HAMMER AND HOE

ALABAMA
COMMUNISTS
DURING
THE
GREAT
DEPRESSION

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THE UNIVERSITY OF NORTH CAROLINA PRESS • CHAPEL HILL AND LONDON

FOUR

In the Heart of the Trouble: Race, Sex, and the ILD

"I reckon you take up for those Roosians. Talk about lynching. That whole country ought to be lynched . . . making women public property! . . . The Roosian Reds had better not come over here trying to nationalize my daughter."
—Grace Lumpkin, *A Sign for Cain*

We wish to call your attention to the inroads being made among people of this City and State, white and colored, by insidious propaganda of Communism, which we are being looked to curb and do propose to combat and destroy, in keeping with the spirit of our Organization, but find ourselves handicapped on every hand because the "Red Propagandist" uses the very things herein pointed out, to attract followers and to create disrespect for law and order, and to incite Mob[s] and Mob violence, which we know to be futile and destructive to the best interest [*sic*] of our people.
—Birmingham NAACP Petition to City Commission, 1933

On March 25, 1931, nine black men, ages thirteen to nineteen, were pulled from a locomotive boxcar and arrested near Paint Rock, Alabama, for allegedly assaulting some young white men who were also "riding the rails." When authorities discovered two white women, Victoria Price and Ruby Bates, riding on the same train, the charge against the alleged assailants was promptly changed to rape, even though none of the black men shared the same boxcar as the women. Indicted without benefit of legal counsel, the nine defendants were taken to nearby Scottsboro and held in the Jackson County jail. Although no evidence of rape was introduced by the prosecution, the Scottsboro Boys were tried, convicted, and sentenced to death within three days.[1]

In light of the South's record of injustice to blacks, the speed with which the all-white jury handed down its decision should not be surprising. However, Scottsboro stands out from any number of similar cases because the defendants received unsolicited outside assistance from the Communist-led ILD. As soon as word of the arrests reached local newspapers, ILD officials located the defendants' families in Chattanooga, offered legal services, and made preparations to publicize the case. The ILD's strategy

was to focus international attention on what would have been a quiet, soon forgotten trial. On April 12, thirteen thousand people assembled in Cleveland to protest the "Scottsboro Frame-up," and on the following day nearly twenty thousand demonstrators in New York demanded the immediate release of the nine defendants. Within the next few weeks, Scottsboro defense committees were formed, demonstrations were organized, and telegrams and letters of protest from across the country flooded Governor Benjamin Miller's office.[2]

The ILD entered a far more taxing and complex battle than its leaders had ever imagined. Its offer of free legal counsel and active public support for alleged "Negro rapists" was not only seen as a direct assault on white womanhood; from the outset the ILD was tainted by a peculiar myth that linked Communism to sexual promiscuity and miscegenation. In the South the word *communism* itself (pronounced "com-*mune*-ism," according to W. J. Cash) had a curiously explicit sexual connotation derived from stereotyped visions of nineteenth-century utopian communal societies, which suggested that notions of "free love" were integrally tied to communal living. Moreover, the presence of white women in an organization with an even larger proportion of black men spurred Southern white imaginations. The Birmingham *Labor Advocate* warned its readers to beware of outside agitators who, "under the cover of darkness," disseminated "Red literature preaching free love [and] inter marriage." The presumed promiscuity of female Communists—black or white—became an axiom in Alabama, especially after Scottsboro. While confined to a Birmingham jail cell in 1932, Alice Burke had to endure sordid remarks from police officers who insisted that she desired to sleep with all nine Scottsboro defendants. "Everybody knew," she recalled amusingly, "that I was a lover of blacks." Two years later, black Communist Louise Thompson was handled in a similar manner in a Birmingham courtroom. During cross-examination, both the prosecuting attorney and the judge "were inclined at first to make a joke of the affairs, taunting me about 'my comrades,' slyly alluding to some intimate relationship with the men arrested with me."[3]

