

SCOTTSBORO:

The Shame of America

*The True Story
and the True
Meaning of this
Famous Case ---*

Published by

SCOTTSBORO DEFENSE COMMITTEE

Price Five Cents

"The testimony of the prosecutrix in this case is not only uncorroborated, but it also bears on its face indications of improbability and is contradicted by other evidence, and in addition thereto the evidence greatly preponderates in favor of the defendant"—from the opinion of Judge James E. Horton of Alabama, June 22, 1933, setting aside the conviction and sentence of Haywood Patterson, Scottsboro defendant.

Published by:

Scottsboro Defense Committee
112 East 19th Street, New York City

First printing, February, 1936

Introduction

As the first edition of this pamphlet goes to the press, the Scottsboro trials are scheduled to come up for trial in Decatur again, in April, 1936, before Judge W. W. Callahan. An appeal is being taken by attorneys retained by the Scottsboro Defense Committee, from the 75-year sentence meted out to Haywood Patterson.

At the same time, Sheriff J. Street Sandlin of Morgan County, Alabama, has announced he will seek indictments on charges of "attempt to murder" against Ozie Powell, the Scottsboro defendant whom he himself shot in cold blood, Clarence Norris, and Roy Wright.

The committee will put up an uncompromising defense against these new Scottsboro frame-ups.

The Scottsboro Defense Committee which, with the consent of the Scottsboro boys and the approval of their parents, is in full charge of all defense activities in the case, is composed of representatives of the National Association for Advancement of Colored People, the International Labor Defense, the American Civil Liberties Union, the League for Industrial Democracy, the Church League for Industrial Democracy (Episcopal), the Methodist Federation for Social Service.

The National Urban League and the National Committee for Defense of Political Prisoners are sponsors of the committee, together with many prominent individuals from all parts of the country, among whom are:

Charles Bickford, Rev. W. Russell Bowie, Dr. S. Parkes Cadman, Rev. F. A. Cullen, John P. Davis, Dorothy Detzer, Prof. W. E. B. DuBois, Roscoes Dunjee, George Clifton Edwards, Harry Emerson Fosdick, Rt. Rev. Charles K. Gilbert, Elisabeth Gilman, Hubert C. Herring, T. Arnold Hill, Julius Hochman, Rev. John Haynes Holmes, Mrs. Bayard James, John Paul Jones, Prof. Robert Morss Lovett, Rev. J. Howard Melish, J. E. Mitchell, Charles Clayton Morrison, Carl Murphy, Rev. James Meyers, Pres. Wm. A. Neilson, Bishop Robert L. Paddock, Rev. A. Clayton Powell, Jr., Morrie Ryskind, Dr. Robert Searle, Donald Ogden Stewart, Helen

Phelps Stokes, Maurice Sugar, Mrs. Walter Weyl, Mary E. Woolley, Oswald Garrison Villard, Louise Young.

The National Board of the Young Womens' Christian Association is also a supporter of the committee.

Scottsboro Defense committees on a local scale, cooperating with the national committee, have the participation and endorsement of many churches and other organizations, including a large number of trade-unions.

The officers of the Scottsboro Defense Committee are: Rev. Allan Knight Chalmers, chairman, Dean Elbert Russell, Rt. Rev. William Scarlett, James Weldon, vice-chairman, Col. William Jay Schieffelin, treasurer and Morris Shapiro, secretary.



From Left to Right: Ozie Powell, Eugene Williams, and Olen Montgomery

The Real Story of Scottsboro

Two rooms. The one in front has a window—well, anyway, it has a window frame. It looks out on the porch—a collection of grimy, gray planks never painted, never mended—with gaping wounds left by wind, weather and the tread of many feet.

A boy sits in the window frame looking out—past the porch, past the street—a muddy alley framed by two rows of wretched little huts tottering on spindly brick legs.

Beyond the street are the railroad tracks—shining highways of promise. The boy's eyes follow the tracks. Behind him, pandemonium. The four littlest are howling. The two older kids are shouting to quiet them—especially Ophelia, age 11, the second mother of the Williams family.

Mrs. Williams bends over a huge tub of wash in the back room near the door. Her wide sad eyes look up at her little brood in silence. There isn't anything to say. There isn't anything to eat. This "washing and ironing" won't be paid for until Thursday and then it'll only be 90c and how far will the 90c go for groceries to feed eight hungry mouths.

Mrs. Williams sighs, stretches to ease her back and looks to the boy at the window. Eugene, her first born. If only he were a little older and less puny. He just doesn't look a day over his thirteen and a half years.

Her eyes follow Eugene's until they hit the shining rails. A cold shudder covers her. A shudder that has nothing to do with the chilly March wind that races through the shack utterly contemptuous of the match box walls and the leaky roof. If only those rails don't tempt him too much. If only they don't lure him away. . . .

A gray shack that looks as if the first real gust of wind will scatter it across the stubble-covered fields into the peach orchard at its far end. Inside, the same rickety table and chairs, faded patchwork quilts and garish calendars that fill all the other shacks like it in and around Monroe Georgia.

A slim, energetic woman comes in from the windswept fields. Mary Alice, age five and tiny, paddles across the splintery floor on bare feet to meet her. Mrs. Montgomery barely notices Mary Alice as her eyes leap across the room to the sagging spring bed in the corner. There he lies, her oldest son, Olen, staring up at the cracks in the roof.

"No use, mom, it ain't no use. It just gets worse and worse. I can't hardly see them cracks any more at all. Jest only when I close one eye. This one. Then I can see some."

But there is no money, no doctor, no help. There is only the heart-ache of watching Olen's eye sight grow dimmer and dimmer. Hope lies out yonder somewhere in Tennessee, down in Memphis at the fabulous hospital where they care for colored people's eyes. But how to get there. . . .

Three boys sitting on a bunch of ties in the Chattanooga railroad yards. Like a huge spider-web the tangled steel rails scatter in all directions before them until they resolve themselves into a double highway.

The boys are dressed in faded overalls and ancient sweaters ravelled at the neck and elbows. The one in the middle is an angry looking boy of about sixteen. Glumly he listens to the excited tales poured into his ears by his companions—obviously brothers, they look so much alike. Then they all stop. Nothing more to say. The same old story about no jobs, not enough to eat, pay cuts for those at home who are working. But out there where the rails lead—somewhere—there must be places where there is no hunger, no misery, no gray shabby walls, no tears. . . .

March 24, 1931 —A misty drizzle falls over Huntsville, Alabama, in the early hours before dawn. Four shadowy figures drop to the ground from the yawning mouth of an empty box car. Two men and two girls. They stop a little further along the railroad embankment and the girls go off together.

A few hours later. The sun is shining and along the same embankment stand the two girls and one of the men. The girls wear overalls. The taller and prettier of the two looks a little frightened. The older one, her bold face rigidly molded into a harsh cynicism, looks annoyed. A freight train pulls out of the Huntsville yards, and our three adventurers swing aboard. The boy is tall, blond and strapping. All three sit in the open door of the box-car, swinging their feet over the edge, singing songs. The boy, Lester, knows lots

of songs and ballads and he can play them all on his mouth organ.

