

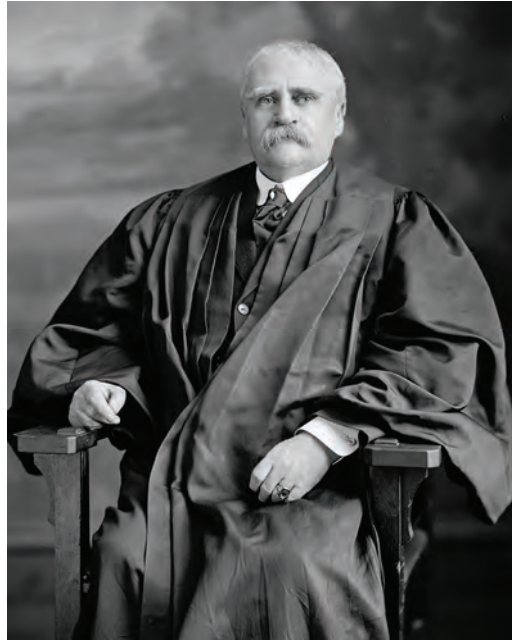
that had guided his earlier career. He placed extreme importance on the separation of powers, preferring to have legislatures make laws and abhorring modification of the law by the courts.

In 1905 Lurton served as dean of the Vanderbilt University law school. He was nearly appointed to the U.S. Supreme Court in 1906 by the reform-minded President Theodore Roosevelt. The Republican president's selection was a measure of the respect that the Democratic judge had garnered. Roosevelt only backed off from appointing Lurton when he was persuaded to choose a Republican instead.

In December 13, 1909, President William Howard Taft had no qualms about appointing a Democrat, or about appointing the oldest candidate in Supreme Court history. Some opposition was raised over Lurton's age; more complaints were directed at the narrowness of his outlook. Nevertheless, the Senate approved the nomination and Lurton received his commission only one week later. There proved to be no reason for worry: as an associate justice, Lurton largely followed the lead of the majority. Commentators are generally at a loss to find much of note in Lurton's tenure on the Court, which lasted four years until his death. It was the Progressive Era, and the Court was often concerned with the issue of government regulatory power, particularly in antitrust, the area of law devoted to enforcing fair competition in business. Although he had always resisted so-called judge-made law, Lurton joined in the Court's unanimous decisions in groundbreaking antitrust cases such as *Standard Oil v. United States*, 221 U.S. 1, 31 S. Ct. 502, 55 L. Ed. 619 (1911), and *American Tobacco Co. v. United States*, 221 U.S. 106, 31 S. Ct. 632, 55 L. Ed. 663 (1911). Lurton died July 12, 1914, in Atlantic City, New Jersey.

FURTHER READINGS

- Cushman, Clare, ed. 2013. *The Supreme Court Justices: Illustrated Biographies, 1789–2012*. 3rd ed. Thousand Oaks, CA: CQ Press.
- Friedman, Leon, and Fred L. Israel, eds. 2013. *The Justices of the United States Supreme Court: Their Lives and Major Opinions*. 4th ed. 4 vols. New York: Facts on File.
- Long, Roger. 1994. "The Plain Truth Was Too Plain for Horace Lurton." *Civil War Times Illustrated* 33 (November/December).
- Tucker, David M. 1969. "Justice Horace Harmon Lurton: The Shaping of a National Progressive." *American Journal of Legal History* 13 (3): 223–32.



Horace Harmon Lurton.

LIBRARY OF CONGRESS
PRINTS AND
PHOTOGRAPHS DIVISION

LYNCH, LORETTA ELIZABETH

Loretta Lynch was the first Black woman in U.S. history to serve as U.S. attorney general. Nominated by President Barack Obama in 2015, Lynch served until January 20, 2017. Lynch has been a lawyer in private practice and U.S. district attorney for the Eastern District of New York.

