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Photography in the Big Frame: Conflicting Media Uses of the 1931 Arrest Photograph of the Scottsboro Nine

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On 25 March 1931 nine young African Americans were arrested in Alabama for the alleged rape of two White women, nearly lynched, sentenced to death and eventually incarcerated for years. This article examines the arrest photograph of the Scottsboro Nine and enacts a 'social biography' in exploring its conflicting uses in American media. The article proposes that it is an 'averted lynching photograph' that echoes images of actual lynch mob killings. Southern newspapers used leading captions with encoded racial hierarchies that framed the Nine as violators of White womanhood. Conversely, radical media reframed the photograph, arguing that a 'frame-up' trial constituted a 'legal lynching'. The Communist organisation International Labor Defense led the campaign to acquit the defendants, and its magazine *Labor Defender* reproduced the photograph extensively in polemical photomontages. Diverse uses in African American media varied from analogous captioning in the combative *Chicago Defender* to its pertinent absence in the National Association for the Advancement of Colored People's forum *The Crisis*. Many of these media framings fostered the abjection and victimhood of the Nine, whether in condemnation or sympathy. The photograph was a site of contestation of conflicting values concerning race, in which the subjects had little agency.

Keywords: *Scottsboro Case; American media; press photography; Labor Defender; International Labor Defense; National Association for the Advancement of Colored People; lynching photographs; social biography*

On 27 March 1931 two Chattanooga, Tennessee newspapers printed a photograph showing the accused perpetrators of a rape that allegedly took place two days earlier on a freight train travelling from the city to Memphis via northern Alabama. Outside the jailhouse in Scottsboro, Alabama, nine young African Americans stand before bayoneted troopers of the Alabama National Guard, with the respective captions 'Nine Negro Attackers Held in Scottsboro' (figure 1) and 'Girl Victims and Their Attackers' (figure 2); the latter, printed in reverse, also depicting the two White women accusers.¹ The photograph subsequently illustrated stories with captions that charted their grim situation: 'Nine Negroes Face Death Penalty', 'First 2 of 9 Negro Attackers Given Death' and 'Eight Negroes Are Given Death Sentence'.² It was the first and eventually the most prevalent image of the 'Scottsboro Boys', as they were soon known across America and internationally. In one of America's most notorious miscarriages of justice, these unfortunate prisoners, aged between thirteen and twenty years, narrowly

1 – 'Nine Negro Attackers Held in Scottsboro', *Chattanooga Daily Times*, 27 March 1931, 1; and 'Girl Victims and Their Attackers', *Chattanooga News*, 27 March 1931, 1.

2 – 'Nine Negroes Face Death Penalty', *Progressive Age*, 2 April 1931, 1; 'Negro Attackers and Their Victims', *Sand Mountain Banner*, 9 April 1931, 1; 'First 2 of 9 Negro Attackers Given Death', *Austin American-Statesman*, 8 April 1931, 3; and 'Eight Negroes Are Given Death Sentence', *Richmond Item*, 10 April 1931, 12.



Figure 1. Uncredited photographer, 'Nine Negro Attackers Held in Scottsboro', *Chattanooga Daily Times*, 27 March 1931, 13. Courtesy of Newspapers.com. (<https://www.newspapers.com/image/604401066/>).



3 – I refer to the defendants as the 'Scottsboro Nine' unless citing the term 'Scottsboro Boys'. The term 'boys' does not suitably describe the three defendants over the age of eighteen years, and carries traces of what Angela Davis refers to as the 'systematic designation of slave men as "boys"'; Angela Davis, *Women, Race, and Class* (New York: Knopf Doubleday, 1981), 16.

4 – The last version I have located accompanies 'Eight Negroes Are Given Death Sentence'.

5 – For scholarly studies, see Dan Carter, *Scottsboro: A Tragedy of the American South* (Baton Rouge, LA: Louisiana State University Press, 1969); James Goodman, *Stories of Scottsboro* (New York: Pantheon Books, 1994); and Walter T. Howard, ed., *Black Communists Speak on Scottsboro: A Documentary History* (Philadelphia, PA: Temple University Press, 2008). On visual representations, see Lin Shi-Khan and Tony Perez, *Scottsboro, Alabama: A Story in Linoleum Cuts* (1935), foreword by Anthony Lee (New York University Press, 2003). For poetry, see Langston Hughes, *Scottsboro Limited: Four Poems and a Play in Verse* (New York: The Golden Stair Press, 1932). The musical by John Kander and Fred Ebb, *The Scottsboro Boys*, was staged in 2010 at the Off-Broadway Vineyard Theatre and thereafter on Broadway and internationally until 2014. Finally, Ellen Feldman, *Scottsboro* (London: Picador, 2015) is a commendable 'faction' novel.

escaped a lynch mob only to face death sentences in a grossly unfair trial, eventually spending years incarcerated for an invented crime. In this article, I examine 'the Scottsboro arrest photograph'—termed in reference to the location and its subject—and explore its print manifestations in diverse publications, pamphlets and ephemera. I argue that different contexts of dissemination framed, and reframed, this image of the Scottsboro Nine (hereafter 'the Nine'), according to discrete and often conflicting interests.³

One detail that has escaped notice is that the two Chattanooga papers printed different shots, and so there were at least two versions in circulation. The correctly oriented *Chattanooga News* image is the most widely printed version, appearing in modern publications as the Bettmann Collection photograph in the Getty archives (figure 3). The *Chattanooga Daily Times* version is a different exposure, albeit with very slight variations such as the angle of the chief National Guard trooper and some of the Nine's facial expressions, as I discuss in the following. For unknown reasons, from mid-April 1931 only the familiar Bettmann image appeared in the media.⁴ I refer to both versions as the 'Scottsboro arrest photograph' yet indicate the specific shot when pertinent.

The Scottsboro case has been the subject of numerous scholarly studies and represented in artworks, poems, plays, a musical and a novel.⁵ My aim here is not to retell this well-covered story but to explore this one small yet pertinent detail. Nevertheless, some preliminary grounding is useful. In brief, on 25 March 1931 a fight broke out on the Memphis train between Black and White itinerants, resulting in the forced ejection of the latter, whose subsequent complaints saw the vehicle stopped at Paint Rock, Alabama.⁶ A posse detained nine of the Black travellers, consisting of two separate groups, unfamiliar to each other before this moment. They were brothers Andy (nineteen years old) and Roy Wright (thirteen years old), Eugene Williams (thirteen years old), and Haywood Patterson (eighteen years old) from Chattanooga, and Ozie Powell (sixteen years old), Olen Montgomery (seventeen years old), Willie Roberson (sixteen years old), Charlie Weems (twenty years old) and Clarence Norris (nineteen years old) from across Georgia. During the



Figure 2. Uncredited photographer(s), 'Girl Victims and Their Attackers', *Chattanooga News*, 27 March 1931, 1. Courtesy of Newspapers.com. (<https://www.newspapers.com/image/604039664/>).

questioning, two White hoboos alighting from the train were revealed to be women, named Victoria Price and Ruby Bates, who, after consultation with the authorities, accused the Nine of rape, likely to divert attention from their own prior arrests for vagrancy and impropriety. After their arrival at Jackson County Jail in Scottsboro, a furious lynch mob assembled, drawn by the 'mountain telegraph'. The intervention of Sheriff Matt Wann and the evening arrival of the Alabama National Guard stalled the mob, and the next day the prisoners were transferred to nearby Gadsden. The ensuing trials in April resulted in guilty verdicts, based on coerced confessions, and death sentences for all but Roy Wright, the youngest defendant at thirteen years old, whose case was deemed a mistrial. Although also thirteen years old, Williams was unable to prove his age.

The incompetence of the court-appointed lawyers and the perception of racially motivated injustice spurred the participation of International Labor Defense (ILD), which unleashed a massive publicity campaign through *Labor Defender*, the *Daily Worker* and internationally via the Comintern's publishing

6 – Outside quotations, 'White' and 'Black' are both capitalised in adherence to 2020 recommendations from the National Association of Black Journalists; see National Association of Black Journalists Style Guide, 'NABJ Statement on Capitalizing Black and Other Racial Identifiers', June 2020, (<https://www.nabj.org/page/styleguide>).

Figure 3. Unknown photographer, 'The "Scottsboro Boys" outside Jackson County Jail, Scottsboro, March 26 1931'. Left to right: Clarence Norris, Olen Montgomery, Andy Wright, Willie Roberson, Ozie Powell, Eugene Williams, Charlie Weems, Roy Wright, Haywood Patterson. Courtesy of UPI/Bettmann.



network. ILD and the National Association for the Advancement of Colored People (NAACP) competed to defend the Nine in a bitter public exchange, with the latter conceding in January 1932. The ILD-led Scottsboro Defense Committee, helmed by famed New York lawyer Samuel Liebowitz, appealed to Alabama Supreme Court, which upheld the verdicts in March 1932, although in November the US Supreme Court ordered a reversal and retrials. The outcome of the 1933 trials was a reiteration of death sentences for Patterson and Norris, although a critique of the prosecution by Judge Edwin Horton set aside the executions and led to further retrials. Complex and protracted legal proceedings continued until the releases of Roy Wright, Williams, Montgomery and Roberson in 1937, Weems in 1943, Norris and Andy Wright in 1944—breaking parole, he was re-imprisoned and eventually freed in 1950—and Powell in 1946. Patterson escaped from prison in 1948, but was jailed for manslaughter in 1951 after a barroom fight, dying of cancer the following year. Over the following decades the allegation of a miscarriage of justice reached a consensus, leading to the pardoning of Norris in 1976 by Governor George Wallace. By 2013, when the Alabama Board of Pardons and Paroles posthumously pardoned Patterson, Weems and Andy Wright, all had been exonerated of the original crime, with Governor Robert Bentley concluding that 'the Scottsboro Boys have finally received justice'.⁷

The photographic representation of the Scottsboro case has not received significant scholarly attention, and there are no studies on the myriad uses of this photograph. A fascinating MA thesis by Samantha Tucker, as yet unpublished, has explored the use of photography as evidence in relation to the 1933 trials with some insightful passing comments on the image.⁸ Margaret Innes acutely covers the Communist photographic response to the Scottsboro case in a section of a PhD thesis on radical photography in the 1930s.⁹ The most sustained analysis of cultural representations of Scottsboro is James Miller's excellent *Remembering Scottsboro: The Legacy of an Infamous Trial*, which brings together the multidisciplinary responses to the case, and includes extensive consideration of the graphic art produced.¹⁰ Although his survey does not offer a specific treatment of photography, Miller makes some brief remarks about 'the Scottsboro arrest photograph', writing trenchantly that it 'simply confirmed and reinforced what many people already

7 – Alan Blinder, 'Alabama Pardons 3 "Scottsboro Boys" After 80 Years', *New York Times*, 21 November 2013, Section A, 14.

8 – Samantha Pauloni Tucker, "'Black Fanasties Will Get Their White Deserts': Lynching, Photography, and the 1933 Scottsboro Trials' (MA thesis, California State University, Fullerton, 2017).

9 – Margaret Innes, 'Signs of Labor in the American Photographic Press, 1926–1951' (PhD thesis, Harvard University, 2019).

