

CAN FEDERAL
MARK FIGHTS FOR ANATIONAL ANTI-LYNCHING LAW

Mark witnessed three lynchings during his young years and they made him painfully aware of the need of a national anti-lynching law.

One morning in Meridian as he was ^{going} to school, he passed the city jail and saw his first lynching. He saw only the lynching, not the action that led up to it; but, according to the story given out, a Negro prisoner had killed the jailor. The Negro, a trustee, who had been given a gun, shot the jailor as he was bringing him his breakfast. Then, for some reason, the Negro, unable to escape, the jail, hid in the ^{jail's} dark basement.

The news of the killing spread quickly, and a mob gathered and went into the basement to capture the Negro. In the pitch-black darkness, the Negro opened fire on them. The mob fired back and continued to fire until the Negro's shots ~~ended~~ stopped. Sure that they had mortally wounded, if not actually killed, the Negro, the mob dragged the body into the street, tied a rope around the Negro's neck and strung him to a pole.

Mark witnessed the other two lynchings in Macon when he was city editor of the Telegraph. One was of a Negro alleged to have assaulted a white woman as she ^{was walking} ~~walked~~.

through a Negro settlement on her way home from church.

The other victim shot a deputy sheriff when he entered a pool room to arrest him. The Negro managed to get out of town and catch a train, but a spotter for the sheriff saw him and sent word back that he was on ~~xxxxxxx~~ board. The sheriff, by phoning ahead, ordered officers in Griffin to meet the train, take the man off, and head back with him toward Macon, where a deputation of officers and citizens met them. They shot the Negro and then hung him to a pole.

Mark agonized over all three lynchings and after each one took a solemn oath ~~he~~ he would do all in his power to put an end to such barbarity. And he had worked to keep that oath, but for a quarter of a century had made little progress. Then in early 1940 he had the opportunity to ~~make~~ make a plea before a Congressional committee for a nationwide ~~anti~~ anti-lynching law.

For two decades various organizations, in particular the National Association for the Advancement of Colored People, had tried to get such a law passed, but it had been blocked every time by fillibustering Southern congressmen. ~~in early 1940 in Washington~~ Now, once again, a senate subcommittee of the Committee on the Judiciary was holding hearings in Washington on a new bill to outlaw lynching, atrocities, and once again Walter White, the long-time distinguished secretary of ~~the~~ NACP, was moving up ~~his~~ all the forces he could muster to mow down the opposition. One flank of his attack would be composed of Southern editors and publishers, ^{whom} Many of them, he felt, were on his side. He had had letters

^{our}
~~frin~~ them saying the chief factor in reducing lynchings had been the threat of federal legislation. They had told him that the agitation for a federal bill against lynching had been of inestimable help in that it had permitted them to say truthfully in their newspaper columns that if the South itself would not do something about lynching, passage of a law was inevitable. Remove this threat and lynching ~~figures~~ would mount.

This time ~~the~~ White was determined the introduction of an anti-lynching bill would not be just a threat; it would become the law of the land. But ^{he} ~~he~~ faced a stiffer ^{fight} ~~fight~~ than those in the past. The opponents of the bill were already claiming lynching had reached an all-time low in 1939 ^{in that year} ~~in~~ so why a law? ~~There~~ ^{There} had been only three lynchings, according to the figures of the Tuskegee Institute, and only five, according to Mr. white's own organization.

But these figures were absurdly deceiving, Mr. White argued, because in certain parts of the South mobs had adopted new techniques and the great majority of lynchings went unreported. "Before the widespread interest in a federal anti-lynching bill, lynchings were staged frequently by mobs numbering as ^{large} ~~high~~ as five and ten thousand men, women, and children ^{as white reported -} ~~children~~ ^{Sadistic} torture of the helpless victim

was frequently indulged in. Lynchings were advertised in advance through the press and over the radio. Fingers, toes, and other parts of the body were cut off and proudly retained as souvenirs. In⁷ impressionable children, their minds still plastic, were brought by their parents to view the horrible spectacle. But an aroused public conscience, including that of such powerful groups as the women of the Methodist-Episcopal Church, South, had⁷ made such orgies less popular. The mob now delegates³³ the task of execution to a smaller group, usually consisting of forty to fifty men, who take the victim into the woods or swamps, lynch him, dispose of his body, and then keep the outside world from knowing what has happened. ✓

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has

White, to prove his point, cited several cases in 1939 that he knew of personally that had not been included in the statistics, and insisted there were many more.

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208a

~~One was of Joe Rodgers of Canton, Mississippi. On May 8 of that year Rodgers, according to Mr. White, "was a hard-working, highly respected Negro citizen. He was a deacon in the local Baptist church. His conduct was so exemplary that he had never had any difficulties with either the white or the colored people of Canton. He worked at a~~

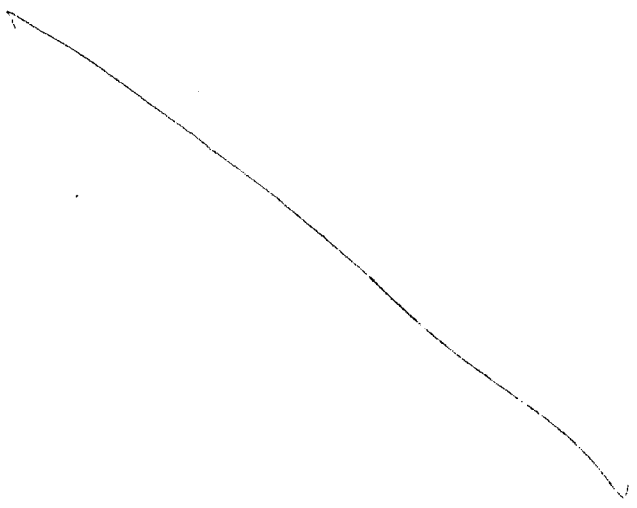
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Mark was one of the publishers whom ~~xxxxx~~
White counted on to form the flank for his push for ~~the~~
the ~~anti-lynching~~ law. He asked Mark to write a letter
he could read to the ~~xxxxxxxxxxx~~ senate subcommittee.
Mark wrote:

"Dear Mr. White:

"I have no hesitation whatever in saying
that I favor the passage of an federal anti-lynching law.
This is based upon several reasons.



