

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

SCR 6

4
5 By: Senator S. Flowers
6 By: Representative Richey

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8 **SENATE CONCURRENT RESOLUTION**

9 TO COMMEMORATE THE NINETY-FOURTH ANNIVERSARY OF THE
10 UNITED STATES SUPREME COURT RULING IN MOORE V.
11 DEMPSEY.

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14 **Subtitle**

15 TO COMMEMORATE THE NINETY-FOURTH
16 ANNIVERSARY OF THE UNITED STATES SUPREME
17 COURT RULING IN MOORE V. DEMPSEY.

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20 WHEREAS, the Elaine Massacre was a riot that began on September 30,
21 1919, at Hoop Spur near Elaine, Arkansas; and

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23 WHEREAS, an estimated one hundred (100) to two hundred thirty-seven
24 (237) African Americans were killed, along with five (5) white men; and

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26 WHEREAS, the Elaine Massacre is considered the deadliest race riot in
27 the State of Arkansas and among the deadliest racial conflicts in all of
28 United States history; and

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30 WHEREAS, the Elaine 12 were twelve (12) African American men who were
31 sentenced to death, some of whom for murder and others as accessories to
32 murder of Clinton Lee, a white man; and

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34 WHEREAS, following the convictions of the Elaine 12, the National
35 Association for the Advancement of Colored People filed two (2) lawsuits, one
36 of which resulted in the United States Supreme Court decision in Moore v.



1 Dempsey; and

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3 WHEREAS, on February 19, 1923, the United States Supreme Court declared
4 in Moore v. Dempsey that state rulings could be challenged in federal court
5 to determine if criminal defendants had been denied their federal
6 constitutional rights; and

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8 WHEREAS, Moore v. Dempsey was the first in a string of United States
9 Supreme Court rulings that expanded the meaning of the Due Process Clause
10 over the Twentieth Century; and

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12 WHEREAS, in recognition of this landmark decision, the new Legacy
13 Center in Elaine, Arkansas, honored the Elaine 12 at its inaugural event in
14 Elaine on Friday, February 17, 2017, just days before the ninety-fourth
15 anniversary of the Moore v. Dempsey case,

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17 NOW THEREFORE,

18 BE IT RESOLVED BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE
19 STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

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21 THAT the Ninety-First General Assembly recognizes the historical
22 importance of the Elaine Massacre and commemorates the ninety-fourth
23 anniversary of the United States Supreme Court ruling in Moore v. Dempsey, a
24 landmark ruling that changed the nature of the Due Process Clause of the
25 Fourteenth Amendment.

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27 BE IT FURTHER RESOLVED THAT upon adoption of this resolution, the Secretary
28 of the Senate transmit a copy to the Legacy Center in Elaine, Arkansas.