recruited KKK members to the Los Angeles Police Department (LAPD) and was thought to be a member of the KKK himself.¹⁴¹

On April 22, 1922, more than 100 armed and hooded Klansmen broke into the Inglewood home of Spanish immigrants.¹⁴² The Klansmen forced the couple’s two teenage daughters to disrobe and ransacked the house.¹⁴³ The Klansmen then brutally beat, bound, and gagged the father and his brother, dragged them to a car, and dumped them six miles away.¹⁴⁴ Thirty-seven Klansmen were indicted for the Inglewood raid, but in a trial that the National Association for the Advancement of Colored People (NAACP) called a “farce,” all were acquitted.¹⁴⁵

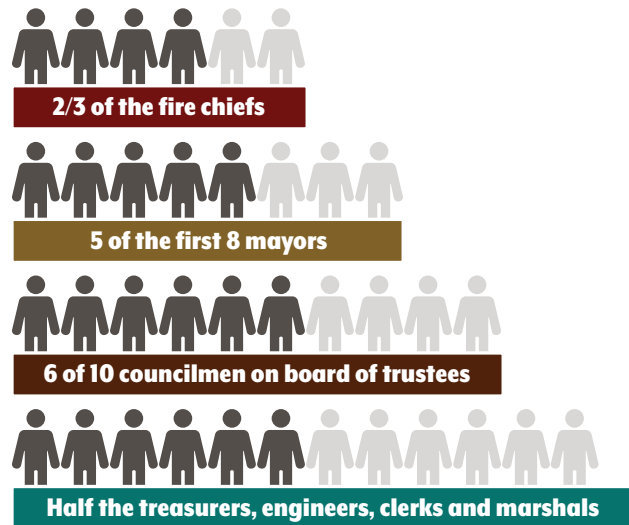
The raid prompted an investigation by the District Attorney, who obtained membership lists revealing that the KKK had infiltrated all levels of state and local government.¹⁴⁶ There were 3,000 KKK members in Los Angeles County, over 1,000 in the city limits, and three KKK members on the District Attorney’s own staff.¹⁴⁷ LAPD Chief Louis D. Oaks and County Sheriff William I. Traeger were also identified as members.¹⁴⁸ Law enforcement from nearly every city in California appeared on the list, including 25 San Francisco police officers.¹⁴⁹

Even after the Inglewood raid exposed the breadth of KKK membership, and after the Legislature passed an anti-KKK bill, the KKK still proceeded to hold nine events in Los Angeles between March 1923 and April 1924.¹⁵⁰ The raid and its aftermath inspired KKK members and caused the KKK to redouble its efforts.¹⁵¹ In 1929, KKK supporters helped elect John C. Porter, who had a past with the KKK, as mayor of Los Angeles.¹⁵² And in the 1930s, even after enthusiasm for the KKK began to subside, the KKK still remained active in Los Angeles and the surrounding community, with rallies attended by thousands of people and cross-burnings.¹⁵³

In December 1939, the KKK ceremoniously marched through downtown Los Angeles burning crosses in full view of thousands of people.¹⁵⁴

Beyond Los Angeles, the KKK was active throughout Southern California, including in Orange County, Riverside, and San Diego.¹⁵⁵

KLANSMEN IN THE TOWN OF BREA 1924-1936



In Anaheim, by 1923, the KKK had almost 900 members,¹⁵⁶ out of a total city population of about 6,000.¹⁵⁷ Its members generally held more prestigious jobs than the rest of the white population and were politically and civically active.¹⁵⁸ The Anaheim KKK burned crosses and held rallies drawing thousands of people.¹⁵⁹ One such event, an initiation in July 1924, attracted 20,000 people and included a parade of Klansmen with a marching band, airplanes, and fireworks.¹⁶⁰ By spring 1924, the KKK dominated the Anaheim city council, which had initiated a program to replace non-KKK city employees with its own members. Their plan succeeded: ten new policemen, out of 15, were members of the KKK.¹⁶¹

In Brea, five of the town’s first eight mayors were Klansmen, as were six of the 10 councilmen who sat on

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the board of trustees, half of the city’s treasurers, half of the city’s engineers, half of its city clerks, half of its city marshals, and two-thirds of its fire chiefs between 1924

and 1936.¹⁶² And in Fullerton, from 1918 to 1930, seven of 18 city councilmen were Klansmen.¹⁶³

The Riverside KKK were successful recruiters, claiming over 2,000 members in the 1920s.¹⁶⁴ In Riverside, the KKK held mass events that attracted thousands of people and included parades with marching bands, floats, and KKK members in full regalia.¹⁶⁵ The Riverside KKK prioritized policing interracial contact, which meant monitoring African American residents' activities.¹⁶⁶ For example, the KKK was preoccupied with the City's 1922 settlement with the NAACP to desegregate a white-only pool.¹⁶⁷ In response, they targeted African American swimmers with humiliation and violence.¹⁶⁸ The Riverside KKK gained political influence, and in 1927, helped elect a mayor, Edward M. Deighton, who openly boasted about his support from the KKK.¹⁶⁹ In the 1930s, Riverside Sheriff Carl Rayburn openly sympathized with the KKK, and "KIGY," meaning "Klan I Greet You," was painted on streets and sidewalks throughout the county.¹⁷⁰ The KKK's membership in Riverside decreased in the 1930s, but they still made appearances and burned crosses.¹⁷¹

The San Diego KKK, in the 1920s and 1930s, focused on using violence and other intimidating tactics to "chas[e] the wetbacks across the border."¹⁷² The KKK in the 1930s also merged with other racist and fascist groups, such as the Silver Shirts League, that were focused on attacking African Americans, Latino Americans, and Jews.¹⁷³

The Ku Klux Klan in the Central Valley

The Ku Klux Klan had an active presence in Fresno and Kern County.¹⁷⁴ As of 1922, a local Fresno newspaper reported over 240 alleged Klansmen in Fresno County, and the KKK held public events and parades with as many as 600 attendees during the early to mid-1920s.¹⁷⁵ The investigation in the aftermath of the Inglewood raid also revealed that a number of Fresno officials were KKK members.¹⁷⁶

In the early 1920s, the KKK actively recruited in Kern County and developed what was considered the most violent KKK chapter in California.¹⁷⁷ In Kern County, in 1922 alone, there were over 100 cases of KKK violence, which included extrajudicial beatings, kidnappings, and tar-and-feathering.¹⁷⁸ In 1922, a local newspaper reported that several high-ranking officials in

Kern County were associated with the KKK, including the deputy sheriff, the police chief, the Board of Supervisors chair, and a former assistant district attorney.¹⁷⁹ Although the KKK's influence started to decline in the 1930s,¹⁸⁰ white supremacist culture persisted in

During the 2000s in the California Central Valley, members of the white supremacist group the Peckerwoods were involved in multiple violent attacks against Black, Hispanic, and Asian American residents that involved the use of racial slurs.

Kern County in the decades that followed.¹⁸¹ As recently as the 1960s, a sign across the Kern River between Oildale and Bakersfield read "Nigger, Don't Let the Sun Set on You in Oildale."¹⁸² There were also unconfirmed reports that a similar sign was spray painted on the same bridge as recently as the late 1990s.¹⁸³ In 1981, three KKK members were arrested for burning a cross on the front lawn of an African American family in the Kern County town of Boron, and KKK rallies were reported as recently as 1987.¹⁸⁴ In the early 1990s, African American motorists were attacked on the streets of Oildale by whites hurling racial slurs and epithets.¹⁸⁵ In the 2000s, members of the white supremacist group the Peckerwoods were involved in multiple violent attacks against African American, Hispanic, and Asian American residents that involved the use of racial slurs.¹⁸⁶

The Ku Klux Klan in Northern California and the Bay Area.

The Ku Klux Klan established a presence in the Bay Area during the 1920s.¹⁸⁷ By 1922, there were KKK chapters in San Francisco, Oakland, and San Jose.¹⁸⁸ In addition to burning crosses, KKK chapters in the Bay Area held rallies, initiation events, and public parades, which were attended by thousands.¹⁸⁹ In Oakland, the politically active KKK took control of the city government to create policy that would limit African American home ownership, including by embracing restrictive covenants.¹⁹⁰ Between 1921 and 1924, the Oakland KKK grew to at least 2,000, and the chapter enjoyed political success well into the 1920s, winning an election for county sheriff in 1926 and city commissioner in 1927.¹⁹¹ The Oakland KKK also operated as a vigilante group, accompanying federal agents on prohibition raids.¹⁹²

IV. Forms of Racial Terror: Violent Tools of Social Control

Racial terror has taken many forms throughout its long history. Although the primary component of racial terror is physical violence, perpetrators of racial terror have also destroyed and repossessed African American property. And given the public nature of racial terror, overt action has often been unnecessary. Threats and intimidation have often successfully kept African Americans from voting, living in certain neighborhoods, and exercising other civil rights. As one scholar has argued, “fear of physical death not only hinders the possibility of freedom, but also limits productive and meaningful living.... [A]s [the oppressed] submit to oppression and preserve biological life, they invariably suffer a degree of *psychological* and *social* death.”¹⁹³

From Reconstruction onward, racial terror undermined African Americans’ legal rights, with lasting social repercussions. By attacking African Americans who were never found guilty in a court of law, racial terror popularized the idea that African American people bear a presumption of guilt—contrary to the presumption of innocence, which the Supreme Court has described as “foundation[al]” to “our criminal law.”¹⁹⁴ Many white lynch mobs killed African American criminal suspects who were later found to be innocent.¹⁹⁵ Some African American men were even lynched after a jury found them innocent of their alleged offense.¹⁹⁶ White people justified racial terror as a mode of self-defense against African Americans, as a tactic to deter future perpetrators, regardless of whether a crime had actually been committed.¹⁹⁷ This history of racial terror reinforced a view that African Americans were dangerous criminals who posed a threat to white society.¹⁹⁸

Lynching

Key Features of Lynching

The most gruesomely iconic form of racial terror was lynching: violent and public acts of torture, which were largely tolerated by officials at all levels of government.¹⁹⁹ Such violence traumatized African American people throughout the country, although it most frequently occurred in the South.²⁰⁰ Although lynchings were carried out against individual victims, the practice of lynching was ultimately aimed at the entire African American community.²⁰¹ Indeed, historians have described the trauma of lynching as a “contagion” that has a “multiplier effect” across families, communities, and generations.²⁰² Much like Jim Crow laws and racial segregation, lynching was primarily a method of enforcing the political, economic, and cultural exploitation of African Americans.²⁰³ For instance, after Booker T. Washington visited the White House to meet with