After dark they arrive in Chattanooga, Tennessee. They wander through the tangle of the railroad yards and meet up with a slim dark boy. He knows his way around. He's been here before and he leads them to the jungle alongside of the tracks. The jungle is a wide field bordered by scraggly shrubbery and at the far end a row of little rickety Negro homes.

Shortly after, the boys have been to town and returned with some food, and the girls have built a fire. The four young people, their faces outlined by the orange glow of the flames discuss their plight. The young girl, Ruby, agrees to everything the older woman, Victoria, says.

They decide to go back home to Huntsville the next morning—back to the 11 hour night shift in the textile mill at \$2.75 a week, back to the unpainted company houses, the pellagra diet, the endless monotony of work and exhausted sleep. Victoria, who the night before had agreed to go off without her companion Jack Tiller, until he had found a more graceful way of leaving his wife and joining her, insists on going back. Ruby, to whom the adventure of a ride on a freight train, sleeping out under the stars, had seemed the night before a thrilling adventure and marvelous escape from the drudgery of toil—shivers and agrees. The ground is hard. The dark is frightening. And Lester doesn't care much where he goes anyway just so long as he keeps on moving. Huntsville is not the most attractive place to him. He has just finished serving a chain-gang sentence for vagrancy there. That's how he met Jack Tiller and Victoria Price the night they were brought into the city lock-up for "public lewdness" and Huntsville was the place where he had met Ruby. Gilley, their "jungle guide" is just as ready as not to go on to Huntsville with his newly-found friends.

March 25, 1931 —A freight train lumbers out of the Chattanooga yards. It's a long rattly train—mostly empty box cars, oil tanks and in the middle a string of chat-filled gondola cars. A varied company has scattered itself throughout the train.

One gondola car holds our four young white friends. In the one next to it a group of white boys. One empty oil tank has a single passenger—half blind Olen Montgomery finally started on his way to the hospital in Memphis. Further along hanging onto the straps of another tanker is a very sick boy. Too sick to get on the train without help. After he was sentenced to death, the world learned that his name was Willie Roberson.

A group in another car is more congenial. The three boys of the railroad ties, Roy and Andy Wright, their pal Haywood Patterson and little Eugene Williams—escaped from his home and its hunger, determined to make a fortune for his mother and the kids. Three more Negro boys, Clarence Norris, Charlie Weems and Ozie Powell, strangers to the four and to each other, joined up with this little group—all bent on the same mission, all in search of hope and plenty.

The white boys get bored as the train rattles along. They begin to throw some of the sharp pebbles at the Negro boys. They amble over and step on their fingers—and the fight starts. The Negro boys outnumber the whites. One runs to the edge and shouts over to the next gondola car for help. Lester Carter, who is also getting bored in the company of Gilley and the girls, hops over to join the fight. He doesn't know and doesn't care much what it's about—except that some white boys are asking his aid in fighting a bunch of "niggers."

But the Negro boys get the best of the fight and the white boys noticing that the train is slowing up as it mounts a slow but steady grade, jump over the side—land easily on the embankment along the tracks. Lester jumps with them. Gilley, apparently tired of his role as protector of the white womanhood of the south, abandons his fair ladies without any compunction and attempts to join up with the other white hoboes who, not too angrily, amble along the tracks back to the nearest town—Stevenson, Alabama. But Gilley is clumsy. He tries to jump from the corner of the car. He slips. He is about to fall under the whirring wheels when a strong arm pulls him back. It is Haywood Patterson's arm.

Gilley goes back to the girls.

As the five white boys approach the station at Stevenson they begin to realize the seriousness of their plight. Five young boys walking along the tracks must beware. There's always the "law" around waiting to clap charges of vagrancy on them and send them to the chain gang.

Sure enough, when they reach the station—there is the "law". Six months of back-breaking toil on Alabama's roads stare them in the face. And suddenly their way out becomes clear. From shiftless young vagrants with no place to go and no money in their pockets they can become the victims of a foul attack—the heroes of a narrow escape.

Their imaginations run riot. They tell a wild tale of knives and pistols brandished by ferocious blacks who hurled them from a



The home of
Eugene Williams'
family in Chatta-
nooga, Tenn.

The home of
Haywood Pat-
terson, Chatta-
nooga, Tenn.



swiftly moving train. The "law" jumps to the trigger. The wires start humming along the line—to the next station—Paint Rock—"Stop that train—stop that freight—round up the niggers——"

By the time the train is flagged to a stop at the dusty metropolis of Paint Rock, Alabama—the total population of the town is at the station armed with broom-sticks, rusty rifles, ancient shot guns. Savage delight and grim determination—waiting for that train.

The round-up begins. The seven Negro boys who were in the same car—dazed—surprised—frightened—are shouted to the ground. "Here's another one," "Here's another," as zealous deputies find the two sick boys in the empty oil tanks.

Nine Negro children are huddled together in the middle of the station platform. Nine youngsters—the youngest thirteen the oldest scarcely twenty. Ragged, dusty, dazed. Armed men crowd around them shouting in their faces.

And suddenly a yell of glee from behind the train which is just making ready to pull out . . . "There's two white girls out here—two of them!"

And as the train leaves Paint Rock, Alabama, Ruby Bates and Victoria Price—who has managed to fall into the most extraordinary faint—are led to a little store just by the station. "Did they hurt you? Did they touch you? The black . . ." Without waiting for any answer from Ruby and with Victoria probably watching them from beneath lowered eye lids—the words begin to spread through the crowd—"Rape—lynch—rape—attack—white girls—niggers lynch them—lynch them."

As the crescendo mounts, the nine Negro boys are loaded into a car and rushed down to the county seat of Jackson County—Scottsboro, Alabama.

A few moments later Ruby and Victoria and Gilley follow them. By the time they arrive their fellow passengers the five white boys, are already installed in the little brick jail house right behind the court. The Negro boys have been thrown into the jim crow cells. Victoria and Ruby are rushed in and out again, to the doctor—to Dr. Bridges.

March 30, 1931 —Nine Negro boys are indicted for rape by an all-white grand jury of horse swappers and farmers in Scottsboro, Alabama. The Jackson County Sentinel—Scottsboro's weekly pride—has long since announced to the world in blazing headlines that nine Negro fiends are held in jail for raping two white girls. The news spread throughout Alabama. The roads and highways fill with

old flivvers, and wobbly wagons carrying the citizens to the county seat—to watch the fun.

On April 6, 1931 the trial begins. The jury sits waving to friends and comrades from the jury box. The judge, E. A. Hawkins, raps impatiently for a little order and some speed. Singly or in groups the boys are herded into the court room to be bullied and shouted at. They discover that a man named Milo Moody has been appointed by the court to defend them. They also see a drunken sot named Stephen Roddy who is supposed to be defending them but doesn't even seem to be following the trial very carefully.

They hear Victoria Price relate a marvelous tale. From the top of a box car right next to the gondola she and Ruby were in—a horde of black fiends leaped down upon them brandishing weapons. In language too foul to be printed this flower of southern white womanhood graphically describes how she was ravished by six of the boys "That one—the black thing" she spits from the witness stand pointing, while a knife was held to her throat and while the other three attacked Ruby Bates. Just what Gilley was doing all this time is ignored.

