



## Introduction:

### Background and Context

Southern law officers, on 25 March 1931, detained nine young African American males at a railroad stop in Paint Rock, Alabama, after hearing of a brawl between black and white youths on a freight train. In the process, they came across two white women, Ruby Bates and Victoria Price, who promptly accused the nine young blacks of raping them. Four of the so-called Scottsboro youths—Roy and Andy Wright, Eugene Williams, and Haywood Patterson—were from Chattanooga, Tennessee. The five others—Ozie Powell, Clarence Norris, Olen Montgomery, Charlie Weems, and Willie Roberson—hailed from various places in Georgia. The latter had met the others for the first time on the train. Olen Montgomery, wholly blind in one eye and nearly sightless in the other, as well as Willie Roberson, who could barely walk owing to untreated syphilis, seemed from the beginning to be unlikely perpetrators in this case. As events unfolded, an incompetent seventy-year-old Milo C. Moody was appointed as legal counsel for the defense. The local black community in Chattanooga pooled their financial resources and retained a local white attorney named Stephen R. Roddy to represent the defendants from their city. Following four separate

trials in as many days in early April 1931, four discrete all-white juries in the small town of Scottsboro found eight of the defendants guilty of rape. Judge Alfred E. Hawkins immediately sentenced them to death. In the matter of the youngest defendant, Roy Wright (thirteen years old), the jury and the prosecution could not agree upon a sentence (execution or life imprisonment) so the case resulted in a mistrial.

From the beginning of this case, the American Communist Party (CPUSA) enthusiastically embraced the cause of the Scottsboro youths as the cause célèbre of racial injustice in the South during the 1930s.<sup>1</sup> Its crusade on behalf of the nine young African American defendants—falsely charged with the rape of two white women and then hastily and repeatedly sentenced to death—was, in fact, a response to an edict handed down by the Communist International (Comintern) a few years earlier to place the “Negro problem” near the top of its American domestic agenda. Many white Communists participated in the Scottsboro campaign; however, it was African American Party members who took the lead in carrying out the CPUSA response to the affair. Indeed, black Communists such as B. D. Amis and William Patterson led the Party’s chief race auxiliaries, the League of Struggle for Negro Rights (LSNR) and the International Labor Defense (ILD), which handled the case on a day-to-day basis. Likewise, it was Harry Haywood and Patterson who were among the chief theorists about Scottsboro and the Party’s racial policy at the time. George Padmore, a leader of the International Trade Union Committee of Negro Workers, helped to lead the international protest against Alabama’s mistreatment of the Scottsboro defendants. Numerous other black Communists, including James Ford, Cyril Briggs and Eugene Gordon, wrote articles and essays in key publications about the entire matter and were particularly important in attacking the middle-class National Association for the Advancement of Colored People (NAACP) for its initial timidity in the case. And finally, it was African American Party member Benjamin Davis, Jr., who, for years, regularly visited the

Scottsboro youths in prison, monitored their treatment, and reported on the abuses they suffered at the hands of Alabama authorities.

Scholarship about the African American Left has evolved considerably over the last several decades. Before the 1980s, for example, most historians embraced a simplistic view of black Marxist history. The standard model held that the association between Communists and black militants was intrinsically fraudulent. The view that African American radicals predictably assumed a second-rate status under white Leninists can be traced back to historians and literary critics of the 1960s and 1970s.<sup>2</sup> In more recent years, however, specialists who focus on the Depression era, early to mid-twentieth century American radicalism, black Atlantic studies, and whiteness studies have witnessed the publication of important monographs that offer a new paradigm. The revisionist view of historians like Robin G. D. Kelley and Mark Naison is that black radicals were autonomous in their relationship to the CPUSA and the Comintern. Finding a middle ground between the two views of black Communists as either mindless dupes of the Soviet-dominated Comintern or independent radicals who shrewdly avoided foreign influence is Mark Solomon. He argues for a duality on the part of black Communists.<sup>3</sup> They kept one eye on Moscow directives and the other one on grassroots racial conditions in the United States. The tension between the two determined their thoughts and actions.<sup>4</sup>

