

VF1178



88

Who Lie in
the Death House

100M

INTRODUCTORY NOTE



This pamphlet was written for the National Committee for the Defense of Political Prisoners by Paul Peters, playwright, author and journalist. Paul Peters was in Montgomery during the appeal before the Alabama Supreme Court against the Scottsboro death verdicts. He heard the argument by the International Labor Defense attorney. He saw and felt the atmosphere in the court room and the town; and in the death cells. He interviewed the eight convicted Scottsboro boys.

Nine Negro boys were taken from an Alabama freight train on March 25, 1931. They were arrested and charged with vagrancy. Later it was discovered that two white girls had ridden on the same train with them and the charge was changed to rape. Ten days later, in a court room surrounded by 10,000 men, many of them armed and more of them drunk, crying for a lynching, the first of the boys was put on trial.

When the first verdict of guilty was handed down, a band played; an impromptu parade moved through the streets; Scottsboro town resounded with cheers. Then from among the mob a new jury was selected for the next trial.

Within seventy-two hours four trials had been held. Eight boys, the youngest thirteen, the oldest twenty, were condemned to death. The trial of thirteen year old Roy Wright lasted twenty-two minutes and ended in a disagreement. The jurors could not decide between death and life imprisonment for this child. The story of his trial, and of the others, and of the events that followed, is told in the following pages.

Scottsboro aroused world wide protest. Yet it is not unusual. It is only another wave in the tide of legal and illegal persecution, terror, jim-crowism and lynching that engulfs the Negro people.

The secret Kester report admits the murder of seventy-five Negroes in Birmingham alone in a few weeks during the carnival of lynch spirit that surrounded the Peterson

case; and in the same death house where the eight Scottsboro boys are now imprisoned, two Negroes await electrocution for "highway robbery." They took a silver half dollar from a white man. There are innumerable other examples.

The fight to free the Scottsboro boys is a battle in the same struggle that helped to free the Negro share croppers of Camp Hill, Ala. It is a part of the war for fundamental human rights for the Negro people.

Since this pamphlet was written, the Alabama Supreme Court, whose session on the Scottsboro case is described here, has handed down its verdict—death for seven of the boys. Only Eugene Williams was granted a new trial; and this not because of the injustice attendant on his first conviction, but because of a technical flaw arising out of the fact that, tried as an adult, he was legally a juvenile. John C. Anderson, Chief Justice of the Alabama Supreme Court dissented, stating boldly that "the boys did not get a fair and impartial trial."

Scottsboro has become a symbol. The Scottsboro boys have received support from all parts of the world. Artists, writers, scientists and workers have protested their conviction. Letters, telegrams, and resolutions have poured in on the responsible Alabama officials. In meetings, demonstrations and parades, masses of people have protested the flagrant injustice of the Scottsboro trials.

Now the International Labor Defense is carrying the Scottsboro case to the Supreme Court of the United States. The National Committee for the Defense of Political Prisoners will support the defense in the future, as it has in the past. Already there have been two victories, not conclusive but still victories. The death sentence would have been put into effect last July 10, had it not been for the fight carried on in the courts and in the arena of public opinion. Chief Justice Anderson could never have delivered his minority opinion, which must have its effect on the United States Supreme Court, had it not been for the national and international support given the Scottsboro boys.

The funds for the defense must come from friends of the boys and from enemies of injustice. The National Committee for the Defense of Political Prisoners has more than once called upon all of its friends to support the Scottsboro case financially and morally. It repeats that call, now, to you who read this pamphlet.

**NATIONAL COMMITTEE FOR THE DEFENSE
OF POLITICAL PRISONERS**

EIGHT WHO LIE IN THE DEATH HOUSE

By PAUL PETERS

1. The Death Pen

This pen, walled in by solid concrete and steel bars, is the death house. There is no sound here except the rattle of the warden's keys and the clump of the guards' boots behind you.

Cell doors are triple-barred, wire fenced. Through them you catch blurs of human beings, prowling back and forth like captive animals. A heaviness presses down on your lungs. A sickness gnaws at your stomach.

The warden swings open a door. "Andy Wright," he says. It is hard to think of anything to say as you stare at this young black boy in his death-house uniform, sad-eyed and stony-faced. But you do manage a little conversation, just enough to get a feeling of the boy's spirit in spite of ten months in that cell. He tells you what the fight made to free them means to HIM. In a moment the door is clanged shut; and all you see is the staring black face, a checkered blur against the wire fencing.