President Theodore Roosevelt, South Carolina Senator Benjamin Tillman remarked, “now that Roosevelt has eaten with that nigger Washington, we shall have to kill a thousand niggers to get them back to their places.”²⁰⁴

Lynching was often carried out as a public spectacle. It did not simply involve hanging; rather, public lynching often featured the prolonged torture, mutilation, dismemberment, and/or burning of the victim.²⁰⁵ These events attracted large crowds of white people, often numbering in the thousands, which included elected officials, prominent citizens, and entire families, including children.²⁰⁶ Children were given front-row views of the victim, imprinting upon their minds for the rest of their life the concept that African American people do not deserve human dignity.²⁰⁷ The white press justified and promoted these carnival-like events, while vendors sold food, and printers produced postcards featuring photographs of the lynching and corpse.²⁰⁸ Spectators would fight over fingers, ears, toes, sexual organs, and other body parts as souvenirs.²⁰⁹ The physical objects associated with a lynching were prized mementos for the crowd.²¹⁰

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Large crowd looking at the burned body of Jesse Washington, 18 year-old African American, lynched in Waco, Texas. (May 15, 1916)

The publicity of lynchings not only terrorized African Americans, but also allowed white communities to economically and politically benefit. The terror of being lynched prevented African Americans from achieving political power, and preserved them as a compliant, intimidated workforce.²¹¹ This, in turn, largely maintained the Southern economy as it was during enslavement.²¹² And while lynching was overwhelmingly (though not exclusively) a Southern phenomenon,²¹³ its effects were felt throughout the United States—just as white supremacists intended to victimize and oppress all African Americans.²¹⁴

Lynchings to Maintain White Supremacy

Lynchings were based on a broad range of perceived violations of the racial caste system. Hundreds of African American people were lynched after being accused of murder or rape, though almost none were legally convicted of their alleged crimes.²¹⁵ Regardless, lynching is never an acceptable form of punishment. Many lynchings were based on weak or contrived evidence.²¹⁶ For example, white men perpetuated the myth of the “unbridled, brutish, black rapist” to justify lynching African American men for

Apart from responding to specific accusations, lynchings were used to drive African American residents from a community. For example, after a 1912 lynching in Forsyth County, Georgia, white vigilantes distributed leaflets demanding that all African American people leave the county or suffer deadly consequences.²²⁴ As a result, the African American population dropped from 1,100 to 30 in eight years.²²⁵ And in 1918, in Unicoi County, Tennessee, after lynching an African American man, a group of white men rounded up 60 African American residents—including children—and forced them to watch the corpse burn.²²⁶ The white people told the African American people in the town to leave the county within 24 hours.²²⁷

Judges contributed to these outcomes by presiding over a process that systematically excluded African Americans from juries, mistreated Black witnesses, and held trials in jurisdictions with a racist bias.

allegedly sexually assaulting white women.²¹⁷ The lynchings of African American men accused of rape or sexual assault often involved castration, which underscored how white men felt threatened by African American men and used lynching to attack African American manhood.²¹⁸

Many lynchings were based on much more minor accusations. According to the Tuskegee Institute, approximately 30 percent of lynching victims were accused of nonviolent “offenses.”²¹⁹ Some victims were lynched only for minor social transgressions, or for demanding basic rights and fair treatment. African American victims were lynched for referring to a white police officer by name, associating with white women, accidentally bumping into a white woman, “passing” as white, speaking out about racial equality, testifying on behalf of an African American defendant, and refusing to take off an Army uniform after returning from World War I.²²⁰

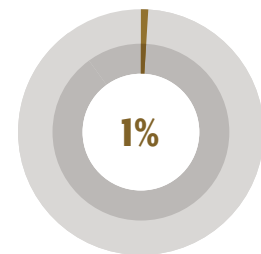
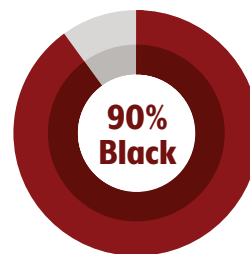
African Americans were also lynched for asserting their labor rights and economic rights. For example, in 1918, an African American man in Earle, Arkansas refused to work on a white-owned farm without pay.²²¹ In response, the white citizens of the city cut him into pieces with butcher knives and hung his remains from a tree.²²² In numerous instances, African Americans were also lynched after disputes over wages or debts: in such disputes, if a white person became violent and an African American person reacted in self-defense, the African American person was often lynched for murder or assault.²²³ By killing African Americans for seeking fair treatment or for trivial social disputes, white Americans continued to assert the total control they had held over African American lives during slavery.

Lynchings also united white Americans of all socioeconomic levels. The public violence of lynchings portrayed the white population as strongly allied against the perceived threat of African Americans.²²⁸ White mobs asserted their racial superiority by publicly torturing and killing African American victims.²²⁹ Through the Jim Crow period, white Americans experienced divisions along political, economic, and social lines.²³⁰ Although poor white Americans may have lived in conditions more similar to those of poor African Americans, lynching helped prevent interracial class-based alliances by unifying white Americans around a core purpose and identity.²³¹

Complicit Government Officials

Government actors, including police officers, prosecutors, judges, and elected officials, tacitly approved of or assisted in lynchings.²³² Law enforcement officers released African American people who had been incarcerated to mobs, placed African American prisoners in areas where lynch mobs were known to gather, joined mobs to find African Americans, and assisted with lynchings.²³³ Prosecutors and law enforcement regularly failed to identify and

Americans Lynched After 1900



Only 1% of lynching perpetrators convicted

try lynchers for their crimes.²³⁴ Only one percent of all lynchings after 1900 resulted in a conviction.²³⁵ Judges contributed to these outcomes by presiding over a process that systematically excluded African Americans from juries, mistreated African American witnesses, and held trials in jurisdictions with a racist bias.²³⁶ Local coroners and coroners' juries refused to indict lynchers and made impossible conclusions—such as ruling a death was a suicide after an African American farmer was found riddled with bullets.²³⁷

Throughout the South, state and local politicians protected the perpetrators of violent acts instead of protecting African American Southerners from extrajudicial violence.²³⁸ Some governors, rather than condemn lynchings, made statements that focused on the accused crime of the lynched African American person—suggesting that the lynching was justified—and in other cases, affirmatively supported the lynching.²³⁹ And government officials outside the South did little to stop the campaign of wide-

research, advocacy, and public policy purposes.²⁴⁵ Other researchers and activists have followed Wells' lead, but there is disagreement on figures among those who study

Equal Justice Initiative estimates 6,500 lynchings nationwide between 1865 and 1950, although any count is an underestimate because of gaps in the evidence like inadequate reporting at the time, lack of documentation, and cover-ups.

racial terror. Researchers use different criteria of what counts as a lynching, and perpetrators hide their crimes—to list just two reasons that there is no definitive number of African American lynching victims.²⁴⁶ By any measure, however, lynching occurred in every region of the United States, with victims of all races and genders.²⁴⁷ And despite disagreement over exact numbers, there is a consensus that between the Civil War and World War II, thousands of African Americans were lynched in the United States and were the primary targets of lynch mobs.²⁴⁸ The non-

profit organization Equal Justice Initiative, for example, counts nearly 6,500 lynchings nationwide between 1865 and 1950.²⁴⁹ Any count of lynchings, however, will fall short of the true number, as a result of inadequate reporting at the time, lack of documentation, cover-ups by perpetrators and local officials, and other gaps in the evidence.²⁵⁰

In the 1890s, when the frequency of lynchings peaked, an average of 104 African American people were estimated to have been killed each year by lynch mobs.²⁵¹ Then, as African American Southerners moved north and west, lynching rates steadily declined during the 1930s, 1940s, and 1950s, and lynchings eventually became extraordinary events.²⁵² Thus, when 15-year-old Emmett Till was lynched in 1954 for allegedly whistling at a white woman,²⁵³ and when a white mob abducted Mack Charles Parker from his jail cell and lynched him in 1959,²⁵⁴ the killings provoked national public outrage.²⁵⁵ However, the decline in lynchings did not correspond with an end to the racial caste system that led to lynchings in the first place.²⁵⁶ Rather, the decline can be attributed to strict segregation laws, tactics of disenfranchisement, and the surge of the death penalty.²⁵⁷

Beginning in the early 1900s, white Southerners began to fear that the barbaric imagery of lynching would harm the Southern economy.²⁵⁸ The death penalty offered a more respectable form of violence and the appearance

While there is no conclusive evidence proving that the death penalty replaced lynching in the South, data shows that executions increased as lynchings declined. Indeed, Southerners themselves referred to these executions as “legal lynchings,” and Southern leaders argued that African Americans could be intimidated and controlled just as effectively with the death penalty.

spread lynching.²⁴⁰ National leaders, for their part, failed to pass even one of more than 100 anti-lynching bills that were proposed in Congress between 1852 and 1951.²⁴¹

The public was also complicit. Studies show that thousands of white people, at all levels of class and educational status, participated directly in lynch mobs. Many more participated as spectators, and millions did nothing.²⁴² Participants, meanwhile, were protected by a code of silence.²⁴³ Because witnesses refused to cooperate with law enforcement, criminal investigations were thwarted, and the perpetrators of lynchings were able to avoid accountability.²⁴⁴

The Prevalence of Lynching over Time

Despite numerous efforts, it is impossible to know how many African American people were killed by lynching. In the late 19th century, Ida B. Wells started the Red Record Efforts to identify incidents of extreme racial violence for

of the rule of law.²⁵⁹ As early as the 1930s, lynchings were often avoided when government actors made clear that the accused would receive a swift judicial conviction and execution.²⁶⁰ While there is no conclusive evidence proving that the death penalty replaced lynching in the South, data shows that executions increased as lynchings declined.²⁶¹ Indeed, Southerners themselves referred to these executions as “legal lynchings,” and Southern leaders argued that African Americans could be intimidated and controlled just as effectively with the death penalty.²⁶² And “legal lynchings,” like actual lynchings, disproportionately victimized African Americans.²⁶³ From the 1890s to the 1950s, between 53 and 81 percent of lynchings and executions were of African Americans, although African Americans represented approximately only 10 percent of the entire U.S. population.²⁶⁴