10 – James A. Miller, *Remembering Scottsboro: The Legacy of an Infamous Trial* (Princeton, NJ: Princeton University Press, 2009).

believed: the image of nine dishevelled and bewildered young Black men surrounded—literally framed—by stern, authoritative White men could certainly be read in terms of restraining and containing them’.¹¹ Indeed, the section of Patterson’s autobiography *Scottsboro Boy* that covers the event is fittingly entitled ‘The Big Frame’.¹²

I map this notion of a legal ‘frame-up’ onto the Media Studies concept of ‘framing’. Joe Feagin identifies an enduring ‘White racial frame’ that determines the consistent stereotyping of Black subjects in media throughout American history. Feagin writes that the:

White racial frame includes a broad and persisting set of racial stereotypes, prejudices, conceptual ideologies, interlinked interpretations and narratives, and visual images. It also includes racialized emotions and racialized reactions to language accents and imbeds inclinations to discriminate. This white racial frame, like most social frames, operates to assist people in defining, interpreting, conforming to, and acting in their everyday social worlds’.¹³

Writing in 2001, Paul Messaris and Linus Abraham noted the persistence of negative framing in televisual media, using ‘visuals to subtly frame racial subtexts to their narratives on urban pathology. Whereas in the news stories overtly bigoted myths of Blacks are not stated explicitly, through implicit visual imagery old stereotypes of Blacks as dirty, lazy, and dependent, and myths of Black inferiority are subtly suggested’.¹⁴ This accretion of negative stereotypes forms what Katherine K. Russell defines as ‘criminalblackman’ [*sic*] to explain the reductive, demonising modern media portrayal of male African Americans.¹⁵ Concerning an event that epitomised the injustices of Jim Crow in the 1930s, the media coverage of the Scottsboro case was, I argue, an especially intense manifestation of negative framing.

Furthermore, I equate the metaphorical ‘frame-up’ and the concept of framing regarding race in the media with notions of photographic ‘framing’ and ‘reframing’. The print manifestations of the ‘Scottsboro arrest photograph’ involved many layers of framing, and therefore charting the iterations of this image within divergent frames supposes a ‘social biography’. Elizabeth Edwards explains that ‘photographs are objects specifically made to have social biographies. Their social efficacy is premised specifically on their shifting roles and meanings as they are projected into different spaces to do different things’.¹⁶ For Edwards, ‘frame is central to the idea of performativity or theatricality’.¹⁷ She explains that ‘photographs might be said to “perform” the mutability of the signifying structures as they are projected into different spaces. Photographs have a performativity, an affective tone, a relationship with the viewer, a phenomenology, not of content as such, but as active social objects’.¹⁸ If photographs are not static, singular images but dynamic transmissions in a relay whereby materialisation in media encodes messages, then uses of ‘the Scottsboro arrest photograph’ witness contradictory social values. As such, reading the photograph necessitates analysis of its multiple appearances—a social biography is therefore a complex accumulation of episodes in many parallel and often antagonistic lives.

The picture’s nominal original function was news—it showed what the Nine looked like for newspaper readers—yet it was not neutral information. It was, in Roland Barthes’s terms, a ‘loaded image’ with a ‘photographic message’, whereby ‘the text loads the image, burdening it with a culture, a moral, and an imagination’ through the determining power of the media form’s ‘complex of concurrent messages with the photograph as centre and surrounds’ framed by captions, cutlines, juxtapositions and positioning.¹⁹ For instance, the first time most Americans saw the photograph—the *Chattanooga Daily Times* version—was an Associated Press

11 – Ibid., 11.

12 – Haywood Patterson and Earl Conrad, *Scottsboro Boy* (Garden City, NY: Doubleday, 1950), 7–70.

13 – Joe Feagin, *The White Racial Frame: Centuries of Racial Framing and Counter-framing* (New York: Routledge, 2014), 5.

14 – Paul Messaris and Linus Abraham, ‘The Role of Images in Framing News Stories’, in *Framing Public Life: Perspectives on Media and Our Understanding of the World*, ed. Stephen D. Reese, Oscar H. Gandy, Jr. and August E. Grant (Mahwah, NJ: Lawrence Erlbaum, 2001), 224.

15 – Katherine K. Russell, *The Color of Crime: Racial Hoaxes, White Fear, Black Protectionism, Police Harassment and other Macroaggressions* (New York: New York University Press, 1998), 3.

16 – Elizabeth Edwards, ‘Objects of Affect: Photography Beyond the Image’, *Annual Review of Anthropology*, 41, no. 1 (2012), 222.

17 – Elizabeth Edwards, *Raw Histories: Photographs, Anthropology, and Museums* (Oxford: Berg, 2001), 18.

18 – Ibid.

19 – Roland Barthes, ‘The Photographic Message’ (1961), in *Image, Music, Text*, ed. and trans. by Stephen Heath (London: Fontana Press, 1977), 26.

- 20 – See ‘Alabama Troops Avert Threatened Lynching’, *Huntsville Times*, 30 March 1931, 1; ‘Alabama Troops Avert Threatened Lynching of 9’, *Dothan Eagle*, 31 March 1931, 1; ‘Alabama Troops Avert Threatened Lynching of 9’, *Edwardsville Intelligencer*, 31 March 1931, 5; ‘Alabama Troops Avert Threatened Lynching’, *Rushville Republican*, 31 March 1931, 5; ‘Alabama Troops Avert Threatened Lynching’, *Danville Morning News*, 31 March 1931, 3; ‘Alabama Troops Avert Threatened Lynching of 9’, *Longview News-Journal*, 2 April 1931, 4; and ‘Alabama Troops Avert Threatened Lynching of 9’, *Jefferson City Post-Tribune*, 2 April 1931, 2.
21 – ‘Alabama Troops Avert Threatened Lynching’, *Huntsville Times*, 1.

- 22 – Tucker, “Black Fanasties”, 28.

- 23 – ‘Jurymen Are Considering Evidence’, *Huntsville Times*, 30 March 1931, 1.

- 24 – ‘Nine Negro Attackers Held in Scottsboro’.

- 25 – See the image accompanying ‘Spectacular Fire Attracts Crowd’, credited ‘Chattanooga Times Photo’, *Chattanooga Daily Times*, 11 March 1930, 8; and ‘National Honor Society Formed’, credited ‘Staff Photographer’, *The Chattanooga News*, 7 May 1931, 12.

- 26 – ‘Machine Guns Guard Trial’, *Chattanooga Daily Times*, 7 April 1931, 2.
27 – For instance, the credit line ‘Photo by Cline’ appears under an image in ‘Three Relics of Civil War Period’, *Chattanooga Daily Times*, 26 October 1930, 30; and ‘Views of Eleven Bridges Across Tennessee River and Tributaries’, *Chattanooga Daily Times*, 31 August 1930, 11.

- 28 – I thank Frances Osborn Robb, author of *Shot in Alabama: A History of Photography, 1839–1941, and a List of Photographers* which is the definitive study of Alabaman photography, for this insight and for extensive advice about the photograph in an email exchange in 2020. Frances Osborn Robb, *Shot in Alabama: A History of Photography, 1839–1941, and a List of Photographers* (Tuscaloosa, AL: University of Alabama Press, 2016).
29 – ‘Must Die in Electric Chair’, *The Chattanooga News*, 9 April 1931, 18.
30 – ‘Nine Negro Attackers Held in Scottsboro’.

stand-alone photographic bulletin, transmitted across the nation from 30 March 1931.²⁰ The Associated Press caption ‘Alabama Troops Avert Threatened Lynching’, with slight variations, placed the emphasis on the intervention of the Alabama National Guard to quell an angry mob, as summarised in the following outline:

Threats of a wholesale lynching of nine young negroes charged with criminally attacking two white girls were calmed when the Alabama national guard was called out to guard the jail at Scottsboro. The girls, accompanied by a half-brother of one of them, were hobnobbing their way back from Chattanooga where they had been in search of work when the young negro hoboos attacked them in a box car. The prisoners, who face the death penalty under Alabama law, are shown here under guard.²¹

The text formalised the Nine as a group, underpinning the gang rape charge by negating their potentially exonerating separateness. The shift from the equivocal ‘charged with criminally attacking’ to the factual ‘attacked them’ removes any uncertainty of guilt and thereby frames the image accordingly.

The Associated Press caption loads ‘the Scottsboro arrest photograph’ with criminality, and Tucker writes appropriately that the picture suggests ‘a mug-shot of the Black youths’ guilt’.²² A note in the 30 March 1931 afternoon edition of the *Huntsville Times* indicates the photograph may have actually served this task: ‘This morning two deputy sheriffs [...] made a trip to Gadsden to get the names of the negroes to correspond with their positions on a picture taken of them’.²³ There is no record of the circumstances of the photographing beyond scattered clues in newspapers. The *Chattanooga Daily Times* relayed how ‘guarded by soldiers, whose guns glistened in the spring sunshine, the nine Negroes shown above, charged with wholesale assault on two white girls near Scottsboro, were marched from the Jackson county jail and made to pose for a photographer’.²⁴ The identity of the photographer remains unknown—as was customary for most newspaper photographs, there is no credit line in the Chattanooga originals and no reference to a ‘staff photographer’. Both newspapers had in-house photographers, credited as ‘Chattanooga Times Photo’ or simply ‘Staff photographer’.²⁵ The *Chattanooga Daily Times* later sent its photographer to Scottsboro to cover the trial—three photographs appear under the heading ‘Machine Guns Guard Trial’ with the credit line ‘Times Staff Photos’.²⁶ If a staff photographer made ‘the Scottsboro arrest photograph’ or a local professional, such as Roy Gist, proprietor of Gist Studio in Scottsboro itself, or Walter Cline, a regular photographer in the *Chattanooga Daily Times*, then logically there would be a similar credit line.²⁷ Instead, a ‘stringer’ (freelance) photographer probably travelled to Scottsboro, perhaps from Chattanooga as it first appeared in the town’s newspapers.²⁸

In the Associated Press stand-alone, the picture contains the acronym ‘NEA’, which refers to the Newspaper Enterprise Association, which obtained the image after its Chattanooga publication—having initially reversed the image, the *Chattanooga News* reprinted it correctly with the NEA stamp and the horrific leading caption ‘Must Die in Electric Chair’ on 9 April 1931.²⁹ The *Chattanooga Daily Times* story also includes a rare picture of Jackson County Jail, with guards standing in a similar arrangement to ‘the Scottsboro arrest photograph’ with the caption: ‘jail at Scottsboro where the Negroes were imprisoned and which Jackson county officers feared would be stormed by a mob of 300 persons is shown above, with a squad of guardsmen on duty’ (figure 4).³⁰ This image and the two versions of ‘the Scottsboro arrest photograph’ were likely the work of the same photographer, as perhaps too were the portraits of Sheriff Wann and of Bates and Price, and it is



Figure 4. Uncredited photographer, 'Jail at Scottsboro', *Chattanooga Daily Times*, 27 March 1931, 13. Courtesy of Newspapers.com. (<https://www.newspapers.com/image/604401066/>).

conceivable that one photographer made all five images that appeared across the two Chattanooga papers.

