

THE TRIALS OF THE SCOTTSBORO BOYS

The Scottsboro Boys' trials are perhaps one of the most famous "racial" cases in American history. Two white girls, Victoria Price and Ruby Bates, accused nine black teenagers of gang raping them aboard a Southern Railroad freight run on March 25, 1931. For the better part of two decades, this trial dragged on.

Hoboing (traveling from one place to another for work) was a common thing to do in 1931. In fact, riding on freight trains was a common way to travel. On a run from Chattanooga to Memphis, a fight broke out between a group of white youths and a group of African-American youths. The blacks won the fight and forced the whites off the train. Some of the whites forced off the train went to the stationmaster to report an assault. At the next stop, a "posse" raided the train. Nine of the African-American boys were tied together in a plow line, loaded in a flatbed truck, and taken to a jail in Scottsboro. At this time, the girls told members of the "posse" that arrested the boys that they had been raped. The guard reportedly replied, "If those six had Mrs. Price, it stands to reason that the others had Miss Bates." Clarence Norris, one of the alleged defendants, claimed the girls were lying. For his claims, he was stabbed with a bayonet.

The trials began twelve days later. Judge A.E. Hawkins was in charge. The defense attorneys included Stephen Roddy and Milo Moody. Moody was seventy years old, and extremely forgetful. He had not tried a case in years. Roddy showed up for the first day of the trial "so stewed he could hardly walk straight." Needless to say, the defense was incompetent. The cross-examination of Victoria Price lasted roughly five minutes. The examining doctors were not cross-examined at all. Unfortunately, the only witnesses called were the defendants themselves. Six of the boys claimed they had never seen or touched the girls. While three of them did admit to the crime, it is likely the confessions were beaten out of them. To top that off, the defense offered no closing statement at the trial's end.

Eight of the nine defendants were found guilty. The last defendant, twelve-year old Roy Wright, "lucked out" and won a mistrial when eleven of twelve jurors held out for death ignoring the request from the prosecution for a life sentence.

The NAACP did not come to the aid of the defendants. That group was concerned about the political ramifications of defending black men accused of raping a white woman. The Communist party began to try to step in as the boys' attorneys.

Eventually, after being denied by the Alabama Supreme Court, the boys' case reached the US Supreme Court. In a 7-2 ruling, the court ruled the boys' due process had been violated and there would be a new trial.

The second round of trials took place in 1933 under Judge James Horton. Samuel Liebowitz became lead defense attorney, along with Joseph Brodsky. Liebowitz attacked much of what Victoria Price had said in the first trial in this new retrial pointing out misstatements and inaccuracies. When Liebowitz questioned the examining doctor he was able to prove that the girls were calm, composed, and free of obvious injuries. Among the other prosecution witnesses was Ory Dobbins, the only “eyewitness” to the crime. Dobbins testified that he had seen two of the defendants grab the girl. Under cross-examination, Dobbins was asked how he could be sure, given the speed of the train and his distance from it, that he saw a girl. Dobbins replied, “She was wearing women’s clothes.” One problem, the alleged victims were wearing overalls.

The most incredible moment came when the defense called one of the alleged victims, Ruby Bates. Bates admitted there was no rape and that she had no contact with any of the defendants. The prosecution ripped apart Bates by asking her about clothing and other gifts she received from the Communist party. The verdict of guilty by the jury took only five minutes. They did not even consider Bates’ testimony.

On June 22, 1933 Judge Horton listened to Liebowitz’s request for a new trial and despite a potential threat to himself, he set aside the verdict. Horton lost his re-election bid the next year. In fact, his decision was so unpopular that the case was transferred out of his court. Horton was replaced by Judge Callahan whose stated goal was “to debunk” the Scottsboro cases. He refused to allow troops to protect the defendants, sustained virtually every prosecution objection, overruled virtual every defense objection, cut off defense questioning about Price’s character. In his instructions to the jury, Callahan told the jury to assume no white woman would consent to sex with a black man and he offered the jury no form for an acquittal until the prosecution requested one. The defendants were found guilty.

In 1935, the United States Supreme Court again took on the case. This time the focus was on jury selection and the lack of blacks in the jury pool. The Supreme Court overturned the convictions unanimously.

The fourth trial began focused on one defendant, Haywood Patterson. He was convicted but only sentenced to a 75 year prison sentence. That was the first time in Alabama that a black man convicted of raping a white woman had not been sentenced to death. Also at this time, Ozzie Powell, another of the defendants, attempted to escape and in the process stabbed a prison guard with a pen knife. The guard driving stopped the car, got out and shot Powell.

In 1936, Prosecutor Thomas Knight worked with Liebowitz on a compromise, essentially a plea bargain. Liebowitz knew any trial would end in a conviction of his clients and so with a “heavy heart” agreed. Before a deal could be consummated, Knight died and, in 1937, Judge Callahan began a new round of trials. Seven of the nine boys had been locked in jail without a trial for six years.

The third trial of another defendant, Clarence Norris, began on Monday July 12 and, with the incredible heat of the time by Wednesday, Judge Callahan had rushed through the trial. The jury came back with a guilty verdict and a death sentence. More defendants were tried and received life sentences. Finally, the prosecution announced it was dropping the charges on four of the defendants. They left Alabama to lead lives with alcoholism, fatherhood, and suicide.

It seemed in 1938 that all of the remaining boys left in Alabama were going to receive pardons. That did not materialize. This was partially due to poor interviews with Allan Chambers, a man involved in the parole process, and to the fact that none of the boys would admit to knowing anything about the rape. Governor Bibb Graves believe they were lying and wouldn't allow pardons to go through.

Due to parole, by 1950, all of the boys were out of jail. One of the boys, Haywood Patterson, only got out of jail thanks to his dramatic escape. Patterson even wrote a book, *Scottsboro Boy*, in 1950 while still a fugitive. The FBI soon thereafter arrested him, but the governor of Michigan refused Alabama's extradition request.

On January 23, 1989, the last of the Scottsboro Boys died. Many books and movies have been written about this episode. In 1976, Victoria Price resurfaced suing NBC for defamation over a movie it had made about the case. That movie based on a book by Dan T. Burton claimed that both girls had died in 1961 when, in fact, they were still alive.