

## Scottsboro: An American Tragedy

(PBS Home Video, 2001)

Note: This documentary includes disturbing images and language. They show photographs of lynchings and read quotes that include the N-word. Prepare yourself. This is not *interesting*. It is history. It is *our* history. We need to face it, and learn from it, and make sure that it never happens again.

FF through 2 min opening credits to railroad tracks. Ends at 84 minutes with Norris's statement.

### OVERVIEW

Who:

The plaintiffs (accusers) –

- Victoria Price, 21 – married twice, had served time in a workhouse (which is like prison but lighter) for adultery and vagrancy. Tough, feisty. Not a Southern *lady*.
- Ruby Bates, 17 – soft-spoken. Easily dominated.
- Both incredibly were poor although they did work when they could. Occasionally traded sex for food/money. In a weird way, they were for a moment pure and proper – in other people's eyes – when they accused these men of rape; because of the racism of the time and place where this occurred, this was *more true* because the men were African American and they were white.

The defendants (accused) – 9 young Black men

- Haywood Patterson, 18
- Clarence Norris, 14
- Charlie Weems, 19
- Eugene Williams, 13
- Willie Robeson, 17
- Olen Montgomery, 17
- Ozie Powell, 16
- Andy Wright, 19
- Leroy (Roy) Wright, 13

What: Crime – Rape

When: March 25, 1931 – exactly 70 years ago

Where: A train that left Tennessee heading for Alabama

## DETAILS

### Why and How:

In Alabama in the 1930's, the Depression was in full swing. Unemployment was very high. Fights between classes and races were common. People – hoboes – were driven “onto the rails” to search for work.

On a train, there was a fight between two groups of teenaged boys, white and Black. Word arrived at the next town, that a gang of Blacks was on the train, beating up whites. When the Black boys were found, the mob that had gone to catch them was surprised to find that two white girls were with them.

The girls said they'd been raped. The boys were taken into custody. Crowds clearly planned to lynch them. (Synonyms for lynch: string up, hang, murder.) The National Guard had to secure the jail. Newspapers called them “brutes.”

People came from all over, from other states, to attend the trial. Many were ready to mob the boys and kill them. We ought to note that, when the boys were arrested, some people absolutely opposed lynching, too. They wanted to prove that Alabama could do the trial right.

One newspaper called it the “most unspeakable crime” in Alabama history; another called the boys, “The 9 Negro Brutes.” People really believed that Black men craved white women more than anything else – that they would attack given any opportunity. 5,000 lynchings 1880-1940 are blamed on accusations of Black men raping or sexually assaulting white women, according to historian Robin Kelley.

The girls were very specific about the supposed crime. The defendants couldn't get a lawyer, and ended up with a real estate lawyer. They ended up blaming each other, because there was no way to prove their innocence. They were assumed to be guilty. And they *were* found guilty after three days of a trial. All 9 were found guilty, and 8 got the death penalty; the 13 year old got life. The 9 went to Kilby Prison. They rioted that night, and were beaten.

Oddly, help came from the Communist Party of the USA. They had been fighting for the rights of the working class, and paid particularly close attention to the South, where Blacks did not have a real chance at material success. They felt that lynchings, both threatened and carried out, kept Black people “in their place.” Three weeks after the trials, the Communists demonstrated to protest in Harlem, and were attacked by the police.

The NAACP and other organizations also wanted to help the Scottsboro boys. They thought the Communists were making it worse.

In June, ILD lawyers from the Communist Party visited the boys, dressed as farmers to trick the authorities. The boys liked the gifts but didn't trust the northern white men. Visits to the parents of Haywood Patterson and Ozie Powell got the ILD the case. Then, they publicized the story as big as they could, until demonstrations happened as far away as Germany, Spain, and Moscow.

ILD lawyers appealed the case to the Supreme Court, which concluded 7-2 that the boys had been denied effective assistance, and deserved a new trial. Alabama authorities planned to retry, reconvict, and put to death the boys. They needed a great lawyer now, to prove the boys innocent. Who was the

best? Next to Clarence Darrow – remember him?? Sure you do – that was Samuel L. Leibowitz. He was known for defending all sorts of bad guys, and had won 77 of 78 murder cases. He was also a showman. Leibowitz didn't like the Communists, but this was a huge case; he wanted the fame. He had no experience with the South.

The new trial was in Decatur, AL, and hundreds of people came to watch in the segregated courtroom. The boys would be tried separately. Haywood Patterson was first, and was thought to be the hardest one to prove innocent. The ambitious Attorney General Thomas Night prosecuted, thinking he could become governor from the fame. The judge James E. Horton was a very mannerly and serious Southern man. All 12 of the jurors were white.

Meanwhile, the 2<sup>nd</sup> girl Ruby Bates disappeared. The whole case rested on Victoria Price, who accused Patterson as one of the six that raped her. Leibowitz used a train set for her to tell the story, and she refused to answer any questions. He kept attacking the details of her story, which didn't match, but she managed to defend herself, often by aggressively claiming she didn't remember.

