

“Crimes of Government”

William Patterson, Civil Rights, and American Criminal Justice

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Introduction

“Why did you do this thing, Patterson?” demanded Channing Tobias. At the 1951 United Nations convention in Paris, Tobias represented the National Association for the Advancement of Colored People (NAACP). Dignified, sixty-nine-year-old Tobias was an official American delegate. Bombastic, bespectacled, sixty-year-old William Patterson arrived in Paris despite the State Department’s best efforts to keep him away. His mission – to accuse the United States government of genocide. For the previous twenty years, Patterson worked to expose the American system of legal lynching, in which the state, capitalist interests, and white terrorist organizations conspired to send innocent Black men to the electric chair. His attempt to bring this campaign to the highest international arena marked the apex of his career. It also coincided with the ascendance of Cold War anticommunism that cost Patterson his credibility and his freedom. The NAACP wanted nothing to do with the unflinching American Communist. “Where did you expect to get with this?” beseeched Tobias.¹

Though William Patterson was not always a nemesis of the NAACP, his actions in 1951 dealt irreparable damage to a troubled relationship. Patterson’s biographer Gerald Horne claims the confrontation between Patterson and Tobias marked a momentous schism: “the historic moment when... centrist and leftist Negroes divided and departed paths.”² African-American studies scholar Carol Anderson links the NAACP’s condemnation of Patterson to a tragic narrowing of the scope of the Civil Rights Movement.³ Jacquelyn Hall claims this antagonism exacerbated the generational divide between the Old and New Left.⁴ To better understand the

¹ William Patterson, *The Man Who Cried Genocide* (New York: International Publishers, 1971), 158, 188.

² Gerald Horne, *Black Revolutionary* (Urbana, IL: University of Illinois Press, 2013), 2.

³ Carol Anderson, *Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955* (New York: Cambridge University Press, 2003), 7.

⁴ Jacquelyn Hall, “The Long Civil Rights Movement and the Political Uses of the Past,” *Journal of American History* 91, no 4 (March 2005): 1253.

consequences of this rift between civil rights factions, this essay maps the relationship between a Communist and his critics.

Patterson and his liberal contemporaries differed in their political convictions, but they came into conflict because they shared an important idea: both parties recognized criminal justice as a major battlefield for civil rights. Both the American Communists and the NAACP saw police brutality and racist courts as major foes of justice. Patterson and NAACP leaders came into conflict outside the courthouse, as they disagreed first, on the essential nature of the judicial system and second, on the legal strategy necessary to challenge and change it. Both parties acknowledged the need for top rate lawyers to take action in the traditional system. Additionally, the NAACP sought to appeal to elites, to generate positive attention in the press, and play up the respectability of its attorneys. On the other hand, Patterson's Communist defense committee complemented its legal appeal with an appeal to the masses. Ever embracing provocative rhetoric, Patterson time and again drew people into the streets to pressure the courts and publicize race and class issues. He used his Communist network to encourage protests around the world. In instances when both the NAACP and the Communists took up the same case, their clash in tactics inspired explosive confrontations.

Patterson developed a remarkable understanding of the American criminal justice system. Criticizing the NAACP from the Left, Patterson challenged the Association's methods. The NAACP practiced a politics of respectability and sought to win carefully chosen cases through traditional performances in the courtroom. Patterson sought to expose the courts as state organs of genocide – executors of legal lynching, thinly masked by the language of due process. He recognized the role of courts and police forces in criminalizing the African-American race. The NAACP subordinated criminal cases in favor of its desegregation strategy, whereas Patterson prioritized such cases. He insisted that criminal justice work was as vital as civil cases to the

fight for racial equality. This essay argues that Patterson's intellectual and political work constituted a noteworthy precedent to contemporary recognition of the systematic use of state power against Black Americans. Though his rhetorical charge of genocide clashes with today's ascendant scholarship, Patterson's understanding of the racialization of crime resonates with the work of scholars such as Elizabeth Hinton and Michelle Alexander who have studied how policing, prosecution, and incarceration redrew the color line in the last fifty years. To be sure, Hinton and Alexander date the origins of mass incarceration to the decade after Patterson's career collapsed.⁵ Nevertheless, by the early 1950s Patterson recognized the centrality of criminal justice to the project for equality. Rejected by more influential leaders of the Civil Rights Movement, Patterson's work was largely ignored. Civil rights leaders missed an opportunity to confront the punitive policies that undercut their greatest achievements.

This essay examines two of Patterson's campaigns in the framework of the Long Civil Rights Movement, the periodization laid out by Jaquelyn Hall. In her 2005 article, Hall argues that one cannot understand the developments of the 1960s without looking to the 1930s and 1940s, the era in which the struggle for civil rights was inextricably tied to economic justice. According to Hall, Cold War anticommunism robbed both labor and civil rights of their radical edge. Civil rights leaders who were willing to distance themselves from the Left managed to "gain a degree of access to the halls of power they had never had before."⁶ In this way, the economic issues that helped define the early period of the Civil Rights Movement retreated. They returned in a far more muted form in the movement's "classical period," 1953-1965. This essay assumes the significance of the early period, from roughly 1930 to 1950. As Hall argues,

⁵ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012) 189; Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016) 11.

⁶ Hall, "The Long Civil Rights Movement," 1249.

the length and breadth of the twentieth-century struggle for civil rights is often neglected. Class issues, like the lynch mobs of the North, are left out of the popular narrative. This essay extends Hall's project to recognize the long movement in the relatively unstudied realm of criminal justice.

First and foremost, this essay concerns William Patterson. Patterson was a radical patriot and a sharp critic of American politics. The great span of his career – from the 1920s to his death in 1980 – allows for a rich study of his political development. His companions included Paul Robeson, the American icon who outlived Patterson in public memory, and Louise Thompson, Patterson's wife who was an exceptional political figure in her own right. His rivals included Walter White, Roy Wilkins, and Thurgood Marshall – three giants of the NAACP. This essay considers Patterson as an individual, but also as a dedicated member of the Communist Party of the United States of America (CPUSA).

Much has been written on the relationship between the Communist Party and Black Americans. In *Race and Radicalism* (1964), sociologist Wilson Record characterizes the Communist initiatives for civil rights as shamefully opportunist.⁷ In an attempt to rescue the narrative of civil rights from red-baiting critics, Record casts Black Communists as foreign agents and native dupes who held minimal sway in America's Black population. Historian Theodore Draper, argues that the CPUSA can only be understood as an appendage to Moscow. In *The Roots of American Communism*, Draper warns that the Communist work on “the Negro Question” was not a genuine American movement, but rather, like every aspect of American Communism after 1922, a strategic directive of the Soviet-controlled Communist International (Comintern).⁸

⁷ Wilson Record, *Race and Radicalism* (Ithaca: Cornell University Press, 1964), 8. Also see Wilson Record, *The Negro and the Communist Party* (New York: Atheneum, 1971), 315.

⁸ Theodore Draper, *The Roots of American Communism* (New Brunswick, Transaction Publishers: 2003), 395.

A younger generation of scholars takes the Communist contribution to civil rights more seriously. Alongside Hall and Horne, Carol Anderson argues that Patterson's Civil Rights Congress (CRC) posed an important alternative to the dominant NAACP. Charles Martin recognizes value in the CRC's work despite all the disadvantages brought about by its Communist affiliation. Beth Bates notes the Communist impact on the development of American protest politics. This essay borrows from all of these scholars in an attempt to study how American Communists intervened in civil rights on the issue of criminal justice.⁹

This essay also concerns the NAACP, its relationship with a radical rival, and its emergence as the dominating organization for racial justice. Among those who study Communists in civil rights, many cast the NAACP as the enemy who held back the movement. Horne blames the NAACP for the demise of a Negro-labor alliance.¹⁰ Anderson accuses the NAACP of weakening the very meaning of civil rights by submitting to the wishes of moderate political allies.¹¹ Patterson's comrades decried the NAACP's middle-upper-class allegiance. Like the Communists, the NAACP faced the pressures of the historic moment. Manfred Berg argues that the NAACP's defensive measures and expulsion of its Leftists were necessary for the organization's survival in the age of McCarthyism. Berg argues that an enduring alliance of labor and civil rights could not have survived: the American Communists, fellow travelers, and the whole NAACP would have collapsed under anticommunist repression.¹² Certainly, Patterson and

⁹ Anderson, *Eyes Off the Prize*, 166-74; Charles Martin, "The Civil Rights Congress and Southern Black Defendants," *Georgia Historical Quarterly* 71, no 1 (1987): 50-2; Beth Bates, *Pullman Porters and the Rise of Protest Politics in Black America, 1925-1945* (Chapel Hill: University of North Carolina Press, 2001), 175-87.

¹⁰ Horne, *Black Revolutionary*, 3.

¹¹ To be sure, she also criticizes Black Communists for their uncompromising loyalty to Comintern. Anderson, *Eyes Off the Prize*, 210, 274.

¹² Manfred Berg, "Black Civil Rights and Liberal Anticommunism: The NAACP in the Early Cold War," *Journal of American History* 94, no 1 (2007): 75-96.

his Civil Rights Congress defied political imperatives of the time. For his ideological obstinacy, Patterson found himself in jail and watched his organization fall apart at the hands of the state.

To study this clash of ideologies, this essay examines two cases set in two distinct historical moments: Scottsboro, Alabama in 1931, and Trenton, New Jersey in 1948. Both instances of blatant, government-sponsored racism within the judicial system featured innocent Black men sentenced to death. Each case involved two legal teams led by New York lawyers seeking justice. The examination of two cases separated in time – one during the Depression, the other during the early Cold War – demands attention to change in the wider political context. The success and failure of Patterson’s endeavors were not only related to the attitudes of NAACP leadership, but also to the broader political atmosphere of the time.

These questions of historical context, legal tactics, and personal rivalries revolve around a single person. From his 1916 protest of World War I to his defense of Angela Davis in 1970, Patterson remained a political activist throughout his life. While I cannot capture his eighty-eight years in these limited pages, what follows is my attempt to draw out the most striking insights and actions of an exceptional American radical.

Radical Beginnings

In 1971, William Patterson wrote an autobiography that offers one of few sources on his early life. Crafted retrospectively and informed by the aging Communist’s political ideals, he tells the story of a young man who partook in a remarkable variety of intellectual currents in his search for a better understanding of justice.

Mary Galt Patterson was born a slave on a Virginia plantation in 1850. As war approached, her master apparently grew concerned about the safety of his descendants, free and

enslaved. In 1860, he took his white family to Connecticut. He freed his Black children and their family, and sent them to California. Thus, young Mary Galt arrived in San Francisco a freedwoman. There she met James Patterson, an immigrant from the Caribbean island of St. Vincent. He had made his way to the United States as a sailor. At the time of his marriage to Mary Galt, James Patterson earned his keep by smuggling Chinese immigrants into California. On August 27, 1891, they had a son: William Lorenzo Patterson.¹³

William Patterson knew poverty. When he was five years old, his father converted to Seventh Day Adventism. James Patterson quit the smuggling business, sold most of the family's belongings, and took up missionary work. He was absent for years on end, leaving Mary Patterson to care for William and his two siblings. The Pattersons moved all around the Bay Area, in search of affordable housing and work. Patterson retrospectively pointed to playground experiences in Oakland schools as his earliest understanding of racial tension. In 1970, he recalled an instance of interracial working-class solidarity that made a lasting impression. When his father left to spread the faith in the South Sea islands, the Pattersons again failed to make rent. Upon their eviction, their white Oakland neighbors came together to support the displaced family and helped them move into a new house.¹⁴

Patterson was a talented, hardworking student. Outside of the school day, he worked as a newspaper delivery boy for the *Oakland Tribune*, until Mary Patterson found a job as a cook and moved the family to Sausalito.¹⁵ Patterson completed high school at Mt. Tamalpais High in

¹³ Patterson, *The Man Who Cried Genocide*, 17.

¹⁴ Prior to the Second World War, Oakland and San Francisco lacked Black ghettos. Unlike Detroit, Chicago, Pittsburgh, and most major eastern cities, Oakland and San Francisco boasted integrated neighborhoods. Only after the Bay Area's Black population significantly increased in the 1940s did Black neighborhoods form. Patterson, *The Man Who Cried Genocide*, 24; Albert Broussard, *Black San Francisco: The Struggle for Racial Equality in the West, 1900-1954* (Lawrence: University Press of Kansas, 1993), 5.

¹⁵ Domestic work was effectively the only occupation available to Black women in Bay Area. Broussard, *Black San Francisco*, 7.

Marin County. Incidentally, it was a Mt. Tamalpais teacher who first introduced Patterson to Karl Marx. At the time, he admittedly understood little. Patterson matriculated to the University of California, Berkeley, where he intended to study engineering. His growing interest in politics, among other factors, altered that path. Abandoning his engineering studies, Patterson enrolled at Hastings College of Law in San Francisco in 1915. He believed in the law as a guardian of justice. He paid for his schooling by working night shifts as a hotel elevator operator.¹⁶

In his law school years, Patterson became acquainted with social critics. He read W. E. B. Du Bois's *Crisis*, A. Philip Randolph's *Messenger*, and Max Eastman's *Masses*. He befriended socialist Anita Whitney, who was organizing for the defense of Tom Mooney, the labor leader accused of detonating a bomb at a San Francisco parade. Patterson followed the case and Mooney's controversial conviction. Meanwhile Whitney drew Patterson into San Francisco's leftist circles. She introduced him to Irish revolutionaries and local unionists. She also connected young Patterson to her friends in another notable organization, the National Association for the Advancement of Colored People, whose publication, *The Crisis* he was already familiar with.¹⁷

Founded in 1909 on the principles set out by the Niagara Movement, the NAACP became the oldest, most respected, civil rights organization. W. E. B. DuBois's Association was interracialist from its inception. With a growing network of regional chapters, the NAACP fought racial violence and discrimination across the country. From its national office in New York, the organization launched campaigns against disenfranchisement and lynching. Meanwhile the NAACP Legal Defense Fund provided legal services to those most abused by America's judicial system. Most famously, the LDF legal geniuses successfully executed a long-term strategy to strike down segregation. The NAACP is often characterized as a moderate

¹⁶ Patterson, *The Man Who Cried Genocide*, 25, 27, 29.

