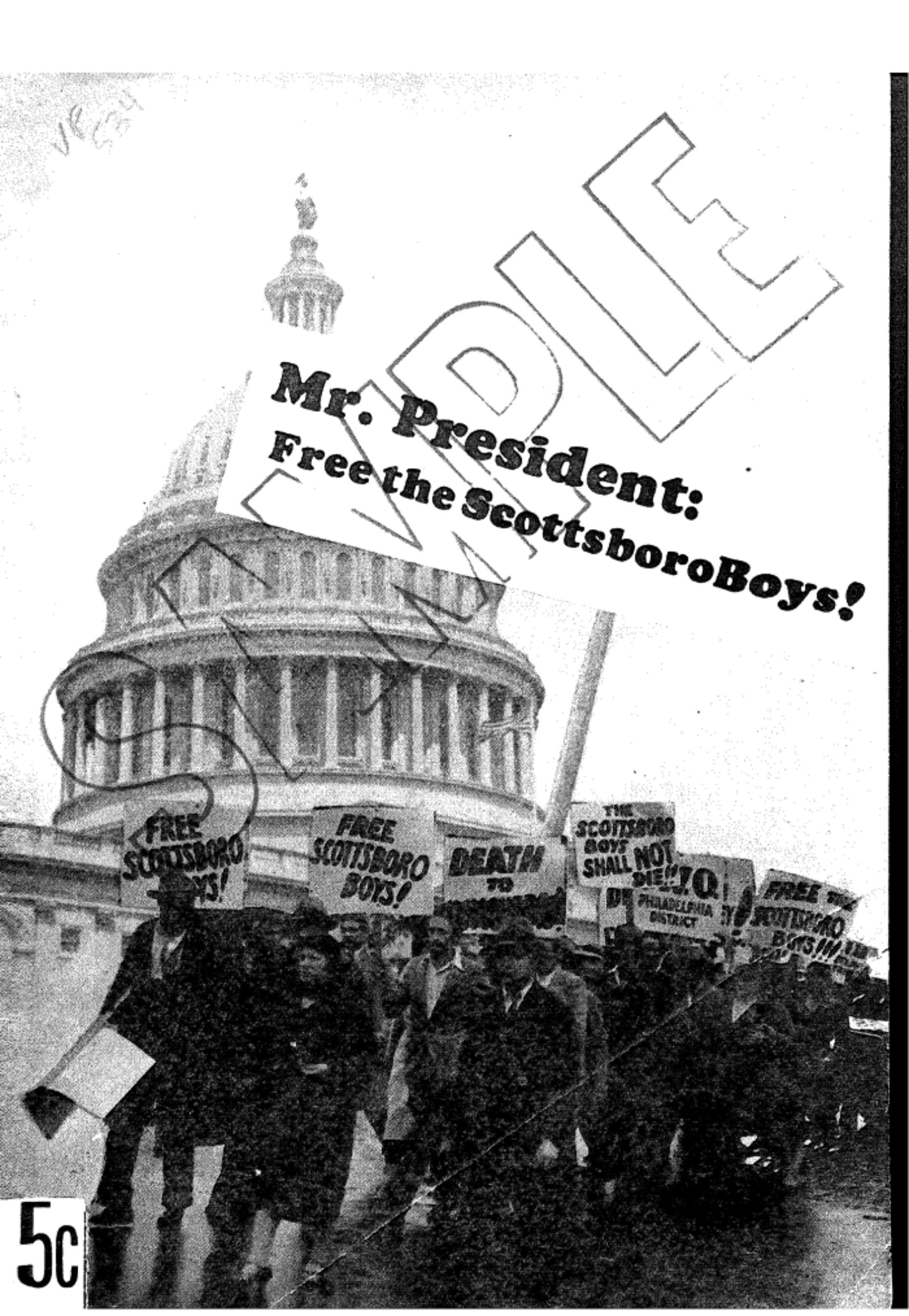


1863

**DIE**

**Mr. President:  
Free the Scottsboro Boys!**



**FREE  
SCOTTSBORO  
BOYS!**

**FREE  
SCOTTSBORO  
BOYS!**

**DEATH  
TO**

**THE  
SCOTTSBORO  
BOYS  
SHALL NOT  
DIE!**

**PHILADELPHIA  
DISTRICT**

**FREE THE  
SCOTTSBORO  
BOYS!**

**5c**

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Also just published by the I. L. D.:

**"YOU CANNOT KILL THE WORKING CLASS"**

By Angelo Herndon

The story of his life

**THE SONNENBURG TORTURE CAMP**

By an Escaped Prisoner

**MR. PRESIDENT:**

**FREE THE SCOTTSBORO BOYS!**

*Preface*

*By* THEODORE DREISER

Mr. President, I join the mothers of the Scottsboro Boys in requesting you: "Free them."

The Scottsboro case is now in its fourth year. The original death verdicts were set aside by the United States Supreme Court in November 1932. This real victory was nullified by the State of Alabama in December 1933. Lynch threats, open prejudices from Callahan on the bench were brought into the very courts of Alabama as direct collaborators in the "convictions." But again through the International Labor Defense wide organized protest was brought to bear, and the electrocutions of Haywood Patterson and Clarence Norris have been postponed pending appeal to the United States Supreme Court.

Mr. President, a mere reading of the record of the Scottsboro case will convince any citizen whose sense of justice has not been dulled, that the Scottsboro boys are innocent. Millions of

people not only in America, but the whole world over, know these boys have been framed. That is why these masses, no longer trusting "justice," fight the case in their own way, through the only weapons they have—through organization, solidarity, unity, mass pressure.

Mr. President, there is no excuse for the further detention of these innocent boys. Their mothers have appealed to you. Millions demand their release. Legalistic forms can mean nothing but impedimenta tolerated as an excuse for doing nothing. No legalism can, nor must stand in the way. The Scottsboro boys must go free!

