



**Objective:** To introduce students and audience members to the story, characters, themes, and historical background of The Scottsboro Boys.

**About the Scottsboro Boys Musical:** Playhouse on Park has the honor of being able to share a piece of history with the Greater Hartford community (and beyond!) as we present our summer musical THE SCOTTSBORO BOYS, running June 26-August 4. Our Main Stage seasons always end with shows that are a tour de force, and this is no exception.

Nominated for a staggering twelve Tony Awards, THE SCOTTSBORO BOYS is not only a triumph of the American musical theatre, but also a true story that still demands to be told nearly 90 years after its occurrence. This gripping musical turns the tables on an infamous event in American history that took place in Alabama in which nine African-American men were accused of a sex crime they did not commit.

THE SCOTTSBORO BOYS is a collaboration by musical greats, John Kander and Fred Ebb (CHICAGO, CABARET), and has been hailed as one of the most visionary pieces ever to grace the Broadway stage.

**About the Scottsboro Boys:** The Scottsboro Boys were nine African-American teenagers, some as young as 13, accused in Alabama of raping two white American women on a train in 1931. The landmark set of legal cases from this incident dealt with racism and the right to a fair trial. The cases included a lynch mob before the suspects had been indicted, a frame-up, all-white juries, rushed trials, and disruptive mobs. It is frequently cited as an example of the overall miscarriage of justice in the United States legal

system. The wrongly accused men waited in prison for years and endured trial after trial as their fates were debated and appealed over and over again. On November 21, 2013, Alabama's parole board voted to grant posthumous pardons to the three Scottsboro Boys who had not already been pardoned or had their convictions overturned.

**Synopsis:** The Interlocutor—the master of ceremonies—enters and, in the traditional minstrel show fashion, tells the performers to be seated.

The Interlocutor introduces Mr. Bones and Mr. Tambo, traditional minstrel “end men,” who will lead off the night’s entertainment about the Scottsboro Boys. The proceedings are about to begin, when one of the minstrel performers, Haywood Patterson, asks, “This time, can we tell the truth?”. The Interlocutor agrees, even though Bones and Tambo confess that they have never been able/permitted to tell the truth before.

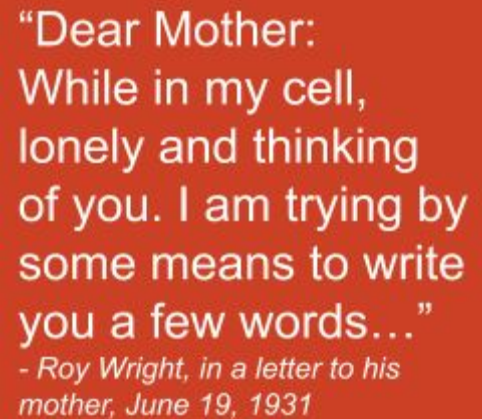
The story begins on March 25th, 1931, as the nine Scottsboro boys hop on a Memphis-bound boxcar in Chattanooga, Tennessee. As the train slows to a stop in Scottsboro, the sheriff (played by Mr. Bones) enters the train and accuses the nine Scottsboro boys of instigating a fight with a group of white boys on the train. While searching the train, the sheriff’s deputy (played by Mr. Tambo) discovers Ruby Bates and Victoria Price, two “fallen” women, and threatens to take them to jail for prostitution. Rather than face jail time, the girls, led by Victoria, falsely accuse the nine black boys of rape. Almost instantly the sheriffs’ attitudes toward the women change. They are now delicate flowers of the American South. They demand that Haywood admit what he’s done and when he does not, they hit him across the face. “Are you going to give us any more trouble?”, they ask him. “No. Not no more,” he says, “I’m gonna sit here and rest my feet.”

The Scottsboro boys are hauled to jail. Terrified, Olen Montgomery accuses the other boys in the hope that the guards will let him go. They do not. The first show trial is swiftly concluded with nine guilty verdicts and nine death sentences provided by an all-white jury.

