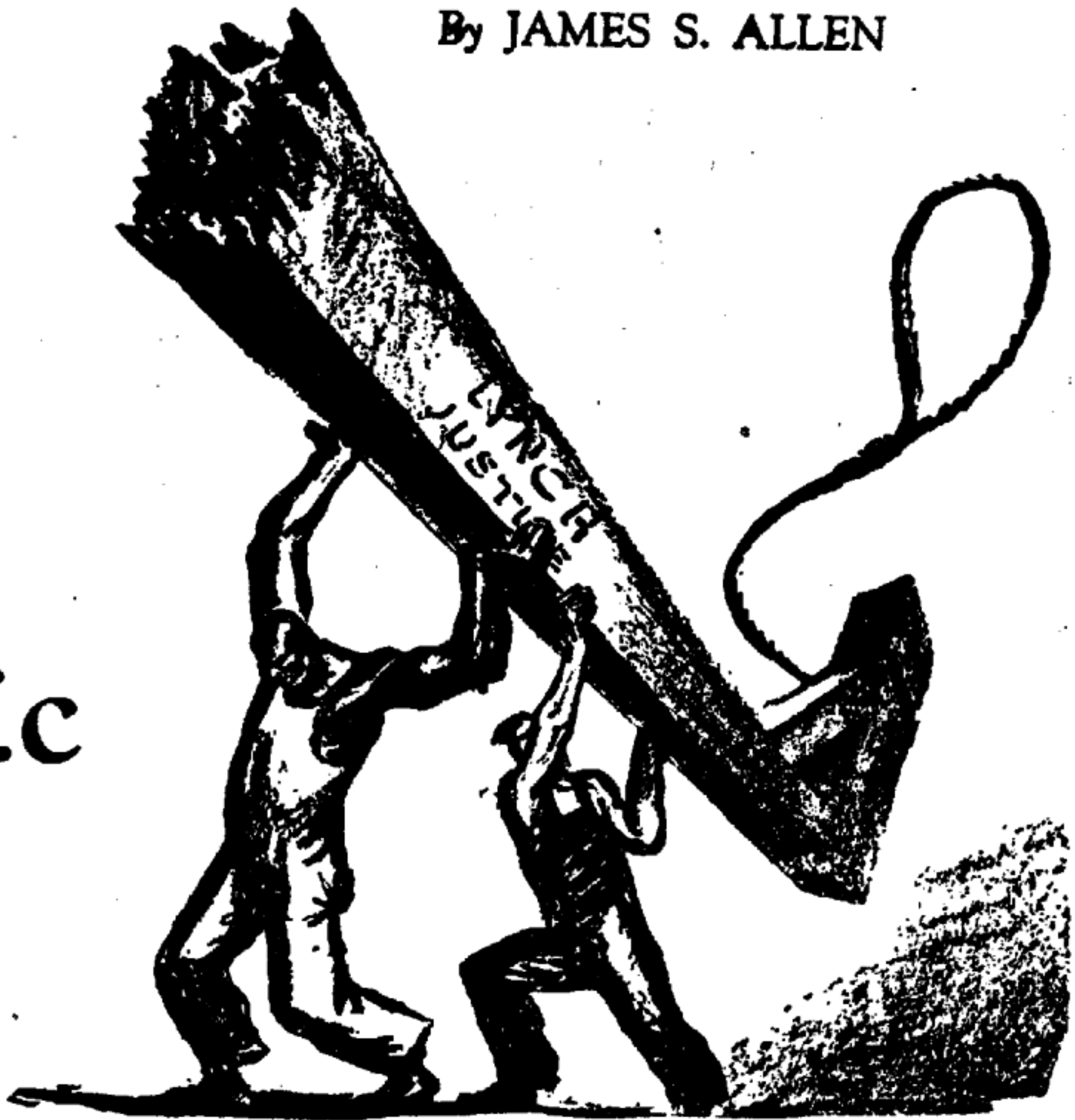


SMASH the
SCOTTSBORO
LYNCH VERDICT

By JAMES S. ALLEN

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Twelve Southern whites, exuding the stench of the slave market, walked into the Decatur, Alabama, courtroom on the morning of April 9, 1933, and with broad grins upon their faces passed sentence of death upon Haywood Paterson.

Haywood Paterson was the first of the nine Scottsboro boys to be retried by the Alabama court on a framed-up charge of rape.

During a two-week trial which preceded this grinning electric-chair sentence conclusive evidence had been presented to show that the boys were completely innocent, that the first trials which had taken place in Scottsboro, Alabama, two years ago, had been open, unashamed attempts at legal lynchings.

