

Documents to Accompany Investigative Journalism Game

Student Name _____ Date _____

In **THE CRISIS** Next Month—

BORAH—What *Does* He Stand For?

By *Louis L. Redding*

Do you know that Senator Borah declared for the repeal of the 15th Amendment to the Constitution saying it was a "mistake" to give Negroes the vote?

Do you know what Senator Borah said about Negro women and the ballot during the debate on women's suffrage?

Do you know what Senator Borah said about Negro soldiers after the 25th Infantry — Brownsville, Tex., affair?

Do you know that Senator Borah "sympathizes deeply" with the South because it has to "bear the burden" of the Negro? And that he thinks the North "can afford to listen to the requests of our southern friends?"

Do you know that Mr. Borah, if President, would veto anti-lynching laws without giving the courts a chance to pass on them?

**Read All About the "Liberal" Senator from Idaho in
THE CRISIS for March**

Mr. Redding has written his article **STRICTLY FROM THE RECORD** of Mr. Borah in the U. S. Senate. Negroes and their friends cannot afford to miss this

picture of the man who wants to be President. We don't think the Republican leaders in certain states can afford to miss it, either.

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NAACP'S Anti-Lynching Campaign in the 1930s

Source: NAACP Papers: Library of Congress

Source: NAACP Papers, Library of Congress

LYNCHINGS 1918-1934 Inclusive

	Taken from Officers and Jails	Not Taken From Officers and Jails	Total Lynched
	251 (44.9%)	308 (55.1%)	559 (100%)
Year	“	“	“
1918	13	54	67
1919	34	49	83
1920	35	30	65
1921	32	32	64
1922	26	35	61
1923	11	17	28
1924	7	9	18
1926	19	15	34
1927	9	12	21
1928	7	4	11
1929	6	6	12
1930	13	12	25
1931	9	5	14
1932	5	5	10
1933	15	13	28
1934	2	0	2
Total	251	308	559

NAACP'S Anti-Lynching Campaign in the 1930s

Excerpt from Walter White's Letter to Senator Edward Costigan

November 27, 1933

Source: NAACP Papers, Library of Congress

My dear Senator Costigan:

I am writing to inquire if you would be willing to introduce in the coming session of Congress a federal anti-lynching bill.

As you doubtless know, a bill which was drafted by our Legal Committee was introduced in Congress some years ago by Congressman L. C. Dyer of Missouri. This bill passed the lower house in 1922 but was defeated by a filibuster in the Senate led by senators from states which had the worst lynching record. The publicity on the bill played a very important part in the stirring public sentiment against lynching and there has been a steady decrease in the number of lynchings since the Dyer Bill passed the House. This year, however, there has been a most alarming recrudescence. On November 17 the twenty-third lynching since January 1 occurred, against ten during all of 1932. One of the worst of these was the burning of George Armwood at Princess Anne, Maryland. Attorney General Preston Lane sent the names of nine of the lynchers, with evidence against them, to the prosecuting attorney at Princess Anne who refused point blank even to arrest these men. His refusal was based on the belief, so he asserted that if he arrested the men a mob would come and free them.

It is our conviction that only a federal law will be effective in reaching lynchers in those states and those sections of states where no state authority will be effective.

Under separate cover I am sending you a copy of the Dyer Bill and copies of briefs sustaining its constitutionality. I send you also copy of "Lynching and the Law" by J.H. Chadbourn, published by the University of North Carolina Press and of "Rope and Faggot", a study of lynching made by myself under a fellowship from the Guggenheim Foundation.

There are, of course, lawyers who have doubts as to the constitutionality of a federal bill against lynching. It is our conviction, however, that only the United States Supreme Court can determine whether a bill is constitutional or not. It is our further conviction that the situation is so grave that it is the duty of Congress to pass such a bill and let the United States Supreme Court determine its constitutionality.

It is also our feeling that the contention of some of the defenders of lynching or of the opponents of federal legislation that lynching is nothing but murder is not altogether a sound argument. Lynching is more than murder. It is anarchy when a mob sets itself up as a judge, jury and executioner. In doing so it not only violates whatever rights the lynched person has as a citizen of the state in which he is lynched but also deprives him of his rights as a citizen of the federal government..."

