

The Scottsboro Decision

VICTORY OF REVOLUTIONARY STRUGGLE OVER REFORMIST BETRAYAL

By HARRY HAYWOOD

THE recent action of the United States Supreme Court in reversing the decision of the Scottsboro Circuit Court and the Alabama Supreme Court in the Scottsboro case, is a victory of far-reaching significance in the struggles of the Negro masses for liberation and the revolutionary labor movement in general. The powerful mass protest, embracing millions of workers throughout the world at the initiative of the Communist Party and the International Labor Defense, has again stayed the hands of the Alabama lynchers in carrying through their sinister designs to murder the innocent Negro boys. The decision of the Supreme Court is further proof and vindication of the correctness of the revolutionary policy of the Communist Party.

At the same time, the decision of the Supreme Court was calculated to revive the confidence of the masses in the bourgeois-democratic institutions. The democratic illusions of the masses, already shaken by the crisis and the boss offensive, have been further undermined by the movement of mass action and political exposure carried through by the Communist Party and International Labor Defense around the case of the Scottsboro boys. The *New York Times*, reactionary organ of finance capital, emphasizes just this fact. The decision, it states, is not—

“due to the outcry in Washington and in other cities, as well as in Moscow and by European Communists, asserting that a spirit of wicked class prejudice pervades the United States, and that here no justice can be had for the poor and ignorant . . . That great tribunal (the United States Supreme Court) appears once more as mindful of human rights. It is not often that we see the issue of justice to the lowliest and possibly the most unworthy, so clearly appearing in an important judicial decision. It ought to abate the rancor of extreme radicals, while confirming the faith of the American people in the soundness of their institutions and especially in the integrity of their courts.”

To “abate” the anger of the masses, to confirm their faith in the “soundness” of bourgeois institutions “especially in the integrity of

the courts"—this then was the avowed object of the decision. Thus, in the same breath while denying the rôle of the mass movement and attacking the Communist Party, the capitalists are nevertheless forced to admit that in making their decision the motive of the honorable gentlemen of the Supreme Court was to allay the mass movement. Thus the strategy of the imperialists is clear, heralding the decision as a vindication of "justice" to confuse and disarm the vigilance of the masses, and in this manner to lay the ground for a new attack.

Only in the light of the mass movement can the decision of the United States Supreme Court be understood.

Let us look at the decision. Even a cursory examination of this lengthy document despite the befogging terminology in which it is couched, shows that in it the fundamental political questions involved in the case are contemptuously brushed aside and that the decision is based entirely upon legal technicalities.

"The only one of the assignments which we shall consider is the second, in respect of the denial of counsel: and it becomes unnecessary to discuss the facts of the case or the circumstances surrounding the prosecution except insofar as they reflect light upon that question."

Thus the frame-up character of the case, the savage lynch atmosphere surrounding and dominating the trial, the barring of Negroes from the jury—all of these fundamental questions raised by the defense, which bespeak the barbarous national oppression of the Negro people, the flagrant denial of even the most elementary rights, were brazenly ignored in the Supreme Court decision.

Under cover of upholding "democracy," "constitutional rights," the Supreme Court endorses the violation of democratic rights for the Negro masses as reflected in Scottsboro.

But this is not all. The Supreme Court gives the cue to the Alabama lynchers on how such matters should be handled in this period of the political awakening of the toilers. It tells the Alabama lynchers that it has no objection to the legal murder of these innocent boys, provided it is carried through with the due observance of bourgeois legal forms. Felix Frankfurter, the "great liberal," in the *New York Times* of November 13, frankly admits that—

"It (the Supreme Court decision) leaves that fate (the murder of the boys) ultimately untouched. Upon the question of guilt or innocence it bears not even remotely. That question remains to be determined in normal course by the constituted tribunals of Alabama. The Supreme Court has declared only that the determination must be made with due observance of the decencies of civilized procedure."

The Alabama slave-drivers lose no time in picking up the cue,

Through their mouthpiece, the *Birmingham Post*, they hasten to give assurance that—

“Every precaution should be taken so that no room is left for criticism and twisting of fact when the second trials have been completed and the verdict is pronounced.”

The decision of the Supreme Court reflects once again the solid united front of Wall Street finance capital with the Southern slave-drivers to maintain the national oppression of the Negro people.

POLITICAL BACKGROUND OF THE SCOTTSBORO CASE

Scottsboro is but a single expression of the whole system of national oppression of the Negro people—a system which in this country of “enlightened” capitalist democracy holds in shameless suppression a nation of 14,000,000 human beings, subjects them to super-exploitation on the plantations and in the factories, through a system of segregation and Jim-Crowism, denies them even the most elementary political rights and relegates them to a position of social pariahs.

