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Modern Drama, Volume 58, Number 2, Summer 2015, pp. 171-193 (Article)

Published by University of Toronto Press

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Prison, Time, *Kairos* in Langston Hughes’s *Scottsboro, Limited*

**KATY RYAN**

One does not interpret the past; one tests it out.

Antonio Negri, *Time for Revolution* (165)

Langston Hughes’s verse play *Scottsboro, Limited* first appeared in the November 1931 issue of *New Masses*. Eight months earlier, nine African American teenagers had been pulled off a train by a posse in Alabama and charged with raping two young white women. Eight of the defendants were quickly condemned to death in the electric chair, and the youngest, thirteen-year-old Leroy Wright, was sentenced to life. Hughes’s script dramatizes the arrests, trials, and convictions, in fast episodes, with easy-to-memorize dialogue, characters drawn in bold strokes, and a simple set – one chair on a platform – an example of what William J. Maxwell calls the “the ambulatory aesthetic of 1930s workers’ theatre” (135). Beyond the chair, the script makes clear, “*No curtains or other effects needed*” (*Scottsboro, Limited* 117). 1 By the end of the one-act play, the Black Boys2 have liberated themselves from the death house and joined in solidarity with white workers in the audience. Stage directions indicate that the “Internationale” may be sung and a red flag raised. Sterling Brown describes the play as a “poetic mass chant with bitter satire and prophecy” (132), and Amiri Baraka considers the last scene “political education at a high level” (66).

When I first taught *Scottsboro, Limited* in a graduate course on the death penalty in twentieth-century American literature, the response of students was unenthusiastic. Even those familiar with the tradition of proletarian literature and activist theatre were impatient with the “clunky” script. For admirers of Hughes’s poetry, the writing was the sharpest disappointment. To them, it felt like a cop-out, a simplistic and irresponsible short cut reliant on stereotyped figures and dreaded dialect. And the whole communist thing was embarrassing. I suggested other ways to think about the text and performance: as a renovation of agit-prop and an example of Hughes’s
modernist jazz poetics, along the lines explored by Anita Patterson; as a contribution to debates about black expressive culture in the early twentieth century; as an example of 1920s and 1930s civic Marxism (Bloom 267–68); as an opportunity to critique gender dynamics in communist-affiliated art and organizing (Maxwell 125–52); as part of the vast cultural history of the Scottsboro case (Miller, Remembering; Murray). “Yeah,” they nodded. “But it’s not any good.”

After languishing for decades, Scottsboro, Limited has been buoyed by interest in black membership in the Communist Party of the United States of America (CPUSA). A number of scholarly works, such as Barbara Foley’s Radical Representations, Philip S. Foner and James S. Allen’s American Communism and Black Communism, Walter T. Howard’s Black Communists Speak on Scottsboro, Robin D.G. Kelley’s Hammer and Hoe, Maxwell’s New Negro, Old Left, Cedric Robinson’s Black Marxism, James Smethurst’s The New Red Negro, and Mark Solomon’s The Cry Was Unity correct the mistaken impression that African Americans simply accepted or rejected the CPUSA, offering ample evidence of how black participation actively shaped communist organizations, platforms, and policies in the 1920s and 1930s. It is not coincidental, Maxwell observes, “that the headiest days of U.S. anticapitalism were those of its tightest rapport with black art” (12). Nor is it coincidental that Hughes’s writing in this period was, until recently, considered a low point for the artist. James Smethurst points out that this assessment “is almost always related to his engagement with the CPUSA” (93). Or, as James A. Miller wonderfully phrases it, the writing of this period generally elicits “the predictable and dreary story about the tragic encounter of the creative writer and political ideology” (“African American” 79).

The raising of the red flag in and the overt message of Scottsboro, Limited – what Michael Thurston calls its “broad staginess and sloganeering” (109) and Miller calls its “rhetorical flourishes and apocalyptic vision” (Remembering 99) – can distract from the philosophical dimensions of the play’s form and content. After reviewing the print and performance history of Scottsboro, Limited, I discuss the unclear temporal location of the first episode relative to the rest of the action, especially the final scene of liberation. In the opening, chained Scottsboro figures prepare the stage for the story (frame the dramatic action) and speak from the middle of the story (in medias res) – but not exactly. After the prologue, the figures shift from a diegetic to a mimetic mode and act out their experience. What follows, a documentary flashback and visionary flash-forward, never coincides with the first scene. As the homodiegetic figures catch up with unfolding time, Hughes takes advantage of agit-prop’s licence to move away from the strictly (and, in this case, satirically) factual to propose a vision of social transformation.

Antonio Negri’s writings on kairos help to capture how the play opens onto the present, then and now. The relation between the subdued opening
and the robust scene of liberation constitutes a kairological perspective on the U.S. carceral state. According to Roland Boer, Negri distinguishes kairos from the “measurable piling up of time as past, present, and future”; it is a “moment when human beings can indeed bend transcendence to immanence” (156). The form of Scottsboro, Limited – with its ethical commitment to those facing death in real time – enables this kind of bend. The dislocated prologue prohibits any “piling up” of time. The past is not, Negri insists, back there, a “cemetery-like” accumulation of events to be interpreted (Time 165). The only possibility of encountering the past is “feeling it live in the present” (165), through historical and imaginative praxis. Scottsboro, Limited was staged precisely to make the past and the removed time of imprisonment feel “live in the present.”