In itself, 'the Scottsboro arrest photograph' (figure 3) is formally a prosaic, pragmatic image that resembles countless newspaper photographs of sports teams, social events or school classes. The photographer demonstrated sufficient compositional care to provide a legible image for scaling down to newspaper halftone. Yet it also establishes a blunt narrative of power. The Nine stand clustered in two lines according to height, at a sufficient distance to encompass them in full length, arranged to show each face clearly, with hats removed, in sharp focus with minimal shadow—indeed, the Nine are positioned so that the shadows fall behind them. They look expectedly terrified, as well as dejected, distressed, exhausted and confused, by their grave predicament. The faces of three of the group are especially striking—Montgomery, eyes tightly shut after the loss of his glasses, Patterson, standing at the end, slightly apart with hand in pocket, with a hint of simmering anger more evident in the *Chattanooga News* version, and the syphilitic Roberson stooped at the front with a desperate appeal more pronounced in the *Chattanooga Daily Times* version. It is feasible that his especially anguished look was the reason for the picture's withdrawal after early April. Facing the almost certainly White photographer, they confront a hostile photographic gaze, an analogue of the troops. The Nine are, writes Miller, 'literally and symbolically framed' by the troops.³¹ The neat National Guard uniforms contrast with the humble attire of the prisoners who, as Dan Carter put it, appear a 'ragged lot', befitting their status as itinerant manual workers.³² The worn textures of the humble work clothes of the Nine match the disconsolate expressions of these impoverished young men whose situations were already luckless. Their hats and caps hang by their sides in a horizontal band, stressing their enforced cooperation through juxtaposition with the behatted troops, who demonstrably hold their bayoneted rifles aloft for the photograph.

The rifles establish that the Nine are ostensibly enjoying protection but are fundamentally under arrest, governed by the forces of power that conflate the guns

31 – Miller, *Remembering Scottsboro*, 7.

32 – Carter, *Scottsboro*, 5.

33 – Ariella Azoulay, *The Civil Contract of Photography* (New York: Zone Books, 2008), 115.

34 – Ibid., 106.

35 – Simone Browne, 'Everybody's Got a Little Light Under The Sun', *Cultural Studies*, 26, no. 4 (2012), 545–46.

36 – Paul S. Landau, 'Empires of the Visual: Photography and the Colonial Administration in Africa', in Paul S. Landau and Deborah D. Kaspin, eds, *Images and Empires: Visuality in Colonial and Postcolonial Africa* (Berkeley and Los Angeles: University of California Books, 2002), 148.

37 – 'Patent Intelligence', *Photographic News*, 23 March 1888, 187.

38 – Susan Sontag, *On Photography* (London: Penguin, 1979), 42.

39 – Michel Foucault, *Discipline and Punish: The Birth of the Prison* (1975), trans. Alan Sheridan (New York: Vintage Books, 1995), 138.

40 – 'Nine Negro Attackers Held in Scottsboro'; I thank Annette Bradford of the Jackson County Historical Association for generously providing a detailed contextual analysis of the image that established the location of the scene and explained many factors about the changing town.

41 – 'Negroes Taken to Etowah Jail as Safety Move', *Selma Times-Journal*, 27 March 1931, 1.

42 – Peter Piper, 'Revolting in Last Degree Is Story of Girls', *Huntsville Times*, 26 March 1931, 8.

with what Ariella Azoulay's terms the camera's 'civil contract': 'the photographer—who is usually on the edge of another, different institution—turns the photographed individual into his or her object, shapes him or her without allowing the individual to have any direct control over the result'.³³ They conform to a set of expectations determined by their comprehension of the role of photography in this situation. Azoulay writes that 'even the refusal to be photographed or the refusal to be photographed in a certain way is institutionalized' as 'the photographed persons and the photographers act according to conventional expectations'.³⁴ The 'Scottsboro arrest photograph' befits a typical group portrait, yet it is also a performative disciplinary spectacle and a register of racialised surveillance, evoking the 'Black luminosity' that Simone Browne has defined as 'boundary maintenance occurring at the site of the racial body, whether by candlelight, flaming torch or the camera flashbulb that documents the ritualized terror of a lynch mob'.³⁵ The compliance of the Nine is ensured by the blunt terms of their predicament, and the coercive collusion of the camera and guns as equivalent forces.

On the historical conflation of the camera and the gun, Paul Landau writes how technologies of photography, colonialism and hunting 'evolved in lockstep' so that by the 1880s 'breech-loading guns and the Kodak Camera not only drew on the same language; they both sealed the same sort of chemicals in their cartridges'.³⁶ The experimental scientific photographer Étienne-Jules Marey developed a 'photographic gun', and in 1888 J. L. Berry patented a 'camera gun' for making 'instantaneous photographs'.³⁷ There is an attendant analogy with hunting photographs. Susan Sontag wrote that 'the view of reality as an exotic prize to be tracked down and captured by the diligent hunter-with-a-camera has informed photography from the beginning'.³⁸ In hunting photographs, invariably the hunters stand next to the trophy, displaying the weapons used. The 'Scottsboro arrest photograph' bears resemblance to a hunting photograph—the troops, ceremoniously armed with bayoneted rifles, parade the Nine as captured criminals before the camera for the spectacle of newspaper readers. The image is an encounter between the camera gun and its target, the constructed Other of the dehumanised African American, governed within a racialised photographic dominion.

The camera gun—law power matrix of the photographic situation enjoins their 'docility', in Michel Foucault's sense that 'discipline produces subjected and practised bodies, "docile" bodies'.³⁹ If the *Chattanooga Daily Times* noted they were 'marched from the Jackson county jail and made to pose for a photographer', then this building is the brick structure to the right, made up of an old two-storey jail-house and a more recent one-storey building.⁴⁰ Whilst the surrounding buildings no longer exist, the unchanged mountain backdrop confirms the image's location. The evidence indicates that the timing of the photograph was the morning of 26 March 1931. The National Guard did not arrive in Scottsboro until very late in the evening of 25 March and in the afternoon of 26 March the Nine were escorted to Etowah Jail in Gadsden—as the *Selma Times-Journal* of 27 March noted: 'brought here for safe-keeping [...] to allay feeling that arose after the arrest of the men at Paint Rock Wednesday'.⁴¹ Identifying the moment as the morning of 26 March is important in recognising the condition of the Nine, whose faces register the traumatic events of the previous evening. Peter Piper of the *Huntsville Times* enthused that 'it was a real night of terror, but with the appearance late of three companies of men in khaki, the crowd dwindled away, only to swell in the daylight three-fold, yet lacking that leader that would have sent nine fiends to torment'.⁴² In pointedly provocative language, Piper claimed that the night before:

as the story was being unfolded, the negroes were telling jokes in another part of the bastille. Nasty jokes, unafraid, denying to outsiders they were guilty, laughing, laughing, joking, joking, unafraid of the consequences,

beasts unfit to be called human. Outside the crowd, angry mountaineers seeking a leader, inside, officers, whose sworn oath was to protect prisoners in their charge, having to point guns at friends and neighbors, having to warn them to stay away from black men they themselves would have been glad to get to.⁴³

43 – Ibid.

In an affidavit of 10 June 1931, Clarence Norris described a harrowing experience of police violence that contradicts this depiction:

About an hour after we arrived in the Scottsboro jail, there were four men who came and took me away from where the other prisoners were to a cell in the jail and beat me there with sticks. I was slapped and kicked and told that if I did not tell that the other Negro boys who were arrested on the train had something to do with those white girls, that they would kill me; that they would shoot me down in the courthouse.⁴⁴

44 – ‘Affidavit of Clarence Norris’, 10 June 1931, NAACP Records, Library of Congress, Washington, DC, Box I, D69, 2.

In his memoir, Norris recalled for the morning of 26 March that ‘next day we were taken from the cage and put in a line’ for identification, which corresponds with the timing of the photograph.⁴⁵ He remembered that ‘it was all the National Guard could do to keep the crowds back now. They were getting bigger all the time’.⁴⁶ Patterson also recounted how a second angry congregation had formed: ‘soon as we filed out of the jailhouse another mob was there screaming the same stuff at us and talking mean to the National Guards’.⁴⁷ He defiantly rebuffed the threats to kill the Nine: “‘You ain’t going to do a goddamned thing”, I yelled back at them. That made them wild’.⁴⁸

45 – Clarence Norris and Sybil D. Washington, *The Last of the Scottsboro Boys: An Autobiography* (New York: G. M. Puttnam and Sons, 1979), 21.

46 – Ibid., 22.

47 – Patterson and Conrad, *Scottsboro Boy*, 13.

48 – Ibid.

Although newspaper reports stated that the mob was kept at least a hundred yards from the jail, it was surely visible to the Nine when the image was made, gathered somewhere behind the photographer. The rage of the mob was fixed on the imagined Black male violation of White womanhood, a frequent accusation underpinning instances of lynching. As NAACP leader Walter White wrote:

having created the mental picture of the Negro as inferior, dangerously addicted to sex crimes, and likely to burst into unbelievably horrible activities if pressure upon him is slackened in the least, the South has become the quailed victim of its own selfishly created fear, which is rooted in this defence mechanism.⁴⁹

49 – Walter White, *Rope and Faggot: A Biography of Judge Lynch* (University of Notre Dame Press, 1929; reprinted Notre Dame, IN: University of Notre Dame Press, 2001), 16.

50 – ‘Girl Victims and Their Attackers’.

The *Chattanooga News* told how this narrative had galvanised the ‘large crowd of enraged citizens’ through the mountain telegraph.⁵⁰ The story juxtaposed a flipped version of ‘the Scottsboro arrest photograph’ with a portrait of Bates and Price (figure 3) to underscore the cutline’s statement that the Nine ‘await grand jury action on a charge of assaulting two Huntsville white girl hoboos’ who ‘are recovering from their frightful experiences in the jail at Scottsboro’.⁵¹ Posed to face the camera with arms around each others’ shoulders in mutual support, the women are clad respectably in dresses supplied to replace the men’s clothes they were wearing. This pairing of the flipped image and the Price–Bates portrait appeared in several other Southern newspapers, including the *Jackson County Sentinel* where the cutline racially condemned the Nine as ‘indicted on a charge of raping two white girls after they had thrown the white boy companions of the girls off a Southern freight train’.⁵² The *Selma-Times Journal* added drama in reporting falsely that at least two of the Nine had been armed and had fired five shots at one of their combatants.⁵³

51 – Ibid.

52 – ‘Alleged Negro Attackers and Their Victims’, *Jackson County Sentinel*, 2 April 1931, 1.

53 – ‘Jury Summoned to Probe Attack Case’, *The Selma Times-Journal*, 26 March 1931, 9.