The belief that Communists intended to make women public property, available to all irrespective of race, served as a powerful buffer against Communism. Black men, it was suggested over and over again, were drawn to Communism because it meant having access to the dominant society's greatest treasure—white women. Wrote one observer, "In the eyes of Coloured men, complete equality with the Whites, as proclaimed by Moscow, *means free possession of White women.*" Some of the Party's detractors even suggested that the Communists planned to wage a sexual revolution alongside the class struggle. During the 1934 strike wave the Birmingham White Legion issued leaflets asking white citizens, "How would you like to awaken one morning to find your wife or daughter attacked by a Negro or a Communist!" Two white Alabamians underscored

this point in a popular 1936 polemic aptly titled *Scottsboro: The Firebrand of Communism*. Echoing popular racist notions equating savagery with sexual lasciviousness, they argued that Communists aimed their propaganda at the black man "with the hope that it will ignite the spark of savagery that once controlled the instincts of his ancestors."[4]

The ILD's presence aroused an equally passionate, though much different, response from black Alabamians. The Party had already built a strong base of support within black working-class communities because of its relief campaign, but once the ILD entered the Scottsboro case, the CP quickly earned a reputation as a "race" organization. Although the move grew out of a pre-existing policy to defend all "class war prisoners," the ILD suddenly found itself immersed in the world of race politics. Through their participation in the Scottsboro defense as well as a panoply of local cases involving poor black defendants, ILD activists directly challenged the leadership of Birmingham's black elite.

Once Scottsboro hit the daily newspapers, Birmingham's traditional black leaders at first dissociated themselves from the case and berated the Communists for meddling in Southern affairs. The Birmingham *World*, in an editorial entitled "Cast Down Your Buckets Where You Are!," supported Alabama's legal system 100 percent. "Birmingham," the writer explained, "has proved [*sic*] that a man can get a just and fair trial in the Southland regardless of color." While questioning the evidence presented in court, Oscar Adams, editor of the black Birmingham *Reporter*, nevertheless felt the defendants' testimony carried little weight because they were "poorly trained, [and] primitive when we think of intelligence." NAACP national secretary Walter White also expressed some skepticism at first. Adopting a wait-and-see attitude, he did not send a lawyer to Alabama until the nine defendants had been convicted. White questioned the ILD's intentions, suggesting that the organization was interested less in the defendants' welfare than in revolution as ordered from Moscow. Furthermore, he believed the ILD duped the parents into accepting its support since the defendants' families were, in White's words, "of humble background and with meager educational and other advantages."[5]

White nevertheless recognized that black public opinion was beginning to shift toward the ILD. He had hoped to wrest control of the case from the ILD, but the paralyzed state of the NAACP in Alabama and the overall timorousness of Birmingham's black elite precluded any local intervention. One month after the first trial, national director of branches Robert Bagnall partly blamed the Birmingham branch for the NAACP's failure to enter the case, suggesting that if local organization had been stronger the Scottsboro case "might have received instant attention." In January 1931, the Birmingham branch claimed a total paid membership of six—a figure that included all of Jefferson County. Independent efforts failed as well. Two years earlier, Oscar Adams and members of the black business community had

established the Birmingham Benevolent and Legal Aid Association "to enable progressive and forward-looking Negroes of substantial worth to assist the less fortunate and underprivileged Negro to get a hearing in court." After a few sparsely attended meetings, however, the organization had disbanded, leaving a dying NAACP and several well-attended social and literary clubs in its wake.[6]

The black elite's ambivalence, timidity, and organizational weakness contrasted sharply with the Party's growing strength and quixotic approach to politics. Almost a year before Scottsboro, the Party launched a regional antilynching campaign that had been motivated by a multiple lynching in Emelle, Alabama. On July 4, 1930, Tom Robertson, a black sharecropper and reputed racial militant, was attacked by vigilantes following an argument he had had with a local white storekeeper over the price of a battery. While most of the small-town folks of Emelle were celebrating American Independence Day, a mob gathered at Robertson's home. Tom Robertson tried his best to stave off the attack with buckshot, but once he ran out of ammunition, the mob broke down his door and lynched four members of his family. He and the rest of his relatives then became game in a rapacious manhunt (inspired by a $300 reward offered by Alabama governor Bibb Graves) that ended only when Robertson was captured two months later. The ILD publicized the case, but it did not have the resources to provide Robertson legal counsel. He died in the electric chair on January 2, 1931.[7]

