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Scottsboro

Ellen Feldman

Chapter 1

So the Scottsboro case came up . . . that's the most exciting time of my life! I was happy. I stepped into a red hot situation.

—*Hollace Ransdall, American Civil Liberties Union investigator, 1974*

Even after all these years, the injustice still stuns. Innocent boys sentenced to die, not for a crime they did not commit, but for a crime that never occurred. Lives splintered as casually as wood being hacked for kindling. Young manhood ground to ashes. But there is another side to the story, and that is not the destruction of the boys, but the making of so many other men and women. Sometimes when I read familiar names in the newspaper or see on television a face made faintly unfamiliar by time, I cannot help thinking how well the helpers and the hangers-on did. How did Clarence Norris put it? "For lots of folks, us boys was nothing more than rungs on a ladder."

We did not set out to exploit. The lawyers, and the Communist Party members, and the reporters, and the do-gooders wanted only to help, and we did help. But we also managed to appropriate the story for our own ends. In the long history of white highway robbery, Scottsboro was just one more holdup of black America.

The odd thing is that when the report first came over the wire that afternoon, I did not think the story was news. I don't mean I was not incensed by it. I was twenty-six and had outrage to spare. I had it the way some women have a matrimonial hankering or a maternal instinct. But in 1931, a lynching or two in Alabama did not make headlines. The year before, the South had made sixty-one attempts and scored twenty-one successes. And those were only the cases reported. Taken together, they made a cause, but an isolated attempt at a rural jail was no reason to stop the presses, not when sixteen million American men could not fi nd work; and more than a quarter of the population was trying to survive without any income at all; and two hundred thousand kids under the age of twenty-one were hoboing the country in search of an odd job, or a few scraps of food, or the little bit of fun that was supposed to be the birthright of youth. Harry Spencer, the publisher of The New Order, for which I wrote, was always reminding me that we had to keep our eye on the big picture, though he was waging a losing battle with his own soft spot. A few days before the arrest of the nine boys came over the wire in his office, he had seen one of

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his former neighbors selling apples under the Ninth Avenue Elevated around the corner from the magazine's offices, not an unusual story in those days, except that Harry lived on Park Avenue, or had until his wife tossed out him and all his May-Day-marching, slogan-shouting, parlor-pink friends.

"Spare me the sob stories about Wall Street millionaires down to their last polo pony, pal," I told him. As the only woman contributor to the magazine, I had to sound twice as cynical as the men. As a girl who still carried about her the heady scent of a small trust fund, diminished but not destroyed by the crash, I had to prove where my sympathies lay. The day the news of the lynch mob came over the wire, they were locked in an Alabama jail with nine Negro boys, listening to the mob baying for blood outside.

The details coming in were sparse, but I could piece together the story. A gang of white boys had reported being thrown from a freight train by a group of Negro youths. Fast as you could say Jim Crow, a makeshift posse formed, stopped the train at the next station, which was a small town called Paint Rock, rounded up nine Negro boys whom they found on the train, drove them to the county seat in Scottsboro, and locked them up. Then the story got really good. The posse found two white girls who had been on the freight train as well. At first the men did not realize they were girls. Both were wearing men's overalls. But once they saw what they had in their hands, the accusation was inevitable. The word rape seeped out from the railroad siding where they had taken the nine Negro boys and the two white girls off the train, bumped over country roads in farmers' trucks and travelling salesmen's cars and drifters' knapsacks, and hissed down the telegraph wires. By sunset, a crowd had gathered outside the rat- and vermin-infested jail that a ten-year-old with a toy gun and a little determination could have broken into, because one thing was certain, the guards did not have much interest in keeping anyone out.