## **The President Is "Not In!"**

On Mothers' Day, May 13th, the mothers of five of the Scottsboro boys, accompanied by a delegation of 30 prominent people, went to Washington to request President Roosevelt's intervention in the case. The President had been adequately informed ahead of time of the intended visit. Nevertheless, he deliberately chose to spend the day cruising about on the Potomac River, even keeping away from the Mothers' Day Banquet arranged on that day for his mother.

The delegation arrived at the appointed time and was informed by the White House attendants and the police that the President was out for the day. They were curtly told that there was no one left who could be handed the letter which these mothers had brought to the President. Even the White House usher was away!

The heartbroken mothers stated they would come again the next day. When the delegation returned the following morning it received an equally hostile reception. "Only the mothers and their spokesman are permitted within the gates," declared the captain of the guards. The whole delegation of representative Negro and white women was forced to wait outside. The police forbade the reporters to take any statements from members of the delegation. They even prohibited pictures being taken of the delegates facing the White House!

After the five mothers and Richard B. Moore of the I.L.D.—their spokesman—had been allowed within the sacred portals of the White House, they were not permitted to see the President. He was "too busy on important matters" to spend a few minutes on the Scottsboro frame-up—a dastardly attempt to burn alive nine innocent Negro boys—denounced in an avalanche of world-wide protest, exposed by Horton, the trial Judge himself, as a case based on flimsy manufactured "evidence."

The mothers and their spokesman were met by the President's

secretary. One of them grudgingly took the letter they had brought; impatiently listened to their pleas. President Roosevelt completely avoided receiving the delegation. He remained hidden behind barred doors and formal legal technicalities in order to cover up the approval of his administration and its direct participation not only in the atrocious Scottsboro frame-up, but in the whole reign of terror against the Negro people.

The five mothers in the delegation were: Mrs. Janie Patterson, Mrs. Ida Norris, Mrs. Mamie Williams, Mrs. Josephine Powell, and Mrs. Viola Montgomery. The delegation included besides: Mrs. Laura B. Glenn, of the National Association for the Advancement of Colored People, Mrs. H. Marwin of the Washington Women's League, Mrs. Mary Church Terrell, first President of the National Association of Colored Women's Clubs, Madame Lillian Evanti, noted singer, who had been previously in the White House to sing for Mrs. Roosevelt, Blanche Wall of the Friends Meeting House, Julia West Hamilton, President of the Phyllis Wheatley Young Women's Christian Association, Sarah F. Stabler of the Friends Meeting House, John P. Davis of the Joint Committee for National Recovery, Richard B. Moore of the I. L. D., Bernard Ades of the I. L. D., Ruby Bates, Mrs. Mary Craik Speed, white mother from Montgomery, Alabama, Mrs. R. S. Alexander recently of Capetown, South Africa interested in Negro rights, Lt. Gaston, member of the American World War Veterans League, also of Atlanta, Ga., Sol Harper of the Workers Ex-Service-mens League, Lydia McWain of the Bloomingdale Civil Association.

## **Scottsboro Mothers' Plea**

The Scottsboro mothers' plea that President Roosevelt refused even to receive, is a heart-rending document:

**"Mr. Franklin Delano Roosevelt,**

**President of the United States**

**Mr. President:**

**"This day has been set aside as Mothers' Day. Therefore, we come to you as mothers suffering the greatest pain, because our innocent sons are made to endure the**

most terrible tortures. Though guilty of no crime, the State of Alabama holds them in dark and terrible cells, and tortures them with the electric chair staring them in the face.

“It is now three years that our sons have been forcibly torn from us. Our boys were framed on a terrible charge of which they are innocent. We know that Judge Horton in granting a new trial to Heywood Patterson said that the evidence is in favor of the boys. Yet, the rulers of Alabama keep them locked in dark dungeons.

“What can be the reason for such a crime against our boys when they have been proven innocent? It is the prejudice and oppression against the Negro people. We know that Negroes were not allowed to sit on the jury which gave the death penalty to our innocent sons.

“Mr. President, we ask you to act in behalf of our sons. We ask that you, as the chief executive of this country, as one who is supposed to take an interest in the welfare of the people of this country and to see that justice is done to all alike, speak out against the murderous persecution of our children.

“Your word, Mr. President, would have great weight throughout the land. Millions of people in America and other countries have already raised their voices in protest against this terrible wrong. Men and women in high places all over the world have spoken for the freedom of our boys, because the evidence shows our boys to be innocent. Ruby Bates, southern white girl, who in fear of her life, was forced to speak against our sons, has now honestly told the whole truth proving the innocence of our boys. Will you not, as President of the United States, speak and do everything in your power to free our wronged and tortured sons?

“With anxious hearts we await your reply and shall watch the press for your public statement.

Earnestly,

THE SCOTTBORO MOTHERS

Other members of the delegation, not admitted into the sacred corridors of the White House also made statements on their reception, their purpose in coming, their stand on the Scottsboro case.

## **Ruby Bates' Statement**

"I know the Scottsboro boys are innocent. That's why I went to Washington with the mothers to see the President on Mothers' Day. But he wasn't in and when we went back the next day, the President's secretary wouldn't let me go in with the mothers to tell what I know about this terrible frame-up of nine innocent Negro boys.

"Because I told the truth, the Alabama bosses and officials threaten my life and the President's secretary shuts the door in my face. I see that the rich and the mighty don't care any more for us poor white workers than they do for the Negro people.

"My conscience drives me to do everything I can to help free these boys, I know are innocent. I will ask the white workers and the Negro people and all honest people who are against murder and oppression to unite in a still greater protest for the freedom of the Scottsboro boys and for the defense of all oppressed workers, white and black."

## **Mary Craik Speed's Statement**

Mrs. Speed, a white Southern mother of Montgomery, Alabama voices her protest:

"I am a Southern woman, a native of Alabama, coming from a long line of Southern ancestors. But for many years I had not been able to accept with peace the position of the Negro, his economic peonage and the boasted superiority of the white ruling class. Even the so-called "beautiful relationship" between master and servant or boss and "good Negro," did not change the fundamental wrong in my eyes. However, it was a vague feeling of injustice and not until the now-famous Scottsboro trial



in 1931 did things take a clear and definite form in my eyes and I understood that here was a political issue of world-wide significance. So when I was asked to go to Washington with the Scottsboro Mothers, I considered it a very great privilege.

