

## Vocabulary

**Communist Party** • A radical political party founded in the United States after the Communists took power in Russia in 1917. It became involved in various labor struggles in the 1920s but remained small until the Great Depression, when it became active in supporting unemployment relief, unions, and civil rights. It greatly declined during the Cold War of the 1950s due to government repression.

**International Labor Defense (ILD)** • An organization created in 1925 to combat the Ku Klux Klan, a racist organization that was founded in 1866 but reached its heyday in the 1920s. The ILD was the legal arm of the Communist Party of the United States. In 1931 it took up the cause of the Scottsboro Boys.

**National Association for the Advancement of Colored People (NAACP)** • An organization founded by white and African American intellectuals in 1909-1910. By 1930 it had become the predominant civil rights organization in the United States. It fought the Jim Crow laws in the courts and through lobbying, speechmaking, and publishing efforts. It was reluctant to get involved in the Scottsboro case, partly because of bureaucratic inertia and partly because it was unwilling to forge an alliance with the Communists.

## Laws, Cases, and Legal Terms

• **Due Process of Law** – A basic doctrine of fairness in all criminal and civil cases. It states that all legal procedures mandated by law must be followed for every person so that no one receives unfair or unequal treatment. The universal guarantee of due process is in the Fifth Amendment to the Constitution. The Fourteenth Amendment applied it to all states. The principle was crucial to the Scottsboro Case and behind the two Supreme Court rulings made regarding it.

• **Fifth Amendment** – adopted on Dec. 15, 1791. One of its clauses reads that no person shall “be deprived of life, liberty, or property, without due process of law.” The “due process” principle established here - and expanded in the fourteenth Amendment - was central to the Scottsboro Case.

• **Fourteenth Amendment** – adopted on July 9, 1868. The first section reads: *All Persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they abide. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

• **Norris v. Alabama** – A decision handed down by the U.S. Supreme Court on April 1, 1935. It overturns the convictions of Norris and Patterson because African Americans were barred from sitting on their juries, thus ending a long-standing discriminatory practice in southern courts.

• **Powell v. Alabama** – A decision handed down by the U.S. Supreme Court on November 7, 1932. It overturned the conviction of the Scottsboro Boys because they had not been given adequate legal counsel, thus setting a precedent that all defendants have the right to an adequate and competent defense - to be provided for them if they cannot pay for it themselves.

## Things to Think About

• What bearing do you think the Scottsboro case has on the issue of capital punishment? What guarantees do you think the legal system can make to ensure that innocent people are not executed? Do you think capital punishment is a deterrent to crime?

• Judge James E. Horton is often praised for his courage in overturning the conviction of Haywood Patterson. Horton effectively gave up his career, since he was not reelected. Compare his actions to those of Martin Lynch, the doctor who was convinced of the Scottsboro Boys' innocence but wouldn't testify because doing so would jeopardize his career. Do you think you would have been able to display Horton's courage in a similar circumstance? What traits do you think he had that compelled him to do what he did? Would you argue that his actions proved that it would be unfair to describe all southerners of the period as prejudiced? Some argue that judges should be allowed to keep their jobs for life so they will not be so tempted to cave in under political pressure. Do you agree?

• What does the Scottsboro case tell you about the importance of the U.S. Supreme Court in guaranteeing the civil liberties of U.S. citizens? What important rights were established by the court because of the Scottsboro case? Are there other Supreme Court decisions that had an equally important impact?

• Why do you think the Communist Party was willing to get involved in the Scottsboro case? Were they just trying to seek publicity for their cause? What connection do you think they saw between the Scottsboro case and their mission of overthrowing the capitalist system?

• Like many people during the Great Depression, the Scottsboro Boys were “riding the rails” in search of work. What can you find out about this common practice during the era? What compelled so many people to leave home and why did they use the railroads to get around?

• In one of the trials, Ozie Powell testified that he had been to school for a total of “about three months” in his life. What does this tell you about the Jim Crow system of denying African Americans an education? How did this denial help keep African Americans from making progress? What does it say about the importance of education for underprivileged people today, and how can society make sure that everyone has the same educational opportunities?

• One of the most notorious statements in the trials was prosecutor Wade Wright's remark about Alabama justice being “bought and sold with Jew money from New York.” What does this tell you about other racial and ethnic prejudice as a factor in the trials? Why would some people in Alabama also have a dislike for big cities, New York in particular?

## Internet Resources

<http://www.afroam.org/history/scott/scotts.htm> – From the Afro-American History Site, an excellent section on the Scottsboro Case. It has the text of several articles from black newspapers written at the time of the case, in addition to other relevant documents.

<http://www.english.upenn.edu/~afilreis/88/scottsboro.html> – A page describing the role of the ILD in the trials.