By 1915, court-ordered executions outpaced lynchings in the former slave states for the first time, and by the 1930s, two-thirds of those executed were African American—a trend that would continue.²⁶⁵ While African American people were executed for allegedly killing white people, the reverse was not true. As lynchings declined from 1930 to 1970, there was a sharp increase in the number of African Americans who were executed for rape, but there is no evidence that a white person was executed for raping an African American woman.²⁶⁶ According to one study, out of more than 11,000 executions in the United States, only two white men were executed for killing an African American person.²⁶⁷ Another study of approximately 15,000 executions, from colonial times to the 1990s, found that white people were executed for

killing African American people in only 29 cases—and in most of those cases, the defendants had also killed white people.²⁶⁸ These trends in executions reinforce a central theme of lynching: that the lives of African American people were worth less than those of white people.²⁶⁹

Mob Violence

Whereas lynching involves group action against a person as a response to that person’s alleged wrongdoing, mob violence involves assaults by civilians of one ethnic group on members of another ethnic group on the basis of their

A study of approximately 15,000 executions, from colonial times to the 1990s, found that white people were executed for killing Black people in only 29 cases—and in most of those cases, the defendants had also killed white people.

ethnicity.²⁷⁰ These tactics were often used together against the African American community.²⁷¹ Lynchings were sometimes followed by mob violence, with white mobs burning Black homes, devastating African American neighborhoods, and forcing African American residents to relocate.²⁷² Mob violence was motivated by the same objectives as lynchings, including extinguishing African Americans’ political influence and economic gains, and maintaining social control over African Americans.²⁷³

The racial hierarchy benefited from mob violence. Mob violence was a ritual that built a sense of community among white people and helped the South to sustain a cohesive culture of white supremacy and enforce legal segregation.²⁷⁴ (As discussed above, mass participation was a typical element of lynchings, which drew upwards of thousands of spectators.²⁷⁵) But mass violence was not strictly a Southern phenomenon. White mob violence occurred in several Northern states prior to 1865, including New York, Pennsylvania, and Ohio.²⁷⁶ These Northern white mobs, which numbered in the hundreds or thousands, attacked and killed African American people and set fire to African American properties.²⁷⁷ The violence was often accompanied by inaction or inadequate response by law enforcement.²⁷⁸ Virtually none of the perpetrators were prosecuted or convicted; those that were, received extremely lenient punishments.²⁷⁹

When white Americans felt African Americans threatened their superiority, mob violence sometimes escalated into massacres, destroying cohesive African American communities and the prosperity that they built.²⁸⁰ Historically, these attacks have often been called “riots” or “race riots,”



Postcard depicting the lynching of Lige Daniels, Center, TX. A mob of over 1,000 men stormed the county jail and took the young man who was both charged with and confessed to the murder of a local farmer’s wife. (1920)

but these terms obscure the nature of this violence. Throughout Reconstruction, segregation, and the civil rights era, so-called riots were actually massacres. In these attacks, white mobs proactively killed African Americans and destroyed African American property, though the African American victims were often blamed for inciting the violence in the immediate aftermath.²⁸¹ This pattern of violence has evolved and continued through the 20th and 21st centuries, as is discussed in greater detail in Chapter 11 An Unjust Legal System.

Massacres inflicted tremendous damage upon African American lives and property.²⁸² It is estimated that over 100 such massacres occurred between the end of the Civil War and the 1940s.²⁸³ Among several notable examples,²⁸⁴ the 1921 Tulsa Race Massacre is especially prominent. In Tulsa, Oklahoma, in 1921, an African American man was arrested for allegedly assaulting a white woman.²⁸⁵ In response, a white mob looted, burned homes and businesses, and murdered at least 300 Black people in Greenwood, a prosperous Black neighborhood known as “Black Wall Street.”²⁸⁶ Over the course of 24 hours on May 31 and June 1, the mob destroyed 35 square blocks, more than 1,200 Black-owned homes, over 60 businesses, a hospital, a public library, and a dozen African American churches.²⁸⁷ Thousands of African American Tulsans were left homeless and placed in internment camps.²⁸⁸ Lawyer and reparations advocate Eric J. Miller has testified that, in addition to death and destruction, the massacre inflicted catastrophic mental and emotional trauma upon the African American survivors and their descendants.²⁸⁹ The destruction remained over generations as the city, state, and chamber of commerce worked to prevent rebuilding and turned away funding that could have benefited Greenwood.²⁹⁰

The Tulsa Race Massacre Commission confirmed that Tulsa officials not only did nothing to prevent the massacre, but also participated in the violence and provided firearms and ammunition to the mob.²⁹¹ Indeed, the city and county police deputized hundreds of white people to participate in the massacre, and the Oklahoma National Guard joined the massacre as well.²⁹² The Commission’s report confirmed that no one prosecuted or punished any of the perpetrators for the violent acts that occurred, despite overwhelming

evidence of their guilt.²⁹³ Instead, the all-white grand jury falsely blamed African American people for the massacre.²⁹⁴ As stated in the grand jury report: “There was no mob spirit among the whites, no talk of lynching and no arms. The assembly was quiet until the arrival of the armed Negroes, which precipitated and was the direct cause of the entire affair.”²⁹⁵

This example also highlights the role of the government, at all levels, in mob violence, just as government had once enforced the legal regime of slavery. By looking the other way, declining to prosecute mob members, or by actively fomenting and assisting mob violence, government officials enabled violent white mobs to devastate African American communities.

COURTESY OF UNIVERSAL HISTORY ARCHIVE/UNIVERSAL IMAGES GROUP VIA GETTY IMAGES



Photograph shows destroyed houses and billowing smoke during the Tulsa Race Massacre, when a white mob attacked the predominantly African American Greenwood neighborhood of Tulsa, Oklahoma. (1921)

Torture

Southern lynchings often included torture of the victim before death, in addition to burning, mutilation, and decapitation after death.²⁹⁶ The torture preceding public killings usually lasted hours, and could involve shoving a hot poker iron down the victim’s throat and pressing it against their body; gouging out eyes; castration; cutting off hands and feet; tearing into the flesh with a large corkscrew; and burning the victim alive.²⁹⁷ As historian Leon F. Litwack explains: “The story of a lynching . . . is the story of slow, methodical, sadistic, often highly inventive forms of torture and mutilation.”²⁹⁸

Torture was thus another method with which white people sought to punish African American people for stepping beyond their relegated social roles.²⁹⁹ Victims

were often tortured even if they were not convicted of any crime, such as when two brothers in Paris, Texas were tortured for trying to escape abusive work conditions.³⁰⁰

Like slave patrols, police violence during Jim Crow was intended to intimidate Black communities and subordinate African Americans within the segregated social order.

As lynching became less common, so too did the accompanying torture. But just as lynching was replaced with the “legal lynching” of state executions, the police used torture to extract confessions from African American suspects.³⁰¹ The police objective was to quickly convict the suspects.³⁰² Thus, even facing the death penalty, African American suspects were frequently denied a fair and impartial trial.³⁰³

For example, in 1938, Dave Canty, an African American man, was arrested for killing a white woman and wounding another in the course of a robbery in Montgomery, Alabama.³⁰⁴ After hours of police questioning, Canty signed a written confession, admitting responsibility for the attack.³⁰⁵ At trial, however, Canty testified from the witness stand that the police had forced him to confess by torturing him.³⁰⁶ He gave detailed information about the torture and his torturers, and he showed his wounds and scars to the jury.³⁰⁷ Police officers and prison staff, however, denied Canty’s account of his torture, and at the conclusion of his three-day trial, Canty was sentenced to death.³⁰⁸ After a new trial reduced his sentence to life in prison, Canty died in the same prison in which he claimed to have been tortured.³⁰⁹

Unlike lynching, this form of torture was not public.³¹⁰ In fact, hiding it was critical to supporting a racist system.³¹¹ It was difficult for victims and advocates to realize the prevalence of torture, and denials and secrecy made it more difficult to fight the practice.³¹² When torture was reported and individuals tried to bring charges, allegations and evidence were ignored and invalidated by white judges, prosecutors, and other officials.³¹³ While this practice occurred throughout the country, it was especially prevalent in large cities like Chicago and New York

City, as well as the American South.³¹⁴ There were very rarely any consequences for violence used by police in coercing confessions.³¹⁵ Police officers often denied the use of such violence, while claiming that regulating police work would lead to an increase in crime.³¹⁶ Thus, the decline of lynching and public torture was not a sign of enlightenment.³¹⁷ Rather, lynching and torture developed into more modern forms of racial violence—namely, swift executions and coerced confessions.³¹⁸

Evidence suggests that police continue to coerce confessions from suspects, including Black suspects, leading to wrongful convictions and years of undeserved jail time.³¹⁹ From the early 1970s to the early 1990s, for example, then-Chicago Police Commander Jon Burge led officers in torturing over 125 suspects into confessing to crimes, most of whom were African American, and many of whom have said their confessions were false.³²⁰ Burge was convicted for lying under oath about the torture.³²¹

Police Killings and Vigilantism

State-sanctioned violence against African Americans continues today in the form of extrajudicial violence by police officers and vigilantes.