Ruby is put on the stand. She tries to remember what Victoria said—she doesn't get it quite straight—the prosecutor comes to her assistance with leading questions to which she nods her head or says yes.

Dr. Bridges is not called to testify. Not one of the men who worked on the train is called. None of the white boys who jumped off the train, nor Gilley—the alleged eye witness. They are kept safely locked in the jail house. The Negro boys are put on the stand. One after the other they swear they never touched the girls. Andy Wright, tall, slim, clear eyed, says, "I'll stand on a whole stack of bibles and swear I never saw them girls till we was taken off the train." Olen Montgomery whispers, "Even if I had seen them I couldn't tell whether they was men or girls. I can't see."

By late afternoon of April 6—the jury has been charged, sent out and returns with a verdict of guilty. Applause fills the court house. Word is passed to the great crowds outside—held back by State troopers rushed from Gadsden by Gov. Miller when the papers started screaming the cry of "Rape". In fact the boys had even been carried to Gadsden under armed escort until the opening of the trial for safe keeping from the lynch-mad mob that kept growing larger in the big square outside the Scottsboro courthouse.

But April 6 was horse swapping day in Scottsboro, Alabama and the crowds were thick and breathless. "Let the law take its course," counselled the newspapers—"let the law take the lives of

these black fiends—let's show the world we're willing to let the law lynch them—no matter how our own feelings are outraged."

On the night of April 6 a parade is started through the streets of Scottsboro, a parade that circles the little jail house and makes itself heard right inside the cells with a brass band braying: "There'll Be a Hot Time in the Old Town Tonight."

April 7—repeat performance. Haywood Patterson sentenced to death.

April 8—Ozie Powell, Eugene Williams, Olen Montgomery, Andy Wright, Willie Roberson—found guilty. The crowd cheers. The mob applauds. Only one more to go.

Roy Wright, not yet fourteen years old. Small, thin, looking hardly a day over 10. The jury comes back. No verdict. One juror held out for mercy in his case—recommended "life imprisonment."—a mistrial is declared.

April 9—Eight young Negro children stand before Judge E. A. Hawkins in the courthouse of Scottsboro, Alabama, and hear themselves sentenced to die in the electric chair at Kilby Prison. Troops herd them into waiting cars. They are whisked away and locked into the death house of the large, modern, sanitary, coldness of Kilby Prison.

Mrs. Patterson weeps until she just can't weep any more. Mrs. Wright runs to find her friend and neighbor Mrs. Williams and three Negro mothers sit together moaning and praying for their boys.

"Can't nobody help them now, O lord, can't nobody come to their rescue?"

Over in Georgia—out in the country, Mother Montgomery and Mother Norris weep alone—while in the filthy streets of Atlanta, Mother Powell sits and stares at the bare walls too exhausted to weep any more.

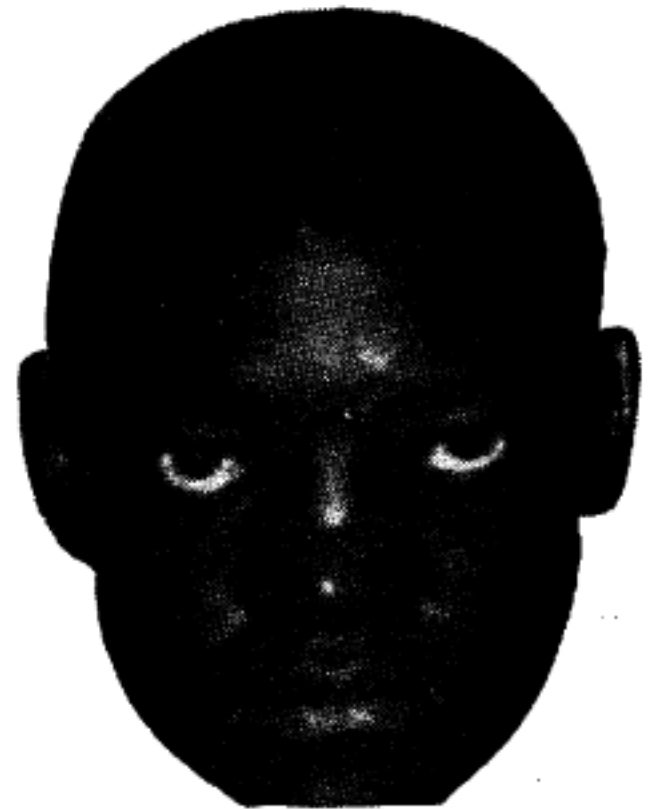
The International Labor Defense enters the case. Attorney Joseph R. Brodsky and George W. Chamlee of Chattanooga fight to win permission for the parents to see their children. Indignation spreads from Scottsboro Alabama in ever wider waves until it encircles the globe. Protests flood the governor of Alabama. Mass meetings condemn the judge. Through heavy steel bars, in the dimly lighted corridors of the death house Claude Patterson, Mrs. Ada Wright and Mrs. Mamie Williams see their children for the first time since they left home three weeks back.

The legal battle begins in earnest. January 21, 1932, the Supreme Court of the State of Alabama hears an appeal for the lives of the boys. March 24, it upholds the conviction of seven of the boys



On the left: Andy
Wright and Roy
Wright

On the right: Haywood Patterson,
and below, from left to right:
Clarence Norris, Willie Roberson,
and Charlie Weems



but reverses the death sentence of Eugene Williams on the ground that he was a minor and should have been tried in a juvenile court.

Appeal is filed with the highest court in the land. The mothers leave their cold firesides. They go to the big cities in the north. They are welcomed by great audiences of people, ready to help them save their boys. They see people parading through the streets with banners reading, "**The Scottsboro Boys Shall Not Die.**" On April 27, Mother Ada Wright leaves her home and sails for Europe. For the first time in her life she sees the ocean. The great boat carries her, in company with J. Louis Engdahl, general secretary of the International Labor Defense, across the waters to twenty six European countries where hundreds of thousands of men and women throng to meet, hear her, and pledge their aid in saving the lives of her boys.

On October 10 the nine justices of the highest court in the land listen to the brilliant appeal presented by the noted constitutional authority Walter H. Pollak, retained by the I. L. D.

And the nine Negro children sit in prison cells behind high stone walls shut away from the world outside. Days, weeks, months pass and still they sit in the shadow of the electric chair. They write letters—mostly brave—but filled with fear and pleas, "Take me out of here, I don't like to stay in jail." Little Roy Wright sends a letter, "Please send me a bag of peanuts. The days is so long here."

November 7, 1932—Good news flashes into the prison cells. The judges of the U. S. Supreme Court have said that the death sentences don't count! That they are to have new trials. At home in Chattanooga, Monroe, Atlanta—there are tears again—but this time tears of joy with smiles behind them—a new trial, new hope, new courage.

