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Casey Dunsmore

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THE SCOTTSBORO BOYS

Casey Dunsmore

Corruption, institutionalized racism, and ideological dogma surrounded the case of the Scottsboro Boys. The case itself, inspired several poems, books, and even a musical, focuses on nine African American teenage boys falsely accused of raping two white women. However, the narrative of unfolding events centered less on the boys and more on the groups and people claiming to help save them. The story acts as a promotional battle between the effectiveness and superiority of two activist groups: The International Labor Defense (ILD) and National Association for the Advancement of Colored People (NAACP). While most of the historiography shows how these groups attempted to aid these nine unfortunate boys, it seems their conflict, instead of cooperation, caused more harm than good. The ILD and NAACP both made claims of championing the innocent boys yet failed to look past their differences to do so successfully.

The effects of the Great Depression were sweeping through the nation, leaving countless able-bodied people unemployed. The Great Depression became a main political focus of Communist parties in America. Many of these parties, like the Worker's Party of America, searched for ways to capitalize on the depressed economy to garner support for their cause. The effect of massive unemployment on poor Americans could be seen as a justification for supporting Communism. The case of the Scottsboro Boys became a tool for the Worker's Party of America to popularize their ideology.

March 25, 1931, altered the future of the Scottsboro Boys' lives forever. The nine poor African American boys, some of whom had met for the first time on this day, hopped aboard the train as a means of travel in search of work. The nine boys (Haywood Patterson, Andy and Roy Wright, Eugene Williams, Clarence Norris, Charlie Weems, Olin Montgomery, Ozie Powell, and Willie Roberson) all happened to be hoboing on the same train that day. Although the train's scheduled destination was Memphis, the next stop for the boys would be jail. Before the train could arrive in Memphis, a local Alabama sheriff halted

the boys' journey in Paint Rock, AL. At some point during the voyage the nine Black boys had an altercation with a group of white boys also hoboing on the train. Patterson recalled one of the white boys stepping on his hand, which led to a verbal confrontation between the two.¹ Once the train stopped in Stevenson, AL, Patterson and the three other boys he originally boarded with met several other young Black boys who all agreed to stand against the white teenagers if they attempted to cause any further trouble.

Shortly before departing from Stevenson, the white teenagers began harassing the group of Black boys again.² The white boys hurled rocks and yelled racial slurs in an attempt to force the Black teenagers to abandon the train. In retaliation, the groups of Black boys banded together and engaged in a fistfight with the other group, causing the white boys to all jump or be thrown off the train. Embarrassed by their defeat, the white group went to the train stationmaster and claimed the Black teenagers assaulted them. The stationmaster called ahead to the Paint Rock authorities and alerted them of the train passing through. The sheriff ordered the "capture [of] every negro on the train" and gave Deputy Sheriff Charlie Latham the authorization "to deputize every man you can find."³

Dozens of white men with guns met the Black boys when the train arrived in Paint Rock, Alabama. The posse of freshly deputized men forcibly removed the boys who were in the original altercation as well as a few others who were entirely unaware of the skirmish. A posse took the boys at gunpoint and tied them together. The posse then loaded them into the back of truck and drove them to the Scottsboro jail. Law enforcement originally detained the boys for the crimes of assault and attempted murder. However, the boys were not the only people found on the train by the posse. The posse also discovered two young white women, Ruby Bates and Victoria Price, on the train. The two women, "clad in masculine overalls and looking traumatized," immediately claimed the group of Black boys raped them.⁴

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The boys, along with the two white girls, were all taken to the Scottsboro jail. Once they arrived, the sheriff ordered a physician to examine the two girls. The physician, Dr. Marvin Lynch, would later testify in court that the women were, “not hysterical and... both talked quite calmly to him.”⁵ He added that there was little to no evidence of forced sexual intercourse on the women’s’ bodies.⁶ However, just the claim that a Black man had raped a white woman was more than enough to incite a lynch mob. It was not long before that very mob surrounded the jail demanding the boys be released into their hands for vigilante justice.