Second, I analyse the chronological sequence of actions that culminates in the destruction of the electric chair. Critics have assumed a causal connection between the emergence of communist workers in the audience and the freedom of the Boys. Miller identifies the “critical moment in the play when the Red Voices in the audience begin to murmur” (Remembering 65). Smethurst suggests that the Boys “are transformed into class conscious militants” by their encounter with white workers (104). Maxwell argues that they are saved from internalized hate by “the intercession of ‘Red voices’ and the metamorphosis of the ‘8th Boy’” (136). Yet, when the 8th Boy rises up and the Boys destroy the chair, the Red Voices have spoken only four brief times, with limited response from the imprisoned. Indeed, it is the defiance of the imprisoned figures that strengthens the resolve of the Red Voices and that dispatches the Mob. It is difficult to overstate the importance of this sequence. Hughes transforms a scene of private execution into a public platform of black-led revolt and remakes prison into a site of physical and spiritual resistance.

Both documentary and dream, framed and continuous, Scottsboro, Limited resonates in too many directions to be neatly concluded. Hughes put on centre stage precarious life and the desire and capacity to resist oppression. He constantly revised poems and plays, updating and recontextualizing his work to address changing, and unchanging, circumstances (Hoffman 88–123). In Scottsboro, Limited, he situated the convictions that came to define a Southern town within the context of a centuries-long struggle for black emancipation. The enduring time of the prologue prevents any uncritical appeal to progress and, to borrow Walter Benjamin’s word, any “amazement” that such injustices could take place in the twentieth century (257).

Although “precarity” has been used to describe life in a neo-liberal post-industrial economy, the concept applies to life under capitalism more generally (Ridout and Schneider 7; Critical Art Ensemble 49–50). Nicholas Ridout and Rebecca Schneider suggest that precarity “is life lived in relation
to a future that cannot be propped securely upon the past. Precarity un-
does a linear streamline of temporal progression and challenges ‘progress’
and ‘development’ narratives on all levels” (5). Yet, the past, as complex
(and precarious) as the present, is not only a measure of recurring catastro-
phe. As Robinson demonstrates in Black Marxism, the past is also a source
of shared consciousness and a site for methods of survival and epistemolo-
gical integrity. Negri offers this felicitous addition to conceptualizations of
time in Kairos, Alma Venus, Multitude: “to consider what has occurred
before us the sedimentation of time traversed without recuperating –
moment by moment, point by point – the vitality which created it, and of
the monads of kairos that are expressed in it, goes against our experience of
temporality, which is precisely that of it as creative force” (Time 164). In its
form and contrapuntal movements, Scottsboro, Limited conveys this vital,
full, creative character of the past; the attempted arrested development of
the opening coexists in time and space with the revolutionary transforma-
tion of the ending. Like Negri’s description of his own plays, this is “theater
of the future perfect” (Trilogy 3). The performance releases the energy of
collective struggle. In other words, the meaning of Scottsboro, Limited is
radically contingent on action – on what will have been done.

PRINT AND PERFORMANCE ACTIVISM

The trials of Olen Montgomery, Clarence Norris, Haywood Patterson, Ozie
Powell, Willie Roberson, Andy Wright, Charlie Weems, Eugene Williams,
and Leroy Wright began in the Scottsboro courthouse on 6 April 1931. The
physical evidence against the nine was notoriously slight. Ruby Bates and
Victoria Price did not have signs of injury that would be expected after
being repeatedly raped in the manner they described, and a gynecological
exam within hours of the alleged assault discovered no motile sperm. There
was also Roberson’s syphilis, which, a doctor testified, was so advanced and
painful that intercourse would have been impossible. The all-white jury
quickly returned guilty verdicts “to the surprise of no one” (Carter 43). In
the words of historian Dan Carter, guilt or innocence “was, at most, a
peripheral question” (242).

The Scottsboro defendants had been riding the rails to look for work
and, in Roberson’s case, to seek medical treatment. Price and Bates worked
in the low-paying Huntsville mills and had reason to deflect attention from
their own illegal presence on the train. Price had spent time in jail for adul-
tery, Bates was a minor, and the Mann Act made it a federal crime to cross
state lines for “immoral” or “carnal” purposes. It was not uncommon for
women at the mills to supplement their incomes with prostitution. The
young white women knew that they were in a vulnerable position – but not
as vulnerable as the young black men and boys.
On appeal, the defendants chose to be represented by the International Labor Defence (ILD). The ILD obtained criminal defence attorney Samuel Leibowitz and began a massive publicity campaign. Despite warnings by the NAACP and W.E.B. Du Bois that the Communist Party would prefer the executions to go forward to illustrate the murderousness of the capitalist system – and even after the NAACP secured Clarence Darrow to assist with the case – the defendants remained with the ILD. Clarence Norris explains, “The NAACP put out in the papers that we were too dumb and ignorant to realize we were being used by the Communists. Not too long afterwards we all signed with the ILD and decided to stick with them” (59).

The efforts of the imprisoned, their families, supporters, the CPUSA, the ILD, and the NAACP made the convictions known nationally and internationally. On 25 April 1931, Janie Patterson, Haywood Patterson’s mother, spoke at a rally in New York City. On May Day, 300,000 people protested in 110 cities across the United States. Thousands marched and organized in New York City in the coming months (“5,000” and “Protest”). Theodore Dreiser called the trials “only slightly above a lynching” and co-founded the National Committee for the Defence of Political Prisoners (177). Jonathan Scott considers Hughes’s involvement with the CPUSA’s defence of the Scottsboro Nine “an originary moment in U.S. labor history. For the first time, revolutionary black nationalism and Euro-American socialism found a dynamic point of contact” (74). In Scottsboro, Limited, this dynamic point occurs at the interface of prison and revolutionary freedom.