On April 10, 1931—two girls in Scottsboro wait to board a train for Huntsville. The younger badly frightened—afraid of what her mother will say about her getting messed up in such a business, getting thrown into jail, getting herself talked about in the papers. The older one proud of the notoriety she has gained. She was a lady now. Her picture was in the papers. The "law" and the other gentlemen in the courtroom called her Mrs. Price—spoke of her as the sacred white womanhood of Alabama which had to be protected!

Back home to work and drudgery. But there's no work in the mills for Ruby Bates or her mother. The Red Cross won't give them a sack of meal. They decide to go to Florence, Alabama.

And Ruby Bates and her mother board a freight train out of Huntsville in search of work and food.

Ruby sits and sways with the lurching of the train. Here she is on a train again. Just as she was some months ago. Her brooding mind, nourished by hunger and misery—thinks back and suddenly—probably for the first time she realizes that nine Negro children are to be burned in the electric chair because she told a lie. Fright wells up within her. She told a lie and they will be burned for it. What can she do. What can she say.

She says nothing. There is no work in Florence. They go on to another town. They are taking on "hands" here. But in a few weeks Ruby is told to go. One of the men who works in the mill is a National Guardsman, one of those who stood in the Scottsboro courthouse. He points her out as one of the Scottsboro girls. She is sent away. She goes back home to find only the same hunger and misery and unhappiness and that tortured memory of nine Negro children sitting in the jail house waiting to be burned.

She writes a letter to her boy friend. A tragically simple letter. "Those boys never touched me." The letter falls into the hands of the police. The boy who was delivering it for her got into a fight and when they carried him to the jail and searched him they found the letter.

The next morning Ruby is called to the "law". She is threatened, browbeaten and given the choice of going to jail or signing a statement saying she was drunk when she wrote it. Ruby signs. **January 23, 1933** —The letter is ordered produced in court as evidence for the defense. On that same day Judge J. P. McCoy in Birmingham, Alabama, presides at a hearing on a writ of habeas corpus for the release of Roy Wright—still in jail though never sentenced. A week later he dismisses the writ.

March 6, 1933—almost two years after the train ride, Judge Hawkins sits again in Scottsboro, Alabama and hears two motions. One motion asks that he grant a change of venue. The boys can never get a fair trial in Scottsboro. The second motion asks that he quash the newly-received indictments against all the boys on the grounds that there were no Negroes on the jury that originally condemned them. He grants only the first motion.

March 28, 1933 —Nine Negro boys, older, taller, are herded into the filthy old jail in Decatur, Alabama, to await their trial. Grime and filth line the walls and latticed steel bars. No more death house—no more electric chair. But here sit in the shadow of an

old gallows—not used for decades, but still left standing inside the jail for all prisoners to see and dread.

The trial begins. In place of the blustering Hawkins, there is dignified Lincolnesque Judge Horton. He presides with determination. He refuses to have a circus made of the Scottsboro trials.

This time the attention of the entire world is focused on the courtroom in Decatur, Alabama. Scores of newspaper men are there. Camera men. Feature writers, and the National Guard.

No Negroes on the jury. No Negroes on the jury panel. Attorney General Thomas E. Knight, Jr. is in charge of the prosecution. The defense has mustered a row of heroes, Negro citizens from Jackson county who take the stand and testify as to their eligibility for jury service. Judge Horton rules that the defense has proved its case. But denies the motion to quash the indictments. The trial continues.

Victoria takes the stand. She looks quite elegant. She is well dressed. She simpers. She tells her story. It does not jibe with the tale she told in Scottsboro two years back. The cross examination of defense attorney Liebowitz soon gets her tangled in an ugly mass of contradictions.

Knight bullies a Negro witness—pokes his finger in his eye—calls him by his first name with sneering emphasis. Attorney Liebowitz jumps to his feet. **“You will call that man, Mister.”** A rumble of resentment rolls back down the court room. Threatening whispers fill the air. The atmosphere grows tense with hatred.

This time Lester Carter testifies. For the defense. He tells how he wandered around the country after the Scottsboro trial. How he tried to tell his story to Franklin D. Roosevelt, then Governor of New York. How he finally told it to the attorney for the defense. He relates in amusing detail the events during the nights of March 23 and 24. He hides nothing. He tells of Victoria's behavior in the Scottsboro jail; her shameless behavior with one of the white boys whom she told to say he was her brother. The prosecution shows its teeth. It grows more vicious.

And then the thunderbolt. Ruby Bates, declared to be missing by the prosecution, enters the courtroom accompanied by a social worker from Birmingham and takes the stand for the defense.

She bravely denies her lying testimony in the first trial. **“Those boys never touched me,”** she tells Attorney General Knight repeatedly. She tells the court how she went to New York in search of work, found it, and finally went to Dr. Harry Foddick of the Rockefeller Church with her problem; how she followed his advice

and returned to the south to tell the truth—that the **Scottsboro boys were innocent.**

Lynch atmosphere fills Decatur, Alabama. Threats circulate, directed at Liebowitz, Brodsky, Bates, Carter, the boys. The newspapers, at the request of Knight, suppress an account of a lynch mob that marched on Decatur but was turned back by the National Guard, under the command of Captain R. A. Burleson.

The trial is over. The jury retires after being carefully charged by Judge Horton. Sunday morning. They have been out 56 hours. Laughter is heard from behind the door of the jury room.

Haywood Patterson, sitting with his attorneys, smiles hopefully. Surely, men who laugh don't bring death on their lips. The jury files in smiling. The foreman hands up the verdict—**GUILTY. SENTENCE—DEATH.** A cry of anguished protest goes up all over the country.

Haywood Patterson is sentenced to death for the second time. The other trials are postponed pending appeal in his case. He is sent back to the death house. Less than two weeks later a mass march of outraged, indignant, white and Negro citizens converges on Washington. At its head marches Mother Patterson, hand in hand with Ruby Bates. Official red tape sends the marchers from office to office. They are finally received by speaker Rainey who tells them there is nothing he can do. Again the weary procedure of appeal is started.

June 22, 1933 —Judge Horton, at the hearing on a defense motion for a new trial—grants the motion, sets aside his own sentence of death for Haywood Patterson, orders a new trial and in his careful, studied, thorough opinion declares that the evidence—particularly the medical testimony given by Dr. Bridges, witness for the State—preponderates greatly in favor of the defendants.

The new trial does not come up until November 1934. By that time attorney General Knight rides into office as lieutenant governor of the state of Alabama on the crest of popularity won by his vicious prosecution of the Scottsboro Boys. Judge Horton is defeated in the elections.

Judge William Washington Callahan, Klansman, reactionary, soon dubbed "Speed" presides. He makes no secret of his opinions, feelings, prejudices. He refuses to allow "this thing to be dragged out." He wants it over and done with. Haywood Patterson is tried first once more. The State presents its moth-eaten bag of lies. It has

a new surprise. It has found Gilley and put him on the stand as an eye-witness to the alleged crime.

But Gilley, the fine balladeer, the romancer, couldn't remember his little piece and he contradicted himself and Victoria hopelessly.

But the evidence at this third Scottsboro trial was the least important action. After all, it was repetition of the same old story. The real thing is the question of the jury. The defense again pressed the issue of the systematic exclusion of Negroes from the juries. But this time Alabama was prepared.

