

# **LYNCHING NEGRO CHILDREN IN SOUTHERN COURTS**



(THE SCOTTSBORO CASE)

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ISSUED BY

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**INTERNATIONAL LABOR DEFENSE**

PAMPHLET NO. 4

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COLLEAGUES AND ALLIANCE MEMBERS AT THE BEANS' FEAST AT SCOTLAND, ABERDEEN. LEFT TO RIGHT: Walter Anderson, James Montgomery, Carl Henry, George Norman, Owen Powell, Ray Duffley, Ed Weaver, Eugene Whiteley, Dan Matthews. One is 74, but not 14 years old. The oldest 1 goes to Hills and Nobby members' Dinner at Hill, and 1 goes to 1880. One of 1880 is 1880. One of 1880 is 1880. One of 1880 is 1880.

# Lynching Negro Children in Southern Courts

## JUDGE LYNCH ON THE BENCH

In the courthouse at Scottsboro, Ala., on April 6, 1931, nine Negro boys were being tried for their lives.

Looking out the windows these boys, three of them children of 13 and 14 years, could see ten thousand brooding, angry men, waiting. Many of the men outside the courthouse carried guns.

Every once in a while the children on trial for their lives could hear a rumble come up from the crowd.

"Lynch 'em!"

The jury heard the cry. The judge — Circuit Court Judge A. J. Hawkins heard the howl. The trial went on.

Once in a while you could see the sun glint off the barrels of the guns being carried by the mob outside.

Nine Negro boys are in the dock. Although Judge Hawkins is presiding, the minds of the boys are not on him. They think of another judge. Judge Lynch—whose law took the lives of 43 Negro workers the year before, who works with noose and gasoline and stake.

The crowd outside keeps up its howling for blood. "Lynch the niggers!" you hear.

Charlie Weems and Clarence Norris, 19 and 20 years old—the eldest of the nine—are on trial first.

They and the others are charged with the rape of the two white women on a freight train passing through Jackson County, Ala., headed toward Paint Rock, on March 26.

It is a fake charge. The boys know it. The two women accusing them know it. The sheriff knows it.

But the boys are on trial for it, nevertheless. And outside the mob menaces—and waits with loaded guns. It is "horse swapping" day in Scottsboro, and 10,000 farmers have come down from the hills—to do their business and to come to the trial.

Lynching was in the air. But the word got around. "what's the use to lynch 'em? The court's going to do just as good. Burn 'em up." Many in the mob outside knew the jurors had contributed to a fund in Jackson County to pay the law firm of Proctor and Snodgrass, of Scottsboro, to help the prosecutor railroad these boys to the chair.

Mixed in the mob outside the courthouse is a brass band waiting for the verdict.

The boys tell a straight story. They had nothing to do with the women. In fact, only one of them had seen the women on the freight. The others did not know these two women were on the long train of more than 50 cars. The boys were on the train to go down to Memphis to find work. They were out of a job and their folks were hungry. They wanted to get work and help the family out.

The boys tell the true story. They are clearly innocent. But the jury sitting there—listening with one ear to the howling of the mob outside—had its mind made up before it came into court.

Not a single witness is called for the defense of the boys. Except themselves, The lawyer, Stephen R. Roddy, of Chattanooga, a Ku Klux Klan member, who was put over on the boys as their attorney, was only an agent of the prosecutor. He urged them to. "plead guilty" saying that "maybe" he could get them off with a life sentence. The boys rightly refused. Roddy shows he doesn't like his job defending these boys.

Their testimony continues clear unshaken, Consider what these boys are going through. Who are the y to trust? Absolutely friendless. Their own parents do not know about the trial. The lawyer, Milo Moody, that Judge Hawkins-feeblely persuaded to stay in the case, and the drunkard Roddy barely making a pretense to defend the boys. Their ears were on the mob outside—and their sympathies were with the mob, too. As a result the lawyer did not ask the, jury to acquit their clients.

The lawyers did not even clearly question the two loose women who were charging the boys with "rape."

And in a couple of hours the jury went out and came back. On April 9th, the entire trial was ended.

## THE DEATH PENALTY!

Death for Eugene Williams—13 years old.

Death for Ozie Powell—14 years old.

Death for Willie Robinson—17 years old.  
Death for Olin Montgomery—17 years old.  
Death for Andy Wright—18 years old.  
Death for Haywood Patterson—17 years old.  
Death for Clarence Norris—19 years old.  
Death for Charlie Weems—20 years old.