¹⁷ Patterson, *The Man Who Cried Genocide*, 33.

organization – one that worked within the prevailing political order, represented middle-class Black interests, and privileged the so-called Talented Tenth. One does well to remember that asserting equal rights for Black Americans has long constituted a controversial political act. At times, radical. At other times, the NAACP leadership decided it was most strategic to “close ranks.”

In 1916, field secretary James Weldon Johnson came to Oakland. As chairman of the event, Patterson introduced the future executive secretary. Patterson held Johnson in high esteem: “altogether a gentleman of brilliance and distinction.” Yet he did not agree with the NAACP leader’s politics at their first meeting. Johnson called on the audience to support President Woodrow Wilson and war effort. Patterson, influenced by socialists who condemned the war, was disappointed.¹⁸ However, when Patterson was arrested for advocating pacifism in 1917, the NAACP came to his aid.¹⁹

The NAACP always had tenuous relations with labor. The tension stemmed from both ideological differences and labor’s historic hostility towards Black Americans. Patterson’s radical friends were proudly interracialist; many labor leaders were not.²⁰ Although San Francisco boasts a rich history of unionism, the majority of unions excluded Black workers from membership. The longshoremen constituted the major exception: in the 1930s, Harry Bridges famously led Black and white dock workers of the San Francisco chapter of the International Longshore and Warehouse Union. Meanwhile on a national scale, the American Federation of Labor effectively barred Black Americans from its ranks. By 1929, only 2% of American union members were Black. Half of them were in A. Philip Randolph’s Brotherhood of Sleeping Car

¹⁸ Patterson, *The Man Who Cried Genocide*, 37.

¹⁹ Gerald Horne, *Communist Front?* (London: Associated University Presses, 1998), 34.

²⁰ Even in the 1920s, mainstream San Franciscans considered their city exceptionally tolerant and progressive. Still, racism, though perhaps more politely displayed than in other cities, affected all major spheres of public life. Broussard, *Black San Francisco*, 7.

Porters. The NAACP's projection of elite respectability exacerbated the gulf: even with the Brotherhood of Sleeping Car Porters the NAACP maintained only a lukewarm alliance.²¹

Upon graduation from law school, Patterson might have sought work with the NAACP, had he not failed the bar exam. Instead, he envisioned a radically different future. In 1918, Patterson decided to move to Liberia.

In scheming to start a new life in Africa, Patterson fell in step with a major intellectual current of the time: the Black nationalism best personified by Marcus Garvey. The charismatic Jamaican immigrant captured national attention with his call of Africa for Africans. In 1914, Garvey founded the Universal Negro Improvement Association, which garnered popularity in the wake of the First World War and the racial violence that unfolded.²² Garvey's separatist ideology focused on race consciousness and race pride – in this way contributing to the New Negro movement of the 1920s. Though Patterson was never a Garveyite, he was drawn to the dream of West Africa. He found work on a ship bound for London, where he planned to introduce himself to McCant Stewart, a distant relation who represented the Liberian government in Britain.

In 1919, a dismayed Patterson stood before the Liberian diplomat. Stewart informed the young American that Liberia needed engineers and economists, not foreign lawyers. If you really want to work for justice, instructed Stewart, you will find work in the United States. Patterson accepted Stewart's advice. Abandoning the dream as quickly as he had adopted it, Patterson sailed westward with a new attitude towards his native country. He recalled, "I began to see it as a home for which I had some responsibility." When the ship docked in New York, he strode ashore with purpose.²³

²¹ Harvard Sitkoff, *A New Deal for Blacks*, (New York: Oxford University Press, 1978), 25; Bates *Pullman Porters*, 109.

²² Sitkoff, *A New Deal*, 22.

²³ Patterson, *The Man Who Cried Genocide*, 50-1.

Patterson established a comfortable life in Harlem. He passed the bar in New York and established a law firm with two other young, Black attorneys; in 1923, Dyett, Hall & Patterson opened for business. With plenty of local work, including cases for the NAACP, Patterson afforded a desirable apartment and an enviable lifestyle amid the Harlem Renaissance.²⁴ He became fast friends with Paul Robeson. The pair remained close for the rest of their lives, always informing and encouraging each other's political development. Most of his acquaintances of the time shared an elite existence in Harlem. As an older Patterson remarked, they were the type who donated to the NAACP and "could by virtue of mere membership be called fighters against racism who never had to go into battle."²⁵ A special few qualified as legitimate fighters: Richard Moore, Cyril Briggs, and Grace Campbell were the pioneering Black Communists who took a special interest in Patterson. In 1927 they urged him to accompany them to Boston, to an event that apparently changed his life's direction.

In 1921, the Commonwealth of Massachusetts convicted Nicola Sacco and Bartolomeo Vanzetti for murder in one of the great miscarriages of justice of the twentieth century. Their cause was taken up by Communists, just as America's first Red Scare faded. Despite repeated attempts to appeal, their execution date was set for August 1927. A broad movement developed in support of the convicted men, drawing together Communists, Socialists, Wobblies, and liberals. With the execution imminent, the young lawyer from New York arrived to join the protests. Patterson became acquainted with the organization destined to define him, the International Labor Defense (ILD).

Under the direction of Comintern, the ILD was founded in 1925 to defend workers and political minorities. As its 1939 constitution asserted, the ILD aimed to aid "labor and political

²⁴ Horne, *Black Revolutionary*, 25.

²⁵ Patterson, *The Man Who Cried Genocide*, 69.

prisoners, and victims of reactionary violence, regardless of race, color, nationality, religious or political convictions, and the defense of democratic and civil rights.”²⁶ The ILD adopted a special focus in defending “the Negro people... against lynching, oppression, discrimination.”²⁷ The organization condemned lynching at the hands of the mob and the jury alike. In addition to providing counsel and support for defendants and their families, the ILD sought to sway public opinion.²⁸ The organization’s manifesto asserted that every case should be understood in the context of class struggle, and as such, each should be used to develop class consciousness. In short, the ILD sought “to secure the services of competent lawyers and, by combining their work in the court room with organized publicity and protest, to transform court trials of workers into propaganda demonstrations in which the capitalist persecutors are put on trial before the working class.”²⁹ As Patterson drew nearer to the Communist Party, he came to believe that the use of propaganda and public protest not only served the greater movement, but also the immediate interests of persecuted individuals.

The case of Sacco and Vanzetti inspired Patterson’s conversion. He joined the thousands of people across the world protesting the sentence. With his comrades, Patterson was arrested for his participation in Boston. When Sacco and Vanzetti were electrocuted on August 23, 1927, Patterson mourned for the anarchists and for his country’s judicial system. To Patterson, the execution demonstrated the “class nature of justice in the United States.”³⁰ He reexamined the American legal system’s capacity for justice. He reevaluated his life and career. Recalling the

²⁶ Constitution of the International Labor Defense, July 9, 1939, Microfilm, Reel 1, International Labor Defense Records, Schomburg Center for Research in Black History, New York Public Library.

²⁷ Constitution of the International Labor Defense.

²⁸ Report on Cases Handled by the International Labor Defense, to the Fourth National Conference, Pittsburgh, December 29, 1929, Microfilm, Reel 1, International Labor Defense Records, Schomburg Center for Research in Black History, New York Public Library.

²⁹ Manifesto, n.d., Microfilm, Reel 1, International Labor Defense Records, Schomburg Center for Research in Black History, New York Public Library.

³⁰ Patterson, *The Man Who Cried Genocide*, 79.

shift, Patterson wrote: “My faith in law as a weapon of democracy in the United States was gone. I could not practice law again, at least not as I had before.”³¹ He realized that the law was not neutral, that the law did not serve everyone equally. Facing a crossroads, Patterson chose neither to return to his career, nor to wholly abandon it. “I was convinced I had to use my profession as a weapon of freedom,” he recalled.³² He was determined to make the legal system serve those it was designed to oppress. Leaving Dyett, Hall & Patterson behind, Patterson joined the Communist Party to serve the ILD.

In 1927, the Communist Party struggled to build membership. Out of its tumultuous early years, CPUSA emerged in the mid-1920s as a unified body in line with the Bolshevik programs directed by Comintern.³³ Jay Lovestone led the Party, though his rival, William Foster was rising to eclipse him. When Patterson joined, the Communists could boast at best nine thousand dues-paying members, and fewer than two hundred Black Americans within that total.³⁴ Front organizations like the ILD sought to introduce Communism to members of the public not yet ready to embrace the full revolutionary program. “Mass action,” that immortal slogan of progress, was already entrenched in the American Communist vernacular. The term first took hold among socialists in 1910, brought to the States by the German Left Wing, championed by the likes of Rosa Luxemburg and CPUSA founder Louis Fraina. As Fraina remarked in 1918,

Mass action is not a *form* of action as much as it is a *process and synthesis* of action... Mass action is the instinctive action of the proletariat, gradually developing more conscious and organized forms and definite purposes... Mass action is dynamic, pliable, creative; the proletariat through mass action adapts itself to the means and tactics necessary in a prevailing situation... Mass action is equally a process of revolution and the Revolution itself in operation.³⁵

³¹ Patterson, *The Man Who Cried Genocide*, 88.

³² Patterson, *The Man Who Cried Genocide*, 81.

³³ Such tumult included schisms within the Socialist Left Wing, underground operations during the first Red Scare, half-hearted flirtation with unionists, and of course, the struggle between the geese and the liquidators. See Draper, 156-60, 197, 350, 375.

³⁴ Klehr, *The Heyday of American Communism*, 4-5.

³⁵ Louis Fraina, quoted by Theodore Draper, *The Roots of American Communism*, 91.

Mass action was a mode of politics for the proletariat, but also a process of education. It was the path to revolution and “the Revolution itself.” In a word, mass action was everything the Communists needed it to be. Draper observes that the term’s vagueness was its strength – mass action was able to unite disparate radicals and revolutionaries.³⁶ It also captured the imagination of one freshly disillusioned lawyer.

Within a year of joining the Party, Patterson set sail for Moscow. In the late 1920s, the Communist Party actively recruited and promoted Black Americans. Patterson was quickly elevated in rank and thus eligible to study in the Soviet Union. He jumped at the offer. For so many Black Americans, invitations to the USSR offered the opportunity to live, free of the unrelenting racism that defined American life. Patterson described Moscow in glowing terms: “One looks at, talks to, works with white men and women and youth as an equal. It is as if one had suffered with a painful affliction for many years and had suddenly awakened to discover the pain had gone.”³⁷ Robeson, who also enjoyed an extended stay in the USSR, remarked that there, a Black man could “walk the earth with complete dignity as a human being.”³⁸ In Moscow, Patterson enrolled at the Communist University of the Toilers of the East (KUTV), where he studied alongside radical leaders-in-training from across the world. He developed his conviction that international Communism could be brought about through the tireless mobilization of proletarian consciousness in line with centralized Comintern planning. In 1929, he married Vera Gorohovskaya, a Jewish woman from Leningrad. In their two years of marriage they had two daughters. In 1931, Patterson sailed home. Gorohovskaya stayed behind with their children.

³⁶ Draper, *The Roots of American Communism*, 91.

³⁷ He was also delighted by the fact that Alexander Pushkin, the greatest Russian poet, was of African descent. Patterson, *The Man Who Cried Genocide*, 112.

³⁸ Testimony, Paul Robeson, 1948, Box 147, Folder 38, Records of the Communist Party of the United States of America, Tamiment Library & Wagner Labor Archives, New York University.

According to Patterson, the divorce was decided in consideration of “the rampant racism” in the United States. They remained good friends.³⁹

Patterson returned to a country in the depths of the Depression and a Communist Party enjoying unprecedented popularity. In 1932, Party membership reached a high of eighteen thousand. John Reed clubs drew together leftist intellectuals. The Unemployment Councils organized tens of thousands of Americans for rent strikes and hunger marches. The Party ran William Foster and James Ford, a Black man, on its presidential ticket. Earl Browder led the Party to embrace alliances with Socialists and Progressives and brought about the Popular Front in 1935.⁴⁰

Upon his return to the United States, Patterson went to Pittsburgh to help establish a Communist school for immigrants. Then the executive secretary of the ILD collapsed in the middle of a European speaking tour. Patterson was promoted. In just five years, Patterson had risen from new member to leader of one of the Party’s vital institutions. In 1932, the new executive secretary boarded a train for Alabama. Nine innocent lives were in danger in Scottsboro.

The Scottsboro Nine

The story of the Scottsboro Nine began a year before Patterson’s arrival.

On March 25, 1931, a Memphis-bound freight train sped across northern Alabama. From its origin in Chattanooga, it carried uninvited – if not unexpected – cargo. By 1931, vagabonds of all backgrounds frequented the rails. A group of young white men walked across the top of a

³⁹ Patterson, *The Man Who Cried Genocide*, 109.

⁴⁰ Klehr, *Heyday of American Communism*, 53, 65, 72, 80-91, 167.

tank car. One youth stepped on the hand of eighteen-year-old Haywood Patterson, a young Black man hanging on to the side of the car.⁴¹ Patterson, who nearly fell off the train, called up to him, “The next time you want by, just tell me you want by and I let you by.”

The youth shouted back in vulgar terms, asserting that “this a white man’s train” and demanding “you black bastards better get off!” Haywood Patterson retorted, “You white sons of bitches, we got as much a right here as you.” Patterson and his three companions refused to leave the train. The young white man and his friends hurled rocks at the group from the neighboring car. In response, the Black men charged the car, beat the white men in a scuffle, and saw them off the train. Little did they know, they set in motion events that would captivate the world for the next seven years.⁴²

At least that was the story according to Haywood. The white residents of Jackson County subscribed to a very different account. The definite facts include the following: the bruised white men walked alongside the tracks until they reached the next station in Stevenson, Alabama. They approached the stationmaster, complaining that a gang of Black boys threw them from the train. They demanded arrests. The stationmaster called the following stop, Scottsboro, but the train had already passed. Then he called Paint Rock, where Jackson County’s Deputy Sheriff Charlie Latham just happened to be stationed. Latham deputized the whole town to “capture every Negro on the train and bring them to Scottsboro.”⁴³ When the train pulled into the station, the crowd discovered nine Black youths, one white boy, and two white women in men’s clothing. Later, Patterson reflected that “the charge of rape rises naturally in the throat of a Southern government

⁴¹ Not related to William Patterson.