The Scottsboro frame-up, taking place in the midst of the crisis and deepening revolutionary ferment of the masses, dramatizes in all its harshness the brutal character of the imperialist offensive as directed particularly against the Negro masses. Scottsboro raised in the most acute manner fundamental questions affecting the lives of the Negro masses: lynching, peonage, Jim-Crowism, denial of human rights—the whole system of national oppression, which, as a result of the crisis, has undergone an all-round worsening.

Scottsboro also revealed the growing movement among the Negro toilers in the factories and on the plantations, the forerunners of the gathering struggles for Negro liberation, for land and freedom. Scottsboro revealed how the ruling class hopes to maintain this system under conditions of deepening crisis, growing struggle and unity of Negro and white toilers. This policy of the white ruling class received its most open and brutal expression in the statement of Governor Ross Sterling of Texas. In refusing the stay of execution in the case of a framed-up young Negro, this arrogant spokesman of the slave-drivers stated:

“It may be that this boy is innocent. But it is sometimes necessary to burn a house in order to save a village.”

Obviously, the “village” which Governor Sterling and those whom he represents seek to save, is the system of national oppression of the Negro people threatened by the rising revolt of the Negro toilers against landlord-capitalist slavery, which was so clearly symbolized in the case of the young Negro farmhand. This shows that mob violence and legal lynchings are all part of the capitalist methods of sup-

pression in the attempt to intimidate and terrorize the Negro masses and to split the growing unity of the Negro and white toilers.

The Communist Party proceeded from the basic understanding of the Scottsboro case as a part of the national oppression of the Negro masses—not merely a case of nine boys but a case of nine *Negro* boys, persecuted as members of an oppressed people. Hence, the struggle for the complete freedom of the Scottsboro boys could be effective only if linked up with the struggle against the whole system which breeds similar Scottsboros, and by involving in this struggle the broadest masses of Negro and white toilers. To make Scottsboro a decisive battle on the whole front of Negro liberation—such was the aim of the Party.

The tactics of the Communist Party were: no reliance on the capitalist courts, the instruments of national and class oppression; on the contrary it carried on the sharpest fight against all democratic and legalistic illusions among the masses. While utilizing all legal and parliamentary possibilities, adequate legal aid to the victims, petitions, etc., it subordinated these to the organization and development of revolutionary mass action outside of courts and bourgeois legislative bodies.

Only on the basis of such revolutionary tactics could the Communist Party develop a mass movement around Scottsboro, drawing into support of this movement all of the oppressed classes. Only through such methods, did we succeed in staying the murder of the innocent victims.

REVOLUTIONARY TACTICS VERSUS REFORMIST BETRAYALS

In the course of the development of the struggle for the Scottsboro boys, and as the movement gained momentum, there took place a crystallization of class forces. The revolutionary tactics of the Communist Party forced out in the open all enemies of the working class and the Negro people. A constellation of all the reactionary forces, extending from the white imperialists, the Ku Klux Klan to the Socialists and Negro reformist lackeys, rapidly began to take form against the movement of the masses, and its leader the Communist Party.

In this reactionary front the division of tasks is and was as follows. The imperialist bourgeoisie through its Southern section, was determined to murder the boys as a bloody warning to the Negro masses. Preparing the ground for this, it attempted to incite the wildest chauvinist passions among the masses of white people. This aim was supplemented by the Socialist and Negro bourgeois reformist agents, whose task was to confuse and disorganize the revolu-

tionary defense movement from within, by fostering illusions as to the "fairness and impartiality" of bourgeois courts and institutions and attacking the Communist Party.

In this a most important rôle was assigned to the Negro reformists grouped around the National Association for the Advancement of Colored People. At first the N.A.A.C.P. completely ignored the case. Forced finally by mass protest to take a stand on the case, it issued its first press release. The *Crisis*, organ of the N.A.A.C.P. in an attempt to explain away this treachery writes:

"When we hear that eight colored men have raped two white girls in Alabama we are not the first in the field to defend them. *If they were guilty and had a fair trial* the case is none of our business. We did not know whether they were guilty or not. We feared an unjust trial even if they were guilty. But first we sought the facts, we must have the truth. Once we were convinced that the eight ignorant, poverty-stricken boys had been framed by a mob on the forced testimony of two prostitutes, then and not until then did we throw every ounce of energy into the Scottsboro case."

