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# **Scottsboro**

## **ACT THREE**

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## THE LEGAL DRAMA

**T**HE drama of Scottsboro has now reached the third act. In spite of the most determined efforts of the Southern ruling class the first two acts ended in partial victories for the working class under the leadership of the International Labor Defense.

The first act began in Scottsboro, Alabama, in April 1931, when 9 Negro children were sentenced to death, and ended in the Supreme Court of the United States on November 7, 1932. This highest tribunal in the land was forced to reverse the original lynch verdict of Scottsboro and order new trials.

The second act of the legal drama began in Decatur, Alabama, last spring and ended there with Judge Horton's reversal of the second death sentence against Heywood Patterson. Mass indignation forced Alabama's Horton to admit that the frame-up testimony was uncorroborated and even "preponderated greatly in favor of the defendant."

The third act is now on. The first scene ended with a third murder verdict against Heywood Patterson and Clarence Norris. It can still end in victory in spite of the fury of the Southern ruling class, gnashing its teeth at "outside interference" (read: mass pressure of millions the world over). The lynch tactics of the scoundrels playing their parts for the State of Alabama have aroused the fury of the toiling masses of America—Negro and white.

Disregard for the simplest elements of the law and order they pretend to uphold, hypocrisy and cynical

phrase-slinging aimed to arouse the basest prejudice and hatred against the Negro masses, all the antics of Knight and Callahan serve only to arouse the anger of the toiling masses. And the ranks of the I.L.D. stand ready to receive all those who are ready to fight against this rawest lynch frame-up of our times, to end Scottsboros, to end lynchings, to end terror.

## THE CHARACTERS

The characters are almost all the same as they were in the first two acts. "You're right it is an appeal to passion," **Thomas E. Knight, Jr.** is still the dapper song and dance leader for the Southern ruling class. He again demanded death for Heywood Patterson and Clarence Norris as "a necessity to save our own daughters from the rapist. I don't care how low Victoria Price is," he announces, "we cannot forget she is a woman. . . . You cannot avenge Victoria Price, but you can prevent this terrible thing from happening to another woman. Yes, we all have a passion to protect the womanhood of the State of Alabama." And as a legal interlude he introduced this theme; "The State of Alabama conducted this case according to the law and has not made it a circus for the world to watch."

This Democrat, Methodist, Elk, Mason, Knight of Pythias, member of the American Legion—for he is all of these—will allow nothing so trivial as indisputable evidence to stand in the way of his obtaining a lynch sentence. And the press which serves him likes it:

"As attorney general he has proven himself exceptionally able, courageous and resourceful. He is regarded as one of the best qualified and most efficient incumbents that office has had during the entire history of Alabama's statehood," writes the *Montgomery Advertiser*, Nov. 5, 1933.

Victoria Price is still the State's leading lady, all dressed up in a new outfit, a little plumper but bland as ever. In order to avoid embarrassing speculation about her finery, Sheriff Giles, Knight's right hand man in Huntsville, immediately explained it this way. "Since the NRA Victoria has been working in the mill in Huntsville at more money than she ever earned before in her life. She's got herself some new clothes, had her hair curled and has gained about 20 pounds. You'd never know her."

She contradicted herself many times on the witness stand even though she had plenty of coaching in her lines for this third act. But the trouble is that many of the lines don't read the same way they did in the second act in Decatur last spring. Lawyer Liebowitz, with the script of that act in front of him, the official testimony of the first Decatur trial, read her part and showed her that many of her statements had changed considerably. The matter of gun shots that she heard, for instance. There were only two this time. But she has learned a new method. Where in the second act she spat out her answers with flashing eyes and related countless lies with the most brazen assurance, this time she looked demure and said, "I can't be positive. I can't tell. It's too long ago." And when the contradiction was too glaring she minced, "If I said it, it was the truth."

She had plenty of assistance from the other actors. The judge would not allow Liebowitz to "impugn her chastity." Knight more than once openly coached her with unhidden gestures. Her story of the alleged attack was still unprintable language. But His Honor who would not allow medical testimony on the grounds that

it was illegal and improper, did not interrupt the leading lady.

International Labor Defense attorneys Brodsky, Chamlee and Liebowitz, continued in their old roles of unflinching fighters. Point by point they fought for the lives of their young clients in spite of threats and provocations, snickers from the audience, almost unbearable insults from His Honor. Behind the scenes they know that hundreds of thousands are ready to back their every legal move with mass actions, demonstrations, protest telegrams under the leadership of the I. L. D.

Ruby Bates was missing. She could not appear because she was lying in a hospital bed in New York, recovering from a serious operation. Under the greatest physical strain she gave her testimony to a New York lawyer. Her words haven't changed since the last act. They are exactly the same. "Those boys are innocent. They didn't touch me or Victoria. If these nine lives are taken by electric they are taken because they are innocent, not because they are guilty, for they did not rape Victoria Price or myself."