Police Violence as a Modern Form of Lynching

Throughout American history, including the present day, the police have held the power to strip African American people of their rights and lives for any reason—or for no

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Print shows a scene during a riot between Irish American and African American railroad workers employed by the Easton and Amboy Railroad to build the Musconetcong Tunnel, in which Denis Powell, an African American man, is beaten to death by a mob of white men, during the Pattenburg Massacre, Pattenburg, New Jersey. (1872)

reason at all. Police violence is a leading cause of death for African American people in America.³²² Today's extrajudicial killings have historical roots in the social control of slave patrols,³²³ the lynchings of the late 1800s and early 1900s, and police violence against African American Southerners during legal segregation.³²⁴ Slave patrols, which began in the early 1700s, were made up of white volunteers.³²⁵ Patrollers were empowered to forcibly discipline enslaved persons, crush potential uprisings, and return enslaved persons who had escaped to their enslavers.³²⁶ Like slave patrols, police violence during Jim Crow was intended to intimidate African American communities and subordinate African Americans within the segregated social order.³²⁷

From the end of the Civil War through the early 20th century, racialized policing was often tailored to local concerns.³²⁸ In urban areas, in response to growing economic competition between white workers and African American workers moving to cities, the police targeted African American residents with curfews, high incarceration rates, and violence—often deadly violence.³²⁹ In rural areas, sheriffs and deputy sheriffs enjoyed essentially unchecked power from their white constituents.³³⁰ As a result, the police violently enforced the racist social order against African American citizens, even for seemingly minor transgressions.³³¹

As recognized by the United Nations Working Group of Experts on People of African Descent, “contemporary police killings and the trauma that they create are reminiscent of the past racial terror of lynching.”³³² Recent incidents of police violence demonstrate this connection. The British Broadcasting Company has collected a list of recent high-profile killings of African Americans by police,³³³ highlighting just a fraction of the more than 1,500 African Americans killed by police since 2015.³³⁴ In 2016, after a Minneapolis police officer killed Philando Castile during a traffic stop,³³⁵ Castile's sister said, “It's just like we're animals. It's basically modern-day lynching that we're seeing going on, except we're not getting hung by a tree anymore—we're getting killed on camera.”³³⁶ Similarly, in 2020, George Floyd was stopped for allegedly using a counterfeit \$20 bill, which could have been handled with a ticket.³³⁷ Instead, Floyd was killed by an officer kneeling on his neck for nine minutes and 29 seconds.³³⁸ Historian Arica Coleman described Floyd's death as “a modern-day lynching.”³³⁹

Vigilantism Continues Today

In addition to extrajudicial police violence, our country's history of lynching is reflected in the vigilantism

taken against African American people, even when they have not committed any offense.³⁴⁰ The Southern Poverty Law Center has compiled a list of African Americans (and white activists) killed during the Civil Rights Movement.³⁴¹ More recent examples of this violence are the killings of Trayvon Martin and Ahmaud Arbery. In 2012, George Zimmerman shot and killed the unarmed, 17-year-old Trayvon Martin, who Zimmerman described as a “suspicious person” in his neighborhood.³⁴² After Zimmerman was acquitted for the shooting, in the tradition of lynching, he auctioned his gun as a souvenir.³⁴³

In 2020, while Ahmaud Arbery was out for a jog, he was chased, attacked, and killed by three white men who claimed he resembled a suspect in local break-ins (although no police reports were filed about the alleged

Moreover, the United Nations found that federal, state, and county regulations on use of force and firearms do not comport with international standards, which makes it more likely that extrajudicial violence against Black individuals will continue.

break-ins). Arbery was unarmed, and as he lay dying on the ground, one of the white men called him a “fucking nigger.”³⁴⁴ Arbery's family called the killing a lynching.³⁴⁵ The three men attempted to use a citizen's arrest provision added into the Georgia Code of 1863.³⁴⁶ The men argued that the 1863 provision allowed them to arrest another person if a crime was committed “within his immediate knowledge.”³⁴⁷ The Georgia Code was drafted in part by Thomas R.R. Cobb, a legal scholar who claimed that an African American mother “suffers little” when her children are stolen from her, since she lacked maternal feelings.³⁴⁸ Cobb helped write principles of white supremacy into Georgia law, including a provision that presumed African Americans were enslaved people unless proven otherwise.³⁴⁹ The citizen's arrest provision was significantly weakened in 2021 in the wake of Arbery's murder.³⁵⁰

As with lynchings, a lack of accountability appears to exist for police violence and vigilantism. The Guardian reports that out of 1,136 killings registered in 2015, only 18 law enforcement officers were charged with crimes.³⁵¹ Moreover, the United Nations found that federal, state, and county regulations on use of force and firearms do not comport with international standards, which makes it more likely that extrajudicial violence against African American individuals will continue.³⁵²

Sexual Violence and Eugenics

As further discussed in Chapter 12, Mental and Physical Harm and Neglect, the African American female body has been brutally and routinely compromised in the absence of legal protection. African American women faced forced procreation during enslavement, while after enslavement, African American women were forcibly sterilized.³⁵³ As with other forms of racial terror, sexual violence served the social, economic, and political goals of white supremacy.

As discussed in Chapter 2 Enslavement, enslavers used sexual violence and the threat of sexual violence as a way to control enslaved African American people. Enslavers also used sexual violence and forced procreation to grow their fortunes.

While the end of enslavement as an institution may have removed an economic incentive for sexual violence, African American women have continued to suffer from the violence that arises from stereotypes projected upon them. During the Jim Crow era, white men used rape and threats of rape to oppress African Americans, and particularly African American women.³⁵⁴ Throughout their daily routines, African American women and girls faced the threat of sexual violence by white men.³⁵⁵ Rapes during Jim Crow were intended to maintain white domination and for white men's sexual gratification.³⁵⁶ Some rapes also took place during other instances of racial violence, such as attacks to steal African American land and destroy African American property.³⁵⁷ White men were rarely punished for committing sexual violence against African American women and girls, while African Americans frequently faced retaliation for reporting such attacks.³⁵⁸

As discussed in Chapter 11 An Unjust Legal System, Black women continue to be depicted through tropes of hypersexuality, creating a myth that Black women cannot credibly claim to be victims of sexual violence.³⁵⁹

African American women also suffered a different kind of sexual violence as a result of the eugenics movement. During the early 20th century, the eugenics movement, which claimed to be acting according to "scientific" principles and for the good of human society, scrutinized African American sexual behavior and reproduction. The result was that African American people, and especially African American women, were disproportionately forced into sterility.³⁶⁰ This is discussed in detail in Chapter 12, Mental and Physical Harm and Neglect.

Family Separation and Violence Against Children

The threat of selling non-compliant enslaved people away from their families was one of the most terrifying tools of

coercion that enslavers wielded to control enslaved persons and suppress rebellions.³⁶¹ As discussed above, under the laws of slave states, the status of a newborn followed the status of their mother.³⁶² Separation was horrifying and traumatic to the parents and their children.³⁶³ Children and their parents were treated not as people, who loved and cared for each other, one generation after another, but as bodies used exclusively for labor.³⁶⁴ Frederick Douglass said that he began to understand himself as a slave following the separation from his mother, as in the absence of nurturing kin, he was completely subjected to the will of others.³⁶⁵ The practice of selling away infants was so common that it was a focus of the northern abolitionist movement, and according to Professor Laura Briggs, in the 1850s, many Southern states outlawed taking infants from their mothers in an effort to prove that slavery was not as bad as antislavery northerners claimed.³⁶⁶

After enslavement, Southern states re-enslaved African American children, removing them from their parents, and forcing them into so-called apprenticeships to white former enslavers.³⁶⁷ The children, sometimes as young as six, worked for white families as if they were enslaved.³⁶⁸ Throughout the 20th century, government officials disproportionately separated African American children from their families to threaten and coerce mothers into withdrawing from welfare programs.³⁶⁹ A detailed discussion of family separation is in Chapter 8, Pathologizing the African American Family.

COURTESY OF SCHOMBURG CENTER FOR RESEARCH IN BLACK CULTURE/THE NEW YORK PUBLIC LIBRARY



"Whites stoning Negro to death," Chicago. (1922)

Mass incarceration, another tool of racist social control, has also had the consequence of breaking up African American families. The war on drugs, beginning with Richard Nixon's 1968 presidential campaign,

was explicitly designed to target the antiwar left and African Americans.³⁷⁰ Due to these policies, by 2015, one in nine African American children had at least one parent in prison.³⁷¹ At the same time, African American families were targeted by racist policing of parenting.³⁷² African American children were increasingly placed in the child welfare system due to parental neglect—

African Americans who disputed labor contracts.³⁸⁰ Employers also whipped and lynched African American freedmen who argued with them or left the plantations where they were contracted to work.³⁸¹

Once African Americans became successful, ran businesses, and owned homes, they were even more targeted. In the South, even before the Civil War, the Associated Press reports that 24,000 acres of land were stolen from 406 African American landowners, including by means of racial terror.³⁸² The success of African American neighborhoods and African American individuals triggered white mobs to initiate violence,³⁸³ as white Americans felt threatened by the growing economic power and independence of African American communities.³⁸⁴

Hundreds of white people were responsible for looting, killing, and destroying property, enabled and assisted by Tulsa government officials. The massacre caused \$1.8 million in property damage—\$25 million in today’s dollars, though others estimate that the damage totaled \$50 to \$100 million in today’s dollars. However, no one, except one white pawnshop, was given any compensation for the damage.

but in reality, this “neglect” was often only poverty.³⁷³ These two forms of racist policing combined to double and then triple the rate of incarceration of African American women during the 1980s.³⁷⁴ Eighty percent of these women had children living with them at the time of the arrest, many of whom were then placed in foster care.³⁷⁵ As a result, between 1985 and 1988, the number of children in out-of-home placement—foster care, psychiatric institutions, and the juvenile justice system—increased by 25 percent.³⁷⁶

Finally, African American children have faced disproportionate police violence. As discussed above, law enforcement continues to treat Black people as a dangerous criminal group; Black children are no exception.³⁷⁷ A 2020 study led by Children’s National Hospital researchers found that Black youth are six times likelier than white youth to be shot and killed by police.³⁷⁸ A detailed discussion of the criminalization of African American children is in Chapter 11, An Unjust Legal System.