The events in Emelle, Alabama, became a catalyst for the revival of the ANLC, a Communist auxiliary whose support had been declining steadily since its founding in 1925. A preliminary meeting held in Chattanooga in October attracted an enthusiastic crowd, and a few weeks later over 120 delegates, including Southern Garveyites, gathered in St. Louis to attend an ANLC-sponsored National Anti-Lynching Convention. From this particular meeting a new organization developed, the LSNR, to replace the dying ANLC and to reinvigorate the fight against lynching.[8] The Party's response to the Scottsboro arrests, therefore, grew directly from these events. By December 1930, ILD leaders not only placed antilynching activity high on their list of priorities but now began to define virtually all African-Americans falsely accused of capital offenses as "class war prisoners."

As the local NAACP tried in vain to win over the Scottsboro defendants, Birmingham ILD activists took up other local cases. In April 1931, the Party, the ILD, and the newly created LSNR chapter protested the police shooting of an unarmed black man, "Babe" Dawes. A suspect in a recent shooting in Birmingham, Dawes reportedly complied with police orders but was gunned down nonetheless. Two months later, the ILD protested the lynching of Thomas Jasper in Huntsville, Alabama, but demands for a full investigation and the death penalty for his murderers did not result in a single prosecution.[9]

These local cases were rarely publicized outside the Communist press, and even the CP tabloids paid more attention to the Scottsboro case. But by late summer 1931, a case involving a black man accused of raping and murdering two prominent Birmingham white women nearly rivaled Scottsboro as a cause célèbre in Alabama and further intensified local conflict between the ILD and the NAACP. On August 4, 1931, sisters Nell and Augusta Williams and a friend, Jennie Wood, were driving through Shades Valley, just beyond the Birmingham city limits, when a black man reportedly leapt upon the automobile's running board and forced the driver at gunpoint to take a back road to a wooded area, where all three were allegedly robbed and then raped. When Nell Williams attempted to disarm their assailant, he shot and killed Wood and injured the two sisters. Augusta Williams did not survive her injuries; she died in the hospital hours later, leaving Nell the sole survivor.[10]

Press reports tried to link the Communist Party to the assault after Nell Williams claimed that the three women were forced to listen to a lengthy harangue about "the race problem and Communism" after intercourse. Enraged white citizens and police launched a reign of terror against blacks in general and Birmingham Communists in particular. Several Communists, including district organizer Harry Jackson, were jailed within days of the shooting, and dozens of young black men were killed or wounded by police. According to Angelo Herndon, who was also arrested during the fracas, "lynch mobs rushed through the streets in the Negro sections of the town like maniacs." Black businesses in the suburb of Woodlawn were firebombed, and for several weeks lights were shut off in black communities by 10:00 PM as part of the city-imposed curfew on African-Americans.[11] Fearing a potential race riot, Birmingham's traditional black leaders tried desperately to calm the white community. A black welfare organization released a statement impugning the "awful crime committed against womanhood by one of our race," and a group of black businessmen offered a $3,300 reward for the capture of the Williamses' assailant. The Communists felt the reward was inappropriate and accused the black elite of "helping the white ruling class place the noose about the neck of some innocent Negro worker."[12]

The Shades Valley murders, following on the heels of the SCU's shoot-out at Camp Hill (see Chapter 2), compelled the CIC to investigate Communist activity in Alabama. In less than two weeks, a subcommittee composed of black and white clergy, educators, and liberal businessmen produced a slim report titled "Radical Activities in Alabama." Conceding that black working people were at the center of Party activity, the report maintained that blacks were merely dupes of white radicals endowed with "brilliant leadership, sleepless energy, and apparently unlimited money." "[Blacks'] ancient wrongs," the report explained, "their new hopes, their

ignorance, and their trustful natures are counted on to make them readily responsive to the revolutionary appeal."[13]

