

Lynching: America's National Disgrace

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History of American lynching, its causes and its remedy -An instrument used to terrorize and enslave the negro population -The truth about raping -Mob atrocities a menace to civilization -Public opinion and the Dyer Anti-Lynching bill

THE standard book on lynching, J. E. Cutler's "Lynch-Law," speaks of it as "a criminal practice which is peculiar to the United States." This definition was true when Cutler's book was published, not quite twenty years ago, and it still is true. The origin of the term is doubtful. To various Colonels and civilians named Lynch is ascribed the doubtful honor of establishing this form of crime in our country, in Revolutionary times, when the absence of courts of justice in country districts and the turmoil of American political upheaval caused men to band together for the maintenance of order, or for purposes of vengeance. Something not far from lynching occurred during the early wars with the Indians on the American Continent, and it may be said that this form of mob action is truly characteristic of uncivilized communities. Where society is still in the frontier stage, the settlement of disputes is left to individuals or groups of individuals. Thus in early days the bands of "regulators" notified undesirable characters to leave the community, prosecuted horse thieves and, in Revolutionary days especially, flogged Tories and tarred and feathered "informers." viz., persons accused of reporting American smuggling to the British authorities.

The term lynching, as used in those days, did not apply, as it does now, exclusively to the infliction of the death penalty. The usual penalty inflicted by the self-constituted courts was a severe flogging and a warning to leave the community, followed by severer punishment in case the warnings were not heeded. With the agitation for the abolition of slavery, lynching began to be an element in what has since crystallized into the race problem. Slave insurrections, notably the Nat Turner rebellion, were punished with the utmost severity and those suspected of having a share in them were often executed, shot, hanged, or even burned, without any form of trial. The abolitionists themselves met with mob action, as is well known, and in 1836, for denouncing the burning alive of a colored man who had been taken by a mob from jail in St. Louis, the Rev. E. P. Lovejoy had his printing office destroyed by a mob and met death at the hands of a mob in 1837. Cutler quotes Abraham Lincoln on "The Perpetuation of Our Political Institutions," an address containing a passage which well applies to our day. Speaking of the spread of mob atrocities throughout the country, Lincoln said:

It would be tedious as well as useless to recount the horrors of all of them. Those happening in the State of Mississippi and at St. Louis are perhaps the most dangerous in example and revolting to humanity. In the Mississippi case they first commenced by hanging the regular gamblers -a set of men certainly not following for a livelihood a very useful or very honest occupation, but one which, so far from being forbidden by the laws, was actually licensed by an act of the Legislature passed but a single year before. Next, negroes suspected of conspiring to raise an

insurrection were caught up and hanged in all parts of the State; then, white men supposed to be leagued with the negroes; and finally, strangers from neighboring States, going thither on

business, were in many cases subjected to the same fate. Thus went on this process of hanging, from gamblers to negroes, from negroes to white citizens, and from these to strangers, till dead men were literally dangling from the boughs of trees on every roadside, and in numbers almost sufficient to rival the native Spanish moss of the country as a drapery of the forest.

Lynching accompanied the border troubles that preceded the Civil War, especially on the dark and bloody soil of Kansas, but the recrudescence of lynching, in its present form, dates from the period of Reconstruction, following the Civil War. Much of the violence and terrorism of those days was due to the then first organized Ku Klux Klan. This body was dissolved in March, 1869, by proclamation of its Grand Wizard, and actually exterminated by the Federal Force bill of 1871, which placed under the jurisdiction of Federal Courts the Ku Klux outrages against freedmen and Northerners and Southerners accused of favoring Reconstruction.