P.S. – Since this letter was dictated there have occurred at San Jose, California, two lynchings: Thomas H. Thurmond and John Holmes, confessed kidnapper-slayers of Brooke Hart, were taken from jail and hanged on November 26. It is reported in the press that when Governor James Rolph, Jr., was advised of these lynchings he said, "This is the best lesson that California has ever given the country. We show the country that the state is not going to tolerate kidnapping."

Later dispatches declare that Governor Rolph has stated that he will pardon any person convicted for this lynching.

No one can question the horribleness of the kidnapping and murder with which these two lynched men were charged. At the same, Governor Rolph's attitude can lead to nothing but a complete breaking down of our whole system of law enforcement. His attitude and that of the District Attorney in Maryland are glaring examples of the need of federal legislation against lynching.

-WW

NAACP'S Anti-Lynching Campaign in the 1930s

Excerpt of Robert Wagner's Letter to Walter White

December 27, 1933

Source: NAACP Papers, Library of Congress

“In recent months there have been shocking reversions to primitive brutality. Mob passions have flared into uncontrolled crime extending from the Atlantic to the Pacific. Constituted authority has not simply been rendered impotent; something infinitely worse has happened, for some officers of the law have connived with mass murder and some high public officials have condoned it. It is this latter aspect of the situation that creates a crisis today. There may always be an irresponsible and blood-thirsty element in our population so long as some men are below normal in human sensibilities. But there need not be, and there must not be, any breakdown of the barriers which prevent this criminal element from gaining popular applause and from continuing to participate in the benefits of free citizenship.

We have been told many times that the problems created by lynching are local and can be solved by local authority. One might as well expect an epidemic to cure itself, or for healthy people to take no steps to prevent its ravages from sweeping over them. The test of the supremacy of law comes at the very time when a locality has temporarily lost its equilibrium and when its supposedly sober elements are at the mercy of the mob. In such cases, the federal government should act.

Mr. Justice Holmes, whom no one would accuse of an arrant desire to override local authority, delivered the classic polemic against lynch law in the Frank case. He said that while he did not believe it impossible to preserve the guarantees of the federal constitution everywhere in the United States, to do so necessitated at times the intrusion of federal authority into local areas.

I am writing to you because you champion a race which suffers most acutely from mob terrorism despite the fact that its right to the equal protection of the laws has been sealed with the blood of countless Americans of every race and creed. The courage and nobility with which the Negro race is waging the war against lynching should receive not only the militant cooperation of every citizen, but also the approbation and assistance of federal law.”

NAACP'S Anti-Lynching Campaign in the 1930s

Excerpt of Julian Harris's Letter to Walter White

January 6, 1934

Source: NAACP Papers, Library of Congress

“While I have battled vigorously against lynching and race injustice, I must confess there are moments when I do not feel convinced that a Federal anti-lynching law would result in a successful handling of this phase of our lack of civilization. I have always believed very strongly in the states' rights, and this was the principal ground of my objection to the 18th amendment. Personally, I think that whiskey is far from being an admirable beverage, but I feel that to handle it in the Federal Constitution was to open the way for a whole catalog of anti-this and anti-that, which might eventually include tobacco, coffee and tea, or even pumpkin pie.

It is a question in my mind as to whether a Federal anti-lynching law would not create more friction than the right type of state law. On the other hand, I am aware that certain things must be handled by the Federal Government, and it is possible that the anti-lynching law is one of them. As you know, the South is very sensitive to any further invasion of its territory or any infringement on its mores.

Outside interference upset the apple cat in the case of Leo Frank, and I think it did much harm in the Scottsboro cases. Please believe that I have none of this feeling, but it does exist quite generally in the South. And I know you will agree that even states above the Mason-Dixon Line are sensitive about comments from the South.”

NAACP'S Anti-Lynching Campaign in the 1930s

Excerpt from Walter White's Letter to Senator Huey Long

March 14, 1934

Source: NAACP Papers, Library of Congress

"We do not want to do any person an injustice and I am therefore writing you immediately since in one of our press releases we stated that you had been quoted in the press as being opposed to the bill.