One by one the death-house cells are flung open. For a moment, one by one, you meet a young boy's troubled glance. Ozie Powell, Olen Montgomery, Charlie Weems, Clarence Norris, Willie Robinson, Haywood Patterson, Eugene Williams—a flash of death-house uniform, a pair of questioning child's eyes, that look that makes it hard for you to talk—then the clang of the door and the rattle of the key.

The warden and the guards march you down the long concrete halls, out of the death pen, out of Kilby prison, into the warm Alabama sunlight.

2. "Cradle of the Confederacy"

This big white building at the other end of town is called the "Cradle of the Confederacy." Here, under its stately portico, Jefferson Davis was hailed first president of the Southern

States. Under its dome was made the last stand of official slave ownership in America.

What is happening here today? Why all this whispering and bustle, all this crowding and staring? Who are these FLOCKS of Jim-crowed Negroes, with faces flattened against the window screen and bodies bundled in the doorways? Why all these white folk, crowded in this courtroom? Why the array of seven solemn-jawed judges, some of them chewing grimly on tobacco?

“The Scottsboro case!”

Never before has the whole world roared so loud a protest against a court verdict handed down to poor, unknown Negro workers in the South. From Germany, from India, from far-off Australia, from France, from Soviet Russia, from neighboring Canada have poured in telegrams, letters, resolutions crying: “Free the Scottsboro boys. They are innocent. They have been framed. This is no trial. This is lynching!”

Famed men, like Albert Einstein, Theodore Dreiser, Maxim Gorki, Thomas Mann, and Lincoln Steffens have joined with hundreds of thousands of workers in denouncing the Scottsboro death verdicts. Even as this Supreme Court in Montgomery listens to the appeal, new floods of protests pour over the bench.

The South's rulers do not like this shaft of light on its dark corners.

“For weeks this court has been bombarded with telegrams,” says the chief justice. “This is without precedent. If I had the senders of these messages in my jurisdiction, I would cite them for contempt of court!”

Contempt of court! In other words: “We don't want any outsiders telling us how to treat our niggers.” “They may be innocent, but we've got to make an example out of somebody.”

3. "Making An Example of Somebody"

It is a strange, unheard-of sight to see, here, in the "Cradle of the Confederacy," five lawyers from the International Labor Defense stand up and argue that eight young Negro boys have been railroaded to a savage death sentence in a Southern court.

George W. Chamlee is a southerner from Tennessee, widely known, four times a public official, eight years attorney general for his State, a man who has the looks and accent of the South. Here, in this high Alabama courtroom, he recites again the story of Scottsboro:

No jobs for Negro boys in Chattanooga or Atlanta. At 14, 15, 16 years they are out "junking", working on the dumps, running errands, carrying food, picking up scraps of paper, old rags, bits of metal. Sometimes they earn \$3 or \$4 a week. In ramshackle shanties on mud lanes in the "Blackbelt", their parents live in poverty. No clothes, no coal, little to eat.

Off to Memphis on a freight train hunting jobs. Gondolas and box cars swarmed with other jobless boys, white and black. Somebody starts a fight. The white boys are whipped and jump the train. Many of the black boys get off, too. At Paint Rock a posse combs the train.

Nine Negro boys, one white boy, and TWO GIRLS IN OVERALLS are arrested for vagrancy and stealing a ride. All are locked up together in the Scottsboro jail.

The girls are chatty and gay when the doctor examines them. No tears, no bruises, no hysteria.

But the next day the Jackson County Sentinel shrieks: "Rape!" and the lynch-lust of the South begins to seethe. Newspapers fan the flames. "Negro brutes, black fiends, all have confessed the most revolting crime ever known in history—black men raping pure white womanhood!"

Trial is set for horse-swapping day. Ten thousand white men flock to town. Militia is called in. Scottsboro reeks with lynch talk. In 72 hours, in trials lasting 25 minutes, eight bewildered Negro boys, without advice, without a single friend to talk to, without a lawyer, without their parents even knowing where they are—eight boys under 20 years old are sentenced to death.

At each death verdict, the court room bursts into cheers. A band outside blares: "There'll be a Hot Time in the Old Town Tonight!"

4. "Symbol of Pure White Womanhood"

Who are these girls in overalls on whose word alone—there is no other "evidence" of rape—eight young boys must be burned to death in an electric chair?

Irving Schwab, second attorney for the International Labor Defense, now analyzes their story. Lies, perjuries, contradictions, faked testimony, one by one he rips them open. Both girls are known prostitutes. Both have been seen time and again drunk in Chattanooga brothels. One has a long police record in Huntsville, Ala.