The statement that the boys were framed up by a mob is a deliberate lie. The obvious purpose of this mis-statement is to shift the responsibility for lynch verdicts from the courts and the white ruling class, onto the masses, thereby helping the Alabama slave-drivers to conceal the lynch character of their institutions. This, of course, is in keeping with the main task of these Negro misleaders, to bolster up the illusions of the masses in the institutions of the ruling class lynchers. This is also witnessed in the statement "we feared an unjust trial" which infers that it is possible for the boys to receive "impartial justice" at the hands of the lynchers themselves.

After this it is clear that the only factor that really "convinced" the N.A.A.C.P. was the rising movement of Negro and white toilers against the vicious frame-up which seriously threatened its leadership over the Negro masses. It was precisely this movement that "convinced" the N.A.A.C.P. "to throw every ounce of energy into the Scottsboro case," however, *not* against the lynchers of the Negro people, but against those forces organizing and leading the mass movement for the defense of the boys—the Communist Party and the International Labor Defense.

Thus, on May 8, claiming that there "were strong grounds for believing the boys innocent," the N.A.A.C.P. is alarmed by the fact "that the Communist sympathizers actually sent telegrams to the Sheriff and Governor demanding the immediate unconditional release of the boys, a thing which neither was empowered to do." Again, on May 11, the N.A.A.C.P. characterized the demand for the immediate unconditional release of the boys as a "manifestly absurd and

impossible demand," adding that "The Communists, however, seem far more interested in making Communist propaganda out of this case than they are in genuinely trying to save the boys from the electric chair."

Continuing this line on May 16, the *Pittsburgh Courier*, mouth-piece of the N.A.A.C.P. which in the first days of the case called the boys "rapists," openly attacking the Communist Party, stated:

"It is more likely, however, that if mobs break out in Alabama and these eight boys are taken from the chair and lynched, it would probably be due to the nonsensical activities of the Communists, who by their misguided energies are finally driving the citizens of Alabama to the point of desperation."

Thus the lynchers are not only completely absolved from any responsibility for the fate of the boys, but are actually justified in their lynch terror against the Negro people. It follows, according to this, that in order to save the nine boys, the main fire must be directed against the Communists and the mass protest movement under their leadership.

The Alabama Ku Klux Klan, recognized the valuable support to its lynch policy, correctly stated through its organ, the *Jackson County Sentinel*, that there was no principle difference between the N.A.A.C.P. and the Southern ruling class.

Logically developing this line, the N.A.A.C.P. misleaders joined with the lynchers in open provocation against the mass protest movement and its leader, the Communist Party. In a speech in Chattanooga, William Pickens, Field Organizer of the N.A.A.C.P., warned the Southern capitalists.

"Let the white people of Alabama sit up and take notice: this Communist sapping through the densely ignorant portion of the colored population, while not immediately menacing to government itself, is certainly menacing to good race relations."

It is significant to note that this speech of Pickens openly inciting the lynchers to violence against the masses, was made on the eve of the battle at Camp Hill when the Alabama bourgeoisie attempted to crush the first organized expression of the developing struggle of the sharecroppers and the inauguration of a campaign of terror in the lower South which according even to the imperialist agent, Howard Kester of the Fellowship of Reconciliation, resulted in the murder of seventy-five Negroes. Undoubtedly, this speech placed an additional weapon in the hands of the white ruling class against the Negro people.

It was by these methods that the N.A.A.C.P. leaders attempted

to disorganize the revolutionary mass movement, isolate the Communist Party and the revolutionary organizations and furnish a cloak behind which the Alabama lynchers could carry through their bloody work. In brief, their attacks were directed not against the violence and lynch terror of the capitalists, but against the resistance of the masses. Truly, in Scottsboro the N.A.A.C.P. played the rôle of assistant hangman of Negro masses.

The despicable treachery of the Negro bourgeois reformists, their cringing servility to the white ruling class as exemplified in the Scottsboro case, is not accidental, but represents the basic tendency of Negro reformism as based upon the peculiar position of the Negro bourgeoisie, and the inevitable development of this tendency under conditions of sharpening crisis and rise of Negro liberation and working class struggles.

"HOLY ALLIANCE" OF THE SOCIALIST PARTY AND NEGRO REFORMISTS

The Socialist Party fully supported and complemented the activities of the Negro reformists. Thus, Thomas, the chief exponent of American "Socialism" wrote in the *New Leader* of April 2, 1932:

"The Communist tactics of exploiting labor struggles and examples of racial injustice for Party purposes probably helps to explain the action of the Alabama Supreme Court in confirming the conviction of the Scottsboro boys."