Solomon's view may best describe the African American Communists of the 1930s who responded to Scottsboro. They acted as both loyal Communists, operating through Party channels as internationalists, and as black American radicals struggling against indigenous white supremacy. They were also a diverse group, ranging from West Indian radicals such as Briggs and Padmore, to well-educated attorneys such as Patterson and Davis, to homegrown black workers such as Haywood, Ford and Amis. Some came from rural backgrounds, others from urban

areas: Haywood descended from former slaves in Nebraska and Amis was mentored in Chicago by Ida B. Wells. The shared view of these assorted African American Communists asserted that black workers in America were exploited and oppressed more cruelly than any other group. Besides, they claimed, the history of Southern blacks could be characterized as essentially a reign of terror of slavery, segregation, disenfranchisement, lynching, persecution, rape, and murder. Black middle-class reform organizations such as the NAACP and the Urban League were too diffident and controlled by white elites. Further, because of the anti-black policies of organized labor, African American workers had given up on help from this source, and they had either been driven into the camp of labor's enemies, or had been compelled to develop purely racial organizations which sought solely racial aims. The Communist Party, they insisted, supported African Americans in their struggle for liberation, and helped them in their fight for economic, political, and social equality. It sought to completely destroy the barrier of race prejudice that had been used to keep black and white workers apart and bind them into a solid union of revolutionary forces for the overthrow of the common enemy. Black Communists were thinking along these lines when they encountered Scottsboro.<sup>5</sup>

## The Road to Scottsboro

During the “Red Summer” of 1919, in the chaos that followed World War I and in the afterglow of the Russian Revolution, white radicals initiated the American Communist movement. Its birth was accompanied by an eruption of major race riots in the United States that signaled a new militant resistance by young blacks to American racial proscriptions. “New Negro” intellectuals gave voice to this militancy. Some of them, expressing solidarity with the pro-Bolshevik uprisings occurring in Europe at the time, were struck by Bolshevism's appeal not only to the working class of highly industrialized nations, but to oppressed national ethnic minorities.<sup>6</sup>

In spite of this interest, however, few blacks enlisted in the new radical movement. In the early years of the Communist Party's history in the United States, this new Marxist-Leninist organization claimed few African American members.<sup>7</sup> Most Party devotees came from foreign language federations formerly associated with the Socialist Party of America (SP). Moreover, these immigrant workers from Eastern and Southern Europe did not have much positive contact with black Americans.<sup>8</sup> The source of the negligence can indeed be traced to the Socialist Party. The SP had attracted few African Americans members in the years before 1919. True, Eugene Debs and other prominent Socialist leaders were usually opponents of racial segregation, disenfranchisement, peonage, and lynching. Nevertheless, American Socialists did not emphasize work with blacks and they often downplayed or ignored white supremacy in the form of their party's allegiance to trade unions that discriminated against non-white workers. Historians generally agree that the Socialist Party was unwilling to combat vigorously the racial inequities among American workers.<sup>9</sup>

Communists in the United States, like the Socialists, at first displayed only a slight concern with black workers. They also failed to engage the young black militants that emerged on the scene in the post-war period.<sup>10</sup> By the early 1920s, however, the American Communist Party defined the "Negro problem" in the United States in a global context. As an instrument of world revolution and anti-colonialism, the CPUSA approached the racial situation from that broad perspective. Accordingly, black Americans combating Jim Crow and lynching were essentially no different than Africans fighting for national independence and self-determination. Not surprisingly, then, the Party proved most attractive at this time to black laborers who displayed internationalist proclivities. In fact, a number of African American members of the CPUSA in the early 1920s were immigrant workers from the West Indies. Understandably, they viewed the struggles of the black working class in the United States in the larger context of non-Europeans fighting against capitalism and imperialism.<sup>11</sup>

During the middle of the 1920s some leaders of the African Blood Brotherhood (ABB), a black socialist organization that boasted a number of black Jamaican radicals in its ranks, linked up with the CPUSA. A black Marxist organization active during the Harlem Renaissance, the ABB was organized by the black radical journalist Cyril V. Briggs. The ABB also opposed American participation in WWI and linked the struggle for black liberation in the United States to the battle against European colonization in Africa. In 1918, Briggs also started a new magazine called the *Crusader*. The ABB backed the Socialist Party electoral campaigns of A. Philip Randolph and exposed lynchings in the South and job discrimination in the North. Briggs believed that the African American's true place was with labor and that blacks would benefit from the triumph of labor and the destruction of the "Capitol Civilization." A secret revolutionary organization, its purpose and program was the liberation of African people and the redemption of the African race. The program of the ABB emphasized racial pride, Black Nationalism, Pan-Africanism, and an economic analysis of the African American struggle which linked it to colonialism and imperialism. By 1925 the ABB leadership had established close ties with the Communist Party.<sup>12</sup>

During the early 1920s, the Soviets invited a small group of black Communists to Moscow, ostensibly for the purpose of preparing them for Party work in Africa. In the United States, however, the Party's focus on the issue of class rather than race acted so as to reduce the importance of so-called "Negro work." What is more, African American migrants who moved into Northern industrial centers were frequently utilized as strike-breakers by various industrialists. White Communists felt put off by this development. Subsequently, in the mid-1920s the CPUSA set up a particular organization for African American members, the American Negro Labor Congress (ANLC). Formed in Chicago in October 1925 under the auspices of the American Communist Party, the ANLC replaced earlier attempts by the CPUSA to organize black workers and leftists in the ABB. Its early leaders included Lovett Fort-Whiteman (national organizer),