Jackson County Sheriff Matt Wann, whom Patterson remembered not believing the two girls’ testimony, called the governor to ask for military support in guarding the boys.⁷ The governor sent 25 members of the National Guard to protect and escort the boys to Gadsden, AL. The court indicted the boys with charges of rape and held them without bond. The court date was set for April 6, in Scottsboro. Over one hundred members of the National Guard escorted the boys to the courthouse to await trial. Although the event that landed the boys in jail had already passed, the court is where the true nature of the Scottsboro Boys’ story begins to unfold – ideological groups began to use the boys and their case as tools for personal gain. The legal battles over the boys’ innocence are the main focus of most the literature surrounding the case. The struggle to prove their innocence began before the boys ever set foot in a courtroom. During this time, the South often saw a Black man accused of a crime as guilty until proven innocent. On the unlikely chance a court of law found a Black man was innocent, he would likely face vigilante violence from the community. Less than 24 hours after their arrest, the nine boys were deemed “beasts unfit to be human,” by a journalist in the *Huntsville Times*.⁸

The Alabama newspapers reported the full details of the alleged incidents on the train, yet made no mention of the lynch mob, demanding the boys be handed over, that formed around the jail.⁹ The public had already unofficially declared the boys guilty and called for their executions.

The boys had not met with any legal counsel until the day of their trial. No one, not even the NAACP or ILD, willingly presented themselves to defend the boys. At first, it seemed that the court would not award them an attorney. Only one lawyer of the Scottsboro bar did not refuse to defend the boys in court. Milo Moody reluctantly stepped inside the railing when the judge called for the counsel. Moody, a nearly seventy year old man, was a “doddering, extremely unreliable, senile individual who is losing whatever ability he once had.”¹⁰ Stephen Roddy, a real estate lawyer from Chattanooga and known alcoholic, assisted Moody. Roddy mainly dealt in real estate law in Tennessee and had hardly any knowledge of Alabama criminal law, and the amount of help he provided the boys reflected that. Roddy opened with a “half-hearted petition to move the venue.”¹¹ He also failed to provide effective witnesses or cross-examine the prosecution. However, he was the only lawyer that leading Black citizens of Chattanooga could retain on such a short notice and small fee. When asked if Roddy would be representing the boys, he informed the judge that he only appeared to assist the defense and said, “If I was paid down here and employed it would be a different thing, but I have not prepared this case for trial.”¹²

Before leaving Chattanooga, Roddy had insisted to the group of citizens paying him that he would see to it the boys received a fair trial.¹³ Conversely, the trial could not have been farther from fair. A mob had surrounded the court building long before the boys arrived. If by some miracle the court found the boys innocent, either a lynching or massacre would likely have taken place. Roddy claimed he had not received his pay and did not even request that the boys receive separate trials. Each boy would face consequences according to the whole group as opposed to their individual actions. Instead, it was the prosecution who insisted on separate trials. All accounts of Roddy describe him as unfit or unwilling to effectively provide any assistance.

The judge granted the prosecution's petition for separate trials. The court called all of the boys to testify separately. Some of them claimed they had never seen the two white women before they arrived at the jail. Others, like Patterson and Norris, claimed that some of the boys had raped the girls while the others had no part in it. Both James Goodman and Dan Carter, historians of the trial, recount Patterson as being confused during a cross-examination and condemning five of the boys but later retracting his statement. Patterson, in his own book, claims he staunchly held his defense that he had never seen the women on the train.¹⁴ One source quotes Roy Wright saying, "They whipped me, and it seemed like they was going to kill me. All the time they kept saying, 'Now will you tell?' and finally it seemed like I couldn't stand no more, and I said yes. Then I went back into the courtroom and they put me up on the chair in front of the judge and began asking a lot of questions, and I said I had seen Charlie Weems and Clarence Norris in the gondola car with the white girls."¹⁵ The freedom to torture a defendant into committing perjury reflects the lack of rights African American possessed during this time. This despicable act, which could have influenced the jury's decision, went unmentioned. The jury found all of the boys guilty and sentenced eight of them to death. The jury sent Roy Wright, the youngest in the group, to life in prison because of his young age. On April 9, "with tears in his eyes," Judge Hawkins sentenced the eight boys to death by electric chair.¹⁶ These were the first capital sentences Judge Hawkins had ever administered.¹⁷ Hawkins set their execution date was set for July 10, the earliest possible date they could be executed. The boys would spend the better part of the next decade inside a cell.

From this point forward, the case of the Scottsboro boys shifts its focus from the boys themselves to the groups claiming to support them. On the day of the sentencing, the *Daily Worker*, a newspaper run by the Communist Party, published a lengthy report of boys' case under the headline "8 Negro Workers Sentenced to Die by Lynch Court." The article condemned the Southern justice system for its poor handling of the case. *The Daily Worker* attacked Roddy and the two white women who claimed they had been raped. It defined the sentencing as a "legal

lynching."¹⁸ The fact that the paper referred to them as "workers" rather than "boys" or "teenagers" raises some concern for scholars today. The choice to identify the boys as "workers" is further evidence of the Communist Party's true intentions of using the boys as propaganda tools. Some question if the Communist Party truly wanted to help the boys or if they merely sought to use them for political gain. The Communist Party devoted so much of its time and resources to help the boys that, on the surface, it seems they truly meant to help the boys.