⁴² James Goodman, *Stories of Scottsboro* (New York: Pantheon Books, 1994) 3-4.

⁴³ Dan Carter, *Scottsboro: A Tragedy of the American South* (Baton Rouge: Louisiana State University Press, 1969) 4.

official in any confrontation between a Black male and a white female.”⁴⁴ Upon the discovery of the women, deadly suspicions began to circulate immediately.⁴⁵

Latham promptly tied up the nine: Haywood Patterson, his companions Eugene Williams and brothers Andrew and Leroy Wright, along with Charlie Weems, Ozie Powell, Clarence Norris, Olen Montgomery, and Willie Roberson. Leroy Wright was the youngest at thirteen years. Charlie Weems was the oldest at twenty. All were heading to Scottsboro jail. Then Victoria Price and Ruby Bates delivered their weighty accusation: the two women asserted that the nine young men raped them on the train. As Walter White, executive secretary of the National Association for the Advancement of Colored People later reflected, at this moment “these two women started something – something that has had its repercussions in every part of the civilized world.”⁴⁶

Whispers of Black attacks on white womanhood traveled swiftly – by evening, several hundred people surrounded the small jail. Sheriff Wann begged the crowd to disperse, to “let the law take its due course.” The lynch mob refused to budge. Fearing the mob would storm the jail and seize the suspects, Wann barricaded the building. He called Alabama Governor Benjamin Miller for assistance. To the Sheriff’s relief, the crowd quieted by the time troops arrived at midnight. With an armed escort, the Nine were transported to a more secure jail in Gadsden. Judge Alfred Hawkins set the trial date for April 6, in Scottsboro.⁴⁷

While the young men waited behind bars, other actors leapt into action. The Black physician, P. A. Stephens called a meeting of the Interdenominational Colored Ministers’

⁴⁴ Patterson, *The Man Who Cried Genocide*, 164.

⁴⁵ George Chamlee, “Statement of Facts in the Scottsboro Case as Investigated by George Chamlee Attorney of Chattanooga, Tennessee,” April 22, 1931, Microfilm, Reel 2, International Labor Defense Records, Schomburg Center for Research in Black History, New York Public Library.

⁴⁶ Walter White, “The Negro and the Communists,” *Harper’s Monthly*, December 1931, 62.

⁴⁷ Carter, *Scottsboro*, 7.

Alliance of Chattanooga to aid in the defense. They raised fifty dollars to hire attorney Stephen R. Roddy. Roddy was a notorious drunk; he was also one of the only local men willing to take on unpopular cases for Black clients. A less-than-sober Roddy arrived at the Scottsboro courthouse to join forces with state-appointed counsel, Milo C. Moody, a seventy-year-old lawyer desperate for a job. Meanwhile, the local press grabbed hold of the rape narrative. As historian Dan Carter observes, “A fair trial under the circumstances was impossible. The nine Negro boys had already been tried, found guilty, and sentenced to death by the news media.”⁴⁸ It was the classic prologue to a “legal lynching” in the vernacular of the International Labor Defense.⁴⁹

The morning of Monday, April 6, several thousand turned out to witness the legal spectacle. The Circuit Solicitor opted to try the defendants in four groups.⁵⁰ Each trial followed the same pattern, though every time Victoria Price testified, the gruesome details of her story grew more vivid. She pointed to Montgomery, Patterson, Norris, Weems, and the Wright brothers as her attackers, recounting how one held a knife to her throat as the others took part in the brutal sexual assault. She claimed the other two attacked Ruby Bates. While Price was a loud, dramatic witness, Bates in contrast was nervous and uncomfortable. She agreed with her companion’s account, yet she refused to identify her alleged rapists.⁵¹ The two doctors who examined the young women on March 25 reported that both women had recently had sexual encounters, but neither showed signs of assault. While the state lacked medical evidence of rape, the defense struggled to challenge Price’s accusations with the words of the defendants themselves. Six of the young men asserted they had never seen the women. Norris claimed that the other defendants had raped the women, and that he alone was innocent. Under pressure from

⁴⁸ Carter, *Scottsboro*, 20.

⁴⁹ Chamlee, “Statement of Facts.”

⁵⁰ The Circuit Solicitor is Alabama’s equivalent of a District Attorney.

⁵¹ Carter, *Scottsboro*, 26-30.

the prosecutor's questioning, Haywood Patterson also admitted that he saw the others assault the women, but then insisted that he was not even aware of any women on the train. The unprepared defense team failed to salvage a defensible case from the confused testimony of their desperate clients. The juries found every defendant guilty. They recommended the death penalty for all except Leroy Wilkins, who would be spared because of his youth. He received the merciful sentence of life imprisonment.⁵²

Among the cheering crowd, one white man solemnly recorded the juries' decisions. The Communist, Lowell Wakefield was determined to recruit the Communist Party to help the convicted. Wakefield's report prompted a telegram to Judge Hawkins, which condemned the "trumped up charges" and promised to "hold [Hawkins] personally responsible" if the defendants were not freed.⁵³ The "bombastic telegraphic threat" was signed by the International Labor Defense, New York City.⁵⁴ As Hawkins puzzled over the strange message, the ILD moved to take charge of the defense and motion for appeal. The organization enlisted George Chamlee, a talented attorney, to lead the case. Chamlee was a fellow traveler from a respected Tennessee family. His ILD associates, Allan Taub and Joseph Brodsky swiftly traveled to Birmingham, where the Scottsboro Nine were held. The young men readily signed on to the ILD's offer.⁵⁵

The ILD's mission was complicated when the NAACP entered the scene. Walter White had been following the events in Scottsboro through the press and reports from Dr. Stephens. However, it was not until the Communists made their entrance that White publicly announced the NAACP's intention to get involved. Upon hearing of the ILD visit to Birmingham, White sent word to Stephens, urging him to mobilize the Ministers' Alliance and Roddy against the

⁵² Carter, *Scottsboro*, 28, 32-48.

⁵³ Carter, *Scottsboro*, 49.

⁵⁴ White, "Communists," 64.

⁵⁵ Carter, *Scottsboro*, 54-6.

ILD. Roddy drove to Birmingham and convinced the Nine to change their minds.⁵⁶ Thus began the struggle for leadership over the Scottsboro legal defense.

In the dynamic tug of war that ensued, the ILD made the strategic decision to pursue the parents. Taub sought out the support of the Scottsboro mothers and fathers – the legal guardians neglected by Stephens and Roddy. By winning over the parents, the ILD ensured the support of the defendants.⁵⁷ The ILD again secured the signatures of the young men in Birmingham, offered their parents platforms from which they could make their sons' plight known, and launched a rapid publicity campaign to discredit the NAACP. Through pamphlets, rallies, and the disruption of NAACP meetings, the ILD "cast [Walter White] and his Association as the Judases in its story, the villains as dangerous as the lynchers themselves."⁵⁸ This characterization was utterly unfair; few risked more than Walter White in the fight to end lynching.⁵⁹ The ILD's aggressive, self-righteous efforts to impugn the NAACP's reputation worked to a point. As historian Charles Martin observes, the ILD attracted many Black Americans who "felt the NAACP's moderation to be obsolete," but also alienated the others who felt the animosity was unwarranted.⁶⁰

The NAACP responded with demonstrations of its prestigious resources. The Association recruited Roderick Beddow, one of the best attorneys in Birmingham. On May 31, 1931, Beddow visited the Nine in prison, and convinced them to switch their allegiance once again to the NAACP. However, the ILD still held the approval of the parents, who soon enough convinced their sons to reject the NAACP. As Haywood Patterson's father wrote to White, "We don't need you and none of your crowd for nothing for all you all is no good." By September,

⁵⁶ Carter, *Scottsboro* 57; NAACP, "Some Facts on the Scottsboro Case," January 13, 1932, Folder 001524_005_0317, NAACP Papers, ProQuest History Vault.

⁵⁷ Carter, *Scottsboro*, 58.

⁵⁸ Goodman, *Stories*, 32.

⁵⁹ In his early years with the NAACP, Walter White frequently passed as white to document lynchings in the South. He was nearly caught and lynched himself.

⁶⁰ Charles Martin, "The International Labor Defense and Black America," *Labor History* 26, 2 (1985) 176-8.

Beddows was on the verge of abandoning the team when Walter White secured the assistance of Clarence Darrow, eminent attorney and “aging courtroom genius.”⁶¹ White wrote to each of the Scottsboro parents personally, to inform them of Darrow’s support and urge them to reconsider the NAACP’s offer.⁶²

Walter White’s efforts to win over the Scottsboro parents failed in part due to his elitist manner. In his attempts to criticize the ILD and express sympathy for the defendants, White stressed the “ignorance” and “poverty” of “these helpless, bewildered boys.”⁶³ He publicly described the families’ decisions to side with the ILD as the foolish moves of hapless folks who did not know what was best for themselves. Contrasted with the ILD’s respectful treatment, White’s words offended the Scottsboro families. The impressive records of the NAACP attorneys failed to make up for the affront.⁶⁴

White’s condemnation of the ILD’s Communist affiliation was not particularly damning at the time. In the 1930s, the American Communist Party experienced exceptional growth in popularity, reinforced by alliances within the Popular Front. Since its 1928 Sixth World Congress, Comintern expounded a new emphasis on the plight of Black Americans. In the United States, the Communist Party initiated programs to aid Black communities, to combat unemployment and homelessness exacerbated by the Depression, and to promote Black Party members and affiliates.⁶⁵ By the mid-1930’s, the ILD nearly rivaled the NAACP in membership, boasting 200,000 members and affiliates.⁶⁶ The Communist Party was making visible efforts to

⁶¹ Carter, *Scottsboro*, 91, 98.

⁶² Walter White to Haywood Patterson, October 29, 1931; Walter White to Mrs. Andy Wright, October 30, 1931; Walter White to Josephine Power, October 30, 1931; Walter White to Mrs. Montgomery, October 30, 1931, Folder 001524_004_0683, NAACP Papers, ProQuest History Vault.

⁶³ Walter White, Statement, June 15, 1931, Folder 001524_003_0487, NAACP Papers, ProQuest History Vault.

⁶⁴ White, “The Communists,” 67; Carter, *Scottsboro*, 72.

⁶⁵ Mark Naison, *Communists in Harlem During the Depression* (Urbana: University of Illinois Press, 1983) 19.

⁶⁶ Gerald Horne, *Black Revolutionary* (Urbana: University of Illinois Press, 2013) 55; Charles Martin, “The International Labor Defense and Black America,” 169.

achieve racial equality within its ranks. One event the Party publicized far and wide was the trial of August Yokinen, a Finnish-born Communist in New York.

In March 1931, three Black men attended an event held at the Finnish Workers' Club in Harlem. They were harassed by white boys egged on by Yokinen, an employee of the club. Yokinen reportedly said "that if they were admitted to the club they might go further and enter the poolroom and the bathhouse, and he did not wish to bathe in the same tub used by Negroes."⁶⁷ For the blatant display of racism, the New York branch of the Party put the Finnish janitor on trial. On the grounds that he "made formal acceptance of the Communist principle of equal rights, but he was not willing to accept its substance," Yokinen was expelled from the Party "with the condition that he might be readmitted after he had expiated his sin and proved his worthiness," by actively fighting racism in New York. At the trial's conclusion, Yokinen declared, "I refute and condemn my former attitude, and I want to prove it," earnestly accepting his sentence.⁶⁸ Such episodes, widely publicized by the Party, promoted pro-Communist sentiment among Black Americans and their white allies.

In this historical moment, Walter White's anticommunism failed to win him additional support. His claims that the Communists cared little for Black Americans, that they "did not want the nine boys saved but sought instead to make 'martyrs' of them," simply did not ring true.⁶⁹ As Carter observes, "White had clearly misjudged the temper of the American Negro community."⁷⁰ Walter White found the case slipping out of his grasp. Indeed, he turned his attention to repairing the NAACP's image.

⁶⁷ "Race Equality Trial Stirs Harlem Reds," *New York Times*, March 2, 1931.

⁶⁸ "Race Equality Trial Stirs Harlem Reds." Note: Yokinen was deported before he had the chance to make good on his promise.

⁶⁹ White, "The Communists," 71.

⁷⁰ Carter, *Scottsboro*, 89.

When it became evident that the Association could not win control of the case, the NAACP attorneys entertained the possibility of a joint defense team. In December, 1931, Beddow and Darrow met with Chamlee and Brodsky to discuss an alliance. The ILD team supported a joint effort, so long as Beddow and Darrow participated as independent attorneys, not as representatives of the NAACP. The NAACP recruits offered the counter proposal that all four lawyers sever their ties with their respective organizations, and sign a statement declaring, “We represent the defendants. We represent no organization... We have agreed to work together to try to save these boys and our responsibility is to them and to them only.”⁷¹ When the ILD attorneys rejected the proposal, the NAACP publicly withdrew from the case, bemoaning Communist stubbornness.⁷²

At this juncture, William Patterson arrived on the scene. In early 1932, ILD Executive Secretary J. Louis Engdahl died during a Scottsboro speaking tour in Europe. Patterson, already a member of the ILD executive board, was immediately promoted. Thus, the new executive secretary inherited the reins of the Scottsboro campaign. While he was not present in the courtrooms, Patterson oversaw the parallel arms of the defense program, securing funds for the legal process while directing the mass action campaign.

Patterson recognized the courts as a system in which justice could be pursued, yet he also understood that the system was systematically rigged against large populations. As he read over the trial court decisions, he snorted at the implications of the first line: “the People of the State of Alabama, indeed!”⁷³ It was not the People who sought the execution of the nine innocent men. No, it was specific interests of the ruling class, making use of the capitalist tool of racism in

⁷¹ “The NAACP Record in the Scottsboro Cases,” February 2, 1932, Folder 001524_005_0463, NAACP Papers, ProQuest History Vault.

⁷² Carter, *Scottsboro*, 101.

