

Defining Lynching in Order to End It:

*The Lynching of Austin Callaway and How It Shaped
the Debate on How to End Lynching*



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I. INTRODUCTION

*“The word lynching cannot be defined.
It is rhetoric, and because it is rhetoric,
almost any act of violence can potentially be a ‘lynching.’”¹*

“What is a lynching?” Though that may seem like a simple question, it is not.² And in the 1930s and 1940s, that very question was at the center of a debate between major civil rights and anti-lynching organizations, including the National Association for the Advancement of Colored People (NAACP), the Tuskegee Institute, and the Association of Southern Women for the Prevention of Lynching (ASWPL).³ These organizations, each of which was dedicated to ending racial violence in the United States, could not come to a consensus on the definition of lynching, one of the most heinous acts of racial violence that the United States has ever seen.⁴ Why would defining lynching – seemingly a purely academic exercise – be so important when the real task in the 1930s and 1940s was to put an end to it? But academic it was not. The NAACP, Tuskegee Institute, and the ASWPL, had each developed a different standard of what constituted a lynching to fit their respective approaches to ending lynching.⁵ Therefore,

¹ CHRISTOPHER WALDREP, *AFRICAN AMERICANS CONFRONT LYNCHING* xiii (2009).

² CHRISTOPHER WALDREP, *AFRICAN AMERICANS CONFRONT LYNCHING* xiii (2009); Jessie Guzman & Hardin Hughes, *Crime – Lynching*, *Negro Year Book: a Review of Events Affecting Negro Life 1944-1949*, 1947, at 2 (“The term ‘lynching’ is becoming more and more difficult to define”).

³ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 80-99 (2000).

⁴ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 80-99 (2000).

⁵ See Jessie Guzman & Hardin Hughes, *Crime – Lynching*, *Negro Year Book: a Review of Events Affecting Negro Life 1944-1949*, 1947, at 2; Memo of Tuskegee Institute, “Comments Regarding Cases Which, At The Present Time, Are Regarded As Controversial And Concerning Which The Department Of Records And Research Has Raised Some Questions” (on file with NAACP, 1940-55 General Office File, “Lynching, Tuskegee Report, 1940-43; 1953,” II-A-399); “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940,” at 4 (on file with Arthur Raper Papers in the Southern Historical

accepting another organization's definition would also mean accepting that organization's approach. Because each organization was firmly dedicated to ending lynching and believed its approach would win the day, none of them was willing to concede the fight.⁶

On December 14, 1940, in Tuskegee, Alabama, the debate came to a head when the NAACP, Tuskegee Institute, and the ASWPL convened a formal meeting of their organizations, with noted lynching scholars, and various media representatives.⁷ The intention of that meeting: to formulate a definition of lynching that would serve as the standard for classifying lynchings going forward and to decide as a group which killings in 1940 would be classified as lynchings.⁸ Realizing that much was at stake, the organizations had prepared presentations outlining their respective definitions, investigated potential lynchings that occurred in 1940, and came to the meeting ready to persuade the others to adopt their definition and findings.⁹

Caught in the crossfire of that debate was the case of Austin Callaway. Just a few months before the meeting in Tuskegee, Alabama, Callaway was had been killed and his name was added to the list of potential lynchings to be investigated.¹⁰ Austin Callaway, a young African-

Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁶ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 80-99 (2000).

⁷ "Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940," at 1 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁸ "Suggested Plan For Discussions In Connection With Conference To Consider The Criteria Involved In Published Reports On Lynchings," at 1 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁹ See Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 96-97 (2000).

¹⁰ See "Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940," at 6 (on file with Arthur Raper Papers in the Southern Historical

American man living in LaGrange, Georgia, was accused of attempted assault on a white woman on September 7, 1940.¹¹ He was arrested and taken to the local jail, although he would never stand trial for the crime of which he was accused.¹² Later that same night, he was taken from his jail cell by a band of masked white men.¹³ The posse took Callaway eight miles from the center of town, shot him multiple times, and left him for dead.¹⁴ Found the next morning alive but unconscious, he was taken to the local hospital and died later that afternoon.¹⁵ Less than two months after his death, the NAACP agreed to investigate and Austin Callaway's case became part of the NAACP effort to lobby for a broad definition of lynching in order to recognize the changing character of lynching: lynching had gone "underground" and was going unreported.¹⁶

In that way, the story of Austin Callaway is also the story of the debate on how to end lynching in the United States. This essay examines why three of the most prominent civil rights organizations had different approaches to ending lynching, what those approaches were, how they shaped the debate on how lynching would be defined, and the role that Austin Callaway's lynching played in that debate.

Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

¹¹ *Georgia Officials Probe Lynching*, Atlanta Daily World, Sept. 12, 1940, at 1.

¹² *No Arrests Made as Yet In Nation's Latest Lynching*, The Carolina Times, Sept. 14, 1940, at 1.

¹³ *No Arrests Made as Yet In Nation's Latest Lynching*, The Carolina Times, Sept. 14, 1940, at 1; *Negro Succumbs to Shot Wounds*, LaGrange Daily News, Sept. 9, 1940, at 6.

¹⁴ *No Arrests Made as Yet In Nation's Latest Lynching*, The Carolina Times, Sept. 14, 1940, at 1.

¹⁵ *No Arrests Made as Yet In Nation's Latest Lynching*, The Carolina Times, Sept. 14, 1940, at 1; *Negro Succumbs to Shot Wounds*, LaGrange Daily News, Sept. 9, 1940, at 6.

¹⁶ Letter from Thurgood Marshall to Arthur Raper (November 19, 1940) (on file with NAACP 1940-55, Legal File, "Lynching – Georgia, 1940," II-B-97); Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, Journal of Southern History, Vol. 66, No. 1, 92 (2000).

II. HOW BEST TO END LYNCHING?

“[One researcher] declares that the number of Negroes lynched annually is ‘countless,’ and that these killings do not match the statistics solely because a new method of lynching has been evolved – one which avoids and defeats publicity”¹⁷

From the 1890s through 1930, there was overall a steady decrease in the number of reported lynchings in the United States.¹⁸ In 1892 there were over 200 reported lynchings.¹⁹ In 1933 the number of reported lynchings had dropped to 28.²⁰ By 1940, the number of reported lynchings dropped into the single digits.²¹ The NAACP, the Tuskegee Institute, and the ASWPL couldn’t agree why the number of reported lynchings had dropped so dramatically.

Various Understandings

The NAACP theorized that “a new technique [was] being adopted by lynchers in southern states because of the unfavorable publicity which the South has had because of lynching – namely, of suppressing news of lynching.”²² This theory was confirmed by a study, which was conducted by an “anonymous, [...] white native southerner” and published in 1940.²³ The study, “Lynching Goes Underground: A Report on the New Technique,” described the changing character of lynching that the NAACP sought to highlight:

¹⁷ *New Style in Lynching?*, New York Post, (Mar. 18, 1940) (on file with NAACP 1940-55, “Lynching Goes Underground” 1940, II-A-395).

¹⁸ See JESSIE AMES, THE CHANGING CHARACTER OF LYNCHING 4 (1942).

¹⁹ See JESSIE AMES, THE CHANGING CHARACTER OF LYNCHING 4 (1942).

²⁰ JESSIE AMES, THE CHANGING CHARACTER OF LYNCHING 33 (1942); “Lynchings since July 26, 1918” (May 5, 1942) (on file with NAACP 1940-55, General Office File, “Lynching, General, 1942,” II-A-394).

²¹ JESSIE AMES, THE CHANGING CHARACTER OF LYNCHING 33 (1942).

²² Letter to Dr. Patterson from Walter White (Jan. 15, 1940) (on file with NAACP 1940-55, General Office File, “Lynching, Tuskegee Report, 1940-43; 1953,” II-A-399).

²³ “Lynching Goes Underground: A Report on a New Technique” (Jan. 1940) (on file with NAACP 1940-55, General Office File, “Lynching General, 1942,” II-A-394).

Public opinion is beginning to turn against this sort of mob activity. Sentiment is growing against lynching. Agitation for federal and state anti-lynching laws gives pause to the lynching crowd. Lynching, they say, must go on, but it must be done quietly so as not to attract attention, draw publicity. Thus those who must rule by terror and intimidation turn to new methods. The old mob is disappearing but the work of the mob goes on. A Negro is accused of some crime, real or alleged. A few white men gather, formulate their plans, seize their victim. In some lonely swamp a small body of men do the job formerly done by a vast, howling, bloodthirsty mob composed of men, women and children. The word is then passed that the matter has been handled to the satisfaction of those in charge of such matters.²⁴

The NAACP's theory was that lynching wasn't necessarily on the decline; instead, it was being driven underground.

The Tuskegee Institute had a different understanding of why the number of reported lynchings had declined. Tuskegee took the position that accurate data on lynching was the chief combatant to lynching, and backed up that position through research reports, which were published in southern white newspapers.²⁵ The Tuskegee Institute had started collecting and publishing lynching statistics in 1908, and found that by 1916 their reports were "commonplace."²⁶

Similar to the approach taken by the Tuskegee Institute, the ASWPL "held the 'environment,' not individuals, responsible for lynching."²⁷ The ASWPL, therefore, attributed

²⁴ "Lynching Goes Underground: A Report on a New Technique" (Jan. 1940) (on file with NAACP 1940-55, General Office File, "Lynching General, 1942," II-A-394).