About a month later, after the hysteria had died down and Nell Williams had recovered from the shooting, she and her brother Dent Williams spotted a black man, thirty-five-year-old Willie Peterson, walking along the sidewalk. When she identified him as the assailant, Dent Williams accosted Peterson with his pistol drawn and performed a citizen's arrest. Emphatically proclaiming his innocence, the thin, sickly, dark-skinned, Southern-born Willie Peterson did not in any way fit the original description given by Williams, who had described her attacker as a stout, light-skinned, educated Northerner. Moreover, several witnesses claimed they had seen Peterson on the other side of town when the crime was committed. It was so obvious Williams had chosen the wrong man that both the Jefferson County sheriff and the state solicitor privately admitted that a mistake had been made. To quell any doubt about Peterson's guilt, Dent Williams arranged a meeting with the sheriff at which his sister was supposed to make a positive identification. As soon as Peterson emerged from his cell, Dent drew a concealed pistol and shot him several times. Though he was already suffering from aggravated tuberculosis, Peterson miraculously survived the shooting.[14]

With very little solid evidence, the prosecution approached the case from a different angle altogether. Amid press reports claiming the assailant "lectured" on Communism and the "race question" after raping the three women, the prosecution tried to link Willie Peterson to the Communists by invoking the sexual connotations associated with the popular image of Communism. Peterson's grueling interrogation while an inmate at Kilby prison is quite revealing on this score:

> Q: You had been to meetings where they said the negroes were as good as white people and ought to be treated like white people?
> A: I don't remember. . . .
> Q: You know what a communist is, don't you?
> A: A Communist?
> Q: The people going around preaching to negroes that they ought to take the stand that they are as good as white folks and that they ought to marry white folks.[15]

Dazed by the arrest and shooting of her husband, Henrietta Peterson immediately turned to the ILD. As ILD lawyers and activists began making plans for Peterson's defense, Birmingham NAACP leaders—prodded by Walter White—fought for control of the case. Once Henrietta Peterson's decision became public, NAACP secretary Charles McPherson persuaded her to disavow the ILD retainer she had signed and allow the

NAACP to take the case. McPherson told her that the ILD was an illegal organization and that any mass campaign for Peterson's freedom "will make the white people in Birmingham mad." "The people with whom you are dealing," he warned, "believe in overthrowing the government. They do not care anything about your husband, they are using him as a pawn to get a foot hold in America. . . . You will be railroading your husband to the electric chair if you follow them." Fearing for her husband's safety, she followed McPherson's advice and switched to a respectable Birmingham law firm, Roach and Johnson, and the NAACP promised to bear litigation costs.[16]

Although the first trial in December ended in a hung jury, Peterson was convicted of first-degree murder in a second trial in January 1932, on the strength of testimony from one "Henry Wilson." Reputedly a black Tuscaloosa barber, Wilson testified that Peterson had bragged about the crime to everyone in his shop. When an investigator revealed that Wilson was actually Tom Sheppard, a construction worker who had been paid ten dollars to lie on the stand, it made no difference. After less than twenty minutes of deliberation, Peterson was sentenced to die by electrocution.[17]

The Birmingham NAACP branch urged Roach and Johnson to appeal the case—a decision that augmented the association's popularity and revitalized the dwindling organization. Under Charles McPherson's leadership, the Birmingham branch convinced some prominent black clergy and professionals to establish a defense fund for Peterson. Now that the NAACP could boast of its own Scottsboro, McPherson acknowledged in February, "Birmingham is just about ripe for a rehabilitation." Three months later, the same branch that only a year earlier could not achieve a quorum now counted ninety-seven paid-up members.[18]

The ILD's persistent mass campaign on Peterson's behalf proved to be a painful thorn in the side of the newly reconstituted NAACP. When the Birmingham *Post* published an article linking the two organizations as defenders of "Negro cases," the local NAACP branch responded with a patriotic letter distancing itself from the ILD and claiming no connection whatsoever with the Scottsboro case. In fact, distinguishing itself from the ILD seemed to be the whole point of the Peterson campaign, with respect to politics. "The Communists," Walter White complained to Roy Wilkins, "keep ballyhooing about [the Peterson] case, and we want to keep in the minds of the public that it is the NAACP and not the Communists who are fighting for him." But the proliferation of Communist-led Peterson defense committees convinced large numbers of black Birmingham working people that the ILD was, in fact, leading the campaign.[19]