I have before me a copy of the Baltimore Sun of the February 21st in which the statement is made that on that morning you entered the hearing room before the first witness was called and conferred with the chairman of the Sub-Committee, Senator Frederick Van Nuys. The Baltimore Sun goes on to state:

"It was indicated that he (yourself) sought an opportunity to oppose the measure before the committee.

He raised his voice and said:

"You fellows are trying to put a lot of good Democrats on the spot."

"He pointed his finger at Van Nuys and Senator Dieterich, another member of the committee, and said:

"Before this is over I'm going to prove both of you fellows were in on lynchings."

I also have before me a clipping from the Baltimore Afro-American of March 3d in which you are quoted as saying to a reporter from that newspaper:

"I am not on that committee but I'm in favor of lynching those to senators (Van Nuys and Dieterich) right now."

I enclose copy of the Afro-American story.

In his letter of March 1st Mr. Christenberry stated that you had not then had opportunity to examine the bill to make lynching a federal offense when the states shall have failed, neglected or refused to act. Have you had opportunity to read the bill as yet?

Since our releases have quoted you as being opposed to the bill we wish to be entirely fair and to present your attitude on the bill if you will be good enough to let us know what that attitude is.

Will you vote for the bill? Will you support it on the floor of the Senate?"

WW:CTF

NAACP'S Anti-Lynching Campaign in the 1930s

Following is a poll of the United States Senate on the Costigan-Wagner Anti-Lynching Bill as of March 23, 1934:

Source: NAACP Papers, Library of Congress

(* - Republican)

FAVORABLE RESERVATIONS

Costigan, Colo.
*Walcott, Conn.
Pope, Idaho
Dieterich, Ill.
*Robinson, Ind.
Van Nuys, Ind.
*Capper, Kansas
*Hale, Maine
*Goldsborough, Md.
*Patterson, Mo.
Erickson, Mont.
Brown, N.H.
*Keyes, N.H.
*Barbour, N.J.
*Kean, N.J.
Copeland, N.Y.
Wagner, N.Y.
Bulkley, Ohio
*Fess, Ohio
*Davis, Penn.
Bulow, S.D.
Bone, Wash
Dill, Wash.
*LaFollette, Wis.
*Carey, Wyo.
*Borah, Idaho
OPPOSED
Tydings, Md.
Bankhead, Ala.
Black, Ala.
Caraway, Ark.
Robinson, Ark.
Fletcher, Fla.
Trammell, Fla.
George, Ga.
Russell, Jr., Ga.
Barkley, Ky.
Logan, Ky.
Long, La.
Overton, La.
Harrison, Miss.
Stephens, Miss.
Bailey, N.C.
Reynolds, N.C.
Byrnes, S.C.
Smith, S.C.
Bachman, Tenn.
McKellar, Tenn.
Connally, Texas
Glass, Va.

FAVORS WITH PROBABLY FAVORS

McAdoo, Calif.
Adams, Colo.
Lonergan, Ill.
*Hastings, Dela.
Lewis, Ill.
Coolidge, Mass.
*Vandenberg, Mich.
Wheeler, Mont.
*Nye, N.D.
*Reed, Penn.
*Metcalf, R.I.
*Austin, Vt.
*Gibson, Vt.

OPPOSES WITH RESERVATIONS

None

PROBABLY OPPOSES

*Dickinson, Iowa
Walsh, Mass.
Clark, Mo.
*Norris, Neb.
Sheppard, Texas
King, Utah
Neely, W. Va.
*Hebert, R.I.

Ashurst, Ariz.
Hayden, Ariz.
*Townsend, Jr., Dela.
Murphy, Iowa
McGill, Kansas
McCarran, Nev.
Pittman, Nev.
*Frazier, N.D.
*McNary, Ore.
*Steiwer, Ore.
Thomas, Utah
*Hatfield, W.Va.
Duffy, Wis.
O'Mahoney, Wyo.

UNCERTAIN

*Johnson, Calif.
*White, Jr., Maine
*Couzens, Mich.
*Schall, Minn.
Shipstead, Minn. (Farm-Lab.)
*Cutting, N.M.
Hatch, N.M.
Gore, Okla.
Thomas, Okla.
Byrd, Va.
Thompson, Neb.