<http://home.early.com/~amistad/scotts.htm> – An outline of the case with some fascinating pictures of artifacts from the period concerning it.

<http://www.law.lsu.edu/library/lawhum/scottsborotrial.htm> – From the Louisiana State University law school, a bibliography of works on the case and links to other sites.

<http://www.law.umkc.edu/faculty/projects/ftrials/scottsboro/scottsb.htm> – From the University of Missouri and Kansas City's Web site on “Famous American Trials,” a comprehensive page on the Scottsboro trials.

## Other Resources

*For students:*

**Hine, Darlene Clark.** *From the Scottsboro Case to the Breaking of Baseball's Color Barrier*, 1931-1947. Chelsea House, 1995.

**Horne, Gerald.** *Powell vs. Alabama: The Scottsboro Boys and American Justice*. Franklin Watts, 1997.

*For adults:*

**Carter, Dan T.** *Scottsboro: A Tragedy of the American South*. Louisiana University Press, 1969.

**Chalmers, Allan Knight.** *They Shall Be Free*. Doubleday, 1951.

**Goodman, James E.** *Stories of Scottsboro*. Vintage Books, 1995.

**Kinshasa, Kwando.** *The Man from Scottsboro: Clarence Norris and the Infamous 1931 Alabama Rape Trial, in His Own Words*. McFarland, 1997.

**Patterson, Haywood.** *Scottsboro Boy*. Doubleday, 1950.

*A television dramatization, Judge Horton and the Scottsboro Boys, which aired on NBC in 1976, is available on videotape. An independent documentary film, Scottsboro: An American Tragedy, was shown at the Sundance Film Festival early in 2000.*

# LANDMARK AMERICAN TRIALS

## THE SCOTTSBORO BOYS

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# LANDMARK AMERICAN TRIALS

Some trials take on a significance that is larger than the verdict itself. Such trials are shaped by the tenor and emotions of the era in which they occur, and in turn may reshape prevailing attitudes. The trials of this series fall into that category. Whether pointing up the anti-anarchistic hysteria demonstrated in the 1921 Sacco and Vanzetti trial or the anti-Communist fervor exhibited during the 1951 Rosenberg case, these trials become miniature history lessons that can provide as much insight into an age as a history textbook.

## THE SCOTTSBORO BOYS

In March of 1931 in Alabama, seven white youths claimed they had been thrown off a freight train by a group of young black men. When the train made a stop, it was met by a posse that pulled off the nine black men as well as two white women who were dressed in men's clothing. During their interrogations, the two women claimed they had been raped by the group of blacks. Almost immediately, several hundred local citizens banded together in an attempt at a mass lynching, but they were repelled by local authorities with help from the National Guard. By the time the trials ended eight of the nine youths were convicted, despite one woman's recantation of her story and testimony by doctors that neither woman showed evidence of violent physical or sexual attack. In later trials charges against five of the boys were dropped; the other four were convicted. The case was one of the first to focus heavy national attention on the political and social forces at work in furtherance of racism.



## Background

### Racism and the Miscarriage of Justice

- After the Civil War and the end of slavery, the U.S. Congress made attempts to grant African Americans equal status before the law and to prohibit voting discrimination in the South. But conditions deteriorated when former Confederates returned to power in the South in the 1870s. A series of statutes known as “Jim Crow” laws created a legally inferior status for African Americans. A system of segregation was instituted and employment opportunities were curtailed.
- The U.S. Supreme Court supported this system for the most part. In the landmark case of *Plessy v. Ferguson* in 1896, it declared that racial discrimination was constitutional as long as both races were provided equal facilities. This principle, known as “separate but equal,” was in effect “separate and unequal,” as far as African Americans were concerned.
- One of the cruelest things about the Jim Crow system was its denial of social services and equal justice to African Americans. Black schools were nonexistent in some places, and where they did exist they were greatly underfunded. As late as 1916, there were only 67 black public high schools in the South. Also, between the end of the Civil War and 1900, the black population of the South’s prisons increased by 700 percent. Many African Americans were subjected to arbitrary arrest and sent to chain gangs with little or no legal defense. Finally, African Americans suffered sporadic and vicious outbreaks of “lynch law” Mobs would seize suspected criminals – many of them innocent – and murder them, often after terrible tortures.
- This was the climate in which the trial of the Scottsboro Boys took place. Their ordeal shone a light on a widespread pattern of injustice and led to reforms that changed the system of American justice, especially in the South.

