

Grey

Rebecca Gillies

For the real Scottsboro Boys.
For the real James Horton.

He wished he had never answered the phone that day. He knew it was a ridiculous wish, because no matter how many times he avoided the phone, he could not avoid his job. He was elected to be the judge of the Scottsboro trials. It was his duty to comply.

The threats began in the middle of the trial. They were from white and black men alike; all threatening the lives of those he loved. His children had not played outside in days. His wife hid in their whitewashed house, watching the neighbours from behind the curtains. He carried a pistol with him everywhere; from the court house in Decatur to the fruit market every Saturday. Even now, as he sat on his front porch, the gun lay by his side.

The sun was setting timidly, casting a dull, grey light over the street. He had eaten alone on the steps that night; stealing some buttered beets, brown potatoes and sweet pickles while Anna was bathing the children. Next to him lay a drained whisky bottle and an unsoiled book, its spine facing the sky. The thick wooden door leading to the porch slammed, and Anna appeared. She sat on the step next to him, tucking her layered and ruffled skirt behind her knees.

James could hear the radio buzzing, announcing DiMaggio's latest record-breaking home run, and the date of the next fireside chat with Roosevelt. The Palm Sunday evening service was about to begin.

'Come inside James,' Anna pleaded. She handed him a plate of lemon bread pudding, heaped with expensive cream. He looked at her disgustedly and shoved it back.

'They convicted him. Does that not bother you?'

'No,' she muttered.

James stared incredulously at her.

'Haywood is going to die. A 19-year-old boy is going to die.'

'A 19-year-old negro is going to die,' Anna pointed out.

'What difference does his skin colour make?' James hissed.

'He, along with those other eight negroes raped those two women!' Her voice was high and spiteful, yet she couldn't bring herself to look at him. Instead, she fiddled with the holes in her hand-mended skirt. They could hear the Alabama Boys Choir in the background.

'Olen Montgomery is blind. Willie Roberson cannot walk without a cane. Roy Wright is 13! Do not tell me that they raped those women.'

Anna opened her mouth to protest, the prejudice obvious in the harsh lines of her face.

'And you're forgetting about Ruby Bates,' James smiled smugly.

'She lied.'

'She admitted that she and Victoria lied about the rape. There was no rape, Anna.' He spoke slowly, as one would to a child.

'She's just trying to get her name out of the papers! She lied when she said that there was no rape. Those boys are guilty. The other eight will be found guilty by a jury and they will die too.' The conviction in her voice was religious.

James turned away from her, his heart aching. He curled his fist into a ball, endeavouring to break his skin with his nails, distracting himself from the hatred welling in his stomach. He slammed his hand onto the wooden deck, causing Anna to flinch with fright. His palm burned.

‘They’re not guilty! Lynch said that there were no signs of rape.’

‘The defence paid Lynch to tell you that.’ Anna’s reply was quick.

‘Why would a young, talented, white doctor accept a bribe from the defence? And he didn’t even testify. His name was pulled from the list. He came to me on his own accord to tell me that there was no rape; that it was all a big mistake!’ James hung his head.

There was a momentary silence, and the familiar melody of ‘Amazing Grace’ reached his ears.

‘I didn’t take you for a negro sympathiser, James.’ She looked disappointed.

‘I believe in some form of segregation, Anna, like every other man. But surely a woman like yourself, a teacher, understands that this is about more than segregation. These boys are being crucified for an act they did not commit. The evidence is in their favour!’

Anna looked at him stubbornly. ‘I’m not a teacher anymore.’

Frustration welled in James. He could not bring himself to look at his wife.

‘Those boys are going to die because they are different, and because people are scared of what will happen if they are freed. Isn’t it damn ironic that Haywood was convicted to death today of all days? On Palm Sunday?’ He didn’t know why he said it, but he felt a sense of vindictive pleasure when horror flitted across Anna’s face. She glared at him with such fury that James’s heart ached.

‘You don’t think that they will be martyrs if they die?’ he asked softly.

Anna was silent with worry, twisting the gold band around her finger. She refused to look at him, her chest heaving with barely contained anger. James was horrified to find that when he looked at her, he felt disgusted. Suddenly she did not look as attractive as she used to; he was surprised to find her face wrinkled and eyes grey with age.

‘Oh my God,’ she gasped suddenly, her thin hand grasping onto his shoulder. James turned to look down the street. A crowd of around 15 white men had gathered, carrying lit lamps that glowed eerily in the warm evening.

‘Don’t worry,’ James told her, pushing her hand away. ‘They’re coming to congratulate me.’



As the crowd neared, James could see fellow judges along with the most respected dentists, doctors and lawyers of Decatur. One of the men stepped forward, and James recognised him as Ronald Gould, the balding, paunchy District Court circuit judge. Gould boasted real leather shoes, a fedora from Montgomery, and a shining Bentley 4¼ litre, which he drove purely to prove that his family was not yet on rations. He walked up the steps of the front porch, extending his hand. James stood up; his tall, lanky, raw-boned figure towering over Gould.