⁷³ Patterson, *Man Who Cried Genocide*, 130.

tandem with the legal machinery of the state, in order to maintain a repressive racial class system. As Patterson reflected decades later, “Scottsboro had revealed the role played by the state – the multiple role – conspirator, judge, jury, and executioner.” To Patterson, state power lay in the hands of the elite who abused the Constitution to perpetuate profitable oppression. Yet Patterson retained hope that the system could be made to realize justice, so long as its servants felt the pressure of the agitating masses. He believed Scottsboro “was not primarily a legal matter; it was a political struggle of national and international import.”⁷⁴ The campaign for justice could not be limited to the courts.

Patterson’s understanding of politics prioritized mass action and recognized the mobilization of public consciousness as a prerequisite for justice. For this reason, his direction of the Scottsboro campaign paired legal expertise with publicity schemes to awaken the sensibilities of the civilized world. In a word, propaganda:

The ILD *was* out for propaganda—it was out for propaganda against racism and extra-legal lynching; propaganda against the racist policy of government; propaganda vital to the struggle for the lives of the intended victims; propaganda against the conspiracy to slaughter the boys as an act of terror calculated to quell the unrest of the Negro masses and to throw up a barrier to Negro-white unity.⁷⁵

These efforts “vital to the struggle” included the proliferation of printed materials, letter-writing campaigns, rallies, marches, and speaking tours across America and Europe. Louise Thompson recalled the preparations for a march on Washington, during which “the whole block [outside the ILD office] was just a mass of people who had turned out” – so many people that they could not fit in the fleet of buses arranged for the trip.⁷⁶ Though the NAACP disparaged the use of propaganda, Patterson drew confidence from positive responses of the public. After all, the

⁷⁴ Patterson, *Man Who Cried Genocide*, 158, 131.

⁷⁵ Patterson, *Man Who Cried Genocide*, 136.

⁷⁶ Interview, Louise Thompson Patterson, November 16-30 1981, Tape 3, *CPUSA Oral Histories*, Tamiment Library & Wagner Labor Archives, New York University.

reaction of the masses was “the acid test of the correctness of the ILD.”⁷⁷ As the Scottsboro case gained international attention, the executive secretary felt confident he was leading the Scottsboro campaign to victory.

Patterson sought a united front; the new executive secretary was instrumental in repairing relations with the NAACP. In April of 1933, Patterson met with Roy Wilkins to negotiate an alliance. On April 12, the NAACP announced “that although it still differed with the International Labor Defense on certain methods of procedure and on political philosophy, it would put those differences in the background and use all its energy in raising funds for the defense.” The NAACP would raise funds for “strictly legal bills”; the ILD would remain “in full control of the case.”⁷⁸ According to Gerald Horne’s biting assessment, the arrangement – “this Negro line of Tordesillas” – was the NAACP’s effort “to seem relevant to this new stage of a movement they thought they headed.”⁷⁹ Regardless of the NAACP’s motivations, White’s endorsement of “a united fight for the boys without bitterness between the organizations” helped the ILD address a pressing concern.⁸⁰ Financing a crusade for justice is no simple matter. The problem of money haunted Patterson’s activism throughout his career.

Despite words of reconciliation, the arrangement was shaky from the start. A lack of trust between the organizations’ leaders was evident. Two days after the NAACP announced the new arrangement, the ILD published a statement accusing the Association of misconstruing their roles in the case. After condemning alleged lies, the statement proceeded in the ILD’s customary self-righteous tone, to assure readers that nonetheless the ILD “welcomes this offer of

⁷⁷ Patterson, *Man Who Cried Genocide*, 134.

⁷⁸ “NAACP to Raise Funds for Defense of Scottsboro Boys,” April 12, 1933, Folder 001524_006_0260, NAACP Papers, ProQuest History Vault.

⁷⁹ Horne, *Black Revolutionary*, 56.

⁸⁰ “NAACP to Raise Funds for Defense of Scottsboro Boys.”

cooperation.”⁸¹ The following day, April 15, Walter White remarked in a personal letter, “Just as we expected, the *Daily Worker* comes out today peddling a good many of the old lies. What can you do with people like that?”⁸² Two days later, the “people like that” in the ILD Scottsboro Press Service issued a statement claiming that Mary White Ovington of the NAACP “brazenly denied the fact that the NAACP has collected \$7,000 ‘for the Scottsboro defense’ of which \$6,000 remains unaccounted for to the Scottsboro defenders.”⁸³ While denying any mishandling of funds, White angrily wrote to an officer of the Ohio NAACP, “Isn’t it a tragedy that at a time when we need the militant left wing more than ever before in our history the Communist movement should be as badly led as it is.”⁸⁴ Between the ILD’s public accusations and White’s lack of faith in the Communists’ integrity, the early Scottsboro alliance was fraught with distrust.

On the surface, most of the organizations’ arguments concerned small expenses; underlying the debate was unrelenting ideological tension. The NAACP took issue with both the ILD’s faith in mass action and its insistence on total control of the defense efforts. In June 1933, William Patterson and Walter White exchanged a series of letters that demonstrated their ideological differences and exposed the frailty of their partnership. These letters were widely circulated. On June 1, Patterson wrote White to demand ILD access to all NAACP Scottsboro funds, despite the original agreement to forward strictly legal bills. He began the with an essay on the importance of mass protest, which “together with most expert legal representation... won for Scottsboro so tremendous a mass following.” Patterson underlined the power of the masses, by asserting that it was “mass influence, which penetrated into the ranks of the membership of

⁸¹ ILD Scottsboro Press Service, “Scottsboro Press Release,” April 17, 1933, Folder 001524_006_0260, NAACP Papers, ProQuest History Vault.

⁸² Walter White to L. F. Coles, April 15, 1933, Folder 001524_006_0260, NAACP Papers, ProQuest History Vault.

⁸³ ILD Scottsboro Press Service, “Scottsboro Press Release.”

⁸⁴ Walter White to Helen Fleming, April 17, 1933, Folder 001524_006_0260, NAACP Papers, ProQuest History Vault.

your organization, which forced you to offer a proposal to raise funds for the Scottsboro defense.” In this way Patterson challenged White’s authority while setting the ground for his demand: “The International Labor Defense desires the full cooperation of the membership of the [NAACP]... We must therefore insist that all funds collected by these organizations be unconditionally turned over to the International Labor Defense.” If the ILD and NAACP were to be true allies, the NAACP would have to get on board with the parallel mass action campaign. In a word, Patterson insisted that the NAACP subscribe to the entirety of the ILD’s strategy.⁸⁵

Walter White was not pleased. In his June 14 response, he emphasized the strength of the original agreement and the virtue of compromise. “Those who believe in the methods of the ILD in their entirety have the privilege of contributing directly to the ILD,” wrote White, and “those who want to help the boys, but who wish their moneys used scrupulously for legal expenses can do so, through making such contributions to the NAACP.” After all, continued White, many of our donors worry about ILD spending. They wonder “to what extent will the money be used for propaganda for their [Communist] program?” By restricting NAACP funds to expenses approved by the NAACP National Office, the Association was honoring the trust of its constituents. White rejected Patterson’s demand and threatened to withdraw support:

[I]t would be most unfortunate at this stage of the fight to save the lives of the boys for the ILD to take the position that it does not wish the aid of any organization or individuals unless those organizations and individuals are willing to subscribe without reservation and without the right of questioning to the full philosophy, tactics and dictatorship of the ILD.

⁸⁵ William Patterson to Walter White, June 1, 1933, Folder 001524_002_0431, NAACP Papers, ProQuest History Vault.

Most unfortunate, indeed. White refused to budge on the issue of NAACP spending. Standing firm for the reputation of his organization and the trust of its members, White waited for Patterson to respond.⁸⁶

On June 30, Patterson delivered an impassioned, long-winded letter that insulted White's knowledge of politics and questioned the NAACP's support for the Scottsboro Nine and the socio-economic class to which they belonged. Patterson supposed that White failed to understand the theory underlying the ILD's strategy. White failed to recognize that the new trials "wrung by the masses from the lynch court [were] conclusive proof of the correctness" of the ILD's ideology, which "sternly, uncompromisingly, unceasingly and correctly maintains that the freedom of these innocent Negro boys can be secured only by rousing [the masses in]... a relentless struggle against the whole system of national oppression." Walter White either failed to understand the mechanisms of political change, or else he did not truly desire equality. Patterson observed that the NAACP had not only sought out "a close alliance with the white ruling class," but also pursued policy that would "serve the interests of the ruling class." In Patterson's words, the Association's "so-called radicalism in practice has sought only to obtain concessions for the top layer of well-to-do Negroes at the expense of yet deeper enslavement of the toiling Negro masses." If the Association's leadership was too deep in the pocket of the elite to step in line with the ILD, then the NAACP should cease collecting funds and abandon the alliance altogether. Patterson ended the letter with a call to mutiny: "Friends in the NAACP, step over the heads of your leadership which has linked itself inseparably with the ruling class... Join

⁸⁶ Walter White to William Patterson, June 14, 1933, Folder 001524_002_0431, NAACP Papers, ProQuest History Vault.

and build the ILD.” One would think the alliance had come to an end, just two months after its creation.⁸⁷

Walter White was not finished: he continued to argue for the alliance on its original terms. On July 12, he responded to Patterson’s letter in judiciously chosen words. He recognized the severe difference in political philosophy. Then he directed the conversation back to the real issue at hand: “May we be permitted to remind you that the Scottsboro case is bigger than any one organization,” wrote White. “The fate of those nine boys is far too important to permit them to be used as pawns for the advancement of any organization or of any political or economic belief.” In urging Patterson to set aside political differences to fight together for innocent lives, White took up a stance that Patterson himself so often adopted, especially in his later career. White asserted, once again, that the NAACP would “live up to its written agreement with you in letter and spirit despite whatever may be said.”⁸⁸

Unity was the final word in the Scottsboro case. After all, the Nine needed defending and the ILD needed money to mount that defense. By December of 1933, the alliance operated smoothly by the terms of the original agreement. The ILD forwarded legal bills. The NAACP promptly paid them. As they exchanged records of the legal proceedings, “Dear Mr. White” and “Dear Mr. Patterson” turned into “Dear Walter” and “Dear Pat.”⁸⁹ Then in 1935, the arrangement evolved – the ILD and the NAACP, along with the American Civil Liberties Union, formed the Scottsboro Defense Committee. In January of 1936, the two organizations mobilized their national networks to pull off “Scottsboro Days,” which featured mass meetings in twenty-one

⁸⁷ William Patterson to Walter White, June 30, 1933, Folder 001524_002_0431, NAACP Papers, ProQuest History Vault.

⁸⁸ Walter White to William Patterson, July 12, 1933, Folder 001524_002_0431, NAACP Papers, ProQuest History Vault.

⁸⁹ Patterson was known to his closer acquaintances as “Pat.” William Patterson to Walter White, December 23, 1933, Folder 001524_002_0431, NAACP Papers, ProQuest History Vault; Walter White to William Patterson, December 21, 1933, Folder 001524_002_0431, NAACP Papers, ProQuest History Vault.

cities.⁹⁰ Despite fierce ideological differences, Patterson and White became equal partners in a truly united effort to save the innocent men.

At the end of the day, the Scottsboro Defense Committee achieved success: not one of the defendants was sent to the electric chair. In 1933, Ruby Bates admitted to making up the whole rape story, and testified against her former friend, Victoria Price. In 1935, the Scottsboro case was heard before the Supreme Court for the second time. Death sentences were twice overturned. In 1937, the final trial concluded in Alabama. Ultimately, four defendants were released: Roberson, Montgomery, Williams, and the younger Wright walked free. The other five received prison sentences.⁹¹ With four of the young men convicted, it is hard to argue that the Scottsboro defense enjoyed an unqualified victory. In a 1981 interview, Patterson's wife Louise Thompson remarked that "They were not lynched, but their lives were shattered."⁹² However, the case challenged the norms of Southern justice. It elevated the ILD and William Patterson to international fame. Patterson reflected on the campaign as a success: "at the end, not one boy was lynched. All were freed. And the South has not been quite the same ever since."⁹³

The Trenton Six

World War II transformed global politics. The forces of fascism fell before an alliance of liberal democratic and Communist powers. A new international governing body came into being and gave rise to a new language of human rights. Humanity began to confront the horror of genocide in Europe. Colonized peoples agitated for independence. The old Western European

⁹⁰ Scottsboro Defense Committee Memo, January 17, 1936, Reel 4, International Labor Defense Records, Schomburg Center for Research in Black Culture, New York Public Library.

⁹¹ Martin, "The International Labor Defense and Black America," 173.

⁹² Interview, Louise Thompson Patterson, November 16-30 1981, Tape 2, CPUSA Oral Histories, Tamiment Library & Wagner Labor Archives, New York University.

⁹³ Patterson, *Man Who Cried Genocide*, 138.

powers relinquished their place of preeminence in favor of two new players. The Cold War began. When the Soviet Union got the bomb, a bipolar world order emerged.

On the home front, Americans enjoyed newfound economic prosperity. The New Deal and wartime mobilization transformed American labor. The Great Migration of African Americans out of the South, which had slowed in the Depression years, resurged in the 1940s. As urban Black populations grew in the North, so did racial tension. Meanwhile, American Communists faced trouble.

As the world about it changed, the Communist Party of the United States of America faced internal turmoil. During the Popular Front era, approximately 1935-1945 with a brief recess around the Stalin-Hitler pact, American Communists backed away from revolutionary orthodoxy and embraced progressive programs. In 1936, the Party decided to support the New Deal. The wartime cooperation of the Soviet Union and the United States encouraged many to reevaluate traditional theory. In 1944, Party leader Earl Browder remarked that “Capitalism and Socialism have begun to find the way to peaceful coexistence and collaboration in the same world.” Browder asserted that bourgeois democracy and progressivism could lead the American people to socialism, and that insistence on radical change might even endanger the cause by feeding the forces of reaction.⁹⁴ Browder went so far as to question the laws of history. His popularity was short-lived. When the war ended, Browder’s program fell out of favor with both the Communist International and his American comrades. His longtime rival, William Foster pushed for a return to strict doctrine. “Browderism” came to denote perverted theory that would

⁹⁴ Joseph Starobin, *American Communism in Crisis, 1943-1957* (Cambridge: Harvard University Press, 1972), 56; Harvey Klehr, *The Heyday of American Communism: The Depression Decade* (New York: Basic Books, 1984), 210.

undermine the Party's ultimate goals.⁹⁵ Despite his history of Browderism, William Patterson held fast to the new Party policy. He sided with Foster.⁹⁶

The Second Red Scare placed enormous stress on an organization already weakened by internal crisis. The American Communists entered the 1950s in disarray. Foster sought to lead the Party back to orthodoxy, claiming that Lenin's theories were just as accurate in 1945 as they were in 1915. Remnants of Browder's faction surreptitiously resisted. At the same time, a younger generation of Communists led by Eugene Dennis challenged Foster's leadership.⁹⁷ The 1947 Taft-Hartley Act not only crippled the labor movement by placing limitations on strikes, it also required union leaders to affirm they had no relation to Communism. Labor moved away from CPUSA as unionists found that working with local Democratic parties was more effective than associating with radicals. More and more Communist leaders landed in jail for violating the 1940 Smith Act, which made advocating the overthrow of the government illegal.⁹⁸ In 1950, Congress passed the McCarran Internal Security Act, which required all Communist organizations to register with the federal government and established a committee to investigate suspected subversive persons. The McCarran Act also justified the confiscation of Paul Robeson's and William Patterson's passports.