Economic Terror

White people have used various types of racial violence in order to erase African American economic gains, allowing the unrestricted theft of African American labor during enslavement to carry on in new forms. In the 1890s, the prominent journalist and anti-lynching advocate Ida B. Wells conducted a detailed study of lynchings and found that the vast majority were not in response to sexual crimes, but were rather motivated by economic or political concerns.³⁷⁹ For example, perpetrators initiated attacks as a form of economic intimidation against

There are numerous historical examples of economically motivated violence against prosperous African American communities.³⁸⁵ Perhaps the most significant example is the 1921 Tulsa massacre, discussed above in relation to mob violence, in which a white mob devastated the prosperous Black neighborhood of Greenwood.³⁸⁶ In 1997, the Oklahoma legislature formed the 1921 Tulsa Race Riot Commission (recently renamed the Tulsa Race Massacre Commission³⁸⁷), which was tasked with investigating the Tulsa massacre and recommending methods for reparations.³⁸⁸ The Commission confirmed that hundreds of white people were responsible for looting, killing, and destroying property, enabled and assisted by Tulsa government officials.³⁸⁹ The Commission found that the massacre caused \$1.8 million in property damage—\$25 million in today’s dollars, though others estimate that the damage totaled \$50 to \$100 million in today’s dollars.³⁹⁰ However, the Commission found that no one, except one white pawnshop, was given any compensation for the damage to their property, and there was no other benefit or restitution for victims.³⁹¹

Economically motivated violence was also directed at prosperous African American individuals, not just communities and neighborhoods. An illustrative case is that of Elmore Bolling, a successful African American man in Lowenesboro, Alabama.³⁹² He owned a small fleet of trucks that ran livestock and made deliveries, and he also leased a plantation where he had a general store with a gas station and a catering business.³⁹³ At the peak of his business, Bolling employed 40 other African American people.³⁹⁴ In December 1947, a group of white men showed up at Bolling’s home where he lived with his

wife and seven children, shot him seven times, and left him in a ditch to die.³⁹⁵ At the time of Bolling's death, the family had \$40,000 in the bank and more than \$5,000 in assets (approximately \$500,000 in today's dollars), but creditors (or those who purported to be creditors) took the money, leaving the family with nothing.³⁹⁶ As someone told the local newspaper at the time, "He was too successful to be a Negro."³⁹⁷

In addition to attacks on successful African American business owners, white people also committed racial violence against African American individuals who moved into white neighborhoods.³⁹⁸ Their goal was to pressure the new African American residents to move away and maintain housing segregation, as discussed in Chapter 5, Housing Segregation.³⁹⁹ Such violence consisted of pelting homes with rocks, throwing bricks and firebombs at homes, setting garages on fire, and beating African American neighbors in the streets.⁴⁰⁰

Political Terror

Just as groups of white people responded violently to African American economic gains, they also resorted to violence to set back African American political gains. African American voters, and political candidates favored by African American voters, were intimidated

and sometimes murdered.⁴⁰¹ By using violence, white Americans kept their grip on political power. They used this power to oppress African Americans and prevent African Americans from achieving equal levels of wealth and political influence. In this way, even after slavery ended, African Americans were often prevented from achieving political power and influence.

Reconstruction—and the resulting political gains made by African Americans—provoked violent backlash from white southerners.⁴⁰² Violence typically soared right before elections, as the Ku Klux Klan and other white supremacist groups strategically targeted their violence to deny African American voters access to the polls, or to sway election results by forcing African American voters to vote for Democrats.⁴⁰³ As white supremacists killed thousands of African Americans over numerous attacks during Reconstruction,⁴⁰⁴ the balance of power began to shift against Reconstruction and Republicans.⁴⁰⁵

For example, in 1868, in response to growing African American support for Republican candidates in St. Landry Parish, Louisiana, white people terrorized the African American community.⁴⁰⁶ Over the course of two weeks, the attacks left more than 100 African American people dead—and by some estimates, over 200.⁴⁰⁷ The white attackers achieved their intended effect: although the parish gave 5,000 votes to the Republican governor in the spring 1868 election, there was not a single Republican vote counted in the fall 1868 election in the parish.⁴⁰⁸ The Republican Party was unable to recover in the parish for the remainder of Reconstruction.⁴⁰⁹

White supremacists also assassinated political figures. On the eve of the 1868 election, KKK members murdered James Hinds, a white Republican member of the U.S. House of Representatives who advocated for African American civil rights.⁴¹⁰ This was the first-ever assassination of a U.S. congressman.⁴¹¹ When Benjamin Franklin Randolph, an African American state senator from South Carolina, was assassinated in 1868, the Ku Klux Klan was suspected of his murder, though no one was convicted of the crime.⁴¹² Similarly, in 1875, election results split the Florida legislature evenly between Republicans and Democrats.⁴¹³ White supremacist assassins broke the tie by killing E.G. Johnson, an African American state senator, to give the Democrats a majority.⁴¹⁴

After Reconstruction, Southern white politicians sought to advance white supremacy in state governments and to push back against federal laws protecting African American voting rights.⁴¹⁵ They relied on lynching and vigilante violence to achieve these political goals.⁴¹⁶ As the national lynching rate soared, in 1892, the Southern-dominated Democratic Party was able to win the White

COURTESY OF PHOTO12/UNIVERSAL IMAGES VIA GETTY IMAGES



Ku Klux Klan parade on Pennsylvania Avenue, Washington D.C. with the U.S. Capitol Building in the background. (1926)

BECAUSE OF POLITICAL TERROR

BLACK VOTING IN

SOUTH CAROLINA

DECLINED 97%

1876-1900



IMAGE SUPPLIED BY BETTMANN/BETTMANN VIA GETTY IMAGES

House and a majority of Congress.⁴¹⁷ In response, the Republican Party abandoned racial equality as part of its platform.⁴¹⁸ White supremacists were thus able to take control of state governments and pass laws that, in combination with racial terror, suppressed African American voters.⁴¹⁹ For instance, while more than 90,000 African American citizens voted in South Carolina in 1876, by the end of the 19th century, less than 3,000 African American citizens voted.⁴²⁰ While African American people represented a majority of registered voters in Mississippi in 1868, only six percent of eligible African American people were registered to vote in Mississippi in 1890.⁴²¹ And in Louisiana, the number of African American registered voters dropped from 130,344 to 5,320 between 1896 and 1900.⁴²²

Voter suppression was not always enough for white supremacists. In one instance, they also directly overthrew the local government. After the 1898 election in Wilmington, North Carolina, armed white men overtook the Republican-led city government.⁴²³ A months-long voter suppression agenda culminated on Election Day, when armed white men patrolled Wilmington to intimidate African American voters and their allies, and white

supremacists threatened poll workers as they counted ballots.⁴²⁴ In one precinct, a group of 150 to 200 white men caused a scuffle, and in the process, stuffed ballot boxes to secure their party's victory.⁴²⁵ After the election, African American people were massacred in the street.⁴²⁶ A mob of nearly 2,000 white people indiscriminately murdered between 30 and 100 African American men, women, and children, and forced 2,000 other African American residents off their property.⁴²⁷

Meanwhile, a mob of over 100 white men occupied the Wilmington city hall and forced city officials to resign under threat of violence.⁴²⁸ All of those elected officials resigned and were replaced by men selected by an all-white committee.⁴²⁹ The new city leadership fired all African American municipal employees, and banned prominent African American leaders, African American businessmen, and white Republicans from the city.⁴³⁰ There was no state investigation of the violence in Wilmington, and the federal investigation produced no indictments.⁴³¹ To date, this has been the only successful coup d'état of a U.S. American government.⁴³²

Similar political violence continued into the 20th century. In Ocoee, Florida, on Election Day 1920, a mob of 250 white people, including KKK members, killed dozens of African Americans, set fire to their homes, and drove them out of the city to prevent them from voting.⁴³³ This massacre has been called the "single bloodiest election day in modern American history."⁴³⁴

Due to this extensive history of violence and political repression, it was not always necessary for the KKK or other white supremacists to take direct violent action to intimidate African American voters from the polls.

After the 1898 election in Wilmington, North Carolina, armed white men overtook the government, murdered between 30 and 100 Black men, women, and children, and forced 2,000 other Black residents off their property. To date, this has been the only successful coup d'état of a U.S. American government.

Threats were often just as effective. For example, in August 1922, just a year after the Tulsa massacre, the KKK reportedly flew over Oklahoma City in airplanes, dropping cards into Black neighborhoods, warning people to be cautious before heading to the polls.⁴³⁵ That same year, the Topeka State Journal reported that the KKK committed to staking out polling places in Texas to "take careful note of the voting procedure."⁴³⁶

Racist voter intimidation continues in contemporary times. During the 2016 election, neo-Nazi and white supremacist groups, including the KKK and the Oath Keepers, organized poll watchers in all 50 states, focusing on urban areas.⁴³⁷ In the 2020 presidential debate, President Trump told his supporters to “go into the polls and watch very closely,” and told a white supremacist organization, the Proud Boys, to “stand by.”⁴³⁸

The racist overtones that surrounded the 2020 election culminated in the January 6, 2021 Capitol Riot, where armed white people violently stormed the U.S. Capitol while Congress was counting the electoral vote.⁴³⁹ The rioters shouted racist epithets at African American Capitol Police officers, paraded around the Capitol waving a Confederate flag,⁴⁴⁰ and built a gallows to hang a noose in front of the Capitol building.⁴⁴¹ This was the first time the Confederate flag was brought into the Capitol as an act of insurrection, something that was not even done during the Civil War.⁴⁴²

Further discussion of the use of violence and terror to suppress the development and rise of African American political power is in Chapter 4, Political Disenfranchisement.

Cross-Burning and Other Forms of Intimidation

Even when not physical in nature, the perpetrators of racial terror used the threat of violence to intimidate African Americans and preserve the American racial hierarchy. The Ku Klux Klan, for example, often conducted masked rides through towns at night to frighten African American residents, an intimidation technique that mirrored antebellum slave patrols.⁴⁴³ As discussed above, slave patrols used violence to discipline enslaved persons, prevent uprisings, and capture enslaved persons who managed to escape.⁴⁴⁴ Furthermore, the KKK’s disguises were designed to capitalize on the superstitions of formerly enslaved people, and their activities resembled plantation scare tactics.⁴⁴⁵

The KKK also frequently burned crosses.⁴⁴⁶ While the cross-burning itself may not have physically harmed anyone, it undoubtedly became a well-known symbol of racial terror to intimidate minorities.⁴⁴⁷ During oral argument in *Virginia v. Black*, a 2002 case contemplating whether a state could criminalize burning a cross, Justice Thomas made a point of connecting the “symbol” of cross-burning to its terrorizing effect: the burning cross is “unlike any symbol in our society There’s no other purpose to the cross, no communication, no particular message.”⁴⁴⁸ As he explained, the burning cross “was intended to cause fear and to terrorize a population.”⁴⁴⁹ In his opinion in the case, Justice Thomas

observed that a cross-burning could serve only to “terrorize and intimidate”: “In our culture, cross burning has almost invariably meant lawlessness and understandably instills in its victims well-grounded fear of physical violence.”⁴⁵⁰