ABSENT

*Norbeck, S.D.

NAACP'S Anti-Lynching Campaign in the 1930s

Eleanor Roosevelt's Letter to Walter White

May 2, 1934

Source: Eleanor Roosevelt Papers (Microfilm), Library of Congress

My dear Mr. White:

The President talked to me rather at length today about the lynching bill. As I do not think you will either like or agree with everything that he thinks, I would like an opportunity of telling you about it, and would also like you to talk to the President if you feel you want to. Therefore, will you let me know if you are going to be in Washington before long?

Very sincerely yours,

Eleanor Roosevelt (signed)

NAACP'S Anti-Lynching Campaign in the 1930s

Excerpt from L.C. Dyer's Letter to Walter White

January 28, 1935

Source: NAACP Papers, Library of Congress

"I see in the February "Crisis" that you are giving considerable space to anti-lynching legislation in the present Congress. You are too smart and you have had too much experience with this subject to believe that the present Democratic Congress will enact any legislation of this kind. You, of course, remember that it was the Democrats in the Senate who prevented this legislation being enacted into law at the time it passed the House of Representatives.

You and the "Crisis" ought to tell the colored people the truth, which is that there is no chance whatever for this legislation in the present Congress. The colored people are wasting their time and postage in even writing to members of the Congress urging the enactment of it. You ought to be fair with the colored people in this matter and tell them that

no Democratic Congress will ever enact anti-lynching legislation with any teeth in it. I trust that you and the "Crisis" have not been deceived in this matter like a lot of colored people were in the last election.

Of course we all know that some colored people sold out principal for a mess of potage. The race as a whole suffers for this. If the "Crisis" is to continue in this deception I hope you will discontinue sending it to me."

NAACP'S Anti-Lynching Campaign in the 1930s

Excerpt from Walter White's Letter to L.C. Dyer

February 2, 1935

Source: NAACP Papers, Library of Congress

“Thank you for your letter of January 28th. Even were I to grant all that you say, yet we are faced with the concrete and inescapable fact that the Democratic party is in control of Congress and will be for at least two more years. What then should we do? Wait until the Democrats are out of power and the Republicans in again before we agitate for an anti-lynching bill? It may be, as you say, the “there is no chance whatever for this legislation in the present Congress”. But the same thing was true repeatedly of Republican Congresses for no Republican Congress ever passes an anti-lynching bill during the many years when its representatives were in as complete control of Congress as the Democrats today. It is true, as you say, that Democrats in the Senate prevented passage of the Dyer bill after it had been passed by the House; but you do not remember, don't you, that Senator Lodge and other Republicans were a party to abandonment of the bill in the face of the filibuster led by southern Democrats.

It would be foolish, in my opinion, for Negroes to be blindly partisan so far as Democrats are concerned as it was for them to be blindly Republican. The Association is still maintaining its principle of political independent and continues to advocate to colored voters that they support men and measures rather than party labels which today are almost meaningless.”

NAACP'S Anti-Lynching Campaign in the 1930s

Editorial from the Greensboro Daily News, November 25, 1935

FOLLOWING SENATOR BORAH

While the Daily News has steadfastly admired Senator Borah and loses no admiration in the Senator's clear cut pronouncement of opposition to proposed federal anti-lynching legislation, an unusually strong statement from any one in political life, there is insurmountable difficulty in following the position which he assumes.

The leonine Idahoan would, if he were elected President, veto such legislation as the Costigan-Wagner act, were it passed, because of its unconstitutionality. Mr. Borah is one of the recognized constitutional authorities in Congress, and far be it from deponent to question, much less dispute, such erudition. We only know, without attempting to interpret what we read in that document: i.e. stipulation in the fifth amendment that "No person shall be... deprived of life, liberty, or property, without due process of law" and again in the sixth that "the accused shall enjoy the right to a speedy and public trial" under conditions which include presentation of witnesses against him, "compulsory process for obtaining witnesses in his favor" and "the assistance of counsel for his defense." How the seizure of a suspect and the taking of his life stack up with these guarantees, Senator Borah can doubtless explain. Somewhere in that explanation, however, impotence of the states, to whom the responsibility may be entrusted, will have to be given consideration. When the states do not meet their responsibilities and obligations, what then anent the constitutional guarantees which are flouted?