Lynch was born on May 21, 1959, in Greensboro, North Carolina. Her father was a fourth-generation Baptist minister who was active in the civil rights movement. Her mother was a librarian. After graduating from high school, Lynch attended Harvard University, graduating with a major in American literature. She then attended Harvard Law School, serving as a member of the Harvard Legal Aid Bureau. After graduating in 1984, Lynch was hired by a New York City law firm, Cahill Gordon & Reindel, where she worked with the litigation department. She left the firm in 1990 to work as an assistant U.S. attorney for the Eastern District of New York. This office handled federal law enforcement for the New York City boroughs of Brooklyn, Queens, and Staten Island, as well as two counties on Long Island. She rose quickly in the office, becoming deputy chief of general crimes in 1992, chief of the Long Island division in 1994, and chief assistant to the U.S. attorney in 1998. President Bill Clinton appointed Lynch U.S. attorney in 1999.

Loretta Lynch.
ELI ALFORD / DOJ /
EOUSA



Her tenure was brief. Lynch returned to private practice in 2002, joining the Washington, D.C., law firm of Hogan & Hartson as a partner, where she specialized in commercial litigation, white-collar defense, and corporate compliance. She also served as special counselor to the prosecutor of the International Criminal Tribunal for Rwanda. From 2003 to 2005, Lynch was a member of the Federal Reserve Bank of New York.

Lynch returned to public service in 2010, when President Obama nominated her to again be U.S. attorney for the Eastern District of New York. During her tenure, Lynch prosecuted Republican and Democratic politicians and secured a \$7 billion settlement with Citigroup over mortgage securities sold by the bank. She also exposed corruption within FIFA, the

international body governing world soccer. Eight people pleaded guilty to various fraud, conspiracy, and tax charges.

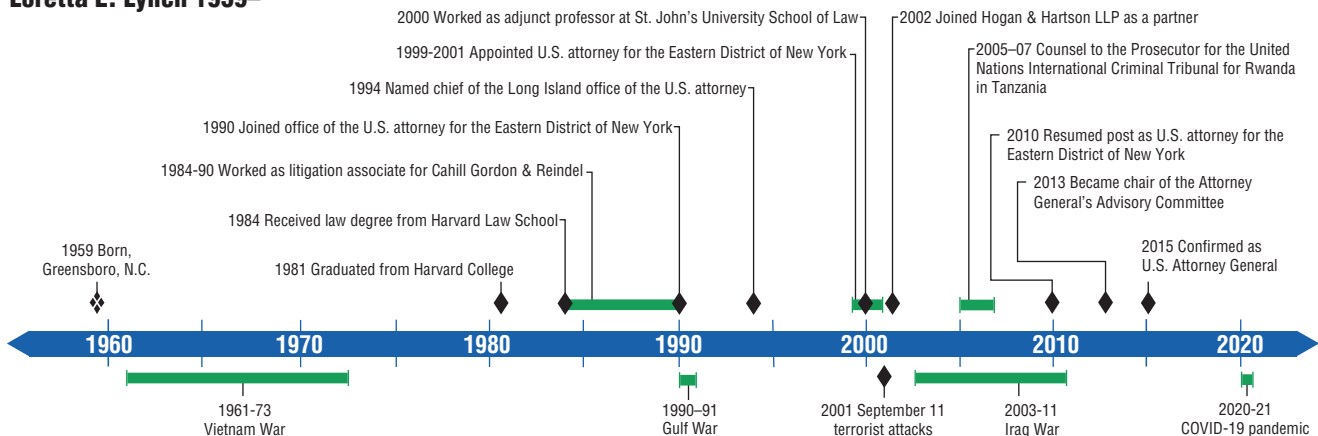
When Eric Holder resigned as U.S. attorney general in late 2014, President Obama nominated Lynch to succeed him. The Senate confirmed her in April 2015, making her the first Black woman to serve in the position. She was sworn into office on April 27, 2015.

During her time in office, Lynch opened an investigation of the Chicago Police Department, examining its use of deadly force. A January 2017 report confirmed civil rights violations and led the city of Chicago to work with the federal government to change its culture and practices. Her focus on police reform led to other investigations, including one in Baltimore. Baltimore agreed to make substantial changes recommended by the Department of Justice. In 2016, Lynch announced the department was suing North Carolina over its law that required transgender people to use public restrooms, locker rooms, and changing rooms that matched the biological sex on their birth certificates.

