

Samuel A. McElwee: Speech to the General Assembly (1887)

Samuel McElwee's Speech to the Tennessee Legislature, February 23, 1887, on the subject of mob violence. From *The Union*, Nashville, February 23, 1887.

Mob Violence

Mr. McElwee's Speech on That Subject Yesterday
An Earnest Appeal for Stronger Enactments Against Judge Lynch

In support of his bill to prevent mob violence yesterday, Mr. McElwee said:

Mr. Speaker, and Gentlemen of the House of Representatives: This is a very important bill and ought to arrest the attention of every member of this house. I desire in a few brief remarks to give my reasons for asking for the passage of this bill, and I trust you will hear me patiently for my country's cause. In this age of Christian civilization, and educated as we are in religious institutions, surely there is no one in this body who will oppose a measure that seeks to prevent mob violence in the state of Tennessee. This bill seeks to prevent a great and growing evil in our state and punish those who take the law into their own hands and render a verdict without trial or jury. Mobs under any and all circumstances are wrong, and the strong arm of the law should take hold of the participants and punish them severely. In speaking of my opposition to mob violence I wish to do so under the head of four indictments which I regard as germane to the discussion of this question. First indictment, mob violence is wrong; second, mob violence drives capital from the state; third, it demoralizes society; fourth and last, but by no means least, nine-tenths of the victims of mob violence in the south are negroes. Mob violence is wrong because it is in direct conflict with the constitution of the state and of the United States. It is then what every democrat would be pleased to call an unconstitutional act. It is a relic of barbarism and should be condemned by every community.

Section 6 of the constitution of the state says: "That the right of trial by jury shall remain inviolable." Section 8 of the constitution says: "That no man shall be taken, or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers or the law of the land." Mobs in their madness often get the wrong parties and compel them to answer for crimes which they never committed. When some fiend gets into a neighborhood and commits a crime that causes a dark cloud to hover over the sweetness of a once beautiful home and happy family, the community feels outraged and public sentiment demands a victim as a sacrifice for the deed. Under the impulse of the hour, with the crime fresh in every mind, there are those who feel as if they are called upon to avenge the wrong done society. Thus they rise, and in their frenzy for human blood override every lawful tribunal and violate every principle of human justice. Some party is found; it is agreed that he must die for the sin committed; the cry is raised, Away with him; kill him by our law; he must die, and let his blood be upon us and our children, and let the example serve as a notice to all the others. The rope is adjusted, the guns discharged and into eternity another soul, prepared or unprepared, flies. Several days pass, the passions of men give place to judgment and sober thought, remorse and regret take hold of a guilty conscience and begin to unravel, thread by thread, a line of evidence or confession that establishes beyond a doubt that the wrong party was mobbed.

Again a cloud of darkness comes over that community and you can hear on every lip these words, the English language is wanting in terms with which to express my condemnation of the recent mob. The last state of that community, in outraged feelings, is seven times worse than the first. It suffers woes unspeakable, too sad to swell upon and too tender to be written. Mr. Speaker and gentlemen, think of the number of homes destroyed in this way and the suffering brought on by such a course, and the sentiment will sink deep down into your souls and find judgment there, mob violence is wrong, mob violence is wrong. The law of our land fixes the punishment for every crime. If the penalty is not severe enough, let us “lay on, Macduff, and damned be he that first cries, hold, enough.” When a crime has been committed, a community outrages and society wronged, let the citizens, irrespective of color or creed, hunt down the guilty party and assist the officers of the law in ferreting out the wrong-doer. Our law condemns no man before he is heard. When he has been heard and every doubt of his guilt has been removed, let him suffer the penalty, not that he may meet his deserts and satisfy the law, but because the general good requires it.

Again, mob violence is wrong because it violates that injunction of holy writ which says, “Thou shall not kill.” Any killing which is not legalized by the law of the land violates this injunction. “Vengeance is mine; I will repay, saith the Lord,” and no set or crowd of men have any right to attempt to avenge any wrong by resorting to mob violence. The motives to mob violence are found in the impulse of the desires and passions. The desires and passions should never be gratified when they come in conflict with the claims of benevolence. Mob violence is wrong and should not longer be tolerated. Mr. Speaker, let us now notice the effects of mob violence upon the development of a country, as you know mob violence drives capital from a community, crippled the industries of the people and causes property to depreciate in value. Capital seeking investment is influenced by the intellectual and moral character of the community in which the investment is made. Men who have lived in communities where the intellectual and moral atmosphere is good will not consent to invest their means in neighborhoods where their children will be exposed to the contamination of vice. Capital seeks investment where the moral character of the people, the prevailing sentiment of the community, is a protection from dishonesty, robbery and mob violence. Tennessee is truly a great state, fertile in soil, salubrious in climate, abounding in mineral resources, dotted with the finest timbers in the south. It has all the conditions of true greatness and by wise legislation it can be made the most desirable state in the south for the investment of capital. Let us the, as far as it is possible, enact such laws that will drive from our midst and beyond the borders of our state every element of mob violence. Let Tennessee with her boasted institutions of civilization take a high stand in favor of order and law; and by so doing serve notice on this southern country that the time is now ripe for every man under the American flag, who is charged with a crime, though he be blacker than the Egyptian night, have the protection vouchsafed by the constitution of the state. By so doing we will induce capital to remain with us and invite it to seek out fields. Let the legislation of this honorable body upon this and all other questions looking to the development of the resources of our state and the promotion of the general good, be such that the people may understand that “No pent-up Utica confines” [*phrase quoted from the American Republic by O.A. Brownson*] our statesmanship, but it runs coextensive with our commonwealth. Mr. Speaker, and gentlemen, mob violence demoralizes society and renders the lives of men uncertain. It demoralizes because it involves a disregard of the absolute good. All