These stories connotated the protection from, rather than of, the Nine. Their arrest was a sensational event that prompted reiteration of racial typologies in most American, and especially Southern, media where ‘negroes’ appear usually as problematic corollaries in stories about crimes or accidents against the default White

54 – Tucker, “Black Fanasties”, 28.

news. Within the White spaces of most American publication, the ‘surrounds’, in Barthes’s sense, were racially encoded, underscoring the framing of the Nine as stereotypical Black male sexual predators. As Tucker writes, ‘the white spectacle that surrounds the Scottsboro Nine seems to protect the public from what appears to be “brutal black bucks” or dangerous “black brutes”’.⁵⁴ Indeed, the *Huntsville Times* editorial on 27 March, entitled ‘Death Penalty Properly Demanded in Fiendish Crime of Nine Burly Negroes’, decried the crime as an offense against the White race:

This was a heinous and unspeakable crime, unthinkable in its deplorable conduct and savoured of the jungle, the way back dark ages of meanest African corruption. The white man will not stand for such acts and because of this a sober mind and court are being allowed to take the place of incendiary and inflammatory maneuvers. Society is the better for it.⁵⁵

55 – ‘Death Penalty Properly Demanded in Fiendish Crime of Nine Burly Negroes’, *Huntsville Times*, 27 March 1931, 6.

Following the guilty verdicts, a columnist in *Progressive Age*, Scottsboro’s more liberal paper, celebrated the ‘purest blood of the Anglo-Saxon race’ evident in Jackson County in calmly legislating ‘this heinous, beastly, diabolical, revolting crime’.⁵⁶ These statements witness the assertion of the racial basis of law against the horror of a violation of two White women by nine Black Americans. For Julia Kristeva, such irruptive, destabilising horror is the fundament of abjection:

56 – John R. Kennamer, ‘Jackson County’s Crucial Test’, *Progressive Age*, 23 April 23 1931, 7.

it is [...] not lack of cleanliness or health that causes abjection but what disturbs identity, system, order. What does not respect borders, positions, rules. The in-between, the ambiguous, the composite. The traitor, the liar, the criminal with a good conscience, the shameless rapist, the killer who claims he is a savior.⁵⁷

57 – Julia Kristeva, *Powers of Horror: An Essay on Abjection*, trans. by Leon S. Rouziez (New York: Columbia University Press, 1982), 4.

The aberrant pictorial presence of the Nine amidst White news was predicated upon their performative abjection as perpetrators of a racially defined subhuman act. Framed as guilty in the White spaces of newspapers, the ‘Scottsboro arrest photograph’ occupies the borderline of judicial discipline.

58 – David Marriot, *On Black Men* (New York: Columbia University Press), 9.

The representational rhetoric of lynching photographs intensely manifested such abject horror. The lynching photograph, for David Marriot, involves the performance of ‘a law which operates through visual terror. The lesson to be learned through the murderous gazes of these White men is that you might be reduced to something that “don’t look human”—a reduction which is, precisely, your annihilation and their pleasure’.⁵⁸ Lynching reduces the Black man to an abject corpse whose horror equates the supposed crime, therefore validating the extremity of the punishment and reinforcing the architecture of Jim Crow. As Shawn Michelle Smith writes, ‘the spectacle of lynching enabled members of the mob to seize whiteness, and the subsequent representation of that spectacle in lynching photographs further encouraged them to invest in whiteness as their own embodied possession’.⁵⁹ The lynching photograph is a macabre document that served as a memento and a pictorial manifesto, broadcasting the spectacle beyond the event, especially in its most mobile form as a postcard image. The ‘Scottsboro arrest photograph’ shows not a lynching but the morning after an attempted one. It is, of course, not a lynching photograph, although the lynch mob is an eerie referent, and there is a violent shadow narrative in the paradoxical protection of the Nine from a potential revival of the lynchers to ensure a legal trial that will lead to their likely execution.

59 – Shawn Michelle Smith, *Photography on the Color Line: W. E. B. Du Bois, Race, and Visual Culture* (Durham, NC: Duke University Press, 2004), 141.

If the ‘Scottsboro arrest photograph’ shows the aftermath of an averted lynching then it is a putative ‘averted lynching photograph’. In the Averted Lynching Project, Ryan Hagen, Kinga Makovi and Peter Bearman have explored the phenomenon of averted lynching, stating that:

using conservative criteria, we find that roughly one-third of lynching attempts were averted. Most often mob action was curtailed by law enforcement: sheriffs and militiamen successfully defended hundreds of people from mob violence either directly through force, or indirectly by spiriting them away to distant jails across county lines and out of the mobs' reach.⁶⁰

Sometimes an averted lynching was merely a pause in a drawn-out sequence that resulted in a 'completed lynching', yet 'completed and averted lynching both trace the same storyline, and the vocabulary linked to lynching and mob violence is common to both'.⁶¹ The 'averted lynching photograph' obviously differs from the 'lynching photograph' yet their narratives coalesce. As Marriot puts it, a lynching photograph is 'more than an aid to memory (though it is that too), [it] is a part of the process, another form of racist slur which can travel through time to do its work'.⁶² The averted lynching photograph may be also a performance of White supremacy, albeit less immediately devastating than an image of lynching. The Associated Press stand-alone and Southern newspaper framings of the 'Scottsboro arrest photograph' celebrate the supplanting of extrajudicial punishment attempts with official processes, averting a lynching towards enacting a legal outcome. The Communist press, however, saw no difference and called the trial a 'legal lynching'.

When Communist newspapers such as the *Daily Worker*, *Southern Worker* and *Negro Worker* reprinted the image, directly oppositional captions asserted a 'frame-up'—appearing after April 1931, the version used in Communist media was the Bettmann photograph rather than the original shot. A caption in the 16 April 1931 edition of the *Daily Worker* encapsulates the Leftist position on the case: 'Condemned Boys Tell Own Story of Arrest and Frame-up: Negro Youngsters Being Railroaded to Electric Chair by Alabama Bosses and Their Courts'.⁶³ Similarly, *Southern Worker*, edited by James Allen and Helen Marcy in Chattanooga, emphasised 'legal lynching' and the campaign of redress with 'Nine Boys in Alabama Courthouse Lynching' (25 April 1931), 'World-wide Protests Demand Their Freedom' (29 August 1931) and 'In the Shadow of the Electric Chair' (7 November 1931).⁶⁴ The *Negro Worker*, the organ of the Comintern's International Trade Union Committee of Negro Workers, reproduced the picture in the June 1931 issue with the caption 'THE 9 NEGRO BOYS, ranging in age from 14 to 19 years, in the hands of the State soldiers', in combination with an image of the 1926 lynching of James Clark in Brevard County, Florida to analogise the two events. It was further evidence of capitalist persecution to ensure obedient Black workers: 'The frame-up to burn these 8 young Negro workers in Alabama is but a link in the chain of imperialist terror against the Negro workers in order to try to stop their growing militancy'.⁶⁵ Much the same message appears in *The Liberator*, the publication of the League of Struggle for Negro Rights, formed in 1930 by the Communist Party to expand Black support. *The Liberator* printed the photograph with the caption 'All Condemned to Die By the Bosses' Courts in Scottsboro, Alabama', calling the trial 'the most glaring crime, the most blood-thirsty murder that has ever been attempted by the white landlords of the capitalist ruling class against the persecuted and suffering Negro people'.⁶⁶ These publications counteracted the legal 'frame-up' of the Nine by reframing the photograph within a Communist visuality that linked the case to American, and global, class exploitation.

The photograph was expectedly most prevalent in *Labor Defender*. As the mouthpiece of ILD, *Labor Defender* publicised the Scottsboro case extensively in articles and short features, and on its covers, illustrated with photographs and photomontages. The visual rhetoric of this photographic representation corresponded with ILD's legal opposition to the framing of the Nine. The photographic visuality in *Labor Defender* functioned according to a guiding principle that the Soviet

60 – Ryn Hagen, Kinga Makovi and Peter Bearman, 'The Influence of Political Dynamics on Southern Lynch Mob Formation and Lethality', *Social Forces*, 92, no. 2 (December 2013), 758.

61 – Ibid., 766

62 – Marriot, *On Black Men*, 9.

63 – 'Condemned Boys Tell Own Story of Arrest and Frame-up: Negro Youngsters Being Railroaded to Electric Chair by Alabama Bosses and Their Courts', *Daily Worker*, 16 April 1931, 1.

64 – Other instances include 'Nine Boys in Alabama Courthouse Lynching', *Southern Worker*, 25 April 1931, 1; 'World-wide Protests Demand Their Freedom', *Southern Worker*, 29 August 1931, 2; and 'In the Shadow of the Electric Chair', *Southern Worker*, 7 November 1931, 4.

65 – 'Smash Lynching 8 Young Negroes', *Negro Worker*, June 1931, 10.

66 – 'Join Nation-Wide Fight to Save 9 Framed Boys', *The Liberator*, 25 April 1931, 1.

Figure 5. Uncredited photographer, 'The Negro Worker in the USA', *Labor Defender*, February 1931, 30–31. Courtesy of Tamiment Library, Robert F. Wagner Archives, New York University.



Union and the USA were political polarities with antithetical human, civil and legal rights. The magazine had established its editorial position on the African American struggle in a double-page spread in the February 1931 issue on 'The Negro Worker in the USA'. A large agency photograph of a Black worker 'chipping with a compressed air tool' has the caption 'the negro today is organizing with his white fellow worker in the fight against the ruling class', with an exemplary image of Black and White workers moving bricks on a trolley (figure 5).⁶⁷ Scenes of children in poverty, segregation, a lynching and cotton picking indicate the dire conditions of many African Americans, reiterated in an ensuing article by Art Shields that argues that 'tenant farmers are the new slaves in the southern states'.⁶⁸ A 'Manifesto to the Negro People' by African American ILD member and future National Secretary William Patterson (no relation to Haywood), in the November 1932 edition, appealed to 'negro workers, farmers, and intellectuals' to recognise their proletarian status and join with White comrades as a 'united front of all workers in the factories, in our neighborhoods, our lodges, fraternal organizations and mass demonstrations of protest against police brutality and terror'.⁶⁹ 'Terrorization' operated through 'mob violence, lynch terror, and jim-crowism', notably Scottsboro's 'legal lynching', but also manifested in unemployment, wage cuts, evictions, high living costs and social problems such as prostitution and poor health.⁷⁰ For Patterson, White terror was increasing in response to the expansion of African American radicalisation, which was nevertheless modest—Black Communist Party membership grew from twenty-eight in 1928 to around two hundred in 1930 and eventually to approximately seven thousand in 1938.⁷¹

The first instance of the 'Scottsboro arrest photograph' in *Labor Defender* situates the image within this discourse on White terror. In the May 1931 issue, the caption 'Judge Lynch Goes to Court' distils the convergence of the judicial and extrajudicial processes, and the cutline states 'all condemned to die by the bosses' courts in Scottsboro, Alabama', demanding a fair trial with a racially mixed jury (figure 6).⁷² Patterson's accompanying article begins with the declamatory 'Judge Lynch has put aside his noose, mask and gasoline for the moment—and returned to the courthouse', dismissing the National Guard's shielding of the Nine with ironic quote marks: 'the armed forces of the lynchers, the militia was called out to "protect" the nine workers'.⁷³ Patterson attributed the mob threats to 'the bosses'

67 – 'The Negro Worker in the USA', *Labor Defender*, February 1931, 30–31.

68 – Art Shields, 'Chattel Slavery', *Labor Defender*, February 1931, 32.

69 – William Patterson, 'Manifesto to the Negro People', *Labor Defender*, November 1932, 208.

70 – Ibid.

71 – Howard, ed., *Black Communists Speak*, 9.

72 – William Patterson, 'Judge Lynch Goes to Court', *Labor Defender*, May 1931, 84.