Government entities have also used tactics of racial intimidation to subjugate African American citizens and enforce white supremacy. The State of Mississippi, for example, created the Mississippi State Sovereignty Commission, which formally existed from 1956 to 1977, and was funded from the state budget.⁴⁵¹ The Sovereignty Commission was an intelligence organization targeting civil rights activists and engaged in spying, intimidation, false imprisonment, and jury tampering.⁴⁵² The Sovereignty Commission served as a model for similar agencies fighting to oppose racial justice in other states.⁴⁵³ The Sovereignty Commission’s activity was involved in the false imprisonment of Clyde Kennard.⁴⁵⁴ Kennard, an African American man, attempted to integrate a segregated local college in Hattiesburg, Mississippi.⁴⁵⁵ Files of the Sovereignty Commission reveal that state officials openly discussed that they would prefer to kill or frame Kennard rather than allow him to enroll.⁴⁵⁶

California Western Vigilantism

In its first decades of statehood, California had a reputation for vigilantism, including extralegal executions by hanging.⁴⁵⁷ For example, the lynching of people who committed crimes was a common method of “justice” in gold mines,⁴⁵⁸ and Placerville was originally known as “Hangtown.”⁴⁵⁹ As in the South, California lynchings involved active participation by law enforcement.⁴⁶⁰

Ken Gonzales-Day, an expert in California lynchings, found evidence of 352 lynchings that occurred between 1850 and 1935, including of eight African Americans, but mostly of Native, Chinese, and Latino Americans.⁴⁶¹ (As discussed above, counts of lynchings are lower than the true number, due to lack of documentation and cover-up efforts.⁴⁶²) As was the case elsewhere in the United States, African American Californians were often lynched in response to labor disputes or alleged crimes.⁴⁶³ In the 1871 Chinese massacre, 10 percent of Los Angeles (500 people) formed a mob and lynched 17 Chinese men and boys because they believed that Chinese people had killed a white saloon owner.⁴⁶⁴ Barely anyone was held accountable for these and the other many murders of people of color.⁴⁶⁵

A 1933 lynching of two white kidnapers in San Jose put a stamp of approval on lynching nationwide.⁴⁶⁶ The lynching received more attention than any other lynching in U.S. history, partly because the victims were white—an

anomaly for lynchings.⁴⁶⁷ Then-California Governor James Rolph praised the lynchers and vowed to pardon them if they were charged.⁴⁶⁸ Although the victims in the San Jose lynching were white, anti-lynching activists understood at the time that African Americans, who were the typical target of lynchings, would face the repercussions for the glorification of the San Jose lynching.⁴⁶⁹ As such, they swiftly and widely condemned the lynching and the Governor's response.⁴⁷⁰

Fearful of a growing Black population, and emboldened by the silence and cooperation of police and government officials, the KKK initiated a new wave of violent activity in the late 1930s and 1940s to stem the influx of Black populations—or to keep Black people entirely out of white communities.

The anti-lynching activists were correct: mobs in other parts of the country followed the Governor's enthusiastic endorsement to perpetrate their own lynchings, mostly of African Americans.⁴⁷¹ The fact that the San Jose lynching occurred in the West underscored that lynching was a national, not solely Southern, problem.⁴⁷² But the lynching and the subsequent praise of the mob by the Governor also lent credibility to the practice of lynching and decoupled its exclusive association with Jim Crow.⁴⁷³ The *New York Times* reported in 1933 that southerners widely reacted to the San Jose lynching by remarking, "California's my address from now on," or "those Westerners are learning how the South handles 'em."⁴⁷⁴ The *Times* concluded that, by endorsing the practice of lynching, the Governor of California had gone *further* than some Southern governors who had sought to prevent lynchings.⁴⁷⁵

Backlash against African American Prosperity

As was the case elsewhere in the country, the Ku Klux Klan and other perpetrators of racial violence in California focused their attacks against those who threatened the system of racial and socioeconomic subjugation of African Americans—those African American people who found well-paying jobs, amassed wealth, bought homes, used public pools and parks, and otherwise engaged in civil society.

The surge of KKK activity, and its accompanying violence, was connected to the migration of over a quarter million African Americans to California during World War II—the state with the largest increase in its African American population during that time.⁴⁷⁶ The "Great Migration" was inspired, at least in part, by the recurring incidents of racial terror throughout the South, as well as the poor

economic, political, and social conditions that African American Southerners experienced.⁴⁷⁷ California, which was experiencing a dramatic increase in manufacturing jobs during World War II, was an appealing destination.⁴⁷⁸ California's African American wartime workers, as the African American press noted, had a higher standard of living compared to African American workers in the South.⁴⁷⁹ Simultaneously, new KKK members moved to California during World War II just as African American homeowners renewed their offensive against restricted housing.⁴⁸⁰

The comparative freedoms that African American Californians enjoyed motivated white supremacists to organize against African American workers and homeowners (as well as other non-white veterans, such as Mexican and Japanese veterans, returning from the war).⁴⁸¹ White people were threatened by African

Americans with good jobs who purchased property, voted, and inhabited public spaces and institutions.⁴⁸² Fearful of a growing African American population, and emboldened by the silence and cooperation of police and government officials, the KKK initiated a new wave of violent activity in the late 1930s and 1940s to stem the influx of African American populations—or to keep African American people entirely out of white communities.⁴⁸³ For instance, the KKK's resurgence in the Inland Empire and Southern California in the 1940s was linked to the gains made by African American workers, homeowners, and civil rights activists.⁴⁸⁴

Throughout California, the revived KKK had one primary goal: to enforce racial segregation and maintain the social inferiority of African Americans.⁴⁸⁵ They aimed to keep neighborhoods, schools, pools, parks, and beaches all-white and monitor people of color who transgressed racial boundaries.⁴⁸⁶ For further discussion of residential segregation, see Chapter 5, Housing Segregation.

Violence Against African American Homeowners

Violence to stifle and reverse African American advancement was perhaps most evident in the attacks on African American homeowners during the 1940s. As new African American migrants were able to afford homeownership, white supremacist backlash grew.⁴⁸⁷ The Ku Klux Klan sought to promote segregation and prevent the integration of African American residents into white neighborhoods.⁴⁸⁸ Violence against African American homeowners in California peaked in the 1940s.⁴⁸⁹ The KKK mainly relied on arson and physical attacks on homeowners to intimidate people of color from buying in majority-white neighborhoods.⁴⁹⁰ This

practice dates back to 1909, when white Pasadena residents set fire to the homes of African American arrivals in the neighborhood.⁴⁹¹

This violence was thoroughly racist. The violence against African American homeowners was not caused by concern over a “lower social class of neighbors,” as the African American homeowners were often of a higher occupational and social status than the white attackers.⁴⁹² Similarly, when African American homeowners moved into a neighborhood, they took better care of their homes and lawns than their white neighbors.⁴⁹³

The murder of O’Day Short, a refrigeration engineer, is emblematic of the racial terror perpetrated against

themselves had joined in a plan to deprive an American citizen of his constitutional rights...All the Shorts are dead. Only Jim Crow is alive.”⁴⁹⁹

Within months following the explosion at the Shorts’ home, African American homeowners were increasingly under attack by the KKK in Southern California.⁵⁰⁰ For example, the KKK staged a comeback in Big Bear Valley focused on restrictive covenants, violence, and cross burnings.⁵⁰¹ The KKK’s stated goal was to achieve a “One Hundred Per Cent Gentile Community.”⁵⁰²

Coercive Sterilization

As discussed in Chapter 12, Mental and Physical Harm and Neglect, California was one of the first states to begin forcibly sterilizing people in the early 1900s, and conducted by far the most sterilizations in the United States (one third of the nationwide total).⁵⁰³ From 1909 to 1979, under the state eugenics law, California state institutions forcibly sterilized approximately 20,000 people deemed “unfit to produce.”⁵⁰⁴ While men made up the majority of sterilizations at first, by the 1930s, women were more frequently the subject of sterilizations, and in the

middle of the century, nearly all of the operations were performed on women.⁵⁰⁵ African American people were also disproportionately sterilized in California.⁵⁰⁶ They constituted just over one percent of California’s population in the 1920s, yet they accounted for four percent of total sterilizations by the State of California.⁵⁰⁷

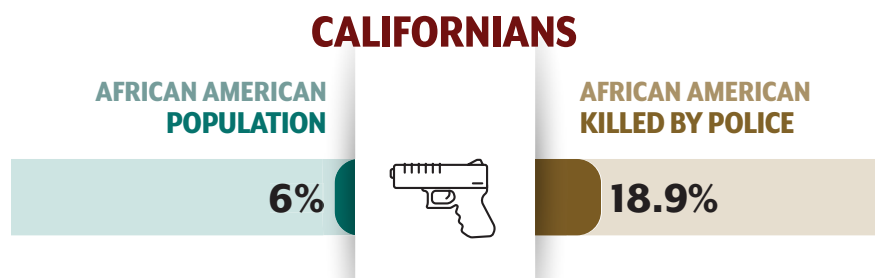
Extrajudicial Police Violence

Scholars have argued that extrajudicial violence by police officers represents a modern form of lynching. In California, since 2015, 158 African American people were shot and killed by police, at least 16 of whom were known to be unarmed.⁵⁰⁸ Among those whose race and ethnicity were known, African American people represent 18.9 percent of those killed by the police, despite representing only six percent of the population.⁵⁰⁹ Those responsible for these killings have largely never been found to be

Violence against Black homeowners in California peaked in the 1940s. The KKK mainly relied on arson and physical attacks on homeowners to intimidate people of color from buying in majority-white neighborhoods. This practice dates back to 1909, when white Pasadena residents set fire to the homes of Black arrivals in the neighborhood.