²⁵ See Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 78 (2000).

²⁶ See Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 78 (2000).

²⁷ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 77 (2000).

the decline in lynching to communities' changing feelings about lynching – the less normal and routine lynching seemed to a community, the less frequently it occurred.²⁸

Various Approaches

Not only did the three organizations have different understandings of why the number of reported lynchings had declined, they also developed different approaches to ending lynching that coincided with their respective theories.

The NAACP, believing that lynchings continued to happen in “countless” numbers because the crime had gone underground, continued to advocate for a federal anti-lynching law.²⁹ In order to persuade Congress to pass federal legislation criminalizing lynching, the NAACP needed to show that lynching was still a significant national problem, even though the reported numbers of lynchings had dramatically declined since the 1890s. To document the underground lynchings, the NAACP required more feet on the ground to help report and investigate potential lynchings.³⁰ Building its membership then became a priority for the organization: with more members around the country, the NAACP could keep track of lynching and work to end it.³¹ What is more, the NAACP relied on a broad definition of lynching when it

²⁸ See Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 77 (2000).

²⁹ See “Lynching Goes Underground: A Report on a New Technique” (Jan. 1940) (on file with NAACP 1940-55, General Office File, “Lynching General, 1942,” II-A-394); Letter from Walter White to Senator Alben Barkley (Sept. 9, 1940) (on file with NAACP 1940-55, Legal File, “Lynching-Georgia 1940,” II-B-97).

³⁰ See, e.g., Letters from William Pickens to Reverend A. W. Wright (Jun. 7, 1940 & July 29, 1940) (on file with NAACP 1940-55, Legal File, “Lynchings – Possible 1940,” II-B-98);

³¹ See Letter from William Pickens to Reverend A. W. Wright (Jun. 7, 1940) (on file with NAACP 1940-55, Legal File, “Lynchings – Possible 1940,” II-B-98).

was documenting cases and publishing data.³² Since lynching was no longer occurring in town centers, with a noose, a tree, and hundreds or thousands of spectators, the NAACP changed its definition to match the new practices being employed by lynch mobs.³³

The Tuskegee Institute took an educational approach, trusting that objective presentation of data would cure the lynching evil. The institute established a department of records and research, which was headed by Monroe Work to compile data “free of editorial comment” in the hopes that white southern papers would publish lynching statistics if they were unembellished.³⁴ The Tuskegee effort adhered to a strict definition of lynching, and tended to treat local newspaper classifications as dispositive. If the local paper considered a homicide to be a lynching, so did Work; if the paper did not classify a homicide as a lynching, it was not likely to be included in Tuskegee’s lynching statistics.³⁵ Work’s work paid off in one respect: he was able to “persuade[] journalists to accept his reports as accurate and present them as a true picture of southern lynching.”³⁶

The approach to preventing lynching taken by the ASWPL differed from the approaches of the NAACP’s and the Tuskegee Institute. Jessie Ames used a two-fold approach based upon the theory that the key to stopping lynching was to change the way communities felt about lynching. First, the ASWPL attempted to “convince whites that lynching was not normal or

³² See Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 79-91 (2000).

³³ See Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 92 (2000).

³⁴ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 78 (2000).

³⁵ See Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 79 (2000).

³⁶ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 78 (2000).

routine.”³⁷ Second, the organization aimed to keep reports of lynching out of the newspapers. Ames reasoned that “since lynchers acted with the implicit endorsement of their communities, reports of lynching legitimized the violence in the minds of whites and led them to believe that it was common and widely accepted.”³⁸ The ASWPL’s goal: a lynchless year.³⁹ If there were a year without any reported lynchings, Ames believed that the new normal would be no lynching. To achieve this goal, the ASWPL would need a narrow definition of what constituted a lynching.⁴⁰

Thus, while the approaches taken by the Tuskegee Institute and the ASWPL differed, their desire for a narrow definition of lynching overlapped and directly conflicted with the need of the NAACP for a broad definition that would take into account their theory that lynch had gone underground.

III. WHAT CONSTITUTES A LYNCHING?

*“July 28, 1941 . . . Dear Mr. White:
[The Governor of Alabama] takes exception to your piece on lynching in the
Britannica Book of the Year 1941. He states that ‘there was not one single
lynching in any reasonable definition of the term’ in the State of Alabama in the
year 1940. Could it be that the definition of the term lynching needs
clarification? I should appreciate a word from you.
Sincerely yours, [Editor of Encyclopaedia Britannica.]”⁴¹*

³⁷ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 77 (2000).