"In setting aside the 13th of May to be observed as 'Mothers' Day' throughout the country and issuing a three-cent postage stamp bearing the image of Whistler's mother, Mr. Roosevelt intentionally proclaims the idea that he honors 'Motherhood'. It is a popular idea that is played up by the florists (who originally invented it), the telegraph companies and every priest and politician. But Mr. Roosevelt did not specify that he was referring to white mothers only. This seemed a fitting day for these Scottsboro Mothers to place their plea for justice in his hands.

"It is well known by now how Mr. Roosevelt refused to see any of the committee and allowed only the Mothers and their official spokesman (tho these mothers are articulate enough, speaking from their hearts and three years of terrible anguish) to have a few minutes interview with one of his secretaries. But in this refusal Mr. Roosevelt proclaims as definitely as tho he had made a written statement, that **HE IS ON THE SIDE OF THE LYNCHERS.**

**MARY CRAIK SPEED"**

## **Roosevelt Given Documents in Case**

Fulfilling the request of President Roosevelt, transmitted on May 14 through his secretary, Marvin MacIntyre, to the Scottsboro mothers at the White House, the International Labor Defense mailed him, on June 23, 1934, a complete documented statement on the Scottsboro case, demanding his intervention, and quoting the precedent set for such action by Woodrow Wilson in the Tom Mooney case.

The document was accompanied by the printed transcript of the record in the Haywood Patterson and Clarence Norris trials, weighing eleven pounds; a complete transcript of Judge

Horton's decision together with a summary of the same, and a copy of the letter sent to Governor Stephens of California by President Wilson in 1918, through which he intervened in the Mooney case because "the case has assumed international importance."

## **Statement to President Roosevelt On the Scottsboro Case**

"Mr. President:

"On Mothers' Day the Scottsboro Mothers' Delegation was shamefully turned away from the White House gate by naval attaches, detectives and police, though several communications had been forwarded to you requesting that you hear their petition against the continued imprisonment and torture of the nine innocent Negro boys who are the victims of the monstrous Scottsboro lynch frame-up.

"When the delegation returned the following day, the White House gate was again similarly barred and manned, and the delegation was informed in a surly manner that you had issued orders to allow no other members of the delegation to pass beyond the gate except the Mothers and their spokesman. A fierce denial met the request for the admission of Miss Ruby Bates, one of the two white young women involved in this case, whose conscience compelled her to repudiate the false charge of rape at the second trial in Decatur, and who came with the Mothers' Delegation to ask that you intervene to secure the release of these boys whom she knows to be innocent.

"The five mothers and accompanying spokesman were kept in the lobby, where Secretary MacIntyre appeared, only to inform them of your refusal to hear their petition on the grounds that "the Scottsboro case is the business of the State of Alabama and not the business of the President." After listening for a brief period and reading the statement which these poor, outraged, suffering mothers brought to present to you, Mr. MacIntyre left, purporting to interview you. Upon returning, your Secretary requested that a copy of Judge Horton's decision and other material be forwarded to you.

"A copy of the decision of Judge Horton is herewith enclosed

together with the printed brief of the appeal prepared for the Alabama Supreme Court and a copy of the communication forwarded by President Wilson to Governor Stephens of California, intervening in the case of Tom Mooney to stop the hanging of this labor leader, the innocent victim of a similar vicious ruling-class frame-up.

## **Judge Horton's Decision**

"Judge Horton's decision was handed down on June 22, 1933, in the Morgan Circuit Court of Alabama, granting the motion for a new trial in the case of Haywood Patterson who was convicted and sentenced to death at his second trial held in Decatur. This trial followed upon the decision of the United States Supreme Court which ordered a new trial and reversed the death sentences passed upon seven of these boys by the Scottsboro court and upheld by the Alabama Supreme Court. This decision of Judge Horton reviewed at length the entire evidence submitted both at Scottsboro and at Decatur. (A digest of the most important findings of this decision is appended hereto.)

"Please mark, Mr. President, that this decision was handed down by a white Alabama judge in the face of deliberately organized and actually menacing lynch terror. This decision must, therefore, convince all but the conscious and venomous upholders of barbarous lynch oppression that these nine Negro boys are absolutely innocent of the foul charges brought against them, and that they are the victims of a ghastly lynch conspiracy which contravenes every principle of justice and every democratic right which is supposed to be guaranteed by the Constitution of the United States.

## **History of the Case**

"The history of this case, extending now over three years, is the stark record of a ruthless ruling-class conspiracy to carry through the hideous, wholesale lynch massacre of nine innocent, unemployed Negro boys. Thrust into starvation by the

capitalist crisis, these boys set out to look for jobs (two of them being ill, to seek medical attention), only to find themselves in the clutches of official lynch torturers, faced with the electric chair and the constant menace of savage mob lynching.

“The significant circumstances and events of this outrageous frame-up are too many to enumerate in this statement, but a few must be mentioned. The legal lynch orgy at Scottsboro when eight of these boys were railroaded to the electric chair in 72 hours, to the sadistic gloating of a deliberately organized lynch mob of 8,000 which surrounded and jammed into the court-room. The terrorizing of witnesses and defense attorneys at the Decatur trial; organized lynch mobs actually started from Scottsboro and Huntsville and were turned back only when Judge Horton declared from the bench that the mobs would be met with bullets.

“Highly important is the brazen denial of the right of Negroes to serve on the jury, though numerous Negroes took the witness-stand in the terrorist atmosphere of the Decatur court and proved their qualifications. The violent appeals to chauvinism prejudice and race hatred by the prosecuting officials and Attorney-General Knight. “Free that ‘nigger’ and every white man will tremble for his daughter tonight. We have built an Anglo-Saxon civilization and we mean to maintain it.” The burning of the house of the witness Lewis, a Negro worker, in Chattanooga, following upon the Decatur trial; the threats of Ku Klux Klansmen against him and his subsequent death from “mysterious” poisoning.