H.V. Phillips (national secretary), as well as Harry Haywood. Black AFL workers had been scared off by the anticommunist baiting of AFL president William Green in the press. The program of ANLC called for the formation of “united fronts” in all centers of black population, with special emphasis on labor unions. Organizations composed of black and white workers were to be admitted, as were unorganized black workers. “Local councils” influenced by the ANCL were to facilitate, when possible, the end of racial discrimination in the AFL (Jim Crow locals) and other white labor organizations. The ANLC also supported equal pay for black workers, the anti-lynching movement, the end of racial segregation and political disfranchisement, and the end of all forms of industrial discrimination.

In spite of its worthwhile goals, some African Americans looked askance at the ANLC. Indeed, it often seemed to many to be little more than a Jim Crow auxiliary itself of the CPUSA. Additionally, its black members seemed to be assigned duties and activities that appeared to have little revolutionary importance.<sup>13</sup> Furthermore, the ANLC consistently attacked the NAACP and other similar black organizations as middle-class reformists controlled by white elites. Finally, the ANLC and the Party had a complicated relationship with the Universal Negro Improvement Association (UNIA) of Marcus Garvey. Even though the CPUSA approved of Garvey’s encouragement of “race consciousness,” it tenaciously opposed his back-to-Africa version of black nationalism. For his part, Garvey responded to Party recruiting within the ranks of the UNIA by expelling Communist sympathizers.<sup>14</sup>

Three years after the founding of the ANLC, everything changed drastically on the racial front. In 1928, the Sixth Congress of the Comintern changed Party policy spectacularly. Based on the old Leninist notion that oppressed ethnics within Czarist Russia should demand national self-determination, it asserted that by analogy African Americans in the United States comprised a separate nation.<sup>15</sup> Similarly, it claimed that black tenant farmers and sharecroppers in the southern regions were,

in fact, an embryonic revolutionary group. The Comintern instructed American Communists to make the demand for a separate nation for African Americans within the South's "black belt" (the counties with a majority black population). As the Communists understood it, the black belt stretched from eastern Virginia and the Carolinas through central Georgia, Alabama, the delta regions of Mississippi and Louisiana and to the coastal areas of Texas. American Communists, black and white, adopted the new policy and moved forward to implement it.<sup>16</sup>

Other Leftist groups often ridiculed this new Communist policy as did many black reformers.<sup>17</sup> In any case, the Party soon found itself in a position where it was easier to support the goal of national self-determination for blacks in its theoretical writings than in its practical work. Still, during the late 1920s Communists sent organizers to the Deep South. For the most part, Party operatives in the region focused their work on the very concrete issues of organizing miners, steelworkers, and tenant farmers, as well as fighting against utility shutoffs, evictions, job discrimination, lynchings, and the pervasive system of Jim Crow.<sup>18</sup> As clearly shown by Columbia University historian Robin D. G. Kelley, black Communists in the South drew on the longstanding tradition of resistance to white authority to bolster Party work and objectives. Alabama Communists and their Share Croppers' Union, formed at this time, persisted in organizing marginalized rural black workers. They eventually claimed about eight thousand members after leading a strike in 1934 that resulted in higher wages for cotton pickers despite intense hostility from local whites.<sup>19</sup>

As an exercise in dialectics, American Communists sought to wed two opposing ideas: the fight for self-determination in the black belt and attempts at biracial organizing based on the guiding concept of class solidarity. Predictably, the Party's determined defense of black rights hindered its ability to recruit white Southerners. The Party's best known efforts to organize white workers and farmers during this time were in the textile workers'

strike in Gastonia, North Carolina (1929) and in the coal strike in Harlan County, Kentucky (1931). In these episodes, the Communists' strong support for civil rights was always used against them to discourage whites from participating in biracial struggles. The few white Communists in the South who crossed the color line to work in black communities were usually ostracized by whites.<sup>20</sup> The Party, outside the South, also dealt with issues important to black Americans. It fought white supremacy on many fronts in the Depression decade. Party members led campaigns against poor housing and evictions, for unemployment relief, against police terror and lynching. Indeed, they organized mass struggles for the defense of victims of all kinds of unfair racial treatment. Communists even petitioned against the color line in baseball. In the social realm, they staged interracial meetings, socials, and dances as well as demonstrations and get-togethers in all regions of the nation. En route to Washington, D.C., to demonstrate for the freedom of the Scottsboro youths, the Communists stopped to visit eating establishments that refused to serve African Americans.<sup>21</sup>