³⁸ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 77 (2000).

³⁹ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 78 (2000).

⁴⁰ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 78 (2000).

⁴¹ Letter from Walter Yust to Walter White (July 28, 1941) (on file with NAACP 1940-55, General Office File, “Lynching, General, 1941,” II-A-394).

To fit their respective approaches to ending lynching, the organizations each defined lynching differently. The NAACP, wanting to capture in its statistics the changing character of lynching, was on one end of the spectrum.⁴² The ASWPL, hoping to achieve a lynchless year, was at the other.⁴³ The Tuskegee Institute, chiefly wanting southern white newspapers to publish its data on lynching, fell somewhere in the middle of the spectrum, though much closer to the ASWPL definition than to the definition advocated by the NAACP.⁴⁴ As these definitions would become the center of the debate on how to end lynching, understanding the organizations' various definitions of lynching is crucial to understanding the larger debate. Each definition, therefore, is explored in turn.

The NAACP definition of lynching is taken directly from proposed federal anti-lynching legislation:

Any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of correction or punishing over any citizen or citizens or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, shall constitute a 'mob' within the meaning of this Act. Any such violence by a mob which results in the death or maiming of the victim or victims thereof shall constitute lynching within the meaning of this Act: Provided, however, That 'lynching' shall not be deemed to include violence occurring between members of groups of law-breakers such as are commonly designated as gangsters or racketeers, nor violence occurring during the course of picketing or boycotting or any incident in connection with any 'labor dispute' as that term is

⁴² Compare Jessie Guzman & Hardin Hughes, *Crime – Lynching*, Negro Year Book: a Review of Events Affecting Negro Life 1944-1949, 1947, at 2 and “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 4 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁴³ See note 42, *supra*.

⁴⁴ Memo of Tuskegee Institute, “Comments Regarding Cases Which, At The Present Time, Are Regarded As Controversial And Concerning Which The Department Of Records And Research Has Raised Some Questions” (on file with NAACP 1940-55, General Office File, “Lynching, Tuskegee Report, 1940-43; 1953,” II-A-399).

defined and used in the Act of March 23, 1932 (Sec. 2, 47 Stat. 70, H. R. 1507 – Van Nuys).⁴⁵

However, the NAACP did not follow this definition strictly.⁴⁶ Rather, the NAACP preferred “[not] to get entangled in definitions but argue[] particular cases.”⁴⁷ While the NAACP sought a broad definition of lynching, the organization still wanted the freedom to take into consideration the facts and circumstances of individual cases of potential lynching, which would allow the organization to respond to “quiet lynchings.”⁴⁸

The definition of lynching used by the Tuskegee Institute was much stricter than the NAACP definition. Tuskegee placed further restrictions both on who could perpetrate the crime and what acts would differentiate lynching from murder:

A lynching is regarded as an activity in which persons not officers of the law, in open and public defiance of the law, administer punishment by death to an individual for an alleged offense or to an individual with whom some offense has been associated.⁴⁹

The Tuskegee definition, like that of the NAACP, fails to paint a complete picture of what would constitute a lynching. In addition to the above listed criteria, Tuskegee also relied on the

⁴⁵ Jessie Guzman & Hardin Hughes, *Crime – Lynching*, Negro Year Book: a Review of Events Affecting Negro Life 1944-1949, 1947, at 2 (emphasis added). See “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 4 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B) (“[Walter White, Secretary of the NAACP,] stated that the definition of lynching used by the NAACP was taken from, or found in, the federal anti-lynching bills”).

⁴⁶ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, Journal of Southern History, Vol. 66, No. 1, 97 (2000).

⁴⁷ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, Journal of Southern History, Vol. 66, No. 1, 98 (2000).

⁴⁸ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, Journal of Southern History, Vol. 66, No. 1, 98 (2000).

⁴⁹ Memo of Tuskegee Institute, “Comments Regarding Cases Which, At The Present Time, Are Regarded As Controversial And Concerning Which The Department Of Records And Research Has Raised Some Questions” (on file with NAACP 1940-55, General Office File, “Lynching, Tuskegee Report, 1940-43; 1953,” II-A-399).

classification made by the local paper of where the crime was committed.⁵⁰ If the local paper listed the killing as a lynching, then Tuskegee would as well. However, if the local paper classified the killing as something else – a flogging, police killing, murder, etc. – Tuskegee would likely not classify that killing as a lynching.⁵¹

The ASWPL relied heavily on the lynching statistics maintained by the Tuskegee Institute,⁵² but at the same time held that “definitions are dangerous.”⁵³ When pressed for a definition, Ames “insisted that there must be produced a corpus delicti and a court report of a lynching.”⁵⁴ The elements required by Ames and the ASWPL in order to classify a killing as a lynching narrowed the definition. This approach aided the ASWPL quest for a lynchless year, but it did nothing to bridge the gap between the NAACP and the ASWPL.