73 – Ibid.

JUDGE LYNCH GOES TO COURT



ALL CONDEMNED TO DIE by the bosses' courts in Scottsboro, Alabama. Left to right: Andy Wright and brother, Roy Patterson, Eugene Williams, Willie Robertson, Olen Montgomery, Clarence Norris, Charlie Weems, Ozie Powell. Seven are not yet eighteen years old. The oldest is twenty. White and Negro workers! Demand a new trial before a jury composed of workers—at least half to be Negroes. Stop the lynching of these working-class boys!

JUDGE Lynch has put aside his noose, mask and gasoline for the moment—and returned to the courthouse.

Nine Negro workers were sentenced to death in almost as many hours by the state of Alabama. The oldest is 20. The ruling class does not care at this time to allow so large a group to be handled "out of court" by an unauthorized lynching committee. The state itself has taken the matter in hand. A bloody holiday is being "legally" prepared by the "duly" appointed authorities of Alabama at Scottsboro. They used to call such things "Roman holidays." Now its typically American. The age-old cry of "rape" has been raised by the bosses to justify the masked terror of their court. But the mask is ill-adjusted. This viciousness of the master class looms forth unmistakably clear.

The bosses' court has chosen the "defense" lawyers for these Negro workers. These attorneys stated before the prelimi-

By W. L. PATTERSON

ary holiday preparations—the trial—that the "niggers ought to roast in the chair." The armed forces of the lynchers, the militia was called out to "protect" the nine workers.

The Negro workers were guilty of seeking work during a period when it was more profitable for the bosses to starve the workers than to give them employment. They "hopped" a freight train bound for Scottsboro where they heard work might be secured. In the car the Negro workers grabbed were seven white workers and two white women dressed in overalls.

These workers were also unemployed workers, the victims also of the bosses insane form of government with its rewards to the workers of mass unemployment, starvation, sickness without insurance, prostitution, bloody wars and death.

But these white workers had learned

from the lips of the bosses themselves the great hoax of the ruling class—the legend of "white supremacy." To them reared in the boss created atmosphere of race hatred bolstered by privileges of lynching, mob violence and indiscriminate terrorizing of Negroes, this myth of white supremacy seemed real. 10,000,000 white, starving unemployed workers also "proves" white supremacy.

The box car occupied by white workers was too good for "niggers." But the black workers fought for their lives. The girls were injured in the struggle—but not touched otherwise. The white workers telegraphed ahead their version of the affair and the bosses' police waited for the train to reach Scottsboro while the bosses' press whipped the town into lynch frenzy with its big headlined story of the "attack" by "nine burly black brutes" upon two white girls. A doctor's examination of the

(Continued on page 99)

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Figure 6. William Patterson, 'Judge Lynch Goes to Court', *Labor Defender*, May 1931, 84. Courtesy of Tamiment Library, Robert F. Wagner Archives, New York University.

press' which 'whipped the town into lynch frenzy with its big headlined story of the "attack" by "nine burly black brutes" upon two white girls'.⁷⁴ The capitalist media galvanised the mob into violence because 'these white workers had learned from the lips of the bosses themselves the great hoax of the ruling class—the legend of "white supremacy"'.⁷⁵ As such, the reframing of the image as 'Judge Lynch Goes to Court' encapsulates the core narrative of ILD's conception of the trial as a legal lynching; by this logic, it would be a 'legal lynching photograph'.

In the June 1931 issue of *Labor Defender*, a repurposed version witnessed the application of photomontage, a medium that reframes and reloads images—often press photographs—polemically.⁷⁶ This application of radical photomontage strategies developed over the 1920s in Germany and the USSR, in publications such as *AIZ* and *USSR in Construction*, served to enhance the contiguity of revolutionary iconography. The abstracted heads of the Nine appear in rectangular portrait frames as links in a chain hanging down from two outstretched Black palms, accompanying novelist Theodore Dreiser's 'Lynching Negro' article (figure 7). They were each labelled with name and age—although some of the details were incorrect—to stress their individuality. The chains signify their literal predicament but also

74 – Ibid.

75 – Ibid.

76 – Photomontage adjacent to Theodore Dreiser, 'Lynching Negro: Dreiser on Scottsboro', *Labor Defender*, June 1931, 108.

77 – ‘For Immediate Unconditional Release of the Scottsboro Boys’, NAACP Records, Box I, D73.

78 – William Patterson, ‘A Circular Letter from International Labor Defense, April 25, 1933’, W. E. B. Du Bois Papers, Robert S. Cox Special Collections and University Archives Research Center, UMass Amherst Libraries; see also ‘Save the Scottsboro Boys’, flyer, May 1932, International Labor Defense Records, Schomburg Center for Research in Black Culture, The New York Public Library, Reel 3; Janie Patterson, ‘An Appeal to Parents–Teachers–Social Workers’, June 19 1933, NAACP Records, Box I, D73; and William Patterson, letter of 20 May 1933, NAACP Records, Box I, D73.

79 – Sasha Small, ‘Your Son May Be Next’, *Working Woman*, December 1933, 4.

80 – James A. Miller, Susan D. Pennybacker and Eve Rosenhaft, ‘Mother Ada Wright and the International Campaign to Free the Scottsboro Boys, 1931–1934’, *American Historical Review*, 106, no. 2 (April 2001), 410.

81 – B. D. Amis, ‘They Shall Not Die’, *Labor Defender*, March 1932, 5.

82 – ‘The Scottsboro Boys Must Be Freed’, *Labor Defender*, November 1934, 12–13.

connote the chain gang, the Jim Crow South and the oppression of African Americans. Another frequent motif is the placement of montaged bars in front of the ‘Scottsboro arrest photograph’, an addition that bluntly states their unjust incarceration, as in a letter signed by the Nine in the January 1933 issue, which also appears on an ILD press release demanding ‘For Immediate Unconditional Release of the Nine Scottsboro Boys!’ (figure 8).⁷⁷ The November 1932 issue includes a photomontage with the Nine behind bars ‘in Kilby Dungeon’ with Ada Wright, mother of Andy and Roy, and ILD National Secretary J. Louis Engdahl walking in front, with two further images of German workers’ children and French demonstrators.

This inclusion of the defendants’ mothers is a prominent feature of ILD publicity materials, such as letters of the Scottsboro New Trial Emergency Fund sent to potential donors and interested parties, including the NAACP, and reprinted in *Labor Defender*. The format placed the heads of the Nine from the arrest photograph in descending boxes on the left of the page linked by chains, with accompanying portraits of associated figures. An April 1933 notice from William Patterson, the National Secretary of ILD, features a photograph of Haywood Patterson behind bars with an additional diagram of manacled hands and an accompanying photograph of Janie Patterson, Haywood’s mother (figure 9).⁷⁸ There is a similar version, signed by *Labor Defender* editor Sasha Small, in the December 1933 issue of the Communist women’s journal *Working Women* with pictures of William Patterson and the Wrights’ sister Lucille and the appeal to mothers that ‘you can’t tell when your boy will become the newest frame-up victim’.⁷⁹ James A. Miller, Susan D. Pennybacker and Eve Rosenhaft write that ‘in involving the mothers in the case, the CPUSA/ILD/Red Aid campaign obviously sought to soften the image of a “negative” male Blackness by promoting “appealing” and “non-sexual” mothers and children’.⁸⁰ The pictures of the mothers act as a modifier of the ‘Scottsboro arrest photograph’, emphasising their youth and vulnerability and signifying innocence.

Numerous photomontages juxtapose the Nine with images of crowds representing the proletariat. In *Labor Defender* in March 1932, an article entitled ‘They Shall Not Die’ by the Black Communist editor of *The Liberator* B. D. Amis includes a photomontage of the ‘Scottsboro arrest photograph’ and an anti-lynching protest to show the mass support for ILD’s involvement.⁸¹ An announcement in the October 1932 ‘Special Scottsboro Convention’ issue, which has a cover with a portrait of Ada Wright, features a photomontage poster for the event that also reframes the photograph (figure 10). The arrested Nine appear within a tapered band emanating from the speaker’s mouth, signifying the oration’s subject, placed centrally amidst the crowd that has gathered in their aid. The January 1933 cover repeats this device in a photomontage that pays tribute to the recently deceased Engdahl, who with Soviet-style symbolic gigantism towers over the foregrounded Nine and a large crowd representing the proletariat, all blended by red tinting to indicate their mutual revolutionary identification (figure 11). In the November 1934 issue a double-page spread with the title ‘The Scottsboro Boys Must Be Freed’ analogises the Nine with the Revolution, placing them centrally in a tableau of ILD causes within a spherical frame, like the iris of an eyeball, surrounded by scenes of protest campaign luminaries such as Engdahl, Ada Wright, Anna Damon, William Patterson, Mother Mooney and Maxim Gorki.⁸²

The prolific Communist use of the ‘Scottsboro arrest photograph’ was predicated on the image’s encapsulation of African American immiseration, an analogous quality of abjection that most media used to signify guilt. Leigh Raiford has written that anti-lynching narratives can sometimes re-inscribe abjection: ‘as stereotype and as symbol, the image of “the lynched Black man” has emerged and evolved as visual shorthand, as a powerful icon paradigmatic of the suffering of all African