Before the trials began, Dr. P. A. Stephens, one of the men who helped hire Roddy to defend the boys, contacted the executive secretary of the NAACP asking for assistance on the case. The reply Stephens received showed a blatant reluctance to associate the NAACP's name with the boys. Carter argues, "The last thing [the NAACP] wanted was to identify the Association with a gang of mass rapists unless they were reasonably certain the boys were innocent or that their constitutional rights had been abridged."¹⁹ The Communist Party outwardly attacked the NAACP in the papers for their lack of involvement. One headline in *The Daily Worker* read "Negro reformists of the NAACP expose themselves as traitors to the Negro masses and betrayers of the Negro liberation struggle."²⁰ Disputes over who was best equipped to represent the boys began to grow evermore intense. The International Labor Defense (ILD), the legal arm of the Communist Party, had already been heavily involved in the case. The ILD sent a telegraph to Judge Hawkins during the trials demanding the boys' release and holding him personally accountable for their lives if he refused.

Seeing the opportunity presented by representing the boys in court, both groups began to battle for the chance to lead the legal defense. The ILD attempted to reach out to Roddy, as he was technically in charge of defending the boys, but he declined the offer. Next, the ILD attempted to enlist Clarence Darrow to serve as chief counsel in an appeal to the Supreme Court. Darrow served as a member of the board of directors of the NAACP. His reputation as a magnificent lawyer, losing only one murder case out of over one hundred, gave him renown throughout the country. Darrow informed Walter White, executive

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secretary of the NAACP, about the ILD contacting him. White responded with warning to avoid the ILD at all costs. White told Darrow, “It has been our experience that it is impossible to cooperate with them in any legal case” and that “their main goal always remained propaganda instead of results.”²¹ Goodman makes the claim that Walter White began to view the fight between the NAACP and the Communist Party not only as a political battle but a personal one as well.²² Not only had White just recently been named secretary of the NAACP, but the majority of the Party’s attacks were aimed directly at him as well. Perhaps White’s personal feelings hindered a cooperative effort between the two groups and furthermore destroyed any chance of procuring an innocent verdict.

The boys finally found adequate legal defense for the boys in Joseph Brodsky, chief lawyer of the ILD, and George Chamlee, a prominent Chattanooga lawyer.²³ On April 20, Brodsky travelled to Birmingham to interview the boys and secure their support for the ILD defending them. Brodsky convinced the boys that the ILD would do everything in its power to free them. The boys all signed an agreement to have the ILD provide the counsel for their defense. This agreement gave the ILD almost full control over the case of the Scottsboro Boys.

The NAACP panicked when it learned the ILD had obtained the retainer for the boys’ defensive counsel. Three days later, Roddy, the man who had hardly seemed concerned for the future of the boys, went to Birmingham to sway them against the ILD. The NAACP released a series of statements declaring the boys had never signed an agreement with the ILD and refuted the organization all together. Strangely, the ILD was misnamed in the statements.²⁴ Another anomaly of the statement was the naming of the inadequate lawyers, Roddy and Moody, from the first trial as chief attorneys, as opposed

to Darrow, the nationally renowned criminal attorney who had agreed to support the NAACP in defending the boys. A letter from Stephens to White expressed that they were “fairly well satisfied” with keeping Roddy as the head attorney, despite his poor performance in the initial trials.²⁵ It seems strange that the NAACP would want to keep Roddy as the head attorney after his lack of skill and poor performance.

After receiving the news that the boys allegedly rejected their counsel, the ILD quickly met with several parents of the boys, most importantly those who were under eighteen, and asked if they could represent them. As most of the boys were minors, the parents had the final say in legal representation. The next day, Brodsky and the parents he had met with drove down to the jail again to reaffirm the agreement that had taken place just a few days earlier. The boys, now with consent from their parents, once again agreed to allow the ILD to handle their defense. They also rebuked the statement procured by Roddy by issuing a response statement with the ILD that read, “This statement was obtained without the consent and advice of our parents and we had no way of knowing what to do. We completely repudiate that statement and brand those who obtained it as betrayers of our cause.”²⁶

The agreement the boys signed with ILD proved a catastrophic defeat for the NAACP. This not only allowed the ILD to take credit for the case, it also made the NAACP appear incompetent: How could the NAACP claim to fight for all African Americans if they could not even earn the confidence of nine young boys? The inability to gain the support of the boys caused the NAACP to lose the retainer for the prominent Birmingham lawyers it had previously secured. The NAACP and ILD continued to hurl insults and accusations against one another through their respective newspapers. The NAACP originally maintained that they had hired Roddy and therefore, were the first to assist the boys. This gave them some claim to the right of defending the boys. Nevertheless, soon after they reproached him as, “a drunkard recently released from an asylum,” who provided no substantial defense in the first trials.²⁷ With the censure of Roddy, the NAACP lost nearly all claim to represent the boys.