As a result of all these enterprises, African American membership in the CPUSA mushroomed from two hundred members in 1930, less than 3 percent of the total, to seven thousand in 1938, over 9 percent. The percentage of black members in several cities was noticeably greater. In 1931 in Chicago, almost one-fourth of the city's two thousand members were African American. Because blacks made up about 11 percent of the total American population, these figures signify a moderate step forward in constructing a multiracial movement. Moreover, in Jim Crow America the CPUSA was one of the few integrated organizations in the country. The Communist Party also methodically developed and promoted black leaders through the ranks, beginning in 1929 by electing six African Americans to its central committee. It also picked black Party leader James Ford as its vice-presidential candidate in the elections of 1932 and 1936.<sup>22</sup>

## Black Communists and Scottsboro

During the thirties, the most well known work by Communists in the South was their defense, through the League of Struggle for Negro Rights (LSNR) and the International Labor Defense (ILD), of the Scottsboro youths. These nine young black men were arrested in March of 1931 after a run-in with some white youths who were also riding the rails in search of employment. Subsequently, the black youths were convicted and sentenced to death on the charge of raping two white women who were also found on the same train. Indisputable medical evidence, however, clearly indicated their innocence.<sup>23</sup> [The state of Alabama belatedly issued formal pardons for the Scottsboro defendants in the 1970s.]

The CPUSA, the LSNR, and the ILD were the first to offer assistance. Black Communists, in particular, jumped on the Scottsboro case.<sup>24</sup> One way they expressed their keen interest was as Party leaders. For example, as a leader of the LSNR, B. D. Amis, fired off telegrams and letters to the Alabama governor, LSNR branches, and black newspaper editors, thus launching the campaign to save the Scottsboro victims.<sup>25</sup> Black Party leaders undoubtedly approved when the Central Committee of the CPUSA issued a statement on April 10, 1931, calling on black and white workers to unite and rally to the cause of the Scottsboro youths. However, they were skeptical when the Party press published a letter of support from William Pickens, field organizer for the NAACP, to illustrate how the Communists were leading the struggle and being backed at this time by such middle-class reform groups.<sup>26</sup>

On April 9, 1931, Alabama Judge E. A. Hawkins sentenced all the defendants but Roy Wright to die in the electric chair at the notorious Kilby Prison on July 10. From the beginning, black Communists played a critical role in publicizing and analyzing the Scottsboro case. In fact, the first such radical to write an essay about the affair was the articulate attorney William L. Patterson who was soon to assume leadership of the ILD. His

first essay, “Judge Lynch Goes to Court,” represented a black Marxist interpretation of the case that focused on class as the best way to understand the racial dynamics that underlie the entire matter. The first round of Scottsboro trials in 1933 were, in his view, simply “legal lynchings,” and as such, class-based racial injustice.<sup>27</sup>

As the Scottsboro youths awaited the July 10 execution date, black Communists worked to save their lives. In the LSNR organ, *The Liberator*, Cyril Briggs’ essay, “The Scottsboro Case and Nat Turner Centenary,” compared the planned execution of the Scottsboro nine to Virginia justice for Nat Turner and his followers in the 1830s. In the same June issue of *The Liberator*, B. D. Amis published an article, “They Shall Not Die,” that gave the Party campaign its slogan.<sup>28</sup> Communists, black and white, participated in a host of protests against the Scottsboro verdicts. On April 25, the first big Scottsboro parade in Harlem was disrupted by New York City law enforcement. In April, Mrs. Janie Patterson, Haywood Patterson’s mother, arrived in New York to begin the national protest campaign. She spoke before a meeting of a thousand workers. On May 3, the first big Southern mass meeting was held in Chattanooga, Tennessee. On May 16, six thousand workers paraded in a Harlem Scottsboro demonstration; about a week later, a Scottsboro conference, attended by nineteen organizations, was held in Chattanooga. On the last day of May, the first All-Southern conference in Chattanooga was attended by two hundred delegates. Finally, on June 27, five thousand African American and white workers paraded through the streets of Harlem in a Scottsboro protest march.<sup>29</sup> Internationally, on June 9, Scottsboro protests took place before the United States Legation at Riga, Latvia. And a few weeks later, the scheduled executions were stayed pending an appeal to the Alabama Supreme Court. On July 3, about 150,000 German workers filled the Lustgarten in Berlin and heard Mrs. Ada Wright plead for the lives of her sons and the other Scottsboro defendants.<sup>30</sup>