In the case of Roy Wright, 14 years old, the jury came to a mistrial. Eleven for conviction and one for life imprisonment. The prosecuting attorney had wanted to seem "lenient." Not to send ALL these children to the chair. So he had asked "only" for life imprisonment in the Alabama dungeon-hells for the 14-year-old Roy Wright, But even at that eleven jurors held out for death.

For the first time in the history of the South such a bloody frame-up—so heartless and on so large a scale—was taking place.

Why?

What had happened?

### THE FRAME-UP FACTS

On the 25th March a posse of deputies, guns in hand, halted a freight train at Paint Rock, Ala. They went from car to car. They pulled off nine young Negro boys from three different sections of the train.

These boys whose trial was just described above, had climbed on at various points in Chattanooga to go to Memphis and find a job.

The posse handcuffed them. Threw them into waiting cars. The sheriff had received word from a gang of white boys who had gotten off this freight train an hour earlier, that a large group of Negro boys had dared to fight with whites, In fact, in the fight the whites had been forced off the train.

The sheriff was out therefore to find those Negroes. And punish them. And if he couldn't get the right ones? Well, "any nigger will do. "

"Later on one of the posse came forward with two more "passengers" found on the train. They were white women dressed in men's overalls. The women had short hair—and were passing for men. They were riding together with seven white men hoboies in a freight car.

The sheriff took them all to jail, in Scottsboro. At first he charged the boys with hoboeing.



*AWAITING DEATH. Will you save these boys?*

But when he saw the girls he thought it over. In true Southern ruling class fashion. Why not get these girls to accuse the Negro boys of rape? That'll warn all Negroes from daring to fight with whites! And he thought of a lynching party. With nine Negro forms hanging from trees.

\* \* \* \*

That night in prison the Negro boys, believing they were in for hoboing, were not much worried. They spoke with one

another and got acquainted. They discovered the following: Willie Robinson, a 17-year-old working-class boy from Atlanta, Ga., had climbed into a box car on the freight train leaving Chattanooga the morning of Wednesday, March 25. He had just left home where there *was* nothing to eat—to find a job—and “help the folks out.” He was in the empty box car alone until taken off at Paint Rock. He did not even know of the scuffle on the train between some white and Negro boys.

Clarence Norris and Charlie Weems, 19 and 20, friends from Atlanta, Ga., had climbed on the freight just as it was pulling out of Chattanooga,

Olin Montgomery, 17, of Monroe, Ga., had been staying with a cousin in Chattanooga and had caught the train to go to Memphis, Ala. He got on an oil tank car and remained there until taken off by the armed gang. Ozie Powell, 14, of Atlanta, Ga., also rode by himself and knew nothing of the whole affair until the holdup of the tram by the posse.

The four boys from Chattanooga, Roy Wright, 14, and his older brother, Andy, 19, were riding with Haywood Patterson and Eugene Williams, 17 and 13 years old, on their way to hunt jobs on the river boats at Memphis. They had been pals for years. They climbed on an oil car together near the end of the train. As it puffed out of Stevenson, Ala., at a slow rate, they saw 12 or 14 colored men and seven white men fighting on a car near the front of the train. The white men leaped from the cars. As the train slowed down for a grade between Stevenson and Paint Rock stations, the 12 or 14 Negro men got off also.

*Being completely innocent and not even having any idea of danger, the nine boys did not make any attempt to leave the train and were sitting on the same cars they had boarded in Chattanooga when the train pulled into the station at Paint Rock.*

It appears that a gang of white boys had gotten into a fight with a group of Negroes whom they had ordered to leave the freight car.

The sheriff and deputies sought vengeance because white boys had been bested by *Negroes* in the fight.

## THE FRAME UP

The morning of March 26. The sheriff brought the two women, Victoria Price and Ruby Bates, into the same room with the Negro boys.

The women said the boys had nothing to do with them. The sheriff and the state solicitor kept after the girls, egging them on.

**"GO AHEAD AND SAY THEY DID IT! "**

The solicitor shouted: "That boy attacked you, didn't he? Go ahead and say he did it!"

One of these women was once arrested in Chattanooga on a sex charge. Both are notorious prostitutes—as affidavits that the International Labor Defense can produce—prove. The two, whose testimony is entirely unreliable, are known to have the worst possible reputations in Chattanooga and surroundings. Doctors examined the prostitutes immediately after the arrest and found that they had been having recent relations with men, but were not hurt, and they showed no signs of violence at all. They were perfectly calm and bore no marks of violence. The fact that the doctor's examination showed that they had been having sex relations was no proof that they had been "raped." They had been traveling with seven white men hoboed on the freight car.