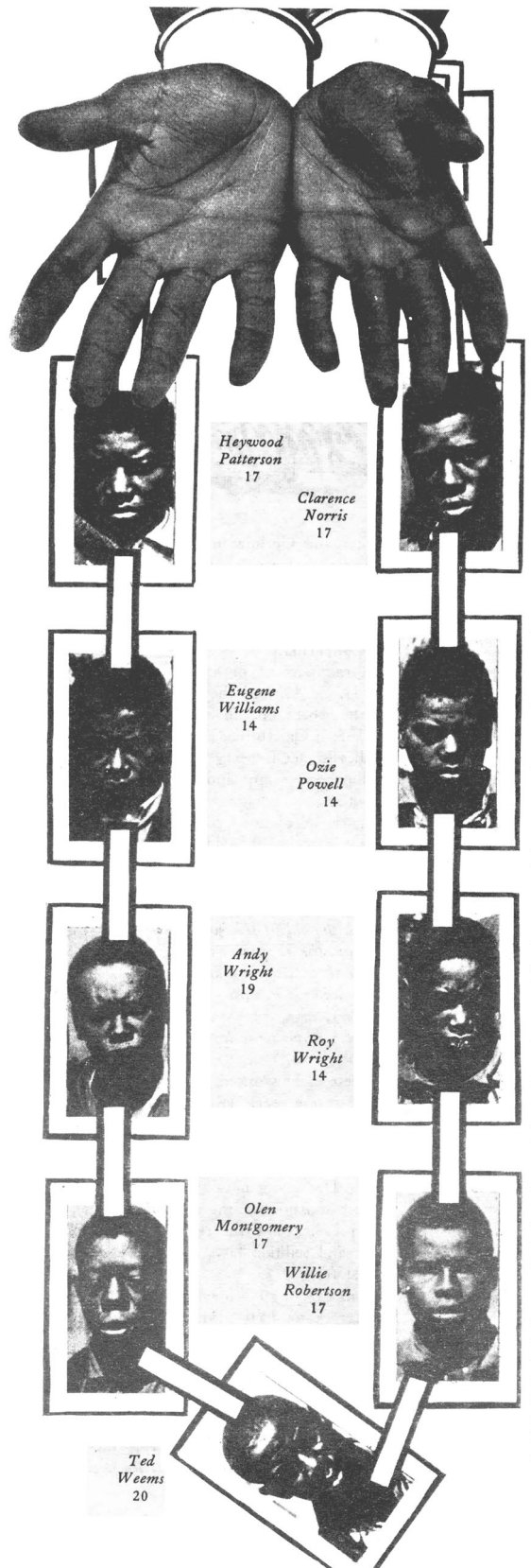
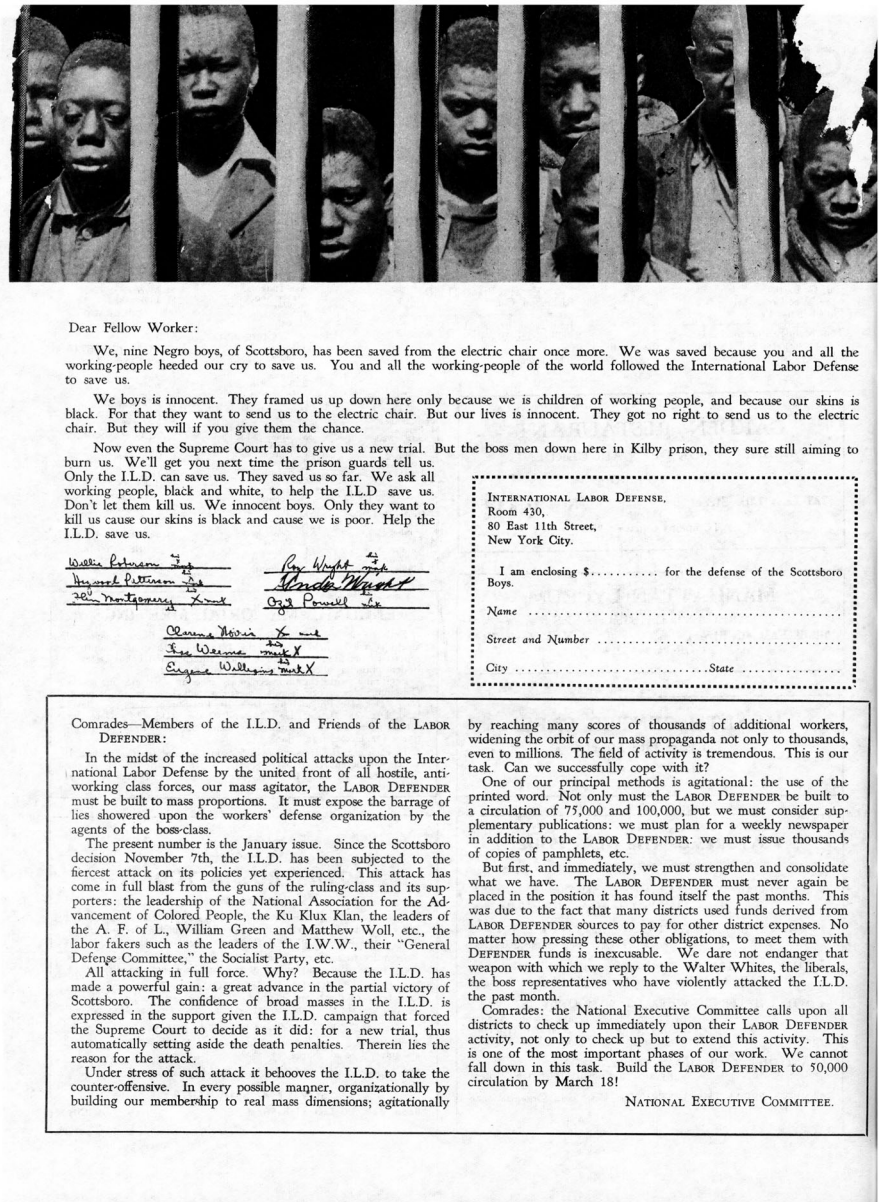


Figure 7. Uncredited designer, photomontage accompanying Theodore Dreiser, 'Lynching Negro: Dreiser on Scottsboro', *Labor Defender*, June 1931, 108. Courtesy of Tamiment Library, Robert F. Wagner Archives, New York University.

Figure 8. Letter from National Executive Committee of International Labor Defense, *Labor Defender*, January 1933, inside back cover. Courtesy of Tamiment Library, Robert F. Wagner Archives, New York University.



83 – Leigh Raiford, *Imprisoned in a Luminous Glare: Photography and the African American Freedom Struggle* (Chapel Hill, NC: University of North Carolina Press, 2011), 52–53.

84 – Meredith L. Roman, *Opposing Jim Crow: African Americans and the Soviet Indictment of U.S. Racism, 1928–1937* (Lincoln, NE: University of Nebraska Press, 2019), 116.

85 – Ibid.

Americans and understood only through the abject Black male body.⁸³ In Communist uses of the ‘Scottsboro arrest photograph’, the abjection of the incarcerated Nine renders them as tragic victims of the ‘legal lynching’ facilitated by American capitalism. In an account of the discourse on the Scottsboro case in the USSR, Meredith Roman captures the cross-currents within this campaign in defining ‘the simultaneous portrayal of the Scottsboro defendants as revolutionaries and dependents.’⁸⁴ She writes that ‘somewhat paradoxically [...] in the Soviet Union the Scottsboro “boys” were politicized or transformed into militant revolutionaries at the same time they became poster boys or poster children for Black men in inter-war America; they needed the paternalistic beneficence of the Soviet state to realize their complete emancipation.’⁸⁵ The photomontage device of overlaying bars and chains tautologically states the fact of the Nine’s incarceration to indicate the necessity of the liberatory force of Communism. The blunt rhetoric doubles the abjection of the source image through cartoonish additions to stress the specific suffering of the imprisoned Nine and their wider significance as symbolic figures of the residual

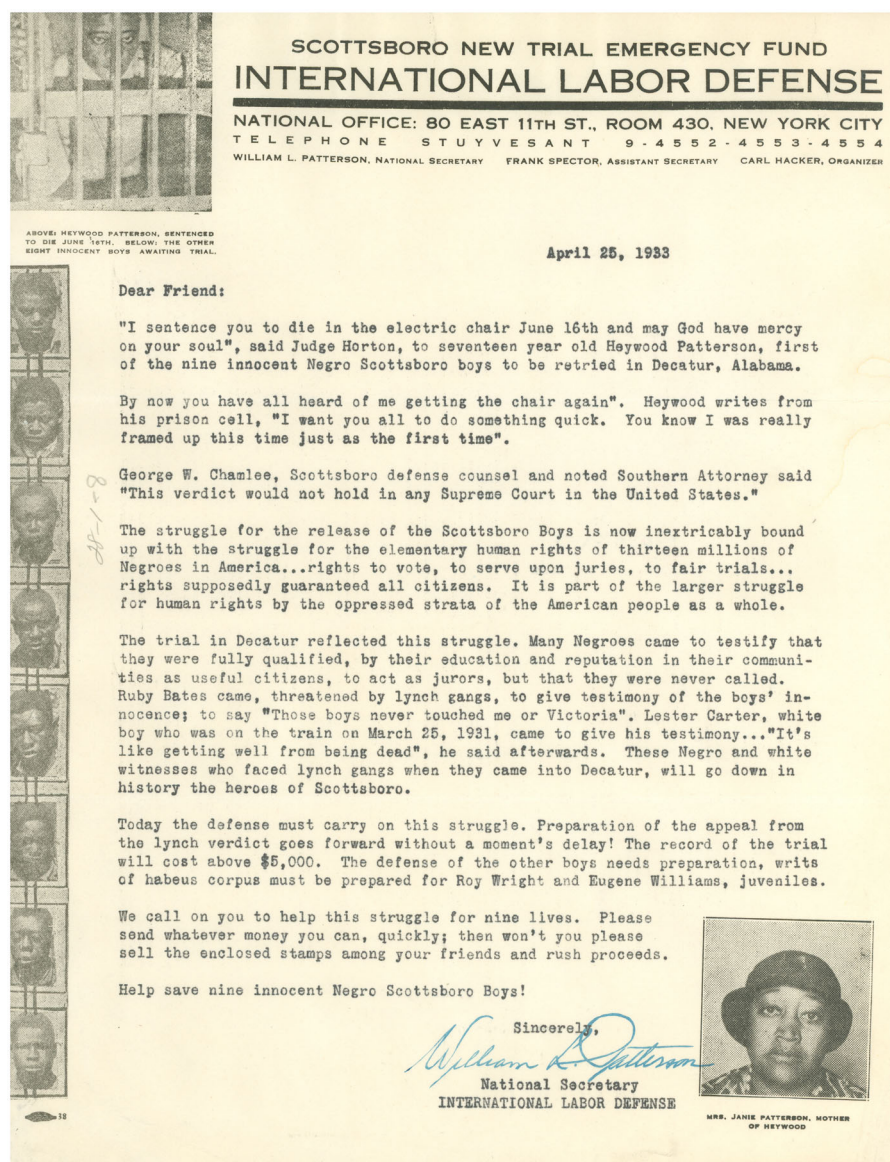


Figure 9. 'A Circular letter from International Labor Defense, April 25, 1933'. Courtesy of W. E. B. Du Bois Papers, Robert S. Cox Special Collections and University Archives Research Center, UMass Amherst Libraries.

oppression of African Americans, encapsulated in another *Labor Defender* article, on tenant farmers, as 'Slavery 1931 Style'.⁸⁶

Labor Defender presented the persecution of the Nine as proof of 'White terror', which was opposable only through African American proletarian consciousness within the Communist movement. American Communist media seized upon the communicative power of the image to disturb and galvanise the viewer, whether through combination with actual lynching photographs and images of the proletariat, the Soviet Union, ILD or the Nine's mothers. The furious anti-Communist reaction to ILD propaganda registers its impact on apologists of the prosecution. In 1932, Alabaman journalist J. Glenn Jordan, who had covered the 1931 trials for the *Huntsville Times* and the Associated Press, produced a riposte pamphlet, published by The White Printing Company, entitled *The Unpublished Inside Story of the Infamous Scottsboro Case* as 'an answer to the malicious and libellous propaganda of certain Communistic organizations which are attempting to capitalize on the conviction of the seven negro fiends who were unquestionably guilty of the crime

86 – Harrison George, 'Slavery 1931 Style', *Labor Defender*, June 1931, 111.

Figure 10. Uncredited designer, 'On to Cleveland', *Labor Defender*, October 1932, inside cover. Courtesy of Tamiment Library, Robert F. Wagner Archives, New York University.



ON TO CLEVELAND

OCTOBER 8th—9th, 1932

To the 5th National Convention of the
International Labor Defense

PREPARE for WORLD CONGRESS in NOVEMBER

87 – 'Publisher's Note' in J. Glenn Jordan, *The Unpublished Inside Story of the Infamous Scottsboro Case* (Huntsville, AL: White Printing, 1932), 32; see also 'Book on Scottsboro Case to be Printed', *Huntsville Times*, 1 May 1932, 1.

