

est leaders in American political history. To appreciate the injustice done in this picture to the memory of Thaddeus Stevens, it must be borne in mind that from his earliest manhood, he devoted himself to help the Negro. Recognized as one of the ablest lawyers of his time, he frequently espoused the cause of fugitive slaves without compensation. After his election to Congress, he became one of the great leaders of his party, taking a prominent part in the sessions prior and during the Civil War and Reconstruction Period. He served as Chairman of the House Committee on Reconstruction and aided materially in framing the 14th Amendment to the Constitution, submitted by this Committee. He is characterized by James G. Blaine as "one of the memorable figures in the parliamentary history of the United States."

His viewpoint as to the Negro, which the picture so maliciously misrepresents, is best expressed by him during the reconstruction period (as quoted by Mr. Blaine in Vol. 2, pp. 129-130 of his "Twenty Years of Congress") "Congress must look after them (former slaves) until they can take care of themselves. If we do not do so, we had better have left them in bondage. If we have not yet been sufficiently scourged for our national sin (slavery) to teach us to do justice to all God's creatures without distinction of race or color, we must expect the heavy vengeance of an offended Father."

Thaddeus Stevens never married and therefore had no daughter who could be attacked and assaulted by his colored protégé and political henchman as the picture portrays. As he died in 1868, the picture representation of him as controlling a Southern state in 1871 becomes ridiculous. This method of falsifying history must have been employed with the object of engendering intense hatred of the Negro and to foster ill-will against the North by the South. It is fair to infer that one of the purposes of the picture is to justify the creation of a secret organization, semi-religious in nature, to oppose constituted legal authority.

Our nation is made up of many groups representing all races and creeds, each group representing all classes and all types, ranging from the most intelligent to the most ignorant.

A photoplay that at any time aids in creating a feeling of ill-will against any group,

is a menace. But at this particular period, when the whole world is involved in racial controversies, when in our own country, our newspapers are filled daily with stories of the evils of racial animosities, the exhibition of such a photo-play definitely calculated to arouse racial hatred is most dangerous and is likely to be the means of precipitating violence, riot and property destruction.

The purpose of the motion picture regulatory law under which the Commission functions is to prevent the exhibition of pictures of this type, which law is so well defined by Mr. Justice Hinman in the opinion already quoted. I, therefore, recommend that the Permit granted the Epoch Producing Co., for the picture "The Birth of a Nation" should be revoked immediately.

#### THE ARKANSAS CASES

IN October, 1919, a race riot occurred in Phillips County, Arkansas, growing out of an attempt on the part of Negro sharecroppers and tenant farmers to organize and, through uniting their meagre resources, secure relief through the courts from vicious economic exploitation.

Ever since the rioting the N. A. A. C. P. has, in conjunction with local colored men and women in Arkansas, defended the 12 men who were sentenced to death in a farcial trial. At a cost of more than \$14,000 and after more than three years of legal fighting it has sought to prevent the execution of these men who were so palpably the victims of race prejudice.

On January 9, 1923, the United States Supreme Court heard the petition of five of these men on an appeal for a writ of habeas corpus. Moorfield Storey, National President of the N. A. A. C. P., appeared for the appellants together with Mr. U. S. Bratton of Detroit, formerly of Little Rock, Arkansas, who was forced to leave Arkansas because of his legal activities in obtaining adequate settlements for Negro farmers who were being robbed by their landlords. Attorney-General Utley of Arkansas appeared for that State.

In the brief filed with the Supreme Court by Mr. Storey and in his oral argument before that body, it was shown that the courts of the State of Arkansas, local newspapers, leading citizens, the Helena Rotary Club, the Robert L. Kitchens Post of the American Legion, and other organizations

of Phillips County tried to railroad the men to death. He charged further that extreme torture was employed to make the prisoners testify falsely and to their own detriment, and that mob hysteria dominated their trial which lasted less than an hour.

The brief went on to prove that the "rioting" arose out of the attempt of Negro farmers to obtain legal redress through organization against peonage or debt slavery, under the share-cropping system prevalent in Arkansas. The Negroes were accused of "a plot to massacre whites," and, according to Mr. Storey's brief, "a large number of white men armed themselves and rushed to the scene of the trouble and to adjacent regions and began the indiscriminate hunting, shooting and killing of Negroes."

The men in whose behalf appeal is being made were first sentenced to death in 1919, their cases passing through four State and Federal courts. The men have been twice sentenced to death and the date for their execution has been fixed five times.

"We have distinct evidence," says the brief, "that all Negroes at that time were in danger of their lives, and that two hundred or three hundred men were killed. There can be no question that the citizens of Helena were determined that these men should be convicted, and that they manufactured the evidence for the purpose; and for the court [Arkansas Supreme Court] to say that they cannot assume that they necessarily did not have a fair trial shows clearly that the Supreme Court of Arkansas was itself influenced by the same feeling that influenced the leaders of society throughout the region where these tragedies occurred."

The brief further recites that the conduct of the case against the convicted Negroes constitutes a series of outrages "than which it is hard to imagine worse."

Testimony is cited of H. F. Smiddy and T. K. Jones, the former deputy sheriff of Phillips County, Arkansas, the latter a special agent for the Missouri Pacific Railroad, both white, who were members of the sheriff's posse and who swore that the white man, for whose murder the Negroes were convicted, was killed by members of the posse, and that Negroes had nothing to do with the murder. They further swore that they

personally whipped the prisoners with straps studded with metal, put strangling drugs in their nostrils and compelled the Negroes to sit in an electric chair to force testimony in the manner desired by the mob.

The brief summarizes as follows the conditions under which the Arkansas trials were conducted:

"We have the whole community inflamed against the defendants, prepared themselves to lynch them, only refraining from so doing because they are assured by leading citizens that the trial would accomplish the same purposes, a condition of things where no man who was on that jury and had ventured to vote for acquittal or delay could have lived in Phillips County, according to the testimony of one of the men who engaged in the business of manufacturing evidence for the State. We have false statements printed in the newspapers; we have society substantially organized to convict these people; and more than that, we have witnesses deliberately terrorized and forced on pain of death or torture to give false testimony. We have the testimony of the witnesses themselves that they were so terrorized and that their testimony was false. We have the testimony of the men who inflicted the torture; we have a mass of evidence which shows, if evidence can show anything, that the defendants never had a fair trial and in fact that they are innocent. As to some of them there is no evidence as to any act or word except that they were with a gang of Negroes assembled to all purposes for self-defense."

"If this Court on reading this petition, these affidavits and this record is not satisfied that if there ever was a case in which *habeas corpus* should be granted this is the case, no argument of counsel will convince them, and we submit with confidence that either *habeas corpus* should be granted in this case or *habeas corpus* is not a practical remedy for such outrages as the evidence in this case discloses."

To be especially mentioned in connection with these cases is the name of Scipio A. Jones of Little Rock who has, as leading attorney employed by the N. A. A. C. P. in Arkansas, worked indefatigably and bravely against tremendous odds on these cases from their inception in 1919.

At the time this is being written, the Supreme Court has not rendered its decision. The situation is distinctly hopeful as several members of the Court expressed amazement that such conditions as were brought forth could exist in the United States. There was no distinctly unfavorable comment.