The affidavit of Savannah Clay, in the hands of the I. L. D. states, "Their reputations were bad for lewdness. They visited bootlegging joints and bawdy houses, and were bad as prostitutes and unworthy of belief on their oaths in a court. "

Finally Victoria Price broke under the pressure and accused the boys of rave.

Then the' lynch fever broke out and spread over Scottsboro and vicinity. "Lynch the niggers!" became the slogan.

And nine Negro working-class boys who had gone out to ask the bosses for a job—were on the high road of getting a death sentence.

**"LYNCH 'EM LEGALLY! "**

The lynch howl spread over the hills and valleys of Jackson County—across the farm lands—like wildfire in Autumn. The press, owned and controlled by the rich landowners, beat a steady drum for lynching. They whipped up the most savage mob spirit. Experienced hands they are at this game—having done it hundreds of times before whenever they were out to lynch Negroes. The Chattanooga News, the Jackson County Sentinel—frothed at the mouth like mad dogs.

But why take them out and hang them to a tree? The courts can do the job just as well. Besides, lynching parties



sometimes get unfavorable publicity. Legal lynching—with the stamp of the law on it—is much better.

To make sure of the legal lynching, the trial was rushed for April 6th—county fair day. The prejudiced boss judge denied every move for time to prepare the defense and for a change of venue—that is, to change the place of the trial from the lynch ridden county of Jackson.

For on April 6—fair day and horse-swapping day—ten thousand farmers of the vicinity came into town. And they packed guns. Had they not read of the ‘horrible rape’ committed by “nine black brutes” upon two “innocent, defenseless girls?”

Circuit Court judge A. J. Hawkins had called a special term of the grand jury March 30. The boys were arraigned the same day and put into jail without bail. The trial was set for April 6th (the day of the, county fair).

Judge Hawkins—in order to make it appear as though he was observing the law—appointed the seven lawyers of Scottsboro to “defend” the boys.

All the attorneys absolutely refused to take part in the case. The judge feebly persuaded Milo Moody to stay in the case. In fact, the white ruling-class started a fund in Scottsboro to railroad the boys to death. Many of the jurors picked on the jury for the trial had contributed to the fund to kill the boys.

Wimberly, one of the attorneys in Scottsboro who refused the case, is solicitor for the Alabama Power Company. “what?” he asked, “Defend the niggers? Why, I want to see them burn on the electric chair so we can sell more ‘juice’.” (electric power)

Stephen R. Roddy, an irresponsible attorney from Chattanooga, recently released from an asylum’ for a nervous disease caused by alcoholism, was sent into the case by a group of Chattanooga ministers. The National Association for the Advancement of Colored People claims to have sent the funds to hire him—despite the fact he is known to have Ku Klux Klan connections.

Roddy proved to be treacherous. A tool of the interests out to burn the Negro boys. He told the boys to plead guilty. Yet in a signed report, he said the case against them was weak, and he admits that he knows them to be absolutely innocent.

## THE DEATH FUND

The law firm of Proctor and Snodgrass at Scottsboro was

hired as assistants to the prosecution—the funds to secure them were raised by subscription.

It is important to note here that not one Negro was on the jury. They were not even called on the panel from which the juries are called.

The jury panel mingled with the mob of 10,000. The crowd surrounded the courthouse. The chance for the defendants in such an atmosphere—or the possibility of any juror refusing under such pressure to vote for conviction was about one in ten thousand.

### **ASKED FOR - WORK-GOT DEATH SENTENCES!**

April 9th, less' than 15 days after they were taken off the train at Paint Rock—they were condemned to the electric chair. They had left their working-class homes to ask the boss-men for a job. They were given the death sentence!

The same day, April 9th, about four o'clock, they were sent to Gadsden County Jail. Here they were taken out by a lieutenant of the National Guard (sent to "protect" them from an "illegal" lynching) and were turned over to the crowds that did all but beat them to death.

By this time the International Labor Defense and the League of Struggle for Negro Rights had organized a growing mass protest which scared the authorities. As a result the authorities were deluged with a flood of protest telegrams, And the authorities thereupon\_ moved the boys to Birmingham County Jail. The eight condemned to die have since been moved to Kilby Prison, Montgomery, Ala. and put in the death cell.