88 – Jordan, *Unpublished Inside Story*, 1.

89 – Ralph E. Hurst, 'Trial of Negroes Halted by Move to Quash Venire', *Birmingham News*, 29 March 1933, 2.
90 – Jordan, *Unpublished Inside Story*, 1.

with which they were charged'.⁸⁷ The 'Scottsboro arrest photograph' was titled 'The Nine Accused Negroes' but placed in the middle of the tract, whereas the portrait of Price and Bates featuring the caption 'Victims of Negro Rapists' appears in the Foreword, therefore front-loading the inference of guilt by validating the testimonies of the purported victims. Jordan's opening missive rounded on ILD in arguing that the 'Russian born propaganda' that 'has been circulated on the Scottsboro case is doing more to stir up racial strife than any other one thing'.⁸⁸ The author claimed official local support from the Jackson County Bar 'as the only authentic publication of its kind on the notorious case', although the pamphlet caused controversy at the 1933 trial when Liebowitz discovered three teenagers selling it outside the courthouse, and successfully requested its suppression as 'a contemptible and damnable outrage'.⁸⁹ The aim was to defend Southern justice and racial relations because 'we of the South are not barbarians and DO give the negro race a square deal'.⁹⁰ Jordan expressed objectivity in offering an 'unbiased account' yet concluded that once the Communist ruse was revealed 'then Alabama and the world will finally see justice claim its own—will see the negroes receive their just deserts—death in the electric

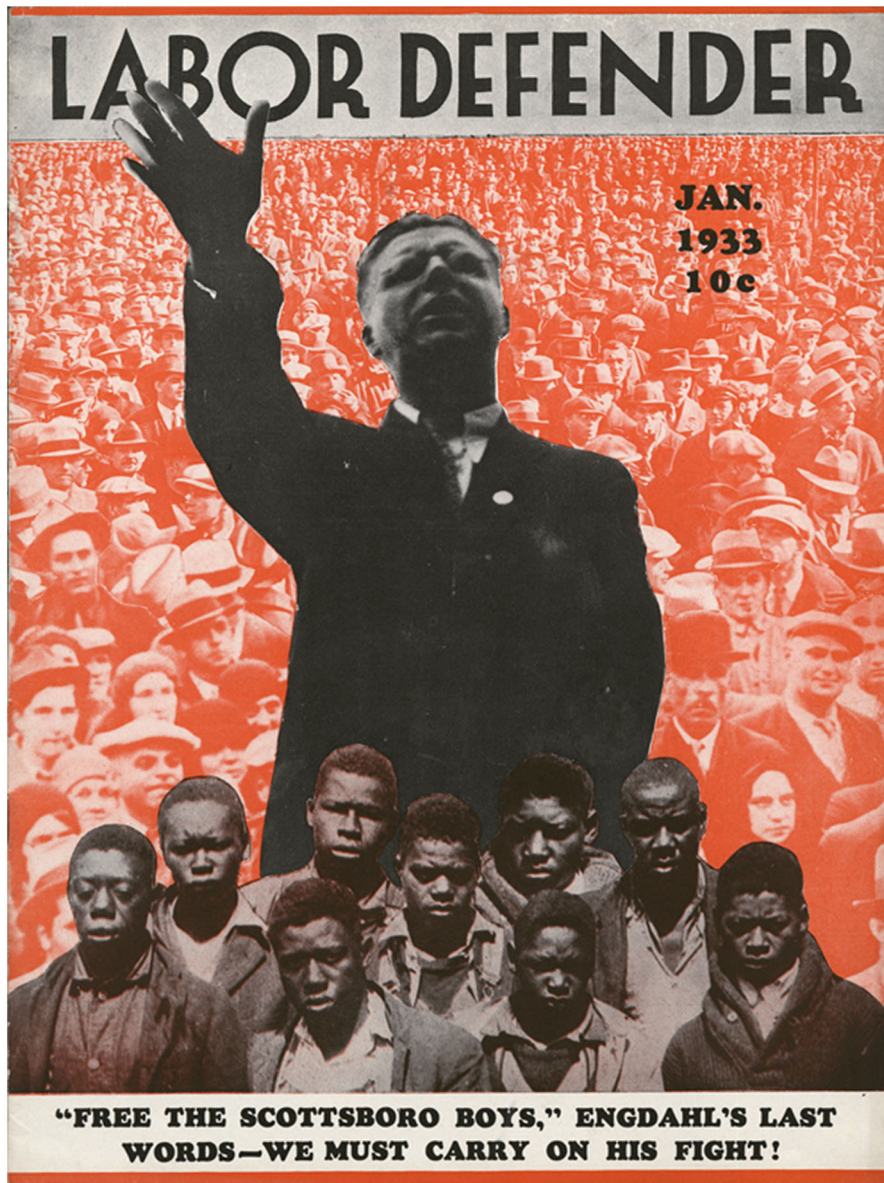


Figure 11. Uncredited designer, *Labor Defender*, January 1933, cover. Courtesy of Tamiment Library, Robert F. Wagner Archives, New York University.

chair’.⁹¹ The tract rhetorically harnessed the image towards securing guilty verdicts for the Nine by contesting Communistic propaganda through ‘re-reframing’ the photograph.

In a later anti-Communist volume, the book-length *Scottsboro: The Firebrand of Communism* of 1936, Files Crenshaw Jr and Kenneth A. Miller reprinted ILD ephemera as evidence that ‘the Communist party has seized upon this case for only one reason—to stir up race antagonism in the Black Belt of the South’.⁹² For the authors, the Scottsboro case was inseparable from radical agitation, for ‘disguised in the raiment of the South’s age-old racial stepchild, Communism in its blackest form rode into Alabama on a freight train early in the afternoon of March 25, 1931’.⁹³ In aspiring to ‘let the story tell itself’, Crenshaw and Miller inquired to the reader, ‘when you have finished this book, ask yourself: “if I had been on the jury, what would have been my verdict?”⁹⁴ Yet Crenshaw and Miller repeated the leading Southern press slurs about the nonchalance of the Nine, that ‘armed with shotguns, nine deputies and about a dozen citizens kept watch within the jail while the

91 – Ibid., 32.

92 – Files Crenshaw Jr and Kenneth A. Miller, *Scottsboro: The Firebrand of Communism* (Montgomery, AL: Brown Printing, 1936), 9.

93 – Ibid., 13.

94 – Ibid., 11.

95 – Ibid., 15.

96 – Ibid., 55.

97 – Ibid., 264.

98 – ‘Condemned to Die in Alabama’, *New Journal and Guide*, 23 May 1931, 14.

99 – ‘The Nine Condemned Alabama Boys’, *Staunton Tribune*, 23 May 1931, 1.

100 – ‘Scottsboro Boys and Alleged Victims’, *Philadelphia Tribune*, 7 January 1932, 1.

101 – ‘The Eyes of the Civilized World are upon Them’, *Philadelphia Tribune*, 6 April 1933, 9.

102 – ‘Nine Boys Court of Last Appeal’, NAACP Records, Box I, D70.

103 – ‘Victims of Southern Race Prejudice’, *Chicago Defender*, 2 May 1931, 3.

104 – Ibid.

105 – Ibid.

106 – ‘Save the Scottsboro Boys!’, *Chicago Defender*, 16 January 1932, 13.

107 – ‘NAACP Hit in Scottsboro Trial’, *Chicago Defender*, 9 May 1931, 3.

108 – ‘ILD and NAACP to Co-operate to Save 8 Boys’, *Chicago Defender*, 30 May 1931, 4.

109 – ‘A Lynch Verdict, an Editorial’, *Chicago Defender*, 15 April 1933, 10; and ‘A Lynch Verdict’, *Daily Worker*, 10 April 1933, 1.

negroes, apparently unmindful of the clamor without, slept unharmed within’.⁹⁵ The ‘Scottsboro arrest photograph’ appears in an illustration page that denounces Communist propaganda, reprinting several ILD flyers, citing one as ‘a Communist propaganda card exhibiting a picture of the nine Scottsboro defendants shortly after they were brought to Scottsboro from Paint Rock’.⁹⁶ The authors compared a recent picture of the Nine with the ‘Scottsboro arrest photograph’: ‘Compare the tailoring in this picture of Andy Wright, Charlie Weems, and Clarence Norris, taken after five years’ imprisonment, with the appearance of the group on Page 55’.⁹⁷ The defendants were now dressed by ILD to present a more appealing public image, in contrast with their real attire, which better equated the guilt that the text does not question. The re-inscription of abjection as a rhetorical point served no other purpose than to validate Southern justice and confirm the guilty verdicts that would have resulted in several executions.

If Communist and hostile Southern publications loaded the photograph into opposing messages, then African American media organs occupied a range of positions. Appearances of the ‘Scottsboro arrest photograph’ in African American publications were pertinently sympathetic in framing the Nine whilst in the main cautiously avoided ‘legal lynching’ sloganeering. In the Virginian *New Journal and Guide* on 23 May 1931, ‘Condemned to Die in Alabama’ states how ‘believing them innocent’ the NAACP and ILD ‘are seeking to have them new trials in an atmosphere not filled with threats of mob violence’.⁹⁸ The *Staunton Tribune* simply reproduced the image with the caption ‘the Nine Condemned Alabama Boys’.⁹⁹ In 1932, the *Philadelphia Tribune* printed the combination picture of the ‘Scottsboro arrest photograph’ and the Bates and Price portrait with the headline ‘Scottsboro Boys and Their Alleged Victims’, reversing insinuations in original versions by signalling doubt in the charges.¹⁰⁰ In the 6 April 1933 issue of this newspaper, the same pairing has the caption ‘The Eyes of the Civilized World Are Upon Them’ as an appeal for American justice.¹⁰¹ A wry take on the judiciary is evident in the 16 October 1932 *Philadelphia Independent* where the ‘Scottsboro arrest photograph’ juxtaposed an image of the Supreme Court that played on their mirrored numbering: ‘Nine Boys; Nine Men’.¹⁰²

The most prominent supporter of the ILD was *Chicago Defender*, the combative and widely-read newspaper helmed by Robert Abbott, a long-standing proponent of African American rights who had heralded the Great Migration. *Chicago Defender* was also the most forthright in captioning the photograph ‘Victims of Southern Race Prejudice’ on 2 May 1931.¹⁰³ The cutline states ‘leading citizens of both races all over country have been attracted to the case. Most of them believe the boys innocent and the attempt to railroad them to death will be fought with every legal power possible’.¹⁰⁴ The text drew attention to the armed troops: ‘note in the back the drawn guns of the Alabama state militia’.¹⁰⁵ The image appeared once more on 16 January 1932 with an appeal ‘Save the Scottsboro Boys!’, referring to ‘nine young victims of Alabama lynch law’, relaying how a ten thousand-strong mob sang ‘Happy Days Are Here Again’ on the announcement of the death sentence.¹⁰⁶ *Chicago Defender* cast doubts on the NAACP’s motives and timing in joining the case, questioning Walter White’s claim to have entered the situation in mid-April.¹⁰⁷ The newspaper deemed the publicity battle between ILD and the NAACP unhelpful and confusing, calling for cooperation.¹⁰⁸ An accommodation of the Left was evident in the inclusion in the 15 April 1933 edition of *Chicago Defender* of the reprinted *Daily Worker* editorial response to the sentencing of Haywood Patterson as ‘A Lynch Verdict’ that argued that the trial was a strategy of ‘American imperialism [...] to crush under its heel the whole Negro people’.¹⁰⁹ *Chicago Defender* itself denounced the verdict as a gesture to assuage ‘lynch-hysteria’ as ‘fiery crosses burned nightly in Scottsboro, Huntsville and other towns and

villages in northern Alabama'.¹¹⁰ Nevertheless, *Daily Worker* viewed *Chicago Defender's* position cynically, with Harry Hayward claiming that the latter's attacks on the NAACP marked 'a sham battle' in the 'negro bourgeoisie' to control a reformist agenda that sought improvement of status within the capitalist system.¹¹¹

