

# SCOTTSBORO JURIES

An analysis of one of the most important victories won by the International Labor Defense in behalf of the Scottsboro boys and the whole Negro people.

By ANNA DAMON

A few weeks ago the newspapers carried a story about a Seneca Indian on trial in Buffalo, New York. His name is Archie White, and the charge against him manslaughter. The details of the case are unimportant here. The significant point in the story—and this was featured in every headline—was the fact that the defense announced it would cite the “United States Supreme Court Scottsboro decision” and demand that Indians sit on the jury trying Seneca Indian Archie White.

The irony of this particular case is especially bitter. Indians—the original Americans—the people from whom this continent was stolen by Britain’s empire builders, have no rights in America today. When they look to protection from the courts and the law, they are compelled to rely on a decision forced and won through bitter struggle in behalf of another oppressed people—the Negroes.

It is fitting on this sixth “anniversary” of the Scottsboro frame-up that we examine one of the most outstanding victories won in the battle for the lives and freedom of nine innocent boys. During the five years when the International Labor Defense was in sole charge of their defense, the battle for their lives was always the first consideration. Many friends, to say nothing of our enemies, said: “Why bring in extraneous issues, why not simply defend them on the legal points involved in a ‘rape’ charge. Just prove them innocent of that charge. Leave out the politicizing.”

But long years of experience had proven to the International Labor Defense, that the most effective method for saving the lives of innocent victims of a frame-up, is to expose the underlying political reasons for the frame-up. And it was precisely the so-called “extraneous” issue of denial to Negroes of their right to sit on Alabama juries, which became the basis of the reversal which the U. S. Supreme Court was forced to grant.

In the case of the Scottsboro boys the political basis was very clear. These nine boys, one might almost say, were picked at random. None of them had ever incurred the wrath or special dissatisfaction of any particular member or section of the southern white ruling class. If they hadn’t been riding on a particular freight train on March 25, 1931 they would never have become the Scottsboro boys. They have become the clearest symbols of the bestial oppression and

lynch terror against the whole Negro people.

Their trials were classic examples of the manner in which the rights of the whole Negro people are violated and disregarded. Negroes were openly and systematically excluded from every one of the juries in the case. And it was this constitutional violation which our defense movement seized upon as one of the most vital legal points in their behalf. It was on the basis of this very constitutional violation—to say nothing of the lynch atmosphere, the improper and inadequate preparations for the first trial, etc.—that it was possible to twice appeal the case to the Supreme Court of the United States.

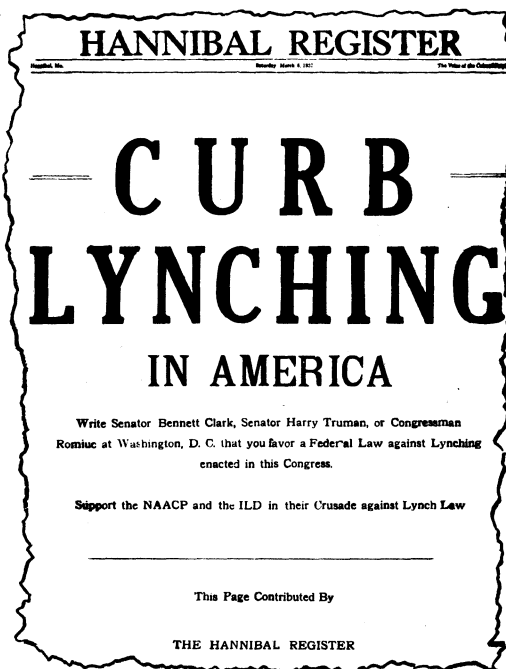
And it was on the basis of this violation of their constitutional rights that not only the lives of the boys were saved but one of the outstanding victories for the rights of the Negro people was won by the International Labor Defense. The historic decision of the Supreme Court in April 1935, which reversed the death sentences of Haywood Patterson and Clarence Norris—declared that the trials were illegal because Negroes had been systematically excluded from the juries in violation of the constitution of the United States.

Since that decision—not only Alabama—but seven other southern states have called Negroes for jury service, and Negro people have actually served on juries for the first time in the memory of man in those states.

Needless to say, the actual proportion on the basis of population of Negroes who served, is miserably small. All sorts of trickery and evasion is resorted to by the officials to prevent the exercise of this right.

Nevertheless prior to the Scottsboro decision, there were only a score of isolated cases in the North, most of these in Washington, D. C., where Negroes had ever been called and served on juries.

Today such “Scottsboro” juries—as the officials and the newspapers themselves choose to call them—are an accomplished fact. Of course, there are still many obstacles and drawbacks to the full exercise of what should be basic privilege in any democracy. There are all sorts of property qualifications, educational requirements, tax payment records, which the vast majority of the disfranchised Negro people in the Black Belt of the south cannot meet. It is on the basis of these same requirements that they are deprived of their right to vote.



Front page of one of Mississippi's leading Negro newspapers.

But even those who fulfilled all the necessary requirements had been deprived of their rights throughout the South before the Scottsboro decision.

It can safely be said that this decision takes its place beside the Dred Scott decision of 1857 in the history of the Negro people. That decision, passed in the hey day of slavery, stated that Negro slaves were property, had no rights, and could be taken by their owners to any part of the country with the same freedom as any form of property could be transferred.

The Scottsboro decision declared, that the Negro people were free citizens and entitled to the rights and privileges granted under the constitution.

That this was no paper decision can be seen from the facts—in 14 counties of Virginia Negroes have been on the panels and have served on grand and petit juries; five counties in Alabama; four in Georgia; three in Tennessee—and more isolated cases in Louisiana, North Carolina, Arkansas and Oklahoma. Space does not permit the complete listing of each specific case at this time. It is also important to note that the figures cited here are based entirely on newspaper reports which do not record every case.

The Scottsboro boys are still alive. But they are not yet free. The defense is now in the able and powerful hands of a united defense committee of which the International Labor Defense is a part. The state of Alabama is still determined to put them to death, but its case has been weakened by the merciless exposure of its lying details. The prospect of new trials based on the same “evidence” still remains.

We are certain that all the friends of the Scottsboro Boys are ready at a moment's notice to rally to their support with the same enthusiasm and whole heartedness that they have shown during the last six years. The might of aroused public opinion has been proven repeatedly in the past. It forced even Hitler to release George Dimitroff, Lawrence Simpson and other anti-fascist prisoners. It has won freedom for thousands the world over. It forced two favorable decisions in the Scottsboro case alone from the United States Supreme Court. And it can and must win freedom for the nine innocent boys of Scottsboro, Alabama.