

NEGRO LYNCHING.

[LAW NOTES].

The thrill of horror which has run through the country at the news from Wilmington, Del., of the fearful vengeance wreaked by a mob upon a negro fiend has tended to blind us to the awful enormity of his crime—the most terrible known to humanity in its utmost degradation. That an innocent young girl should be first dishonored and then mercilessly butchered by a satiated brute whose mere touch in familiarity instilled in the masses a feeling of frenzy. Every circumstance of the crime—the criminal's brutishness, his strength, the baseness of his motive, his revolting cowardice, the infinite pitilessness and hopelessness of the fate of the victim—pleads for speedy and stern retribution. Beneath the veneer of civilization man is still a savage, and the old Babylonian and Hebrew idea of a tooth for a tooth, an eye for an eye, appeals to him, while reason says that no expiation which the criminal can suffer can equal the pangs inflicted on the victim. Our history from the rude times of pioneer and frontier life has made the idea of "lynch law" a phrase of grim irony—familiar, and, regret it as we may, when such enormities are perpetrated, this idea springs at once to the mind of the primitive man just under the surface of our ordinary law abiding citizen. The primitive men, Celts or Teutons, from whom our people are descended, were generous in their virtues and their vices, and the brutal aberrations of their descendants are not altogether ignoble. Deep down in our hearts some instinct pleads in palliation of the acts of a mob who lynch a criminal of this base type, and combats the horror which we feel at their more than savage cruelty. But when we sit calmly to reason of the thing and its consequences, we all admit that lynch law is wholly bad and pernicious. It weakens our respect for all law, that sentiment, yet so imperfect in us all, whose gradual advance through ages of successive ebb and flow has made possible the great world states of to-day and our boasted civilization. We cannot hope to crush out such outbreaks in an instant, but public sentiment and all legislation should be directed to that end, and we may hope that future ages will see their utter extirpation when the crimes whence lynch law draws its life shall become rarer than they are among the half savage elements of our population. We may realize upon what a delicate adjustment of social forces these outbreaks depend, when we consider that the acts and utterances of one man prominent in official life may stir up sentiments leading to an orgy of lawlessness in various parts of the country. Bacon has contributed no profounder truth or grander sentiment to human thought than when he said, "The duties of life are more than life." Whether he knew it or not, upon that maxim the sheriff of Evansville, Ind., acted in repelling the mob who were seeking the life of the negro murderer in his custody. That thought, acted upon with calm bravery by the officers of the law, will effect much in lessening the occurrence of lynchings. Until the day of its final extinction shall come, here is one help in minimizing the evil: the selection of the right man for the office of sheriff, not the smooth politician, but the man who regards the duties of life—the duties of his office which he has sworn to perform—as more than his life. How much one man can do who does both act and know, the history of a few brave sheriffs in Alabama, in Indiana, and elsewhere has taught us. But with our present standard of duty by sheriffs and sworn officers of the law, the evil of lynching seems increasing, not becoming less—life is of more value than the duties of life to these men. A dissenting opinion by the chief justice of North Carolina in a recent case, State vs. Cole, 44 S. E. Rep. 391, examines the growth of lynching in a way interesting and suggestive if it must be confessed, somewhat irrelevant to the legal question before the court. "There is nothing that is more subversive of good government," says Chief Justice Clark, "than lynching, yet more men have been executed in this mode in North Carolina in the last fourteen years than by lawful process, and some years twice as many, as appears by the reports of the attorney general. The last message of the governor of the state reports eight executed by lynch law in the last two years, of whom three only were lynched for rape, and