“Still further demonstrative of the true nature and ruling class origin of this lynch frame-up are the following unmistakable manoeuvres. The introduction of Judge Callahan, a reputed Ku Klux Klansman, into the case, after Judge Horton rendered his decision reversing Haywood Patterson’s conviction, because of the too rank nature of the frame-up and the pressure of international mass protest. The subsequent railroading of Haywood Patterson and Clarence Norris under his openly biased direction at the second Decatur trial.

## No "Miscarriage of Justice"

"Flagrant and indicative is the forging of the names of Negroes to the Jackson County jury roll and the despicable manoeuvres of Judge Callahan, acting in collusion with Attorney-General Knight, in connection with the delaying of the trial transcript, granting extensions of time and reversing these a few days before the time for appeal would expire in order to deprive these boys even of the right of appeal. (See Brief to the Alabama Supreme Court, Pages 51-62; 137-142).

"In addition, there is the refusal during these more than three years to give a trial before a juvenile court to Roy Wright, who was 14 years old at the time of the Scottsboro trial when a mistrial was declared in his case. The similar refusal in the case of Eugene Williams who was 13 years old when framed-up, despite the decision of the Alabama Supreme Court ordering such a trial. The denial of the right of bail to all these boys and their torture and several attempts at further frame-ups in the jail.

"All these events and deeds prove conclusively that the Scottsboro case is no ordinary "criminal" case, no accidental "miscarriage of justice." Nor is this an isolated case. Witness, the murderous terror in Birmingham around the frame-up of the tubercular Negro war veteran, Willie Peterson; the fascist attacks and wholesale slaughter and imprisonment of starving Negro share-croppers at Camp Hill and at Tallapoosa; the lynchings of Harden and Pippen following upon the forcible driving out of their defense attorneys by Judge Foster, and the lynching of the paralytic, Dennis Cross, framed on the usual charge of "rape," at Tuscaloosa; the lynching of James Royal at Decatur after the second trial of Haywood Patterson; the wholesale legal lynching of five Negroes on February 9 of this year—all in the state of Alabama. On that same day, three Negroes were legally lynched in Texas and another in Arkansas. These are typical instances of the outrageous lynch frame-ups, ferocious sheriff's man-hunts and murderous police attacks perpetrated against innocent Negroes, which are rampant all over the south and are increasing rapidly throughout the entire country.

## **Rule of Fascist Lynch Terror**

“Savage mob lynchings and burnings of Negroes rise at a rapid rate. In 1932 the reported ghastly toll of lynchings reached 37; last year 47, 42 of whom were Negroes; this year already nine. The facts of the recent lynching of two Negro farm-workers in Bolivar county, Mississippi, clearly show the oppressive slave origin and fascist character of these frightful lynch orgies. For the “crime” of asking for decent food, these Negro toilers were charged with “insulting” the landlord’s wife, arrested and turned over to the lynch mob by the sheriff. Moreover, a characteristic feature of these lynchings is the increasingly open and direct participation of officers of the law and the brazen incitement to lynching by the highest state and government officials, such as Governor Rolph.

“The Scottsboro case is thus a flagrant instance of the whole brutal system of national and social oppression of the Negro people in the United States. Under this system, thirteen million Negroes are crushed into slavery and starvation, victims of discrimination, segregation, disfranchisement, persecution, chain-gang torture and murderous legal and extra-legal lynch terror. This is in open contravention of every democratic right which the United States Constitution expressly guarantees.

“This oppression is most violent in the Black Belt of the South where the Negro nation, a majority of the population, is barbarously enslaved and suppressed. A small but powerful ruling-class of white landlords and capitalists, ruthlessly maintains this frightful system of oppression, slavery and exploitation in order to wring super-profits out of the toil and misery of the down-trodden Negro masses. These white ruling-class slave-masters utilize the machinery of government,—courts, fascist lynch bands (Ku Klux Klan, White Legion, etc.)—and every means at their command forcibly to suppress the Negro people and to keep them isolated and divided from the white workers and poor farmers who are also oppressed, exploited and terrorized.

## **Likened to Nazi Horror**

“Aggravated by the capitalist crisis and still further inten-

sified by the ruinous cotton plow-under program and differential labor codes of the N.R.A., this oppression has reached unprecedented and unbearable heights. The enslaved Negro toilers on the land and the oppressed Negro masses in the cities are now menaced with wholesale extermination by starvation and murderous terror, which rapidly engulfs the white workers and poor farmers as well. Unbridled bloody terror is let loose by the capitalist-landlord ruling class against any and every attempt of the starving Negro and white toilers to struggle against hunger and death and to unite for the improvement of their miserable slave conditions and for their defense.

“This violent oppression and terror against the Negro people and white toilers is of the same infamous pattern as the bloody suppression of the working class and the persecution of the Jews and other minority groups in Hitler’s fascist Germany. The monstrous Nazi frame-up at Leipzig was in essence parallel with the vicious Scottsboro lynch frame-up. The Nazi terror, culminating in the present drive to butcher Ernst Thaelmann, the heroic leader of the German working class, differs only in degree from the fascist attacks now rapidly developing here in the U.S.A.

## **Spreading Capitalist Terror**

“In Atlanta, Georgia, Angelo Herndon is being brutally tortured in the Fulton Tower jail. Charged with “insurrection” under an old barbarous slave law, this 19-year-old Negro working-class leader has been sentenced to 18 to 20 years on the chain-gang for the “crime” of leading a demonstration of starving Negro and white workers to demand relief. The recent decision of the supreme court of Georgia upholding this savage sentence, which means death by terrible torture, has been the signal for a reign of terror against the Negro and white workers and their organizations—arrests and brutal police attacks, the illegal raiding of the workers homes and the office of the International Labor Defense, the rushing to trial of the Atlanta Six,—four white and two Negro workers,—charged with “insurrection” and faced with the death penalty, for attempting to hold a meeting of Negro and white workers in 1930.

