

At two o'clock on the afternoon of Thursday, April 9, the jury announced that they were dead-locked and could not agree on a verdict. Eleven of them stood for the death penalty and one for life imprisonment. Judge Hawkins declared a mistrial, and the child was ordered back to jail to await another ordeal at a later date. He is now in the Birmingham jail. The other eight defendants were kept a short time also in Birmingham, and then removed to Kilby prison, about four miles from Montgomery. I visited them there in their cells in the death row on May 12, locked up two together in a cell, frightened children caught in a terrible trap without understanding what it is all about.

Conflict between Rival Organizations for Control of Case

Two organizations have been in irreconcilable conflict over the handling of the case since the conclusion of the trial. The International Labor Defense, a Communist-led organization with southern headquarters in Chattanooga, read of the arrest of the Negroes in the press and sent representatives at once to Scottsboro to observe events there. The National Association for the Advancement of Colored People say that they were informed of the case through the Interdenominational Ministers Alliance, an organization of colored preachers in Chattanooga, and ~~claim~~ credit for the presence at the trial of Steven Roddy, Chattanooga attorney who represented himself in Scottsboro as sent by friends of the defendants in Chattanooga, but refused to go on record as attorney in the case, saying that he had not been employed by any organization whatever. Milo Moody, an ancient Scottsboro lawyer, of low type and rare practice, was appointed by the Judge to represent the defense. Later both Mr. Roddy and Mr. Moody received a small fee from the National Association for the Advancement of Colored People.

After the convictions were rushed through by the Scottsboro authorities, the International Labor Defense retained their Southern attorney, George Chamlee, of Chattanooga, to start action for an appeal of the case. On May 6, when the hearing on a new trial came up in Scottsboro, Mr. Chamlee was present as attorney for the defendants and appeared before the Judge on the hearing which was postponed until May 20.

The two organizations differ so fundamentally on principles and tactics, that any hope of a compromise in the legal control of the case seems impossible. The I.L.D. believes in making appeals to the masses of the workers, both black and white, on the issue of the case, calling upon them to support the defense of the prisoners on a class basis. By constant agitation through the Communist press and by mass meetings, the Communists believe in using the case as propaganda to educate the working class and to make clear to them what the Communist Party stands for.

The thing for which they have been criticized most severely by opponents of their political philosophy in their tactics on the Scottsboro case is the sending of telegrams to the Governor of Alabama, the Judge at the trial, and other public officials. As printed in the Scottsboro paper, the telegram from the I.L.D. sent to Judge

Hawkins during the trial read: "In names of masses white and Negro workers we protest attempt to legally lynch nine young Negro workers Scottsboro on framcup rape charges. We demand immediate change venue new trial, dismissal defense lawyers openly advocating quick execution. Imminent danger lynching mob. Guardsmen openly advocate lynching. We hold you responsible for lives these nine workers."

The NAACP is shocked and dismayed by these tactics, thinking that it does great harm to the case as the members of the organization believe it should be conducted. They favor working quietly with as little publicity as possible, through liberal contacts in the South wherever possible. They are most anxious to try to avoid antagonizing Southern prejudice.

By going to interview the colored prisoners at Kilby in company with a Negro minister, the Rev. Terrell, from Birmingham, Walter White, of the NAACP succeeded in getting four of the defendants to sign their crosses to statements prepared by the NAACP saying they wished the NAACP and not the I.L.D. to handle their case. All of the defendants are illiterate, unable even to sign their own names. He also visited some of the parents with a warning to the effect that it meant electrocution for their sons to have anything to do with the I.L.D.

The NAACP also has arranged with Roderick Beddow, a young Birmingham attorney with some reputation in the State as a criminal lawyer, to take the case for them on appeal.

Some days after Walter White's visit to Kilby, the I.L.D. took the parents of the boys, accompanied by their attorney, George Chamlee, to the prison to see the boys, and claims to have won all of them over to allowing the I.L.D. attorney to handle their case.

As the affair stands at present, the struggle between the I.L.D. and the NAACP seems to be in a deadlock, with the possibility in the future that the case will be split between the two organizations, each retaining their own attorney, and endeavoring to win over as many of the defendants and the relatives to their side as possible.
