

probably not over $3\frac{1}{2}$ to 4 per cent. The wines are extremely palatable, and are labeled according to well-known foreign vintages. The worker, however, contents himself mainly with beer and vodka. *Kvass*, a mildly fermented cereal beverage, is widely consumed and corresponds roughly to our near-beers. Vodka is a generic term. It may be distilled from wheat or other cereals, from apples or other fruit, from plain sugar, and so on. It is practically the same as grain alcohol, was formerly sold at 100 proof or higher, and now averages about 40 to 45 per cent alcohol by volume. The better grades are not bad, to our taste, *zubrovka*, for example, having a delicate taste of the sweet or buffalo grass from which it derives its name. The ordinary types, however, such as are supplied to the workmen (but never on pay days!), are quite as unpalatable as our grain alcohol and are usually drunk with a bit of citrus rind or apple therein.

Tremendous educational efforts are being made to eliminate drinking from the life of the peasant and worker. Everywhere, in every station, every hotel, every factory, one sees forceful posters depicting some phase of the drink evil. Most of the younger generation won't touch alcohol in any form, and I have seen the Young Pioneers (the Communist Boy Scouts of Russia) many times attempting to restrain some grown-up from over-indulgence.

As Asbest there are three movie houses, or *kinos*, as they are called. When these are not being used for the frequent "meetings," or for G. P. U. trials, or "spectacles" (in which the worker shows off his histrionic talents), one can see movies and sometimes good ones. They are of the silent type, usually on a revolutionary or propaganda theme, and occasionally outstanding in technique. The acting is invariably of a high order.

Eight Who Must Not Die

By DOROTHY VAN DOREN

ON March 24 last seven young white men and two girls dressed in men's overalls hopped a slow freight moving south along the Memphis and Charlotte Railroad in northern Alabama. Already on the freight were a crowd of young Negro boys—some stories say as many as nineteen or twenty, not riding together but distributed along the various cars of the train. A couple of men along the way as the train passed saw that a fight was going on between Negroes and whites. Since they were some distance away they could not distinguish the faces of the boys and were not able, of course, to identify them later. But in the course of the fight the white men were thrown off the train, all but one who landed between two cars and was dragged back to safety by one of the Negroes. The men who were thrown off were not too much injured to rush to the nearest station at Steventon, tell their story to the telegraph operator, and have a wire sent to the train a station or two up ahead. By the time the train reached Paint Rock, Alabama, it was met by the sheriff and his deputies, all the Negroes who were on board—twelve by now—were taken off, the two girls in overalls were likewise removed, and the whole party was taken to the Scottsboro jail.

At this point the stories of the affair begin to differ. One account declares that the girls were in a fainting condition, sobbing, speechless, having evidently been subjected to some horrible experience. Another describes them as quite calm and not disposed to make any charges against the Negro boys until after they had conferred with the white officials and learned that young ladies who ride unchaperoned with Negro youths in freight cars must of necessity consider themselves raped, and raped they thereupon decided they had been. Whatever the truth, the girls were examined shortly after they left the train by two physicians in Scottsboro, who found them in good physical condition, not bruised, not fainting, not, apparently, seriously affected by whatever experience they had passed through. There were evidences of sexual intercourse but indications that it had taken place some hours before. They were mill girls, one a little over twenty, one a little under; the older one

had been divorced. The fact that they had been bumming a ride in men's clothes would perhaps indicate, even without the subsequent information about them that came to light, that they were at least somewhat casual in their dealings with young men. But by the time the newspapers got around to reporting the story, it had taken on considerable local color. The *Chattanooga Times* for March 26 declared:

And as her story [that of Victoria Price, the older of the two] was being unfolded, the Negroes were telling jokes in another part of the bastille. Nasty jokes, unafraid, denying to outsiders they were guilty, laughing, laughing, joking, joking, unafraid of the consequences, beasts unfit to be called human.