Black Communists such as William Patterson placed the Scottsboro affair in an international context and analyzed how

the Soviet Union and its treatment of minorities compared to the United States' handling of blacks. Patterson came out in July with "No Race Hatred in Workers' Russia." In this essay, he contrasted U.S. race problems as seen in Scottsboro with what he believed to be the successful way that the Soviet Union handled its ethnic minorities. He also compared Russian serfs with American slaves. He argued that the Communist Revolution in Russia of 1917 and its aftermath had brought the genuine right of self-determination to that nation's oppressed minorities, but the American Civil War still had not brought full liberation for the black minority of the United States.<sup>31</sup>

Black Communists in 1931 took part in international protests on behalf of the Scottsboro prisoners. In July, the International Trade Union Committee of Negro Workers in Hamburg, Germany, under the leadership of black Communist George Padmore, through its organ, *The Negro Worker*, called upon the international proletariat "to increase its vigilance, to increase its protests." Padmore, a future Pan-Africanist, was fearless in criticizing whites in and out of the Communist movement for acts of racial chauvinism. Likewise, at the CPUSA's Thirteenth Plenum in September 1931, B. D. Amis delivered a powerful twenty-minute speech in which he chastised white Communists for slighting the Scottsboro parents by having them wash dishes and clean house. This speech showed that black Communists were free to criticize the Party in regard to race.<sup>32</sup>

Between April and December 1931, the ILD and the NAACP battled for the right to represent the Scottsboro defendants. Many African American Communists tore into the NAACP. The attacks could be brutal, as the one advanced by black writer and Communist Eugene Gordon. In his article in the August issue of the ILD organ, the *Labor Defender*, "Scottsboro—And the Nice People," he ridiculed the hesitant middle-class black reform organization as the "Nice Association for the Advancement of Colored People." Gordon also related that at a recent Scottsboro meeting, NAACP Field Secretary William Pickens was challenged by a questioner in the audience: "Mr. Pickens, is it not true

that at the beginning of the Scottsboro case you said you did not know why the NAACP was not doing anything, and is it not true that you contributed to the ILD to help defend these boys? Why are you attacking the ILD now?" Pickens was surprised and offered no credible answer to this telling inquiry.<sup>33</sup>

In January 1932 the CPUSA organ, the *Daily Worker*, published an appeal from the Scottsboro mothers that pulled at its readers' heartstrings. That same month Harry Haywood, a member of the Central Committee since October 1931, wrote a scathing piece for the ILD calling the NAACP an "assistant hangman." At the beginning of 1932, the NAACP at last withdrew from the case. A couple of months later, the Alabama Supreme Court, by a vote of 6-1, affirmed the convictions of seven of the youths. The conviction of Eugene Williams was reversed on the grounds that he was a juvenile under state law in 1931. In April 1932, the International Trade Union Committee of Negro Workers and George Padmore again entered the fray and issued an international protest of the scheduled execution of the Scottsboro defendants set for April 6, 1932. James W. Ford, the Party's most senior black Communist and vice-presidential candidate in 1932 and 1936, set the Scottsboro story once again in an international context with his essay, "Scottsboro Before the World," which appeared in the *Labor Defender* in April 1932.<sup>34</sup>

On April 19, 1932, the Alabama Supreme Court granted a stay of execution for the Scottsboro defendants until June 24. As the youths sat on death row, black Communist Eugene Gordon issued "A Call to Millions" to agitate and protest to save the lives of the "Scottsboro Nine." In May, however, the U.S. Supreme Court announced that it would review the cases. At this point, in the summer of 1932, Haywood assessed the entire affair in "Scottsboro and Beyond." He reminded his readers that

in the midst of the intense, world-wide fight for the freedom of the Scottsboro victims, it is well to get a perspective view of the larger issue involved in the case. The Scottsboro frame-up is not an isolated instance of persecution; it is part

and parcel of a huge, cold-blooded system of oppression and terrorization of millions of Negro toilers, a system that has been well nigh reduced to a science by the boss class that imposes it.”<sup>35</sup>

That same summer the ILD published a fascinating exchange of letters between Viola Montgomery and “Mother Mooney” [the ILD was also leading the crusade to free Tom Mooney from prison as a cause célèbre of class injustice]. Communists also published a story by a Scottsboro mother, Ada Wright, about her famous European tour of 1932. It was titled, “I Go to Jail for the Scottsboro Youths,” and appeared in the *Labor Defender* in October. She stated, “Yes, I have been to prison in our struggle to save the Scottsboro boys. And, I will say now that I am willing to go again, and for a longer time if it will help the cause in which so many workers are struggling.”<sup>36</sup>

