

## The Law Gains Ground

*January 1951*

**T**HE year 1950 saw two lynchings, according to the annual report of the Department of Records and Research of Tuskegee Institute. The two crimes so classified are described as follows:

"One of the victims was Charlie Hurst, white, 39-year-old rolling store operator of Pell City, St. Clair County, Alabama. He was mortally wounded on February 22 in his front yard by a group of unmasked men. They had come to his home at bedtime and tried to force him into their car. His 19-year-old son, who came to his father's assistance, was also wounded. Hurst had previously told his son that 'it looks like the Kluxers are after me.' There were no charges against the victim. It seems that the mob got the 'wrong man.'

"The other victim was Jack Walker, alias Jack Kendall, also known as Clinton Walker, a 40-year-old Negro laborer of near Gay, Meriwether County, Georgia. His body was found on August 18 in a creek near the Flint River by a group of fishermen. He had been shot to death by three men for whom he worked. Walker is said to have known too much about illegal whiskey traffic."

The notable thing about the 1950 record is not the small number of lynchings, which is exactly the average of the last four years, or the nature of the killings, which deviate somewhat from the "classic" lynching pattern. What is unusual—and welcome—is the fact that most of the participants in the lynchings have been apprehended, tried, convicted, and given stout prison sentences. One of the mob members in the Pell City slaying has been sentenced to five years in prison, one committed suicide, and three others are awaiting trial. A Georgia court has sentenced all three of the men implicated in the Meriwether County slaying—two of them to life imprisonment and one to a term of three to five years.

The alacrity with which steps were taken to find and punish the offenders in these two cases is part of a new quality of law enforcement emerging in the South. Public opinion has become sensitive to lapses in our legal machinery; the indifference, sanction, and even downright cooperation extended to mobs by police officers in the past is less frequently condoned. The sheriff of Dade County, Georgia, and his deputy learned that, to their dismay, during 1950. They were found guilty by a jury of fellow Georgians of conspiracy with a masked mob in the flogging of seven Negroes, and they were given the maximum penalty provided by law—jail sentences of twelve months each and fines of \$1,000 each.

Other peace officers found occasion to honor their oaths of office last year. Tuskegee reports that lynchings were prevented in at least seven instances—six in the South and one in the North.

**LYNCHINGS AND PREVENTED LYNCHINGS, 1937-1950\***

Year	Number of Persons Lynched	Number of Prevented Lynchings
1937	8	77
1938	6	53
1939	3	25
1940	5	28
1941	4	21
1942	5	17
1943	3	11
1944	2	8
1945	1	5
1946	6	28
1947	1	31
1948	2	6
1949	3	14
1950	2	7

*\*Dept. of Records and Research, Tuskegee Institute.*

The classification of last year's two lynchings is certain to be challenged—indeed, it has already been claimed that the Meriwether County slaying was “just a murder.” Tuskegee Institute, which has painstakingly kept the record of lynchings from 1882 to the present, is the first to admit that there is no foolproof definition of lynching. Until 1940, the accepted definition was the one commonly used by framers of Federal anti-lynching bills. This specified that (1) the crime must be committed by a “mob” of three or more persons, acting without authority of law; (2) the mob must be acting with the intent to punish or correct a person or persons suspected of, charged with, or convicted of the commission of some offense; (3) the mob must commit violence resulting in the death or maiming of the victim. Violence occurring among gangsters or in the course of labor disputes was generally excluded.

In 1940 representatives of interested agencies met at Tuskegee Institute to reach agreement on a more satisfactory definition. They modified the earlier definition by the following points:

- (1) There must be legal evidence that a person was killed.
- (2) The person must have met death illegally.
- (3) A group must have participated in the killing.
- (4) The group must have acted under pretext of service to justice, race, or tradition.

It is the last point which makes classification difficult. The spectacle of large mobs, acting openly and publicly proclaiming their object, has become rare in recent years. They have been replaced by smaller groups who conspire in secret and dispose of their victim without fanfare. In such cases, the motive of the mob is largely a matter of speculation, in which one must be guided by the circumstances surrounding the slaying. Obviously, when interpretation plays such a large part in determining whether a lynching has occurred, the opportunity for dispute is limitless. No single classification can be expected to satisfy everyone. What Tuskegee Institute has done, for over half-a-century, is make a thorough and conscientious analysis each year and present its conclusions to the public.

More significant than the technical definition of lynching is the meaning it has acquired in the public mind. It has come (not without reason) to be identified

with racism. The notion still prevails that the number of lynchings committed serves as a barometer of race relations. But, as the 1950 report shows, that is not necessarily the case. White men may lynch other white men. And, perversely enough, they may murder, rather than lynch, a Negro. The technical definition of lynching may exclude the most horrible interracial slayings. During 1950, for example, three escaped white convicts slaughtered virtually a whole Negro family near Kosciusko, Mississippi; this crime might be termed a massacre but cannot properly be called a lynching.

The plain fact is that the dwindling number of traditional lynchings is no longer a reliable index to injustice, racial or otherwise. The lawless spirit of the lynch mob is still with us, but the pattern of violence has changed. There were more bombings of Negro-owned houses in 1950 than there were lynchings. There were many more Negroes needlessly shot by policemen "in the course of arrest." There were more abductions, more floggings, more mob actions designed to terrorize and intimidate.

The real battle against "lynching" will not be over until there is no sanction anywhere for efforts to deny any individual the due process of law.

*Federal and local officers  
crack down on the hooded hoodlums*

## Hard Times for The Klan

*April 1952*

**T**HE present-day Ku Klux Klan is a far cry from the powerful "Invisible Empire" which terrorized the South and parts of the North in the Twenties. It now consists of a few third-rate satrapies ruled by power-hungry little men who spend much of their time quarreling among themselves. Yet in limited areas these terrorist splinter groups are still a serious threat to safety of the person.

The Association of Carolina Klans, headed by a self-styled "Grand Dragon" named Thomas L. Hamilton, is one such group. It achieved notoriety in 1950 when some of its members raided a Negro nightclub in Horry County, S. C. A gun-fight ensued, and when the shooting was over one Klansman, a Conway policeman, lay dead and abandoned by his companions. Since that time, Horry's Sheriff C. E. Sasser has waged a running campaign against the organization.

Members of the same group have been active across the state line in North Carolina. During the past thirteen months, more than a dozen persons have been flogged by masked nightriders in Columbus County. Many of the victims