### The Issues

- The trial of the Scottsboro Boys was historically important because it brought together – and sometimes into conflict – so many important issues. Some of them are:
- **Capital Punishment** – If the Scottsboro Boys had been executed, innocent people would have been put to death. Such a possibility has often been, and is very much today, a main issue in the debate over capital punishment. In February 2000, the governor of Illinois halted executions in his state, having concluded that they had almost taken the lives of 13 innocent people. The last few years have seen the establishment of an organization called the Innocence Project, which aims to use DNA (genetic) testing to free people who have been wrongfully convicted. The Innocence Project has already saved several innocent people from execution.
  - **Racism and Unequal Justice** – Because African Americans were denied the vote in the South, they could not protect their rights before the law and in the courts. That African Americans could not sit on juries was one factor that made such cases as that of the Scottsboro Boys possible. The pattern of unequal treatment is the main reason the trials of the Scottsboro Boys became so prominent in the 1930s – their case became a symbol of long-standing injustice.
  - **Fair Procedure** – According to the Constitution, the law protects the life, liberty, and property of persons against unreasonable laws made by governments on any level. It also guarantees that “fair procedure” be carried out in a criminal proceeding – any person should know the nature of the crime he or she is accused of, should receive a fair trial and should be rendered an impartial decision. Two basic rules of fair procedure were broken in the Scottsboro case. First, a person has a right to be provided with adequate counsel, which was lacking in the first trial. Second, a person is entitled to be judged by a jury of peers. Since African Americans were barred from jury service, this did not happen in the first trials.
  - **Lynching** – Lynching is an event in which a mob kills a person accused of some crime. In the United States, the practice goes back at least to the American Revolution, when the term “lynch law” was coined, but it reached its height during and after the Reconstruction period in the South. African Americans made up by far the greatest number of victims – the lynchings of 3,446 black men and women were recorded between 1882 and 1968, but there were probably many more. The NAACP was in the forefront of the fight against lynching.

### Events of the Case

- March 25, 1931** • Nine black youths who become known as the “Scottsboro Boys” are arrested in Paint Rock, AL and charged with the rape of two whites.
- April 6, 1931** • The trials of the Scottsboro Boys begin.
- April 7-9, 1931** • Clarence Norris, Charlie Weems, Haywood Patterson, Olen Montgomery, Ozie Powell, Willie Roberson, Eugene Williams, and Andy Wright convicted, given death sentence. Trial of Roy Wright ends in mistrial.
- April 20, 1931** • Scottsboro Boys agree to be represented by the ILD.
- June 22, 1931** • The executions are stayed pending an appeal to Alabama Supreme Court.
- January 1932** • The NAACP withdraws from case.
- January 5, 1932** • Ruby Bates, one of the women who was allegedly attacked, writes a letter in which she says Scottsboro Boys are innocent.
- November 7, 1932** • A protest outside the Supreme Court building in Washington, D.C., turns into a riot. In *Powell v. Alabama*, the U.S. Supreme Court reverses the convictions, pointing out that the defendants did not have adequate assistance of counsel as required by the Sixth and Fourteenth Amendments. The day is also declared “International Scottsboro Day” and demonstrations are held around the world.
- January 1933** • The ILD gets Samuel Liebowitz to defend the Scottsboro Boys.
- April 9, 1933** • Haywood Patterson is found guilty and sentenced to death.
- April 18, 1933** • Judge Horton postpones the trials of the other Scottsboro Boys.
- June 22, 1933** • Judge Horton sets aside Haywood Patterson’s conviction and grants a new trial.
- October 20, 1933** • The Scottsboro cases are transferred to Judge William Callahan.
- Nov-Dec, 1933** • Haywood Patterson and Clarence Norris are tried for rape, convicted, sentenced to death.
- October 1, 1934** • Two attorneys from Communist Party arrested for attempting to bribe Victoria Price.
- April 1, 1935** • In *Norris v. Alabama*, the U.S. Supreme Court overturns the convictions because African Americans were barred from sitting on the juries.
- November 1935** • A grand jury composed of 23 white men and one black man reindicts the defendants.
- January 23, 1936** • Haywood Patterson is convicted and sentenced to 75 years in prison.
- July 24, 1937** • Roy Wright, Eugene Williams, Olen Montgomery, and Willie Roberson are released and all charges against them are dropped.
- September 1943** • Weems is paroled.
- June 1946** • Ozie Powell is paroled.

