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Inquiry Question: What can the Scottsboro trial tell us about race and the rights of the accused?
Introduction: The Trial of the Scottsboro Boys

In the aftermath of the Civil War, the United States entered the Reconstruction Era. Southern states that had previously seceded (left) from the Union were required to pledge their allegiance to the United States and emancipate (free) enslaved people. Many Southern state governments passed Jim Crow laws—a series of laws created to restrict the freedom of former enslaved persons and deny them rights.

In addition, during this time, lynch mobs and the lynching of Black people became more common. Lynching occurs when someone has been accused of a crime but is killed before they go to trial or are found guilty. From 1883 to 1941, there were 4,467 victims of lynching. Nearly all victims were men and 75% of victims were Black people. Most of these victims were accused of murder, rape, or attempted rape against White people.

It was in this historical context that the Scottsboro trial occurred. On March 25, 1931, nine young Black males (later known as the “Scottsboro Boys”) got into a fight with several White males on a train; the White males were thrown from the train. The White males then reported the fight to a sheriff in a nearby town. The sheriff ordered the train stopped and deputized a posse to arrest all Black passengers on the train. Two White females later alleged that they had been sexually assaulted by the Black males while on the train. At the time, the Scottsboro Boys ranged in age from 13 to 19.

As the local community heard the news of the alleged incident, a lynch mob of White people gathered at the jail in Scottsboro, Alabama, where the Scottsboro Boys were detained. They demanded that the sheriff release the Scottsboro Boys to them. The sheriff refused and called the governor of Alabama, who sent the National Guard to protect the jail. Eventually, the teens were taken to another city in Alabama to await their trial.

The Scottsboro Boys’ trials took place quickly after their arrests in a scene described as “an atmosphere of tense, hostile, and excited public sentiment.” The judge in the case ordered two lawyers to represent the boys. One lawyer had not taken on a defense case in decades and the other was unfamiliar with the case and with Alabama law. At trial, the Scottsboro Boys’ cases were heard by an all-White jury in front of an all-White audience. The only evidence presented at trial were witness statements and a doctor’s statement that he found no evidence of rape in the two White women. The trials all took place over two days. Eight of the nine boys were found guilty and sentenced to death. The trial of the ninth boy, Leroy Wright (13 years old), ended in a mistrial.

Their executions were planned for July of that year, just a few months from their trial dates. During that time, the trials and the boys’ plight received national media attention, especially in the northern states and from Communist Party newspapers. The Communist Party’s legal branch, the International Labor Defense, took on the boys’ cases in the appeals process. They argued that private investigations revealed that the two White women lied. They also argued that the boys received poor legal representation, that there was jury intimidation during the trial, and that the exclusion of Black people from the jury was unconstitutional.

After years of appeals cases, with two cases being heard by the Supreme Court, the Scottsboro Boys had their final trials in 1936—at which time they had spent six years on death row. These trials included one Black person serving on the grand jury. He was the first African American to serve on a jury in Alabama since the Reconstruction Era several decades prior. The charges were dropped against four of the boys who were believed to be not guilty or too young to serve more prison time. Another boy was convicted on reduced charges and received a sentence of 20 years in prison. The four other boys were convicted of rape. Three received long-term prison sentences of 75 years or more. The fourth, Clarence Norris, was sentenced to death.
The Alabama governor commuted (reduced) Norris’ death sentence in 1938. The boys who were sentenced to prison time served several years of their sentences. Most received parole, though one (Haywood Patterson) escaped prison and fled to Michigan. The Michigan governor refused to extradite him (return him to Alabama). One of the boys received a pardon from the governor of Alabama in 1976, with support from the National Association for the Advancement of Colored People (NAACP). Three other boys were granted pardons after their deaths by the Alabama Board of Pardons and Paroles.
The Trial

Source A: The Scottsboro Boys, with attorney Samuel Leibowitz, under guard by the state militia (1932)"}

Source B: “Troops Guard Trial” from The Sunday Star (Washington) (April 5, 1931)"}
**Source A and B Information:** From 1883 to 1941, there were 4,467 victims of lynching. Nearly all victims were men and 75% of victims were Black people. These lynch mobs would often hear about a recent alleged crime, determine where the defendant was being detained, and then gather to kill the defendant for their alleged offense without a trial. This happened in the Scottsboro case, as well. A large crowd of White people gathered outside of the jail where the boys were being held. The local sheriff called the governor, who then called out the Alabama Army National Guard to protect the jail. The National Guard continued to guard the boys even after they were moved to a jail in Gadsden, Alabama, to await their trial. This picture from 1932 depicts the boys’ lawyer (front center) Samuel Leibowitz, surrounded by the nine boys. On each side, they are guarded by militiamen.