There is one difference in the way she speaks her lines. In spite of physical weakness there was a ring of strength in her voice because she knows that behind her are millions of white and Negro workers who believe her and who add their determination that the boys must go free because they are innocent.

Lester Carter has not changed either. Nor was his story changed. Because the truth is always the same. He has traveled much between these two acts. But not as an aimless hobo, wandering, looking for work, or hoping for just a place to sleep, like he used to do. He

has traveled over the whole American continent with Heywood Patterson's mother, and Richard B. Moore of the I. L. D., telling thousands upon thousands of American workers and farmers his story, and asking them to help free nine innocent boys.

Heywood Patterson bravely faced for the third time the ordeal of being sentenced to death for something he did not do. This boy has not been terrorized into submission. The knowledge that millions believe him innocent has given him courage. He answered Knight's onslaught with real bravery.

"Mr. Bailey there he said: send all them niggers to the electric-chair. There's too many niggers in the world anyway. . . . I don't know what we said. We boys was scared. They told us if we didn't confess they'd kill us. They told us they's give us to the mob outside."

And there were two new actors on the scene. One of them was Orville Gilley, the illusive Carolina Slim who was on the freight train last March until he and the girls were taken off at Paint Rock. He was in the Scottsboro jail. He was in the Scottsboro courthouse. But the State did not use him in the first two acts. They were not so sure how his lines would sound,—even though he claims to be a professional actor who makes a living entertaining people all over the South. Slim, soft spoken, this young troubador of the road admitted that he had seen Mr. Knight in Huntsville and spoken to him before the trial. His part was not very interesting. It was a parrot-like repetition of Victoria's story—not very well memorized. So poorly memorized, in fact, that Liebowitz was able to destroy its usefulness with little difficulty.

The other new actor replaced the His Honor of the second act. He, Judge Horton, was a pompous and dignified His Honor, who never raised his voice, who tried

to appear a Solomon come to justice and overruled all the objections of the defense with a majestic "impartiality."

He was replaced by W. W. (read: K.K.K.) Callahan. A more efficient His Honor, who was ready to expedite matters and have this act over with in the shortest possible time. "I am out to debunk the Scottsboro cases," he announced. "I do not believe that a courtroom or a courthouse is the place for soldiers." He didn't think it was a place for reporters either, at first. His Honor Callahan thought he could brush aside the world wide interest in the century's greatest frame-up by making the reporters uncomfortable.

He gave able assistance to the witnesses by constantly telling them not to answer important questions. He gave abler assistance to the lynch atmosphere by allowing the spectators to continue their laughing and snickering and shouting "Atta boy" to those State witnesses who lied most glibly.

In the rawest fashion he tried to make away with the all important, basic problem of illegal exclusion of Negroes from Alabama's juries. To do this he proceeded to uphold the fair name of the State of Alabama and Morgan County in particular, against proof of forgery presented by a nationally famous handwriting expert.

"Fraud," he stated, "is a thing that has to be proved. There must be some evidence satisfactory to the court. I don't think I'd be authorized to presume that somebody committed a crime, not to presume that a jury board, being sworn officers of the law, have been unfaithful to their duties and allowed tampering. It would be a reflection on them."

He played his part well. The ruling class press applauded him. The Birmingham Age Herald wrote:

"It is not hard to understand Judge Callahan's eagerness to make the situation at Decatur as normal as possible. He evidently feels that he must leave nothing undone to relieve the case of exploitation, to free the proceedings of activities that tend to exaggerate and to excite. This effort to purify the court atmosphere and to rid it of 'circus' elements is something to applaud."

Circus elements? His Honor injected plenty into his part!

When Lawyer Liebowitz set up his model train for the examination of witnesses, Callahan looked at his watch, yawned and remarked that "a few more flicks and frills may be all right, but I hope that you'll get this done before Christmas because Santa Claus is going to get all this anyway."

He kept shouting at the defense, "That's enough. Stop right there. I already said stop."

He threw out such witty remarks as, "Get to the meat of the cocoanut."

The questioning of Lester Carter in an attempt to show the very vital evidence of what the girls had been doing the night before the train ride, was continually interrupted by His Honor Callahan and finally, when his tactics failed to stop the defense, he shouted "That is a vicious attempt to put improper evidence before the jury!"

He sat with his feet on the desk and yawned while the defense battled for the lives of two innocent boys. But he rose to his full glory in the charge to the jury on the Patterson case, which lasted one hour and 15 minutes. "When a white woman is involved there is a strong presumption under the law that she did not yield voluntarily to the Negro and this is true no matter what station she occupies—whether she be the most abandoned or betrayed woman or one of the most spotless virtue." And again: "The glory of the law of this

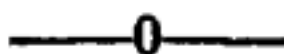


state is that its protective wings reach out to cover all womankind."