At the beginning of this new era, Patterson's International Labor Defense was forged anew. At a 1946 Detroit conference boasting three hundred and seventy-three delegates from some twenty-three states, the International Labor Defense and the National Negro Congress

⁹⁵ Browder fell from grace, decrying Foster's faction as unthinking "political zombies." Starobin, *American Communism*, 80, 86.

⁹⁶ Starobin, *American Communism*, 94, 104.

⁹⁷ Starobin, *American Communism*, 120, 20.

⁹⁸ Patterson called the Smith Act "the door to the realm of Thought Control." He defended many Communists charged with its violation. Speech, William Patterson, "60th Birthday Speech," August, 23, 1951, File A250, Papers of the Civil Rights Congress, Schomburg Center for Research in Black Culture, New York Public Library ; Starobin, *American Communism*, 10.

incorporated into a new body: the Civil Rights Congress.⁹⁹ The organization's objective, as published in its constitution was "to strive constantly to safeguard and extend all democratic rights, especially the rights of labor, the Negro people and the Jewish people and of racial, political, religious and national minorities."¹⁰⁰ Like its predecessor, the CRC maintained a legal defense team to provide counsel to victims of state-sponsored oppression. It carried over the language of the ILD, to defend Communists in the name of democracy and alert the nation to "legal lynching."¹⁰¹ It adopted Cold War rhetoric to draw attention to domestic injustice. A CRC pamphlet from January, 1949 asserted: "more than fifteen million colored citizens – a population greater than that of Roumania, Bulgaria, Hungary or Poland – live behind an iron curtain that marks them off from the rest of our population, as beyond the pale of law and order."¹⁰² By 1952, the CRC reported seven thousand members in thirty-three local chapters. Patterson again served as executive secretary.¹⁰³

At the same time, the National Association for the Advancement of Colored People adopted an anticommunist policy. In the years during and immediately after the war, Walter White developed ties with Eleanor Roosevelt and Harry Truman. He distanced his organization from their radical critics. In his 1948 autobiography, White recalled the Communist role in the Scottsboro case in harsh words: "we had to cope with the multiplied antagonism caused by the

⁹⁹ William Allan, "Civil Rights Congress Formed to Fight Fascism," *Daily Worker*, April 30, 1946, in File G33 of the Papers of the Civil Rights Congress, New York Public Library.

¹⁰⁰ "Article 1," *Constitution*, 1946, Box 208-16, Folder 11, William Patterson Papers, Moorland-Spingarn Research Center, Howard University.

¹⁰¹ "Democracy's Defense!" *Daily Worker*, August 29, 1948, in File G33 of the Papers of the Civil Rights Congress, Schomburg Center for Research in Black Culture, New York Public Library.

¹⁰² Civil Rights Congress, "Negro Rights in America," January 17, 1949 in File P145 of the Papers of the Civil Rights Congress, Schomburg Center for Research in Black Culture, New York Public Library.

¹⁰³ The national organization's annual income was \$69,000 from dues and donations, more than a third of which was spent on legal cases and campaigns. As Executive Secretary, William Patterson earned \$3,640 a year – only \$500 more than his office secretary "National Board Reports," 1952, File N88, the Papers of the Civil Rights Congress, Schomburg Center for Research in Black Culture, New York Public Library.

inept tactics of the Communist ILD.”¹⁰⁴ He asserted that a great part of the Scottsboro tragedy lay “in the cynical use of human misery by Communists in propagandizing for communism.”¹⁰⁵ At the Forty-First Annual Convention of the NAACP in June, 1950, the Association passed a resolution to condemn Communists and fellow-travelers who would sabotage the NAACP, “to eliminate internal ideological friction... and instruct the National Board of Directors to appoint a committee to investigate and study the ideological composition and trends of the membership and leadership of local units... to take necessary action to eradicate such infiltration.” In August, 1950, White issued a memo to all chapters, qualifying the intention of the anticommunist resolution. Do not be hasty, insisted White. The NAACP values criticism and does not want all critics expelled with the false stigma of Communism. In all caps he ordered: “DO NOT BECOME HYSTERICAL AND MAKE WILD ACCUSATIONS. We do not want a witch hunt in the NAACP, but we want to be sure that we, and not the Communists, are running it.”¹⁰⁶ White sought a pronounced distance from the Reds. To White’s great disappointment, a reunion with Patterson proved unavoidable when a scandal of racial injustice struck the capital of New Jersey.

Trenton makes; the world takes. Today the slogan greets visitors from the side of the city’s Lower Free Bridge. It alludes to Trenton’s history as a major manufacturing center. In the Great Migration era, Trenton’s industrial work drew Black Southerners to New Jersey. In the 1940s, the city’s Black community grew from 7.5% to 11.4% of Trenton’s total population. In 1948, both the NAACP and CRC had a presence in New Jersey’s capital. Like changing cities

¹⁰⁴ Walter White, *A Man Called White* (Athens, GA: University of Georgia Press, 1995), 129.

¹⁰⁵ White, *A Man Called White*, 133.

¹⁰⁶ Walter White, Memorandum to NAACP Branches, August 29, 1950, Folder 001459_007_0142, NAACP Papers, ProQuest History Vault.

across the North and West, Trenton’s shifting demographics exacerbated racial tension. White residents increasingly blamed the growing Black neighborhood for unemployment and crime.¹⁰⁷

At 5:00 pm on Saturday, February 7, 1948, James Thorpe sat in an East Trenton saloon. Born in Warren, North Carolina, Thorpe moved to Trenton in 1939 at the age of fifteen. He had received a limited education – he finished no more than the second grade. Thorpe could not read, he could barely write his own name.¹⁰⁸ He also only had one arm, due to a truck accident in 1947. In January, 1948, doctors called for amputation. He was only released from the hospital on January 19.¹⁰⁹ As he sat in the saloon that February evening, a policeman arrived to speak with the bartender. On his way out, the officer noticed Thorpe.

“Is your name Shorty?” the officer asked. “No,” Thorpe answered. “Is your name Long John?” the officer asked. “No,” Thorpe answered again, pulling out his pocketbook to show the officer his legal name. “Well, I’ve got to take you down,” stated the officer, matter-of-factly. “The Captain wants to talk to you.”¹¹⁰ At the station, the police asked Thorpe if he knew a Collis English. “No, I don’t know him,” answered Thorpe. Then they put him in a cell. There he remained for four nights. No visitors, no counsel, no phone calls. He faced ceaseless questioning about a crime, of which he had no knowledge. The morning of February 11, the Trenton police brought Thorpe before a judge. He was charged with the murder of William Horner.¹¹¹

Eleven days before Thorpe’s run-in at the saloon, cigar salesman Frank Eldracher hurried down North Broad Street. Trenton was cold that January morning. As the white Trenton resident approached his car, he noticed a pair of light-skinned Black men rush out of the second-hand

¹⁰⁷ Cathy Knepper, *Jersey Justice: The Story of the Trenton Six* (New Brunswick: Rivergate Books, 2011), 5.

¹⁰⁸ State v. Cooper, 2 NJ 540, vol 29, 75 (1949); State v. Cooper, 2 NJ 540, vol 30, 100 (1949).

¹⁰⁹ State v. Cooper, 2 NJ 540, vol 29, 75 (1949)

¹¹⁰ State v. Cooper, 2 NJ 540, vol 29, 9 (1949).

¹¹¹ State v. Cooper, 2 NJ 540, vol 29, 10-12 (1949).

furniture store. A moment later, a frail white woman emerged calling for help. She collapsed at the doorstep. Blood ran down her face. Eldracher ran to alert a patrolling officer.¹¹²

Fifty-nine-year-old Elizabeth McGuire Horner had suffered a blow to the head. She needed medical attention, but she would live. Her common-law husband, the seventy-two-year-old William Horner, lay dying in the backroom of the store. He too bled from a head injury. The glass bottle that cracked his skull ensured the old man's death. According to Elizabeth Horner, several Black men had come into the store to buy a mattress. William Horner took them to the back of the store while Elizabeth Horner assisted another customer. Suddenly a great crash of pain sent her to the floor. She regained consciousness to find her husband dying on the mattress for sale. The police found two soda bottles – one intact, one shattered – on the store's floor. They found \$1,642 in cash in William Horner's pocket. News spread of unknown Black murderers on the loose in Trenton. The police force hurried to instigate a search.¹¹³

The Trenton Police Department undertook a mass roundup of Black men. They picked up any Black man they found on the street after 5:00 pm, effectively creating a curfew.¹¹⁴ When the police received a complaint from George English, who claimed his son Collis stole his car, a pair of officers hurried off to apprehend the young, Black car thief. Thus, Collis English became a suspect in a murder case because he borrowed (and returned) his father's car without permission. English was a young man in frail health – he contracted malaria when he served in the Navy and also suffered heart problems. The evening of February 6, two Trenton police officers took

¹¹² Harry Roger Young, "Stories of the Trenton Six: Race and the Early Cold war in America, 1948-1953" (PhD diss., University of Memphis, 2015), 2, 22.

¹¹³ State v. Cooper, 2 NJ 540, vol 29, 16 (1949).

¹¹⁴ "One Year Later: Still in Jail," *Daily Worker*, July 2, 1950, in File G42 of the Papers of the Civil Rights Congress, Schomburg Center for Research in Black Culture, New York Public Library.

English from his mother's house and brought him to the station for questioning. Without a warrant, they held him there for five nights.¹¹⁵

When McKinley Forrest, Collis English's brother-in-law walked to the station to inquire about English, the police took him in for questioning as well. In addition to English, Forrest, and Thorpe, the Trenton police picked up Ralph Cooper, Horace Wilson, and John MacKenzie. The six Black men were all in their twenties and thirties. When the witnesses came to the station, neither Horner nor Eldracher could identify any of the suspects. When Horner returned a second time, after receiving pictures of the Six, she identified the suspects as her attackers. The police questioned the men for four straight days. They were offered no counsel and no contact with the outside world. They were not informed of their constitutional rights. They were subjected to interrogation around the clock. They later testified that the police employed intimidation, violence, and drugs in their efforts to obtain confessions. Five of the Six ultimately signed statements of confession.¹¹⁶

The trial of the Trenton Six commenced on June 7, 1948 at the Mercer County courthouse, before the Honorable Charles Hutchinson and an all-white jury. McKinley Forrest's family retained attorney Frank Katzenbach to defend Forrest. The other men were appointed counsel by the State. They were represented by James Waldron, Robert Queen, and James Turp. Mario Volpe led the prosecution. The State accused the Six of robbery and murder. The state's case depended entirely on the confessions and Elizabeth Horner's testimony. Horner testified that Cooper, English, and Forrest all visited the store the week of the murder, to scope out the place.¹¹⁷ She asserted that on January 27, the day of the crime, Forrest and English were the pair who went to the back room with Mr. Horner, while Wilson asked to see a stove. Then Cooper

¹¹⁵ Young, "Stories," 57; State v. Cooper, 2 NJ 540, vol 29, 7-8 (1949).

¹¹⁶ State v. Cooper, 2 NJ 540, vol 29, 8-21 (1949)

¹¹⁷ State v. Cooper, 2 NJ 540, vol 30, 241-7 (1949).

and Thorpe arrived. MacKenzie was outside the shop, keeping watch. The men beat down the Horners, stole some money, and ran. The five confessions confirmed that all six men were on the premises and complicit in the murder.¹¹⁸

The defense challenged Horner's identification and the story of robbery. Horner had not been able to identify the Six until the police sent her their pictures to study. The other witnesses – Eldracher, who had been on the street, and Virginia Barclay, who had watched from a second-story window – both failed to identify any of the suspects. Horner was the only eyewitness willing to accuse the defendants. Eldracher insisted that he saw two men who were younger and lighter-skinned than any of the accused.¹¹⁹ And if these men had attacked William Horner in order to rob him, why would they leave \$1,642 in the unconscious man's trouser pocket?

The defense challenged the validity of the confessions and accused the Trenton Police of severe misconduct. On the stand, Collis English recalled intimidation and violence at the hands of the police. English said that on the way to another round of questioning, "there was a boy brought downstairs on the way into his cell. He was kind of badly beaten about the face; and as I was going in one of the officers said... 'You're going in here, and you're going to answer some questions we're going to ask you, or either you're going to get the same thing he got.'"¹²⁰ English said this kind of threat was particularly effective because of his previous experience with the police. Back in 1942, English was charged with stealing chickens. When he refused to speak, the officers beat him with a "hose, and sticks, and their fists." With the memory of violence brought fresh to his mind, English did what the police asked and signed the confession statement they gave him. Even so, an officer struck him, reported English.¹²¹ The other defendants affirmed

¹¹⁸ State v. Cooper, 2 NJ 540, vol 30, 87-9 (1949).

¹¹⁹ State v. Cooper, 2 NJ 540, vol 34, 5499, 5506, 5508 (1949).

¹²⁰ State v. Cooper, 2 NJ 540, vol 31, 1222-3 (1949).

¹²¹ State v. Cooper, 2 NJ 540, vol 31, 1225-8 (1949).