**Questions to Consider for Sources A and B:**

1. **Observe:** What do you notice first about these sources?

2. **Reflect:** What conclusions might you draw after examining the picture, the short news blurb, and the source information?

3. **Question:** What questions do you have about these sources?
The Supreme Court Weighs In

**Source C: Opinion in Norris v. Alabama (1935)**

There was abundant evidence that there were a large number of negroes in the county who were qualified for jury service. Men of intelligence, some of whom were college graduates, testified to long lists (said to contain nearly 200 names) of such qualified negroes, including many business men, owners of real property and householders. When defendant’s counsel proposed to call many additional witnesses in order to adduce further proof of qualifications of negroes for jury service, the trial judge limited the testimony, holding that the evidence was cumulative.

We find no warrant for a conclusion that the names of any of the negroes as to whom this testimony was given, or of any other negroes, were placed on the jury rolls. No such names were identified. The evidence that for many years no negro had been called for jury service itself tended to show the absence of the names of negroes from the jury rolls, and the State made no effort to prove their presence. The trial judge limited the defendant’s proof “to the present year, the present jury roll.” The sheriff of the county, called as a witness for defendants, scanned the jury roll and after “looking over every single name on that jury roll, from A to Z,” was unable to point out “any single negro on it.”

For this long-continued, unvarying, and wholesale exclusion of negroes from jury service we find no justification consistent with the constitutional mandate. We have...

**Source C Information:** The jury in the Scottsboro trial was all White. Excluding Black people from juries was a common strategy in the South at the time. This Supreme Court case, named after Clarence Norris, one of the nine Scottsboro boys, challenged the constitutionality of all-White juries. At the time, Alabama’s law did not prohibit Black people from serving on juries, but in reality this was often the case. The Court ruled that this practice was discriminatory based on the disproportionate number of African Americans living in Scottsboro and the number of African Americans who served on juries. As a result of this 8-0 case, Norris’s conviction was overturned. He was tried a third time in 1937 and sentenced to death. His sentence was commuted to life in prison by the governor. Norris was paroled in 1944, then was found in violation of his parole and imprisoned again. By 1946, he was paroled again and began work in New York. With the help of the National Association for the Advancement of Colored People (NAACP), Norris received a pardon in 1976.

The recent decision of the U.S. Supreme Court, reversing the death sentences handed down by the Alabama courts, in the cases of Clarence Norris and Haywood Patterson, two of the persecuted Scottsboro boys, has brought about a corresponding reversal of policy of barring Negroes from jury service in that State.

Following the decision by the National Tribunal of justice, Governor Bibb Graves of Alabama, immediately expressed his determination to abide by the ruling of the Supreme Court Judges, who declared that the sentences imposed upon the defendants in the Scottsboro case were illegal, because Negroes in Alabama had been systematically excluded from the opportunity to serve on juries. Accordingly, Governor Graves has ordered all jury commissioners and court magistrates throughout Alabama to discard the present jury lists in their communities and draw up new lists, on all of which the names of Negro citizens must be included.

This means that in the new trials of the Scottsboro boys, and all other Negro defendants in the criminal courts of Alabama, Negroes will be included on the list from which the jurors are selected, so that the action of the courts will not be in violation of the U.S. Constitution.

On the surface of the matter, this would seem to imply that Negro defendants in Alabama courts in future will receive a fuller measure of justice through legal trials, but this is not necessarily true. Although Negro jurors may sit in judgment at the future trials of the Scottsboro boys, for example, it is quite possible that only such Negroes will be called to jury service, as can be easily intimidated and brow-beaten into thinking and voting the way the white public in Alabama will expect them to think and vote—that is, to sentence the Scottsboro boys to death, in order to satisfy Southern traditions in all cases in which Negroes are defendants and white citizens the plaintiffs.
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**Source D Information:** *The Tribune Independent* was a weekly newspaper published by and for Black residents of Detroit, Michigan. This article reports the results of the *Norris v. Alabama* case, in which the Supreme Court found that states cannot exclude Black residents from trial juries.