African American communities during the 1940s in California. After he and his family moved into the white neighborhood of Fontana in 1945, Short was threatened by police, and a local vigilante group said it wanted the Shorts out of the neighborhood.⁴⁹⁴ On December 6, 1945, two weeks after they moved in, the Shorts died in a house fire that killed the family of four.⁴⁹⁵ As with much of the violence against African Americans, state officials failed to hold anyone accountable for the murder, and inexplicably blamed the fire on the Shorts.⁴⁹⁶ Then California Attorney General Robert W. Kenny investigated the murder, but the report failed to confirm that vigilantes caused the fire or that there was any vigilante activity in the community.⁴⁹⁷ The NAACP called the report a “white wash.”⁴⁹⁸

The murder of the Shorts, and the subsequent failure to hold the perpetrators accountable, confirmed to the power of white supremacy in California. A Los Angeles Sentinel editorial said: “Jim Crow had kept Short from finding a home in Los Angeles; Jim Crow had cast him in the role of a violator of Community traditions if he built a house on the lot he purchased; Jim Crow had warped the sense of duty of deputy sheriffs to the extent that they



criminally liable.⁵¹⁰ The Los Angeles Times reports, for example, that since 2001, Los Angeles County law enforcement has killed over 900 people—nearly 80 percent of whom were African American or Latino.⁵¹¹ On average, one police shooting occurred every five days.⁵¹² Out of all of those cases, only two officers were charged as a result of a civilian shot on duty, and in virtually all of the cases, the Los Angeles County District Attorney deemed the use of force legally justified.⁵¹³ Similarly, officers with the Vallejo Police Department killed 19 people from 2010 to 2020, but no Vallejo police officer has been found to be criminally liable for killing a civilian while on duty.⁵¹⁴

Below are only a few examples of the hundreds of incidents where police have used extrajudicial violence in California to inflict pain or cause death, a topic that is discussed in greater detail in Chapter II An Unjust Legal System. In general, these acts of violence were often the result of officers enflaming or failing to de-escalate the situation, and sometimes occurred in a manner that appeared to show little regard for the African American lives harmed or killed. Taken together, these incidents can be understood to perpetuate the myth of African American criminality and function as a threat to the overall well-being of African American people, whom law enforcement may often consciously or unconsciously view as dangerous criminals.

- In 1991, four LAPD officers repeatedly beat Rodney King on the ground with batons for 15 minutes while a dozen officers stood by and watched.⁵¹⁵ He was unarmed.⁵¹⁶ The officers had used racial slurs to refer to King over the LAPD communications systems.⁵¹⁷ The officers who committed the beating—three of whom were white—were acquitted, which sparked local unrest.⁵¹⁸
- In 1998, four officers were called to help Tyisha Miller, who had locked herself in the car and fallen asleep.⁵¹⁹ When the officers failed to wake her from outside, they broke her window to grab the firearm that was sitting in her lap.⁵²⁰ That caused Miller to bolt upright, and the officers shot her out of fear—firing 24 bullets and shooting her 12 times in the chest.⁵²¹ While the officers were fired, the U.S. Justice Department’s civil rights division—as well as the California Department of Justice, which was conducting a civil investigation into the police department as a whole—declined to bring charges against the individual officers.⁵²²

- On New Year’s Day 2009, Bay Area Rapid Transit police officers responded to a report of fighting on a train.⁵²³ One officer pinned Oscar Grant down with a knee on his neck.⁵²⁴ While Grant was lying face-down, the other officer purportedly mistook his gun for a Taser and shot Grant.⁵²⁵ The officer who shot Grant was convicted of involuntary manslaughter.⁵²⁶
- In November 2013, Tyler Damon Woods was shot by police while on his knees after fleeing a traffic stop by foot.⁵²⁷ The officers believed he was armed, which was inaccurate, and shot at Woods approximately 39 times.⁵²⁸ Nineteen bullets hit him, six of which were each individually enough to kill Woods.⁵²⁹ The police continued to shoot him, claiming he exhibited superhuman resilience.⁵³⁰
- In 2019, Vallejo police responded to a wellness request for Willie McCoy, a 20-year-old African American man who was asleep in his car in a Taco Bell parking lot.⁵³¹ Six officers surrounded the cars when McCoy started to wake up.⁵³² The police claimed that McCoy was reaching for a firearm—which did not appear to be supported by the police video—and six police officers fired 55 shots at McCoy, killing him.⁵³³ All of the officers involved in the shooting returned to their regular duties. McCoy’s family said McCoy was “executed by a firing squad.”⁵³⁴

In the 1990s, a federal district court found that a group of deputies in the Los Angeles County Sheriff’s Department, known as the Lynwood Vikings, was “a neo-Nazi, white supremacist gang” that engaged in “terrorist-type tactics” with the knowledge and acquiescence of their superiors. The court found that these gangs committed “systemic acts of shooting, killing, brutality, terrorism, house-trashing, and other acts of lawlessness and wanton abuse of power,” particularly against Latinos and Black people.

- In August 2020, the Los Angeles County Sheriff’s Department stopped Dijon Kizzee for “riding a bicycle on the wrong side of the road” and “splitting traffic.”⁵³⁵ Kizzee refused to stop, abandoned his bicycle, and fled on foot.⁵³⁶ The Sheriff’s office claims that deputies fired when Kizzee reached back to pick up a gun he dropped, but video evidence appears to contradict this claim.⁵³⁷ An independent autopsy concluded that Kizzee was struck 15 times by two deputies’ 19 rounds.⁵³⁸ After they fired, the deputies called for backup, and Kizzee bled to death on the street.⁵³⁹

There have also been incidents where law enforcement officers in California have participated in racist, nativist, and sexist social media activity online; showed white supremacist sympathies; or worse, systematically carried out attacks against minority members of the community.⁵⁴⁰ In the 1990s, a federal district court found that a group of deputies in the Los Angeles County Sheriff's Department, known as the Lynwood Vikings, was "a neo-Nazi, white supremacist gang" that engaged in "terrorist-type tactics" with the knowledge and acquiescence of their superiors.⁵⁴¹ The court found that these gangs

committed "systemic acts of shooting, killing, brutality, terrorism, house-trashing, and other acts of lawlessness and wanton abuse of power," particularly against Latinos and African American people.⁵⁴² In 1996, the Sheriff's Department paid \$9 million in fines and training costs to settle the matter.⁵⁴³ Despite that settlement, according to independent reports, law enforcement gangs still allegedly thrive in low-income, high-minority areas of Los Angeles, where they have allegedly committed excessive force against minority members of the communities, sometimes using racial epithets while doing so.⁵⁴⁴

V. Legacy: Devaluing African American Lives

As discussed above, racial terror played a critical role in white efforts to subjugate African American people to an inferior economic, political, and social stature and maintain the caste structure that was established during enslavement. As such, racial terror has contributed to many racial inequities in America today.⁵⁴⁵ While African American communities have remained resilient in the face of numerous structural, social, economic, and political barriers, the threat of racial violence continues to harm African Americans.⁵⁴⁶

racial disparities between African Americans and white Americans in arrests, convictions, and imprisonment.⁵⁵⁰ The death penalty, which scholars argue is a vestige of racialized violence against African Americans, also discussed in Chapter II An Unjust Legal System, disproportionately kills African Americans.⁵⁵¹ Death penalty lawyer Stephen B. Bright argues that capital punishment in the United States is so thoroughly compromised by bias and racial disparities that it must be understood as "a direct descendent of lynching."⁵⁵²

Criminal Justice

The legacy of the Ku Klux Klan's infiltration of law enforcement continues today. Law enforcement officers in at least 14 states, including California, have been tied to white supremacist groups and far-right militant activities.⁵⁴⁷ Advocates and scholars have argued that police killings of unarmed African American people should be understood as the modern-day equivalent of lynching. Just as the threat of lynching controlled African Americans, the threat of murder by police imposes controls on the lives of African Americans. Today, some African American parents feel compelled to educate their children early on about how to interact with racialized targeting by the police.⁵⁴⁸ As was the case with lynchings, those involved in these extrajudicial killings are only rarely held accountable for their actions.⁵⁴⁹

Economic Effects

Violence and terror targeting African Americans has directly destroyed African American wealth—which has a compounding effect over time to prevent African Americans from amassing more wealth and thus contributing greatly to the wealth gap.⁵⁵³ The disparities are stark: white Americans have seven times the wealth of African Americans.⁵⁵⁴ Although African American people make up nearly 13 percent of the U.S. population, they

The effect of violence by the Ku Klux Klan, buttressed by the support of law enforcement, real estate brokers, and federal loan programs, paved the way for segregated neighborhoods with unequal city services for Black neighborhoods.

Created during enslavement in order for white enslavers to control African American enslaved people, and perpetuated through lynchings, the racist myth that African American people are criminals continues today. As discussed in Chapter II, An Unjust Legal System, this myth of African American criminality still contributes to

hold less than three percent of the nation's wealth.⁵⁵⁵ The median family wealth for white people is \$171,000, compared to \$17,600 for African American people.⁵⁵⁶ And 19 percent of African American households have zero or negative net worth, compared to nine percent of white families.⁵⁵⁷

Lynchings, police brutality, and other forms of violence and intimidation were used to seize land from African American farmers, rendering African Americans landless and unable to accumulate generational wealth.⁵⁵⁸ Although African American farmers collectively increased their land holdings at a greater rate than whites between 1900 and 1920, African American farm owners lost 57 percent of their land, whereas white farm owners lost 22 percent of their land, from 1900 to 1978.⁵⁵⁹

Images of mutilated bodies on public display or dragged through the streets traumatized the psyche of African Americans. These images left an especially indelible impression on Black children, framing their view of the world as a dangerous and unpredictable place, and causing lifelong damage.