English's account of police violence with their own stories. In Turp's summation, he stressed the defendants' ignorance and vulnerability to such tactics: "You have seen how pathetically ignorant and simple-minded practically all of these defendants are, how afraid and mistrustful of the police they are." Emphasizing their lack of education, weakness, and a supposed African tendency to fear, Turp and the defense team cast the defendants as infantile victims – sacrificing their dignity in an appeal to the jury.¹²²

When the officers came forth to testify, they repudiated the claims of violence. Officer Lichtfuhs, who allegedly beat English, denied any use of force or threats. When pressed by the defense, Lichtfuhs and his fellow officers admitted that they did not inform the suspects of their constitutional rights. However, the policemen insisted, they obtained statements of confession by fair procedure.¹²³ In his final summation, Volpe presented the jury with two options: "You either find these men not innocent – or rather, innocent – and accuse the Police Department."¹²⁴ Their word against the police: who do you believe?

On August 6, 1948, the jury reached a verdict: guilty. Judge Hutchinson declared, "the jury has found each of you and all of you guilty of murder in the first degree, without recommendation of life imprisonment... It therefore becomes my duty to impose the only sentence the law provides." As Hutchinson sentenced the six to "suffer the punishment of death," a woman cried out from the audience. Collis English's sister, Bessie Mitchell was escorted out of the courtroom. The condemned men were moved to New Jersey State Prison's death row.¹²⁵

Bessie Mitchell was destined to become the heroine of the CRC's Trenton Six campaign. Determined to find justice for her brother, Mitchell sought help. Twice she approached the

¹²² State v. Cooper, 2 NJ 540, vol 34, 5527, 5570, 5580, 5602 (1949).

¹²³ State v. Cooper, 2 NJ 540, vol 34, 5343 (1949).

¹²⁴ State v. Cooper, 2 NJ 540, vol 34, 5768 (1949).

¹²⁵ State v. Cooper, 2 NJ 540, vol 34, 5873 (1949); Young, "Stories," 189.

NAACP – both times she was turned away without any offer of legal support. Her plea was also rejected by the American Civil Liberties Union.¹²⁶ Then she heard about the Communists. According to historian Cathy Knepper, Mitchell stumbled upon a CRC flyer on September 1, 1948.¹²⁷ John Norman of the *Daily Worker* claimed that Mitchell first heard about the CRC through a *Worker* article published on August 13, 1948.¹²⁸ In any case, Mitchell contacted the New Jersey chapter of the CRC. By November, the Communists had created the Committee to Free the Trenton Six, chaired by none other than Paul Robeson. William Patterson arrived in Trenton to meet his new clients. Despite his Communist association, the parents of English and Thorpe enthusiastically received Patterson. Collis English, James Thorpe, and Ralph Cooper accepted the CRC lawyers. McKinley Forrest stuck with Katzenbach. Horace Wilson and John MacKenzie opted to stay with their original lawyers. Thus, the CRC team, assembled by Patterson and led by O. John Rogge, entered the case.¹²⁹

Although CRC press releases stressed the absence of the NAACP, the real story was perhaps more complicated. Just as in Scottsboro, the NAACP claimed to have representatives in the crowd, always following the action. In a 1949 letter written by local NAACP man Clifford Moore, Moore asserted that the NAACP branch in Trenton strategically opted to assist the court-appointed counsel. The NAACP recognized that the appointed defense team consisted of “extremely capable men.” Critically, “no funds [were] required since all costs must be met by the State.”¹³⁰ On April 1, 1949, the NAACP Division of Research and Information filed a report,

¹²⁶ Knepper, *Jersey Justice*, 84.

¹²⁷ Knepper, *Jersey Justice*, 86.

¹²⁸ John Norman, “Reprieved – By the People,” *Daily Worker*, July 17, 1949, File G34 of the Records of the Civil Rights Congress, Schomburg Center for Research in Black Culture, New York Public Library.

¹²⁹ Young, “Stories,” 174, 187, 190.

¹³⁰ Clifford Moore to Walter Offutt, October 26, 1949, Folder 001532_030_0901, NAACP Papers, ProQuest History Vault.

“Facts in the Case of the Trenton Six,” which indicates the interest of the National Office.¹³¹

Even the *Daily Worker* admitted that the local NAACP helped to publicize the plight of the Six.¹³²

In January, 1949, Patterson seized control of both the legal defense and the narrative. O. John Rogge, former Assistant Attorney General of the United States, led the defense. Patterson and Emanuel Bloch of the New York Bar were also in the courtroom. The CRC executive secretary simultaneously launched a campaign to brand the case as a “Northern Scottsboro.”¹³³ That month, the CRC showered New Jersey with a pamphlet entitled “Lynching Northern Style.” The five-page pamphlet, filled with provocative illustrations and bold statements, listed the facts of the case. Next to a depiction of a judge in Klan garb, the pamphlet read:

IS THIS A LYNCHING? YES! Northern style. Jersey style... It is the government's answer to the American Negro's striving for freedom and human dignity. A 'LEGAL' LYNCHING. Engineered by the police department of Trenton. With the cooperation of Trenton courts and officials.¹³⁴

The pamphlet instructed the reader to write to Governor Alfred Driscoll, to spread the story of the Trenton Six in local organizations and newspapers, and to donate to the Committee to Free the Trenton Six to fund the upcoming legal and mass action campaigns. Students and faculty at Princeton University formed a parallel committee that worked with Robeson's to publicize the case.

¹³¹ NAACP Division of Research and Information, “Facts in the Case of the Trenton Six,” April 1, 1949, Folder 001532_014_0607, NAACP Papers, ProQuest History Vault.

¹³² John Norman, “Reprieved – By the People.”

¹³³ Committee to Free the Trenton Six, *Lynching Northern Style* (New York: Civil Rights Congress, 1949); “Six Innocent Men,” *Daily Worker*, June 3, 1949, File G33, Papers of the Civil Rights Congress, Schomburg Center for Research in Black Culture, New York Public Library; Quoted in a CRC Press Release, December 9, 1949, File G33, Papers of the Civil Rights Congress, Schomburg Center for Research in Black Culture, New York Public Library; Henry Winston to the National CRC Office, March 17, 1949. File G33, Papers of the Civil Rights Congress, New York Public Library.

¹³⁴ Committee to Free the Trenton Six, “Lynching Northern Style.”

On May 16, 1949, O. John Rogge argued before the Supreme Court of New Jersey. Citing the Supreme Court ruling in the 1948 case *Haley v. Ohio*, Rogge asserted that the endless hours of questioning alone delegitimized the statements of confession. Additionally, by holding the men for four or more consecutive nights without a warrant, the Trenton Police violated two New Jersey state laws – legally, the Six could not be held for more than forty-eight hours.¹³⁵ Add in the allegations of violence and intimidation and one surely must question whether the confessions were voluntary. Rogge, alongside Turp and Katzenbach, asserted that the verdict was against the weight of evidence. The witnesses contradicted one another. The cash in the dead man’s pocket cast doubt on the robbery motive. And what about the murder weapon? The State had in its possession the bottle that cracked Horner’s skull. Why did the State fail to offer fingerprint analysis? Why withhold vital evidence?¹³⁶ Finally, the appellant team pointed to error in the sentencing. According to New Jersey law, in cases of murder, the jury and only the jury can determine the degree and the sentence. But in the Trenton Six trial, the jury members only declared the men guilty. Judge Hutchinson inappropriately determined that they were guilty in the first degree and therefore deserving of death.¹³⁷

Representing the NAACP, Thurgood Marshall submitted an amicus brief on behalf of the Six. He touched on the abovementioned points, and additionally remarked: “Throughout the record there shine two aspects of the trial – one that the Negro in Trenton was treated as he would have been in the South – and the other that the trial was perverted from a search for the truth into a search for the support for the prestige of the police of Trenton.”¹³⁸ With a directness

¹³⁵ R.S. 2:180 B-2 and R.S. 2:216-9; *State v. Cooper*, 2 NJ 540, vol 29, 29-33 (1949); *Haley v. State of Ohio*, 332 US 596 (1948).

¹³⁶ *State v. Cooper*, 2 NJ 540, vol 29, 3-6 (1949).

¹³⁷ *State v. Cooper*, 2 NJ 540, vol 29, 39 (1949).

¹³⁸ Brief for the National Association for the Advancement of Colored People as Amicus Curiae, page 16, *State v. Cooper*, 2 NJ 540 (1949), Folder 001532_014_0607, NAACP Papers, ProQuest History Vault.

to rival Patterson, Marshall accused Trenton's criminal justice system of racism and corruption. On June 30, 1949, the Supreme Court of New Jersey reversed the lower court's decision and ordered a new trial. The Six had a second shot to live.

Before the new trial could begin, Judge Hutchinson barred Rogge, Patterson, and Bloch from his court. Hutchinson issued the order in December, 1949, on the grounds that the CRC lawyers violated the rules governing New Jersey courts. Their "improper conduct" and the "improper activities" of their organization violated New Jersey Canons of Ethics 1, 15, 16, 20, 26, and 32. Hutchinson called out Rogge specifically, for his public declarations that the trial was "a travesty of justice," a "lynching" even. Hutchinson wrote, "In all of your statements you have deliberately distorted the facts with a view, among other things, of stirring up unfavorable public opinion against this court; and for the purpose of influencing the case when it was on appeal."¹³⁹ In a CRC Press Release published December 16, Patterson retorted that the CRC attorneys were dismissed

because we have exposed a vicious frame-up which is a symbol of the State of New Jersey's policy of enforcing Jim Crow and segregation by terror against the Negro people even in the courts. Already the State Prison has more than 40% Negro inmates, while the Negro population of the State is less than 4%.¹⁴⁰

According to Patterson, the expulsion of the CRC lawyers was a political action in defense of a corrupt state. When Bessie Mitchell visited her brother in prison to tell him about the order, English reportedly said, "We don't trust a state-appointed lawyer. We want our CRC lawyers... We want the lawyers who saved our lives."¹⁴¹ The CRC team debated how to move forward without standing in Hutchinson's court. James Imbrie of the Princeton Committee to Free the

¹³⁹ "Text of Court's Statement Removing Trenton 6 Counsel," *Trenton Evening Times*, December 10, 1949, Folder 001532_014_0607, NAACP Papers, ProQuest History Vault; Sconj 203: 8452; Young, "Stories," 215.

¹⁴⁰ "Trenton Six Judge Throws Civil Rights Congress Attorneys Out of Case While They Were on Verge of Producing New Evidence to Prove Frame-up," Press Release, December 16, 1949, File G34, Papers of the Civil Rights Congress, Schomburg Center for Research in Black Culture, New York Public Library.

¹⁴¹ "Trenton Six Judge Throws..."

Trenton Six provided a solution. Pointing to the anticommunist attitudes of the judge and jury, Imbrie convinced Patterson that it was in the best interest of the Six for the CRC to hand over the legal defense to other able attorneys. Imbrie negotiated the entrance of the NAACP and ACLU to defend English, Thorpe, Cooper, Wilson, and MacKenzie in the new trial. Forrest remained with Katzenbach. In this way, the CRC bowed out of the courtroom.¹⁴²

When the NAACP and ACLU arrived at the Mercer County courthouse, the CRC took its work to the streets. “We will continue to carry the case of the Trenton Six to the Bar of Public Opinion,” Patterson remarked, “As counsel in this case, we owe it to our clients and to the American people to put up a vigorous defense and to tell the story of this attempted lynching northern style.”¹⁴³ The Trenton Six propaganda campaign, which had raged since January 1949, persisted with renewed intensity. The CRC distributed hundreds of thousands of pamphlets across the United States via local chapters. Patterson toured the country with Bessie Mitchell, just as he had with the Scottsboro mothers. The Communist Party organized rallies in cities around the world. The CRC claimed the successful appeal as a victory of the people: “the people’s protests, led by the Civil Rights Congress, forced a state supreme court reversal.”¹⁴⁴ On June 10, 1950, Patterson addressed the CRC National Board Meeting, remarking on the CRC’s greater mission of cultivating the consciousness of the masses. “We have seen the role played now by the courts,” said Patterson, “The role is, however, not yet understood by the great masses of the people. The illusion that the courts are impartial guardians of the rights of all is deeply

¹⁴² Young, “Stories,” 246; “Statement Draft,” 1955, File P145, Papers of the Civil Rights Congress, Schomburg Center for Research in Black Culture, New York Public Library.

¹⁴³ “Trenton Six Judge Throws...”

¹⁴⁴ “One Year Later: Still in Jail,” *Daily Worker*, July 2, 1950, in File N90, Papers of the Civil Rights Congress, Center for Research in Black Culture, New York Public Library; John Norman, “Reprieved by the People”; Henry Winston to the National CRC Office, March 17, 1949; William Patterson, “Amnesty Campaign” Memorandum, July 29, 1950, File N90, Papers of the Civil Rights Congress, Center for Research in Black Culture, New York Public Library.

rooted in America.” He went on, invoking a familiar theme: “It is for the CRC to show that the most effective weapon of the people is mass pressure. The two forms of action, legal action and mass pressure, are complementary. The emphasis must be placed upon the mass pressure.” This theory, said Patterson, distinguished the CRC from the NAACP and the ACLU.¹⁴⁵ Walter White and Roy Wilkins may well have agreed.

Although the NAACP was willing to take over the case upon the CRC’s departure, the Association’s national leadership had no desire to cooperate with Patterson. While the Communist Party moved away from center-left alliances, the CRC repeatedly called for unity in the struggle for racial justice. In his 1952 National Board Report, Patterson wrote:

the united front with the more conservative organizations works along parallel lines. It is like railroad tracks. Both rails go to the same place. Both are equally important to the train; in fact, if the Civil Rights Express is to go anywhere, these are the only conditions under which it can move.¹⁴⁶

Taking a realistic look at the future of civil rights, Patterson recognized that the only hope for the CRC’s mission lay in an alliance across the political spectrum. So, throughout the late 1940s and early 1950s, Patterson barraged the NAACP National Office with lengthy written pleas for a united front. The NAACP leaders responded with cold, curt rejections.