While the Peterson and Scottsboro cases found ample space in Communist and mainstream newspapers, another rape case occurred which escaped nearly everyone's attention. In May 1932, a twelve-year-old black Birmingham girl, Murdis Dixon, was hired by a white man who lived in the

vicinity to perform domestic chores. When she arrived at his home, he forced her into a wooded section of the city and raped her at knifepoint. Witnesses came forward, but police refused to arrest the man and the case never went to trial. The Dixon case is illuminating for the conspicuous silence it evoked from leading white Communists, black middle-class spokespersons, and white liberals. Neither the NAACP, the CIC, nor the ILD investigated the matter, and Murdis Dixon's story never made it to the columns of mainstream Birmingham newspapers or the *Southern Worker*—only the Garveyite *Negro World* found a small space in its pages to report the incident. Only a small group of local black Communists took an interest in the case. Calling themselves the Liberation Committee, Al Murphy, Hosea Hudson, and Joe Burton sought support from black clergy in order to pressure police into charging Dixon's assailant. However, traditional black spokesmen remained silent, and the Liberation Committee was unable to mobilize the kind of mass support Willie Peterson and the Scottsboro Nine enjoyed. Perhaps the indifference to Dixon's case can be partly attributed to the age-old double standard that cast white women as pure and virtuous and black women as naturally promiscuous. These notions apparently penetrated political practice to the point where the rape of a twelve-year-old black girl was ignored by the NAACP and the ILD in Birmingham.[20]

As the summer approached and Murdis Dixon's rape tragically faded from memory, former Birmingham activist Angelo Herndon was added to the ILD's growing list of political prisoners. Herndon, who had recently been assigned to work among the Atlanta unemployed, was convicted of violating an old slave insurrection law for organizing an interracial relief demonstration.[21] With the Scottsboro and Herndon cases achieving national prominence just before the 1932 election campaign, Southern ILD district organizer Donald Burke announced plans for an All-Southern Scottsboro and Civil Rights Conference to be held in Birmingham on October 2. In anticipation of the largest ILD gathering to date, several small preliminary mass meetings were held throughout the city, including an outdoor demonstration of two hundred at which Viola Montgomery, mother of Scottsboro defendant Olen Montgomery, gave the keynote speech. As local organizations prepared for the October 2 conference, Klansmen, vigilantes, and law enforcement agencies intensified antiradical repression. When black Communist organizer Otto Hall arrived from New York, he was arrested, beaten, and deposited outside the city limits. A few days later, Klansmen organized a twenty-car motorcade through the black community and distributed leaflets that read, "Communism Will Not Be Tolerated."[22]

The All-Southern Scottsboro and Civil Rights Conference went on as scheduled in spite of police and Klan intimidation. Altogether some three hundred blacks and fifty whites packed the Negro Masonic Temple, and between five hundred and one thousand black residents were turned away

for lack of space or because of the military atmosphere surrounding the hall. While the crowd listened to addresses by Communists Donald and Alice Burke, Mary Leonard, and "Uncle" Ben Fowler, a black ILD organizer and "jackleg preacher," about eighty police officers equipped with three machine guns and a box of tear gas bombs established posts across the street from the hall. As Hosea Hudson recalls, the people who attended the conference "all was in overalls and half-raggedy," but many appeared not to have been intimidated: "Negroes just walked all under them rifles, just went on in the door and on to the meeting—had them standing on the corner too. People just walked on by."[23]

The response to the conference even surprised its organizers. Afterward, the Birmingham ILD office was suddenly flooded with volunteers, and soon its core of two or three dozen organizers burgeoned to two hundred active members. A local officer for the U.S. Military Intelligence Division woefully conceded late in 1932 that the ILD had "created a favorable impression among Negroes and some reports intimated that Negroes were becoming bolder in aligning themselves openly with the Communists."[24]

Birmingham Party leaders looked to take advantage of the ILD's growing popularity. Even before the Central Committee promoted bread-based, united front politics, local Communist leaders began to make overtures toward white liberals and traditional black leaders to unite around legal defense cases. A month after the Birmingham conference, district organizer Nat Ross suggested that a revitalized ILD composed of "non-revolutionary workers and middle class elements of all political and religious faiths" would be even more effective as long as "the Party gives close guidance." Liberal and black middle-class spokespersons ignored Ross's invitation at first, but a string of unexpected circumstances created a new set of opportunities for joint action. Over a year before the new Scottsboro trials opened on March 27, 1933, one of the alleged victims, Ruby Bates, repudiated the rape charge, admitting that she had been forced by police to lie. Yet, despite new evidence and a brilliant defense, the all-white Alabama jury found Haywood Patterson, the first defendant, guilty, and the judge sentenced him to die in the electric chair.[25]