The NAACP's *The Crisis* was emphatically antithetical to *Labor Defender* in its editorialisation of the case, as befitting its status as the forum of an organisation that had battled with ILD to defend the Nine. By its own admission the NAACP had approached the Scottsboro case cautiously:

The NAACP is not an organisation to defend Black criminals. We are not in the field to condone rape, murder and theft because it is done by Black men [...] When we hear that eight coloured men have raped two white girls in Alabama, we are not first in the field to defend them. If they are guilty and have a fair trial the case is none of our business [...] Once we were convinced that eight ignorant, poverty-stricken boys had been framed by a mob on the forced testimony of two prostitutes, then and not until then did we throw every ounce of energy into the Scottsboro cases.¹¹²

The NAACP leader Walter White's appeal 'To the Editors of the Coloured Press' of 8 May 1931 nonetheless warned Black newspapers of the ILD's more urgent campaign: 'The Communists, however, seem far more interested in making Communist propaganda out of this case than they are in genuinely trying to save the boys from the electric chair. The most intemperate sort of misstatement, vituperation and vilification is being indulged for the sake of getting into the press'.¹¹³ *The Crisis* editor and NAACP figurehead W. E. B. Du Bois wrote that 'if the Communists want these lads murdered, then their tactics of threatening judges and yelling for mass action on the part of white southern workers is calculated to insure this'.¹¹⁴ His observation that the aim of ILD was ultimately to 'expose the helpless condition of Negroes' seized upon the rhetoric of the Communist campaign that governed the use of the 'Scottsboro arrest photograph'.¹¹⁵ One of the striking features of the antagonism between the NAACP and ILD is the disparity in the extent of visual production. Whereas ILD and constellated publications created a vast array of images, and cultural works more generally, the NAACP barely produced publicity materials. It took until February 1936 for the Nine to appear on covers, featuring heads of Haywood Patterson and Norris, then in toto in April 1936, and in September 1937 showing the freed Montgomery, Roberson, Williams and Roy Wright with Liebowitz. One might construe the earlier omission as correlating with the NAACP's alleged initial truculence towards the plight of the Nine as potentially genuine 'Black criminals'. However, it was customary for *The Crisis* of the early 1930s to use photographs, and cover images especially, in a primarily celebratory manner, highlighting attractive young celebrities, politicians, sports, cultural and social events, and attainments in education. The optimistic presentation of African Americans strategically filled the gap in mainstream media and corrected negative categorisations. The omission of the 'Scottsboro arrest photograph' in *The Crisis*, its 'non-framing', should be understood in Raiford's statement that:

To make visible the abject Black body could potentially trouble the careful 'American' frame through which the NAACP organized its antilynching campaign. To present *this* Black body brutalized, weakened, undignified, ragged, often only partially clothed, poor or impoverished-looking, dead-to a broad audience [...] would have sullied and disrupted the careful portrait of Black character and respectability—clean, strong, dignified, well-dressed, self-sufficient, non-sexual, alive, and thriving—cultivated by elite African Americans in this period'.¹¹⁶

Yet a one-page feature in the January 1941 edition of *The Crisis* demonstrates a sophisticated conception of the power of media to frame as guilty African

110 – 'Bulletin', *Chicago Defender*, 15 April 1933, 3.

111 – Harry Hayward, 'For a Sharper Struggle Against Reformism', *Daily Worker*, 19 January 1932, 6.

112 – 'Is the NAACP Lying Down on its Job?', *The Crisis*, October 1931, 354.

113 – Walter White, 'To the Editors of the Coloured Press', 11 May 1931, 1, NAACP Records, Box I, D68.

114 – W. E. B. Du Bois, 'Postscript', *The Crisis*, September 1931, 313–14.

115 – Ibid., 314.

116 – Raiford, *Imprisoned*, 59. Original emphasis.

Figure 12. 'Convicted by Headlines and Pictures', *The Crisis*, January 1941, 15. Library of Congress.



117 - 'Convicted by Headlines and Pictures', *The Crisis*, January 1941, 15.

118 - Ibid.

119 - Ibid.

Americans, through photographic framing. Entitled 'Convicted by Pictures and Headlines', this tableau examines how a New York tabloid represented a notorious case in which chauffeur Joseph Spell faced jail for the charge of kidnapping and raping his White employer, Mrs Eleanor Strubing. A short text notes how 'these clippings from the New York *Daily News* (circulation 3,500,000 Sundays, 1,500,000 week days) show how a man—and a race—can be convicted without going into court' (figure 12).¹¹⁷ Headlines such as 'Society Woman Attacked, Left to Drown', 'Chauffeur Admits Kidnaping, Assault on Ad Man's Wife' and 'Private Cops Dig Up Attack "Facts"'—the latter relating to NAACP attempts to aid Spell—confer guilt. Whereas a moody shot of Spell staring out of a police station window has the caption 'Attacks, Kidnaps Society Woman', an older image of the sunbathing Strubing has the legend 'The Victim'.¹¹⁸ As *The Crisis* observed, 'the picture of Mrs Strubing in a bathing suit placed opposite the accused on page 1 seems deliberately inflammatory'.¹¹⁹ At trial, the NAACP's lawyer Thurgood Marshall—later the first Black member of the US Supreme Court—won Spell's acquittal on the grounds that his sexual relationship with Strubing was consensual, an epochal victory that inspired the 2017 film dramatisation *Marshall*. Marshall triumphed against a prosecutor



Figure 13. Uncredited photographer(s), 'Even Photography Is Made to Serve the White Lynchers!', *The Liberator*, 15 August 1932, 1.

who, as relayed in the Black paper *Amsterdam News*, 'repeatedly referred to the defendant as "that negro" and 'representatives of the daily press [who] got "secret orders" to play down Spell's side of the case, and to do everything possible to build up Mrs Strubing'.¹²⁰ For *The Crisis*, such 'secret orders' nearly convicted Spell by the harnessing the enduring stereotype of the Black man as a threat to white womanhood.

Were similar 'secret orders' informing the decisions of editors in Alabama, Tennessee and beyond in framing the Scottsboro Nine, or were they simply unnecessary in the South, or indeed the USA, of 1931? An 'inflammatory' narrative permeated many American newspapers in the printing of the 'Scottsboro Arrest Photograph'. In some versions the Nine appear in tableaux surrounded by White women—in the *Reno Gazette-Journal* below two White fashion models and in the Michigan *Lansing State Journal* amidst 'beautiful young stars' from broadcasting, the 'most beautiful co-ed in Northwestern University' and the dancer Gilda Gray.¹²¹ The othering White spaces of the media determine the photographs through the racist mythology of Black male sexual predator, loading a picture of nine luckless, helpless young men with their imagined guilt. As *The Crisis* piece shows, an understanding of editorial persuasion through framing photographs existed decades before Barthes's 'The Photographic Message'. The title of a 1932 article in *The Liberator* on an analogous case aptly, if more bluntly, concluded on the incriminating manipulation of photographs: 'Even Photography Is Made to Serve the White Lynchers!' (figure 13).¹²²

Although the Scottsboro case and an attendant racist photographic regime might appear safely locked in the Jim Crow past, as an archive of troubling artefacts delimited by 'then-ness', recurrences of comparable injustices nonetheless witness

120 – 'Sidelights on Strubing Case', *Amsterdam News*, 1 February 1941, 13.

121 – 'Threats of a Wholesale Lynching', *Lansing State Journal*, 31 March 1931, 18; and 'Alabama Troops Avert Threatened Lynching of Nine', *Reno Gazette-Journal*, 8 April 1931, 8.

122 – The article contrasted *Liberty* magazine's use of a mugshot photograph of a Japanese American accused of rape called Horace Ida—in events that witnessed the shooting of suspect Joseph Kahahawai—captioned as 'young roughs of the loafer-gangster type', with another that 'shows him to be an ordinary, pleasant-faced young man'. 'Even Photography Is Made to Serve the White Lynchers!', *The Liberator*, 15 August 1932, 1; see also John P. Rosa, *Local Story: The Massie-Kahahawai Case and the Culture of History* (Honolulu, HI: University of Hawai'i Press, 2014).

123 – Mark Sealy, *Decolonising the Camera: Photography in Racial Time* (London: Lawrence & Wishart, 2019), 115.

124 – ‘Wolf Pack’s Prey’, *New York Daily News*, 21 April 1989, 1; and Donald J. Trump, ‘Bring Back the Death Penalty. Bring Back Our Police!’, *New York Times*, 1 May 1989, Section A, 13.

125 – ‘Rape Suspect’s Jailhouse Boast: She Wasn’t Nothin’’, *New York Daily News*, 23 April 1989, 1.

Mark Sealy’s concept of ‘racial time’, which ‘does not tick along in a fashion that produces seconds, minutes, hours and days. It works more like a cultural pulse in which the political conditions around it cause it to quicken or slow down’.¹²³ The persistent logic behind the framing of the Nine is evident in the coverage of the Central Park Five case of 1989, when five innocent Black teenagers served several years in prison for a brutally violent assault, until the conviction of the real perpetrator. The insinuating media characterisation of the Scottsboro Nine echoed in the animalising *New York Daily News* headline ‘Wolf Pack’s Prey: Female Jogger Near Death After Savage Attack by Roving Gang’ and Donald J. Trump’s infamous advertisement in four New York papers calling for the death penalty for such ‘roving bands of wild criminals’.¹²⁴ ‘Racial time’ pulses in a *New York Daily News* front page photograph of the arrested Anton McCray with the headline ‘Rape Suspect’s Jailhouse Boast: “She Wasn’t Nothin’” that revisits the smears of the Scottsboro Nine on their first night in jail as ‘laughing, laughing, joking, joking, unafraid of the consequences, beasts unfit to be called human’.¹²⁵

The unforgettable faces of the Scottsboro Nine, lined up for a photographer after a night of terror, prove otherwise and betray their knowledge of the terms of their situation. Do these faces also reveal an intuition that the multiple performances of this photograph, proliferated in newsprint in its social biography, will also serve to place them in the frame? The parity of racist framings of the Nine and the Five corresponds finally with Sealy’s interpretation of the analogy of photographs of lynching victims and colonised Africans:

colonial and racist photographs [...] serve as fragments and frames within the grand narrative of white supremacist visual ideologies. They allow us to enter the catastrophic frames of violent and racist times, and they become important articulations that signify the dark cultural codes constructed against people of African descent or Others classified as inferior.¹²⁶

126 – Ibid., 113–14.

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