On October 10 the Scottsboro appeal to the U.S. Supreme Court was argued by Walter H. Pollak, constitutional attorney retained by the ILD. Black Communist Cyril Briggs, in an essay, “Whose Supreme Court[?],” covered the Court hearing of the Scottsboro appeal in November 1932 and offered up a critical class analysis in anticipation of a negative decision. On the eve of the Supreme Court ruling, William Patterson published a “Manifesto to the Negro People” in the *Labor Defender* that described African Americans as victims of class terrorism in white America. He called on blacks of all classes to fight mob violence, lynching, and “Jim Crowism” in the American South by agitating for the defense of the Scottsboro youths. Black and white Communists alike were surprised when, in a successful appeal, the Supreme Court overturned the convictions. The court held in *Powell v. Alabama*, 287 U.S. 45 (1932), that the state of Alabama’s failure to provide the defendants with adequate, competent counsel in a capital case violated their rights under the Fourteenth Amendment.<sup>37</sup>

Black Communist Harry Haywood, the self-proclaimed “black Bolshevik,” and the Party’s chief theorist in regard to

self-determination and the black belt thesis, laid out a masterful analysis in *The Communist* in December 1932. He maintained that the Supreme Court decision vindicated “the correctness of the revolutionary policy of the Communist Party.” He continued, “At the same time, the decision of the Supreme Court was calculated to revive the confidence of the masses in the bourgeois-democratic institutions.” He summed up the Party’s position that Scottsboro was an expression of the “national oppression of the Negro people,” that revolutionary tactics not reformist efforts had saved the defendants’ lives, that the Socialist Party was wrong to support the NAACP against the ILD in this case, and that the struggle to save the Scottsboro Nine was actually just beginning. In this analysis, Haywood went to great lengths to defend his “self-determination” theory against criticisms from Socialist Norman Thomas. He claimed in passionate language that the struggle for black rights in the “black belt” was at the heart of the black freedom movement in the United States.<sup>38</sup>

In January 1933, William Patterson offered a fully developed theoretical analysis of the Supreme Court decision. He viewed the tactical legal victory as an opportunity to advance a revolutionary agenda for black America, especially in the lynch-prone Southern black belt region. The mass appeal of the Scottsboro case and the anti-lynching campaign was a way to stimulate a revolutionary consciousness among powerless and marginalized African Americans in the South. Patterson, in fact, called Scottsboro “a revolutionary arsenal.” In February, he plotted strategy and made ILD plans public in “Scottsboro—Our Next Tasks”; in March, he wrote for the Party, “We Indict the Alabama Lynchers.” Samuel S. Liebowitz, noted New York criminal attorney, retained on March 23 by William Patterson, took charge of the defense. Patterson published an “Open Letter” in early March 1933 detailing just what the role of non-Communist lawyers, such as Liebowitz, was in the Scottsboro case. In April, the *Daily Worker* praised how well Patterson had handled the Scottsboro campaign.<sup>39</sup>

On March 27, a separation of the case of Haywood Patterson from that of the other defendants was secured by the ILD. He was

placed on trial at Decatur in Morgan County before the venerable Judge James E. Horton. Ruby Bates, on April 7, came into court and testified for the defense. Originally a complaining witness, she reversed her previous testimony and denied the boys committed rape on her or Victoria Price. Price, however, repeated her original testimony. On April 9, the all-white Alabama jury convicted Patterson for the second time and again sentenced him to die in the electric chair.<sup>40</sup>

The ILD's Attorney Joseph R. Brodsky, in April 1933, filed a motion with Judge Horton for a new trial for Patterson on the grounds that the conviction was against the weight of the evidence. In the meantime, the Scottsboro defendants, on April 28, protested ill treatment in Jefferson County Jail, Birmingham, with a hunger strike. On May 5, in a mass Scottsboro march to Washington, D.C., black and white protesters carried a petition signed by 200,000 people that demanded freedom for the Scottsboro nine. On May 28, Ruby Bates joined a delegation to the White House headed by William Patterson. Vice President John N. Garner met with the delegation.<sup>41</sup> And about one month later, Judge Horton granted the motion for a new trial for Haywood Patterson and set aside the conviction with a lengthy opinion reviewing the case and concluding that the conviction was unjustified by the evidence. Horton believed that Price had lied on the witness stand. His decision elicited an international response from International Red Aid, the parent body for the ILD. It stated, "Executive Committee International Red Aid greets new trial [of] Patterson as [a] result [of the] mass effort organized by [the] International Labor Defense."<sup>42</sup>

On November 20, 1933, Patterson went on trial for the third time, this time before Judge William Washington Callahan, at Decatur. Three days later, the defense challenged the authenticity of seven African American names placed on the jury roll, charging forgery. On December 1, Patterson was convicted for the third time and again the death sentence was imposed. Clarence Norris was put on trial immediately afterwards and then convicted and similarly sentenced a week later. It was

