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THE NEGRO OFFENDER

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An analysis of criminal statistics reveals that there is a high incidence of crime among Negroes, so much so that it calls for special consideration. As the results of the federal census of 1920 have not been published, it was necessary to get such figures as were obtainable. Statistics of criminals according to race were from Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, Texas, Oklahoma, Arkansas, and Kansas. These showed that there were in the penitentiaries and chain gangs of these states, or were committed thereto in 1920, 3,273 whites and 8,753 Negroes. In comparing these figures reduced to percentages we find that of these offenders 22 per cent were white and 78 per cent were Negro. Though the population of these states, according to the last federal census, contained 31 per cent colored, yet the delinquents of that race composed 78 per cent of the total offenders. The federal census of 1910 shows that in these states 74 per cent of the total prison population was from the Negro race.

No doubt many white people are guilty of crimes, who, through the employing of able counsel or by the paying of fines, are enabled to escape prison sentence. Nevertheless, the proportion of Negro offenders is startlingly large. To account for this, and to consider how the Negro criminal should be treated and how crime among Negroes might be decreased, is the purpose of my address this evening.

There are three main strata of this race, though these strata merge imperceptibly into one another. At the top there are the highly educated, who are usually in some profession and have means to afford comforts and the accessories of culture. Next to these are those of the middle class, who have a modicum of education and who usually go into skilled occupations and become

barbers, tailors, shoemakers, bank porters, masons, and the like. These two classes of colored folk are law-abiding and respected citizens. Then come the great mass of Negroes in the country or in the colored quarters of the city. From this class the delinquents are largely recruited, and with this class my address is chiefly concerned.

CAUSES OF NEGRO DELINQUENCY

As our political and social orders are extremely complex, many deeds that would be unnoticed in a simple corporate life or in a primitive community are considered among us as offenses against the common good. Maladjustment rather than any deep-seated mean motive is largely the cause of crime among our colored population. A large majority of the inmates of this race at our southern penal institutions are not professional criminals, nor are they of an especially degraded type of character. They are usually cheerful and kindly, having come to their present condition through a fit of anger or a sudden childish desire to obtain gay clothes, unusual food and trinkets, or by the allurements of intoxicants. There appear to be five primary causes of delinquency among them. Other causes there are, but they are secondary and may be traced to the five primary causes. These primary causes are: the Negro's historical background, his sudden emergence into full freedom, his ignorance, his low mental power, and his miserable environment.

HISTORICAL BACKGROUND

In his tribal life in Africa the Negro's physical wants were finely adjusted to the supplies of nature about him. His laws were not in a complicated system that he had to set himself to learn; they were the customs of his tribe, which he unconsciously absorbed from infancy. These customs determined his every movement, and they set the horizon to his thoughts and aspirations. For countless ages the black man had evolved through these surroundings, so that he was well fitted to his environment and reacted easily to it. Then came the slave ship and snatched him from his savage state and carried him to civilization, with its ethical religion, with its industrial organization, and with its complex codes of morals and its abstract laws. The poor black man was bewildered. How he differs biologically from the white man

has not been fully determined; however, his dwelling for ages in tropical and semi-tropical forest and jungle life must have left vestiges in his physical constitution. These doubtless were strong factors in his behavior. Perhaps studies in glands, nerves, brains, and blood may some day give us a new conception of the Negro.

Then came slavery in America. Most of the slaves dwelt on plantations, where they lived in large groups among themselves. Even the house servants and other favored slaves lived intimately with one another only and not with their masters. In this slave life the Negroes preserved many of their primitive superstitions and tribal customs, nor did they respond to the strict chastity ideas of the whites. On the plantations these slaves developed a distinctive character, whose charm shines in many Southern stories and whose plaintive sadness sings wistfully in the spirituals.

While in slavery the Negroes were in complete subjection to their masters. Their lives were simple and constrained. On the plantations they had small space in which to travel, and their opportunities for wrongdoing were few. To run away was about as serious an offense as they could usually commit. Little attention was paid to small purloinings, except when the master was of an austere type; in that case quick penalty was paid under the overseer's lash. Rapes were unknown, homicides were seldom committed. Slavery was a help to the Negro in bringing him into proximity to the culture of a higher race, yet it did not prepare him for a life of free citizenship.