Poetic and polemical, Scottsboro, Limited suggests Hughes’s early investment in becoming a “black bolshevik writer” (Maxwell 134). First published in a major journal affiliated with the CPUSA, the play was performed by local communist organizations in the United States (Sanders 97), followed by productions in Moscow and Paris and a Russian translation (Rampersad 254; Berry 161). In 1932, with financial backing from Carl Van Vechten and with illustrator Prentiss Taylor, Hughes published the script in Scottsboro Limited: Four Poems and A Play in Verse. The Golden Stair Press book contained the play, four lithographs by Taylor, and four poems by Hughes: “Justice,” “Christ in Alabama,” “The Town of Scottsboro,” and “Scottsboro.” The press published thirty special $3.00 limited editions. During its preparation, Hughes wrote to Taylor: “I’m more excited about this Scottsboro booklet than anything I’ve ever had published” (qtd. in Rampersad 235). He referred in a telegram to the work as the “MOST BEAUTIFUL BOOK I HAVE EVER SEEN” (qtd. in Rampersad 241). The proceeds from the $3.00 and $0.55 editions were donated to the Scottsboro Defense Fund (Maxwell 134). Ezra Pound wrote to Hughes from Italy and thanked him for the book (241).

On Sunday, 8 May 1932, the Rebel Players, a workers theatre group, performed Scottsboro, Limited at an organizing meeting for Tom Mooney and
the Scottsboro campaign in Los Angeles, with Hughes participating (Bernard 97). A previous attempt to stage the play by the John Reed Club in Los Angeles had been prevented by the police. Hughes reflected in an essay around this time, “I have never known the police of any country to show an interest in lyric poetry as such. But when poems stop talking about the moon and begin to mention poverty, trade unions, color lines, and colonies, somebody tells the police” (“Adventures” 205).

The Los Angeles performance is generally cited as the first public performance of *Scottsboro, Limited*, but a report by Nathaniel Buchwald in *Workers Theatre* (May 1932) suggests otherwise. Buchwald delivered the report on 17 April 1932, at the First National Workers Theatre and Spartakiade. Sponsored by the League of Workers Theatres, the Spartakiade was a theatre contest intended to bring new members into the League and to popularize agit-prop. Buchwald began his report by praising the “specific point and timely content” of a performance by the League of Struggle for Negro Rights, *Scottsboro, Limited*. Buchwald explained that the group had been disqualified because it was not the first time the play had been performed and (somewhat confusing the explanation) “because the group had been recently organized and could not be matched against the older groups” (11, 13). The disqualification should not, Buchwald added, detract from the significance of the group’s performance, its “wonderfully inspiring” solidarity of white and black workers, and the “enthusiastic” response from the audience.

*Scottsboro, Limited* departs from the sentimental structure of much American literature that deals with imprisonment and state killing. The imagined audience does not need to be convinced of the humanity of the condemned, nor does it have to be schooled in racism, capitalism, and the criminal justice system. Conditions simply have to be sketched so money and action can be aroused. Workers’ theatre groups do not typically aim for literary ambiguity or psychological complexity; they want audience members to show up for a union meeting next Tuesday or to donate money to keep the family down the street from eviction (e.g. McDermott). As Tim Miller and David Román have argued, there are many artistic, political, and human reasons to preach to the converted. And there is, according to George W. Chilcoat, “ample evidence that workers’ theatre did in fact improve conditions in local communities and neighborhoods” (191).

In keeping with the conventions of working-class theatre, *Scottsboro, Limited* does not require complicated staging. Actors signal scene changes with bodily movements and slight adjustments to costumes, methods which, costing nothing, allow the play to be reproduced in streets, union halls, church basements. After the prologue, the action moves through three physical spaces – the train, the courtroom, the death house – and on to the threshold of freedom. Here are the directions for the transition from the opening to the train: “The chains break away and the BOYS find themselves
on a moving freight train. They sit down in a haphazard line on the stage, as though they were seated on the top of boxcars, rocking back and forth as the train moves” (118). Baraka praises Hughes’s inventive staging and choreography: “Rather than expecting to spend $800 for this or $5,000 for that, you have to try to create the atmosphere yourself. That’s what revolutionary theatre has to be about, primarily because it is not going to be subsidized by the folks with the money” (65).

Actors in *Scottsboro, Limited* do not play characters but rather figures or signs. The White Man plays the role of sheriff, judge, prison guard, preacher, and executioner. Hughes used the same strategy in *Don’t You Want to Be Free* (1938), a play that ran for over two years at the Harlem Suitcase Theatre (co-founded by Hughes and Louise Thompson). In this performance, a white actor called Overseer plays a landlord, restaurant owner, newspaper editor, and laundry boss. Toward the end, the white figure changes roles rapidly, generating, in Leslie Catherine Sanders’s words, “the aura of a devilish trickster figure” (100). Suzan-Lori Parks describes her postmodern stage as occupied by “figures and not characters. They are signs of something and not people just like people we know” (1633; emphasis in original). Hughes’s structural analysis and racial shorthand work similarly. In *Scottsboro, Limited*, Hughes uses the anonymity imposed by the anti-black legal system to dramatize both criminalization and collective resistance. And yet, the eight figures are not interchangeable. The 6th Boy is the only one who expresses a desire for prayer; the 8th is the most outspoken and emerges as a leader; the 3rd has clear opinions and speaks up in favour of the communists.

The script resembles Depression-era activist plays that end with a symbolic overthrow of tyranny – whether in the form of corrupt capitalist bosses and union leaders (*Waiting for Lefty*), racism and labour exploitation (*Stevedore*), militarism and empire (*Bury the Dead*), or unjust housing practices (*One-Third of a Nation*). Toward the climax, the Boys come together to destroy the electric chair: they “smash it on the stage” and call out, “NO DEATH IN THE CHAIR!” (126–27). In contrast to the impervious weight of the electric chair, Hughes put on stage a bustable prop. He described, in a letter to Van Vechten in December 1933, a production in Carmel, California, in which the actors “had built the electric chair so strong it took them nearly ten minutes to break it up, all with immense excitement from the audience like an old time melodrama” (qtd. in Bernard 114). The imprisoned figures (with, at least on one occasion, assistance from audience members) destroy the chair that stands for the seat of judgment and execution.