Patterson's conviction aroused considerable indignation among African-Americans. When the NAACP board of directors attributed the verdict to ILD tactics, Walter White and the association were attacked from all corners of the nation's black populace—local NAACP branches, newspaper editors, churches, and several radical organizations harshly criticized the association's national leadership. Practically overnight, the NAACP reversed its original statement and agreed to aid the ILD and raise money for the Scottsboro defense.[26]

Birmingham branch leaders did not oppose reentering the Scottsboro case, but many cringed at the idea of working directly with the ILD.

Critical of the decision, McPherson wrote to White, "I am afraid that the association has been too hasty to re-enter the Scottsboro cases without first working out a definite agreement with that rabied crowd. You see, coming as it does like a thunder-bolt out of a clear sky, it puts us in a bad plight right here in the heart of the trouble. I urge you that an agreeable working arrangement be definitely formed separating the two organizations so as not to embarrass us." Birmingham branch leaders immediately issued a press release explaining the NAACP's sudden change of heart with respect to the ILD. Decrying the Party's revolutionary goals and declaring their own patriotism in unambiguous terms ("We are American citizens, *Red, White and Blue*"), Birmingham NAACP leaders argued that intervention was necessary "for the purpose of controling [*sic*] and restricting [the ILD's] activities and propaganda to sane and *dignified methods in the future*."[27]

A few weeks before the NAACP announced its decision to establish ties with the ILD, a group of white liberals and clergymen founded the Birmingham Citizens Scottsboro Aid Committee. In defiance of city segregation ordinances, the committee held its first mass rally on March 31. Over one thousand people packed the First Congregational Church for the event, and when standing room was no longer available, according to one observer, "hundreds . . . remained milling outside." The principal speakers included Rabbi Benjamin Goldstein of the Temple Beth Or in Montgomery; Dr. Kenneth E. Barnhart, a professor of sociology recently expelled from Birmingham-Southern College because of his political views; and Mrs. H. C. Bryant, president of the black YWCA in Birmingham. NAACP branch president E. W. Taggart made an unexpected—and unauthorized—appearance. To the chagrin of several coactivists, Taggart not only attended the meeting in defiance of branch orders but had advocated joint action with the ILD months before national leaders opted to do so. On Easter Sunday the Citizens Scottsboro Aid Committee held another successful mass meeting in Birmingham, but this time the Party's presence was far more evident. Speeches by Jane Speed, Mary Leonard, and Scottsboro mother Ada Wright emphasized the ILD's contribution to both the Scottsboro and Peterson cases and challenged the Citizens Scottsboro Aid Committee to adopt mass pressure as a central component of its program.[28]

Disappointment over the Patterson verdict led several mainstream black political figures to express some qualified support for the ILD's tactics, though these sympathies were shortlived. The already tenuous alliance was broken abruptly when, two weeks after the Easter meeting, violence erupted during the Communists' May Day demonstration. Liberals and sympathetic black elites turned against the ILD, and those who remained sympathetic to the Left faced a groundswell of opposition from conservatives. Rabbi Benjamin Goldstein, the radical religious leader who had participated in Montgomery's Marxist study circles, was forced to leave the state because of his support for the ILD. Hostility toward Goldstein was

complicated by anti-Semitism, partly sparked by the ILD's choice of Samuel Leibowitz as principal counsel in the Scottsboro case. Faced with boycotts and Klan threats, Jewish merchants and other leading members of Montgomery's Temple Beth Or congregation not only asked Goldstein to resign but issued a statement to the press repudiating any outside interference in Southern affairs and pledging their unequivocal support for segregation.[29]