And so on and on in very high sounding phrases that meant only one thing, "Bring in a lynch verdict." This Southern jurist was so carried away with his own eloquence that he had to be reminded by his friend Knight, at the end to add—as an afterthought:

"I overlooked one thing. I have given you the form of the verdict for the infliction of the death penalty or imprisonment. Of course if the evidence fails to justify conviction, there oughtn't to be any."

After having made this open call to lynch fury, this arch hypocrite, this clown who had been playing up to the basest passions of ignorant white men, piously turned to them at 10:30 a.m. on Thursday morning, Thanksgiving Day, and smirked, "It is proper that we now pause and go to our firesides in proper recognition and gratitude for the favor of that All Wise Being who has been with us through these trying years."



**T**HIS court-room scene of the third act was played in Decatur, Alabama, before an audience of millions upon millions in every corner of the world.

Like the allegorical plays of the middle ages the characters represented not only themselves as individuals but powerful forces, gigantic forces locked in combat. The force of the Southern white ruling class, backed by their brothers all over the capitalist world, determined to perpetuate the system on which they flourish, the system of slavery and terror, of oppression and lynching. And the force of the toiling masses, workers and farmers, of all colors and creeds, determined that the system under which they are exploited and crushed, shall be destroyed.

These two giants tower high above the sleepy town of Decatur, Alabama, whose mouldy and tottering jail held young lives, seven children whom the world knows as the Scottsboro Boys—the symbol of this struggle.

The ruling class is determined that they shall die. The toiling masses that they shall not die.

It is no longer necessary to tell the story of the freight train that rattled through northern Alabama in March 1931. The details have been flashed around the world many times on cables, wireless, radios. The story has been printed in every language under the sun.

The details of the third act of this grim tragedy are also widely known. The ruling class changed its role only a little. It replaced a silver tongued servant with a raucous barker who proclaimed to the audience the fact that he is a boss. That is the way with the most cringing servants when they become the master's voice. The jury heard only such evidence as he wished them to hear. They were chosen from among the white citizens of Morgan County. Hand writing experts, my eye! No one could be permitted to say that the jury commissioner of Morgan County, together with Mr. Knight, the Attorney General, were forgers who inserted the names of seven Negro citizens on to the jury rolls—seven names that the whole world knows were not there last spring.

Medical testimony—so clear, so obvious that Judge Horton used it as his basis when he was forced to reverse the second death sentence against Heywood Patterson. This brazen lynch-judge didn't want the jury to hear indecent language. Medical testimony is indecent language. The pearls of wisdom that dropped from the elegant lips of Victoria Price and her knight

errant, Carolina Slim—that's another story. After all they had been paid well to play their parts and to speak their lines and the masters don't like to see their money wasted.

The master giant beams upon the players who represent him. They are doing well. The lynchers' rope is being pulled tighter and tighter around the victims.

### **“PROTECTION OF WHITE WOMANHOOD”**

Protection of white womanhood in the State of Alabama is above such trivial documents as the Constitution of the United States. In order to “protect its women” the State of Alabama ignores the 13th, 14th and 15th amendments of this document which states that Negroes have the right to sit on juries. To “protect its women” the State of Alabama brushes aside more human rights of its Negro citizens, the right to a decent living, the right to educate their children, the right to hold up their heads like human beings and not be segregated like lepers. It violates the rights of its poor white citizens too. And in return it throws them a fairy tale about white supremacy and a coil of rope or a burning faggot with which to exercise this supremacy. All in the fake name of the “protection of white womanhood.”

And what are they “protected” for? To work inhuman hours in the cotton mills, to grow old before their time on the cotton fields, to be forced into prostitution by the slave wages they receive, to become the prey of ignorance and bigotry along with their men folk. All this so that profits may roll into the banks of the cotton kings and the mill owners. A golden reason for protection! Victoria Price—starved, ignorant mill hand, degraded into prostitution, is a fine symbol of this protection.

## LISTEN, FELLOW-WORKERS !

The worker giant does not smile as he watches the third act. He sees the legal spokesman of his class making the bravest efforts to fling the truth into the teeth of the lynchers. Not because they hope to convince them! The lynchers know the truth too, but they brush it aside.

The I. L. D. lawyers labor to produce an indictment against the Southern ruling class that will be so clear, so filled with indisputable proof, that the whole world may see and understand. Medical evidence, witnesses, legal papers, every possible inch of material that will show conclusively what millions already believe—the innocence of nine Negro children—was gathered so that more millions may be convinced and add their strength to the mass will that these nine children shall not be murdered.