For a graphic representation of the various definitions of lynching see figure 1, *infra*.

⁵⁰ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 79 (2000).

⁵¹ See Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 79 (2000).

⁵² Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 78 (2000).

⁵³ JESSIE AMES, THE CHANGING CHARACTER OF LYNCHING 22 (1942).

⁵⁴ “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 4 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

NAACP ⁵⁵	Tuskegee Institute	ASWPL
✓ 3+ persons in a mob	✗ Officers of the law	✗ No dead body found
✓ Administer physical punishment (death or maiming) outside of the law	✗ Physical punishment not resulting in death	✗ No court record of the lynching
✓ To prevent trial or lawful punishment	✗ Not “open” (non-public)	
✓ Of a victim suspected of, charged with, or convicted of the commission of any offense	✗ Local newspaper did not categorize crime as a lynching	
✗ Racketeers, gangsters, picketing, boycotting, labor disputes		

Figure 1: Chart of the various definitions of lynching

⁵⁵ While the NAACP advocated for adoption of the definition of Lynching found in the various Anti-Lynching Bills that the organization supported, the NAACP admitted that it did not follow that definition strictly. “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 4 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B). Instead, the NAACP reviewed each potential incident of lynching on a case-by-case basis and made an individual determination based on all of the facts and circumstances. Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, Journal of Southern History, Vol. 66, No. 1, 98 (2000).

IV. THE HEIGHT OF THE DEBATE

“Until the N.A.A.C.P. produces more convincing evidence that the Association of Southern Women for the Prevention of Lynching is unjustified in its jubilation over the first lynchless twelve-months in the South’s history, we shall consider their jubilation to [be] soundly based.”⁵⁶

Just six months into 1940, the NAACP was under fire from the Tuskegee Institute and the ASWPL, both of which had declared a year free of lynchings. On May 9, 1940, the ASWPL issued a press release celebrating a lynchless year.⁵⁷ One month later, the ASWPL report was confirmed by Tuskegee Institute.⁵⁸ The NAACP campaign for federal anti-lynching legislation was in jeopardy.

The NAACP fired back. In a press release in July 1940, the NAACP made public a telegram the organization had sent to Tuskegee Institute.⁵⁹ The NAACP asserted that there had been four lynchings in the first six months of 1940, three of the victims being white.⁶⁰ In the press release, the NAACP also called for “Tuskegee [to] either establish machinery to get facts completely and accurately or stop issuing lynching figures.”⁶¹

A few weeks after the NAACP publicly refuted the ASWPL’s and Tuskegee’s declaration of a lynchless year, F. D. Patterson, President of Tuskegee Institute, wrote to Walter White, Secretary of the NAACP, and asked that the three organizations meet to “make a clean-

⁵⁶ “Lynchings or Murders?” (May 18, 1940) (on file with NAACP 1940-55, General Office File, “Lynching Tuskegee Report, 1940-43; 1953,” II-A-399).

⁵⁷ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 94 (2000).

⁵⁸ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 94 (2000).

⁵⁹ Letter dated July 3, 1940 (on file with NAACP 1940-55, General Office File, “Lynching, Tuskegee Report, 1940-43; 1953,” II-A-399).

⁶⁰ Letter dated July 3, 1940 (on file with NAACP 1940-55, General Office File, “Lynching, Tuskegee Report, 1940-43; 1953,” II-A-399).

⁶¹ Letter dated July 3, 1940 (on file with NAACP 1940-55, General Office File, “Lynching, Tuskegee Report, 1940-43; 1953,” II-A-399).

cut statement as to what properly constitutes a lynching.”⁶² Planning for a meeting began in September 1940,⁶³ and by November 1940 a date of December 14, 1940 had been set and invitations sent to potential attendees.⁶⁴ Rather than a meeting solely of the NAACP, Tuskegee Institute, and the ASWPL, the list grew to include members of the white and black presses, as well as noted scholars on the matter.⁶⁵ The NAACP worked to prepare a defense of its definition of lynching and the list of those who, in 1940, the NAACP classified as having been lynched.⁶⁶

V. AUSTIN CALLAWAY

“The toll of the mob reckons not alone the victims but the lynchers themselves and the economic, social, and cultural meaning of their lawlessness.”⁶⁷