A series of events in Tuscaloosa, Alabama, a few months later further weakened chances for reconciliation between liberals and Communists. On June 14, 1933, three black men, Dan Pippen, Jr., Elmore (Honey) Clarke, and A. T. Harden, were picked up by police after the body of a twenty-one-year-old white woman was discovered near "Big Sandy." Although there was no concrete evidence linking them to the death, Pippen and Clarke were charged with murder and rape, and Harden was said to have been an accessory to the crime. Tuscaloosa ILD organizer Louis Harper persuaded the three defendants to hire ILD attorneys, but under pressure from the court and police, Harden and Clarke repudiated their retainers. With the support of his mother, Pippen insisted on his right to ILD counsel, but when his lawyers arrived in Tuscaloosa, Judge Henry B. Foster barred them from the court. Once word spread that "communist Jew" lawyers were in Tuscaloosa, attorneys Frank B. Irvin, Irving Schwab, and Allan Taub escaped a sure lynching by leaving town in disguise, under the reluctant protection of the national guard. The three defendants were not so lucky. Two weeks later, so as to avoid another Scottsboro case, Tuscaloosa deputies turned the three men over to a lynch mob. Beaten, burned, and riddled with bullets, Elmore Clarke somehow survived and made his way to the home of a black woman in the area. As soon as a local black physician dressed his wounds, Clarke was turned over to authorities in Montgomery.[30]

The lynching of Pippen and Harden prompted a flood of angry correspondence from around the country, much of it holding Judge Henry B. Foster responsible. In nearby Birmingham, Communists held a statewide antilynching conference and filed formal charges against Foster, Tuscaloosa sheriff R. L. Shamblin and his staff, and a private detective named W. I. Huff for committing and/or abetting the murders. The criticisms infuriated Judge Foster and mortified Tuscaloosa's leading white citizens, who now began to blame the ILD for the entire incident. The Tuscaloosa Citizens' Protective League retaliated by raiding black homes throughout the county, ostensibly in search of Communists.[31] Emotions reached a fevered pitch when an eighty-four-year-old invalid, Dennis Cross, was accused of raping a mentally retarded white woman just weeks after the Pippen and Harden lynching. Although Tuscaloosa police dismissed the young woman's claim, the case never came to trial—the elderly black man was lifted from his bed and lynched.[32]

Though known Communists were nowhere in the vicinity when Dennis Cross was murdered, and ILD activist Louis Harper had been run out of town weeks earlier, anti-Communist sentiment fueled a continuing wave of racial violence. The Negro Civic League suffered the brunt of the counterattack and was ultimately driven out of existence, in part because it had established ties with Harper prior to the lynchings. The situation remained tense for quite some time. A year later, J. R. Steelman, a noted liberal Alabama professor who had investigated Tuscaloosa's racial violence for the Southern Commission on the Study of Lynching, was approached one night by a mob of Klansmen who accused him of being an "ILD agitator." Although Steelman vigorously denied the charge, hostility toward him and his family forced him to leave the county.[33]

The ILD's reputation ruined relations with Alabama liberals, but its inability to build a united front did not impede its work in the courtroom. In June 1933, circuit judge James E. Horton overturned the jury's verdict on the Haywood Patterson trial and ordered a new trial for the defendant. Almost simultaneously, the Alabama Supreme Court dismissed Willie Peterson's appeal, marking a major setback for the NAACP's campaign.[34] Charles Houston, dean of Howard University Law School and chief legal counsel for the NAACP, felt the two decisions forewarned of a "social crisis which may determine future leadership of Negroes in the South." Houston grudgingly conceded that the ILD "has [black people's] complete confidence for sincerity and courage, even where they do not endorse its policies." The Peterson case, he felt, was the last hope for the NAACP in the South: "If the NAACP loses out in the Peterson case, the leadership of Negroes in the South passes irretrievably to the ILD." The association's inability to free Peterson led to a sharp schism within the Birmingham branch. When a faction led by president E. W. Taggart tried unsuccessfully to persuade the branch to join forces with the ILD, they were immediately branded "communist sympathizers."[35]