SUDDEN EMERGENCE INTO FREEDOM

Freedom is a magic word. Around it are woven all the dearest memories and ambitions of our people. The Negro slave often heard this mighty word, and he wished himself linked to it. He longed to be a free man. When he was finally liberated he was intoxicated by the dazzling opportunities that seemed to beckon to him. But he did not know that Freedom is always accompanied by its somber companion, Responsibility. Freedom meant to many ex-slaves the power to do whatever one wishes, right away and unhindered. With this spirit, and entirely unprepared for citizenship, the Negro plunged into liberty and suffrage. The conclusion of the whole matter was an orgy of crime. For ten years the whole South was subjected to such an invasion of crime

as it had never before known. For the first time in their history most southern states had to erect penitentiaries or other penal systems. Nor has this disrespect for law subsided as far as many expected it to subside. Its prevalence today is one of the most prolific factors of delinquency among the colored folk.

IGNORANCE

We come now to the present factors of delinquency among Negroes. First among these is ignorance. According to the census of 1910, 29.5 per cent of the Negroes ten years of age and over were illiterate in the thirteen states whose crime statistics we considered. The 1920 census will lower this percentage, but it will show that an alarming number of colored folk are illiterate. Besides this there is among the great majority of them an ignorance of the ways of our modern life; such as personal hygiene, the principles of health, sanitation, how to make a home, what to do with leisure, skill in occupation, and many other elements of a successful life. To this woeful list we must add the lack of the finer influences that come from culture. All these cannot but form an insulator between many black men and the currents of progress. You and I by no reach of the imagination can place ourselves in this state; the restraints and compulsions that come to us are held from these people by this barrier of ignorance. Delinquency cannot but thrive among such conditions. Here sensuality flourishes and passions have no leash. Incontinence, larceny, homicide, and all the others of that train are loosed upon us.

LOW MENTAL POWER

To ignorance we must add low mental power. Though many studies have been made of both the Negro's affective side and of his intelligence, yet these have neither covered a sufficient number of subjects nor employed methods that were uniform and adequate. Hence the studies of the psychologist in this field are not sufficient to prove the exact mental plane of the black man. Nevertheless, we know that his mental power is not as large as that of the white man. With this handicap he is called to dwell amid customs, laws, and institutions evolved by the white man for himself. He is asked to live up to standards of an alien inheritance. What we might expect ensues—the stronger of the race have minds large enough to make the necessary adaptations,

the weaker ones fail to accomplish this. Consequently, they have a high percentage of delinquencies. Here we must enter a protest against assuming that the Negro's mental ability must stop at a given plane. He has had little time or opportunity to develop his mind, nor is it either wise or good to say what he may not become before he has had ample chance to prove himself. The many noble traits seen among colored folk are windows through which some of us are looking with the confidence that beyond we shall discover forces unsuspected, awaiting liberation. I, for one, assure myself that the Negro's mental powers will increase and that the high incidence of crime due to his meager abilities will diminish.

MISERABLE ENVIRONMENT

The country Negroes usually live on plantations, in one- or two-room cabins grouped together. Here they have the bare necessities and are about the last word of primitiveness in America. The material art of modern living is unknown to them. As they are extremely gregarious, their unmoral customs—for we can use no other modifier—are their rules of conduct. They are very religious, but their religion is largely emotional and does not have much commerce with morality. Since the Civil War, and especially in the last decade, the colored folk have flocked to the cities, where they have crowded into unsanitary quarters on back streets and alleys. The filth of these quarters, with their ill smell, the lack of water and plumbing, the impossibility of protecting modesty, and the difficulty of holding any virtue for the women—these are some of the notes that attend the Negro's city life. The streets and alleys of this section are commonly neglected and have few lights at night. Now it is evident that both in country and city these environments cannot but make for anti-social conduct. When we allow such nests to exist we should not be surprised to see certain birds fly out of them.

TREATMENT OF THE NEGRO CRIMINAL

We may now turn to the treatment of the Negro criminal. We have already heard of the jail and lockup, nor have their defects been overdrawn. When a Negro enters one of these a dismal time faces him. While in jail he seldom has work to do; only in rare instances is he allowed out-of-doors; he is likely to get unpalatable food whose sameness day after day falls on him; in summer

he is probably attacked by mosquitoes and flies and in winter he is almost certain to suffer from the cold. Then, too, there are the vermin—vermin of all varieties, sizes, and degrees of viciousness. This is what many of our prisoners have when for the first time they become the wards of the commonwealth. Reform of our penal system must begin at the jail. As prisoners stay only a short time in them, and as the size of their population varies greatly, we may not be able to lay out a program of work or training or recreation for them, but we can urge that it be wholesome and humane. Indeed, this is fundamental in all prisons, whatever their programs and discipline may be. Cleanliness, reasonable comfort, and strengthening food must have place in our jails before we begin to have a penal system that looks toward turning out better men.