The jury roll of Morgan County is a great big book. The jury officials thought to fool the world. They simply wrote in the names of Negroes to prove that Negroes were not excluded. But so clumsily. Several of the names were written right over the red line drawn to indicate the end of that particular panel. The defense brought a hand-writing expert from New York. He didn't even need his magnifying tools. But he used them just the same. There was no doubt of the forgery. Judge Speed Callahan ignored it.

But after appeal was taken to the United States Supreme Court against the third death sentence of Haywood Patterson and the second of Clarence Norris, the question of forging Negro names on Alabama jury rolls could not be ignored. Brushing aside all precedent, the nine justices of the Supreme Court agree to see original evidence. The jury roll is passed up and down the long bench behind which they sit.

The appeal is made by Walter H. Pollak and Samuel S. Liebowitz. The constitutional violations are pointed out—forcefully, clearly. Weeks later the decision is handed down. Unanimous. Written and read by Chief Justice Hughes. The death sentences must be set aside, new trials are ordered—**because all previous trials were illegal!**

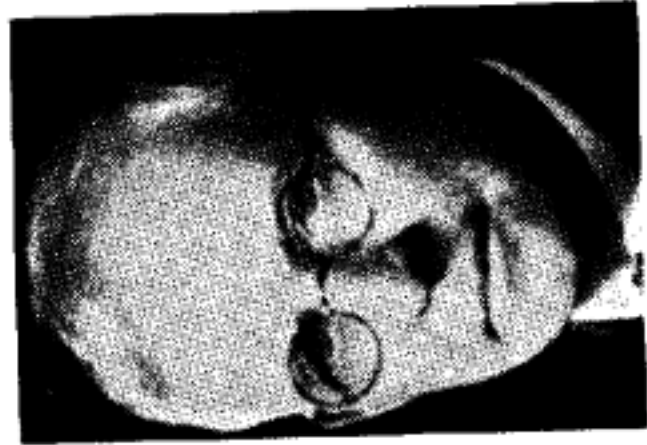
Illegal, because Negroes had been systematically excluded from all the juries in the case. A historic decision. A great victory for the defense.

Alabama fumes. Alabama writes editorials with shameless cynicism, about putting Negroes on the juries just to **get** the Scottsboro Boys.

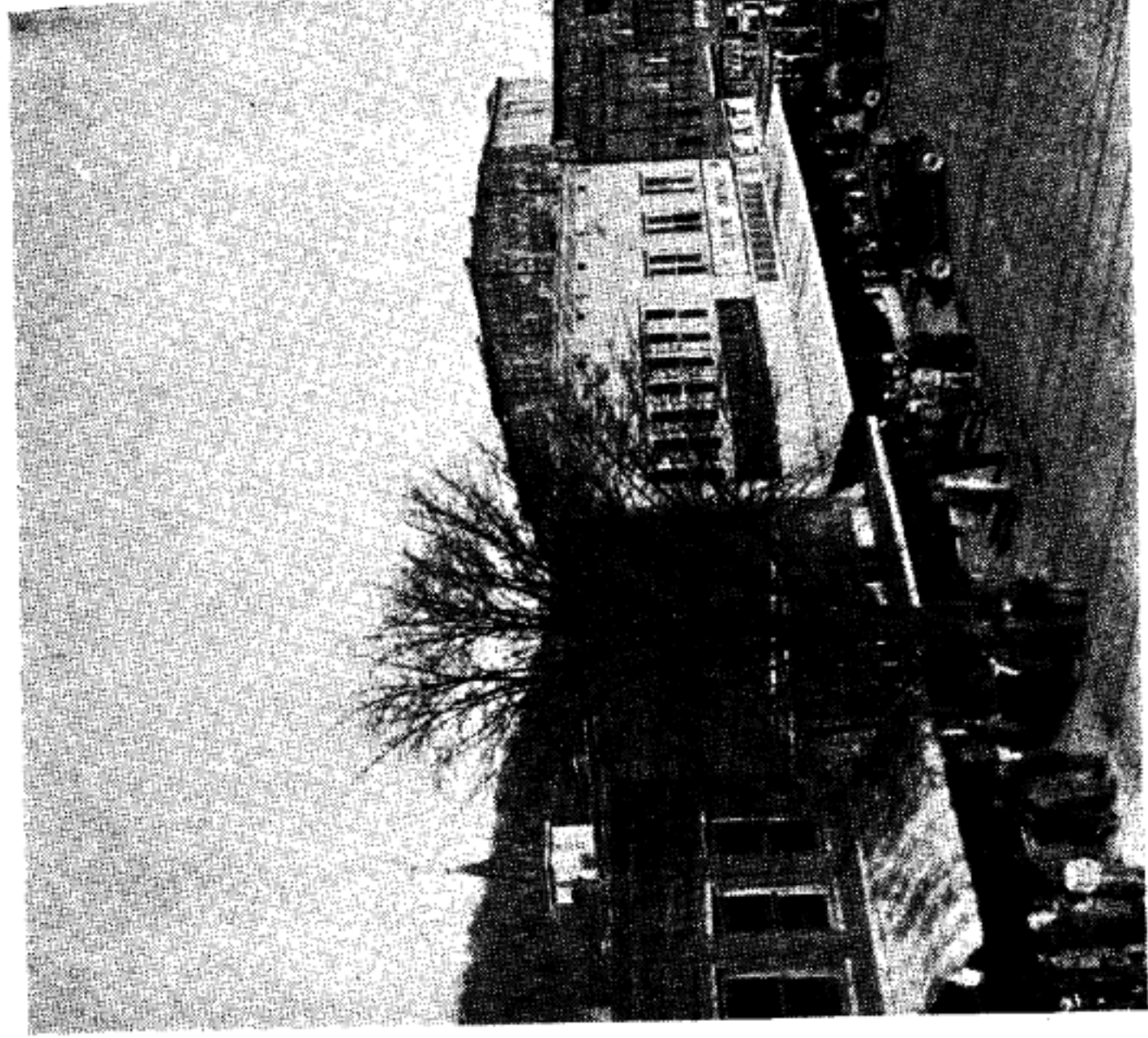
November 13, 1935 —A special grand jury is called in Jackson County. And for the first time in the memory of any resident of Alabama, a Negro sits on the grand jury. Creed Conyer, a Negro farmer, until that moment unknown, unheard of—suddenly be-



Judge
James E. Horton



Judge
W. W. Callahan



The main street of Scottsboro, Alabama, on horse-swapping day. Insert:
Lieutenant-Governor Thomas E. Knight of Alabama.

comes history—the first Negro to sit on an Alabama jury in over 60 years.

There are 24 men on the grand jury. But it takes only a two-thirds vote to return indictments. Victoria Price appears before them. She repeats her story. Two new indictments are returned against each of the nine boys. One for raping Victoria Price the other for raping Ruby Bates—the girl who has told the whole world the boys never touched her or Victoria Price.