“In Polk County, Florida, James Franklin, the Negro organizer of the citrus pickers’ union was framed-up on a charge of “attempting to assault” the white landlord’s daughter, arrested and held by the sheriff while this slave-driving, landlord murderer shot him to death. Shortly after, Frank Norman, the white organizer of the International Labor Defense, was kidnapped and killed by a landlord, fascist band.

“In Alabama, six Negro miners have been murdered in cold blood, and one white miner shot, scores brutally beaten and arrested by company thugs, police and national guardsmen. This is the bloody fascist terror let loose by the coal and steel barons and their governmental agents to break the strike of thousands of coal and ore miners, 75 per cent of whom are Negroes, against the starvation, differential wages and unbearable slave conditions imposed upon them under the N.R.A. The brutal breaking up of the May Day demonstration of Negro and white workers in Birmingham has been followed by wholesale attacks, arrests, illegal raids upon workers’ homes and the raiding and smashing of the office of the International Labor Defense by police, Ku Klux Klan and White Legion fascist bands.

“The murder of three striking Negro longshoremen in Galveston and New Orleans and of a white longshoreman in San Pedro, California; the shooting of two striking workers and a woman and child on the picket line in Buffalo; the murder of two workers and the wounding of hundreds in the lethal onslaught of national guardsmen upon the Auto-Lite strikers in Toledo—the blood of the Negro longshoreman just murdered in Mobile, Alabama is still fresh—these are frightful instances of the rising, bloody fascist suppression of the Negro and white toilers throughout the entire country under the N.R.A. Will you now permit that to this bloody scroll there shall be added the legal lynch massacre of the nine innocent, Scottsboro boys?

## **Power and Duty of President**

“It is because these nine innocent, unemployed Negro boys who are the victims of the Scottsboro lynch frame-up, symbolize the oppression of the entire Negro people and the ex-



ploitation and suppression of all the toiling masses, white as well as black, that this case has assumed national and international proportions of tremendous magnitude and immense social and political significance, calling forth the indignant protest and stern struggle of millions of toilers, middleclass people and outstanding intellectuals all over the world.

“The power and duty of the President as chief executive to intervene in such a case, where every constitutional democratic right is violated by state officials, is clear and is established by precedent. The Constitution prescribed for the President the oath “to preserve, protect and defend the Constitution of the United States.” Article Six of the amendments declares: “In all criminal prosecutions, the accused shall have the right to a speedy and public trial by an impartial jury.” (Our Emphasis)

“The Fourteenth Amendment, written into the Constitution after the Civil War, dealing directly with the rights of Negroes, specifically states: “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” The Fifteenth Amendment plainly states: “The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state on account of race, color, or previous condition of servitude.”

## **Precedent in Mooney Case**

“The intervention of President Wilson in the Mooney case is a clear precedent. President Wilson empowered Secretary of Labor, William B. Wilson, to appoint B. J. Densmore, Director-General of the U. S. Employment Service, to conduct a thorough investigation into the Mooney frame-up. The report of this investigation, conducted through the installment of a dictaphone in the office of district attorney Fickert of the state of California, is Document No. 157 of the first session of the House of Representatives of the 66th Congress. President Wilson further appointed a Federal Mediation Commission which reported on the Mooney case on January 16, 1918. On January 22, 1918,

President Wilson addressed a communication to Governor Stephens of California, urging him "to postpone the execution of the sentence of Mooney."

"The reasons for the intervention of President Wilson in the Mooney case are clearly set forth in these documents. The Densmore report stated: "The Netherlands Federation of Labor, the British Trades Union Congress, the General Federation of Labor of Milan, and other similar organizations all over the world had taken official cognizance of the methods used in securing the conviction of Billings and Mooney, and had entered their solemn protests against what they considered a gigantic frame-up on the part of unscrupulous capitalistic interests to discredit the whole case of union labor. The liberal sentiment of Russia was aroused . . ."

"The Report of the Mediation Commission declared: "However strange or however unexpected it may be, the just disposition of the Mooney case thus affects influence far beyond the confines of California. . . . But the feeling of disquietude aroused by the case must be heeded, for if unchecked, it impairs the faith that our democracy protects the lowliest and even the unworthy against false accusations. War is fought with moral as well as material resources."

"In his communication to Governor Stephens, President Wilson stated the grounds for his action "in these troubled times," and "because the case has assumed international importance." The communication of the U. S. Ambassador to Russia reporting the gigantic protest demonstration of Russian workers before the United States embassy, also shows that it was the realization that the mighty struggle of the working class against the frame-up of Tom Mooney was crippling the prosecution of the imperialist war which compelled President Wilson to stop the hanging of Tom Mooney.

## **"A National Emergency"**

"You, Mr. President, have declared a national emergency under which you found the power to intervene in all states to close and re-organize the banks, thus protecting the swollen fortunes of the bankers. You have secured the power to or-

ganize a special federal force to operate in all states to protect the rich and their children against kidnapping.

"You have inaugurated the N.R.A. and have found the power to enforce this program in all states, to limit the production of cotton, etc. and to enforce discriminatory differential labor codes in the southern states. But you declare through your secretary to the anguished mothers who came with bleeding hearts to petition for the release of their innocent, tortured boys: "The Scottsboro case is the business of the state of Alabama and not the business of the President."

"Can the millions of oppressed Negro people and suppressed white toilers believe that you can do nothing to stop the frightful wholesale legal lynch massacre of the nine innocent Scottsboro boys? Can they hold the impossible idea that you are impotent to enforce the democratic rights plainly written in the U. S. Constitution? Can they imagine in the face of your sweeping powers and action under the N.R.A., etc. that you are powerless to do anything whatever to stop the rapidly increasing production of lynchings, legal lynch massacres, and murderous fascist attacks with which the rich ruling-class exploiters and their governmental agents ruthlessly attempt to crush the Negro and white toilers into starvation and slavery under this very N.R.A.?"

