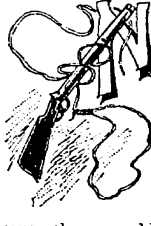


THE UNWRITTEN LAW.

LYNCHING AS IT IS DONE IN THE SOUTH.

Thomas Dixon, Jr., the New York Preacher, Draws Some Deductions—Crime Is Always Punished in the South While Northern Criminals Escape.



NOW THAT THE question of lynching in the South is removed from the realm of practical politics it may be worth while to turn our attention to it for a serious study. It is asserted that negroes are lynched in the South because they are black. It is asserted that, as a fact, the South is yet in a state of partial barbarism: that it condones murder and approves of lynching, which gratifies passion and saves the expense of courts and prisons.

Is this a fact? Certain it is that lynching is too common in the South, and for that matter throughout the whole nation, I would distinctly say that I believe that lynching is in every sense a disgrace to a civilized nation. The uncertainty that attends such execution is a horror inexpressible.

The possibility of murdering an innocent man through the passion of a mob sends a chill to the heart of humanity. But as for that matter, the possibility of a legal execution of an innocent man is likewise an unspeakable horror. And there is just about as much uncertainty attending legal executions as upon the average execution by lynch law in the South. If we take such a case as that of Carlyle W. Harris, who has been sentenced to death, having been duly convicted by a jury, we have a fair illustration of the fact that with all the possible light thrown upon such cases, by long delay and the most careful judicial investigation, there is still an element of great uncertainty. Whether this young man is guilty or not the world does not know; and how a jury could agree upon the evidence in the case I for one do not see.

For this reason among others I might say in the beginning that I do not believe in capital punishment. I do not believe that it is the true remedy for homicide.

We have in America on an average two hundred lynchings every year and about one hundred legal executions. The majority of these lynchings are in the South—perhaps 60 per cent of them. This is an unmitigated disgrace. It is a disgrace to the South. It is a disgrace to the nation. It is a disgrace to humanity.

But the question to which we address ourselves is one that affects the attitude of the races. Is it true that the negro is lynched because he is a negro? I do not believe there is one word of truth in the statement. Negroes are not lynched because of their color; they are lynched for crime. Bishop Fitzgerald has well said, in reply to this assertion, that "the white man in the South who is guilty of the same crime meets an awful doom as swiftly as does the black man. It is notable that in all the spasms of indignation against the Southern people because of these lynchings no word of sympathy has been spoken for the white women who were the victims."

A Republican newspaper in the West collected during the late Presidential campaign the statistics of lynching reported in the South for ten years, with the following result:—

Year.	Whites.	Negroes.
1882	15	52
1883	57	39
1884	30	53
1885	59	77
1886	23	73
1887	39	70
1888	29	72
1889	44	95
1890	20	90
1891	48	169

Out of 738 negroes lynched in eight years it finds that 269 were charged with rape, 252 with murder, 41 robbery, 37 incendiarism, 33 unknown of-



LYNCHERS BREAKING INTO A JAIL. offenses, 28 race prejudice, 13 quarrels with white men, 10 making threats, 7 rioting, 5 miscegnation and 4 burglary."

These statistics may be taken as an approximation of the facts. With this classification of causes, however, much allowance must be made for the time and the purpose for which the collection was made. I should take issue with the classification. For instance that twenty-seven men were murdered for race prejudice is a pure assumption of the collector of the statistics. That thirteen were lynched for quarrels with white men, it seems to me, is manifestly absurd. That ten were lynched for making threats passes the belief of any sane person who knows the facts in Southern life. These statistics, however, are sufficient to indicate that men are lynched in the South not because of their color, but because of crime. It will be found by examining the statistics that there

are as many white men lynched, in proportion to the criminal population, as negroes. According to these figures, in one year there were even more whites lynched than negroes.

The recent bulletin of the census, classifying crime by color, is a most interesting document. An analysis of the figures gives a most surprising result, and would give some most valuable information to many philosophers upon the negro problem. The classification in both the bulletins is very thorough. A comparison shows that the prevalence of crime among the negroes is out of all proportion to their numbers. Taking imprisonment as the basis of estimate, the bulletins show that in 1890 there was a ratio of one prisoner to each 308 of the African population, while the white race showed one prisoner to 947 of the population, including foreign and native elements. And this proportion does not apply to crimes of lesser gravity alone. In 1890 the negroes formed somewhat less than one-eighth of our population, though they contributed no less than 37 per cent of our homicides.

But your average northern philosopher would immediately reply that this would indicate nothing; for, says he, the negro does not get justice in the South. He is arrested and imprisoned without mercy, while the white man escapes. If this be true then an analysis of the statistics for the North Atlantic States would prove it. But a careful comparison of the two bulletins shows that in the North Atlantic division of the census, including New England, New York, Pennsylvania and New Jersey, there is one negro criminal to every 132 of the negro population in 1890, and that there was one prisoner to 650 whites.

This showing is twice as bad as the South. It does not indicate that the negroes who migrate North are so much worse than the negroes of the South, but indicates that the number of offenses for which men are imprisoned in the North is larger than the South.

In other words, where is the safest place in America in which to commit a murder? Suppose I should desire to murder my enemy and escape with im-



THE LAST APPEAL FOR MERCY.

punity, in what community would I go to commit that deed? One thing is certain. I would not go South. If I should kill a man in North Carolina the chances are that I would be hung for the deed. I certainly would not go to Texas. I should expect to be swung to a limb in short order out there. The fact is, I would not dare to choose either a Southern or a Western State in which to commit murder.

Where would I have the highest number of chances for escape? If I desired to commit this high crime, with the best chances for going unpunished, I should choose New York city as the field for operation.

In the South there is a public sentiment which is omnipotent, which is fearful in its vengeance when driven by such awful crimes. But it is a sentiment that indicates a deep and abiding respect for law and order, and the rights of every ragged waif in the streets are high and holy before that august court of the communal sentiment. The poorest child of the streets would arouse that sentiment as quickly as the child of the rich and the strong. If you wish to find a community in which murder and crimes of a similar rank are condoned you will not go South or West. You will search in the great centers of our civic life, and there you will find the darkest spots to-day on the American continent.

The picture of a lynching has an unspeakable horror, but the picture of the victim of the crime which that lynching symbolizes is more unspeakable in its horror. It does not indicate a collapse of law. It indicates a collapse of the machinery for the enforcement of law. Law has its source in the heart of the community. Lynch law is justified—if capital punishment is justified at all—in two cases. First, when there is no law statutory, and, second, when the law cannot be enforced. The fact that we have 7,000 murders and 100 legal executions in a year indicates that our legal machinery for enforcing law against homicides is a total failure. It indicates that there is a call for a radical and sweeping reform of our laws and the methods of legal procedure in such cases. It must be remembered by those who philosophize from the Northern point of view that the crime of rape in the South, as well as burglary, is classed among the capital offenses. The great number of negroes who are lynched are lynched for this first awful offence, which, in my opinion, forfeits the life of the criminal ten times over as compared with homicide. Such is the sentiment universal of the South.

The question of lynching, let me repeat, is not a question of color, but of crime, and the collapse of legal procedure.

THOMAS DIXON, JR.