Alabama announces that the Scottsboro case has become a burden—a nuisance—a sore which must be eradicated. The trials are rushed. Once more they are scheduled for Morgan county, for Decatur, for Judge W. W. Callahan. The defense moves for change of venue to a Federal Court. It presents an affidavit sworn out by the captain of the National Guard, to show that the boys cannot get a fair trial in Morgan county. That there is a “cold deliberate crystallization of sentiment” against them.

Motion denied. Speed Callahan is in a hurry. The fourth trial of Haywood Patterson must open on Monday, January 20, 1936.

Once more nine Negro boys travel the road to Decatur. Nine Negro boys—five years older—but still boys. The oldest is still less than twenty five—the youngest not yet 18. They are taller. Their features more firmly set. Nine Negro children grown to young manhood in jail, are rushed over icy roads to Decatur Alabama to be tried for their lives on charges of committing a crime of which the whole world knows they are innocent.

The fourth Scottsboro trial opens on the afternoon of January 20, 1936. One hundred “good men and true” are called for jury service. The edict of the U. S. Supreme Court is translated into life. Twelve Negro citizens are included on the jury panel of 100—but special Jim Crow arrangements have been provided right in the court room. The Negro talesmen are not permitted to sit in the jury box with the white men. They must sit in specially provided chairs—over to one side. Even the lone Negro reporter is segregated from the white newspapermen.

The fourth Scottsboro trial is the meanest travesty of justice enacted yet. Judge Callahan constantly burlesques the evidence. He injects a continuous stream of venomous remarks. He interferes with the cross-examination. He bullies the defense attorneys. Shouts at them. Grimaces when words fail him. And he urges “speed.”

Victoria Price, five years older, more dissipated looking, repeats her sing-song of lies. Gilley, brought to the courtroom from a jail in Tennessee where he is serving a two-year sentence for

knocking two women down and robbing them, is not called to the stand.

Melvin Hutson, Morgan county prosecutor and Sunday School teacher on the side, fat, flabby and shifty eyed, sums up before the jury. He rants and raves. He screams for the protection of the sacred white womanhood of the south as personified by Victoria Price.

Clarence L. Watts, of Huntsville Alabama, southerner, gentleman barrister, spokesman for the defense sums up. He calls attention to the evidence. He calls attention to the fact that justice and truth must be upheld and protected. The jury goes out. In less than eight hours it announces that it has reached a verdict.

It cannot come into court to give the verdict because Callahan is busy choosing the jury for the trial of Clarence Norris. The new jury files out. The old jury files in—Verdict—guilty. Sentence—75 years in prison.

The next morning—Friday—the Norris trial is postponed along with all the others. The Patterson sentence will be appealed to the Alabama State Supreme Court. Postponement is won by the defense on a technical question revolving around the absence and illness of the most important material witness—Dr. Bridges of Scottsboro, Alabama—a dying man—too sick to be moved—too sick to be brought into court.

Judge Callahan calls Haywood Patterson. Tall and erect, Haywood stands before him. Asked whether he has anything to say before he is sentenced, Haywood Patterson speaks up:

"I'm not guilty. Justice has not been done me in my case."

Five years of bitter imprisonment, days in solitary sleepless nights on the concrete floors of the Kilby death house, beatings—have not broken the spirit of this boy.

Callahan sentences Haywood Patterson but suspends the serving of the sentence pending appeal and orders him back to Birmingham with the rest of the boys.

Nine Negro boys are handcuffed in threes. They are loaded into three cars with two armed deputies in each.

The cavalcade sets out over the icy roads from Decatur back to Birmingham.

3 P.M. Friday, January 24. —A pistol shot sets the wires humming across the land. "Ozie Powell, Scottsboro Boy, shot in cold blood by sheriff. Ozie Powell, Scottsboro boy wounded in the

head. Ozie Powell, Scottsboro boy, operated upon by outstanding brain specialist who removes shattered bullet from his brain."

"I shot Ozie Powell," boasts High Sheriff Sandlin of Decatur. "I shot Ozie Powell," says deputy sheriff Blaylock. Rumor distorts the facts in a frenzy of contradictions. The boys fell on the sheriffs with knives. Ozie Powell tried to murder one of the sheriffs. All of the boys were trying to escape from locked cars driven by armed deputies. Hovering between life and death in a Birmingham hospital after the most delicate and dangerous operation, Ozie Powell is quoted as having made long statements.

Next day, attorneys for the defense, Watts and Liebowitz, interview the two boys to whom Ozie was handcuffed—Roy Wright and Clarence Norris. They get a clear, convincing account. The sheriffs goaded Ozie Powell. They called them all names. They bullied them and threatened them. Deputy sheriff Blaylock finally struck Ozie. In an outburst of fury, despair, misery, Ozie Powell grabbed a pocket knife—**somehow or other** left in the Decatur jail where he could find it—and scratched the deputy's face and throat. "Drop that knife," the other boys shouted at him pulling him back with their manacled hands.

The hands of the three boys rise as the sheriff stops the car. Sheriff J. Street Sandlin of Morgan county gets out, walks forward, walks back, takes careful aim and fires his pistol in Ozie Powell's face.

Governor Bibb Graves of Alabama extends his congratulations.

Prosecutor Hutson will ask a grand jury for indictments charging attempt to murder against Powell, Wright, and Norris.

The lynch press of the south howls for blood, while nine Negro boys, grown to young manhood sit in their cells looking at the bars—hoping, wondering, thinking. They know they have hundreds of thousands of friends in every corner of the land whose verdict they await with tragic stoicism born and bred behind prison walls.

The Real Meaning of the Scottsboro Case

The Crime —Even a casual reading of the story of the Scottsboro case on the preceding pages must make clear that the real crime involved is not the alleged rape of two women by nine colored youths. The story of the home life of the Scottsboro defendants and of the circumstances which finally placed them on a freight train in search of work points to the real criminal in this case. There is no record of any of these boys having been in trouble with the police. There is no evidence that they were "bad boys". There is not the slightest indication that they were on a freight train because they wanted to ride freight trains. On that fateful March 25th, 1931, each of them was making an effort to escape from the toils of poverty, disease, under-nourishment and insecurity, with which the state had criminally surrounded him.

The crime, then, was committed by the state and not by any of the Scottsboro defendants. The state had made it impossible for Olen Montgomery to secure treatment for his increasing blindness. The state was so governed that a colored mother had to wash all week for ninety cents. There were mouths to feed and no jobs with which to feed them; there were boys to be educated or trained in a useful occupation, and no schools in which to train them; there was illness and no clinic in which it could be treated; there was the ever-present insecurity, with no assurance for tomorrow; there was hunger and no food.

Even while students of this case are going over the skeleton of falsehoods that has been paraded and dangled in the courts for five years as the "crime" of the Scottsboro boys, they should bear in mind always this basic and undeniable fact, that the real criminal is the state. This fact will be borne out by a study of the crude, obvious methods which the agents of the state have used in a clumsy attempt to hide the real criminal by taking the lives of the defendants.