Agit-prop artists are motivated by timeliness more than timelessness. But it is difficult to predict the reach of timeliness. At Yale, in the late 1970s, Baraka worked with the Anti-Imperialist Cultural Union and a multinational cast of women and men to restage the play. Vévé Clark asked Baraka

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if he was concerned that *Scottsboro, Limited* was dated. Baraka responded, "I think that we are going to see that the case is exemplary of national oppression whether it’s Terrence Johnson or Assata Shakur. Our approach will be to align *Scottsboro* with contemporary issues of police brutality, with the question of framing blacks for crimes they have not committed" (66). While I was writing this article, thirty years after this interview, Assata Shakur was placed on the FBI’s Most Wanted Terrorists list. And a police officer fatally shot Michael Brown, his body left in the middle of a Ferguson street for four hours.

**THE PROLOGUE**

The long struggle to free the Scottsboro Boys inspired poems, songs, novels, mass chants, films, and theatrical performances that, in turn, fuelled the long struggle. Plays about this history present a thoroughly haunted stage – haunted, as Marvin Carlson suggests all stages are, by doubles, disappearances, stories already known to the public, but also, in the way Alice Rayner suggests, by something vertiginous and resistant to narrative. Hughes’s script begins with a forty-one-line prologue, in which eight Black Boys, chained at the feet, move through the auditorium, over the protest of a White Man in the audience.

As the eight figures walk toward the stage, the White Man asks, “What are you doing here?” (117). “Here” could mean in the theatre, public space, or a non-incarcerated state. When they do not answer, the self-deputized man “more sternly” shouts, “What are you all doing in here?” and rushes after the Boys who are now onstage. He repeats a third time, “threateningly,” “What the hell are you doing in here, I said?” (117). The 1st Boy responds with a couplet, “We come in our chains / To show our pain” (117). Cast, in Maxwell’s words, as a “prosaic enemy of verse and Communism” (135), the Man retorts, “Your pain! Stop talking poetry and talk sense” (117). The 3rd Boy resumes the rhythmic cadence and clarifies their intent: “So the people can see / what it means to be / a poor black workman / In this land of the free” (117). The 2nd Boy adds the stars in the flag are “stained with a lie” (118). Then the 8th Boy says that they intend to “show that we’re living – / Even though we die” (118).

In response, the Man asks if they want to be accused of treason (118). The Boys point out that they are already in jail under a death sentence, and the 7th asks, “Can a man die twice?” (118). The Boys remind their inquisitor that an additional charge would have no meaning; they cannot die twice. In a telling confusion, the Man insists, “You-all ain’t dead” (118). Unable to grasp this order of being – under sentence of death, a dead man walking – the Man had earlier accused the Eight of wanting to show off now that they “got the public eye” (117). The 2nd Boy had replied, “(Seriously): Not show off –
die!” (117). The White Man can only see usurpation of public space. The Boys take to the stage and restate their purpose: to expose the contradictions of American democracy and “To let the world see / That even in chains / We will be free!” The 4th Boy adjusts the sound of “free”: “Watch this play for our misery” (118).

This introductory scene raises an ontological question: from what point in historical or theatrical time do the Boys first appear? The opening does not sync with any moment in the later action. If the Boys are on death row, what are they doing walking around? What are they doing here? If they have appeared to tell what happened to them before they were liberated, why are they still in chains and under the sentence of death? The prophetic opening remains diachronically suspended even after the last scene, uncoordinated with the action, except, and this is important, symbolically.

The prologue, a standard feature in agit-prop, alienates the present moment and heightens awareness of the human gathering. In Scottsboro, Limited, it also generates a sense of propitious or kairological time. The meanings of kairos are many and contested: opportune moment, appointed time, appropriate measure and timing, unpredictable arrival (so one must always be prepared), ethical context for persuasion, breakthrough, rupture, and revolutionary time. James Kinneavy defines kairos as “right time and due measure” but stresses that “there is no adequate translation in any modern language” (qtd. in R. Thompson 75–76). Negri, who connects kairos to a moment of singular knowing and naming (Time 152–75), offers this variation: “Kairos is the way in which one sees the world, a point of view – one that is also a view of the past. The past is reconstructed on kairos, but it is not the past that constructs kairos” (Negri 107). Scottsboro, Limited begins by directing a view on the past (“Watch this play”; “let the world see” [118]) and establishing a rhetorical situation (you have been lied to). The Boys’ commitment to telling the truth inaugurates the possibility of revolution. The scenes of the courtroom (past) and death row (present) propel the final transformation (future perfect).

A more obvious choice to select for a moment of kairos in Scottsboro, Limited would be the climactic episode when the 8th Boy breaks his chains and rises up. The nation-state stars of the mendacious flag are replaced by the guiding “stars of hope and life” (128), and an alliance of black and white workers takes to the stage – a new world. Yet, in performance and at organizing and fundraising meetings, this triumphal scene of interracial solidarity would have given way to discussions about nine young people in prison. Without a curtain, a curtain call is not likely. Bert States explains that “in any play in which virtuosity is upstaged by mission – as in committed political theatre – the curtain call is likely to be omitted or reduced to a perfunctory bow” (205). This is especially true when an organizing meeting needs to begin. The ending returns to the beginning and to the urgent matter of
people sentenced to die, of those on “the razor’s edge between half-life and certain death” (Abu-Jamal 5).