### **"FOR SOMETHING I DID NOT DO"**

The words in the following letters from Haywood Patterson and Andy Wright, from Scottsboro jail, to their mothers, speak to every worker, young and old, white and Negro, to all against lynch murder, to do all within their power to save the nine innocent boys. It could just as easily be your boy—fellow-worker—framed up-and writing to you.

"My dearest sweet mother and father:

"This is to let you know of my present life and worried to think that your poor son is going to die for nothing. Do all you can to save me from being put to death for nothing, Mother, do what you can to save your son. We did not get a fair trial and you try to have it moved somewhere else

if we get a new trial. Do you all try to come down here and try to get me a new trial or I will surely be put to death on July 10.

"I am in jail for something I did not do. You know that it hurt me to my heart. I will be moved to Kilby Prison. Good by and good luck. —Haywood."

## BEHIND THE STAGE AT SCOTTSBORO

And so these working-class boys face death on July 10. What is going on in the South? That can bring forth such a *monstrous* crime as Scottsboro? There must be a reason for such an occurrence. Something behind the stage.

Well, it's this. The industry and the agriculture of the South is built upon the backs of an entire national nine millions of *Negroes* — held in brutal chains. In the Black Belt of the South where the black man outnumbers the white, the *Negroes* are treated as bad and worse than the slaves before the Civil War. Held in debt slavery upon the land, they are driven into the lowest slums in the towns and cities. They are treated like dogs and driven like mules to pile up the riches for the big landlords and money kings.

This entire nation of *Negroes* in the South without right to vote or speak for itself is the source of the bosses getting super-profits. The *Negroes* are forced to live on starvation conditions—and receive the very lowest pay. Their *miserably* low conditions are then used by the bosses as a club against the white worker. And thus the ruling class is able to cut the *wages* of all workers by using one race against the other.

But how keep the *Negro* nation in such chains? That's the problem of the Southern white ruling-class. Lynch terror is the weapon that does the trick. Lift your head—and the noose falls on it. The cry "Rape!" has been raised hundred reds of times below the Mason and Dixon line as a means of cowing many *Negro* workers and poor farmers who rebelled. It is a means of keeping them quiet when the boss-men chisel their enormous profits from them.

## THE LIE OF RACE SUPERIORITY

We must not allow the lie of race superiority to divide us. We must understand this is a carefully chosen weapon of the bosses—this lie of race superiority—to make the white worker or poor tenant farmer believe he is better than the *Negro*. For in this way, the white ruling class keeps the two sections of the laboring class apart. Keeps us from

unit y. From getting together and organizing for better conditions. Jim Crowism and lynch law are powerful weapons of the boss class to lower the wages and conditions of both white and Negro.



*At an Unemployment Conference of the Trade Union Unity League*

Today in Alabama and other parts of the South we find that the white share-cropper is as starved as the Negro share-cropper. And there have been moves against the land-owner in which white and Negro share-croppers took part together—without color line. A movement of unity--of organization of white and Negro workers and poor farmers is lifting itself in the South. For the conditions are unbearable—with 11 or 12 millions out of a job in the country.

#### 45 WORKERS LYNCHED IN 1930

Last year 43 Negro workers and two white workers died by lynch-law, Almost four times as many as in 1929 when 11 were lynched.

This year as the terrible crisis sinks deeper into the pit, already 10 Negroes and two white farmers have been lynched by mobs and many more legally lynched by boss courts.

And Judge Lynch does not spare the white workers or poor farmers. A white tenant farmer, Wes Skipper was lynched at Dothan, Ala., February 19 when he resisted the slavery of the landlord and the flogging of the landlord mob. Charles Bannon, 22, a white farm worker was hung from a bridge by a boss mob at Schafer, N. D., January 28. And lynch terror crawls northward. Several weeks ago Ignatius Du Busson, a young Negro worker, was nearly lynched by a mob in New Jersey when he asked a white girl for a glass of water.

### TIMES GROW WORSE

Times are getting worse. The white poor farmer understands more and more he can't get better living conditions while the poor black farmer is starving to death. More and more the white worker realizes his wages can't grow while the Negro worker's wages are cut to starvation levels. We're all in the same boat—we of the working-class. Both white and black are getting to realize that so long as the Negro is used by the boss class as the lowest sort of beast of burden—to work at the lowest sort of wage—that's how long the wages of the white worker will stay low. And in order to halt the bosses in their starvation drive, both white and Negro workers and poor farmers of the South are learning this tremendous lesson—they must fight shoulder to shoulder against the landlord and boss-men. And even others of the Negro people, in addition to the laboring class are learning that an oppressed, enslaved nation of Negroes in the South means lower wages and starvation conditions for all. They are learning that white and black toilers must fight together—shoulder to shoulder—without color line. And that the millions of Negroes in the Black Belt must win full equality and the right to govern themselves, They realize a fighting alliance of white and Negro workers and tenant farmers is the only way out.