Norris's second trial, his first, like that of the others, having been at Scottsboro. Liebowitz, Brodsky, and George W. Chamlee of Chattanooga represented both defendants.<sup>43</sup>

William Patterson immediately responded to these developments. In the *Labor Defender* in February 1934, he asserted in an essay titled, "Scottsboro Protest Must Grow," that "the second Decatur trial was a revelation to tens of thousands of white and Negro workers. The class character of American courts was made more clear." He also asserted in his analysis that "Judge Callahan has strikingly proven the correctness of the position of the International Labor Defense. The courts are one of the strongest weapons of the ruling class."<sup>44</sup> In April 1934, black Communist Benjamin Davis, a graduate of Harvard Law School, wrote Liebowitz and William Patterson letters reporting on the mistreatment of the Scottsboro defendants in jail. He related stories that ranged from physical abuse to psychological harassment to denial of access to legal counsel. Patterson immediately protested the maltreatment to Alabama authorities, who in turn ignored them. In the meantime, five Scottsboro mothers, accompanied by Ruby Bates, called at the White House on Mother's Day. President Franklin Roosevelt was out. Almost two weeks later, appeals in both cases were argued in the Alabama Supreme Court by Liebowitz and ILD attorney Osmond K. Fraenkel. The ILD, on June 23, mailed Roosevelt a complete documented statement on the case, demanding his intervention. Five days later, the Alabama Supreme Court affirmed the convictions.<sup>45</sup>

In 1935, the CPUSA, following the Comintern's lead, embraced a new policy of the united front designed to ally the Party with liberals, progressives, and socialists against fascism. African American Communists were swept up in this change in Party operations just as Liebowitz formed the American Scottsboro Committee (ASC). Further, on January 7, 1935, the United States Supreme Court granted petitions for review of the convictions of Patterson and Norris. From February 15 to 18, appeals were argued by Liebowitz of the ASC as well as Walter Pollak and Osmond Fraenkel of the ILD. The Supreme Court,

on April 1, reversed the convictions of both defendants on the ground that African Americans were excluded from the panel of grand and petit jurors which indicted and tried them. Black Communists considered this Supreme Court decision an important tactical victory, but not the ultimate goal of their program.<sup>46</sup> In 1935, they looked on with dismay as Alabama prepared for more prosecution. On May 1, new warrants were sworn out by Victoria Price, the only complaining witness since the withdrawal of Ruby Bates. The grand jury at Scottsboro, on November 13, returned new indictments for rape against all the defendants. One African American citizen, Creed Conyer, sat on the grand jury for the first time in the memory of any resident of Alabama. A two-thirds vote was sufficient to return the indictment.<sup>47</sup>

As Communists pursued a united front strategy in 1935, they lost control of the Scottsboro defense, although they continued to publicize the case. Accordingly, African American Party members no longer played major roles in the way the affair was handled. In December 1935, the ASC was dissolved and the Scottsboro Defense Committee (SDC) was formed, composed of all groups then cooperating in the defense. The SDC was made up of representatives of the International Labor Defense, the National Association for the Advancement of Colored People, the American Civil Liberties Union, the Methodist Federation for Social Service, the League for Industrial Democracy, and the Church League for Industrial Democracy (Episcopal). The Scottsboro Defense Committee took over the legal defense, while the ILD continued its public campaign for the freedom of the nine. In the united front approach, African American Communists were marginalized in the case.<sup>48</sup>

Early in January 1936, the Scottsboro defendants pled not guilty at their arraignments. On January 20, Liebowitz, C. L. Watts, of Huntsville, Alabama, and Chamlee conducted Haywood Patterson's defense. Three days later he was convicted for the fourth time. Judge Callahan sentenced him to seventy-five years in prison. At this point a tragedy temporarily brought black Communists back into the case. The nine defendants, on

January 24, were on the way back to Birmingham jail. An incident occurred in the automobile of Sheriff J. Street Sandlin of Decatur. Ozie Powell slashed a deputy; Sandlin shot Powell. Benjamin Davis interviewed the youths and publicized this incident in the Communist press so as to tell the story from Powell's point of view.<sup>49</sup>

