

Alabama posthumously pardons Scottsboro Boys

Matthew MacEgan
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On Thursday, November 21, the Alabama Board of Pardons and Parole decided unanimously to posthumously pardon three of the “Scottsboro Boys,” who were wrongfully accused of two rapes during the early 1930s. The case has remained famous due to the two Supreme Court opinions that it initiated and the worldwide activism sparked by racist attacks on democratic rights that characterized the trial.

The attacks in question were said to have occurred aboard a freight train passing between Chattanooga and Memphis, Tennessee, on March 25, 1931. During the trip, a fight erupted between two groups of teenagers, one white and one black. As a result the train was stopped by a local sheriff and a deputized posse, who arrested nine of the black teenagers in Painted Rock, Alabama. They were accused by two young white women of raping both of them, accusations that were not uncommon in the American South of the 1930s, where the fear of black men raping white women was used to fuel lynchings and numerous official death sentences.

As word of the alleged rape spread, a lynch mob gathered outside the jail where the young men were being held in Scottsboro, demanding the surrendering of the youths. The National Guard was summoned to protect the jail before the accused were moved to Gadsden, where they awaited trial.

The drama escalated and reached a national scale when the American Communist Party (CP) came to the defense of the Scottsboro Boys in what rapidly became an infamous example of racial oppression. Within eight days, eight of the defendants had been found guilty and been sentenced to death by an all-white jury. The exception was a 13-year-old boy named Roy Wright.

The trial was Alabama’s way of demonstrating that it was progressing beyond mass hysteria and lynch mobs,

but the end result was “legal lynching.” Prior to the campaign launched and developed by the CP, the defendants were given only one lawyer to be shared by all nine of them. Although they were mostly illiterate, none of them were allowed to consult an attorney prior to their trial.

Rather than throw themselves on the mercy of the authorities, the young men accepted the help of the International Labor Defense (ILD), the legal and defense arm of the Communist Party, which called on the working masses of both the United States and other countries to rally in support of the boys’ democratic rights and fight to stay their execution. Even though the CP had already been enormously weakened by the line of the Stalinist Third International, its cadre still included rank and file workers who were dedicated to both socialism and equality. The ILD thus raised the class roots of racism, and how it was used as a tool to divide and weaken the working class.

The trial was publicized internationally, drawing the attention of millions around the world. The efforts of the international working class enabled the ILD to obtain a stay of execution, which led to the overturning of the conviction by the US Supreme Court in October of 1932. This victory turned a new spotlight onto the Jim Crow atrocities in the American South and also boosted the authority of the CP and radicalism in general. An upsurge of the class struggle soon followed, including the mass general strikes of the 1930s. The experience of the Scottsboro struggle was also important in the development of the civil rights movement of the 1950s and 1960s.

A second trial took place in 1933. There, the defense was able to expose the lies of Victoria Price, one of the two alleged victims who served as a prosecution witness, as well as obtain a recantation from Ruby

Bates, the second young woman, who was later won to the CP's ranks. However, the jury remained all white, and the Scottsboro Boys were convicted once again. Even the rejection of the obviously flawed verdict by the judge did not prevent a new judge from presiding over a third round of convictions, which were thrown out by the Supreme Court in February of 1935.

The stalemate eventually ended with a plea bargain that included the dropping of all charges for four of the original defendants and reduced sentences for the other five, who all served between six and 17 years in prison. The four who were found not guilty had each already spent six years of their young lives in prison.

While the campaign of the ILD had been unable to secure justice for all of the defendants, they were all saved from capital punishment. The events also led to two landmark Supreme Court decisions, *Powell v. Alabama* in 1932, which affirmed the right to adequate representation in a capital case, and *Norris v. Alabama* in 1935, which overturned the convictions on grounds of the systematic exclusion of blacks from the jury rolls.

Out of the five defendants who were convicted, only two had been pardoned before the latest action.

Clarence Norris was convicted of rape and was sentenced to death. His sentence was later commuted to life in prison, and he was paroled in 1946. He went into hiding until he was found in Brooklyn in 1976, but he was then pardoned by Alabama governor George Wallace. His autobiography, *The Last of the Scottsboro Boys*, was published in 1979. He died in 1989.

Ozie Powell was also pardoned, but only as part of a plea bargain in which he pled guilty to assaulting a prison officer in 1936. He was shot in the face during that incident and suffered permanent brain damage until he died in prison in 1946.

Haywood Patterson became the first black man to be convicted of rape but who avoided a death sentence, instead receiving a sentence of 75 years. He eventually escaped from prison in 1948 and wrote a book about the events entitled *The Scottsboro Boy*. He was captured by the FBI in 1950 in Michigan, but never returned to Alabama due to the fact that the governor of Michigan refused extradition. He was convicted of manslaughter as the result of a different incident and died of cancer in prison one year later.

Andrew Wright and Charlie Weems were both

convicted of rape and sentenced to 99 and 105 years respectively. They were both paroled during the 1940s.

Part of the incentive to pardon the remaining three defendants, explained John Miller, an assistant professor at the University of Alabama, is the continuing negative image the case gives to the state. "Alabama has worked as hard as anybody has to make sure that ... we are trying to do the right things now," he stated.

Fred Gray, the civil rights lawyer who represented Rosa Parks in the 1950s, endorsed the pardon petition. "We should set up a procedure to prevent [mistakes] from occurring in the first place, and we just haven't really done that," he suggested.

State Senator Arthur Orr, one of the legislators who sponsored the measure, told the media, "Today is a reminder that it is never too late to be wrong. We cannot go back in time and change the course of history, but we can change how we respond to history."

Although the posthumous pardons are of course called for, the attempt to finally put an end to the Scottsboro case rings hollow as long as the fundamental causes of the cases of racial injustice are buried beneath bland apologies. The Scottsboro case deserves to be studied as an important episode in the ongoing struggle to forge a united struggle of the working class for social equality.



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