

# Anti-Lynching Bills In Congress Is Silent On the Death Penalty

## N.A.A.C.P. Leaders Seek to Strengthen Legalistic Illusions Among Masses

This is the second of two articles by Harry Haywood on the reformist anti-lynching bills introduced in the present Congress, and particularly on the Costigan-Wagner bill sponsored by the reformist N.A.A.C.P. leadership. The first appeared in Saturday's "Daily Worker."

### II.

By HARRY HAYWOOD

While all other murders are punishable by death, there is no demand for the death penalty against lynchers in the Costigan (and other) "anti-lynching" bills now before Congress. This omission is significant. Lynch murder is clearly not regarded as a capital crime by the sponsors of these bills. Is this not an obvious concession to the lynchers? Is this not proof of the hypocrisy of the sponsors of these so-called "anti-lynching" bills?

While thus protecting the lynchers from the death penalty, the Costigan Bill (sponsored by the N. A. A. C. P. leadership) offers the relatives of the lynch-victims the illusion of securing damages from the authorities. It provides that they may bring suit for \$10,000 against the county or counties in which the lynching occurred. This is supposed to penalize these communities and to increase the vigilance of the local governments against lynching. Here it is sufficient to point out that a similar law exists in West Virginia. Its ineffectiveness is shown by what happened when such a suit was brought before the courts of that State. The suit was "won," but when the county officials announced they had no funds appropriated "for such a purpose," the courts readily accepted this excuse, and no payment was ever made of the indemnity.

This, of course, merely confirms the fact that any legislation, even the most "perfect," having seriously as its purpose the bettering of the conditions of the masses, means nothing if it does not have organized around it a militant mass movement of Negro and white toilers to force its enactment. Without organized mass pressure, any bill in the hands of the administrators of bourgeois law will be used against the masses and in the interests of the oppressors.

### So-Called Anti-Lynch Law

In the statutes of the states where lynching is most common, where violators of every basic right of the people is most flagrant, there are laws supposedly guaranteeing these rights. For example, there are anti-lynching laws in eight Southern states in which lynchings have mounted year by year. It is clear that these bills are not for the purpose they proclaim, but are used by the authorities to divert the masses from militant struggle against lynching by fostering illusions in the courts and other instruments of the lynchers. Even in the 13th, 14th and 15th amendments to the U. S. Constitution, which supposedly provide guarantees for the civil rights of the Negro people, have now become weapons in the hands of the ruling class against Negro masses and the entire working class, because these amendments are used to hide the role of the national government as the oppressors of the Negro people, by fostering illusions in the federal institutions. These amendments, so far as the masses are concerned, have become mere shibboleths in the mouths of demagogues, who constantly prate of the guarantees they supposedly give to the constitutional rights of the Negro people, and shift responsibility for their violation from the national government to the various states.

It is clear that the fight against lynching must be directed against the national government as the instrument of the oppressors and lynchers of the Negro people. Any point of view which fosters the lie of impartiality on the part of the government (and precisely this, is the point of view behind these reformist proposals) strengthens the hand of the lynchers.

### Why Such Feverish Activity

But the question raised now is: why these feverish activities of the reformists and imperialist politicians around the issue of lynching at the present time, since these bills are obviously not in the interests of the Negro masses and the working class? Then in whose interest are they? These questions can only be answered in the light of recent developments in the mass fight against lynching.

In recent months the wave of lynching has grown tremendously, against the background of the crisis of capitalism and the sharpening of the offensive against the white and Negro toiling masses. The savage lynch terror has evoked the wildest indignation among the masses, bringing home to them the necessity for a militant struggle against lynching. This wide-spread indignation is being crystallized in mass protest actions of white and Negro workers and intellectuals. This movement is increasingly coming under the leadership of the Communist Party and the whole revolutionary movement, as it becomes more and more clear to ever widening sections of the toilers that the revolutionary movement is the only force conducting a real fight against lynching and for national liberation of the Negro people. In this process, a united front of Negro and white toilers is being forged in the struggle. White toilers are beginning to see that behind the brutal chauvinist attacks against



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Denied the right to speak on Anti-Lynching Bill today before the Senate Judiciary Committee.

Negroes, fascist reaction is mobilizing its forces not only against the Negroes, but against the entire working class.

The introduction of these bills can only be understood in the light of this developing mass anti-lynching movement. The bills are introduced in a new attempt by the Negro bourgeois reformists and the social-fascists to split up and crush the real fight of the Negro and white masses against lynching, to divert the indignation of the masses into harmless legalistic channels.

At a time when the masses are rapidly shedding their illusions in the capitalist courts as a result of the bitter experiences of Scottsboro and other cases; when the authority of bourgeois law and order is being undermined, and are seeking solution of their burning problems in revolutionary mass action outside of the bourgeois courts and legislative bodies, the gentlemen of the N. A. A. C. P., the leaders of the Socialist Party, the liberals, true to their role as the defenders of imperialist oppression, etc., all come forward to the aid of the ruling class with proposals for new laws as the only "solution."

This, in effect, is a new campaign to deceive the masses, to disarm their vigilance in the face of increasing fascist lynch terror, and wreck the rapidly rising militant movement on the shoals of bourgeois legalism. At the same time, the N.A.A.C.P. leadership and reformists generally whose prestige has been shaken in the course of the mass movement led by the Communist Party and revolutionary organizations, seek by this demagogic gesture to place themselves again at the head of the movement in order to betray it. Is it surprising then, that in this maneuver, the reformists are receiving the widest support of reactionary elements,—in the proposed introduction of the bill by a Southern congressman; the wide publicity in the capitalist press; and support and endorsement by large sections of the Southern bourgeoisie?

### Action Against Lynching

Our task is to expose the reactionary nature of these maneuvers. This can be done not only by criticism of these bills and their authors, but must be accompanied by a more energetic carrying through of our positive program against lynching and Negro oppression. Against these reformist maneuvers we must counterpose our revolutionary program of joint action by Negro and white toilers against the lynchers and national oppression.

We must make clear that we are not opposed to the introduction of bills, petitions and other parliamentary methods. On the contrary, we stand for the maximum utilization of all constitutional methods, realizing, however, that these can only play a supplementary role and must be subordinated to organized actions of the masses outside of the bounds of the courts and bourgeois legislative bodies and be directed to broadening out such actions. Only in this manner, can a really effective fight against lynching be conducted.

These efforts on the part of the bourgeoisie and their agents must be answered by renewed and more energetic activities in the development of the mass movement against lynching and against the sharpening oppression of the Negro masses. The movement against lynching and for the general demands of the Negro masses must be connected more intimately with the every-day economic demands of the Negro and white toilers, in the shops, factories, mines, fields, and in the field of unemployment. Especially is it necessary to bring forward more energetically than heretofore the issues raised as a result of the increasing oppression of Negroes under the N.R.A.; discrimination in N.R.A. codes; C.W.A. jobs; on relief jobs; and relief generally.

At the same time, we must carry through the widest mass agitation around the Bill of Civil Rights for the Negro People, sponsored by the League of Struggle for Negro Rights and obtain millions of signatures demanding its passage and enforcement, and secure endorsements of the bill by all possible organizations of white and Negro toilers.

### PLAN NEW HOP

FRANCE, Feb. 19.—Paul Vodos and Maurice Rossi arrived here to prepare for a flight to Buenos Aires with the purpose of attempting to break their own non-stop distance airplane flight record.