As the boys wait in prison for their execution, they bicker. When the guards torment 12-year-old Eugene Williams with visions of the electric chair, Haywood comes to his defense. He commandeers a guard’s gun. It is not loaded, but it is enough to deflect attention away from the scared child. Some of the boys celebrate his heroism while others think he’s reckless.

As a guard leads Haywood to the electric chair, the Interlocutor announces that the U.S. Supreme Court has granted a new trial because the boys did not have a proper lawyer— they’re getting a second chance at life. As the boys celebrate, the guards take Haywood to solitary confinement; while there, Roy Wright teaches him the alphabet.

The boys have attracted a lot of attention, and they have a new northern lawyer, Samuel Leibowitz. On the stand, Ruby admits that she and Victoria lied about the rape. As the boys wait for a verdict, they muse about what they’ll do once they are free. However, despite Ruby recanting, the jury once again



“Dear Mother:  
While in my cell,  
lonely and thinking  
of you. I am trying by  
some means to write  
you a few words...”  
- Roy Wright, in a letter to his  
mother, June 19, 1931

convicts the boys, having been swayed by the prosecution's argument that northern "Jew money" bought Ruby's testimony.

The boys begin work on a chain gang. Haywood attempts to escape to go and see his dying mother, but Olen rats on him and he is caught and returned to solitary confinement.

"[The southern citizens and officials] regarded the trial of the Negroes and the testimony given at it, not as an honest attempt to get at the truth, but as a game where shrewd tricks were to be used to bring about a result already decided upon in the minds of every one of them."

- Journalist Hollace Ransdall, May 1931

The Scottsboro case drags on for nearly nine years. With each passing year, each passing trial, and each guilty verdict, the boys continue to languish in prison for a crime they did not commit. In a moment of rage, Ozie Powell tries to strangle a guard with his handcuffs and is shot in the back of the head. He survives, but with severe brain damage.

Through a deal struck with the prosecutors, Leibowitz is able to secure the freedom of four of the Scottsboro boys – Eugene Williams, Willie Roberson, Olen Montgomery and Roy Wright. "It's a raw deal," he tells the other boys, "but for the moment, it's the best we can do." Leibowitz is able to get the remaining five convicted boys an audience with the governor. They'll be released on parole—if they admit to him that they are guilty. Haywood refuses. The governor returns him to prison.

The boys briefly tell the story of the rest of their lives. Haywood spent most of the remainder of his behind bars, but, whilst briefly escaped, he was able to write his autobiography.

To close the show, the Interlocutor tries to get the boys to do the cakewalk—the conventional ending to minstrel show performance. This time, however, they refuse to dance, and one by one each leaves/exits the stage.

Sources: Words on Plays, The Scottsboro Boys, American Conservatory Theatre, 2012 Play Guide, The Scottsboro Boys, The Guthrie Theatre, 2010

#### Scottsboro Boys Profiles:

**Olen Montgomery**, 17 at the time of arrest, was one of the four young men who was released in 1937, all charges against him having been dropped. It would have difficult for him to have committed the rape given his poor eyesight. Upon release, the four of them cut ties with attorney Leibowitz and briefly



went into show business, performing at the Apollo Theater in Harlem. They soon realized they were being exploited by their manager. Having lost all their money, they approached the Scottsboro Defense Committee for assistance and went their separate ways. Montgomery went on to study guitar and saxophone, but was ultimately unsuccessful in this music career.

After the final round of trials, **Clarence Norris** was the only Scottsboro “boy” still to be sentenced to death. However, in 1938, his sentence was changed to life in prison. He was initially released on parole in 1944, but sent back to prison after violating his parole. He was



released again in 1946, this time violating parole by working under his brother’s name. He was arrested several times under his brother’s name, but managed to avoid being recaptured under his own name until 1976, when, as the last living Scottsboro boy, age 63, he was finally pardoned of the rape charges by Alabama Governor George Wallace.

**Haywood Patterson**, age 18, was traveling with Eugene Williams, Andy Wright, and Roy Wright the day of the arrest in 1931. While in jail, he managed to learn how to read and write. In 1936, he was found guilty and sentenced to 75 years in prison. He survived an attack on his life in 1941 by another inmate acting on the instructions of a prison guard. Although Patterson escaped in 1948, he was captured by the FBI in 1950. He died of cancer in prison in 1952 at age 39.



