

LYNCHING AND THE MISCARRIAGE OF JUSTICE

EDITORIAL BY THEODORE ROOSEVELT

THE repeated race riots and lynchings that have occurred in the Northern States during the last decade or so must have convinced the least observant that neither race feeling nor the tendency to lynching is in any sense peculiar to the South. It is a horrible wrong for which the whole country must bear the responsibility, and as to which no part of the country can afford to point the finger at any other. Lynch law is in itself a dreadful thing, but the manifestations that accompany it when the cause is due to race hatred are peculiarly horrible. In the many cases in which the lynching is not for rape there is literally not the slightest excuse of any kind or sort that can be advanced for it. The recent murder by a mob of a Negro prisoner at Coatesville, Pennsylvania, where the man had committed a crime against an officer, a dreadful crime, but one of a type committed by thousands of white men every year in the Union, was revolting to the last degree. The action of the mob in torturing the criminal to death and the action of the public authorities in failing to punish the mob that had tortured him brought disgrace not only upon the community in which it took place but also upon the entire country. Mob spirit grows by what it feeds on. When men grow accustomed to lynch men for one crime, they speedily begin to lynch them for other crimes, while any man who takes part in putting even the worst of men to death by torture must have his moral character permanently lowered.

In honorable contrast to this was what occurred early in November at Uniontown, Pennsylvania. Here a Negro committed rape; he was taken to prison, indicted, and sentenced to the penitentiary within five days. The law is greatly at fault not to make the penalty the same as that for murder (the offense is graver); it is an outrage that this brutal criminal should not have suffered the death penalty. But Pennsylvania, and the country, are to be congratulated upon the observance of the law, and upon *the speed of justice*, in this Uniontown case.

In such a case as that at Coatesville there is literally not the slightest excuse for the action of the mob and then for the action of the people as a whole in condoning the action of the mob. Where a man is put to death for rape there need not be the slightest sympathy for him. Such a criminal is outside the pale of humanity. The reason of our condemnation of the crime is not in the slightest degree any sympathy with the malefactor who is slain, for on him we should look with nothing but horror; our indignation is aroused by the fact that the members of the mob hurt themselves, and take a step toward putting themselves on a level of criminality with their victim; and, moreover, by avenging one crime by another they simply commit an added wrong upon society.

But mere denunciation of the crime of a mob amounts to little or nothing. We must recognize what the facts are that excite the mob to act. Dreadful though it is for the

mob spirit to be roused in a community by such a crime, it would be an even worse calamity if the community did not feel the fury of indignation which produces the mob spirit; and such a fury of indignation should be able to seek satisfaction under the law and not against the law. There is no question whatever that there are serious breakdowns in the administration of justice in America; breakdowns for which we are all of us more or less responsible—the people as a whole, the legislatures, the lawyers, and the courts. Slowness in deciding cases, readiness to admit appeals, the subordination of justice to legal technicalities, the irritating delays in getting the machinery of the law in motion, and the utterly improper attention paid by the courts to the sharpness of lawyers in invoking technicalities—all of these result in frequent miscarriages of justice and in delays which, if long enough, amount, especially in their effect upon the public, to an absolute miscarriage of justice. When such is the case, the community is deliberately preparing itself for the violence of mob action if ever a crime is committed that arouses the utmost intensity of furious passion—and of all crimes the crime of rape is the one which most arouses such furious intensity. Each community should provide that rape be treated as a capital crime, and that legislation be enacted permitting the instant assembling of a grand and petty jury, and the immediate trial of the criminal, and his immediate execution if convicted.

Many incidents which have recently occurred emphasize what is needed. The various deeds of mob violence give one side of the picture. Recently an incident has occurred in New York City which gives the other side, an equally bad side, of the picture. The facts are set forth in a letter from the District Attorney of Kings County, now before me. On August 25 last a huge white man named Frank Brach was arrested for the rape of a young Austrian girl. The girl positively identified the man, and he was indicted before the Grand Jury, not only for rape, but for highway robbery. He was actually released on \$2,000 bail. Detectives who had arrested him at this time followed him up when another girl was also criminally assaulted while this defendant was out on bail. They caught him and brought him to the bedside of the victim, where she identified him at once by his hands. For this second offense, on motion,

he was again admitted to bail for \$5,000, and is now out on bail, the total amount of his bond being \$7,000, including \$1,000 on the charge of highway robbery.

Surely it is to the deepest discredit of the people of New York that the laws are such that a man charged with two crimes of such a character should now be free on bail. Both victims identified him. The case against this white man is infinitely more complete than the case against most of the Negroes that are lynched, and it is certainly a matter for grave doubt whether the delay and the leniency of the law toward a man charged as this man has been is not as grave a menace to order as lynching itself. Certainly the people who plume themselves on being law-abiding cannot afford to throw stones at communities guilty of lynching unless they see to it that the laws are such as to do quick and sharp justice in a case like this, and, above all, such as to prevent the possibility of a man held for so dreadful a crime being released and permitted to repeat the crime. Whether ultimately determined to be guilty or innocent, the man mentioned above should have been left in jail to await trial; and his trial should have taken place at once.

In a letter recently written by a minister of the Gospel whose life and preaching have illustrated in peculiarly happy manner the combination of courage, common sense, and high ethical purpose, occurs the following passage: "It would seem as though this century and this country were smitten with sentimentality. You may have noted the anecdote of the late Mr. Evarts in President White's autobiography. At a dinner in Washington the subject of capital punishment came up, whereupon Mr. Evarts remarked that the American people had no regard for human life, except for that life which by due process of law had been declared forfeit to society!" Maudlin sympathy for criminals is a potent provocation to brutal and lawless mob action against criminals and against persons merely accused of crime—and is morally not one whit better; and so long as decent citizens refuse to rouse themselves, and to secure laws which will prevent such action as that taken in Brooklyn, as above recited, and which will also secure speedy and condign punishment of men convicted of the one crime worse than murder, they must themselves share responsibility for the conditions that bring about mob violence.