I sat, shamefully safe in Harry's office, trying to imagine the terror of those boys. I pictured the mob stomping the good Alabama earth with dusty boots and respectable lace-ups. I had already learned to look at the shoes beneath the sheets, though there were no sheets that night. The men were not ashamed of what they were doing. I could hear the rabble shouting for justice, and see them twirling and lassoing the ropes they had brought to make sure it was done. In the back of the crowd, women held babies to breasts heaving with excitement, and children's eyes grew wide at the imminent thrill. If you think I'm exaggerating, take a look at some of the old picture postcards. They don't show only men in overalls, and women in housedresses, and kids without shoes either. One I will never forget features a dapper man in a straw boater, holding the hand of a well-scrubbed little girl in a starched white dress, both of them gazing up in wonder at the body of a young black man swinging from a tree. His head lolls forward like the blossom on a broken flower, and his feet dangle uselessly above the fertile earth. Souvenir of the Confederacy, the card says. The U.S. Postal System designated Ulysses pornography, but it had no problem sending postcards of black bodies hanging from southern trees through the mails. Having a wonderful time. Wish you were here.

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As it turned out, no dead bodies hung from southern trees that night. The sheriff called in the National Guard, and between the militia and the chilly weather, the justice-seekers lost steam and drifted off.

"What's the South coming to?" Abel Newman, the magazine's book editor and theatre critic, said. "Sunshine bigots, fair-weather lynch mobs?"

Abel joked, but we were relieved the story was stillborn, and not merely because of those poor boys. If the lynching of a black man by a white mob in the South did not make headlines, the rape of a white woman, two white women, by Negro men was not news many of us in the North wanted to print.

Abel turned out to be wrong about sunshine bigots and fair-weather lynchers. The crowd went home that first night, but they managed to lynch the boys in the end, a fine southern legal lynching. Everyone knew how it worked. If you put away the rope, local officials worried about outside opinion promised local citizens determined to see justice done, we guarantee a trial so fast it will make your head spin and a sentence that will warm your heart. True, the electric chair does not provide the see-it-with-your-own-eyes thrill of a lynching, but it gets the job done.

The two girls, Victoria Price and Ruby Bates, identified the boys who raped them.

"That one, yonder," Victoria repeated six times, pointing in turn to six of the defendants.

Ruby Bates turned out to be a less reliable witness. "I don't know which one of them ravished me," she told the court. "I just know an intercourse was held with me."

The statement gave rise to considerable hilarity around the offices of The New Order. "Hi, Alice," one or another of the men would greet me. "Was an intercourse held with you last night?"

At first, I laughed. I was, as I said, trying to be one of the boys. The morning one actually had been held with me the night before, I tried not to blush. I was also trying to be a modern woman. Unlike most of my friends, I had not even bothered to buy a dime-store wedding band when I had gone to a clinic to be fitted for a pessary. But after a week of hearing the line repeated, I almost began to sympathize with that poor benighted girl. Then I remembered the nine boys.

Orville Gilley, a.k.a. California Slim, the hobo poet, the only white boy who had not been thrown from the train, corroborated the girls' story. "I'd've knowed every one of them if I saw them at midnight in a mine. That's how close I looked them over." The hobo poet was given to vivid imagery.

The most troubling testimony, however, at least for those of us who were following the story in the North, came from the accused. Each claimed his own innocence, but several of them implicated the others.

"They all raped her, every one of them," Clarence Norris swore.

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"I saw all of them have intercourse. I saw that with my own eyes," Roy Wright, the youngest of the group, insisted.

"All but them three raped them girls," Haywood Patterson testified. The three he claimed had not participated happened to be the friends he had hopped the freight with.

We told one another the boys had been tricked with promises of leniency, or intimidated with threats, or beaten.

"You know what southern jails are like," Harry said. I did not, at least not firsthand, but Harry had spent a summer trying to unionize the mills in Cherokee and Spartanburg Counties in South Carolina, an experience that had left his beautiful aquiline nose slightly flattened. He regarded the injury as a badge of honor. So did I. Nonetheless, we would have been happier if the boys had not blamed one another.

By the time we heard about the testimony of the boys, we had also learned about the two girls. That was why we were sure the boys had not raped them. The girls were common prostitutes. They had been plying their trade on that Alabama Great Southern freight train. But in the South, when a white woman is caught in bed, or in this case in a railroad gondola, with a Negro man, the first word out of her mouth is rape. Another joke began making the rounds.

"Those boys are going to burn for what they could have had for two bits," the men were saying. At least, men in the North were saying it. Southern gentlemen told a different story. Theirs was of white womanhood defiled. That was the one the jury believed.

In four days, the state of Alabama tried, convicted, and sentenced the boys to death.

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