A half hour before the lynch jury had turned in its verdict, hilarious laughter was heard in the jury room.

The laughter and the grins said plainly: "We don't care whether these nigger boys are guilty or innocent. We have done our duty. We will teach these niggers a lesson."

The electric-chair verdict against Haywood Paterson has blazed around the world. It has added new millions to the already millions-strong army of protest.

TWO YEARS OF MASS PROTEST

A hard-fought, two-year long battle led by the International Labor Defense and the Communist Party in

which millions throughout the world participated, preceded the Decatur trial. Without this mass battle there would have been no trial at Decatur. Without it there would have been no trial in which the innocence of the boys was so clearly shown that even the blind could see. Without it there could have been no such persistent battle for the right of Negroes to sit on juries.

Nine Negro youths, most of them in their 'teens and two of them below fourteen, boarded a freight train in the Chattanooga railroad yards on the morning of March 25, 1931, bound on their unending search for work. Two years later they had become not only the symbol of the oppression of the Negro people, but the central point around which a mighty and powerful movement against this oppression was growing.

Exactly two years ago to the date—April 9, 1931—Haywood Paterson had been tried and sentenced in the courtroom in Scottsboro—sentenced to die, after a farcical trial which lasted a few hours and after a jury had deliberated only a few minutes.

It was only sufficient to have two white women—even though they are prostitutes—charge him and his eight companions with rape, no matter how preposterous and and unbelievable the story, to have a jury of 12 men, raised and bred in the vicious race prejudice of the South, send nine young boys to the electric chair.

The boys were indicted by an all-white grand jury who took it for granted that all Negroes are rapists. They were tried by an all-white jury which did not have to listen to any evidence in order to send the boys to the electric chair. Ten thousand lynch-inspired whites gath-

ered around the Scottsboro courthouse and roared their approval of a verdict which proposed to send eight Negro lads to the electric chair after no more than 72 hours of formal consideration of what it pleased the prosecutors to call evidence. The verdict was a foregone conclusion. A band was on hand to celebrate the orgy of mass legal lynching set loose by decades of deliberately built prejudice and division between white and black.

But this verdict and the whole system which produced it, was immediately challenged. The Communist Party, through its Southern newspaper *The Southern Worker*, had a representative at the first hearing held in Scottsboro at which the boys were arraigned. The International Labor Defense, through its Southern office, also had a representative on the scene. The significance of this proposed mass legal lynching of nine Negro boys on the classical excuse of rape was understood immediately. The Communist Party began to set in motion a movement of protest which soon swept around the world. The International Labor Defense took upon itself the task of defending the boys and freeing them. From the very first day, therefore, the Scottsboro case was snatched from the seclusion to which the Southern ruling class wished to condemn it. It became a world-wide issue.

In these first steps the ground were being laid for a battle which in the course of two years would resound in every nook of the world.

In the earlier stages of this case every effort was made by the National Association for the Advancement of Colored People, working for this purpose hand in hand with the Socialist Party, to snatch the case from the hands of

the International Labor Defense and thus bury it in the seclusion and isolation desired by the Southern ruling class. Every possible trick was used, from forging the names of the parents of the Scottsboro boys on affidavits, to open slander against the revolutionary defense movement. These efforts failed.

Nay, even further, the N. A. A. C. P. and other organizations and groups connected with it, tried to create the impression that there was doubt as to the boys' innocence and in this way attempted to undermine the mass defense movement being built and led by the International Labor Defense and the Communist Party. It went so far that its representatives, William White and William Pickens speaking in Chattanooga, Tennessee, and Dr. W. E. B. DuBois writing in *The Crisis*, called upon the Negro masses to place their faith in the "fairness and justice" of a Southern court, to ignore the mass movement and tie themselves to the "intelligent whites"—the ruling class whites.

It was one of these intelligent, ruling class whites, Attorney-General Thomas E. Knight, who referred to Haywood Paterson as "that thing over there" during the trial at Decatur; who argued in the courtroom that no Negro—no matter how educated or intelligent—was fit to sit on a jury because he just naturally lacked all qualifications for jury service.