### TERROR GROWS OVER AMERICA

In the meanwhile the bosses' terror spreads over America. As well as throughout the South. All over America the storm clouds of terror hang. Hundreds of workers, white and black, feel the bosses' police clubs, are robbed of their

liberty, thrown into jail—murdered—lynched ! For the crisis sinks lower—and between 11 and 12 millions of workers—starving—unemployed are beginning to organize—to mobilize in their fight for life.

Mooney and Billings (life terms) and the Imperial Valley workers (42 year sentences ) ; the five Paterson workers (framed-up murder charges) are examples. Coder and Hurst, white native workers, were kidnapped, beaten and *thrown* into a creek to drown by the K.K.K. of Texas, for organizing Unemployed Councils of white and Negro workers.

The I.L.D. is carrying on a nation-wide campaign of "Amnesty!"- (freedom for all working-class prisoners) which all workers must join. The I.L.D. has been fighting in the South the past year to save the six Atlanta workers—white and Negro—who face death sentences for speaking to white and Negro workers,

### ONLY MASS PROTEST WILL SAVE THEM

The International Labor Defense warns again that unless all protest is united—massed and hurled against the lynch courts of Alabama the 9 boys will be murdered. The searchlight of truth has been thrown on the lynch system in the case by the I.L.D. A "fair trial" for a worker in a court owned by the ruling class is impossible.

And when any individual or organization raises the cry "fair trial" without mass pressure, YOU am bet your last dollar that party or individual is *out* to mislead.

MASS PROTEST—the thundering might of tens of thousands and millions of workers of all races—white and Negro, is the only language the ruling class courts can understand. And it is that alone which will save the Alabama boys.

Any organization that says otherwise and tries to build a faith in the fairness of the lynch loving courts in Alabama and the South—is out to divide the forces fighting to save these boys—and to hand them over to the executioner.

Therefore the International Labor Defense, out to build up the strongest united front possible, with the help of such organizations as the League of Struggle for Negro Rights, must make the sharpest attack and expose those leaders of the National Association for the Advancement of Colored People who are trying to split the united front to save the boys. The action of the leaders of the N.A.A.C.P. rejects

building up a mass defense movement. They expect to obtain a "fair trial" in a Southern court room without mass pressure from the determined and fighting toiling masses. "Justice" is only rendered as a result of mass pressure coming from the oppressed.

The action of the N.A.A.C.P. is therefore one that will mean death to the boys if it succeeds. The N.A.A.C.P. leaders are out to divide mass protest—to dampen its tire. This would play directly into the hands of the ruling class in its plans to lynch these Negro boys.

### **"SAVE OUR BOYS"**

Mrs. Janie Patterson, mother of Haywood, one of the condemned boys has said, "I have told my boy he should know the I.L.D. is out fighting to *save* him and the others. It's the I.L.D. and workers' organizations, white and black, that can save our boys."

Dean William Pickens, has written, "the promptness with which the workers have moved toward defending these helpless and innocent Negro boys, sons of black workers is significant and prophetic, The only salvation for black and white workers is in their united defense one of the other. This is one occasion for every Negro who has intelligence enough to read to send aid to the I. L. D."

Negro people! Workers and farmers! White and Black! All who oppose brutal lynch murder! Answer the appeal of these nine innocent workers. A new trial with a jury of white and Negro workers !

Stop the legal lynching of these 9 working-class Negro boys! Rush telegrams and resolutions of protest to the Governor of Alabama. These boys are innocent! Demand their immediate release ! Equal rights for *Negroes* in all courts! Smash the savage Jim Crow lynch system. Death to the lynchers!

Build the International Labor Defense into a mighty shield of the working-class!

All Negro organizations and all working class organizations, both black and white, are urged to join in united front to save these working class boys! Without a united mass protest they cannot be saved. Support the united front conferences of the I.L.D, and League of Struggle for Negro Rights ! Join the I.L.D. to help to save these boys!

Unite!

Organize!

Fight for their freedom!

# LABOR DEFENDER

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