NAACP secretary Charles McPherson, Taggart's most vocal opponent, convinced the branch executive board to retain John W. Altman, one of Birmingham's most prominent attorneys, to appeal the Peterson case before the U.S. Supreme Court. But this last-ditch effort was to no avail. In January 1934, the Court refused to hear the case, leaving the NAACP no choice but to turn to its last alternative: a gubernatorial gift of clemency for Willie Peterson. Appealing to Governor Benjamin Miller and Alabama's leading citizens, Walter White and local NAACP officials argued that Peterson's execution must be halted primarily for political reasons, for it "would give Communists the most powerful argument they have ever had for propaganda among Negroes." Under the advisement of several Alabama law officers who were skeptical of Peterson's guilt, the governor agreed to hold a clemency hearing on March 6, 1934.[36] The appeal for clemency in lieu of freedom was unacceptable to ILD activists and equally disappoint-

ing to Henrietta Peterson, who now announced her unequivocal support for the ILD. The NAACP drew even more criticism when it agreed to have blacks barred from the clemency hearings. Offended by the announcement, a disgruntled group of ILD members, including Henrietta Peterson, traveled to Montgomery and unsuccessfully tried to force their way into the hearings. Rebuffed by police, they instead staged a demonstration across the street.[37]

Amid the faint echo of ILD slogans rising from the streets below, Charles McPherson submitted an illuminating petition to the governor that summed up the political meaning of the case. Communism, not Peterson's innocence or guilt, was the issue at hand. The NAACP congratulated itself for "keeping the case within the orderly, respected and dignified channels" and away from organizations "radical in their nature and foreign in their purposes." The petition merely asked that the NAACP be rewarded for its protracted fight against the ILD and because it "spurned overtures to resort to Mass pressure, to stimulate public opinion, to magnify in the eyes of the world the 'actual persecution' of the accused [and for] our profound faith that Justice would prevail and mercy sustains." The reward was granted; Peterson's death sentence was commuted to life imprisonment.[38]

Most black middle-class spokespersons heralded the governor's act as a victory, but the hundreds who had joined the ILD-led Peterson defense committees, as well as several rank-and-file NAACP members, scoffed at the association's self-congratulatory tone. "The public is divided," wrote McPherson, "into two groups, naturally, with reference to what we accomplished by our intelligent handling of the Peterson case. . . . Those who are Communistically inclined are disappointed in that we did not free him." In retrospect, had the ILD been involved in litigation it might not have fared any better, but Peterson's supporters saw only the refusal of American courts to free a man who was undoubtedly innocent. Choosing to forgo another appeal, the NAACP soon removed the Willie Peterson case from its agenda altogether, and as a consequence lost a large chunk of its membership.[39]

Meanwhile, the ILD in Birmingham, which had grown to three thousand by 1934, began to eclipse all other established black organizations. During that same year, the ILD defended Selma city employee Ed Johnson after he was charged with raping a white woman. Johnson's charges were dismissed when the alleged victim admitted in court that police forced her to invent the story, announcing to the jury "that she would not be like Victoria Price, but like Ruby Bates, she would tell the truth." Upon his release, Johnson was almost handed over to a lynch mob, but the ILD foiled the plan by organizing "a defense squad of ex-service men [who] surrounded him and took him to a safe place." A few months later, the ILD intervened on behalf of Walter Brown, a black steel worker from Bessemer who was charged with rape and attempted murder. Like Willie Peterson,

Brown did not fit the victim's description, and numerous witnesses testified to his whereabouts at the time of the crime. But he was convicted nonetheless and sentenced to twenty years in prison.[40]

Of all the Communist-led mass organizations in Alabama, the ILD undoubtedly evoked the strongest emotions from both blacks and whites. While most whites viewed the ILD as outside agitators who defended black rapists in an effort to bring about a race war and a sexual revolution in the South, many black working people saw the organization as a sort of public defender for the "race." The ILD's popularity in the black community, however, made them automatic rivals of the black elite in general and the NAACP in particular. In a way, black and white activists in the ILD asserted themselves as defenders of the African-American community's basic constitutional and civil rights and thus entered a realm of political practice usually considered the preserve of black bourgeois or liberal interracial movements. The ILD was not just one additional voice speaking out on behalf of poor blacks; it was a movement composed of poor blacks. It not only provided free legal defense and sought to expose the "class basis" of racism in the South, it gave black working people what traditional middle-class organizations would not—a political voice.