Medical examination had found semen in the girls. (Remember that this was far before DNA testing.) Leibowitz thought they'd spent the night with men the night before, though they claimed to have spent it at a fictional boarding house. Leibowitz did find a man who testified that the girls had been with him and a friend, but did not reveal this yet. Leibowitz accused Victoria of lying to cover that she had been a hobo in the company of Negroes, because she was afraid she would be accused of vagrancy. She denied everything.

Newspapers from the North called him brilliant, but Southern opinion was that he had insulted Southern womanhood. This seemed like a replay of abolitionism, Civil War and reconstruction. One paper said that Northerners were marching in and saying, "you will accept the Black man as your equal" again – and they wouldn't. The Jewish New Yorker was not accepted, and needed police protection as he was getting death threats.

The physician who examined the girls took the stand during a horrible heat wave. Leibowitz makes him a witness for the defense, by clarifying that the girls were calm and unhurt, and that the sperm he saw was long dead. Leibowitz then called Lester Carter, the man who had spent the previous night with the girls. Next, the other 8 boys were brought to the stand, and each denied touching the girls. Haywood Patterson took the stand last, and denied ever touching her.

There was one more witness: Ruby Bates. She is a witness for the *defense*. She had been hiding all this time. On the stand, she said Victoria had made up the story and she had followed along, so they wouldn't go to jail. Cross-examination destroyed her though. All her nice clothes, etc., were paid for by the Communists. Jurors, and watchers, thought she was lying – that she'd been paid off.

Night called on anti-Semitic and anti-Northern prejudice in his closing. Leibowitz tried to protest and was overruled. The jury took one night to decide: Guilty. Death by electrocution. Patterson hid his feelings, but Leibowitz was crushed. He finally saw what he had done wrong: they had seen a complete outsider with different morals. Back home, he said very insulting things about the Southerners. This got reported, of course, and prejudiced people even more against the boys.

Leibowitz promised to continue the fight, and asked Judge Horton to grant a new trial. Horton doubted Price's innocence but was pressured to stay quiet. He studied trial transcripts, trying to make up his mind. The proof seemed to show she was lying, he concluded. Standing up against everything

in his world, he set aside the guilty verdict and ordered another trial, the 3<sup>rd</sup> trial of the boys. He was defeated for reelection and never again served as a judge.

Ordinary people were paying attention now, not just the extremists. And there was a new movement: Blacks and whites marched side by side in the first time since the abolition (anti-slavery) movement. “Black and white unite and fight” was a big slogan. Meanwhile, the Communists sent the mothers of the boys on speaking tours. Ruby Bates often went with them, and apologized.

But nothing changed in Alabama. New trials were starting, and Patterson was first again. Night, the Attorney General and the prosecutor, had a new judge appointed to replace Horton, who had clearly sided with the boys. The new judge, the 70 year old William Callahan, was old school and prejudiced. One historian says he was basically another prosecutor. The jury deliberated a day, and reconvicted and chose death. Clarence Norris was next, with the same result.

Leibowitz managed to have the other trials delayed, but all 9 boys were back at Killbee. The guards were brutal. One man was attacked for reading Communist papers. Ozie survived being shot in the head after he attacked a guard. Hopeless, they began to fight each other.

Leibowitz continued with appeals. He focused on the fact that the jury had all been white. In Alabama, he showed, all jurors were always white. This was not legal. The Supreme Court agreed, and once again overturned the guilty verdicts. The Alabama legal team and citizens started thinking about ending this craziness. State officials were considering parole, but required that Leibowitz had to go. This hurt him really badly, but he had to agree. (Although he did not win the boys’ trials, he saved their lives. He also set in motion the integration of Southern juries. Years later, he became a judge in NY, where he supported capital punishment.)

A Southern attorney took over. In new trials, five of the boys were convicted, but they dropped the charges against Olan Montgomery, Willie Robeson, Roy Wright, and Eugene Williams. They had been in jail for six years. In New York, they were welcomed as heroes, and went on speaking tours. Just as quickly, they were forgotten. They needed help, but their old supporters were not listening.

The five in jail? People started to forget about them. In a weird way, this helped. With the public attention over, Alabama’s parole board voted to release Charlie Weams in 1943. He had been in jail 12 years. Then, in the same year, Andy Wright and Clarence Norris. And in 1946 Ozie Powell.

Only the proud Haywood Patterson was still in jail. Tortured, hopeless. In 1948, he escaped and managed to get to Detroit, to his sister’s.

Victoria Price disappeared and was presumed dead, then turned up in 1976 to sue a TV station for portraying her poorly. She died a few years later.

Most of the boys had troubled lives. Only Clarence Norris made a life for himself, and sought to make Alabama pardon them officially. In 1976, Governor George Wallace did. Norris met the Governor, and was given the paper as the news snapped pictures. Norris made an emotional statement, and wished the other “boys” could have been there, too.