Black Communists, like everyone else who followed this case, knew that by 1936, the state of Alabama had grown tired of Scottsboro and the surrounding controversy. Stories to this effect appeared in the press. F. Raymond Daniels, a *New York Times* reporter who had covered the affair since 1931, repeatedly reported on the possibility of a compromise. Neither black nor white Communists were fully satisfied with the terms of the compromise once it was in place. In 1937, the Alabama State Supreme Court confirmed Haywood Patterson's fourth sentence. In July of that year Clarence Norris, convicted for the third time, received the death sentence; Andrew Wright, ninety-nine years; and Charles Weems, seventy-five-years.<sup>50</sup> Authorities sentenced Ozie Powell, who pled guilty to the charge of assault with intent to murder, to twenty years in prison. However, the rape charge against Powell and the four others was dropped. The state of Alabama announced the release of Roy Wright, Olen Montgomery, Eugene Williams, and Willie Roberson. Authorities returned the others to prison. Four were free, five were not.<sup>51</sup>

It was African American Communist Benjamin Davis who took up the task in the second half of the 1930s of following through on the Party's participation in the Scottsboro case. He coordinated the meeting of the Scottsboro mothers and the four released youths in Harlem in July 1937. Davis also monitored and reported on the continuing legal struggle for the Scottsboro defendants still in Alabama prisons. The Scottsboro campaign was only one of several important ILD cases in the South. The ILD also defended Angelo Herndon, a black Communist activist sentenced to death by Georgia for sedition. Black Communists helped to defend Herndon who had advocated national self-determination for African American in the black belt. He also

demanded retribution for lynching and real due process for black criminal defendants. Hernon wrote a 1937 pamphlet that summarized the Scottsboro case up to that point and expressed the mixed, complicated thoughts and emotions felt by many supporters of the defendants.<sup>52</sup>

## Epilogue

During the late 1930s, as interest in the Scottsboro case waned, African American members of the Communist Party muted their call for a separate black state within the United States. Instead, they campaigned for the end of segregation, disenfranchisement, and lynching as part of a new platform that “Communism is twentieth century Americanism.”<sup>53</sup> Popular Front Communists, black and white alike, continued to emphasize issues pertaining to African American workers even as they denounced lynching and other similar violent acts directed at blacks. Further, Communists joined with labor and civil rights groups to form the Southern Conference for Human Welfare, which campaigned for civil rights and socialism. The Party also tailored its campaign for unity against fascism to appeal to the African American community. This was most clearly seen in the case of its opposition to the Italian invasion of Ethiopia in 1935. Black Party members such as Harry Haywood also fought in the Spanish Civil War in the Abraham Lincoln Brigade. It was, in fact, the first American military force to include blacks and whites integrated on an equal basis and to employ black officers commanding white troops.<sup>54</sup>

Negotiations for the release of the five Scottsboro defendants still in prison continued throughout the late 1930s. In fact, the united front forces, including black radicals, sustained their agitation for the freedom of the Scottsboro victims into the 1940s. In light of the military conflict in Europe during World War II, the nation became preoccupied with the war effort and interest in Scottsboro virtually disappeared. The Scottsboro Defense Committee grew inactive. Its chairperson, Allan Knight Chalmers, maintained minimal contact with the International Labor Defense.

The ILD, for its part, sent a monthly sum to each Scottsboro defendant still imprisoned.<sup>55</sup> On January 8, 1944, Andrew Wright (30 years old) and Clarence Norris (32 years old), were paroled. Charles Weems (age 33) was paroled later. Norris, out nine months, was re-imprisoned as a parole violator. Let out again in 1947, Norris headed North. Wright was returned twice to prison as a parole violator. Authorities paroled Ozie Powell on June 16, 1946. He moved to Georgia.

In April 1947, the International Labor Defense merged with the National Federation for Constitutional Liberties and the Veterans Against Discrimination. Together they formed the Civil Rights Congress (CRC). The CRC, led by black radicals, continued contact with Haywood Patterson and Andrew Wright. On July 17, 1948, Haywood Patterson escaped from Kilby Prison. In June 1950 Andy Wright was paroled to New York. The FBI arrested Haywood Patterson in Detroit. In August 1952 Haywood Patterson died. In 1959 Roy Wright tragically committed suicide. In 1976 Alabama Governor George Wallace pardoned Clarence Norris. In 1989, the last of the Scottsboro youths, Clarence Norris, died.

All through the Scottsboro episode black Communists played major roles. All the important Party leaders of color, William Patterson, Harry Haywood, James Ford, Cyril Briggs, B. D. Amis, George Padmore, and Eugene Gordon among others wrote, spoke, and agitated as part of a concerted campaign to save the lives of the nine African American victims in the Scottsboro case. Their efforts indicate that they acted not only as members of the Communist Party of the United States, but also as indigenous black radicals who were responding to unique American racial conditions.

## Notes

1. The best standard treatments of Scottsboro are, of course, Dan T. Carter, *Scottsboro: A Tragedy of the American South* (Baton Rouge: Louisiana State University Press, 1979); and James E. Goodman, *Stories of Scottsboro*