A system much in vogue in the South is the road force, usually known as the county chain gang. Here the convicts work in the open and sleep in tents or cages. They wear stripes and are under the gun. One phase of this life is especially pathetic: these men often have to appear in this plight before their families and friends, which, besides piling up unnecessary shame, tends to rob the prisoners of their self-respect. This system can hardly be defended by those who believe that punishment must carry in its heart the purpose of reforming the offender. It is a frank use of the convict's labor for the building of roads, with no idea of giving any help to make his life more worth while. Because of the small number of persons on the average gang, and because of its excessive expense in most counties, this institution is gradually going out of use.

The penitentiary has great possibilities. Most of the convicts in South Carolina, for instance, are men between the ages of eighteen and thirty. At such an age the mind is still plastic. Schools should be set up for these young men, the right kind of reading furnished them, and recreations that would absorb interest and be useful in the world outside should be devised for them. Let me here contend for a new note in our prison education, and that note is education that would teach men what to do with their leisure. Nearly all of the prisoners that I have examined have trades or occupations in which they can gain a living; they know how to work. What to do with their leisure is their problem. What they need is avocational rather than vocational training.

Besides, I have noticed that many of the industries carried on in the penitentiaries are not such as to give training that is in demand on the outside. There should be work, of course, such as to keep men fit and to contribute to their support, but the training had better be given to their direction of leisure.

The other system used in the South is the prison farm. It is hardly necessary for me to dwell long on this, after its demonstration at Raiford. The outdoors, the changing life of the farm, the familiarity of this life to our Southern prisoners, the well-balanced diet that such a place affords—all these are favorable elements. When common sense, a strain of humor, a willingness to let little weaknesses of prisoners be *little* weaknesses, and a man-size heart get control of a prison farm, the big problem is solved. The trouble is not usually with the prisoners, but with an inadequate management. Iron discipline is often put on a prison farm because of the sheer incompetence of some men to put anything else there. Another thing about a prison farm that should always get attention is its situation; it should be far away from towns and cities and just as distant from main highways as it is possible to place it. The situation should be dictated by remoteness and healthfulness. An honor system is impossible of maintenance when outside of the walls the world of pleasure and of vice is calling.

It seems to me that the best results from prisoners could be obtained if we abolished all penal institutions but three—the jail, only for those awaiting trial, and the penitentiary and the prison farm for convicted persons. The penitentiary might be used exclusively for the younger and for the more tractable prisoners, who need the training that comes from a school. Of course there would be occupation, but the emphasis would be on training. The prison farm would then be used for life termers and older convicts only. Such a system as I espouse would segregate prisoners according to their fitness and needs and would do away with the indiscriminate dumping system now so widely practised among us. Nor would there be anything radical about this arrangement; even the most timid would run no risk of taunting, should they support it.

So far we have established in the South no adequate parole system, except in some of our institutions for juveniles. We are coming to realize that institutions are not the best instruments for

the development of normal citizens. In the penal realm, as in all others, the institution must be used for training and custodial purposes in exceptional instances; but the world of average men is usually the best place for men that are not average. A properly conducted system of parole would be easily carried on among Negroes, for they have few professional criminals among them; they do not rove far from home, they are easily persuaded to obey, and they would not resent supervision. Beyond all these considerations, we must give as a reason for parole that married men could return to their homes and occupations and contribute to the support of their families. The Negro family has a meager enough living when its breadwinner is with it; when he is taken away untold want and suffering must be its lot.

PREVENTIVE MEASURES

Crime could easily be reduced among Negroes if three measures were stressed outside of prison walls: education, better living conditions, and the training of race leaders. As we considered education and better living conditions a few moments ago, it is necessary to speak here only of race leadership. The Negro is led by Negroes—that is the fact whether we like it or not. These leaders are sometimes possessed of high vision, large mental girth, and winsome personality. Such men are Major Moton, Bishop Jones, Professor Isaac Fisher, and many others that are giving themselves in the South to leading their people to a nobler place. But such men touch directly only the lives of a few; the great mass of black men in the country and in the crowded Negro quarters of the city are directed by many leaders whose morals and life objectives give unworthy standards. The Negro preacher, more than any other person, is the key to the situation. Exalt him and you lift the race; leave him where he is, and the race is likely to stay a long time where it is right now. If colored preachers would live nearer to the pattern of our Lord, they would stay the progress of crime more among their people than all our chains and prison walls can stay it. There are movements among us to accomplish this. The Southern Inter-Racial Commission, the University Race Commission, the Jeans and Slater Funds, and other like organizations are uniting both whites and blacks in a sympathetic effort to bring good training, good character, and good opportunity to the Negro.

The criminal is but the production of forces that are ever resident among us, and the Negro criminal is but one manifestation of mighty currents that are flowing through the Negro race. Our great task is to direct some of these currents and to stop others, and to salvage as best we may the flotsam that is driven about the surface.