ALABAMA STATE ARCHIVES/  
MONTGOMERY ARCHIVES



MORGAN COUNTY ARCHIVES

**Ozie Powell** was only 15 years old when the group was arrested in 1931. Although the rape charges were dropped against him in 1937, he was not released with the other four boys because of an occurrence that happened while the prisoners were being driven back to jail after a trial. Powell slashed the throat of an officer as part of an escape attempt. Another officer then shot Powell in the head, resulting in permanent brain damage. Powell pleaded guilty to assaulting the first officer and was sentenced to 20 years in prison. He was released on parole in 1946 at age 30 and moved to his home state of Georgia.

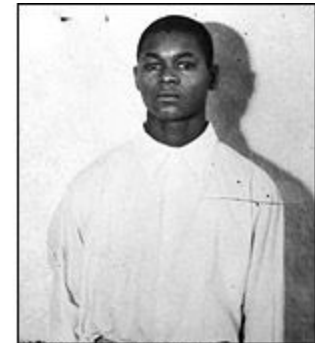
**Willie Roberson**, who was 15 when first arrested, was one of the four released in 1937. Evidence of his innocence came from the fact that he suffered from syphilis, making it impossible for him to have sexual intercourse. After his release, he worked briefly in show business with the other three boys before switching between various jobs. He ultimately died of an asthma attack.



**Charles Weems**, the oldest of those arrested in 1931, was assaulted by officers in prison multiple times, resulting in damage to his eyesight. He was ultimately sentenced to 75 years in prison. He was released on parole in 1943 at age 32, after which he moved to his hometown of Atlanta, Georgia. Weems got married and worked at a laundry there.



**Eugene Williams** was travelling with Patterson and the Wright brothers when he was arrested in 1931. He was 13 years old at the time. He was one of the four released in 1937, and after leaving show business, he moved to Missouri where his family lived.