But it was the international motion of workers, oppressed peoples, and others who had allied themselves with these masses which turned the spotlight upon Alabama and revealed the whole system of vicious oppression of the Negroes in all its nakedness. It was the I. L. D. and the

Communist Party which deprived the Alabama electric current of its victims. Just one year after Haywood Patterson—the first of the nine boys to be tried in Scottsboro—had been sentenced to the electric chair this mass movement forced the Supreme Court of the United States to take the whole case under consideration. That was on April 9, 1932. A few months later the Supreme Court, evading the issue of Negroes on the jury raised by the International Labor Defense, was, however, forced to reverse the decision of the Scottsboro court and order a new trial.

If it had not been for the mass movement the case would not even have come before the Supreme Court, the boys would have been burned on the electric chair at Kilby Prison, Alabama, and their burnt bodies buried in the prison lot.

AN "IMPARTIAL" LEGAL LYNCHING

When the second trial of the boys opened in the Morgan County Courthouse at Decatur, Alabama, where it had been shifted on a change of venue, on the morning of March 27, 1933, it was under entirely different circumstances. The eyes of the world were fixed on this little town of Decatur. Everything taking place there was the next minute flashed around the earth. The telegraph wires were burning not only with the news being sent out by the largest newspaper associations in the world which had their representatives there, but from messages coming in from all parts of the country to the Judge, to the prosecutor, to the sheriff, to the captain of the National Guardsmen, holding them responsible for the safety of the prisoners and the I. L. D. lawyers.

It had already become impossible for the Southern ruling class to even attempt an open and brazen legal lynching as had been done in Scottsboro two years ago. The bourbon South was on the defensive. It was apparent at every turn that the two-year mass protest movement was producing the results.

The State of Alabama was determined to carry through a peaceful, quiet, "impartial" legal lynching of the Scottsboro boys, undiluted by any open, "illegal" mob action.

Thirty National Guardsmen were on hand during the whole course of the trial. They were heavily armed. They had received definite orders to shoot should a mob make an effort to attack the prisoners or the I. L. D. lawyers. The rulers were taking no chances. They did not want any lynching or even attempted lynching to mar the well-set and well-oiled "even-handed justice" that was going to be dispensed in the Decatur courtroom. They did not wish to add any more oil to the fire of protest that was already burning with such intensity throughout the world. It was a quiet, "impartial" lynching in a courtroom that they wanted.

Judge Horton, who presided over the trial, was the highest expression of this new attitude which the Southern bourbons had been forced to take. They could not have found a better man for their purpose. He put up a front of very studied "fairness." But on every crucial point he supported the State of Alabama and the system which had produced the Scottsboro Case. After the defense had presented indisputable evidence that Negroes are systematically and arbitrarily excluded from

jury service in the South, he suddenly overruled their motion that the indictment against the boys be quashed because there were no Negroes on the grand jury of Jackson County which handed down this indictment and no Negroes on the panel from which the jury was chosen for the new trial. With him it was a foregone conclusion that he must rule that way.

When the defense lawyers broke down completely the testimony of Victoria Price, one of the prostitutes who charged she was raped and upon whom the State based its whole case, he permitted the trial to go on. A fair judge would have immediately dismissed the case. When Ruby Bates, who under pressure from the State and Victoria Price had repeated the absurd story of rape at the original trial, repudiated her testimony and declared that neither she nor the Price woman had even been touched by the Negroes on the train, any fair judge would have immediately put a halt to the proceedings and released the boys.

When during the summation the State prosecutors indulged in the most open kind of incitement to prejudice and lynch law, the judge remained quiet. When the Decatur Nazi, Solicitor Wade Wright of Morgan County, bellowing like a bull, played upon the prejudice, bigotry and ignorance fostered by the ruling class for decades; when he declaimed about "Jew money from New York" attempting to incite a pogrom against the I. L. D. lawyers; when he appealed to the prejudice against Negroes and against the North—the Judge sat very peacefully and "impartially" upon his bench and permitted this rant to continue. He was a lyncher in sheep's clothing.

It was not a question of whether the boys were innocent

or guilty. No amount of evidence could by itself free the Scottsboro boys. The Bourbon South is determined to send the boys to the electric chair, even if Victoria Price herself denies that she was raped. They are determined to throw the charred bodies of the nine boys into the face of the Negro people and the revolutionary whites who support them as a token of the whole system of the oppression of the Negro people.

Under the deceiving peaceful exterior of Decatur there was a continual seething, a continual clash of forces, which the authorities tried their best to hide. But no one was deceived. Lynch mobs actually started in Huntsville, 28 miles away, and in Jackson County where Scottsboro is situated. Whites in Decatur were buying out all the available ammunition in the local hardware stores. The K. K. K. was holding meetings. Crosses were being burned. The atmosphere was hot with threats against the lawyers and the Negro boys. "Those niggers ain't worth a trial; they'll never get out of here alive," was a common sentiment reared by decades of "white superiority" and division between white and black.

