

THE ANTI-LYNCHING BILL.

Meeting the Menace of Mob Rule in No Wise a Sectional Issue.

To the Editor of The New York Times:

"It is a stab at the South!" says the gentleman from Arkansas, and the gentleman from Arkansas is mistaken. After Omaha, Chicago, Centralia, Herrin it is plain enough that the sister States are sisters under their skins. And, after all, the gentleman from Arkansas is right, for were not white men lynched at Herrin and was not a white man, Leo Frank, lynched in the Senator's own South? Against the sweeping statement of the Senator from Arkansas, let us remember the diagnosis of a great Southern publicist. That grand old figure, truly representative of the South, Marse Henry Watterson, had no illusion about "the necktie party" being at any time a stern enforcement of the law. Senator Underwood says he is opposed to "persons who think they are above the law." The Ku Klux Klan thinks it is above the law. The cynical complacency of the lynching crowd standing at ease around the burning body of a fellow human being clearly indicates that they know they are "above the law."

The Democratic leader is frankly an obstructionist. He would gratuitously assume with his party the national responsibility of forbidding the Senate to vote on this bill. But he does nothing to meet the growing menace of mob law. Yet these United States need the help of the South to meet the problem, whether in the South because the victim is a negro, or at Herrin because he is a white scab.

In either case, whenever the mob submerges and paralyzes the arms of the law in any State of the Union the authority based upon a broader public opinion should intervene. The Dyer bill does just that; it is not a force bill. The Dyer bill provides that if the State or county officers do not try to prevent or punish a lynching they are criminally liable, the county is fined and the Federal Court, with its jury drawn from a broader district than the county panel, shall try the lynchers. Will it be effective? It will give the friends of law and order, whether in Illinois or Alabama, a rallying point from which to steady the mob and hold it accountable, which means the end of the mob.

Is it constitutional? As a lawyer I have studied it carefully, and I believe it is. The Constitution guarantees that no State shall deny to any person within its jurisdiction the equal protection of the laws. To function with reasonable efficiency as to ordinary murders, but to act not at all as to mob murders (when 3,500 mob murders have been committed in thirty years) is to deny citizens the equal protection of the laws.

Meanwhile, in view of the post-bellum decisions of the Supreme Court, no Southern lawyer can sincerely say that he fears a flock of force bills on the heels of the Dyer Anti-Lynching law. Let us, therefore, demand that the filibusters deal with this question like men, on its merits, or else stand aside and let the Senate vote on the bill and let the Supreme Court say whether or not it is constitutional.

HERBERT K. STOCKTON.

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