At this point it had been established to the satisfaction of local officials and the populace that the girls had been subjected to a fiendish series of assaults by nine of the young Negroes, three of the twelve taken from the train having somehow escaped. Again, according to the *Chattanooga Times*, "the crime was one of the most horrible ever perpetrated in the United States, and both Jackson and Madison counties are aroused to an extent that justice will be demanded when the fiends are put to trial." The girls declared that their clothes had been torn from their bodies, that they had been attacked each by six Negroes, that all of them were armed with knives except two who had guns, that the assaults were actually perpetrated while their assailants had weapons in their hands. It was evident that feeling against the Negroes, never deeply sleeping, was thoroughly and dangerously aroused.

On March 30 a grand jury returned indictments for rape against the nine boys. Rape in Alabama is punishable with death, although the extreme penalty is invoked rarely, and then against Negroes charged with rape of white women. A week later, April 6, was the date set for the trial, it being also the day for horse-swapping in the community, when large crowds would naturally assemble at Scottsboro courthouse. It was evident that the whole matter would be soon over. Meanwhile two things happened: the Governor sent down a detachment of the National Guard to protect the

prisoners—the soldiers with fixed bayonets were able to keep an interested mob from taking matters into its own hands; and a Chattanooga lawyer, Stephen Roddy by name, was asked by the Interdenominational Ministers' Alliance, at the instigation of the National Association for the Advancement of Colored People, to undertake the defense. When the trial opened, the judge designated the seven available members of the Scottsboro bar to defend the prisoners. Six of them made excuses; the seventh, Milo Moody, accepted the case. Mr. Roddy was also present, but declared he was only assisting the lawyer for the defense. This was because he was unfamiliar with the particularities of Alabama legal procedure, wished to be associated with a local attorney, and knew that if he were announced as officially engaged for the defense Moody would quit the case, being no longer obligated to engage in it. Two of the boys were tried separately ahead of the rest. They were the oldest of the lot, one of them having actually attained to the ripe age of twenty. The trial took a day, the jury was out an hour and a half. A crowd of 10,000 persons—which in a little town of something over a thousand inhabitants is quite a crowd—was milling around the courthouse, waiting to hear the verdict. When the jury returned, a great hush descended over the mass of waiting people—mostly men, for women and children had by order of the judge been excluded from the courtroom. The Chattanooga *Times* is once more eloquent:

Thunderous applause late this afternoon greeted a Jackson County grand [*sic*] jury's verdict of guilty for Charlie Weems and Clarence Norris, Negro hobos, who were convicted of attacking a white girl. . . . Hardly had the echoes of the trial died away until the trial of Haywood Patterson, Chattanooga Negro, charged with the same offense, was resumed.

The *Times* might have added that a brass band, mysteriously evoked from nowhere, entertained the uproarious multitude with the "Star Spangled Banner" and "Dixie" immediately after the verdict was announced. The jury which was trying to reach a decision on seventeen-year-old Haywood Patterson at the moment must have been considerably aided in its deliberation. Although it is probable that a local jury, chosen under such circumstances, needed little outside aid.

The rest of the trial proceeded in due course. Eight of the boys were found guilty and sentenced to die in the electric chair. The ninth, a lad of fourteen, was too young for the death sentence. The State asked for life imprisonment. But seven of the jurors held out for death anyway, and the judge declared a mistrial. Only Victoria Price was willing to identify the defendants. Ruby Bates, the other girl, confessed that she could not do so. No other identification was made. Mrs. Price's testimony was conflicting throughout. Yet she was positive that the nine very black youths whom, presumably, she had never set eyes on before, were the ones out of the crowd on the train who had attacked her and her companion, although of course she was almost beside herself while she was trying vainly to defend her person from them.

On the whole the boys told a straightforward story. They had been on the train. Some of them had not even been in the freight car in which the fracas took place. Some of them had taken part in it—one of them, the youngest, Roy Wright, was the one who had reached out a hand and kept the white youth from falling beneath the cars. They had done nothing to the girls. Because they had not, they

had not thought it necessary to leave the train as half a dozen Negroes did, though they, too, had ample opportunity to do so before it was stopped. The fact that they did not leave the train affords, on the whole, the strongest presumption of their innocence. For why a Negro, even a Negro of low intelligence as these boys evidently are, who has committed an attack on a white woman should remain at the scene of his crime when he has opportunity to leave it is a question that no rational person can answer.