Amid this debate between the NAACP, Tuskegee, and the ASWPL, was the case of Austin Callaway. Callaway, an African American man living in LaGrange, Georgia, was killed by a band of six masked white men on September 8, 1940.⁶⁸ Just one day before he was killed, Callaway had been accused of attempted assault on a white woman.⁶⁹ Callaway was immediately arrested and taken to the local jail.⁷⁰ Later that night, six white men wearing masks and armed with at least one gun reportedly forced the jailer, S. J. Willis, to open Callaway's

⁶² Letter from F. D. Patterson to Walter White (July 13, 1940) (on file with NAACP 1940-55, General Office File, “Lynching Tuskegee Report, 1940-43; 1953,” II-A-399).

⁶³ Letter from Walter White to F. D. Patterson (Sept. 14, 1940) (on file with NAACP 1940-55, General Office File, “Lynching Tuskegee Report, 1940-43; 1953,” II-A-399).

⁶⁴ Letter from F. D. Patterson to Charles Houston (Nov. 8, 1940) (on file with NAACP 1940-55, General Office File, “Lynching Tuskegee Report, 1940-43; 1953,” II-A-399).

⁶⁵ See Letter from Walter White to F. D. Patterson (Sept. 14, 1940) (on file with NAACP 1940-55, General Office File, “Lynching Tuskegee Report, 1940-43; 1953,” II-A-399).

⁶⁶ See, e.g., Letter from Ralph Davis to Walter White (Dec. 5, 1940) (on file with NAACP 1940-55, General Office File, “Lynching Tuskegee Report, 1940-43; 1953,” II-A-399 (“attention will be called to these three reported cases in the meeting which is to be held at Tuskegee Institute on December 14, 1940”).

⁶⁷ ARTHUR F. RAPER, THE TRAGEDY OF LYNCHING 1 (1969).

⁶⁸ *No Arrests Made as Yet In Nation's Latest Lynching*, The Carolina Times, Sept. 14, 1940, at 1.

⁶⁹ *Georgia Officials to Probe Lynching*, Philadelphia Tribune, Sept. 19, 1940, at 2.

⁷⁰ See *Georgia Officials to Probe Lynching*, Philadelphia Tribune, Sept. 19, 1940, at 2.

cell.⁷¹ The six masked men then took Callaway from the jail, forced him into a car, and drove him eight miles from the center of town, where he was shot in the head and arms and left for dead.⁷² Hours later, Callaway was found on the side of Liberty Hill Road barely alive and unconscious.⁷³ Callaway was taken to a nearby hospital and died in the afternoon on September 8, 1940.⁷⁴ The Sheriff, E. V. Hillyer, and the Chief of Police, J. E. Matthews, were in charge of the investigation of Callaway's death, though no report of the investigation has ever been made public.⁷⁵

While the officials in LaGrange never investigated the killing of Callaway, Reverend L.W. Strickland of the Warren Temple Methodist Church in LaGrange refused to let the case be swept under the rug and forgotten.⁷⁶ Strickland, a minister and Chair of the Executive Committee of the LaGrange Branch of the NAACP, wrote to the NAACP national office to enlist help in investigating Callaway's case.⁷⁷ In a letter dated October 31, 1940 and addressed to Thurgood Marshall, Special Counsel for the NAACP, Strickland wrote that the local branch had "made requests of all authorities" but that "nothing is being done – not even acknowledgment of

⁷¹ *"Was Forced To Surrender Prisoner To Mob" – Jailer*, The Pittsburg Courier, Sept. 21, 1940, at 23.

⁷² *"Was Forced To Surrender Prisoner To Mob" – Jailer*, The Pittsburg Courier, Sept. 21, 1940, at 23.

⁷³ *"Was Forced To Surrender Prisoner To Mob" – Jailer*, The Pittsburg Courier, Sept. 21, 1940, at 23.

⁷⁴ *"Was Forced To Surrender Prisoner To Mob" – Jailer*, The Pittsburg Courier, Sept. 21, 1940, at 23.

⁷⁵ *"Was Forced To Surrender Prisoner To Mob" – Jailer*, The Pittsburg Courier, Sept. 21, 1940, at 23.

⁷⁶ Letter from L. W. Strickland to Thurgood Marshall (Oct. 31, 1940) (on file with NAACP 1940-55, Legal File, "Lynching – Georgia, 1940," II-B-97).