The worker giant looks beyond the stage of Decatur to the rest of the land, to the steel mills, to the coal mines, to the textile mills, to the docks and railroads, to the prairies and farm lands, wherever workers and farmers toil. Thousands of them are watching the third act with breathless interest, with keen understanding of what is happening and with readiness to join their strength and unite their voices to stay the lynchers' hand.

But there are more hundreds and thousands who watch the third act with unseeing eyes and unbelieving ears. The ruling class still controls their understanding. They do not yet realize what is involved in this third act. They cannot look beyond the stage and see the two giants wrestling.

Listen carefully, fellow workers, and you will hear beyond the hypocrisy of the Callahans and the Knights

and the Wade Wrights. Listen closely and you will hear that they have nothing but prejudice to offer in their lines. They have no proof, no evidence to show that the nine Scottsboro boys committed an ugly crime. They offer only one fact—that they are Negroes, and their press, their schools, their churches, shout this one phrase as a clarion call to everyone to condemn them. Unless nine children die in the electric chair, they say, “no white woman in the South is safe in her home.”

Does this make sense, fellow workers? Listen carefully and you will hear what they are really saying. They say that unless nine Negro children are murdered so that the millions of Negroes in the South are terrorized into submission, they will join with the white workers and farmers of the South against this handful that rules with a coil of rope and a handful of gold.

That's why they are trying to murder these children. And that is why a blow against this section of the ruling class is a blow in your own defense. The ruling class wants you to think a certain way so you will continue to be a willing slave. It wants you to believe that Negroes are inferior so that you will not join with this powerful ally of 15 million against them. It wants you to believe the fairy tale of white superiority and Negro rapists so that you will not question the wrongs you suffer, of unemployment misery and starvation. It wants to continue to **Divide and Rule**.

### **ROMAN HOLIDAY**

The third act is being played against a background of lynch terror not only in Alabama but all over the country. The menace rises to such proportions that radio announcers during the last week of November broadcast such statements as, “We are pleased to announce that

no lynchings have occurred in the last 12 hours." Governor Rolph has issued his brazen call to lynchers everywhere, inciting an open rule of fascist terror. The emperors of Rome learned the trick centuries ago. The masses were hungry. The masses were discontented. Divert them, said the emperors, with the spectacle of human beings crucified and burned. Play on their most savage instincts to make them forget for the moment that they are being oppressed. Governor Rolph had nothing to say about the starving cotton pickers in California who were killed in cold blood when they struck for higher pay, about the fruit pickers who can barely make enough to live on, about the class war prisoners rotting in California's jails—Mooney, Billings, McNamara. He can say nothing about this part of ruling class justice except: let them rot! Let them be killed! He can only answer this growing wave of rebellion with the threat of lynchings. But the lynchers will not have the last word, whether they are in California or Alabama or anywhere.

## **THE INTERNATIONAL LABOR DEFENSE**

The defense arm of the working class, the International Labor Defense, has not abandoned the fight. In the words of Wm. L. Patterson, the National Secretary, the lynchers' challenge is taken up:

"The verdict, after a trial in which W. W. Callahan acted as an open provocator, is not surprising. Judge Callahan paved the way. His charge to the jury was an open proclamation that there is no justice in American courts for Negroes. His failure to instruct the jury how to act in case they regarded Heywood Patterson as innocent, until reminded of his "forgetfulness" by the

defense counsel, was tantamount to a directive to the jury to bring in a verdict of guilty.

"This legal lynch verdict finds ample support in the open fascist lynch sentiment of Governor Rolph of California, the jailer of innocent Tom Mooney; in the lynching in St. Joseph, Mo., which came directly on the heels of Governor Rolph's statement; in the failure of Governor Ritchie of Maryland to decisively press forward against the lynchers of George Armwood.

"The opinion of Judge Horton, which openly proclaimed the innocence of Heywood Patterson, and at the same time did not dismiss the indictment against him, laid the basis for the retrial of an innocent man that a legal lynch verdict might again be rendered against him.

"The class conscious white worker, and the Negro masses will not accept this verdict of the rulers of America.

"It will mark the starting point of a more relentless, a more determined struggle on the part of the Negro masses and the white working class, against the program of the American government which is every day more openly exposing itself as one of fascist terror, of-unemployment and starvation.

"Against this regime of murderous fascist terror, the Negro and white masses have only their organized might. This verdict, thrown into the face of the class-conscious American workers, will hasten the tempo of resistance and speed the development of the International Labor Defense, particularly among the Negro people.

"The verdict of guilty handed down at the behest of Judge W. W. Callahan will be by no means the last word in the Patterson case.

**William L. Patterson,  
National Secretary."**

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