But the Scottsboro court barred this information. The judge said it was not "permissible" to discuss the character of the girls. To seal the doom of the boys it was necessary to paint as "victims" two pure young virgins, symbols of unapproachable white southern womanhood, broken by a horrible crime.

Why were the seven WHITE boys held in Scottsboro jail never allowed on the witness stand? (Those who were thrown off the train in the fight with colored boys.) Because they would not bolster the flimsy frame-up of the girls? **And what about** the fireman on the train, who swore that he saw the girls leap from a box car and run to escape the posse? Why was Orville Gilley not put on the stand? Orville Gilley, the white boy supposed to have been held prisoner by the Negroes, while the girls

were raped. Would we have said, as he told a newspaper reporter, that there was no rape? As this earnest young I.L.D. lawyer speaks, the whole case against the Negro lads collapses like a house of cards.

Joseph R. Brodsky of New York makes the final argument. A large, powerful man, he speaks eloquently, with a drive and plunge of energy. The court is electrified as he describes the hysteria surrounding the Scottsboro trial; argues on the exclusion of Negroes from the jury; tells how some of the boys, juveniles under 16, were ruthlessly raced through to death sentence in a court with no authority to try them at all.

The son of one of the Supreme Court judges, Thomas E. Knight, Jr., speaks for "the state of Alabama." A dapper little red-faced man with a nervous trick of rapping the table, he argues that there is no race prejudice in Alabama. The "niggers"—as he calls them—"were given a fair and orderly trial." The band? That was a Ford demonstration. The girls? It's against the "law" to give evidence on their characters. No Negroes on the jury? "If you knew how jealously, we, in the South, defend the virtue of our womanhood—" The juvenile Eugene Williams? No mention of HIM.

When the hearing is over, the Negroes outside the courtroom follow the International Labor Defense group down the street. They stop at corners and shake the lawyers' hands. This is a new thing in their lives.

5. Opening the Prison Doors

What will the Alabama Supreme Court Decide? April 6 is execution day. Will the Scottsboro boys be given a new trial? Or will the court say they got a fair and impartial judgment at Scottsboro?

In any case, there is a long fight ahead. If a new trial, it

will be more bitter, more difficult, more expensive than any in which Negro workers have ever before been involved.

If the lynch verdict of the lower court is upheld, an appeal will be made to the highest court of the land in Washington.

Protests must continue to flood Governor Miller, and the Alabama Supreme Court. (Both are at Montgomery, Alabama). Even the reactionary Birmingham News is forced to admit: "The Supreme Court carries the consciousness that no other case in Alabama history has the wide interest of this one. The eyes of the world are centered on those seven men who hold the highest judicial positions in Alabama. They cannot be immune to the significance of their deliberations and the reverberations of their decision."

If protest abates, the boys are lost!

Funds are needed at once to conduct the next legal steps in these cases. Without this money, nine Negro boys—and with them, the whole campaign for the rights of Negro workers in the South—will be sacrificed.

Help them! Raise a roar of protest.

Help them! Raise funds for their defense.



A Statement of the Purposes of The National Committee for the Defense of Political Prisoners

The National Committee for the Defense of Political Prisoners has been formed at a time of panic and despair among the owning and directing classes of this country, and of brutal poverty, oppression, and growing unrest among the working men and women. On the side of the great financial and industrial corporations are the machinery of the press, politics, organized charity and the law. Through these means every effort is made to stifle protest, to destroy or to prevent organization. Against the workers who demand for themselves and their families the basic human rights and decent conditions of life and work, there is a constant attack directed by the employing and owning class and carried on through every available channel of education, publicity and law.

The National Committee for the Defense of Political Prisoners has been formed to aid workers to organize and to defend themselves against terror and suppression, whether extra-legal or carried on in the frame-work of the legal system, either through alien deportation, criminal syndicalism, sedition, anti-labor laws, or through perversion of murder, vagrancy or other laws. The National Committee recognizes the right of workers to organize, strike and picket, their right to freedom of speech press and assemble, and it will aid in combatting any violation of those rights, through legal means, and above all, by stimulating a wide public interest and protest. By these means the National Committee will act to aid in repealing all anti-labor laws; to fight the deportation of foreign born workers, and the use of lynch law or special disqualification of any sort against Negroes; finally to assist in the defense of workers prosecuted for their activities in organizing to demand civil rights or bettered living conditions.

Membership in the National Committee for the Defense of Political Prisoners is nation-wide. The Committee invites, too, writers, artists, scientists, teachers and professional people from other countries than the United States to join its ranks and aid its work.

*The Price of This
Pamphlet is . . .* **2c**