**Questions to Consider for Sources C and D:**

1. **Observe:** What stands out to you about these sources?

2. **Reflect:** What can these sources tell us about the difference in how a law (or Supreme Court opinion) is written versus how it is applied?

3. **Question:** What questions do you have about these sources?
Public Opinion About the Trial

**Source E:** “The Adventures of Bill Worker” from *The Daily Worker* (April 13, 1931)

Source E Information: *The Daily Worker* was a newspaper published in New York City by Communist Party USA. The paper ran dozens of stories about the Scottsboro trial. Unlike most Southern newspapers, news coverage in *The Daily Worker* was sympathetic to the Scottsboro boys. When news of their trials first appeared in Communist newspapers in the north, the International Labor Defense (ILD), a legal advocacy organization associated with the Communist Party, took up the boys’ cases. This cartoon ran during the boys’ first trials, in April 1931, prior to the ILD taking up the boys’ cases. In the cartoon, a man in a white robe represents the Ku Klux Klan (KKK), an organization that uses terrorism to promote its racist belief that White people are superior to Black people.

Questions to Consider for Source E:

1. **Observe:** What stands out to you about this source?
2. **Reflect:** What is the message the cartoonist is trying to convey? How might the cartoonist’s experience as a White man living in the north and working for a Communist newspaper influence his message? How do you think people from other backgrounds received this message? (e.g., How might White Southerners versus Black Southerners have reacted to the message?)
3. **Question:** What questions do you have about this source?
Source F: “The Scottsboro Case” by Mary Church Terrell (1936)\textsuperscript{10}

To day these nine boys grown to manhood sitting in cells accused of a crime which it would have been practically impossible for them to commit.
There is no evidence whatever that they were bad boys. They were simply riding a freight train trying to escape from the wretched, miserable condition under which they were forced to live. But they are victims of the traditions and customs of a section in which a colored man is accused by a white woman it is practically impossible for him to prove his innocence no matter how strong, convincing and clear the evidence may be.

Source F Information: Mary Church Terrell was an activist who fought for civil rights and Black women’s suffrage. She was one of the first African American women to graduate with a college degree, graduating from Oberlin College in 1884. Terrell was a prolific writer and speaker. She spoke about civil rights and Black women’s rights across the United States and in Germany. She was also one of two Black women (the other was Ida B. Wells-Barnett) who was a founding member of the National Association for the Advancement of Colored People (NAACP). The excerpt above is from a collection of Terrell’s speeches and writings. By the time of this writing in 1936, all of the boys had faced multiple trials and convictions.\textsuperscript{11}

Questions to Consider for Source F:

1. **Observe:** What do you notice first about this source?
2. **Reflect:** Based on the text above, what conclusions can you draw about Mary Church Terrell’s opinion on the United States criminal justice system?
3. **Question:** What questions do you have about this source?
Inquiry Question

What can the Scottsboro trial tell us about race and the rights of the accused?

Use the sources above and the timeline to support your answer. To support the development of your answer, consider the following questions:

• In an ideal world, what rights do all people accused of crimes have?
• What rights were the Scottsboro Boys denied that they should have had?
• What might this tell us about race and the rights of the accused?
Extension Inquiry Question

The Norris v. Alabama (1935) Supreme Court decision overturned previous Scottsboro convictions because of racial discrimination in the jury selection process. Today, there are still issues with racial bias in jury selection.

**Review at least one of the following resources about racial bias in jury selection, then write a summary of the problem and what is being done to address it.**

- “Judicial task force says it can reduce jury bias by allowing newly released prisoners and non-citizens to serve,” Hartford Courant (Conn.), 2021.
- “How Curtis Flowers, tried six times for the same crime, was saved from death row,” 60 Minutes, 2021.
Notes


3 Trevor Joy Sangrey, “‘Put One More ‘S’ in the USA’: Communist Pamphlet Literature and the Productive Fiction of the Black Nation Thesis” UC Santa Cruz, 2012, [https://escholarship.org/uc/item/2570s1n8](https://escholarship.org/uc/item/2570s1n8).

4 “Attorney Samuel Leibowitz with the Scottsboro boys,” Morgan County (AL) Archives, 1932.