## **Free the Scottsboro Boys!**

"In the name of hundreds of thousands of members of our organization and affiliated bodies, and in the name of millions of toilers and other people in the United States and throughout the world, who support the struggle for the freedom of the nine innocent Scottsboro boys, we protest vehemently against this statement of yours to the Scottsboro mothers. This statement gives direct aid and support to the Alabama ruling-class lynch terrorists in their attempt to burn the Scottsboro boys and also to the fascist suppressors of the Negro people and the entire working class throughout the whole country, and indeed, throughout the world.

"We protest further against your refusal to receive and to hear the Scottsboro mothers and their entire delegation and

against the humiliating and hostile treatment accorded them. We protest also against your similar action toward the delegation of 5,000 Negro and white workers and other people who marched to Washington on May 8 last year with a petition signed by hundreds of thousands, demanding the freedom of the Scottsboro boys and the adoption of the Bill of Civil Rights for Negroes, presented by them for the enforcement of the thirteenth, fourteenth and fifteenth amendments to the Constitution.

“Your action in these and other instances compel us to recall the following statement among the catalog of oppressive acts set forth in the Declaration of Independence as the occasion and the necessity for the revolution of 1776. “In every stage of these Oppressions, We have Petitioned for Redress in most humble terms, Our repeated Petitions have been answered only by repeated injury.”

“We demand that you act as chief executive of the United States government to secure the immediate, unconditional and safe release of the nine, innocent Scottsboro boys. We demand that you act to enforce all the democratic rights of the Negro people and the working class enumerated in the Constitution. We demand full equal rights, economic, political and social, for Negroes, and the right of self-determination for the Negro people in the Black Belt of the South. We further demand the release of Angelo Herndon, Tom Mooney, and all victims of class oppression. We demand that you take steps to stop the lynching and oppression of the Negro people, the murder of striking workers, and the increasing brutal attacks upon the masses of impoverished and unemployed workers and poor farmers and their organizations.”

## INTERNATIONAL LABOR DEFENSE

William L. Patterson  
National Secretary

Richard B. Moore, Spokesman of the  
Scottsboro Mothers Delegation

## **There Are Precedents of Presidential Intervention**

In addition to the full statement on the Scottsboro Case, a digest of Judge Horton's decision, copies of the briefs and appeals, the following letter from Woodrow Wilson to Governor Stephens of California intervening to stop the hanging of Tom Mooney was sent to President Roosevelt:

The White House, Washington, D. C.  
Januray 22, 1918

My Dear Governor Stephens—Will you permit a suggestion from me in these troubled times, which perhaps I should feel hardly justified in other circumstances?

The suggestion is this: Would it not be possible to postpone the execution of the sentence of Mooney until he can be tried upon one of the other indictments against him, in order to give full weight and consideration to the important changes which I understand have taken place in the evidence against him?

I urge this very respectfully, indeed, but very earnestly, because the case has assumed international importance, and I feel free to make the suggestion because I am sure that you are as anxious as anyone can be to have no doubts or occasion of criticism of any sort attach itself to the case.

Cordially and sincerely yours,

WOODROW WILSON

## **Judge Horton's Decision**

Judge Horton, who tried Haywood Patterson in Decatur and sentenced him to death for the second time, was forced to order a retrial in June, 1933. His decision, forced from him by the intense wave of mass indignation and mass protest that swept the country after this second lynch verdict, culminating in the Scottsboro March on Washington May 5, 1933, declares that the prosecution completely failed to prove their charges against the boys, failed to prove their participation in the alleged rape

and based their case entirely upon unsupported statements of Victoria Price. A digest of Morton's decision follows: (The page numbers refer to the edition of this decision as printed by the American Civil Liberties Union.)

## **The Facts of the Alleged Crime**

"With the law so written, let us turn now to the facts of the case. The Court will of necessity consider in detail the evidence of the chief prosecutrix, Victoria Price, to determine if her evidence is reliable, or whether is it corroborated or contradicted by the other evidence in the case. In order to convict this defendant, Victoria Price must have sworn truly to the fact of her being raped. No matter how reliable the testimony of the defendant and his witnesses, unless the State can make out a case upon the whole evidence a conviction cannot stand." (p. 2)

## **Victoria Price's Story Is Completely Uncorroborated**

"With seven boys present at the beginning of this trouble, with one seeing the entire affair, with some fifty or sixty persons meeting them at Paint Rock and taking the women, the white boy Gilley, and the nine Negroes in charge, with two physicians examining the women within one to one and a half hours, according to the tendency of all evidence, after the occurrence of the alleged rape, and with the acts committed in broad daylight, we should expect from all this crowd of witnesses or from the mute but telling physical condition of the women or their clothes some one fact in corroboration of this story." (p. 5)

"Was Victoria Price hit in the head with a pistol? In considering Dr. Bridges' testimony we observe he was a witness placed on the stand by the state. His intelligence, his fair testimony, his honesty, and his high professional attainments impressed the Court and certainly all that heard him. He was frank and unevasive in his

answers. The Court's opinion is that he should be given full faith and credit. . . . The doctor testifies: "I did not sew up any wound on this girl's head; I did not see any blood on her scalp." And this was the blow that the woman claimed helped force her into submission." (p. 7)

"Dr. Bridges says that when these two women were brought to his office neither were hysterical, or nervous about it at all. He noticed nothing unusual about their respiration and their pulse was normal. Such a normal physical condition is not the natural accompaniment, or result of so horrible an experience, especially when the woman testified she fainted from the injuries she had received." (p. 9)

## **The Court Comments on the State's Case**

"This is the State's evidence. It corroborates Victoria Price slightly, if at all, and her evidence is so contradictory to the evidence of the doctors who examined her that it has been impossible for the Court to reconcile their evidence with hers." (p. 11)

"Her manner of testifying and demeanor on the stand militate against her. Her testimony was contradictory, often evasive, and time and again she refused to answer pertinent questions. The gravity of the offense and the importance of her testimony demanded candor and sincerity. In addition to this the proof tends strongly to show that she knowingly testified falsely in many material aspects of the case." (p. 13)

"Lester Carter stated that he was one of the seven boys engaged in the fight with the Negroes; that he did not see a single knife or pistol in the hands of the Negroes. And although these seven white boys were kept in jail at Scottsboro until after the first trial no one testified to any knife or pistol wounds on any of them.