### Other Events

- May 18, 1896** • In *Plessy v. Ferguson*, the U.S. Supreme Court declares constitutional the “separate but equal” doctrine that allows segregation.
- July 25, 1900** • Many African Americans are killed in a race riot in New Orleans.
- August 1, 1901** • A black mother and two children are lynched in Carrollton, Mississippi.
- November 28, 1901** • In Alabama a new constitution disenfranchises African Americans by requiring literacy tests and proof that one’s grandfather was eligible to vote.
- February 6, 1904** • Maryland follows the example of the southern states and disenfranchises African Americans.
- April 2, 1904** • In race riots in St. Charles, Arkansas, 14 African Americans are lynched.
- May 1, 1910** • The National Negro Committee, founded in June 1909, becomes the NAACP.
- July 2, 1917** • As many as 75 die in race riots in East St. Louis, Illinois.
- August 31, 1919** • The American Communist Party is founded in Chicago.
- June 1, 1921** • More than 85 people die in race riots in Tulsa, Oklahoma.
- March 6, 1930** • Communist demonstrators protest unemployment in several cities.
- October 18, 1933** • A mob numbering 2,000 in Maryland lynches a black man accused of attacking a white woman.
- December 15, 1933** • In Tennessee, a mob lynches a black man who had been freed by the court.

### Important People

- Bates, Ruby** • One of the two women the Scottsboro Boys are accused of raping later testifies that she had not been attacked and takes up their cause.
- Bridges, R. R.** • One of two Scottsboro physicians who examined Bates and Price after the alleged rape. His testimony casts doubt on Victoria Price’s story.
- Callahan, William** • The judge in the Scottsboro trials held between November 1933 and July 1937, he is antagonistic to the defense.
- Carter, Lester** • Defense witness in the second trial. He later appears with Ruby Bates at rallies in defense of the Scottsboro Boys.
- Dobbins, Ory** • Prosecution witness in the trial before Judge Horton. Samuel Liebowitz demonstrates that his testimony contradicts the facts.
- Graves, Bibb** • Alabama governor who commutes Clarence Norris’ death sentence to life in prison but backs off on a promise to pardon five convicted Scottsboro Boys.
- Horton, James E.** • Judge who presided over Haywood Patterson’s second trial in Decatur; he courageously sets aside the verdict and death sentence.
- Hughes, Langston** • Prominent African American poet who writes a poem in defense of the Scottsboro Boys.
- Knight, Thomas E., Jr.** • Lead prosecutor in the Patterson trial before Judge Horton in 1933 and in the trials before Judge Callahan in late ’33 and early ’34.
- Licht, Mary** • Chattanooga resident assigned by the Communist Party to convince the parents of the Scottsboro Boys to seek representation by the ILD.
- Liebowitz, Samuel** • Highly successful criminal attorney retained by the International Labor Defense to defend the Scottsboro Boys, though he is neither a Communist nor a radical himself.
- Lynch, Martin** • One of the two doctors who examine the women shortly after the alleged rape; privately tells Judge that no rape occurred but will not testify.
- Montgomery, Olen** • One of the five Scottsboro Boys from Georgia. He is released in 1937.
- Moody, Milo** • Lawyer in the first trial, he presents an inadequate defense.
- Norris, Clarence** • One of the five Scottsboro Boys from Georgia. His second conviction is overturned by the U. S. Supreme Court in *Norris v. Alabama*, which finds Alabama’s exclusion of African Americans from jury service violates the Fourteenth Amendment. He dies in the Bronx, New York, on January 23, 1989, the last of the Scottsboro Boys.
- Patterson, Haywood** • One of the four Scottsboro boys from Chattanooga, He escaped from prison twice. With author Earl Conrad, he writes the book *Scottsboro Boy*. He dies of cancer in prison on August 24, 1952.
- Powell, Ozie** • One of the five Scottsboro Boys from Georgia. He stabs deputy with a penknife. He is finally released from prison in June, 1946.
- Price, Victoria** • The second of the two women the Scottsboro Boys are accused of raping.
- Roberson, Willie** • One of the five Scottsboro Boys from Georgia. He is one of the four Scottsboro Boys released in July 1937.
- Roddy, Stephen** • Lawyer on first trial; drunk and presents inadequate defense.
- Tiller, Jack** • Boyfriend of Ruby Bates. Lester Carter testifies that Bates had sex with Tiller two nights before the alleged rape.
- Weems, Charlie** • One of the five Scottsboro Boys from Georgia. He was convicted of rape in 1931 and again in 1937. He was paroled in 1943.
- Wexley, John** • Playwright who writes the drama *They Shall Not Die* in defense of the Scottsboro Boys.
- Williams, Eugene** • One of the four Scottsboro Boys from Chattanooga, he is 13 years old when arrested. Because of his age, charges are dropped against him in July 1937.
- Wright, Andy** • One of the four Scottsboro Boys from Chattanooga. He is first paroled in January 1944 but is arrested after violating parole. On June 6, 1950, he became the last Scottsboro Boy to be freed.
- Wright, Roy** • One of the four Scottsboro Boys from Chattanooga. Brother of Andy Wright. The youngest of the boys he is 12 at the time of his arrest.
- Wright, Wade** • One of the prosecutors in the trial before Judge Horton. He makes the incendiary plea to the jury to show “that Alabama justice can’t be bought with Jew money from New York.”