⁷⁷ Letter from L. W. Strickland to Thurgood Marshall (Oct. 31, 1940) (on file with NAACP 1940-55, Legal File, "Lynching – Georgia, 1940," II-B-97).

our requests.”⁷⁸ Knowing that Callaway’s death would be the subject of discussion at the December 14, 1940 meeting, Marshall forwarded Strickland’s letter to Dr. Arthur Raper, a sociologist and noted civil rights scholar, asking him to investigate.⁷⁹

VI. THE MEETING AND THE LEGACY OF AUSTIN CALLAWAY

“[W]e cannot make democracy a reality in America ‘as long as the mob rides.’”⁸⁰

Twenty-three people attended the meeting in Tuskegee, Alabama, on December 14, 1940.⁸¹ Attendees of the meeting, which was referred to as the “Conference on Lynching and Reports on Lynchings,” included eleven from the Tuskegee Institute, four from white newspapers and magazines, two from the ASWPL, one from the NAACP, one from the Associated Negro Press, one from the Southern Conference on Southern Welfare, and three other scholars.⁸² The purpose of the meeting was ambitious: the agencies that reported lynching statistics hoped to come to agreement on a definition of lynching and, after establishing that definition, reach agreement on which cases of potential lynching in 1940 would be classified as lynchings.⁸³

⁷⁸ Letter from L. W. Strickland to Thurgood Marshall (Oct. 31, 1940) (on file with NAACP 1940-55, Legal File, “Lynching – Georgia, 1940,” II-B-97).

⁷⁹ Letter from Thurgood Marshall to Arthur Raper (Nov. 19, 1940) (on file with NAACP 1940-55, Legal File, “Lynching – Georgia, 1940,” II-B-97).

⁸⁰ Press release dated September 13, 1940 (on file with NAACP 1940-55, Legal File, “Lynching – Georgia, 1940,” II-B-97).

⁸¹ See “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 1-2 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁸² See “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 1-2 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁸³ “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 1 (on file with Arthur Raper Papers in the Southern Historical

After presentations and discussions led by the NAACP, Tuskegee Institute, the ASWPL, Dr. Raper, and a representative from a white newspaper, the group of twenty-three made “several attempts . . . to formulate a definition of lynching.”⁸⁴ Unsuccessful, the group decided instead to list criteria that would be used “in classifying a murder as a lynching.”⁸⁵ In the end, the conference decided that, going forward, for a murder to be classified as a lynching it would need to meet the following four criteria:

1. A dead body (corpus delicti)
2. Person or persons met death illegally
3. Person or persons met death at hands of a group
4. The group acting under pretext of service to justice, race, or tradition⁸⁶

Although the group was unable to agree on a definition of lynching, the criteria established were viewed as a win for the NAACP.⁸⁷ In looking back at the various definitions put forth by the three organizations, these criteria most closely resemble the broad definition of the NAACP: the criteria did not exclude police officers as lynchers; there is no requirement for the local paper to classify the killing as a lynching; nor any requirement for a court record to

Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁸⁴ “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 5 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁸⁵ “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 5 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁸⁶ “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 5 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁸⁷ Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 98 (2000).

prove that the killing was in fact a lynching.⁸⁸ Since the adopted criteria for classifying a killing as a lynching were broad, the NAACP would be able to argue for the inclusion of particular cases in the records of lynchings, thereby showing that lynchings continued to be a significant national problem that warranted legislative action.⁸⁹ Still, the Tuskegee Institute and the ASWPL left the meeting having secured the requirement that a dead body had to be produced before the murder could be classified as a lynching; a missing person who was only rumored to have been lynched would not count as a lynching victim.⁹⁰

With those criteria in mind, the group then continued with the important task of determining which potential lynchings in 1940 met those criteria and would be “officially” classified as lynchings.⁹¹ In all, twelve potential lynching cases were discussed.⁹² By the end of the conference, four were classified as “definite lynchings,” six were classified as “border-line cases: probable lynchings,” and two were classified as “reported killings on which information is not sufficient for a classification.”⁹³ The cases not classified as definite lynchings were to be

⁸⁸ See and Compare Figure 1, *supra*.

⁸⁹ See Christopher Waldrep, *War of Words: The Controversy over the Definition of Lynching, 1899-1940*, *Journal of Southern History*, Vol. 66, No. 1, 98 (2000).