The restless temporality of Scottsboro, Limited becomes a moment of release (the unloosed arrow [Negri, Time 159]) into imagined and unknown possibilities, or, in Negri’s description of kairos, “an extremely singular force of production of temporality, the reverse of the very sad and naked Heideggerian figures of powerlessness” (Time 142). Hughes sensed the threat to black life and freedom, even as a “Sunday morning visitor” to Kilby prison in 1932: “You enter by a solid steel door through which you cannot see. White guard opens the door. White guard closes the door, shuts out the world, remains inside with you” (“Brown” 174). Here, in prison, was “Brown America,” and Hughes feared “the doors might never open again” (174). In Time for Revolution, Negri makes a reference to when he “came out” of prison and then qualifies his phrasing – “‘came out’ so to speak, because this story is never ending and hundreds of comrades from the 1970s are still in prison and in exile” (145). There is no coming out of prison when so many remain, when second-class citizenship awaits, when one has been traumatized, when incarceration shortens life expectancy (Evelyn Patterson), and when the movement of black women and men continues to rouse lethal white suspicions. The language of Hughes’s prologue reverberates in the biopolitical postmodern. Black Americans are still asked, “What are you doing here? Why are you moving?” – or they are just killed: Sean Bell, Michael Brown, John Crawford, Jordan Davis, Amadou Diallo, Ezell Ford, Eric Garner, Oscar Grant (pulled off a subway train), Renisha McBride, Aiyana Stanley-Jones, Trayvon Martin, Tamir Rice.

THE UPRISING

The Scottsboro case emerged at a key moment in U.S. prison history. In the 1930s, lynchings decreased in frequency and executions increased (Banner 229–30; A. Davis, Abolition 54; Garland 12–13). State governments both expanded welfare programs and legally killed more people than in any other decade in the twentieth century. Death row in the Depression, Ethan Blue summarizes, “was as important to the state as the governor’s mansion” (5). Scottsboro became a touchstone for a range of social concerns, a rallying point for antipoverty efforts, workers’ rights, an end to union corruption, and anti-lynching activism. In particular, Solomon writes, “Scottsboro and hunger became inseparable issues” (153).

At the beginning of Hughes’s play, the 4th Boy longs for “sugar cane in ma mouth / I’se hongry!” (118). The visual on the last page of the script in New Masses underscores this connection with hunger. A large Thanksgiving comic by Walter Steinhilber presents a wealthy and well-dressed white family sitting before a feast. A pig is the table centrepiece, an apple lodged in its
mouth. One of the male figures prepares to cut the pig, and the caption reads “. . . AND I BOUGHT THE APPLE FROM THE UNEMPLOYED!” As the Eight Boys ride the train past fields, they discuss their economic situation. The 2nd Boy remarks that there is no longer work for them: “white folks is taking all de work” (119). The 6th Boy assesses the richness of the landscape and wonders who profits from it all. The answer comes in two words from the 3rd Boy: “White folks.” The 8th Boy clarifies, “You means de rich white folks.” The 2nd Boy agrees, and the 3rd summarizes: “You’s right. Crackers is just like me – / Po’ whites and niggers, ain’t neither one free.” This early folk dialogue fashions race as both a separate analytic category and a category that correlates with class in the United States.

After the train stops (indicated by the actors’ stillness), the Sheriff appears and demands, “Come on, you niggers, and get down” (119). This line distills the message of Jim Crow and lynching to African American citizens: “get down.” As the Boys are pulled off the train, two White Ladies appear, and a succinct stage direction explains what this means: the Boys line up behind the chair, “convicts already” (120). Before the arrests, before the trials, the Boys are convicted by proximity to white Girls. The Girls initially explain that they did not see the Boys on the train, but they catch on to the Sheriff’s hints. “You’ll get paid for testifyin,” the Sheriff assures the Girls (120). The figure of the law sets the lie in motion.

The courtroom scene satirizes the perjury and pre-determined outcome of the trials, the workings of Justice with gouged-out eyes. In his memoir, Haywood Patterson recalls the lynching atmosphere inside and outside the court and his certainty that jury members had convicted him before he appeared at trial (Patterson and Conrad 10–13). Onstage, the proceedings are “conducted in jazz tempo: the white voices staccato, high and shrill; the black voices deep as the rumble of drums.” Testimony is distilled to a few key repetitions.

JUDGE: You raped that girl? (Pointing at each boy in turn.)
1ST BOY: No.
JUDGE: You raped that girl? (Pointing from one girl to the other in rotation)
2ND BOY: No.
JUDGE: You raped that girl?
3RD BOY: No.
JUDGE: You raped that girl?
4TH BOY: No.
JUDGE: You raped that girl?
5TH BOY: No.
JUDGE: You raped that girl?
6TH BOY: No.
JUDGE: You raped that girl?
7th Boy: No.
Judge: You raped that girl?
8th Boy: No.
Judge: (To GIRLS) How about it girls?
1st Girl: They lie!
2nd Girl: They raped us in a box car underneath the sky. (121)

The Girls’ rhyming accusation trumps the Boys’ drumming denial, and the Judge and Girls exit the stage “talking and smiling” (123).

Once imprisoned, the Boys hear voices in the audience calling for immediate execution. The 8th Boy, based on Haywood Patterson, laments, “Let all of us die: / That’s what the mobs cry. / All I’ve ever known: / Let the niggers die!” (125). Isolated and condemned, the Boys echo calls for their own demise. Significantly, the 6th Boy breaks out of the “dumb circle” and asks the fundamental question, “What do they want to kill us for?” (123). His protest disrupts the self-destructive spell, and the 3rd Boy quickly joins him: “I’ll break free!” At this point, Red Voices have not been heard at all. The Boys reflect on their situation. The 2nd Boy points to the layers of entrapment: “[T]hese iron bars and this stone wall / And the guards outside and the / Guns and all.” The 4th Boy admits there is no way to free themselves “[u]nless the ones on the outside / Fight for us, too” (123). Mob Voices repeat that there is no “place for you” in the white man’s land (123).