But it must not be forgotten by the Negro and white workers that this whole front of "fairness," this "peaceful exterior," the very admittance of evidence to show that Negroes are not permitted on juries, the admittance of testimony that breaks down the Scottsboro frame-up—all these are indications of our strength, of the power of the mass defense movement. We must not be deceived in the slightest degree by the pretense of "even-handed justice," nor must we have any illusions about a ruling-class court, all by itself, freeing the Scottsboro boys. But

everyone must realize that the continual pounding by the masses throughout the world at "Alabama justice" has won whatever victories have been registered to date. This pounding cleared the way for the International Labor Defense lawyers to very ably and persistently present their evidence of the innocence of the boys. Because the driving mass power is not yet big enough, the electric chair verdict was handed down in Decatur. Many more round-the-world sledge-hammer blows will have to be struck before the Scottsboro boys are free.

THE MEANING OF THE SCOTTSBORO CASE

In the Scottsboro case the whole lynch law system is being challenged. The new trial has brought to fuller expression the whole movement for the liberation of the Negro people. It was not only an act of individual courage when 15 Negroes came from Jackson County into Decatur to testify that they never knew nor heard of Negroes serving on juries in the South. They were emboldened to do this because they felt the power of the mass movement in back of them, because the Negroes in the South are seething, inspired by the great struggle for the freedom of the Scottsboro boys, which also symbolizes the struggle for their own freedom. As the trial proceeded the Negro masses, previously restrained by distrust of all whites and by caution, solidly lined up behind the defense movement. Four hundred Negroes in Morgan County volunteered to come to court and testify that they were excluded from jury service, despite threatened retaliation against them. Every day in the courtroom and on the courthouse lawn there were hundreds of Negroes. Their presence signified the confidence of the Negro

masses in the road being pointed out by the Communists. They were prepared to fight to prevent any attempt at lynching the Scottsboro boys. They were prepared to fight for the rights which have been denied them.

In the same way the Negroes throughout the country were aroused, were rapidly becoming aware of the vista of freedom through militant struggle opened up for them by the Scottsboro case.

The oppressed Negro people, in every act of the mass defense movement, in every incident in the court, saw that the despicable conditions of their own exploitation and oppression were being challenged and fought. When the I. L. D. Attorney Liebowitz demanded that Attorney General Knight call the Negro witnesses "Mr." this was a direct challenge to the whole range of social oppression of the Negroes. For a Negro is considered to belong to the lowest layer of American society by the ruling class. It does not consider him to be man enough to be called "Mr." That, in the mind of a Southern Bourbon, would signify social equality. And it is by the nurturing of such a conception of the Negro—an idea of his innate inferiority—that the ruling class carries through division between the Negro and white toilers. It is with the use of such an idea, so carefully built up by it from the days of slavery, that the ruling class denies Negroes any of the so-called democratic rights which the white workers are supposed to enjoy. That is why the charge of rape is used so frequently against Negroes in the South. It helps to build the idea in the mind of the white masses that the Negroes are no good.

Once the white masses are convinced of this, it

becomes all the easier for the ruling class to prevent unity between the black and white masses in their struggle against exploitation and oppression. It becomes easier to use the white workers in the oppression of the Negroes; it becomes easier to make the Negro masses distrust all whites, and especially the "poor whites."

That is why the State of Alabama is so intent on sending the nine innocent Negro boys to the electric chair. They must in no way permit either the white or Negro masses to believe that it is possible to challenge this whole system of oppression, that anyone dare deny the word of a white woman, although she herself withdraw it, that she has been raped by a Negro. In the words of nine charred Negro bodies they want to tell the Negro masses that they dare not challenge the rule of "white superiority." For the rulers tremble in their boots lest the boys be freed. Freedom for the Scottsboro boys would be an indication of the rising power of the Negro masses—and even more—of the right about face of the white workers in the South. Unity between the two would mean the end of landlord capitalist domination in the Southern cotton country. For the domination of the capitalists, landlords and bankers in the South always rested upon the cornerstone of division between the white and Negro masses.

And why is the ruling class so interested in keeping the Negroes in the back yard, in having the "poor whites" spit upon them? Because the main profit of the Southern ruling class comes from the cotton plantations. And the majority of the nine and one-half million Negroes in the South work on these plantations, and work under the conditions of peonage, bound to the soil as serfs, virtual

slaves. The ruling class oppresses the Negroes, keeps them at so low an economic and social status in order to get greater profits out of them than from any other section of the population. This is done by the help of lynch mobs, constant terror, legal and illegal exclusion from "civilized society," by legal lynchings.