The Negro Terrorized

Lynching was an instrument in driving the negro out of politics in the South, after the Reconstruction period. More lynchings took place in the five-year period falling between 1889-1893 than in any subsequent period covering the same amount of time. Lynching was not only -as it still continues to be -an instrument for terrorizing negroes, keeping them from voting and in the position of "inferior"; it has become as well an instrument of economic exploitation, reinforcing peonage in the cotton-raising sections of the country, making it almost hopeless in many sections for colored men even to ask for simple justice, as many prominent white Southerners have publicly admitted. Governor Hugh M. Dorsey of Georgia on April 22, 1921, made a statement to a conference of citizens of that State dealing with the following phases of the problem: (a) The negro lynched; (b) the negro held in peonage; (c) the negro driven out by organized lawlessness; (d) the negro subject to individual acts of cruelty. The Governor's statement, which cited 135 cases of mistreatment of negroes in Georgia in the two preceding years, contained the following striking paragraphs:

In some counties the negro is being driven out as though he were a wild beast. In others he is being held as a slave. In others, no negroes remain. In only two of the 135 cases cited is the "usual crime" against white women involved.

As Governor of Georgia, I have asked you, as citizens having the best interests of the State at heart, to meet here today to confer with me as to the best course to be taken. To me it seems that we stand indicted as a people before the world. If the conditions indicated by these charges should continue, both God and man would justly condemn Georgia more severely than man and God have condemned Belgium and Leopold for the Congo atrocities. But worst than that condemnation would be the destruction of our civilization by the continued toleration of such cruelties in Georgia.

The first issue to be met in any discussion of contemporary American lynching is the question of "the usual crime," for the justification of lynching in the last thirty years has been based upon the contention that only by the summary and brutal method of mob murder could white women be protected from attacks of colored men. "To punish rape" has been the justification in face of persistent investigation and publication of the facts.

Truth About "The Usual Crime"

Those facts, collected in "Thirty Years of Lynching," a statistical study based upon The Chicago Tribune's figures and other sources, and published by the National Association for the Advancement of Colored people, are as follows: During the thirty-year period, 1889-1918, less

than one-fifth of the colored men done to death by lynching mobs were even accused of "the usual crime," and in that period fifty colored and eleven white women were lynched. It should be borne in mind that a mob's accusation is not by any means equivalent to conviction, or even to an indictment for crime by a regularly constituted jury. In fact, in a number of cases in which investigators were sent to the scene of lynchings by the National Association for the Advancement of Colored

People, their reports showed that the victim's guilt had not only not been proved, but that he was actually innocent of the crime charged. To take a recent five-year period, that of 1914-18, the number of negroes lynched in the United States, exclusive of those killed at East St. Louis in the riot, was 264. In only twenty-eight cases, or slightly more than one-tenth of the lynchings, was rape assigned as the cause.

If we compare these figures with the record for New York County, which is only a part of New York City, we find that in this one county, in the single year 1917, there were 230 persons indicted for rape, of whom thirty-seven were indicted for rape in the first degree. That is, in just a part of New York City, nine more persons were indicted for rape in the first degree than there were negroes lynched on the charge of rape throughout the entire United States in a five-year period. Not one of the thirty-seven persons indicted in New York County was a negro.

To draw the comparison still closer it must be remembered that the evidence required by the Grand Jury of New York County to indict a person on the charge of rape must be more conclusive than the evidence required by or submitted to a lynching mob. The New York Grand Jury requires corroboration, direct or circumstantial; the unsupported word of a woman is not sufficient. The mob does not even require, in most cases, that the woman be certain as to the identity of the accused man.

I might add further that in 1911, when the Congressional Commission on Immigration made its study of crime in the United States, and investigated 2,262 cases in the New York Court of General Sessions, it found that the percentage of rape was lower for the negro than for either the foreign or native born whites. The actual figures were, for foreign-born whites, 1.8; for native-born whites, .8, and for negroes, .5. If to the figures for New York City were added the figures of other large cities in the country, the rape record of the American negro would dwindle into insignificance.

So much, then, for the lie that the negro is by nature a rapist, or that he is more disposed to commit this crime than any other race, and that lynching is punishment for that crime. Fifteen years of investigation, made often at the risk of the investigator's life, and publication of the facts by the National Association for the Advancement of Colored People have done much to clear away this myth.

Menace to Civilization

Meanwhile the task has been to acquaint the American public with the facts, emphasizing not only the barbarities that have accompanied the doing to death of people often innocent, but also the menace that lynching and mob violence hold for all organized government and civilized society. It is perhaps no longer necessary to dwell on the horrible brutalities in which lynching mobs indulge, the mutilation of victims, tortures applied such as shame the devices of savage and uncivilized peoples, the public burning at the stake, before audiences of men, women, and even children, of human beings. Eight colored men were publicly burned in the United States in the year 1922, and of the fifty-three other victims of American lynching mobs in that year the bodies of three were publicly burned after the victims had been done to death.