First, I favor it as an affirmation that
America as a people do not tolerate a form of
barbarism that is only a little more refined
than cannibalism.

Americans?
America may consider herself a group of
states, but in the eyes of other people we are
a nation, and we must assume responsibility as
a nation for whatever barbaric practices occur
inside our borders. We profess to be a democratic
and Christian nation. If we are those things,
we can afford to push aside legal hair-splitting
and tub-thumping oratory, to say as a nation to
the small lawless element, 'You shall not brand
us as barbarians to satisfy your own blood-lust.'

Second, I favor it because the United States
Government owes the protection of a federal law
to its humblest citizens. The guarantees under
the Bill of Rights are extended to the persons
of citizens of the United States, not to the
citizens of states. The accused has the right to
be heard in court, and in court he has the right to
confrontation, to counsel, to the preparation
of a defense, to testify as he desires, and to
present witnesses. Those are rights guaranteed
under the federal Constitution and nobody, no
individual, no group, and no subdivision of

government has a right to abrogate them.

"Third, I favor the federal bill because the states have failed to afford protection vouchsafed to American citizens under the Constitution of the United States. There have been approximately 5,150 lynchings recorded since 1882. In only forty cases has there been action of any sort against lynchers.

see figure p. 211

"There is not ^{one} record that one state officer has ever been removed from office or punished by a state for failure to protect his prisoner. In 1937 every person who was lynched was taken from officers, but not one officer was punished, although in one case the names of seventeen members of the mob were known, and although at least four of the lynchings occurred in broad daylight. In only two of the cases was it possible to plead protection of Southern womanhood.

Handwritten marks and scribbles on the right margin.

"In my lifetime I have witnessed three lynchings, and I know enough about them to know that the failure to protect the prisoner and to arrest and prosecute his lynchers is a willful and deliberate failure on the part of officers of the law. To me their failure is in essence nothing more or less than the conspiracy of the state whose

see pp. 2 and 21

Prison
of ...
Jan 11

sovereignty they represent with its lawless element,
to deprive some citizens of their fundam^mental
rights.

"Since officers of the law are the direct
sworn agents of the state government, then it must
follow that in approximately 5,100 cases the
states have not only failed to give protection,
but also have actually been ~~participating~~ principals.

5,100
See page
inquire
2/210

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Vehitas
see page III
participate
Criminals

"Fourth, I favor a federal law because I must
reflect absolutely the theory that it is an invasion
of the right of the states. Having lived almost
all my life in the Deep South, I must confess with
chagrin that all the prattling about states'
rights has usually meant that we had a right to
have as much pellagra, as much hookworm, as much
malaria, and as much illiteracy as we pleased,
as long as we were let alone.

see earlier
ch. back

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"If the Southern states had followed the
theory of states' rights with integrity, there
would be some validity to the argument. But what
about the Sith-Lever bill? What about the highway=
aid bills and the thousand-and-one forms of aid
in relief that have been extended under the New
Deal? It may be argued that the Lindbergh law
and the motor vehicle law are interstate, but
was not the Prohibition law a direct surrender of

police power to the federal government?

"I do not see that the federal anti-lynching law introduces any principle that is at all new. The act ~~does~~^{does} not become operative until the state has abdicated its power or violated its relation to the federal government.

"Fifth^{ly} I favor the law because I feel it would be effective. It is well enough to argue the theory of education, but what is the answer in 1932 with ten lynchings, and 1933₂ with twenty-eight?

"The number of lynchings has increased with either economic adversity or prejudicial agitation. I have information that indicates there is a threaten^{ing} revival of the Ku Klux Klan in the South. If that is true, the number of lynchings will go up in years when economic pressure is great, or when racketeers who collect ~~dues~~^{dues} for the Klan have their drives for membership.

"Sixth^{ly} Finally, I favor it because I think that it is in line with enlightened opinion not only in other sections, but also in the South. A Gallup poll showed that 72 percent of the people of the United States and 63 percent of the people of the South ^{feel} that they have a right and an obligation to use this last legal expedient ~~to~~

if
the law

to wipe out lynching.

"I feel that the true voice of the South is not the voice of those who filibuster against measures designed to express its humanity, but that the real voice of the South is that of the 63 percent who look at lynching as the horrible and racial phenomenon that it is and think we should stop short of no legal expedient to wipe it out.

"I do not see how anybody who believes in a real democracy can subscribe, even by indirection of red-herring arguments, to the use of instruments that in the long run will destroy democracy. There can be no democracy where under-use of economic power, brutality, and intimidation are present."

Mr. White read Mark's statement to the committee on February 7, ¹⁹⁴⁹ The statements of other Southern editors were read too, but in the end, as had happened for forty long years, the bill was thrown out. Until this day no national anti-lynching bill has become law.

~~2-11-49~~

Read -
Committee
on Feb. 20

→ (ok? still doubt)

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