ALABAMA STATE ARCHIVES/  
MONTGOMERY ARCHIVES

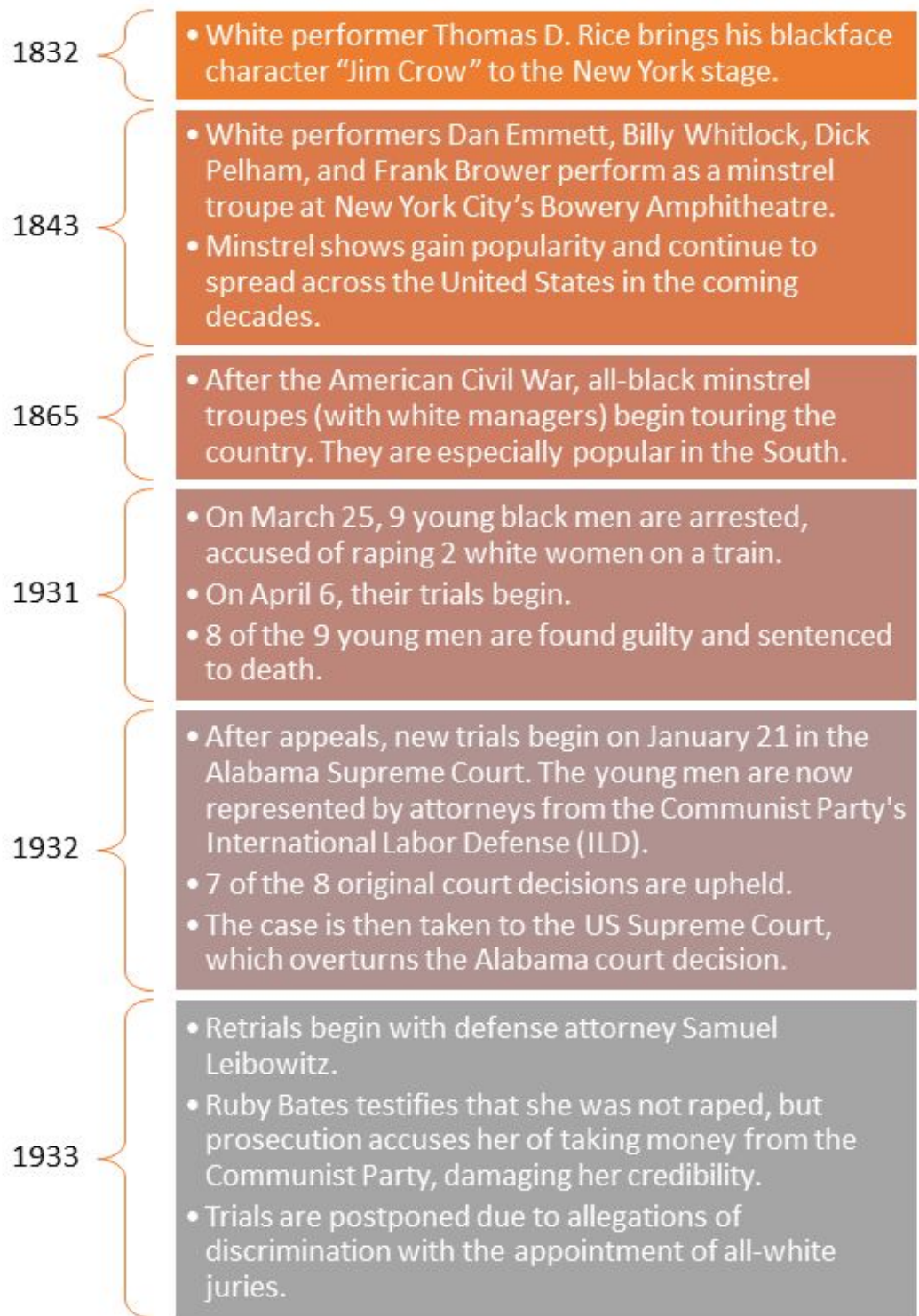
**Andy Wright** was travelling with his younger brother Roy, as well as with Patterson and Williams, on the day they were arrested. He was 19 years old. Sentenced to 99 years in prison, Wright was paroled in 1943 but was sent back to prison after violating his parole by moving north. He was paroled again in 1950 at age 38. Shortly after, he was accused of raping a former girlfriend's foster daughter, and went back to prison for several months before being found innocent of that crime and being released again. He moved to Albany, New York, but had to leave there after he stabbed his wife in a fight.



**Roy Wright**, the youngest Scottsboro boy, was a 13-year-old travelling with his older brother Andy, as well as with Patterson and Williams, when they were arrested in 1931. The charges against him were dropped in 1937, and after a brief stint in show business with the other three released boys, he served in the U. S. Army. Wright's life ended bitterly when he shot his wife and then himself in 1959. He was 41 years old.



## Timeline of Musical Theatre History and the Arrests and Trials of The Scottsboro Boys

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- A vertical timeline with six entries, each consisting of a year on the left and a list of events in a colored box on the right. The years are 1832, 1843, 1865, 1931, 1932, and 1933. The boxes transition from orange to brown to grey.
- 1832
    - White performer Thomas D. Rice brings his blackface character “Jim Crow” to the New York stage.
  - 1843
    - White performers Dan Emmett, Billy Whitlock, Dick Pelham, and Frank Brower perform as a minstrel troupe at New York City’s Bowery Amphitheatre.
    - Minstrel shows gain popularity and continue to spread across the United States in the coming decades.
  - 1865
    - After the American Civil War, all-black minstrel troupes (with white managers) begin touring the country. They are especially popular in the South.
  - 1931
    - On March 25, 9 young black men are arrested, accused of raping 2 white women on a train.
    - On April 6, their trials begin.
    - 8 of the 9 young men are found guilty and sentenced to death.
  - 1932
    - After appeals, new trials begin on January 21 in the Alabama Supreme Court. The young men are now represented by attorneys from the Communist Party's International Labor Defense (ILD).
    - 7 of the 8 original court decisions are upheld.
    - The case is then taken to the US Supreme Court, which overturns the Alabama court decision.
  - 1933
    - Retrials begin with defense attorney Samuel Leibowitz.
    - Ruby Bates testifies that she was not raped, but prosecution accuses her of taking money from the Communist Party, damaging her credibility.
    - Trials are postponed due to allegations of discrimination with the appointment of all-white juries.