So late as 1921 the country was treated to the horrible spectacle of newspapers announcing that a man was to be burned in public, giving the time and place where the event was to take place, and, after the burning, regaling their readers with every horrible detail of the affair. I refer to the burning alive of Henry Lowry, which took place at Nodena, Ark., on the night of Jan. 26, 1921, and was fully reported, before and after, in *The Memphis Press* and *The News Scimitar*.

Of the menace of this sort of thing to the souls of the people who take part in it and witness it, no warning can be too strong. The psychiatrist, Dr. A. A. Brill, lecturer at New York University, has declared that no one can take part in a lynching or witness it and remain thereafter a psychically normal human being. Of the effect upon the children witnessing such brutal scenes it is hardly necessary to speak. Two Presidents in recent years have spoken of the danger of lynching to

society and the nation. President Wilson, in a pronouncement on lynching and mob violence, published July 26, 1918, spoke of the situation as one which "vitaly affects the honor of the nation and the very character and integrity of our institutions." In the course of that pronouncement President Wilson said: "There have been lynchings, and every one of them has been a blow at the heart of ordered law and humane justice. No man who loves America, no man who really cares for her fame and honor and character, or who is truly loyal to her institutions, can justify mob action while the courts of justice are open and the Governments of the States and the nation are ready and able to do their duty."

More recently, in a message to Congress, the late President Harding said: "Congress ought to wipe the stain of barbaric lynching from the banners of a free and orderly representative democracy."

Reinforcing the appeals of both these Presidents and their denunciation of the horror of lynching and its danger not only to the people of African descent but to our Government itself and to the people of all races, we had the spectacle a few years ago of Leo Frank, a white man, lynched in the State of Georgia after a trial dominated by a mob, with the Governor of the State threatened with physical violence. Only recently newspapers have reported a documentary confession by another man establishing Frank's innocence of the crime for which he was murdered by a mob. Instances of this sort could be multiplied indefinitely.

Educating Public Opinion

Great as has been the change in public opinion regarding this menace, a vast amount of work remains to be done. As was stated above, sixty-one persons were lynched in the United States during the year 1922; eight of these victims were burned alive. We have at least made this much progress that whereas lynching was condoned so little as fifteen years ago by newspaper editors, and even by clergymen in the pulpit, no reputable man in public life would now dare to utter such sentiments. The organized and persistent campaign against lynching first undertaken in this country by the National Association for the Advancement of Colored People has not been without avail so far as public sentiment is concerned, but the machinery for stopping lynching has been lamentably defective. Although again and again victims of lynching mobs have been proved innocent, it is only in the rarest instances that any effective action is taken for punishing the lynchers. I think that it is perfectly safe to say that for the more than 4,000 lynchings that have taken place in the United States during the past thirty-six years, not fifty people have been convicted for any offense whatever, and not twenty-five have been indicted for murder in the first degree. In the case of the respectable and peaceable colored

janitor who was lynched last year (1923) at Columbia, Mo., and upon whose guilt the greatest doubt was subsequently cast, only one man was brought to trial, and when he was acquitted the case against the other men was dismissed.

State and local authorities throughout the United States have failed to deal with this issue of lynching. Now and again a determined Sheriff or a determined Governor, like the late Governor Bickett of North Carolina, crows and disperses a cowardly mob, but these cases of personal bravery on the part of officers of the law are so rare as to be almost negligible. We have, therefore, been confronted with a situation where from sixty to one hundred lynchings go unpunished every year in the United States and where the State and local machinery fail to function in stamping out this evil which disgraces the United States before the civilized world. We are, indeed, confronted with a complete breakdown and paralysis of the State before the mob. The States as a whole, have shown their absolute inability to cope with mob violence.