"Further there was evidence of trouble between Victoria Price and the white boys in the jail at Scottsboro

because one or more of them refused to go on the witness stand and testify as she did concerning the rape; that Victoria Price indicated that by so doing they would all get off lighter." (p. 14)

## **The Boys Prove Their Innocence**

"Four of them did state that they took part in the fight with the white boys which occurred on the train. Two of them testified that they knew nothing of the fight nor of the girls, and were on entirely different parts of the train. Each of these two testified as to physical infirmities. One testified he was diseased so he could hardly walk, and he was examined at Scottsboro according to the evidence and was found to be diseased. The other testified that one eye was entirely out and that he could only see sufficiently with the other to walk unattended. The physical condition of this prisoner indicates apparently great defect of vision. He testified, and the testimony so shows, that he was in the same condition in Scottsboro and at the time of the rape. He further testified that he was on the oil-tank in the rear of the train; that he stayed on this oil-tank all of the time and that he was taken off of this oil-tank. . . . This near blind Negro was among those whom Victoria Price testified was in the fight and in the party which raped her and Ruby Bates. The facts strongly contradict any such statement." (p. 15)

"The testimony of the prosecutrix in this case is not only uncorroborated, but it also bears on its face indications of improbability and is contradicted by other evidence, and in addition thereto the evidence greatly preponderates in favor of the defendant. It therefore becomes the duty of the Court under the law to grant the motion (of a new trial, ed.) made in this case." (p. 15)

## **President Ignores Statement**

President Roosevelt sailed away on a war-ship for an extended tour of the U. S. war bases in the Pacific, two weeks



after he received all the material quoted and referred to in preceding pages. He has given no sign of recognition to the plea of the Scottsboro mothers, backed by the demands of millions of black and white workers.

Instead, the I.L.D. received a letter signed by Homer Cummings, U. S. Attorney-General, which not only completely ignored the precedent of the Mooney case, but repeated all the old excuses in regard to the president's "lack of jurisdiction."

"Under all circumstances," he said, "there is no action, legal or otherwise, that I can properly advise the President to take in order to bring about the release of these defendants from custody at the present time."

## **Can He Get Away With It? NO, HE CANNOT!**

For almost four years a flood of protest from every country in the world has converged upon the courtrooms and government buildings of the state of Alabama. Mass indignation, mass protest against the openly admitted intention of the slave-exploiting ruling class of the South to burn to death these nine innocent Negro boys as a "lesson to the niggers" was expressed and continues to be expressed in demonstrations, meetings, resolutions in every corner of the globe. "The Scottsboro Boys Shall Not Die: The Scottsboro Boys Must Be Freed" has rung around the world from Berlin to Shanghai, from Africa to New York.

Millions of workers have marched through the streets of hundreds of cities in spite of police terror, in spite of fascist brutality demanding freedom for these innocent boys. The first telegram of protest to arrive from Europe came on April 23, 1931, two weeks after the original lynch sentence. It came from the Transport Workers Union in Berlin:

**BERLIN APRIL 24 SHOP MEETING STREET CAR WORKERS BERLIN TERMINAL TEN PROTEST MOST SHARPLY AGAINST EXECUTION EIGHT NEGRO WORKERS STOP DEMAND IMMEDIATE RELEASE**

**CHAIRMAN**

## **Mass Defense of the Scottsboro Boys**

On April 25, the first big Scottsboro Protest Parade in Harlem was held and smashed up by the police. On May 1 of that year workers in 300 American cities protested against the Scottsboro frame-up at their May Day meetings. On May 31 the first All Southern Scottsboro Defense Conference was held in Chattanooga, Tenn., attended by 200 delegates. Four were arrested outside the hall. On October 3, 1932 an "ALL SOUTHERN CIVIL RIGHTS CONFERENCE" was held at Birmingham, Ala., with 300 delegates present. Its central point was organization for the fight to free the Scottsboro Boys.

On November 7, 1932, which was declared International Scottsboro Day and observed by I.L.D. sections all over the world, a militant demonstration paraded before the United States Supreme Court which was then reviewing the case. Sixteen were arrested and many beaten and clubbed, but the U. S. Supreme Court was forced to reverse the decisions of the Scottsboro Lynch Court and the boys were granted a new trial. On May 5, 1933 a mass Scottsboro march of 5,000 Negro and white workers converged on Washington. They carried with them petitions signed by 200,000 others demanding the release of the boys.

Ruby Bates, Mother Wright, Mother Patterson, Mother Montgomery, Lester Carter, Richard B. Moore made tours covering the country from coast to coast, back and forth and up and down over its length and breadth addressing thousands upon thousands, enlisting their support in the mass struggle to free the Scottsboro Boys. These tours lasted for months and recruited thousands of members into the ranks of the International Labor Defense.

## **International Figures Join in the Protest**

The world-wide protest action was not limited to Negro and white workers alone. Internationally prominent intellectuals, thinkers, writers like Albert Einstein, Maxim Gorky, Romain Rolland, Lincoln Steffens, Mme. Sun Yat Sen joined their voices to the struggle. In the early stages of the fight the National

Committee for the Defense of Political Prisoners addressed an open letter to the governor of Alabama. Excerpts follow:

"Honorable B. M. Miller, Governor  
State of Alabama,  
Montgomery, Ala.

Dear Sir:

As Americans whose daily work puts us in contact with public events, we wish to register our protest in regard to the recent event at Scottsboro, Ala. . . .