Red Voices are heard for the first time as a “MURMUR”: “We’ll fight for you boys. We’ll fight for you” (123). The Boys do not hear the Red Voices or do not care and continue to talk among themselves. The 8th Boy repeats that fighting is the only way to avoid death “in poverty’s night” (124). Again the 3rd Boy agrees, and Red Voices affirm that they will join in the fight – “Not just black – but black and white” (124). The 3rd (not 8th) Boy responds, “Then we’ll trust in you” (124). The Man as Prison Keeper warns the Boys, “Shut up in there, with your plots and plans” (124). The 8th Boy lambasts the Prison Keeper for murdering “not just niggers – but your white brothers too” (124).

Joseph McLaren cites this line as evidence of an emerging class argument that displaces the race analysis: “Race is not the primary issue when the Man, as the Prison Keeper, is accused of killing both African Americans and his ‘white brothers’” (37). But it is the primary issue if we understand U.S. imprisonment as designed to provide unequal protection to African Americans. As Ta-Nehisi Coates recently observed,

Living with racism in America means tolerating a level of violence inflicted on the black body that we would not upon the white body. This deviation is not a random fact, but the price of living in a society with a lengthy history of considering black people as a lesser strain of humanity. When you live in such a
society, the prospect of incarcerating, disenfranchising, and ultimately executing white humans at the same rate as black humans makes very little sense. Disproportion is the point.

Violations of the human rights of imprisoned white people do not alter the disproportion built into the system design. Angela Davis similarly explains that, when discriminatory practices become institutionalized, “white bodies can also bear the brunt of the racist violence” (Abolition 54). After the assertion of the 8th Boy, Red Voices in the audience, which had been mere murmurs of support, are “stronger now”: “That’s true! True!” (124). This subtle direction dramatizes the higher regard for imprisoned white life that has often motivated criminal justice and prison reform. Red Voices are “stronger” now that their sympathetic alliance can include white prisoners.

Even after he is hit by the Prison Keeper, the 8th Boy refuses to back down: “I won’t shut up. / I’ve nobody to talk for me, / So I’ll talk for myself, see” (124). The Red Voices interject that the “red flag, too, will talk for you” (124). The 1st Boy alone responds: “That’s true – they’ve sent a lawyer / to talk for me and you” (124). The Boys debate the claim. The 6th Boy recalls that they have been warned against communists, and the 8th acknowledges that no one else is offering to help. Alert to the mounting pressure, the 8th Boy straps himself into the chair, “unafraid”: “Because I talked out loud, you kill me first: / Death in the flesh is the fighter’s curse” (125). At this decisive moment, the Red Voices are silent and Mob Voices accelerate: “Let ‘em die! / Beat ’em! Shoot ’em! / Hang ’em with a rope / Burn ’em in the chair! / Let ’em choke!” (125–6). Alone and facing death, the 8th Boy finds strength to revolt:

Burn me in the chair?
NO!

(He breaks his bonds and rises, tall and strong.)

NO! For me not so!
Let the meek and humble turn the other cheek –
I am not humble!
I am not meek!
From the mouth of the death house
Hear me speak! (126)

The 8th Boy rejects what he perceives as a Christian call for self-surrender and breaks free. His revolt, entirely independent of the Red Voices, demonstrates what Aimé Césaire called, in his 24 October 1956 letter to Maurice Thorez, “the right to initiative,” the most basic of anticolonial and emancipatory postulates – the right to act and speak for oneself (149).

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The 8th Boy identifies himself as the “new Red Negro,” a phrase that was used earlier, and differently, by William L. Patterson, in a 1928 letter to New Masses (qtd. in Smethurst 107). Patterson, head of the ILD and later director of the Civil Rights Congress, used the phrase to distance himself from “indulgent,” bourgeois black writing. Smethurst writes,

the phrase the “new Red Negro” is an emblem of Hughes’s mediation between the criticisms of the New Negro Renaissance by black and white Communists, such as Patterson and Mike Gold, demanding that the struggles of black laborers in the South – and North – be represented from the viewpoint of the folk and the body of work produced by African-American writers in the 1920s (of which Hughes’s own work was such a prominent part). Hughes revised both the terms of the New Negro Renaissance and the Communist Left without negating either. (107)

Hughes repurposes the phrase of disparagement to name a method, a politics, and a voice. In 1925, Hughes had famously aligned himself with other black artists who “intend to express our individual dark-skinned selves without fear or shame” (36). In Scottsboro, Limited, he extended this freedom discussion to the death house. Smethurst observes that the most radical figure comes “directly out of the folk” (107). This figure also comes directly out of prison.

Hughes refused to consign imprisoned people to a powerless or static state and wrote against the conventional theatrical scene. As Sanders puts it, “The stereotype of the Negro drama is the unhappy ending – spiritually and physically defeated, lynched, dead – gotten rid of to the relief of the dramatist and audience, in time for a late supper” (Sanders 21). Unlike contemporaneous theatrical takes on the Scottsboro case that focused on white allies and organizing outside prison – e.g., the Prolet-Buehne’s agit-prop Scottsboro (1931), S. Ralph Harlow’s drama It Might Have Happened Somewhere in Alabama (1933), and John Wexley’s Broadway hit They Shall Not Die (1934), directed by Alfred Saxe and performed by the Workers’ Laboratory Theater (1934) – Hughes’s play locates the source for liberation behind bars. The imprisoned figures reflect, deliberate, and take action. This is not mere fantasy. For all the harassment and terror experienced by the Scottsboro defendants, they made critical decisions about legal representation, how to organize, and how to survive incarceration.