The Dyer Anti-Lynching Law

The conclusion to which the National Association for the Advancement of Colored People has finally been forced, after years of appeal to the State authorities and after its successful campaign to arouse public sentiment, is this: that the only effective machinery for stamping out lynching in the United States must be

provided by fearless and strict enforcement of an adequate anti-lynching law. Such a bill, introduced in the last Congress by Representative Leonidas C. Dyer of Missouri and bearing his name -the Dyer Anti-Lynching bill -was passed by a vote of 230 to 119 in the House of Representatives and met a decisive check when a group of Southern Senators, under the leadership of Senator Underwood of Alabama, announced that they would filibuster and hold up the country's business, especially the budget, which was to come before the Senate at that time, threatening to deprive departments of the Government of funds necessary for their work. As the rules of the Senate permit unlimited debate, this group of Southern Senators was able to prevent even discussion of the Dyer bill in the Senate, although the facts concerning lynching had been made public at great length and in the most circumstantial detail during the debates in the House of Representatives and in the pages of the Congressional Record.

The main objection to the Dyer Anti-Lynching bill is that it infringes on State rights. It provides for a fine of \$10,000 upon a county in which a lynching takes place, recoverable by the family or dependents of the victim; it also provides for the prosecution in Federal courts of lynchers and delinquent and negligent officers of the law. The objection is on constitutional grounds, the objectors maintaining that although the Constitution provides for equal protection of the laws, it contains no mandatory provision requiring Congress to accord that protection by legislation.

The bill is constitutional in the opinion of Moorfield Storey, former President of the American Bar Association, Attorney General Daugherty, Judge Guy D. Goff of the Department of Justice, and a number of lawyers who filed briefs during the Congressional fight. The supporters of the bill maintain that lynching is not simple murder, but a conspiracy by the mob which effectually substitutes the anarchy of mob action and mob justice for court trial and due process of law. It is a temporary overthrow of the State. The States are able to deal more or less adequately with simple murder, but are powerless against mob murder. The proponents also cite the failure of the States during thirty-five years to take any effective action whatever to stop lynching, and they point to the provision of the Dyer bill by which, with the enlargement of jurisdiction afforded by a federal court, lynchers and Sheriffs will not be tried by their own neighbors and constituents.

In the last Congress, however, it was not constitutional questions that determined the fate of the Dyer Anti-Lynching bill. It was the unwillingness of Southern Senators even to allow this legislation to be discussed. Most of the lynchings in the United States take place in the Southern States. Of 3,224 lynchings recorded for the thirty-year period, 1889-1918, 2,834 took place in the South.

One Cause of Negro Migration

There is another phase of lynching, and that is its effect upon the relations of the races in this country. It has been estimated that 500,000 colored persons have come North in the period of one year. The migration has various causes. Not least among them is lynching. Lynching and mob violence are the reasons given as second, when not first, by nearly all migrants among whom systematic inquiry has been made. Such an inquiry was undertaken by the United States Department of Labor in 1917 and set forth in a report on negro migration at that time.

Some years ago I was talking with the Mayor of a Southern city who told me of driving through the country surrounding Gainesville, Fla., and seeing numbers of small farms deserted by colored farmers and tenants. There were even chickens running about the deserted farmsteads and apparently the places had been left as they were by the colored migrants. He could not account for the exodus until I reminded him that a short while before six colored people, one of them a woman, had been lynched in that vicinity because one colored man had shot a deputy sheriff who had come to arrest him without a warrant. Such a condition is true of many communities throughout the South. Every lynching, almost without exception, is followed by a departure of numbers of colored people.

The economic and social effects of lynching are clear. It is having a political effect also. The colored population of the United States are aroused over the question of lynching and the enactment of Federal and anti-lynching legislation as it has not been over any other situation or measure of recent times. They have been stimulated to organize political action, and in the last Congressional election colored votes retired Dr. Caleb R. Layton, Delaware's only representative in Congress, solely on the ground that Dr. Layton voted against the Dyer Anti-Lynching bill. Similar results took place in New Jersey, in Michigan and in Wisconsin. The fate of the bill in Congress is being eagerly watched by the colored population of the United States, as well as by the thousands of white people to whom the stamping out of lynching has become a question involving not racial lines merely but the maintenance of order, good government and civilized society in their country.