On November 14, 1949, Patterson wrote Roy Wilkins a seven-page letter insisting that “unity, expressed through militant struggle, will increase the tempo of the whole liberation struggles of the Negro peoples.” He warned that the NAACP strategy of distancing itself from the Left was pointless: “In the eyes of white supremacists, any organization that really fights for Negro rights must sooner or later be labelled subversive.” Unity was the only strategy for

¹⁴⁵ William Patterson, “National Board Meeting Report,” June 10, 1950, File N90, Papers of the Civil Rights Congress, Center for Research of Black Culture, New York Public Library.

¹⁴⁶ William Patterson, “National Board Report,” 1952, File N88, Papers of the Civil Rights Congress, Center for Research of Black Culture, New York Public Library.

survival.¹⁴⁷ Wilkins responded, “without using seven pages,” that the NAACP wanted none of Patterson’s unity. He wrote, “We remember the Scottsboro case and our experience there with the International Labor Defense... we remember that in the Scottsboro case the NAACP was subjected to the most unprincipled vilification.” In short: “We want none of that unity today... We do not believe it will contribute to the success of the campaign. On the contrary, we believe it will be a distinct handicap.”¹⁴⁸ This exchange and Patterson’s second letter, which asserted that “history has placed unity upon the order of business,” were published by both organizations.¹⁴⁹ Wilkins’ response was applauded by many NAACP members, most of all by Thurgood Marshall.¹⁵⁰ In November of 1950, Patterson wrote again to the NAACP for unity in the defense of the Trenton Six. Marshall responded, “as the matters now stand, the Civil Rights Congress still has control of the case. There has been no change in the policy of the NAACP in that this organization will not work with the Civil Rights Congress on this case. This has always been made clear to you and I want to reemphasize it.”¹⁵¹

In 1952, Patterson wrote a general plea to Walter White. The NAACP had organized a conference for civil rights and had failed to invite the CRC. While requesting an invitation, Patterson again asserted that the NAACP’s strategy of distance was futile:

There were those who consistently and persistently alleged that the National Association for the Advancement of Colored People was immune to persecution

¹⁴⁷ William Patterson to Roy Wilkins, November 14, 1949, Folder 001434_007_0001, NAACP Papers, ProQuest History Vault.

¹⁴⁸ Roy Wilkins to William Patterson, November 22, 1949, Folder 001434_007_0001, NAACP Papers, ProQuest History Vault.

¹⁴⁹ William Patterson to Roy Wilkins, November 29, 1949, Folder 001434_007_0001, NAACP Papers ProQuest History Vault.

¹⁵⁰ Alfred Baker Lewis to Roy Wilkins, December 9, 1949, Folder 001434_007_0001, NAACP Papers ProQuest History Vault; J. Jerome Reddy to Roy Wilkins, December 7, 1949, Folder 001434_007_0001, NAACP Papers ProQuest History Vault; M. N. C. Syracoprilo to Roy Wilkins, December 25, 1949, Folder 001434_007_0001, NAACP Papers ProQuest History Vault; Francis Gilligan to Roy Wilkins, January 15, 1950, Folder 001434_007_0001, NAACP Papers ProQuest History Vault; Roger T. to Roy Wilkins, December 6, 1949, Folder 001434_007_0001, NAACP Papers ProQuest History Vault.

¹⁵¹ Thurgood Marshall to William Patterson, November 22, 1950, Folder 001459_007_0142, NAACP Papers ProQuest History Vault.

if only it did not become too “radical;” that it could make substantial and fundamental gains for the Negro people by placating and soothing its persecutors. History has now shown that those people were living in a fool’s paradise.¹⁵²

While criticizing White’s strategy of cooperation with liberal politicians, Patterson called for a new alliance with the radical Left. “This letter is a plea for real unity,” wrote Patterson, “It is a plea that we put an end to the artificial separation of the Negro people.” Flipping between conciliatory and accusatory modes, Patterson asserted that “those who divide the Negro people at such an hour as this, betray the most sacred interests of that people and do a disservice to mankind... Let us end once and for all the pitting of Negro against Negro.” Invoking Du Bois, he pleaded, let us “close ranks.”¹⁵³ Patterson’s cries for unity failed to move White. No invitation arrived. Instead, White forwarded the correspondence to the Federal Bureau of Investigation.¹⁵⁴

One should note that the NAACP was not always utterly uninterested in its Communist contemporaries. Even Roy Wilkins, perhaps the staunchest anticommunist of the bunch, at times took an interest in the victims of the Red Scare. When Paul Robeson’s 1949 concert inspired the anticommunist Peekskill riot, Roy Wilkins wrote to New York Governor Thomas Dewey, insisting he investigate.¹⁵⁵ Following a series of Smith Act arrests, Wilkins issued a memo to NAACP branches, stating that “the legal staff of the NAACP believes that the Smith Act involved in the Communist trials is unconstitutional and at the proper time will make this position known to the appellate courts.”¹⁵⁶ Wilkins did not tell NAACP members to withhold

¹⁵² William Patterson to Walter White, February 14, 1952, Folder 001459_007_0445, NAACP Papers ProQuest History Vault.

¹⁵³ William Patterson to Walter White, February 14, 1952, Folder 001459_007_0445, NAACP Papers ProQuest History Vault.

¹⁵⁴ Horne, *Communist Front*, 140.

¹⁵⁵ Roy Wilkins to Thomas Dewey, August 29, 1949, Folder 001459_007_0142, NAACP Papers ProQuest History Vault.

¹⁵⁶ Roy Wilkins, Memorandum, October 18, 1949, Folder 001459_007_0142, NAACP Papers ProQuest History Vault.

support for the Communists on trial, but did request they show their support as individual citizens, not as representatives of the NAACP.

In 1951, the Trenton Six received their second trial. On June 14, the jury found four of the men not guilty. The jury declared Cooper and English guilty of murder in the first degree, with the recommendation of life imprisonment. The defense team rejoiced for the four freed men. Raymond Pace Alexander, a Black attorney representing the NAACP, commended the jury for its attention to justice “on behalf of the fifteen million people of colored America.” He continued:

It is a remarkable tribute to the State of New Jersey that you members of the jury who have so faithfully served, upheld the great traditions of American justice and justice in New Jersey which will ring throughout the world as an answer to the fact that in America people of difference of race and color could not be given a fair trial in America.¹⁵⁷

Employing the Cold War theme of international consequences, Alexander underscored the significance of the acquittal. In a speech on August 23, Patterson declared that “the presence on the streets of Trenton, of four of the Trenton Six is a testimonial to the power of the people.” He also reminded his audience of the court’s shortcomings: “This is only a partial victory.” It will be completed when English and Cooper also walk free.¹⁵⁸

The ACLU appealed the case again in November, 1952. Again, they received a new trial.¹⁵⁹ Before the trial for the Trenton Two could begin, Collis English died in prison, from a complication of his heart condition. The years in prison significantly worsened his health, until he collapsed on December 30, 1952. Bessie Mitchell’s brother never got to hear his innocence affirmed. In February, 1953, Ralph Cooper went to trial for the third time. Cooper surprised observers by confessing to the murder and implicating the other five in the crime. He evidently

¹⁵⁷ State v. Cooper, 10 NJ 532, vol 203, 8339-41 (1952).

¹⁵⁸ William Patterson, “60th Birthday Speech.”

¹⁵⁹ 10 N.J. 532 (1952).

accepted a plea bargain that allowed him to walk out of prison in August. Both the State and the defendant wanted the case over. Cooper quietly left Trenton and was never heard from again.¹⁶⁰ NAACP representative J. Mercer Burrell explained that Cooper “was faced with the opportunity of receiving a sentence resulting in almost immediate release after five years of continuous confinement.” Since the man had nothing to lose, Burrell found it “not surprising that Cooper... made a decision to insure his early freedom... life and freedom seemed sweeter than truth and abstract principle.”¹⁶¹ With Cooper’s departure, the Trenton Six saga ended. As in the case of the Scottsboro Nine, all the defendants were spared the electric chair. Unlike the case of the Scottsboro Nine, the Trenton Six swiftly faded into oblivion. As Knepper remarks, “the story of the Trenton Six streaked around the world like a comet, a flash of light that quickly faded and disappeared.”¹⁶² Even Patterson seemed to forget about the great struggle to expose the Northern Scottsboro. In his autobiography, he offers just two lines for the Trenton case. Perhaps Cooper’s confession compromised the narrative value of the Trenton Six. More likely, the event was overshadowed by the boldest episode in Patterson’s career: the United Nations convention in Paris, 1951.

Though banished from public memory, the case of the Trenton Six poses a useful parallel to the Scottsboro case, one that reveals the significance of political climate. The world of the Trenton Six was leagues away from that of Scottsboro. In the 1930s, NAACP leaders were not exactly comfortable allies of the Communists, but they did not perceive an existential threat in association with Patterson. In the late 1940s, Walter White and Roy Wilkins feared for the survival of their organization as they witnessed progressive groups’ falling before red-baiters.

¹⁶⁰ Knepper, *Jersey Justice*, 200.

¹⁶¹ J. Mercer Burrell, “Statement of J. Mercer Burrell,” February 26, 1953, Folder 001532_030_0901, NAACP Papers, ProQuest History Vault.

¹⁶² Knepper, *Jersey Justice*, 209.

Though Patterson's ILD flourished in an era of the Popular Front, the CRC fought for existence in a hostile time, against an onslaught of federal attacks. In 1950, Patterson was more desperate for allies than ever. White and Wilkins shunned every offer in order to protect their own.

Despite shifts in the American political landscape, the two cases also demonstrate a remarkable consistency in the CRC-NAACP debates on tactics and theory. Just as before, the Communist defense committee challenged the legitimacy of the judicial system in scathing terms. Their NAACP counterparts decried the unjust conduct of the police department, but held faith in the ability of the legal process to rectify the flaws. Patterson once again championed the dual-pronged strategy of legal and mass action. Even more so in Trenton than in Scottsboro, the NAACP defense team distanced itself from its Communist counterpart. And again, despite antagonism within the defense, the combined efforts of the CRC and the NAACP saved all the defendants from execution.

Conclusion

While Collis English and Ralph Cooper awaited their third trial, William Patterson sought to expose the American practice of legal lynching before a global audience. According to the 1951 Civil Rights Congress petition, entitled *We Charge Genocide*, policy on every level of government enabled and encouraged the destruction of the Black American population. The petition cited a myriad of patterns that violated the United Nations Convention on the Prevention and Punishment of the Crime of Genocide – from the government's inaction to prevent lynching and Klan terror to the poor living conditions of segregated neighborhoods. Police violence and racially-biased sentencing were central to the CRC's claim. According to the petition, "Once the

classic method of lynching was the rope. Now it is the policeman's bullet."¹⁶³ The first set of evidence listed the Black victims of fatal police brutality, the "typical cases" in the "pattern of genocide."¹⁶⁴

After documenting a hundred pages of fatal police encounters, uninvestigated lynchings, and instances of mob violence sanctioned by police officers, the petition pointed to the racial disparity in sentencing, specifically the use of the death penalty. The CRC asserted that prison statistics revealed a "special police persecution reserved for the Negro," an injustice magnified by heavily skewed patterns of severity in sentencing. According to the petition, eighty-four of the one hundred and thirty-one prisoners executed in 1946 in the United States were Black, at a time when Black Americans made up merely ten percent of the population. Twenty-one of them were executed for the crime of rape. Not a single white man was executed on that charge.¹⁶⁵

Patterson and the CRC noted that this great injustice was masked by the myth of neutral due process, a myth that normalized violence against Black Americans. The petition asserted that "its familiarity disguises its horror. It is a crime so embedded in law... so hidden by talk of liberty, that even the conscience of the tender minded is sometimes dulled."¹⁶⁶ In a speech announcing the publication of the petition, Patterson remarked that the "crimes of government" were deceptively "clothed in democratic phrases and platitudes that ring with praise of peace and human dignity."¹⁶⁷ In a word, the state's excessive policing, incarceration, and execution of Black men hid in plain sight. According to Patterson, these practices were designed to criminalize the race in public imagination: an "attempt to stamp the brand of criminality on

¹⁶³ Civil Rights Congress, *We Charge Genocide* (New York: Civil Rights Congress, 1951) 8.

¹⁶⁴ Civil Rights Congress, *We Charge Genocide*, 10.

¹⁶⁵ Civil Rights Congress, *We Charge Genocide*, 130.

¹⁶⁶ Civil Rights Congress, *We Charge Genocide*, 4.

¹⁶⁷ Speech, William Patterson, "We Charge Genocide" November 12, 1951, in Folder 18, Box 146, Records of the Communist Party of America, Tamiment Library & Wagner Labor Archives, New York University.

Negro youth.”¹⁶⁸ Acting in tandem with segregation and the denial of voting rights, the criminal justice system reinforced a racial hierarchy and essentialist ideas of race. According to the petition, a white child “is taught that Negroes are the special targets of the police... It is drilled into him that they are inherently inferior to white people, unfit to vote, lazy, corrupt, and violent, with no aim other than to gratify their passions.” Thus, white children were trained to internalize white supremacy, to participate in “the violence and oppression that this conspiracy finds so profitable.”¹⁶⁹ According to Patterson, the genocidal conspiracy was designed by monopoly capital and implemented by the state.¹⁷⁰

The 1951 Genocide Petition reveals Patterson’s understanding of the catastrophic potential for racial violence in America’s criminal justice system. This understanding explains his persistent focus on criminal cases in the CRC. While the National Association for the Advancement of Colored People mapped the civil cases destined to strike down Jim Crow, Patterson sought to expose police brutality and judicial lynching to the United Nations. Unfortunately, Patterson’s agitating meant little in the scope of the Civil Rights Movement. Denied a platform in Paris, demonized by his liberal rivals at home, and discredited by his allegiance to Communism, Patterson began his descent into oblivion.

On December 30, 1951, radio broadcaster, Walter Winchell gleefully announced that “Communist leader Patterson, now in France, has been given a swift kick in the seat by the Department of State.” Winchell continued, “They have taken away his passport. When the State Department was asked the reason, a spokesman said, ‘In the best interests of the United States.’ Good riddance!”¹⁷¹ Patterson embarrassed the American delegation in Paris. The State

¹⁶⁸ William Patterson, “We Charge Genocide.”

¹⁶⁹ Civil Rights Congress, *We Charge Genocide*, 153.

¹⁷⁰ Civil Rights Congress, *We Charge Genocide*, 167.