Mr. Thomas gloatingly hails the decision of the Alabama Supreme Court, upholding the lynch verdict of the lower courts as a vindication of reformist tactics of reliance on the institutions of the ruling class oppressors as against mass struggles. In this he would have the workers believe that the poor Alabama lynchers were deterred from their "noble" and "humane" efforts to give the boys a "fair" and "impartial" trial by the tactics of the Communist Party. Of course, even this act of the lynchers (so Mr. Thomas pretends) is merely an isolated case of "miscarriage of justice" and not a part of the whole system of oppression, terror and lynching of the Negro people.

Undoubtedly, Mr. Thomas is opposed to the Communist tactics of mass revolutionary struggles for the freedom of the boys on the same ground that he is opposed to the entire struggle for Negro national liberation as expressed in the slogan of the right of self-determination. In regard to this slogan he says "at best it *suggests segregation* for the Negro tenth of our population, at worst it *invites race war*." Why does Mr. Thomas seek to identify the slogans of right of self-determination with the imperialist policy of segregation, a policy directed to enforcing the isolation of the Negro people

as a condition for preserving their economic, social and political inequality? It is clear that in the Black Belt the struggle against segregation is bound up with and is a part of the struggle for the revolutionary overthrow of the capitalist land-owners' dictatorship in this territory, the establishment of the right of the Negro majority to determine their own fate without forceful interference from without, to set up their own state institutions, (administrative, legislative, etc.) corresponding to the need of the majority of the population. This means the confiscation of the land of the big white landlords and capitalists (the material basis of their power over the Negro masses) in favor of the toilers, the establishment of the state unity of the Black Belt under the rule and in keeping with the interests of the Negro people, and withdrawal of the armed forces of the white imperialist ruling class from this Negro territory. This is the real meaning of the right of self-determination. Only through the struggle for the realization of this demand can an end be put to the imperialist policy of segregation. It is clear, therefore, that the purpose of Mr. Thomas in identifying the slogan of the right of self-determination with the imperialist policy of segregation is to sow confusion in the ranks of the Negro and white toilers and in this manner hinder the real struggle against segregation.

This same purpose is carried a step further by Mr. Thomas in his contention that "this slogan invites race war." There can be no doubt that what Mr. Thomas is pleased to call "race war" is in actuality the national liberation war of the Negro people against segregation and all forms of national oppression, *i.e.*, the struggle for equal rights and the right of self-determination in the Black Belt. Therefore by the use of the bourgeois term "race war" he attempts to interpret the national rebellion of the Negro peoples for land and freedom, not as a struggle of the Negro masses supported by the revolutionary white working class, but as a struggle between the Negro people on one side and the whole white people on the other side. In this Mr. Thomas accepts completely the bourgeois race theory of immutable antagonisms between Negroes and whites, including the workers of both races. It follows that in order to avert "race wars" the Negro people must accept lynching, Jim-Crowism, etc., and on the other hand, the white workers must not support the struggles of the Negro masses. Thus by obscuring the real class essence of the Negro national liberation movement, Mr. Thomas seeks to confuse the workers, perpetuate the division between Negro and white toilers, and strengthen white chauvinism. In this demagogic formula, there is again revealed the Socialist program on the Negro question, which rejects the struggle for Negro

rights on the ground that this struggle is inimical to the interests of the working class. Under the hypocritical cloak of pretending to be opposed to segregation, Mr. Thomas and the Socialist Party endorse the white slave-drivers' status quo of lynching and oppression of the Negro people. Inasmuch as the mass movement organized and led by the Communist Party constitutes a serious threat to this outrageous system, it is quite natural that Mr. Thomas should be found on the side of the lynchers and against the masses.

Against this reactionary united front of imperialist slave drivers and their Negro and white reformist lackeys the Communist Party alone stands out as the only force championing, organizing and leading the struggles of the Negro people and white toilers against national oppression and for the overthrow of the system which breeds lynchings and Scottsboros.

The struggle for the lives of the Scottsboro boys shows clearly who are the friends and who are the enemies of the Negro people. Scottsboro strengthened the differentiation among the Negro people, winning masses away from the treachery of the Negro reformists, thus tremendously increasing the revolutionary experience of the Negro masses. Scottsboro marks a further step in the achievement of the revolutionary hegemony of the proletariat and the leadership of the Communist Party, in the Negro liberation movement. Scottsboro, by drawing millions of toilers, Negroes and whites, into a struggle for Negro rights, is a great step forward in the education of the workers in a spirit of working class internationalism. Thus, Scottsboro stands out as an historic landmark in the liberation movement of the Negro people and in the revolutionary labor movement in general.