And in order to make this subjection of the Negroes effective, this exclusion and oppression is carried on throughout the country. The Northern ruling class—its Wall Street—is even more interested in the profits obtained from the exploitation of the Negro peons on the cotton plantations.

This system does not only work against the Negroes. It is used with equal viciousness against the "poor whites." The enforced low standard of living of the Negro masses is used like a club over the heads of the white workers to make them accept miserable working and living conditions, only slightly better than that of the Negro toilers.

And especially because the Negro masses both in the South and in the North are getting into motion, have begun to struggle on plantation, in factory and on bread-line side by side with the whites, does the ruling class sharpen its persecutions. The armed struggles of Negro croppers in Camp Hill and Reeltown, Alabama, within a period of sixteen months, has made the ruling class tremble.

The question of Negroes on the jury raises the whole question of the social oppression and exclusion of Negroes, raises the whole issue of race prejudice, of "white superiority" upon which the domination of the ruling class in the South is based. The proving of the innocence of the

Scottsboro boys strikes at one of the pet devices of the ruling class for carrying through the division between white and black.

Underneath these social issues lie profound and basic challenges to capitalism. The struggle of the Negroes in the Southern Black Belt against social oppression and for equal rights must at the same time be a struggle for land of which they have been always deprived. Once in motion they will not stop until they have ousted the white landowners, bankers and credit merchants both from the land and from the government. They will not stop until they win their right to determine for themselves what they wish to do with the Black Belt cotton country where they have formed the majority of the population ever since this country was first settled. The Southern white workers will find again, as they did after the Civil War, that it will be impossible for them to escape the miserable conditions under which they are forced to live, without overthrowing the present ruling class. And they will realize that in the South, the Negro masses are the most powerful revolutionary army, that without them it will be impossible to destroy the system which has condemned millions of white and black workers and small farmers to starvation.

FREE THE SCOTTSBORO BOYS

Only the preface has been written, in words of flame, in the Scottsboro case. The question of the innocence of the boys, of the right of Negroes to sit on juries, are not isolated legal questions to be fought out in the courtroom alone. Victory can only be won by an energetic, ever-growing mass movement, swinging more and more of

the people into action. This has been conclusively proven even thus far in the Scottsboro case. The policy of the Communist Party and the International Labor Defense has shown itself correct, not in words, but in action. It has made the leaders of the N.A.A.C.P., the Socialist Party and others who fought the Communists, bury their heads and retract their attacks or at least keep silent before the wide mass defense movement.

A long struggle lies before us. We, the masses of the people, are yet to write many more flaming chapters in the history of the Scottsboro case. The workers, under the leadership of the Communist Party, are leading the way, being followed by wider and wider sections of the population. The electric chair verdict against Haywood Paterson in Decatur, Alabama, set whole new masses into motion. Telegrams of protest came flooding in upon the Alabama authorities. The Negroes of Harlem immediately set into motion a wide movement for a protest march on Washington to demand of President Roosevelt that the nine Negro boys be immediately freed. The International Labor Defense picked up the call, rallying both white and Negro for this mass protest march. Masses in other countries immediately raised their voice in stormy protest.

The boys will not be free unless we force the rulers to do so. The case has already shown to everybody that each point won in favor of the boys came as the result of the mass movement. We will have to increase that movement a hundredfold, increase the power of that international ramrod which is pounding at the doors of the Alabama prison.

And remember! If we force the freedom of the Scotts-

boro boys it will mean a tremendous blow struck for Negro liberation. Nay, even more, for the liberation of all the toiling masses from the claws of capitalism.

March, protest! Demand that Negroes be guaranteed their right to sit on juries, to vote, to hold office, to enjoy equal rights! Struggle against Jim-Crowism, lynching, persecution! White workers, disassociate yourselves from the lynch law policy of the ruling class, by being the first to strike out for Negro rights! Demand the release of the Scottsboro boys!

March, protest—but also remember that we must organize together, black and white, under the leadership of the Communist Party. Only in this way can we win our demands, can we burst the prison doors asunder and receive back our nine Scottsboro boys free and unharmed.


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Write for Complete Catalog

P. O. Box 148, Sta., D, (50 East 13th St.) New York, N. Y.

Published by WORKERS LIBRARY PUBLISHERS New York, N. Y., April, 1933.  209