The execution of the eight boys convicted was set for July 10. Hearing on a motion for a new trial, postponed to June 5, automatically sets aside this date. The boys are in Kilby Prison near Montgomery. They are too ignorant and bewildered to be aware of the legal steps that are being taken to save them. But steps are being taken: Competent lawyers have been hired for the defense by the National Association for the Advancement of Colored People and by the International Labor Defense. Application for appeal to a higher court will be made in due form and when proper. It is altogether possible that the Alabama Supreme Court will reverse the verdict and order a new trial. The basis for this assumption is the decision of the Supreme Court of the United States in the Arkansas cases that a trial in a court dominated by mob influence is not due process of law. Mr. Roddy was astute enough to put on the stand a commander of the National Guard and a local court official who testified that the demonstration after the first verdict in the courtroom and outside the courthouse was of such a nature as to have been overheard by the jurors who served in the seven subsequent cases. This testimony is part of the record.

The case has a number of complicated features, most of them the result of the dual defense. Both the Negro and the Communist organizations were early in the field; it is a matter of dispute, although it makes no difference, which was first. But efforts by both have been made to induce all the boys to allow their defense to be conducted by one of the groups and not the other, which has only confused the issue. It would be far simpler to combine forces, and probably far better from the standpoint of the boys' safety. Moreover, the tactics of the International Labor Defense, in line with its conduct of any part of the class struggle, are not calculated to appease Southern officials, from the governor down, or to predispose them in favor of Negro defendants. Categorical demands to free the boys at once, sent in droves of telegrams to various public officers, while undoubtedly good class-war tactics, are more likely to be irritating than otherwise effective. The point that should be at issue is that eight boys, black or white, seven of them under twenty years of age, should not die for a crime that they did not commit, and if they did not commit a crime, should receive the benefit of every legal safeguard to protect their rights and their lives. Unseemly squabbles among persons trying to defend them help them not at all. The sincerity of the defenders may be tested by their willingness to drop all their private disgruntlement, for whatever reason, and bend every effort unswervingly to the task of seeing that justice is done.

Finally, what of the persons immediately concerned in the case? The two girls were casuals, young women whose reputation is, to put it mildly, not of the best. Efforts of the defense attorney to discredit them at the trial were mostly circumvented, but enough was read into the record to make their testimony dubious. They are locally well

known as prostitutes, supplementing their miserable wages as mill workers by the only other occupation they know. The nine Negro boys are likewise casuals. None of them can read or write. All have unsavory reputations. They have been accused of various petty crimes—gambling, thieving, more or less harmful mischief in general. They are not noble characters; it is a safe guess that not one of them will ever amount to much. They are the products of ignorance, of the most wretched and extreme poverty, of dirt, disorder, and race oppression. Yet there is no reason in the world why they should not have every legal right accorded to the finest and most cultivated person in the land. They are poor and ignorant and irresponsible. All the more should the state protect them, all the more should every device of the courts and every safeguard of the law be invoked to the end that justice be served. No picture in recent annals of law-breaking is more touching than that of these eight very black boys in the death cells in Alabama. They are kept two in a cell; they gratefully receive gifts of candy and cigarettes. With the irrepressible gaiety of their race, they can laugh and joke in the shadow of the electric chair. Yet they are in essence bewildered. "We don't know the rights of it all, Boss, or who ought to help us; we just want to get out of here." This is about all they can say, about as far as they can think.

It is worth while, as a last word, to consider for a moment to what sort of world they will get out, if they do get out. Earnest persons who want to help somewhere and do not quite know how might ponder this point. They will reenter a world of poverty, ignorance, and race repression. Their chances of being in it a credit either to themselves or to their country are not large. Their chances even of living out their lives peaceably and dying in their beds are not large. They are the children of violence, and it is altogether likely that violence will overtake them in the end.