NEXT STEPS IN SCOTTSBORO

The series of partial victories in the battle for the unconditional release of the Scottsboro boys, and particularly the latest victory, is complete vindication of the effectiveness of revolutionary mass struggle to defeat the attempts of the bourgeoisie to carry through its drive of terror and suppression. But this must not be construed to mean that the struggle is already over. Now more than ever before it is necessary to strengthen and broaden the ranks of solidarity of the Negro and white toilers. Now more than ever before, it is necessary to enlist new fighters, new blood, new masses, to compel the instruments of reaction to hand over the Scottsboro boys unharmed and untouched. It is essential, both politically and organizationally, to strengthen a hundred fold the united front of the masses as the only guarantee for the complete freedom of the Negro boys.

In this, we must sharpen the character of the fight against and exposure of the Socialist leaders and Negro reformists, as the main social supports of imperialist Jim-Crow reaction in the ranks of the Negro and white toilers. In regard to the Negro reformists, we must guard against two mistakes which have been manifested in the Scottsboro campaign and in the struggle against lynching. The first is the underestimation of the class rôle of Negro reformism. This arises from failure to distinguish clearly between the national reformist tendency as based upon the Negro bourgeoisie and its alliance with the imperialist ruling classes, on the one hand, and, on the other hand, the national revolutionary tendency of the Negro masses against the oppression of the white ruling classes. It was this mistake which, especially in the first stages of the Scottsboro struggle, led to a tendency to lag at the tail of the Negro bourgeois reformists, as witnessed particularly in the failure to expose their "left" agents among the masses, such as Pickens, to anticipate the inevitable betrayal of these fakers and to prepare the masses for this betrayal. This mistake led to a whole series of errors in our strategy and tactics in the Scottsboro campaign, which, in the main, were as follows: tendency to resist the political broadening out and deepening of the campaign by systematically linking it up with the general and specific economic and political demands of the Negro people and the working class; a hesitancy in bringing forth and popularizing our full Negro program (self-determination, equal rights, confiscation of land), in the course of the Scottsboro campaign. This underestimation of Negro reformism was glaringly manifested in the "united front from the top" manœuvres with petty-bourgeois leaders of Negro mass organizations, "friendly" ministers, and so forth, leading to a situation in many places where the mass movement, to a certain extent, was left to the mercies of these agents of the bourgeoisie.

The second mistake consists in the mechanical identification of the Negro reformists with the ruling imperialist bourgeoisie. This is revealed in the tendency to replace real political exposure of the Negro reformists by vulgar name-calling and noisy phrases

On the basis of relentless struggle against both of these deviations, coupled with the correct political exposure of the Negro reformists, it is necessary to at once establish the broadest united front of all elements among the Negro and white peoples ready to fight for the freedom of the Scottsboro boys.

We must carry the struggle for the Scottsboro boys outside the narrow periphery of the I.L.D. and our mass revolutionary organizations, greatly widening its organizational base to include even the

most backward masses of toilers. Scottsboro committees must be set up in the neighborhoods, with particular emphasis on the Negro neighborhoods, in factories, particularly where large numbers of Negroes are employed, in Jim-Crow schools, etc.

These elementary united front organizational forms have been historically proven to be the most effective in rallying the widest masses in the struggles around burning issues, for the development of the initiative and self-activity of the masses. Organized on the basis of struggle for the Scottsboro boys these committees in the course of broadening out the movement through the systematic introduction of other immediate issues confronting the Negro masses, can become the basis for more permanent organizations—unemployed block committees, factory and shop organizations. This line of development was shown clearly in the initial stages of the Scottsboro campaign where the Scottsboro defense committees, organized on the basis of neighborhoods, actually became the basis in many places for building up of the unemployed movement among the Negroes.

At the same time, the revolutionary mass organizations under the leadership of the Party and the I.L.D. must become the main driving force in this united front and must be drawn into more active participation by setting up Scottsboro committees in their own organizations to initiate and broaden the work among the masses of workers under their leadership linked up with the issues confronting these workers.

The further development of the struggle for the release of the Scottsboro boys must be linked up more effectively with the struggle against Negro persecution in all localities as well as with the struggle against the general capitalist offensive. Scottsboro must be brought into every action of the working class against the offensive—strikes, unemployed demonstrations, farmers' struggles, etc.

With the shifting back of the fate of the boys to the Alabama courts, the struggle for their release must have as its major point of concentration—the South. The unemployed movement in Birmingham, the development of the croppers' movement in the lower South, the struggles against the terror, offer us the base for a real mass fight right in the very area of the lynch court.

The Scottsboro defense must be raised to a higher level of activity and organization and must be used as a rallying point for the development of a tremendous nation-wide mass movement against lynching as a vital link in the struggle for national liberation of the Negro people, and in the winning of the masses for the revolutionary counter-offensive against the imperialist bourgeoisie.