vice tends to corrupt good morals. Mob violence is a vice of the most heinous character, and as such it demoralizes society and makes moral cowards of men who ought to take a high stand in favor of law and right. The influences which mobs awaken tend to dwarf the intellectual man and weaken the sensibilities so that man is disqualified and unfit for that high and lofty state intended by the Creator for moral beings. The harm and injury done society in this way cannot be measured by finite beings. God made this globe and He governs the material universe by certain fixed laws, and in so doing He teaches men that law and order are our first great structure. Men in society are bound by certain obligations to do that which will promote and insure the happiness of those around them. Any act which violates the underlying principles of human society, and leads to the discomfort of its members, causes distrust and has a demoralizing effect upon all parties concerned. Mr. Speaker, the influences started by mob violence are as damning in effect upon the morals of a people as those which grew out of the condition of slavery. Mr. Speaker, we desire now to notice mob violence under the head of the fourth count of our indictment. I recognize the fact that all men are very sensitive and selfish in their nature, therefore, in my advocacy of this measure, under this head, I shall speak with proper regard for the feelings of every man. Mr. Speaker, I would not offend anyone by my remarks on this bill, and I shall not offend anyone, only him the truth offends. Nine-tenths of the victims of mob violence in the south are negroes. Why is this? Is it because negroes commit nine-tenths of the crimes in the south? Or is it because negroes are afraid to assert their rights? Can it be that public sentiment in this land favors the wholesale mobbing of negroes? Give us an answer to this question and remove the stigma that calls in question the moral status of this people. It is very common as you look through the great dailies of the country and note the dispatches, you will see some place named in Virginia, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Arkansas, Louisiana or Texas with the following inserted:

“Memphis Appeal: Two Negroes Taken From Jail and Lynched in Georgia. Chattanooga, Dec. 11.: Last night about 11 o’clock, a mob of masked men visited the jail at Ringold, in Catoosa county, Ga., and after overpowering the jailer took out two prisoners, names George Sparks and Monroe Smith, both negroes, and taking them to a point near the railroad south of town, hanged them to a tree, where they were found this morning and cut down by the authorities. Both of the negroes have been engaged in robbing and burning houses in North Georgia for some months, and had come to be the terror of the community. Smith confessed the crime of which the two had been guilty. The latest crime was robbing and attempted burning of a family residence near Ringold, on which occasion Smith said they had plotted to murder everybody in the house, rob the building and then fire it. There is no clue to the identity of the lynchers.”

It is remarkable to note the sameness with which all these reports read; it seems as if some man in this country had the patent by which these reports are written. Statistics do not show the number of negroes who have in the past few years been sentenced in Judge Lynch’s court, but judging from the number coming under our observation we are convinced that the number is most astounding. So prevalent and constant are the reports flashed over the country in regard to lynching of negroes that we are forced to seek shelter with the poets and cry, “O for a lodge in some vast wilderness, some boundless contiguity of shade, where rumor of oppression and deceit, of successful or unsuccessful mobs might teach me more.” [*from William Cowper, The Task (1785), Book II, “The Timepiece”*] My ear is pained, my soul is sick with every day’s report of wrong and

outrage perpetrated upon the negroes by mob violence. I am not here, Mr. Speaker, asking any special legislation in the interest of the negroes, but in behalf of a race of outraged human beings. I stand here today and enter my solemn protest against mob violence in Tennessee. Hundreds of negroes, yes thousands, from all parts of this south's land, are to-day numbered with the silent majority, gone to eternity without a tomb to mark their last resting-place, as the result of mob violence for crimes which they never committed. As we to-day legislate on this question the spirits of these negroes made perfect in the paradisiacal region of God, in convention assembled, with united voices, are asking the question, "Great God, when will this nation treat the negro as an American citizen, whether he be in Maine, among her tall pines, or in the south, where the magnolia blossoms grow?" Mr. Speaker, Tennessee should place the seal of eternal condemnation upon mob violence. "Your sins will find you out." [*Numbers 32:23*] The spirit of God will not always strive with man. For years American slavery was the great sin of the nation. In the course of time God made clear his disapproval of this national sin by a national calamity. Four years of destructive and bloody war rent our country in twain and left our southland devastated. the war came as the result of sin; let us sin no more lest a greater calamity befall us. We have had several cases of mob violence in Tennessee within the past six months. The saying that "light itself is a great corrective" [*James A. Garfield, 1831-1881*] is as true as trite. What is the position of the public press on mob violence?