In December of 1931, Darrow and Hays, the two leading attorneys for the NAACP, met with Chamlee and Brodsky to reach a compromise. The boys had written to Walter White and pleaded with him not to fight with the ILD but to cooperate. The ILD proposed that they would allow Darrow and Hays onto the counsel if they denounced the NAACP. Darrow and Hays agreed to work with Chamlee and Brodsky as private attorneys if they denounced the ILD as well. The ILD lawyers refused to denounce their group. Darrow and Hays adamantly rejected working under the ILD. No compromise was reached, and Darrow and Hays withdrew from the case. On January 4, 1932, the NAACP, with no qualified legal representation left, withdrew completely from the case of the Scottsboro Boys.

The Scottsboro Boys' case would continue on for several years. The counsel of the of the ILD requested numerous appeals to the Supreme Court followed by multiple retrials. On July 24, 1937, the court found four of the boys guilty of rape and four others innocent.²⁸ In an unrelated case, the court dropped charges against Ozie Powell as part of a plea bargain. Finally, in 2013, the state of Alabama granted posthumous pardons to the boys because the court had not overturned their verdicts.

ENDNOTES

- 1 Patterson, Haywood, and Earl Conrad. Scottsboro Boy. p. 3.
- 2 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 4.
- 3 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 5.
- 4 Aretha, David. The Trial of the Scottsboro Boys. p. 2.
- 5 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 28.
- 6 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 28.
- 7 Patterson, Haywood, and Earl Conrad. Scottsboro Boy. p. 8.
- 8 Goodman, James. Stories of Scottsboro. p. 13.
- 9 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 8.
- 10 Carter, Dan T. Scottsboro: A Tragedy of the American South. p.18.
- 11 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 23.
- 12 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 23.
- 13 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 20.
- 14 Patterson, Haywood, and Earl Conrad. Scottsboro Boy. P. 42.
- 15 Aretha, David. The Trial of the Scottsboro Boys. p.
16. Goodman also includes this account in his work on p. 97. 16Carter,

It is impossible to truly know how the fates of the boys may have differed had the NAACP and ILD been able to work together. However, it seems at the very least, the boys would have had a greater opportunity for overturning their original verdicts. Most of the literature surrounding the case frowns upon the actions of Walter White during the case. Nonetheless, no scholar outright condemns him for allowing his personal feelings and biases interfere with helping the boys. The inability to see past his pride and selfish goals may have been a deciding factor of the boys' fate. It seems that the NAACP holds a large portion of the blame between the two political groups because of its focus on the organization's reputation over the lives of the boys. Nevertheless, the ILD is not without fault and contributed a fair portion to the lack of cooperation. It seems the warring factions of a cause often result in harm to the very people they are trying to support. Perhaps if these two political groups been able to see past ideological differences and reputational worries, the future of the Scottsboro Boys would have unfolded differently.

- Dan T. Scottsboro: A Tragedy of the American South. p. 48.
- 17 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 48.
- 18 Kinshasa, Kwando Mbiassi. The Scottsboro Boys in Their Own Words: Selected Letters, 1931-1950. p. 20.
- 19 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 53.
- 20 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 61.
- 21 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 53.
- 22 Goodman, James. Stories of Scottsboro. p. 34.
- 23 Carter, Dan T. Scottsboro: A Tragedy of the American South. p. 53.
- 24 Kinshasa, Kwando Mbiassi. The Scottsboro Boys in Their Own Words: Selected Letters, 1931-1950. p. 28.
- 25 Kinshasa, Kwando Mbiassi. The Scottsboro Boys in Their Own Words: Selected Letters, 1931-1950. p. 30.
- 26 Kinshasa, Kwando Mbiassi. The Scottsboro Boys in Their Own Words: Selected Letters, 1931-1950. p. 34.
- 27 Kinshasa, Kwando Mbiassi. The Scottsboro Boys in Their Own Words: Selected Letters, 1931-1950. p. 38.
- 28 Goodman, James. Stories of Scottsboro. p. 344.