TEMPERING THE LAW IN DIXIE

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HE NEGRO, consciously or uncon-sciously, occupies a mental attitude toward the law that is essentially antagonistic to that of the average white man. Blacks hide each other from the officers and refuse to give information. which constitutes a grave factor in the

Southern problem. If a stranger should appear in a negro settlement and ask for a certain man, the neighbors will stolidly deny all knowledge of him. And the deputy sheriff seeking information is sure

not to get it.

There are, perhaps, two reasons for this; one deep and racial, the other a reason that shames the white man and his boasted law. The first cause goes to the very core of things. The Anglo-Saxon for ages has guarded that priceless heritage he calls the law. Detail by detail, the traditions of his race bring down to him the story of how each precious privilege was won. His right to bear arms; his right to know the exact nature of a criminal charge against him; presentment by a grand jury; speedy and public trial by a jury of his peers; to be confronted by the witnesses; to be heard in his own defense—every line and syllable of that story is written in the best blood that warms his veins, poured out upon a hundred battlefields. In his heart the Anglo-Saxon says: "The law is mine, for I have made it." Somewhere in the depths of every white nature lurks a pride in the work of these forefathers, and an instinctive desire to uphold it.

The negro race, through its thousands of jungle years, made no such laws; jungle hearts beat to the stirrings of no such impulse. To the negro law means an irksome collar that somebody else has riveted to his neck. The same might also be said of many immigrants, newly ar-rived upon our shores,

to whom the law typi-fies terrorism and tyranny. They, too, have had no part in its making; have only felt its wrong and wrath.

But there is another reason that is not a the-However distasteful it may be to us of the South, we should look facts squarely in the

The negro seems to think that the law was devised for his oppression. It looks that way to him, and he has excellent grounds for the be-Throughout the South, especially in its cities, this sacred law, built up by patient centuries of sacrifice and heroism, is often left in the hands of the most degraded whites for its enforcement. The negro absorbs his notion of the law from that officer with whom he comes

most closely in contact. Too frequently that officer is the lowest type of thicf-catcher, himself a violator of every rule of morality and every idea of decency. He may live among negroes and with negro women he may eat, drink and sleep in a negro house. His mode of life may merit, win and wear the negro's unutterable contempt. The negro knows full well that this man arrests him not from any high-minded motive of enforcing the law, but solely for the purpose of wringing from him a few dollars in the way of costs.

If the dockets of every justice of the peace were thoroughly examined, they would show innumerable entries of a one-dollar fine, and seven, eight, even ten dollars costs. The one dollar goes to the state; the constable and justice divide the ten. As their

income is dependent upon conviction, it is remarkable indeed when a negro can be acquitted in their courts. Of course, this is not universal; there are many honest justices and excellent constables. are too many of the other kind.

The fine — the state's portion — is often remitted and the negro allowed to pay his costs in weekly instalments. It is no uncommon thing for the constable to go on Saturday evening to some mill or public work where negroes are employed and meet them as they come out of the office with their pay. Here the white official receives his weekly blackmail, and the negro may know perfectly well that he has been guilty of no crime. But it is cheaper for him to submit to this extortion than to employ a lawyer

LET us suppose a case: A working negro who gets nine dollars a week is arrested, charged with some trivial offense. The question of his guilt or innocence cuts no figure, and may be disregarded. The only question to the constable is whether the negro has a job and can pay a fine. He is fined one dollar, and nine dollars costs. It would cost the negro ten dollars to employ a lawyer, and it's just as easy to pay one man as the other. By paying the constable he keeps on friendly terms; by fighting his case he only paves the way for another arrest. So the negro goes to a money-lender and borrows the ten dollars, giving a bill of sale of his household furniture. He agrees to pay this loan shark twenty-five per cent interest a month -- "two bits on the dollar," as the negro puts its

By no possibility can this negro ever hope to get ten dollars to repay the original debt. He simply takes upon himself the lifelong burden of two dollars

and a-half a month to be paid out of his earnings. Month in and month out, he pays this two dollars and a-half, until he has discharged the debt many times over; but he still goes on paying. He can not do that and live. The money-lender knows that if the negro were to take his case into court the bill of sale would be held invalid and he would be forced to disgorge every cent that had been paid in excess of the original ten dollars. But the moneylender is shrewd. He will never lend the negro an amount sufficient to justify his employment of a lawyer. If by any chance the negro tells his troubles to some friendly attorney, who out of kindness undertakes his cause, that money shark immediately abandons the claim,

for he can not afford to go into court with it. He does not dare to let other negroes know that his debts are uncollectible under the law. Oftentimes the loan shark seeks the constable, and that benevolent officer threatens the negro with arrest for obtaining money under false pre-tenses. Then the negro steals something to pay it, or leaves the state.

When the sheriff captured Milo, he still had the gun

But this incomprehensible black man will voluntarily pay the loan shark before he pays his grocery bill or his house rent, for the reason that he must have a place to go and get a quick loan the next time gets into trouble with the justice of the peace.

Bad as the loan-shark system may be in the South, it is possibly worse in Northern cities, notably Washington. But here the negro is the chief sufferer, which makes it a part of the problem. It may be

said, however, that where a negro is able to make his bond and appeals from a conviction before a justice of the peace to a court where his case is tried by a jury of twelve men, this jury, knowing the system, almost invariably acquits him. The justice of the peace, to discourage appeals, fixes his fine and costs at a bargain-counter figure, cutting the price just a little below a lawyer's fee.

It is the low white man who keeps the cocaine dead-fall for the negro; it is the white man who keeps the so-called "negro dive." The negro sees the constable refusing to arrest the men who run crap games and sell whiskey in prohibition territory. The dive-keeper is a political power and helps to keep the constable in office. The negro feels him-self singled out and punished, while the low-class white criminal goes free; and he resents it. than this, he sees decent and respectable white men



The white official receives his weekly blackmail

voting to perpetuate the system. It destroys his respect for the only law he knows, and he can not altogether be blamed.

DECENT and respectable business men do not realize what is going on under their noses, nor do they indorse the system that their votes perpetuate. They simply do not know, and the sorry scheme rocks along. The legitimate fees of a justice of the peace are rarely sufficient for an honest support, and high-class men do not seek such positions. There's the rub. It is a far cry from the English country squire keeping the King's peace on his own lands to an American justice of the peace. The vice lies in the abominable fee system, that makes the income of the justice dependent upon the number of men he convicts. No man would be allowed to sit upon a jury, nor would any judge preside, who had a direct interest in the outcome of the trial. But the justice of the peace is both judge and jury, and the costs paid by convicted persons go to him. If he acquits a man he gets no costs and the constable gets no costs. If he persists in acquitting people, his constable will leave him; and it is the constable who brings grist to the mill.

This methodical wrongdoing is not racial; that is, it is not directed against the negro because he is black, but because he is ignorant and helpless. Neither is it peculiar to the South. The same practice of plunder by starveling officers has obtained in all countries of the world since the beginning of time. An ancient Chinese proverb warns the people to "Beware of the magistrate." Among the Turks, the Cadi was notoriously purchasable. After hearing a case, he always took it under advisement, pending

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