1936

- Scottsboro Defense Committee (SDC) is formed.
- On January 20, a new set of trials begins.
- On January 24, Ozie Powell slashes throat of an officer and is then shot in the head by another officer, leaving Powell with permanent brain damage.
- Eventually, 5 of the 9 "Scottsboro boys" are found guilty.

1937

- Olen Montgomery, Willie Roberson, Eugene Williams, and Roy Wright are released from jail and soon after, they begin performing their short-lived show at the Apollo Theater in Harlem.

1950

- Death of famous Jewish blackface performer Al Jolson, reducing the popularity of minstrelsy in American culture.

1965

- John Kander and Fred Ebb's first collaboration, *Flora the Red Menace*, opens on Broadway.

1966

- Kander and Ebb's musical *Cabaret* opens on Broadway. The show, based on the 1951 play *I Am a Camera*, deals with the emergence of Nazi Germany.

1975

- Kander and Ebb's musical *Chicago* opens on Broadway. The show, based on the 1926 play of the same name, deals with the way the press sensationalizes criminals.

1976

- In October, Clarence Norris, the only living Scottsboro boy, is pardoned by George Wallace, the Alabama Governor known for his racist policies.

2004

- Fred Ebb dies at age 76.

2010

- Kander and Ebb's musical *The Scottsboro Boys* opens on Broadway.

## History of the Minstrel Show:

Minstrelsy in America, for all of its frivolous humor and popularity, was an exploitative form of musical theater that exaggerated real-life black circumstances and reinforced dangerous stereotypes during the 19th and 20th centuries. The fact that blackface minstrelsy began in the antebellum period and endured throughout Reconstruction, Jim Crow, and the Great Migration, with performers collecting and adding cultural aspects from each era to their performances, hints at the impact, popularity, and complexity of the minstrel show.

White supremacy and the belief in black inferiority remained at minstrelsy's base even though the structure of the performances and subjects discussed in the music varied over time. The genre shaped the nation's views on race for over a century and reinforced white superiority well after the abolition of slavery. While some today assume that minstrelsy's blackface has roots in the American South because of the genre's focus on black degradation and slavery, initially, minstrelsy was born and evolved in the North.

"We are going to entertain you, and you are going to have fun, but at the same time we're going to lead you to a place that is very dangerous and very controversial."

- *Scottsboro Boys* bookwriter David Thompson

For the majority of whites living in the pre-Civil War North, slavery and black people were a distant reality, one that evoked mixed emotions. If slavery was the commodification of black labor, minstrelsy, with its focus on presenting authentically black songs and dances, was the commodification of black culture. However, the depictions of black identity and culture in minstrel performances were exaggerated, dehumanizing, and inaccurate. Instead of representing black culture on stage, blackface minstrel performers reflected and reinforced white supremacist views.

After emancipation in 1865, African American performers, seeing minstrelsy as an opportunity for advancement, contributed a humanizing element to their portrayal of blacks even though many of them also performed in blackface. Black performers during the Jim Crow era combined blackface with the newly popular genre of vaudeville and brought a black political agenda to their stage performances. During the 1930s, minstrelsy lost its widespread popularity to jazz and to other forms of cultural production, but could still be seen in aspects of American society such as film and music. The popular film *The Jazz Singer* (1927) was about a white man wanting to become a blackface performer and featured Al Jolson, the most well-known performer of the decade. At the time, the film was the biggest earner in Warner Bros., and its success indicated that the age of minstrelsy in American history was far from over. Even in the



twenty-first century, the racial stereotypes derived from minstrel shows can still be seen in popular culture.

Source: USF Tampa Library's Special Collections History of Minstrelsy.