⁹⁰ “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 5 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁹¹ “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 6 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁹² “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 6-7 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁹³ “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 6-7 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

investigated further – after the conference – and classified once the investigations were complete.⁹⁴ In a way, this was also a win for the NAACP: they had not only successfully lobbied for the criteria to be broad enough for the NAACP to argue potential lynchings on a case by case basis, but they also got both the Tuskegee Institute and the ASWPL to agree to investigate cases of potential lynchings beyond looking at local newspaper reports.⁹⁵

Among the four “definite lynchings” was the case of Austin Callaway.⁹⁶ The local paper in LaGrange, Georgia, the town in which Callaway was killed, had not classified his death as lynching.⁹⁷ What is more, the article, entitled “Negro Succumbs to Shot Wounds,” did not even confirm that Callaway had died at the hands of a mob.⁹⁸ While other papers around the country were reporting that a band of six masked white men had taken Callaway from the local jail, shot him, and left him for dead,⁹⁹ the local paper would only conclude that Callaway “[died] . . . as a result of bullets fired by an unknown person or group of individuals.”¹⁰⁰

⁹⁴ “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 6 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁹⁵ “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 6 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B). *See, e.g.*, Letter from Ralph Davis to Walter White (Jan. 13, 1941) (on file with NAACP 1940-55, General Office File, “Lynching, Tuskegee Report, 1940-43; 1953,” II-A-399).

⁹⁶ “Summary of the Conference on Lynching and Reports on Lynchings, Tuskegee Institute, Alabama, December 14, 1940” at 6 (on file with Arthur Raper Papers in the Southern Historical Collection, Manuscripts Department, Wilson Library, The University of North Carolina at Chapel Hill, Box 5-B).

⁹⁷ *Negro Succumbs to Shot Wounds*, LaGrange Daily News, Sept. 9, 1940, at 6.

⁹⁸ *Negro Succumbs to Shot Wounds*, LaGrange Daily News, Sept. 9, 1940, at 6.

⁹⁹ *See, e.g.*, “Was Forced To Surrender Prisoner To Mob” – Jailer, The Pittsburg Courier, Sept. 21, 1940, at 23.

¹⁰⁰ *Negro Succumbs to Shot Wounds*, LaGrange Daily News, Sept. 9, 1940, at 6.

All three of the organizations agreed that the killing of Austin Callaway was a lynching. This agreement by three major civil rights organizations was a big step in recognizing the changing character of lynching.¹⁰¹ Austin Callaway was not lynched by an angry mob in front of hundreds or thousands of spectators. Austin Callaway was not hanged from a tree in the town center. Instead, six masked men easily apprehended Callaway, who was in police custody, drove him to a remote location, shot him, and left him for dead. While Austin Callaway's captors were never prosecuted, his case took another significant course. His case was used by the NAACP to persuade other civil rights and anti-lynching organizations that lynching was, in fact, going underground: what happened to Austin Callaway was not murder, but a blatant attempt to "rule by terror and intimidation."¹⁰² The character of lynching was changing. Although the NAACP was not successful in getting a federal anti-lynching law passed, Austin Callaway's brutal death helped the NAACP to convince Tuskegee Institute and the ASWPL to change their understanding of lynching so that the lynching records could more accurately reflect the civil rights abuses that were occurring in the United States in 1940 and thereafter.

¹⁰¹ See "Lynching – 1940 Chronological List" (on file with NAACP 1940-55, General Office File, "Lynching, Tuskegee Report, 1940-43; 1953," II-A-399) (handwritten notes next to Callaway's name indicate that the group "agreed to" Callaway's classification as a lynching).

¹⁰² See "Lynching Goes Underground: A Report on a New Technique" (Jan. 1940) (on file with NAACP 1940-55, General Office File, "Lynching General, 1942," II-A-394).

VII. CONCLUSION

*“Keep your eyes on the prize, hold on.
Hold on, hold on. Keep your eyes on the prize, hold on.”¹⁰³*

The story of Austin Callaway is the story of the debate on how to define and, thus, end lynching in the United States. Going into the “Conference on Lynching and Reports on Lynchings” in Tuskegee, Alabama, on December 14, 1940, the nation’s leading civil rights and anti-lynching organizations were at an impasse. The NAACP, the Tuskegee Institute, and the ASWPL could not agree on how to define lynching because they could not agree on how to end lynching. The NAACP sought to stop lynching with the enactment of federal anti-lynching legislation. The Tuskegee Institute hoped to cure the evil of lynching by getting the southern white newspapers to print its statistics. And the ASWPL aimed to change the minds of communities by taking lynching out of the mainstream and, thus, normalizing lynchlessness. The deaths of Austin Callaway and the eleven other individuals whose murders were classified as “potential lynchings” in 1940 helped to bring these organizations together to discuss how to define lynching. Their deaths also helped to shape the debate on how to end lynching in the United States. This is the legacy of Austin Callaway, who was lynched on September 8, 1940, in LaGrange, Georgia.

¹⁰³ ALICE WINE, KEEP YOUR EYES ON THE PRIZE