‘Congratulations, Horton,’ he said warmly, shaking James’ hand with vigour.

‘Congratulations?’

‘On the trial’s outcome. We all think the right decision was reached,’ he said, winking at James.

‘I didn’t have anything to do with the jury’s decision to convict Haywood,’ James said stiffly.

‘But you didn’t allow the jury to free him. That was a wise decision.’ Gould’s voice boomed through the still night and he

nodded his head with conviction. There was murmuring from the crowd; the men agreed with Gould.

'My children are being threatened, Ron! They haven't been outside in days. Anna cannot go to town for fear that she might be attacked. I'm afraid the decision merely angered the black community.' James' tone was reasonable, though he struggled to maintain it.

'The negroes won't try to hurt you or your family, Horton. They know that a massacre would result. In their hearts, they know that justice was done today.'

There was silence. James glared at Gould, who appeared confused by what he had done to deserve such hatred.

Gould coughed awkwardly into his hand and said, haughtily, 'Did you hear what tomorrow's newspaper is going to say? They're saying that Decatur is a place where justice reigns, and that you are the next Abraham Lincoln.'

The men on the grass muttered approvingly.

'What an insult to Mr. Lincoln,' James replied lightly.

There was a lengthy silence before Gould spoke warily. 'What do you mean?'

'There was no rape, Ron.'

It was the first time he had said it out loud to someone other than Anna. It was the first time the words were spoken by a white man.

'Horton ...' Gould warned, his voice no longer saccharine.

'Do you remember what I told the jury at the beginning of that trial? That we can only do our duty without fear or favour? That there must not be doubt in their minds? I did not do my duty today; I was doubtful. I should have overturned the jury's decision.'

Gould's hands were clenched in a tight ball, an ugly look on his face. The men in the crowd were whispering frantically to each other, and they no longer stood respectfully still. Instead, their feet shuffled and their lamps switched hands.

‘Horton! The right decision was made. Leave it alone. Let the boy die by the chair.’

The murmuring of the crowd grew louder.

‘He is innocent. They are all innocent. Do you really believe the words of Victoria Price after Ruby Bates admitted there was no rape? Are you going to believe that brazen piece of trash over nine innocent boys?’

The crowd moved as one, drawing knives or pistols from their jacket pockets, their faces dirty with prejudice. Gould himself drew a butcher’s knife, snarling.

James bent to pick up his own pistol. He held it out in front of him and took a step towards Gould. Gould did not flinch, knowing James would not dare to shoot him.

‘Do you think you are wise, Horton? To defend negroes over a white woman?’

‘When the trial for the next boy begins, I am going to overrule the jury’s decision in Haywood’s case. Somebody needs to protect those boys.’

‘You’re just a trial judge,’ sneered Gould. ‘Do you think the High Court will protect them? They will rot in a jail, or fry in the chair. You’re condemning them to a slower death.’

‘Maybe by the time the High Court hears this case, things will have changed. Maybe these boys will have to spend a few years in jail, but that is better than dying for an act they did not commit. You know that if this were a trial for a white man, Haywood would be free,’ James spat.

Gould visibly flinched. The mob began to howl.

James turned to Anna, who was backed against the wooden door.

‘Go inside,’ he told her gently.

She looked up at him, her eyes wide and nose red. There was mistrust in her eyes. James’ heart wrenched. He knew she was worried about their family. She thought the mob would lynch them all.

‘No one is going to die tonight, Anna. Go inside.’ He went to grab her hand, but she pulled away and opened the door. As James turned back to Gould, the door slammed behind him.

‘You’re right, Horton. We are not going to kill you tonight. We will give you a chance to make the right decision.’

Some of the men behind Gould looked disappointed; their bloodlust unfulfilled.

‘But if you overrule the jury, you will not be able to live in this town again. You will never be a judge again. You might not even make it to the county border.’

James smiled at him. ‘And what does that have to do with the case?’

Gould paused.

‘If I don’t say anything I am murdering nine innocent boys,’ James snarled.

‘If you don’t say anything, then those boys will leave this town, and we can go back to how it has always been. Us on this side of the river, them on the other.’

‘I am going to overrule the decision.’ James’ voice was calm.

Gould’s body shook with anger.

‘Don’t expect to us to accept this,’ he warned in a low voice.

‘There is a saying, Ron. My mama taught it to me. *Let justice be done though the heavens may fall.*’ James straightened his body.

Gould leaned in close, so that James choked on the overwhelming stench of sweat and sickly perfume.

‘Your mama was a fool.’



Rebecca Giles wrote this as a university undergraduate in 2012.