### **Student Pre Show Activity**

**Engagement/Motivation Discussion:** Ask, “How would you feel if you were falsely charged with a crime for which you could be executed? What resources would you have with which to defend yourself?” Have students discuss with each other.

#### **Go over show info:**

"On March 25, 1931, nine young African-American teenagers were ripped off a train, falsely accused of a crime, hastily tried and sentenced to death in an outrageous disregard of due process. The *Scottsboro Boys* is a musical of that shocking true story. Featuring a mix of gospel, jazz, and vaudeville, it uses the construct of a minstrel show to tell the true story that provoked a national outrage and helped launch the American civil rights movement. The musical juxtaposes two very different modes of performance. Much of the show is executed with the standard realism of musical theatre. But there is a play within a play here – and it is an earnestly executed minstrel show, dominated by broad, ugly stereotypes and conventions rooted in racist 19th century theater traditions.

In using the structure of a minstrel show, it forces the audience to confront an ugly past that in our politically correct age we'd rather not think about. In a review of the Boston production, the reviewer said that the *Scottsboro boys* forcefully reminds us of the extent to which black lives did NOT matter: to the cops, to the courts, and to much of the American public. “You’re guilty because of the way you look” an attorney says to one of the accused."

**Activity:** Distribute copies of articles about the trial from the era, as well as copies of selected song lyrics from *Scottsboro Boys*.

In groups students create a mini newspaper reporting the events of the arrest and trials. Groups may report objectively or from a particular viewpoint. The newspaper should include: name for the newspaper, a motto, an article with titles and bylines, one editorial, two letters to the editor, one political cartoon, and inclusion of song lyrics. Students can work on computers or lined paper.

Groups share out their newspapers and discuss connections to modern day issues and media. Go over audience etiquette and talk backs.

**Post-show Discussion:** Ask the students, “What does this historical event bring to mind about any contemporary cases or stories that you have heard about recently?” Discuss.

**Newspaper articles:**

**March 25, 1931**

**JAIL HEAD ASKS TROOPS AS MOB SEEKS NEGROES**

***Riot Feared in Scottsboro Ala., After Arrest of Nine, Held for Attacking Girls***

*Special to The New York Times*

HUNTSVILLE, Ala., March 25

Fearing a mob outbreak at Scottsboro, county seat of Jackson County, following the arrest of nine Negroes charged with attacking two white girls, a detachment of militia was ordered to the Jackson County jail tonight.

Sheriff Waun at Scottsboro asked for troops when a crowd which had gathered about the jail became threatening. The Sheriff wired to Montgomery that the crowd numbered 300.

Later, however, the sheriff reported that the mob was dispersing as the night was cold, and danger seemed averted.

The girls, who gave their names as Ruby Bates, 23, and Victoria Price, 18, were in a box car with seven white men when the Negro tramps got in at a point between Stevenson and Scottsboro. They threw six of the white men off the train.

The seventh and the girls are said to have fought desperately until the white man was knocked unconscious.

The men who had been thrown out of the car telegraphed ahead to Paint Rock. When the train arrived there a Sheriff's posse surrounded the car and captured the Negroes after a short fight.

The Negro prisoners and their white accusers were taken to Scottsboro where the Negroes were formally charged with criminal assault on a woman, a capital offense in Alabama. The white men who had been in the box car were held as material witnesses.

**April 11, 1931**

**CONDEMNED NEGROES RIOT IN ALABAMA JAIL**

***Eight Sentenced to Die For Attack on White Girls Are Subdued and Manacled.***

GADSDEN, Ala., April 10 (AP)

Protesting against their sentences, eight negroes condemned to death at Scottsboro yesterday for attacking two white girls rioted in the Etawah County jail today, but were subdued by guards, who placed them in irons.

The Negroes, who were returned here under military escort after being sentenced for attacking the girls traveling as hoboes, aboard a freight train, shouted demands for special food, beat on the cell bars and tore up the bedding.

Their shouts were heard some distance from the jail and Sheriff T. L. Griffin, who occupies an apartment on the lower floor of the jail, removed his family.

Sheriff Griffin appealed to military authorities for aid, and colonel W. M Thompson and Captain C.C. Whitehead went to the jail.