Scottsboro, Limited turns on the image of a prison uprising and encourages outside solidarity with imprisoned people and with a broader movement to abolish white supremacy and economic injustice. Red Voices amplify the 8th Boy’s voice, “Hear him speak! Hear him speak!” (126). The Boys amend the phrase to “Hear us speak!” and revise the 8th Boy’s declaration, “I will not die!” to “We will NOT DIE!” (126). The act of destroying the chair arouses a curious sound of pain and defeat from the Mob:
“Roaring helplessly,” the Mob cries out: “Aw-w-w-w-ooo-aw!” (127). This is the last sound heard from the Mob. The abolition of the death penalty, this sequence implies, will weaken white supremacy. Jan Cohen-Cruz observes that “the quintessential agit-prop piece was short in length and broad in concept” (13). This short play argues that the death penalty in the modern United States is rooted in white supremacy. Franklin Zimring, who studied the correlation between high-lynching counties and, one hundred years later, high-execution counties, believes that the abolition of the death penalty “will require greater effort (and achieve more good) than the standard abolition in a Western developed nation” (136). Of course, this greater good is contingent upon the scope and meaning of abolition. Reform has generally occasioned new forms of brutality and broadened the reach of the state. *Scottsboro, Limited* envisions abolition as part of an overall social transformation.

After the destruction of the electric chair, a vigorous call and response begins between the Boys and Red Voices. It is the 8th Boy who establishes the rhythm and rhetoric:

**8th Boy:** Too long have we stood
For the whip and the rope

**Red Voices:** Too long! Too long!

**8th Boy:** Too long have we labored
Poor, without hope.

**Boys:** Too long!

**Red Voices:** Too long! (127)

White workers come onto the stage, and the Boys break through the bars, “seeking the stars!” (128). Race consciousness swells in the final choral lines. Red Voices affirm the fight for “new life” and a unity of “White and black!” (128). (*Scottsboro protest signs featured this same language of racial solidarity.*)

In the end, “death” signals in three directions, toward the physical fact of state-killing (“death in the chair”); toward a spiritual life-death continuum (“death is a lie”); and toward the concept of social death (“Rise from the dead, workers”). The 8th Boy addresses the place of death in political consciousness: “In the heart of a fighter, death is a lie: / O, my black people, you need not die!” (128). Death does not conclude revolutionary struggle; nor is it inevitable that black people must be killed by white supremacy. Red Voices add the popular Marxist language of renewal and reclamation of the earth: “Rise from the dead, workers, and fight!” (128). Hughes drew often from this rhetoric and believed that change would come, not from the “nebulous basis of inter-racial meeting” (“To Negro” 139), but from the shared ground of working-class struggle. For Negri as well, *kairos* was “the
opposite of dead labor” (Negri 108). Hughes’s finale is charged with life-affirming sensibility.

A third group of voices, called the Audience, emerges. Suggestive of the broad and diverse coalition that opposed the Scottsboro convictions, the Audience joins in the call, “We need not die” (128) and affirms “All hands together will furnish the might” (128). The 8th Boy follows:

Black and white together
Will fight the great fight
To put greed and pain
And the color line’s blight
Out of the world
Into time’s old night. (128)

This utopian pronouncement imagines a world where injustice has been banished to “time’s old night.” The revolt liberates social time from the colour line’s blight and capitalist control of labour. “Outside of a materialist, dynamic and collective conception of time,” writes Negri, “it is impossible to think the revolution” (Time 21). The Boys and Reds repeat the Audience’s line about “all hands,” taking their cue from the roused collective. The play concludes with the synergistic potential of the multitude. The Audience has the last word: “Fight!” (129).

CONCLUSION

In 1932, while on a speaking tour in Alabama, Hughes visited eight of the defendants at Kilby prison. (Wright was held at Birmingham jail). Hughes read some poems but admitted that his words sounded “futile and stupid in the face of death” (Rampersad 231). The young people barely responded. Miller mentions that Hughes must have been “struck by the sharp discrepancy between the heroic defiance he conferred upon them in Scottsboro, Limited and their actual grim and dismal circumstance” (Remembering 66). Yet, the Scottsboro prisoners did protest, continuously, their convictions and confinement. A couple weeks after the arrests, the New York Times reported, “Condemned Negroes Riot in Alabama Jail: Eight Sentenced to Die for Attack on White Girls Are Subdued and Manacled.” Later, in the city jail, they challenged the warden about visiting privileges. Patterson recalls, “When white[s] want a look at us Scottsboro boys you let them in. When our people come, you blind the screen” (Patterson and Conrad 44). Angered at being treated like “a circus to look at” and denied exercise allowed white prisoners (45), the Scottsboro defendants refused, for three weeks, to appear when the jailer called. When the screen was again blocked on “Negro visiting day,” they “put on a terrible strike. We didn’t allow nobody
in our day cell. We hollered and stomped we wanted our rights” (45). After being denied food two days, they negotiated with the warden: their weapons in exchange for food, visitors, and exercise. “Without that strike,” Patterson recalls, “we wouldn’t have had anything” (46).

The importance of the Scottsboro case has generally been confined to the stark lesson it provides of unequal justice in capital cases. Less remembered are the years of imprisonment, between six and seventeen, endured by the defendants. They were beaten and sexually abused by guards, deprived of information about their cases, refused visits from family, subjected to roaches and rats in a jail that “smelled of urine and dead animals” and was considered unfit for white prisoners (Goodman 119; Patterson and Conrad 49). More than two thirds of Haywood Patterson’s autobiography recounts his years in county jails, the state prison, and a prison farm. Weems, stabbed by a National Guardsman during the first trials, was stabbed again years later by a mill foreman and beaten by guards for reading communist literature. He contracted tuberculosis, a disease more deadly in prison than the death penalty (Goodman 346). Norris lost a finger in a prison mill and survived lashings, shootings, fights, sexual abuse, and confinement in the hole. “I was under a death sentence for seven years,” writes Norris. “I had so many dates to die, I can’t remember them all. Living that way, waiting, wondering and hoping is hell” (Last 51). During a transfer, Ozie Powell responded to a racist insult by stabbing a guard in the neck. Another guard shot Powell in the head. Powell suffered brain damage, paralysis, and was, according to Norris, “never the same as he was, not as bright or intelligent” (Last 166). (Hughes wrote a poem about this shooting, “Ballad of Ozie Powell.”)