Lynch's reputation was tarnished over her handling of the investigation of Hillary Clinton and Clinton's use of a private e-mail server while secretary of state. In June 2016, Lynch met former President Bill Clinton privately in her department's jet, while both were at the Phoenix airport. When this meeting was discovered, Lynch denied they had talked about the Clinton e-mail investigation. On July 1, 2016, Lynch said she would accept the recommendation of the Federal Bureau of Investigation (FBI) and prosecutors concerning this investigation. On July 6, FBI Director James

GALE, A CENGAGE
COMPANY.

Loretta E. Lynch 1959–



Comey recommended that no charges be filed against Clinton. In 2017, Comey stated in sworn testimony that Lynch had instructed him to not refer to the Clinton e-mail probe as an “investigation,” but to refer to it as a “matter.” This instruction, coupled with the Phoenix airport meeting with the former president, led Comey to make his independent announcement. The Department of Justice inspector general investigated the manner in which the Clinton e-mail investigation was conducted. In a 2018 report, the inspector general called the airport meeting an error of judgment for the public perception it generated, but concluded there was no political bias.

After leaving office in January 2017, Lynch joined the New York law firm Paul, Weiss. She advises clients on government and internal investigations on high-stakes litigation.

FURTHER READINGS

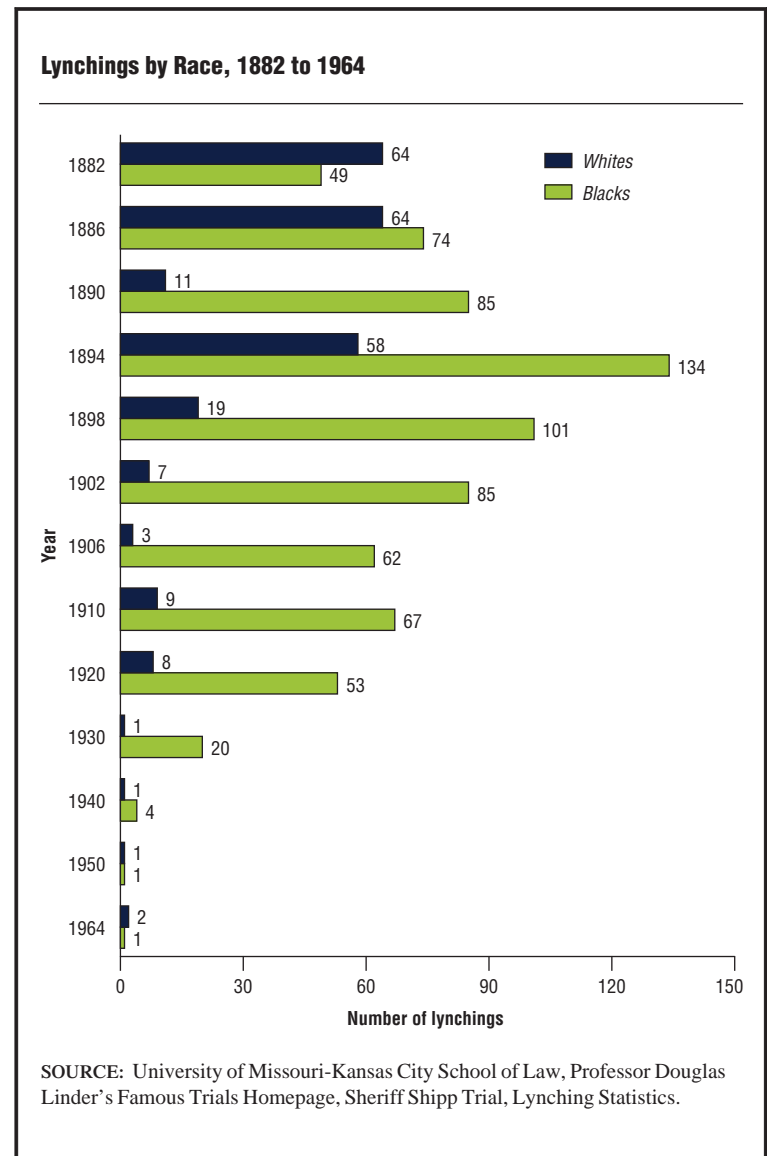
- Bensinger, Ken. 2018. *Red Card: How the U.S. Blew the Whistle on the World's Biggest Sports Scandal*. New York: Simon & Schuster.
- Dörr, Luisa. 2017. *Firsts: Women Who Are Changing the World: Interviews, Photographs, Breakthroughs*. New York: Liberty Street Books.
- Ifill, Sherrilyn, Loretta Lynch, Bryan Stevenson, and Anthony C. Thompson. 2018. *A Perilous Path: Talking Race, Inequality, and the Law*. New York: New Press.