Fascist Philosophy of the South —A closer reading of the running story of this five-year-old case will reveal the vicious southern Fascist methods, utter disregard for the rights of minority and under-privileged groups. The events which took place step by

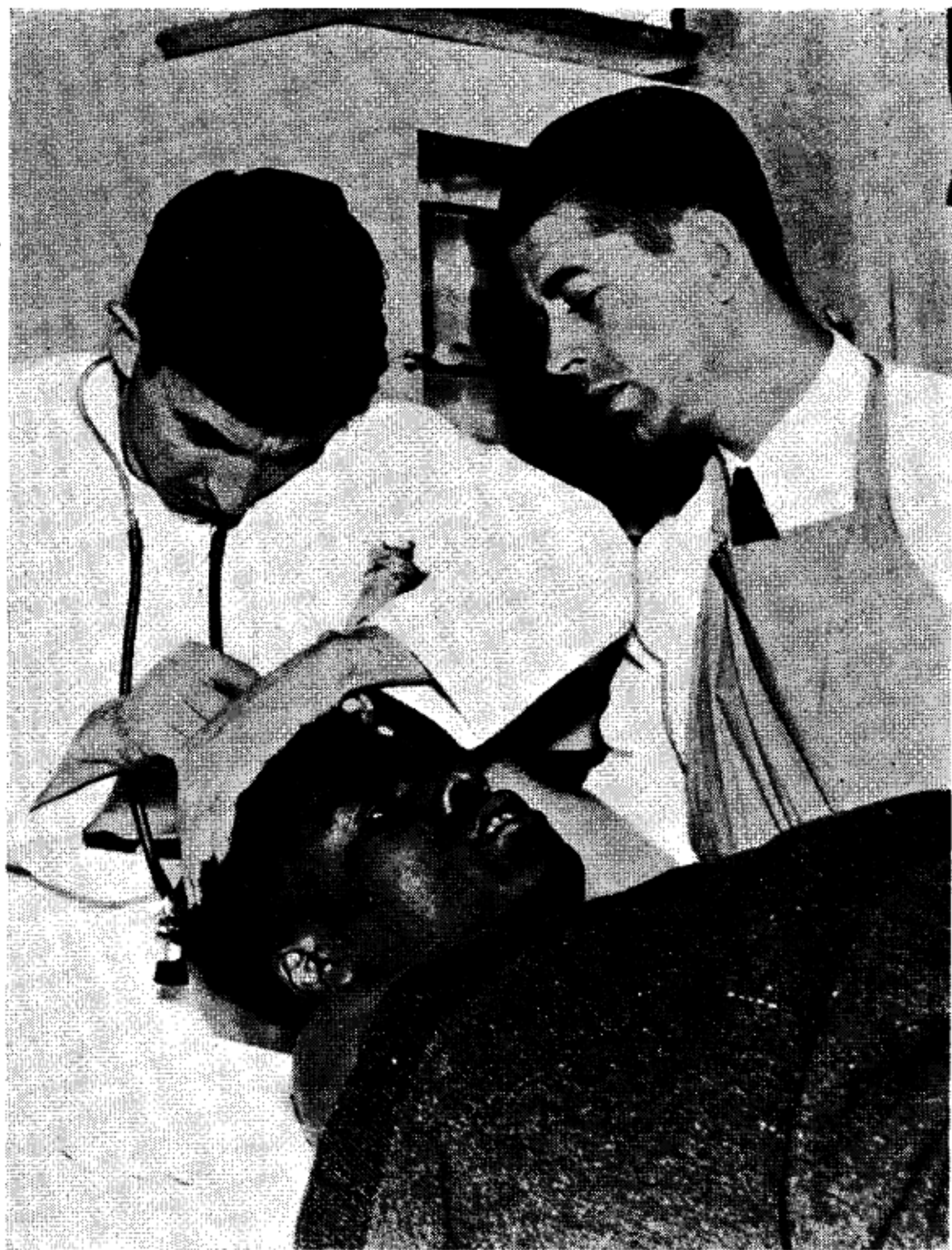
step reveal clearly the type of government in the southern states, which has exploited the Negro people and poor white people alike by teaching them suspicion and hatred of each other. Thus, white people—and especially poor white people—are taught that they are superior to Negroes, and they are encouraged to use every opportunity to demonstrate their superior position. Similarly, Negroes have had impressed upon them by every brutal means imaginable that they are inferior to white people and have no rights which the whites are bound to respect.

It was this philosophy which provided an escape for the white hoboes, who were beaten in a fair fight by the colored boys and jumped off the freight train near Stevenson, Alabama. They were fair game for the law as vagrants, but they could escape by one means: by calling upon the ancient philosophy of the South. Negro boys had dared to fight them, to strike them, and to force them off the train. According to southern thinking, that was a crime, a crime far over-shadowing the fact that the white boys were, in truth, vagrants. It is here, in this incident, that the whole theory of government in the South is touched off, and from this point it runs through the entire five years of the persecution of these defendants.

In the identical manner in which the white boys at Stevenson turned the attention of police officers from themselves to the Negroes, so did Victoria Price and Ruby Bates turn the attention of police officers at Paint Rock, Alabama from themselves to the Negro lads, who had been rounded up off the freight train. It was a happy escape for Victoria Price from a certain charge of vagrancy—and perhaps worse—to be able to assume the role of martyr and claim protection, under the ancient philosophy of the South, on the grounds that she had been criminally attacked by Negroes.

It is never important to "the law" whether or not the charges preferred by a white person against a Negro in the South are true. It is important only that circumstances place a Negro in the position of being accused by a white person. If that person happens to be a white woman, the swiftness and cruelty of the exploiting government is a spectacle of startling horror.

No clearer confirmation of the desire to uphold a system and a tradition and a philosophy need be sought than the records of the trials themselves. In the courts of Alabama, supposed to be instruments for determining the truth and administering justice, the motivating force from the beginning has been the upholding of the Alabama system of "handling its race problem", which means the handling of its system of exploitation in order to preserve the pro-



Ozie Powell in Hillman Hospital, Birmingham, just before he was operated on to remove bullet from his head after he was shot by Sheriff J. Street Sandlin, Jan. 24, 1936.

fits and opportunities for those on top against the struggles and demands from those at the bottom. This theme has been evident despite the red herring of "protection of Southern white womanhood", which has been dragged out constantly to snare the unthinking outside the South, and arouse the fanatic, emotional, lynch element within the South.

So it was at the first trial in April, 1931 that the defendants were not allowed to confer with the attorneys who had been appointed to represent them until fifteen minutes before court opened—a court session in which they were to be tried for their lives. Thus it was that six out of the seven members of the bar in Scottsboro, Alabama, refused to accept appointment by the judge to represent the defendants. Thus it was that Solicitor Wade Wright, at the second trial shouted his famous appeal to the jury:

"Show them that Alabama justice cannot be bought and sold with Jew money from New York."

Thus it was that Judge W. W. Callahan, in the third trial in 1934, deliberately failed to instruct the jury that it could also find the defendants not guilty as well as guilty. Following the same pattern, the court of Judge Callahan, in January, 1936, permitted Solicitor Melvin T. Hutson to yell to the jury:

"Don't quibble over the evidence. Get this done quick."