I stand here today, Mr. Speaker, as a member of this body and a lover of my people, and indict the public press of the state for condoning, by its silence, the wrongs and outrages perpetrated upon the negroes of the state by mob violence. Who doubts for a moment but that the public press of the state could burn out mob violence in Tennessee as effectually as the mirrors of Archimedes burned the Roman ships in the harbor of Syracuse? Read the dailies and the majority of the weeklies, and you will find them on the mobs at Jackson, Dyersburg and McKenzie as dumb as an oyster. The mob at Dyersburg ⁽¹⁾ took place in broad daylight and as a result of that mob, hundreds of Negroes refused to attend the second exhibition of the West Tennessee Colored Fair association, which was held at Dyersburg in October, 1886. The mob at Jackson ⁽²⁾ is without a parallel in the annals of the state. Go with me, Mr. Speaker and gentlemen, to Jackson and look at that poor woman, with that weakness and tenderness common to women, as she is taken from the jail and followed by that motley crowd to the courtyard. The bell is rung, they enter the jail and strip her of every garment, and order her to march – buffeting, kicking, and spearing her with sharp sticks on the march. "She was led as a sheep to the slaughter; and like a lamb dumb before her shearer, so opened she not her mouth." She was swung up, her body riddled with bullets and orders issued not to interfere with her until after 9 o'clock the next morning, in order that she might be seen. Men who spoke against it and said it was an outrage had to leave town. Others who thought of giving vent to their feelings en masse by series of resolutions were told that they had better not attempt it. Mr. Speaker, society prepares crime, and the criminal is only the instrument by which it is accomplished.

I therefore again indict the public press and citizens of Madison county for the foul play upon the person of Eliza Wood, and hold them to a strict account before the bar of eternal justice for the wrong done. The mobs at Jackson, McKenzie and Dyersburg are mentioned because they are the most recent, not because they are exceptional or that we lack other examples. Grant, for the sake of argument, that these parties were guilty, does

that make it right and accord with our principles of justice? When the citizens of Madison, Dyer and Carroll ⁽³⁾ go to judgment with the blood of Eliza Wood, Matt Washington, and Charles Dinwiddie on their garments, it will be more tolerable for Sodom and Gomorrah in that day than it will be for Jackson, Dyersburg, and McKenzie. For 250 years, Mr. Speaker, we were regarded as chattel. More than twenty years ago we were made citizens, and as such we ask at your hands that protection which is common to American citizens. The sainted Garfield told us to go home and make friends with our neighbors. We are here today knocking at your door and ask that you “entreat us not to leave you or return from following after you: for whither you go we will go, and where you lodge we will lodge; your people shall be our people, and your God our God; where you die will we die, and there will be buried; the Lord do so to us, and more also, if aught but death part you and us.” [*Ruth 1:16-17*] If this mob violence continues, its influence upon society will be worse than the malign influence which Cataline wielded over the reckless and abandoned youth of Rome. Mob violence is sowing in America a seed that will ripen in a conspiracy that will eclipse in gigantic proportions the great conspiracy of Cataline to lay Rome in ashes and deluge its streets in blood, for the purpose of enriching those who were to apply the torch and wield the dagger. Mr. Speaker, the time has passed in the history of this nation for race wars. We cannot afford it. There are, at present, questions of very great importance demanding the attention of both races. They call for the united effort on the part of both. The labor question, tariff and public service are all important, the interest of the white man is the interest of the black man, that which hurts one will hurt the other; therefore, as a humble representative of the negro race, and as a member of this body, I stand here to-day and wave the flag of truce between the races and demand a reformation in southern society by the passage of this bill.

[Note: “In 1888, the year after McElwee delivered this speech, there were 137 lynchings in the United States – 17 more than the previous year.” *Tennessean*, 13 Feb., 1971]

⁽¹⁾ 14 Oct. 1886 Matthew Washington, a black man, was lynched for rape in Dyer, Tennessee.

⁽²⁾ 18 Aug. 1886 - In Jackson, Tennessee, when a white woman died of poisoning. Eliza Woods, her African American cook, was suspected because of a box of rat poison found in her room. When the mob had worked itself to the lynching pitch, she was stripped, dragged out of jail, and hanged in the public court-house square. The State Supreme Court was meeting in Jackson, but no one was arrested, and no protest was made. The poisoned woman’s husband, who was mentally ill, later confessed to the crime on his deathbed.

⁽³⁾ 15 Nov. 1886 - Charles Dinwiddie, an African American, was lynched for robbery in Carroll County, Tennessee.