After a dozen trials and two U.S. Supreme Court decisions, Alabama agreed in 1937 to drop the rape charges and release four of the defendants: the two youngest, Leroy Wright and Williams, and the two with the most severe medical problems, Montgomery, who was legally blind, and Robinson, who had syphilis. Patterson remarked, “The state said they weren’t guilty of rape, so they had been punished enough” (Patterson and Conrad 68). The remaining five were sentenced again: Patterson and Weems to 75 years; Andy Wright to 99 years; the rape charge against Powell was dropped but he was sentenced to 20 years for stabbing the guard. Norris was again sentenced to die.

Eventually all of the Scottsboro Nine walked out of prison, but, as Hughes’s prologue anticipates, they were still chained. “Once lionized as proletarian heroes,” writes Carter, the nine “were forgotten after their release” (413) – at least by a certain public. The state released Weems in 1943, Norris and Andy Wright in 1944, and Powell in 1946. Patterson escaped from Atmore prison farm in 1948 and fled to Michigan. After thirteen years of wrongful imprisonment, Andy Wright was given $13.45 by the state and
released. He compared himself to a hunted rabbit and explained, “‘Freedom don’t mean a thing to me’” (Carter 414). Leroy Wright, thirteen when he was pulled off a train, joined the Merchant Marines. When he returned in 1959, his wife had become involved with someone else. Wright killed her and shot himself to death. After his escape to Michigan, Patterson was sentenced to six to sixteen years for a lethal fight in a bar. He died of cancer in prison at the age of thirty-nine. In 1976, Governor George Wallace pardoned Clarence Norris, the only one of the nine still alive. Over the next forty years, all the others had charges dropped or were pardoned posthumously (Blinder).

The legacy of Scottsboro organizing remains. Davis credits her mother’s participation in the Scottsboro movement as an influence in her own work against the prison industrial complex (“Angela”). As a young woman, Sheila Washington was told by her father, “with fear and anger in his voice,” not to read Haywood Patterson’s memoir ("Scottsboro Boys"). After her brother was killed at Kilby prison in 1978, Washington became convinced of the need to bear witness to the history of the Scottsboro case. Washington founded the Scottsboro Boys Museum and Cultural Center and now serves as the Chairperson. In a video about the Center, she explains that she was first told by local officials to “leave a dead dog sleep. Do not disturb it, don’t bring it up, don’t even talk about it” ("Scottsboro Boys"). She envisions the Center as an educational resource for the public and for school children to learn about Scottsboro and the history of civil rights in the United States ("Scottsboro Boys Museum").

In Alabama, another freedom movement is taking place, a non-violent human rights effort by imprisoned women and men. The Free Alabama Movement (FAM) has released videos of overcrowded and dangerous prison conditions, created a list of demands, and proposed a bill to increase access to education, rehabilitation, and re-entry programs. According to a 2014 U.S. Department of Justice report, for at least the past eighteen years, women have been raped, harassed, and beaten inside the Julia Tutwiler Prison for Women in Alabama. The report was unequivocal: “Tutwiler has a history of unabated staff-on-prisoner sexual abuse and harassment. The women at Tutwiler universally fear for their safety” (Samuels). (Patterson as well records the exploitation of women at Tutwiler, just four miles from Kilby, in his autobiography [213]). The FAM web site contains a 53-second audio clip by a spoken word poet. The poet begins, “The struggle lives on,” identifies the profit and poverty assured by mass incarceration, calls on Martin, Malcolm, and Sojourner, and affirms that the struggle will go on “because freeing Alabama is freeing our lives.”

Hughes composed a script to “build the right” with a memory-vision of uprising and collective action, of what will have been (Scottsboro, Limited 128). The script draws from the knowledge and experience of imprisoned
people and constructs a present that folds in, and is fuelled by, the past. At a time when women and men inside prisons are sending out flares, poems, letters, pictures, and proposed legislation, *Scottsboro, Limited* directs attention to the scope of the death house and to transformed relations that might free all our lives.

**NOTES**

1 *The Collected Works*, cited here, reproduces the script from *New Masses*.

2 Miller, Pennybacker, and Rosenhaft address the sustained and controversial use of the phrase “Scottsboro Boys” in this case: “‘Boys’ they were at the beginning of the campaign, ‘boys’ they were forty-five years later when Clarence Norris was finally pardoned” (406). The phrase both conjured racist speech that denied adulthood to black men and, in other contexts, conferred innocence on the prosecuted victims. Hughes calls attention to “Boys” in both senses.

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**ABSTRACT:** Langston Hughes’s verse play *Scottsboro, Limited* first appeared in the November 1931 issue of *New Masses*. Hughes takes advantage of agit-prop’s licence to move away from the strictly factual to present a vision of social transformation. Drawing
from Antonio Negri’s writing, I discuss the unclear temporal location of the first scene relative to the rest of the action, especially the final act of liberation. Critics have assumed a causal connection between the emergence of communist workers in the audience and the freedom of the Scottsboro figures, but it is the defiance of the imprisoned that strengthens the resolve of the Red Voices and dispatches the Mob. Hughes transforms a scene of private execution into a public platform of black-led revolt, remakes prison into a site of physical and spiritual resistance, and provides a kairological perspective on the U.S. carceral state.

KEYWORDS: Langston Hughes, Scottsboro case, agit-prop theatre, Antonio Negri, kairos

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