We join our voices to those who protest against the outrageous course of events in this Scottsboro case. We unhesitatingly support the growing movement among thoughtful citizens in defense of these boys, the effort to win a new trial and the release of the boys which has been undertaken by the International Labor Defense organization. Our sense of duty brings us to give our full endorsement to the call of that organization for a united front of all who are willing to join in a movement to save the lives and liberty of these victims of the most outrageous travesty of the present decade—a lynching concealed in the form of law.

(Signed) Theodore Dreiser, Chairman; Lincoln Steffens, Treasurer; Sylvia Fenington, Secretary; Prof. Franz Boaz, Lester Cohen, Malcolm Cowley, Edwin Dahlberg, Adolph Dehn, Floyd Dell, John Dos Passos, Waldo Frank, Hugo Gellert, Lydia Gibson, Murray Godwin, C. Hartley Grattan, Horace Gregory, Julius Heiman, Josephine Herbst, Grace Hutchins, Suzanne LaFollette, Melvin P. Levy, Pierre Loving, Louis Lozowick, Dr. H. Neumann, Samuel Ornitz, Burton Rascoe, Lola Ridge, Edwin Seaver, Ella Winter, Walter Wilson."

## **Gorki on Scottsboro**

Maxim Gorki, as chairman of the International Red Aid (of which the I.L.D. is the American section) signed an appeal in the name of the 10,000,000 members of the I.R.A. urging workers and their sympathizers all over the world to

intensify the campaign for the freedom of the Scottsboro Boys. The appeal concludes:

**"Brothers!**

**"Raise your protest against the death sentences of the Negro workers!**

**"Halt legal lynching!**

**"Down with fascism and white terror!**

**"Raise high the banner of International Labor Defense!**

**"Down with imperialism! Long live the international solidarity of the workers and toiling farmers of the entire world—people of all colors and creeds!"**

In addition Gorki issued a personal protest and appeal:

**"The American section of the I.R.A., the International Labor Defense, has awakened international interest in the Scottsboro case. For the first time since the American Civil War, the merciless exploitation of the Negro working masses by the ruling classes of the United States is being published throughout the world. In the Soviet Union and in England, in France, Cuba, in South America and in countries on every continent, thousands of demonstrations, participated in by millions of workers, have shown and are continuing to show their solidarity with the American working class, with the Negroes oppressed by the white imperialists in America, demanding the liberation of the innocent Scottsboro boys and the cessation of the white terror.**

**"It is necessary to strengthen the agitation throughout the world. Every meeting, every demonstration, each paper published by the workers and their organizations, must protest against the white terror which American capitalism is using in an effort to suffocate the growing fight for freedom among the Negro masses of the United States. The proletariat of the entire world protests against the execution of their brothers."**

## **Scottsboro Around the World**

Militant demonstrations involving hundreds of thousands

were held in many countries. As early as June 17, 1931 demonstrations were held before the American Embassy in Leipzig, Germany. On June 29th of the same year huge demonstrations were held in Berlin. One policeman was killed in the fights that resulted when the meetings were broken up. Ernst Thaelmann, whom Hitler is trying to murder, led the German workers in their splendid Scottsboro protest actions. On July 3, 1932, 150,000 German workers filled the Lustgarten in Berlin to listen to the plea of Mother Wright for the lives of her boys. In Holland, England, Belgium, Czecho-Slovakia Scottsboro protests filled the air. On November 3, 1932, 36 French organizations presented a joint petition to the American Embassy in Paris demanding the release of the boys.

### **Dimitroff's Mother Appeals**

Paraskeva Dimitrova, the mother of George Dimitroff issued an appeal in May, 1934 calling on the toilers of the world who had saved her son and the other Reichstag fire defendants from beheading at the hands of the Nazi ax men.

"I want to raise my voice," she writes, "on behalf of the nine innocent Scottsboro Negro boys in the U. S. A.

"I, mother of George Dimitroff, appeal to you, toilers of the world, to join this movement and demand the immediate, unconditional and safe release of the innocent Negro boys.

"When you demand the release of Ernst Thaelmann, leader of the heroic Communist Party of Germany, and tens of thousands of anti-fascists languishing in prisons and concentration camps in Germany and Austria, also demand the release of the Scottsboro Boys.

"Do for the mothers of the Scottsboro boys what you did for me. Restore their sons to them. International solidarity can and must do this."

### **Mr. President: Free the Scottsboro Boys**

President Roosevelt must be made aware of this world-wide interest, this world wide determination to free the Scottsboro

Boys. He must be made to feel the mass pressure of millions upon him. He must be, he can be forced to intervene in the Scottsboro case.

## **What Can You Do?**

1. Write or wire YOUR protest to the President. Send him YOUR demand for the freedom of the boys.

2. Get your friends to do the same.

3. Get your trade union, cultural, fraternal organization to pass a resolution of protest and send it on to Washington.

4. Get your fellow workers in the shop, or factory, or mine, or mill where you work to join the struggle against this vicious frame-up. Some workers, the Cleaners and Dyers in Philadelphia, Metal workers in New York carried through short powerful protest strikes in behalf of the Scottsboro Boys. Talk to your fellow workers, explain the issues involved to them. Perhaps they will follow this example.

5. Contribute to the Scottsboro Defense Fund. Circulate Scottsboro-Herndon collection lists.

6. Join the only working class defense organization, that for almost four years has kept the Scottsboro Boys alive, that has secured the release of Angelo Herndon on bail, that has freed thousands of workers from long prison sentences, that fights for the freedom of Tom Mooney, Warren Billings, McNamara, Ernst Thaelmann and all class war prisoners, that fights in defense of workers' rights, that fights for the enforcements of elementary rights and civil liberties supposedly guaranteed by the constitution of the United States, that fights against jim-crowism, deportations, injunctions,

## **Join the International Labor Defense**

For further information write to 80 East 11th Street, N. Y. C.  
Room 430.

**FIGHTING FUNDS  
MUST BE RAISED  
TO CARRY ON THE  
STRUGGLE—**

**The Scottsboro Boys  
Must Be Freed**

**Angelo Herndon Must Stay Free**

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