The senator from Idaho will likewise face the item of his inarticulation upon other measures which have been enacted by Congress in recent times and which appear to go equally far beyond the constitutional limitations which he envisions. The Lindbergh kidnaping act is an ever present case in point. Several kidnappings have centered in the states where they occurred, but that circumstances did not preclude federal assistance in their solution. On the other hand, lynching may take and have taken on interstate aspects. Remember that instance of sever months ago when a Florida mob took a Negro from an Alabama jail and carried him back across the line to weak its vengeance? Yet, so far as the public has been advised, there was no calling of Washington's attention to what transpired, much less a move to do anything about it.

With all the stretching to which the constitution has been subjected, it is refreshing to hear somebody speak out as Mr. Borah has done; but that in no wise affects the clarity of the logic of his position."

NAACP'S Anti-Lynching Campaign in the 1930s

Excerpt from Bertrand Snell's Letter to Walter White

January 30, 1937

Source: NAACP Papers, Library of Congress

“As far as the attitude of the Republican Party on anti-lynching laws is concerned I would say that we have expressed that several times unanimously. We have voted for every anti-lynching law that has been presented and there is no new policy to be discussed because we are unanimously for the anti-lynching legislation. The reason you do not have that is because the Democratic majority has never allowed that bill to become a law and that is the Party that to the best of my knowledge and belief, at least ninety percent of the colored people in New York City supported.

I think this is a matter that your people should give some careful consideration as to whether you are going to continue to support the party that opposes national legislation for the general improvement of the colored race.”

NAACP'S Anti-Lynching Campaign in the 1930s

Excerpt from John Robsion's Letter to Walter White

April 2, 1937

Source: NAACP Papers, Library of Congress

“Our Committee took up these measures at its meeting on yesterday. I voted in favor of our Committee reporting out the Gavagan Bill. However, by a vote of with to seven the Committee voted out the Mitchell Bill, after it had been emasculated. Of course, quite a number on our Committee are opposed to any character of anti-lynching bill, and as I understand it, they voted for the Mitchell Bill because it was the least objectionable to them of any anti-lynching bill. These gentlemen were fair enough to announce that it was their intention to vote against any anti-lynching bill that the Committee might report.

The Mitchell Bill is especially objectionable to me for a number of reasons. For instance, it provides a punishment of from two to ten years where the officer who has the custody of the prisoner conspires to help the mob lynch and murder his prisoner. Of course, if an officer conspires to aid the mob in murdering the prisoner, he is guilty of willful murder of the worst kind. All of the states of the Union fix the punishment for murder at life imprisonment or death. Then the Mitchell Bill provides for punishment of the mob in some cases at any fine up to five thousand dollars or any imprisonment up to five years. Under that, the court could fix a fine of one dollar or imprisonment of one day.

The Mitchell Bill had a good feature in it on the question of prima facie case. This provision of the Mitchell Bill was stricken out by the Committee—not with my vote, however.

218 of us Members of the House having signed the petition to bring the Gavagan Bill to the floor of the House and the Committee having reported out the Mitchell Bill creates an unusual parliamentary situation. Inasmuch as a majority of the Members of the House have signed a petition to bring out the Gavagan Bill.”