Similarly, rates of African American homeownership have stagnated and declined. In 1909, 36 percent of African American residents of Los Angeles were homeowners before the implementation of policies and carrying out of violent acts designed to prevent African American home ownership.⁵⁶⁰ By 2021, the rate of African American homeownership had declined to 34 percent.⁵⁶¹

The effect of violence by the Ku Klux Klan, buttressed by the support of law enforcement, real estate brokers, and federal loan programs, paved the way for segregated neighborhoods with unequal city services for African American neighborhoods.⁵⁶² In Los Angeles, for example, African American residents were pushed to neighborhoods like Watts, while the city stopped running street cars that would have transported African American workers to shipyard and aircraft jobs in other parts of the city, limiting African American employment opportunities.⁵⁶³ Even though KKK activities declined after the 1940s, the KKK had already succeeded in restricting African American opportunities for wealth and homeownership at a time of significant economic opportunity after the end of World War II.⁵⁶⁴

Although the 1968 Fair Housing Act made violence to prevent neighborhood integration a federal crime, and the U.S. Department of Justice prosecuted several cases, frequent attacks on African Americans attempting to move into predominantly white areas continued into the 1980s, with 130 cases of move-in violence in 1989 alone.⁵⁶⁵ Not until the late 1980s were a majority of these crimes prosecuted.⁵⁶⁶ The broad lack of enforcement sent a message that these crimes were tolerable, which emboldened perpetrators to continue their violent actions.⁵⁶⁷

Impact on Health and Family Life

Fear of racial terror, past and present, has also resulted in trans-generational trauma for African Americans. African American families and communities were profoundly affected by lynchings.⁵⁶⁸ The constant threat of lynching affected interpersonal interactions.⁵⁶⁹ Family members of victims could not obtain justice out of fear that they too would be lynched, and they were often frightened to even attend a funeral of their lynched loved one.⁵⁷⁰ Images of mutilated bodies on public display or dragged through the streets traumatized the psyche of African Americans.⁵⁷¹ These images left an especially indelible impression on African American children, framing their view of the world as a dangerous and unpredictable place, and causing lifelong damage, including sleep disturbances, flashbacks, and emotional detachment.⁵⁷²

These psychological traumas have extended across generations. Violence has reinforced white supremacist cultural and institutional systems, while the arbitrary nature of lynching socialized African American people to understand that any act of perceived insubordination could be a matter of life or death.⁵⁷³ In this way, racial terror was a powerful tool for social, educational, and political control, as it encouraged African American people to change their own behavior and avoid opportunities for advancement, lest they risk being the victim of violence.⁵⁷⁴ African Americans continue to experience the effects of trauma induced by racial terror today, including heightened suspicion and sensitivity to threat, chronic stress, decreased immune system functioning, and greater risks of depression, anxiety, and substance use.⁵⁷⁵

The history of racial terror has influenced the use of violence by both white people and African American people in the present day.⁵⁷⁶ For example, in Mississippi and North Carolina, studies show that African American people are killed at a higher rate in counties that had more lynchings and anti-civil-rights violence.⁵⁷⁷ The legacy of racial terror encourages vigilante violence among white communities.⁵⁷⁸ And, in African American communities, the government's failure to protect African Americans from lynching has fostered the use of violence for self-help.⁵⁷⁹ As a result, criminologists have linked higher rates of African American involvement in crime with the violent racial subordination of African Americans.⁵⁸⁰

VI. Conclusion

As a badge of slavery, racial terror has enforced the domination of a racial hierarchy set in place in service of slavery. After the formal end of slavery, racial terror became a method by which white Americans and the nation as a whole sought to keep African Americans as poor and powerless as they had been while enslaved. From slavery through to the present day, racial terror has gravely harmed African Americans mentally and physically.

Racial terror often takes direct forms, such as physical assault, threats of injury, and destruction of property. It also inflicts psychological trauma on those who witness the harm and injury.⁵⁸¹ Lynchings and other forms of racial terror occurred in communities where African Americans today remain marginalized, disproportionately poor, overrepresented in prisons and jails, and underrepresented in positions of influence. The traumatic experience of surviving mass violence creates insecurity, mistrust, and alienation—psychological harms that were amplified by the dangers inherent in navigating Southern racial boundaries.⁵⁸² Lynchings in the American South were not isolated hate crimes committed by rogue vigilantes. Lynchings were targeted racial violence that formed part of a systematic campaign of terror perpetrated in furtherance of an unjust social order. Selective public memory compounds the harm of officials' complicity in lynching and maintains the otherness of African American people.⁵⁸³

The same is true of other forms of racial terror such as mob violence, torture, extrajudicial violence, sterilization and sexual violence, and economic and politically influenced terror. Racialized terror is woven into the fabric of America, and although many racial groups have been victims, perhaps no racial group has been targeted more than African Americans. From the violence of enslavement to contemporary police killings, both actual and threatened violence against African Americans has functioned to establish and maintain white supremacy.⁵⁸⁴ Federal, state, and local governments have been complicit in the infliction of terror through silence, failure to hold the perpetrators accountable, and even on some occasions, endorsement of the actions. California is no exception; the state, its local governments, and its people have played a significant role in enabling racial terror and its legacy to persist here in California.

The tactics of white supremacy at any time in history are simultaneously overtly violent and subversively traumatic for African Americans. Racial terror remains the constant backdrop and tool for other forms of discrimination intended to exert control of African Americans—from redlining and segregated schools to disparate healthcare and denial of bank loans—that has prevented many African Americans throughout history from living a dignified life of equal opportunity.

Endnotes

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- ³Coates, [The Case for Reparations](#), *The Atlantic* (June 2014) (as of April 4, 2022) (Case for Reparations); Byman, [The Failure of Counterterrorism After the Civil War](#), *Lawfare* (Aug. 22, 2021) (as of April 4, 2022) (Lawfare); Niraj Chokshi, [Racism at American Pools Isn't New: A Look at a Long History](#), *N.Y. Times* (Aug. 1, 2018) (as of April 4, 2022).
- ⁴EJI 2015, *supra*, at p. 3, 7; EJI, [Lynching in America: Confronting the Legacy of Racial Terror: Third Edition](#) (2017), pp. 48-50, 65, 73 (as of April 4, 2022) (EJI 3d ed.); Wilkerson, *Caste: The Origins of Our Discontents* (2020), p. 151 (Caste); Lee, [How America's Vast Racial Wealth Gap Grew: By Plunder](#), *N.Y. Times*, (Aug. 14, 2019) (as of April 4, 2022) (Lee); *Case for Reparations, supra*; *Lawfare, supra*.
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- ⁷Niedermeier, *The Color of the Third Degree* (2019), pp. 17-19 (Third Degree); United Nations General Assembly, *Report of the Working Group of Experts on People of African Descent on its mission to the United States of America* (Aug. 18, 2016), p. 16 (U.N. Working Group Report); Love, [The Trayvon Martin case reveals a vigilante spirit in the US justice system](#), *The Guardian*, (Apr. 7, 2012) (as of April 4, 2022) (Trayvon Martin).
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- ¹¹*Ibid.*
- ¹²*Id.* at pp. 19, 52.
- ¹³*Id.* at p. 151.
- ¹⁴*Ibid.*
- ¹⁵U.S. Const., 10th Amend.; *United States v. Morrison* (2000) 529 U.S. 598, 618.
- ¹⁶Caste, *supra*, at pp. 151, 153; EJI 2015, *supra*, at p. 18.
- ¹⁷*Id.* at pp. 152, 154.
- ¹⁸*Id.* at pp. 153-55.
- ¹⁹*Ibid.*
- ²⁰*Id.* at pp. 151-154.
- ²¹See, e.g., Thomas Wentworth Higginson, [The Story of Denmark Vesey](#) *The Atlantic* (June 1861) (as of April 4, 2022) (Higginson).
- ²²*Ibid.*
- ²³*Ibid.*
- ²⁴*Ibid.*
- ²⁵*Ibid.*; see also Michael P. Johnson, *Denmark Vesey and His Co-Conspirators* (Oct. 2001) 58(4) *William and Mary Quarterly* 915, 919, 945-48 (Johnson).
- ²⁶Johnson, *supra*, at p. 949.
- ²⁷Higginson, *supra*.
- ²⁸See generally Johnson, *supra*.
- ²⁹Philip D. Morgan, *Conspiracy Scares* (Jan. 2002) 59(1) *William and Mary Quarterly* 159, 163.
- ³⁰EJI 3d ed., *supra*, at p. 10.
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- ³⁸*Ibid.*
- ³⁹Case for Reparations, *supra*; Caste, *supra*, at p. 155; Third Degree, *supra*, at p. 17.
- ⁴⁰U.N. Working Group Report, *supra*, at p. 16; Trayvon Martin, *supra*.
- ⁴¹Caste, *supra*, at p. 228.
- ⁴²Ifill, *supra*, at p. 274.
- ⁴³Lawfare, *supra*.
- ⁴⁴Ifill, *supra*, at pp. 273-74; Lawfare, *supra*.
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- ⁴⁸*Ibid.*
- ⁴⁹EJI 2015, *supra*, at p. 7.
- ⁵⁰*Ibid.* at p. 7; EJI 3d ed., *supra*, at p. 27.
- ⁵¹Caste, *supra*, at pp. 90-91, 151, 155; Third Degree, *supra*, at p. 20; Jordan, *A History Lesson: Reparations for What?* (2003) 58 *N.Y.U. Ann. Surv. Am. L.* 557, 593 (Jordan); Ward, *Critical Race Theory and Empirical Methods: Microclimates of Racial Meaning: Historical Racial Violence and Environmental Impacts* (2016) 2016 *Wis. L. Rev.* 575, 607-08 (Ward); Ifill, *supra*, at pp. 267, 279-80, 284.
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⁷³Clarke, *supra*, at p. 277.

⁷⁴Lawfare, *supra*.

⁷⁵*Ibid.*

⁷⁶SPLC History, *supra*, at p. 13.

⁷⁷*Ibid.* at p. 15.

⁷⁸McCluskey, *supra*, at pp. 280-81.

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¹⁰³Hate Groups, *supra*, at p. 180.

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¹⁹⁵Jordan, *supra*, at p. 588-589.

¹⁹⁶*Id.* at p. 588.

¹⁹⁷EJI 3d ed., *supra*, at p. 61.

¹⁹⁸EJI 2015, *supra*, at p. 21.

¹⁹⁹*Id.* at pp. 3, 7. The Task Force recognizes that “lynching” has been defined differently at various points in history by the entities who recorded incidents of lynching. This has presented challenges in terms of tracking lynching data and assessing the complete impact of racial terror. Hudson, *supra*, at p. 135. For the purposes of this section, the Task Force uses “lynching” to refer to acts of terrorism, specifically the murder of one or more individuals by hanging, where the public or community supported the action. Hudson, *supra*, at p. 135. Lynchings are distinct from other forms of racial violence and hate crimes that were prosecuted as criminal acts.

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²⁰⁶EJI 2015, *supra*, at p. 12; Ifill, *supra*, at p. 285. Children were involved and given front row position of the victim, psychologically tainting their view of African American people from a young age.

²⁰⁷Jordan, *supra*, at pp. 565-66; Ifill, *supra*, at pp. 285, 297-99.

²⁰⁸EJI 2015, *supra*, at pp. 12, 14; Caste, *supra*, at pp. 93-94.

²⁰⁹EJI 2015, *supra*, at pp. 12, 14; Jordan, *supra*, at p. 592; Ifill, *supra*, at pp. 285-86.

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