¹⁷¹ Walter Winchell, Radio Script, December 30, 1951, in Folder 14, Box 208-16, William Patterson Papers, Moorland-Spingarn Research Center, Howard University,

Department rescinded Patterson's passport and demanded his immediate return to the United States, under a provision of the McCarran Act. Evading American officers in France by fleeing across the Iron Curtain, Patterson enjoyed his last tour of Europe. Homeward bound, he stopped in London, and made pilgrimage to the grave of Karl Marx. In 1952, he returned to New York. Back in the States for good, Patterson followed the Trenton case to its conclusion. His work helped save six innocent men. It could not save his organization.

When Thurgood Marshall and the NAACP's grand legal strategy came to fruition with the Supreme Court *Brown v. Board of Education* decision in May, 1954, Patterson sat in prison. The Internal Revenue Service demanded the CRC's list of contributors – the names and addresses of the organization's members and sympathizers. Patterson refused to comply, insisting that such books did not exist. Consequently, he spent most of the year in a cell. From prison, Patterson wrote to his daughter, "Darling little Mary Lou":

The men who own the land and the railroads and oil wells, and steel mills want to own the people as well... But there are people who truly fight for better things. Those people gave money to the organization daddy leads and the men who run the courts wanted to know the names of those who support this fight. Daddy did not give them their names for they would have had those good people kicked out of their jobs and maybe jailed.¹⁷²

Patterson assured Mary Lou that he would return "stronger and a better fighter." The CRC circulated petitions demanding its Executive Secretary's release, "so he may return... to his rightful place in the struggle to preserve the Constitution and the Bill of Rights."¹⁷³ Meanwhile, the struggle persisted and the outside world reckoned with the NAACP's victory over Jim Crow.¹⁷⁴

¹⁷² William Patterson to Mary Lou Patterson, July 11, 1954, Folder 3, Box 208-5, William Patterson Papers, Howard University, Washington, DC.

¹⁷³ Petition, 1954, Folder 6, Box 208-5, William Patterson Papers, Moorland-Spingarn Research Center, Howard University.

¹⁷⁴ Upon release, Patterson congratulated the NAACP on its achievement, declaring "More power to its splendid forces." Even so, he alluded to the years of struggle and agitation by the masses that enabled the landmark court

Under pressure from increasing government persecution, the CRC disbanded in 1956. Leading up to its collapse, the organization spent more and more of its resources on its own defense. While the period of 1946 to 1950 saw a majority of racial, non-Communist CRC campaigns, from 1950 to 1956 the great majority concerned the defense of Communists.¹⁷⁵ The Federal Bureau of Investigation broke into CRC offices, bugged CRC phones, and infiltrated CRC chapters. Meanwhile, the Subversive Activities Control Board ordered the organization to register as a Communist Front.¹⁷⁶ In 1956, the Communist Party found itself in crisis as Khrushchev's Secret Speech made its way across the Atlantic. In 1956, the CRC disintegrated. In 1956, the Montgomery Bus Boycott marked a new era of civil rights activism.

In examining Patterson's interactions with the NAACP from the 1930s through the 1950s, one finds patterns relevant to the greater shape of the Civil Rights Movement. The NAACP continued to resist calls for mass action. After the Communists retreated, rising leaders of the Student Non-violent Coordinating Committee (SNCC) and the Southern Christian Leadership Conference took up variations of Patterson's argument for popular agitation. The demand for mass action was resurrected in the form of non-violent direct action.¹⁷⁷ Though Patterson and most of this new generation of civil rights leaders may have never come into direct contact, they espoused a common critique of the NAACP.

In the early 1960s, Marshall and Wilkins found themselves at odds with the student leaders of SNCC and Dr. King himself. In *Courage to Dissent*, historian Tomiko Brown-Nagin describes the rise of the sit-in movement, in which students wrested control of the national civil

decision. CRC Press Release, Folder 33, Box 208-11, William Patterson Papers, Moorland-Spingarn Research Center, Howard University.

¹⁷⁵ "The Civil Congress: What It Is and Does," Civil Rights Congress, Folder 38, Box 208-16, William Patterson Papers, Moorland-Spingarn Research Center, Howard University.

¹⁷⁶ Horne, *Communist Front*, 13, 355.

¹⁷⁷ Tomiko Brown-Nagin, *Courage to Dissent: Atlanta and the Long History of the Civil Rights Movement* (New York: Oxford University Press, 2011), 134.

rights struggle from the NAACP lawyers. These young leaders recognized local, community-based action as the key to social change. In 1960, John Lewis declared the need for a “mass movement, an irresistible movement of the *masses*. Not a handful of lawyers in a closed courtroom, but hundreds, thousands of everyday people... taking their cause and belief to the streets.”¹⁷⁸ Lewis’s contemporary, James Lawson criticized the NAACP for “by and large neglect[ing] the major resource we have – a disciplined, free people who would be able to work unanimously” to demand justice.¹⁷⁹ In challenging the reigning civil rights elders with calls for popular action, these leaders of the younger generation took up Patterson’s theme. To be sure, Lewis and Lawson were primarily concerned with desegregation, not criminal justice. They called for economic equality and the empowerment of the people, but they did not swear allegiance to a greater Communist revolution. Critically, the student movement carried on and improved some of the stronger elements of Patterson’s theory of political progress. And they found success. Though Wilkins and Marshall griped about the students’ disregard for law, the NAACP leaders ultimately chose to defend the student movement. Brown-Nagin observes that the NAACP had no choice, if they hoped to remain relevant to the greater movement.¹⁸⁰ The relationship between Marshall and King was also tested by the question of direct action. While King famously asserted that direct non-violent action and legal action went hand in hand, Marshall disagreed, and warned of grave danger in civil disobedience.¹⁸¹

On the battlefield of desegregation, the champions of direct action were vindicated; on Patterson’s battlefield of criminal justice, the effectiveness of mass action is harder to evaluate. This essay does not presume to measure the effects of mass action on the judicial process.

¹⁷⁸ John Lewis, quoted by Tomiko Brown-Nagin, *Courage to Dissent*, 138.

¹⁷⁹ James Lawson, quoted by Tomiko Brown-Nagin, *Courage to Dissent*, 138.

¹⁸⁰ Brown-Nagin, *Courage to Dissent*, 139.

¹⁸¹ Brown-Nagin, *Courage to Dissent*, 4.

However, one can look to relevant scholarship on the role of the courts in social change. In *The Hollow Hope*, Gerald Rosenberg considers the judiciary as a source for social reform, examining *Brown v. Board of Education* as one of his central case studies. Under the proper circumstances, the judiciary can produce social reform by judicial (official ruling) and extra-judicial means (setting the national dialogue, legitimizing social movements). An organization like the NAACP might throw its resources into fighting unjust laws in court, because unlike Congress, the judiciary is not beholden to public opinion. Justices should respond to well-reasoned argumentation, in line with the Constitution. However, the judicial branch lacks the power to implement its rulings. Though one might argue that it possesses the prestige necessary to mobilize political actors, Rosenberg asserts that progressive rulings can bring about social change only if incentives are in place to ensure bureaucrats' and politicians' cooperation.¹⁸²

According to Rosenberg's analysis, Thurgood Marshall's great victory did not produce significant change in school segregation until other elements of society pressured the federal government to act. In the first decade after *Brown I*, "virtually *nothing happened*" in the Deep South.¹⁸³ In fact, in the first years 1954-57, Southern states and localities initiated a hundred and thirty-six new laws designed to enshrine segregation, in addition to new state laws targeting the NAACP as a subversive organization.¹⁸⁴ Add in the violence and terror employed by the Ku Klux Klan and White Citizens Councils and desegregation seemed an impossibility... Until it happened. From 1964 to 1972, the South saw rapid integration. By 1972, 91.3% of Black children attended schools with white children.¹⁸⁵ Rosenberg attributes the drastic change to newfound political and cultural support for desegregation. The passage of the Civil Rights Act

¹⁸² Gerald Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change* (Chicago: University of Chicago Press, 1991), 21-2, 34.

¹⁸³ Rosenberg, *The Hollow Hope*, 52.

¹⁸⁴ Rosenberg, *The Hollow Hope*, 79.

¹⁸⁵ Rosenberg, *The Hollow Hope*, 52.

marked a shift in the federal government's attitude toward civil rights. Once the executive and legislative branches got on board, the Supreme Court's ruling was realized.¹⁸⁶ Critically, these shifts in political and cultural support came not from the NAACP court battles, but from the marches and sit-ins. According to Rosenberg, the direct-action programs managed to reach the minds of ordinary Americans, to mobilize public opinion, and tilt the political balance.¹⁸⁷ Certainly, the NAACP's master legal strategy was vital. But it could not have defeated legal Jim Crow on its own.

While Patterson's understanding of the judiciary was not quite that of Rosenberg, both men recognized that in order for legal cases to be meaningful, they required public attention. Though Rosenberg's analysis bears little weight on Patterson's aims to pressure judges and juries with public rallies, it does point to the significance of political action outside the courtroom. Patterson's emphasis on propaganda and public consciousness is vindicated by Rosenberg's findings. The shortcomings of the NAACP's strategy are clear.

Patterson claimed the civil rights activism of the 1960s for the radical tradition, casting its young leaders as the inheritors of the CRC's legacy. In a 1969 lecture at Harvard's freshly formed Department of Afro-American Studies, Patterson celebrated student political action. Recognizing the ongoing debate concerning tactics of struggle, he declared, "Freedom from oppression will be guaranteed by the courts when the people en masse in the streets are offering proof to those in power that the administration of justice must be in the interests of the people." Lauding the successes of his own organizations alongside that of the sit-in movement, Patterson proclaimed, "Today no organization or group would determine upon a course of defensive legal

¹⁸⁶ Rosenberg, *The Hollow Hope*, 70, 105.

¹⁸⁷ Rosenberg, *The Hollow Hope*, 120-133.

action without preparing for mass demonstrations.”¹⁸⁸ He closed the speech by cheering the arrival of a new generation of leaders and new forms of struggle.

Within the narrower tradition of Black Marxist thought, Patterson holds a strong claim to a legacy. Gerald Horne observes a direct relationship between Patterson and Huey Newton, Black Panther Party founder. Though this essay dwells most on the national office of the CRC, local chapters found exceptional success in the West. The East Bay CRC, based in Oakland, was largely composed of non-Communist opponents of police brutality. As a kid in grade school, Huey Newton attended a CRC event concerning local police violence, an experience he recalled years later.¹⁸⁹ When Newton led his own radical movement, Patterson followed the Panthers with interest. When Newton went to prison, Patterson added his voice to the Free Huey campaign: “Huey Newton – dauntless political prisoner, heroic fighter for human rights and freedom, I salute you. The fight for your liberation will not end until we meet again in the ranks of the liberation fighters of the world... All power to the people!”¹⁹⁰ While he took issue with some elements of the Panthers’ Ten-Point Program, Patterson observed the development of the Party’s ideology with optimism. He found hope in the new generation of radicals.¹⁹¹

Even at the age of seventy-nine, Patterson continued his political work. With Huey Newton and Bobby Seale, Patterson prepared a second genocide petition for the United Nations in 1970. In the name of “human dignity,” he again condemned the “savage police activities, based upon official policies of Federal, State and City governments,” which brought about “innumerable beatings” and “murders of black Americans... in violation of their legal rights...

¹⁸⁸ William Patterson, Lecture, Harvard University, October 6, 1969, Folder 50, Box 208-9, William Patterson Papers, Moorland-Spingarn Research Center, Howard University.

¹⁸⁹ Horne, *Communist Front*, 339.

¹⁹⁰ Patterson, “Salute to Huey Newton,” nd. ~1967, Folder 12, Box 208-8, William Patterson Papers, Moorland-Spingarn Research Center, Howard University.

¹⁹¹ Patterson, Notes on the Black Panther Party, nd., Folder 26, Box 108-15, William Patterson Papers, Moorland-Spingarn Research Center, Howard University.

as well as this government's commitment under the Charter of the United Nations."¹⁹² That same year, when Angela Davis was arrested, Patterson rushed to her aid. Speaking for CPUSA, Patterson honored Davis: "Freedom of thought is for her as well as for each one of us a birthright. How beautiful her thoughts have made her."¹⁹³ Lauding her brave Communist affiliation, Patterson characterized Davis as a defender of American liberty.

Of the many leaders Patterson claimed as his legacy, perhaps only Newton and Davis recognized the most remarkable component of the old Communist's theory: the repressive role of the criminal justice system. The students of SNCC vindicated mass action as an integral mechanism of social change in the American tradition. But they used mass action in pursuit of civil and political rights. They sought integration and the franchise, not criminal justice reform. In the 1960s, the attention of the movement's leading activists focused on expanding their victories in court and in Congress. They failed to recognize the growing menace destined to undercut the landmark civil rights legislation so painstakingly won.¹⁹⁴ The emerging War on Crime promised greater surveillance, urban control, and the continued criminalization of young Black men.¹⁹⁵

Patterson lived to see the Panthers, guns and law books in hand, confront police officers in the streets of Oakland. He lived to see many episodes of urban crisis – the deadly uprisings sparked by police violence in Watts and Detroit and Newark. He lived to see Richard Nixon gut the economic and social programs of Lyndon Johnson's War on Poverty while enhancing the War on Crime. Still, Patterson held out hope for the Revolution. In the foreword to his

¹⁹² Patterson, *We Charge Genocide*, 1970, Folder 9, Box 208-16, William Patterson Papers, Moorland-Spingarn Research Center, Howard University.

¹⁹³ Patterson, "Salute to Angela Davis," 1970, Folder 9, Box 208-8, William Patterson Papers, Moorland-Spingarn Research Center, Howard University.

¹⁹⁴ Hinton, *From the War on Crime*, 1-12.

¹⁹⁵ Alexander, *The New Jim Crow*, 223-4.

autobiography, written in November, 1970, Patterson characterized his story as “some news of the battle as it was waged for half a century – in preparation for the greater struggles which are as inevitable as the dawn.”¹⁹⁶ With radical hope, he dedicated his life and labor to the great struggle, to the end of his days. In 1980, William Patterson died at Union Hospital in the Bronx, at age eighty-eight.

¹⁹⁶ Patterson, *Man Who Cried Genocide*, 13.

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