

Mass Fight Urgent as State Employs New Trickery in Scottsboro Case

By CYRIL BRIGGS

The reindictment of the Scottsboro boys is not "just another" stage in the now famous case, as the capitalist press attempts to present it.

The reindictment of the boys marks a new historic development in the world-wide struggle between opposing class forces for the lives and freedom of the boys, for the trampled rights of the oppressed Negro people, for the defense of the civil rights of white and Negro toilers of Alabama and, inevitably, of the toilers of the whole country whose lives would be gravely affected should reaction triumph in Alabama.

Two things stand out most sharply in the new indictments returned by a Jackson County, Alabama, grand jury against the nine boys, framed in March, 1931 on a "rape" charge that has since been thoroughly exploded, and held in jail for now nearly five years, with all but the two youngest of the boys, 13 and 14 years of age at the time of the arrests, under sentences of death. Even for these two boys, Eugene Williams and Roy Wright, death sentences are now being prepared.

First is the sinister determination of the Alabama ruling class,

supported by reactionary forces throughout the country, to discard what Judge James A. Horton, one of the trial judges, has admitted to be "preponderating evidence in favor of the innocence of the defendants," and to carry through the legal lynch massacre of these nine children of the working class and the Negro people.

Second is the inclusion of a Negro on the present Jackson County grand jury. Not since Reconstruction days and the armed struggles of the Negro masses sixty years ago has a Negro served on an Alabama, or any Southern jury. The presence of a Negro on an Alabama grand jury represents, therefore, a partial victory for the mass fight for Negro rights which is necessarily an integral part of the struggle for the Scottsboro boys.

But the inclusion of a Negro on the jury which reindicted the boys represents a grave danger to their lives, in that it is a resort to more skillful methods by the lynchers, designed to make the death warrants perfect, and to block the possibility of reversal of the death sentences by the U. S. Supreme Court, under pressure of the mass fight, as happened last April.

At that time, the high court itself

gave the cue to the lynchers, as the Daily Worker pointed out then, on how to overcome the issue raised by the International Labor Defense, and its attorneys, that systematic exclusion of Negroes from Alabama grand and petit juries constituted a violation of the rights of the defendants and of the entire Negro people.

On the question of evading this issue, the viewpoint of the lynchers is ably expressed by John Temple Graves, 2d, Alabama "liberal" and editorial correspondent of the New York Times in an article in the Sunday Times of Nov. 17, under the caption "Alabama Seeks End of Scottsboro Case." Voicing the desire of the Alabama rulers "to be rid of the thing," Graves writes:

"Southern lawyers with whom this writer has discussed the situation are convinced that the now apparently Southwide practice of placing Negroes on jury rolls is legally faithful to the point made by the United States Supreme Court last April, and that their continuing absence from actual juries is something against which there can be no recourse at law now. (Emphasis mine, C. B.)

Conform to an empty form, even though you have to make a strate-

gic retreat, and you can carry through your legal lynchings without interference from us, the U. S. Supreme Court told the lynchers. And that was precisely what the Alabama rulers proceeded to do when they included a lone Negro on the Jackson County grand jury which recently reindicted the nine boys. There is no record of the role played by this lone Negro. Nor is it very important, since under Alabama law an indictment can be returned by a two-third secret vote of the grand jury.

More important is the question of whether Negro and white workers will be permitted on the jury which will be drawn for the new lynch trials. Here one determined juror, should he be courageous enough to defy the terror and intimidation of the lynchers, could throw a monkey wrench into the whole lynch conspiracy. How the lynchers expect to overcome this difficulty is indicated by Mr. Graves of Alabama in "his interpretation of the decision" (of the high court) in having the names of Negroes placed on the jury rolls of Alabama courts for the first time since Reconstruction days:

Exclusion Continues

"But it is a long cry from a jury roll to a jury room, and thus far

few Negroes have made it," Mr. Graves brags, continuing:

"Because of the relatively small number of Negroes on the original rolls only a very few are ever drawn for venires. These are generally struck by both sides at once, opposing counsel advising the Court that to avoid advantage to either side the striking is by mutual agreement."

Attack on I. L. D.

But the lynchers are painfully aware that many of their tricks have been defeated in the past by the mass and legal fight conducted for the boys by the I. L. D. Therefore, at the same time that they now resume their drive to rush the boys to the electric chair, they renew their old demand for the elimination of the I. L. D. and of "Communists and New Yorkers" from the defense. In his article in the Times, Mr. Graves intimates that the boys, who were sentenced to death before the I. L. D. went to their aid, would now have a better chance if the I. L. D. justly hated by the lynchers, was out of the case. This is a cue for those Negro and white reformist leaders who previously tried to disrupt the united fight for the boys.

Mass Fight Needed

Undoubtedly, we can look for a

renewal on a large scale of the tactic of the lynchers of using Negro and white misleaders in an attempt to scuttle the defense, and grease the road to the electric chair for the boys. We can also expect a renewal of the torture of the boys to make them "repudiate" the I. L. D.

Only the rapid mobilization of the masses can defeat the lynchers in their aim to rush the boys through new lynch trials to the electric chair. There is no time to be lost. The boys are in great danger. The Alabama rulers must hear the thunder of a world-wide protest. Gov. Bibb Graves, Montgomery, Ala., must be deluged with protest resolutions, letters and telegrams from labor unions, churches, organizations of all sorts, mass meetings.

Large sums of money will be needed to conduct the legal and mass fight for the boys. Contributions should be rushed at once to the International Labor Defense, 20 East Eleventh Street, New York City. Demonstrations must be organized in every corner of the country. From every meeting of workers and all persons of good will must rise the determined cry: **THE SCOTTSBORO BOYS SHALL NOT DIE!**