In this last trial, Judge Callahan himself revealed the whole purpose of the court in his open belittling of the witnesses and the evidence offered by the defense; in his irritated and impatient treatment of defense attorneys before the jury; and in his sarcastic reading of requested charges to the jury.

Although the Fascist cruelty of the South in dealing with Negroes is never concealed very subtly, the Scottsboro case is perhaps the most brazen example of its procedure ever exposed to view. The reason is that after Alabama, at Scottsboro in April, 1931, demonstrated unmistakably that it did not intend to give a semblance of justice in the case, other persons and organizations outside of the South came to the rescue of the defendants, with legal counsel, encouragement and money. The action of these groups enraged Alabama, for the very reason that the objective of the outsiders was to secure justice, whereas the objective of Alabama was to maintain terrorism and death over the Negro people, thus perpetuating and further entrenching the position of the dictators.

Throughout the case, from the first complaint at Stevenson, Alabama, on March 25, 1931, on through the 75-year sentence given to Haywood Patterson on January 23 and through the brutal and

cold-blooded shooting of Ozie Powell by a sheriff on January 24, 1936, the motivation of every act by the state of Alabama and its agents has been to vindicate at all costs a Fascist system of exploitation, terror and death. This vindication requires the branding of the Scottsboro boys as guilty, and in the face of world opinion, despite incontrovertible evidence to the contrary, despite the ludicrous and shameful revelations of patent injustice and cruelty in procedure, the state has persisted in its determination to use the blood of these boys to bolster and cement the system of government in the South.

Partial Victories Won —The first and principal success of the Scottsboro trials held thus far has been the demonstration that the defendants are not guilty of the specific charge placed against them, that is, criminal attack upon Victoria Price and Ruby Bates. The first important blow to the case of the state was delivered by Ruby Bates who, suffering under the remorse of having condemned nine innocent boys to the electric chair, repudiated her testimony at the first trial and stated that none of the Scottsboro defendants had assaulted her. She also stated that none had assaulted Victoria Price.

Twice has the United States Supreme Court reversed convictions in the Scottsboro case. The first time it declared that the boys at Scottsboro had not had adequate counsel, nor opportunity to confer with counsel so that their defense could be adequate. The second time the Supreme Court reversed the case on the ground that Negroes had been systematically excluded from jury service in Alabama, contrary to the United States Constitution. Pressure of public opinion has forced the actual inclusion of Negroes on juries in many places in the South as a result of this victory.

A great blow to the state, and the one which establishes beyond doubt the innocence of the boys, was delivered by Judge James E. Horton in June, 1933. Judge Horton, after considering the motion of the defense to set aside the verdict of guilty and the sentence of Haywood Patterson, said:

"The testimony of the prosecutrix in this case is not only uncorroborated, but it also bears on its face indications of improbability and is contradicted by other evidence, and in addition thereto the evidence greatly preponderates in favor of the defendant. It therefore becomes the duty of the Court under the law to grant the motion made in this case.

"It is therefore ordered and adjudged by the Court that the motion be granted; that the verdict of the jury in this case and the judgement of the Court sentencing this defend-

ant to death be, and the same is hereby set aside and that a new trial be and the same is hereby ordered."

This opinion of Judge Horton, a man who had spent his entire life practising law and sitting upon the Circuit bench of Alabama, removed the last doubt that could have existed in anyone's mind as to the guilt of the Scottsboro youths.

Yet these victories are only partial. They are smashing and important, but they have not achieved the goal which the defense from the beginning has been seeking to achieve, namely, the unconditional freedom of the nine boys.

What Remains To Be Done—The five-year struggle has exposed to the gaze of the world the type of oppression visited upon the Negro people by the governments of the southern states. It has driven home to ever-increasing numbers of exploited white people in the North and in the South the identity of their interests with those of the Scottsboro boys, and the necessity for fighting to free them. It has revealed more strikingly than ever before the fact that the ruling class has pitted the Negro against the poor white in the South, and has kept them fighting each other in order that the spoils system may go on.

Most important, perhaps, of all, is the fact that the Scottsboro case has fired the Negro people themselves with increased determination and courage to fight their battles on all fronts. They have discovered that there are allies in and out of the South, and even outside of America, who sympathize with them and who will aid them in all possible ways to throw off the yoke of their twentieth century slavery.

There remains yet the task of freeing the nine defendants from those who would lynch them either legally or illegally. Such a victory can be a tremendous check to the rule of exploitation and oppression in the southern states. The rule already has been exposed and challenged; but it will not be checked without complete and unconditional victory for the Scottsboro boys.

The destiny of the Negro people and the destiny of all persons everywhere who are under-privileged or who are minorities subject to the whims of dictatorial rulers are bound up with the fate of the Scottsboro defendants. All persons of whatever color, nationality, or station in life, who believe in justice and liberty, are called to enlist in this struggle and fight to the victorious finish.

What You Can Do

You can assist in the fight to wipe out the blot that is the Scottsboro case off the face of America by:

Contributing to the defense. All contributions should be sent directly to William Jay Schieffelin, treasurer, Scottsboro Defense Committee, 112 East 19th Street, New York City.

Cooperating with the activities of the Scottsboro Defense committees in your city and state.

Helping to form such committees, comprising the local organizations which are participating on a national scale in the Scottsboro defense, together with other organizations and individuals interested in the case, in your city or state.

The Scottsboro Defense Committee urges all affiliated organizations, all groups interested in the Scottsboro case and all others individually to take promptly the following action in support of the defense:

1. Urge upon Governor Bibb Graves, Montgomery, Ala., the release by pardon of Haywood Patterson, convicted for the fourth time and sentenced to 75 years in prison. Patterson's innocence of the charge of rape was conclusively proved by the decision of Judge E. Horton in granting him a new trial in 1933. Judge Horton's analysis of the state's case destroyed it. The country is convinced that Patterson's repeated convictions are due to prejudice inherent in a charge, however false, of a white woman against a black man. Further, the conduct of Patterson's last trial by Judge Callahan was wholly unfair to the defense and was marked by prejudice and denial of the defendant's rights.

2. Urge the dismissal of the remaining indictments for rape against the other seven Scottsboro boys on the same ground as the above. Address Lt. Governor Thomas E. Knight, Montgomery, Ala., who is the special prosecutor of the boys.

3. Urge upon Governor Bibb Graves, Montgomery, Ala., a thorough investigation into the circumstances surrounding the shooting of Ozie Powell, one of the Scottsboro boys, by Sheriff

J. Street Sandlin of Morgan County, in an automobile in which he was being conveyed from Decatur to Birmingham on January 24th. Make it plain that the official explanation made by the sheriff and others of an attempt to escape is wholly unconvincing and at variance with the accounts given by the boys to their attorneys. Only a thorough impartial investigation by persons whose fairness can be trusted will be convincing.

Adopt your own resolutions covering the points above and send your comments by mail or telegraph to the officials named.

We strongly advise concentrating on these resolutions at this time and not complicating the situation by any other form of action save support of the defense.

Copies of this pamphlet may be obtained from:

Scottsboro Defense Committee

112 East 19th Street, New York City

Or from any of the national or local offices of the following organizations, which are participants in the committee:

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