NAACP'S Anti-Lynching Campaign in the 1930s

Excerpt from Walter White's Statement About the Gavagan and Mitchell Bills

April 3, 1937

Source: NAACP Papers, Library Congress

MITCHELL'S PLEDGE TO GAVAGAN

1. January 5, 1937, Congressman Gavagan introduced his anti-lynching bill, H.R. 1507; January 8, 1937, Congressman Mitchell introduced his anti-lynching bill, H.R. 2251
2. Congressman Mitchell promised Congressman Gavagan he would not press his anti-lynching bill but would support Congressman Gavagan's anti-lynching bill, in exchange for Gavagan's support of Mitchell's civil service bill, H.R. 3691
3. February 18, 1937, Congressman Mitchell told these mutual promises in a speech before the Washington, D.C., Bar Association, at the Mu-So-Lit Club, Washington, D.C.
4. The same week Congressman Mitchell asked Congressman Gavagan when Gavagan was going to file his discharge petition, and asked permission to sign it as No. 2.
5. March 3, 1937, Congressman Gavagan Filed his discharge petition, No. 5.
6. March 8, 1937, Congressman Mitchell announced the Chairman of the Judiciary Committee had agreed to hold a hearing on his anti-lynching bill.
7. Congressman Mitchell never signed the Gavagan discharge petition, and approached certain other Congressmen and tried to dissuade them from signing.

Chairman Sumners himself announced that hearings on the anti-lynching bills would be held Wednesday, March 31. On March 29 Congressman Gavagan obtained the 218th signature, and the petition became binding, and his bill became scheduled to come before the House on his motion April 12th.

Wednesday, March 31, Chairman Sumners held his Judiciary Committee hearing on the Mitchell anti-lynching bill. April 1, the next day, he made a favorable report on the Mitchell bill with emasculations. Such speed is almost unheard of; and what was the reason for Chairman Sumners to be in such a rush after refusing hearings on anti-lynching bills for years? The reason is that under the House Rules he has the privilege as Chairman of the Judiciary Committee of calling up the Mitchell bill before the House on April 7th, whereas the Gavagan bill cannot be called up until April 12th. Since there is no way for him to escape an anti-lynching bill coming before the House, he and his Southern bloc prefer an emasculated bill as the "lesser of two evils."

The Mitchell bill, H.R. 2251, if passed does not come into operation unless the officer, without lawful justification or excuse, permits the prisoner to be taken from his custody or the latter unlawfully injured while in his custody. No affirmative duty is placed on the officer to use all diligent efforts to protect his prisoner; no affirmative duty is placed on any other officer to come to his aid. The Gavagan bill makes it a felony for any officer who is charged with the duty or possesses the authority to fail to use all efforts to protect a person in the custody of the law, whether in his particular custody or not.

The Mitchell bill punishes the sheriff for letting the prisoner be taken but does not attempt to punish him for failing to arrest the members of the mob. The Gavagan bill not only makes it a felony for the sheriff to fail to make all diligent effort to arrest the mob, but also makes it a felony for him to fail to keep them in custody, and a felony for the prosecuting attorney for failure to prosecute. The Mitchell bill has no such provisions...

NAACP'S Anti-Lynching Campaign in the 1930s

Wire your Congressman immediately not to vote for the emasculated Mitchell bill but to vote for the Gavagan bill, H.R. 1507. Urge him to be on the floor Wednesday, April 7, to see that Chairman Sumners does not ease over the ineffective Mitchell bill and on the floor April 12, to vote for the Gavagan bill, H.R. 1507. Make it clear to him that the friends of Federal anti-lynching legislation will not be satisfied with just a complimentary gesture and an ineffective bill, and that they want an anti-lynching bill with teeth in it, the Gavagan bill, H.R. 1507.

NAACP'S Anti-Lynching Campaign in the 1930s

Excerpt from July 31, 1939 "Personal Letter" from Walter White to Gertrude B. Stone.

"There has been for some months, especially since the filibuster, a growing feeling among some members of our Board that a disproportionate amount of time and money was being put into the anti-lynching fight to the neglect of some other phases of our work. This has come up at various times at meetings of our Board and of the Committee of Administration.,,

All of these crystallized into a Board motion that the Committee on Administration canvass the situation thoroughly and recommend to the Board the major activities in which the Association should engage. This was done and the Board voted the following program to be followed in the order listed:

1. Work for the branches
2. Fight against educational inequalities
3. Legal defense
4. Legislation "including the anti-lynching bill—depending in large measure upon what the federal government will do on the reported plan of the Department of Justice to investigate all lynchings."
5. Safeguards in federal-aid-to-education and health legislation.

As you of course know, we of the national office are obligated to follow the instructions of the Board...

Source: NAACP Papers, Box C253, Library of Congress