In the Driftway

AN "old newspaperman himself" objected at length to the Drifter's interpretation of the popularity of the circus as a satisfying sublimation of human desires and frailties. The letter, while it came long ago, is still good. In fact, it is better than it was, since at this moment summer is leading out the painted caravans along the dusty roads, and the mind of many a small boy is preoccupied with the caverns of thirst known as elephants.

I am not doing this because of an itch to write [the letter goes]. When a fellow has finished eight years of tough breaks on a Republican daily the glamor of type fades to a gray blur on an uncertain horizon. But I do object to your interpretation of the Lillian Litzel number. As one who trooped with a modern tent aggregation—sixty acts, count 'em, sixty—I was privileged to get a sore back, a twisted shoulder, several broken teeth, and a damaged conscience. (Yes, even the "reserved seat" circuses must resort to chiseling to send something home to mother and little Abie two or three times a month.) What I am trying to say is that the circus is the reason why in olden times actors and jugglers were a proscribed caste, to be driven, like their brethren the gipsies, out of town at sundown.

The day's routine of an average circus even in our day

is a routine of beastliness, ugliness, hatefulness, with a type of cynicism that says in effect: Here, public, is what you really pay to see—hard guys, tough babies who can take it on the chin and pretend it doesn't hurt. The circus is never beautiful. My first reaction to a circus (at the unbelievable age of four and a fraction) was one of fear instead of delight. But that may have been due to a natural trait common to all Semites. The performers were unreal persons whose strength was something to avoid, and the wire-walkers a species of serpent with legs. As to the lower mammals and lesser carnivora, I shut my eyes more than once while my parents tugged at my new velvet coat in the mistaken belief that sleep and not fear accounted for the seeming indifference.

Early in the Gamaliel dynasty when the doughty Mr. Hays was ordering the brave marines to shoot train-hoppers on sight, I trooped with one of America's biggest shows on earth. The twenty dollars a month and rations looked like a fortune at a time when, as during the present "recession," jobs were prized like heirlooms in New England. The first day out I confirmed the impression I had had on the occasion of my first circus treat. Everything was beastly, cruel, hateful. Trainers were harsh, the tighted ladies tough and juiceless, the property bosses, like a Boston judge, believed all hired help to be ex-convicts and gunmen joining up to dodge detectives until trails grew cold.

The "management" never once took the word of the cashiers; the latter never once relaxed vigilance over the "choppers." Short-changing, dipping, petty nickel-snatching, as well as major theft, were everyday business. The "artistes," possibly in self-defense, formed their own little band of saboteurs, racketeers, agents-provocateurs to get their three square meals daily from the bosses.

As for the canaille that came in thousands to pay double price for something that was inferior in quality to any second-rate drama, I concluded they came only to see something they could not find anywhere else, namely, the organized cruelty of men beating animals and men beating one another. The mob, I felt sure, knew that the "artistes" on their lofty and perilous perches were driven to their jobs as surely as any cat is driven to its little shelf in the cage. The circus, I said (to myself, of course), was man's last exhibition of unrestrained jungle play. That's what made it good pay. Men are still savage and will pay to be reminded of that fact.

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THE Drifter has neither the argument nor the inclination to deny anything his correspondent has said about the circus, though he feels secure—and happy too—in maintaining that most children see the circus as a beautiful and delightful rather than as a fearful spectacle. If the Drifter were a cynic he might go so far as to say that the circus is in its reality no more gross or unsavory than most of the glamorous toys the world admires and covets. But that is an ancient comment, and, besides, the Drifter is not a cynic. He cannot agree with the last paragraph of the letter, however. He admits that men have a strong hangover of savagery buried not so deeply within them, but he thinks it can find very little satisfaction in a circus. The cruelty in a circus is not apparent enough. It finds much more obvious and much more satisfying expression in murder and in the general run of gangster activities. The columns of a newspaper, just between one old newspaperman and another, have more appeal to the savage in all of us than any circus could possibly have.

THE DRIFTER

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