in the same period only five were executed by the sheriff for all offenses." This increase of lynching the chief justice traces to the feeling of the people that flagrant crimes should receive sure and swift capital punishment, and a distrust of the criminal law and an administration of the criminal law which in the past twelve years has seen the number of murders in the state doubled, while manslaughter has increased fourfold and other crimes seventy per cent. "In a trial for any capital offense, apart from other reasons, the mode of trial prescribed by legislation of itself renders a conviction almost an impossibility [in North Carolina, except in cases of sheer poisoning or lying in wait, if the prisoner is able to obtain able and skillful counsel." For, in an effort to mitigate the barbarism of the common law, the legislature has gone on giving greater and greater advantages to the defendant, until now he has twenty-three peremptory challenges, while the state has but four. "Our statute law says murder shall be punished with death. In practice, in this state and some others, the punishment is ordinarily a fine paid by the accused to his counsel as a fee, and a far heavier fine paid by the law abiding people for the costs of the useless trial." It is "useless to denounce lynchings, by statute or otherwise, in any locality where men in any considerable number believe that in no other way than by the fear of lynching can grave crimes be prevented, and that the fear of punishment by law is too vague and indefinite to deter men from the commission of capital offenses. The ever increasing tide of crime should be repressed in an orderly and legal way, by the administration of the law by the courts, and resort to any other mode is evil, and evil only." Thus the practical abolition of capital punishment in communities where popular sentiment regards it as essential to repress crime is one cause which fosters lynchings. Another cause is the delay in bringing to trial and punishment the perpetrators of flagrant offenses. The famous twenty-ninth chapter of Magna Charta shows that seven centuries ago our rude forefathers ranked a tardy administration of justice with its denial or its maladministration. Conditions have not altogether changed, and instances in recent years have illustrated that a confidence that the courts would deal out swift punishment to the guilty is a strong deterrent to the feeling which makes for lynchings. To create a strong impression upon them the minds of the people require that cause and effect should be in close relation, and while a crime is yet fresh in memory the punishment of the guilty should follow, if it is to have its greatest effect as a warning to other wrongdoers, and as an illustration of abstract justice. The tendency to resort to lynching may be partially met by a stern and swift enforcement of the law, and by special legislation directed against this evil, such as the statutes which exist in some states rendering the community or the sheriff liable in damages in cases of lynching. All these remedies deserve trial, and each will contribute its quota to render lynchings less numerous. As to the lynching of negroes, one thing is more important than all others. Can moral instruction be so diffused in this race that its bestial members may be taught to shun that crime of crimes before whose perpetration all common sentiments of order and humanity are lost in feelings of outrage and desire for vengeance? We frequently hear it said that rape is the crime for which negroes are lynched in the south, and the suggestion tossed contemptuously aside when bare murders or lesser offenses are revenged in the same way. Yet this is the crime for which lynching originated and in certain sections is lauded. Only the lessened respect for the legal administration of justice caused by the lynching of ravishers leads to lynching for other offenses, and it is probably true that if all semblance of justification for lynching were wiped out by the stopping of unnatural rapes, lynching would cease. Now when so many offenses of this kind are being reported, it is significant to find in a paper of the Pacific coast, the Portland Oregonian, these editorial utterances: "There is one remedy for lynching that is little discussed, but which would prove effective, and that is for these negro ravishers to let white women and girls alone. If they will stop this one crime, justice will be permitted to take its measured way with their other offenses. This it is which sets every woman in the country against them, and is rapidly losing for them the sympathy and forbearance of erstwhile denouncers of the lynching-bee. The negro can stop lynching tomorrow. Let him let white girls alone. It is the only way. We have heard enough of pleas for the poor negro burnt at the

stake. Let us hear something now for these helpless children, in virgin innocence and the beautiful freshness of youth, in whose thoughts nothing ever came but prayer that God would bless 'all the world' who are condemned to a fate infinitely worse than death by one whom they have never wronged. Lynch law is irregular and burning is unnatural, but neither is more irregular and unnatural than the crime avenged." Here a thought arises. Rape is not a capital crime in many States, but popular sentiment in cases where it is unprovoked approves of the death penalty for it. A law which punishes rape with a mere term of imprisonment is an invitation to lynch the vile perpetrator of this offense. Back of this whole question lowers the dark cloud of race hatred, and we have been surprised to observe some respectable papers, such as the New York Law Journal, expressing satisfaction that the negroes are arming to resist lynchings. So far as lynching is concerned, the wrong is not directed against the negro race, but against individuals who area loathly disgrace to any race. Why should the respectable part of the negroes band together as a race to defend these creatures? Such action is not demanded by racial self-respect, and its adoption by the ignorant people to whom the advice is addressed would lead to miseries untold which would fall with far heavier hand on them than on the whites. Speaking generally, negroes are ignorant, excitable, not schooled to think or deliberate, without high ambitions or standards of life. Like all people of such a type, they are easily carried away by feeling and emotion, as is amply illustrated by their religion. These are the people whom some thoughtless, if well-meaning, persons are advising to arm to resist lynchings threatened against criminal fiends. What must be the result? Meetings or speech-makings among the negroes, the excitement of feeling which in their untrained minds will become indiscriminate race hatred, collisions with whites, bloodshed,—and then, as surely as night follows day, stern vengeance on the negro and a period of real persecution for him. No advice more fraught with evil consequences to both races, more absolutely suicidal to the negro, could be given. Every well-informed person who has the negro's well-being at heart must lament such pernicious and irresponsible suggestions.

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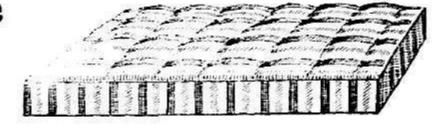
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