LYNCHING

Violent punishment or execution, without due process, for real or alleged crimes.

The concept of taking the law into one’s own hands to punish a criminal almost certainly predates recorded history. Lynching (or “lynch law”) is usually associated in the United States with punishment directed toward Blacks, who made up a highly disproportionate number of its victims. (Although the origins of the term *lynch* are somewhat unclear, many sources cite William Lynch, an eighteenth-century plantation owner in Virginia who helped to mete out vigilante justice.)

Lynching acquired its association with violence against Blacks early in the nineteenth century. It was used as a punishment against enslaved persons who tried to escape from their enslavers. Sometimes, whites who openly opposed slavery were the victims of lynch mobs as well. Perhaps not surprisingly, lynching did not become a pervasive practice in the South until after the Civil War. The passage of the Fourteenth Amendment to the Constitution



granted Blacks full rights of citizenship, including the right to due process of law. Southern whites had been humiliated by their loss to the North, and many resented the thought that the people they formerly enslaved were now on an equal footing with them (relatively speaking). Groups such as the Ku Klux Klan and the Knights of the White Camelia attracted white southerners who had been left destitute by the war. These groups promoted violence (sometimes indirectly) as a means of regaining white supremacy.

Part of the appeal of groups such as the Ku Klux Klan was their white supremacy focus. But these groups also played on the fears of southern whites—that Blacks would be able to

GALE, A CENGAGE
COMPANY.

A flag, announcing a lynching, was flown from the window of the National Association for the Advancement of Colored People (NAACP) headquarters in New York City in 1936.

LIBRARY OF CONGRESS
PRINTS AND
PHOTOGRAPHS DIVISION



compete with them for jobs, that Blacks could run for political office, and even that Blacks could rebel against whites. Lynchings were carried out because of these fears. Whites believed that lynchings would terrorize Blacks into remaining subservient while allowing whites to regain their sense of status.

Lynchings became even more widespread beginning in the 1880s and would remain common in the South until the 1930s. Between 1880 and 1930, an estimated 2,400 Black men, women, and children were killed by lynch mobs. (During the same period, roughly 300 whites were lynched.) Most lynchings occurred in the Deep South (i.e., Mississippi, Georgia, Louisiana, Alabama, and South Carolina). Border southern states—Florida, Tennessee, Arkansas, Kentucky, and North Carolina—also had a noteworthy number of lynchings.

A partial list of “crimes” that prompted lynch mobs during these years underscores a chilling disregard for life: gambling, quarreling, arguing with a white man, attempting to vote, unruly remarks, demanding respect, and “acting suspiciously.” Lynchings were often carried out against those suspected of more serious

crimes, but they were carried out without allowing a fair trial. It is no exaggeration to state that any Black man, woman, or child in the South during these years was in danger of being lynched for any real or imagined improper behavior.

Often, the victim of a lynching would be dragged from his or her home; not infrequently, a lynch mob would drag a victim from a jail cell where supposedly he or she was to be awaiting a fair trial. The typical lynch mob would be made up of local citizens; a core group would actually carry out the crime, while many of the town’s residents would look on. The spectators often included “respectable” men and women, and children were often brought to lynchings. A lynching victim might be shot, stabbed, beaten, or hanged; if he was not hanged to death, his body would often be hung up for display. Local police, and even members of the armed forces, either could not or would not intervene to stop a lynch mob from taking the law into its own hands. Not infrequently, a lynching would conclude with a loud, rowdy demonstration among the assembled crowd. The clear message in each lynching was that the mob was in control.