With sufficient guards to prevent an attempted break, the "Bull pen," in which the Negroes were confined, was opened and guards handcuffed the prisoners in pairs.

Governor Miller at Montgomery today received protests in the case from the International Labor Defense in New York and the League of Struggle for Negro Rights of New York and the Anti-Imperialist League of the United States. All charged the Negroes "were railroaded." The governor declined to comment.

**July 23, 1937**

**Court Angered by Attorney's Manner in Cross-Examining Mrs. Victoria Price.**

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### **REJECTS PERJURY MOTION**

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#### **Inconsistencies Brought Out in Witness' Testimony at Trial of Weems**

By F. Raymond Daniell

Special to the New York Times

DECATUR, Ala., July 22.

Victoria Price, telling her sordid story of a mass attack by nine Negroes before the eleventh jury to sit in judgment in the Scottsboro cases, spent an uncomfortable morning on the witness stand today under a cross-examination by Samuel Leibowitz, defense attorney.

The duel of wits between the New York criminal lawyer and the defiant mill worker was the highlight of a long court day in which the trial of Charlie Weems began and ended with the State and the defense submitting evidence with record-breaking speed.

This jury, like the one which condemned Andy Wright yesterday to a ninety-nine year sentence in the penitentiary, is barred by law from sentencing Weems to death. There is no limit, however, to the length of the prison sentence it may impose.

Delivering one of the closing arguments for the State, H.G. Bailey, Jackson County solicitor, who wa prosecutor of the original trials at Scottsboro, pressed the thought that this was a case in which a white woman accused a Negro of a crime worse than murder. He declared that when Weems and his companions told Mrs. Price that they were going to "take her North and make her their woman" they hurled a challenge against the laws of alabama, the sovereignty of the State and the sanctity of white womanhood."

#### **Mrs. Price Is First Witness**

When Mr. Leibowitz undertook to cross-examine Mrs. Price she shouted defiant answers.

Within three minutes after her cross-examination started, Mr. Leibowitz had her contradicting herself about when she counted the Negroes who attacked her. Today she said it was after they had piled into the gondola car.

At Scottsboro, the record showed, she swore she counted them one by one as they swarmed into the car. Mrs. Price said she did not remember anything of the kind at Scottsboro and when Mr. Leibowitz insisted that she tell which version of her story she wanted the jury to believe, Mr. Lawson arose to demand that the court instruct counsel to show some respect for the complaining witness.

Then Mr. Leibowitz asked her to take a good look at the defendant, whom she said she had not seen for the past six years. He asked if she could identify him positively as one of the men who attacked her. She said she certainly could. Mr. Leibowitz then asked if she noted any change in his physical appearance since she last saw him. Mrs. Price studied the features of Weems for several minutes and then said:

"He's looking bigger like all over."

"Anything else?" demanded Mr. Leibowitz.

"He's lighter," she said, "a little lighter and ashier looking."

"Take a good look now and see if you can't see any other change in his appearance," ordered Mr. Leibowitz.

#### **Questioned About Mustache**

"I won't say," said Mrs. Price, settling back in her chair.

"Do you notice his mustache?" asked the defense attorney, "he asked the defense attorney, "he didn't have that in Scottsboro did he?"

"I don't remember that he did," said Mrs. Price.

Mr. Leibowitz asked Mrs. Price then if she knew Lester Carter, who according to testimony in earlier trials, accompanied her and Ruby Bates on an overnight hobo trip to Chattanooga the day before she says the negroes attacked her.

"If I did I don't remember," said Mrs. Price.

All subsequent efforts of Mr. Leibowitz to probe that phase of the story were blocked by objections from the State which were sustained by the court.

When Mr. Leibowitz pressed her aggressively on her testimony at other trials on injuries suffered in the attack and other points at which she contradicted herself, Judge W.W. Callahan took a hand in the proceedings without waiting for objections from the State. Finally, when Mr. Leibowitz persisted his attack upon the complaining witness's credibility, the court warned him to desist.

It is not too late," said the judge, who is 77 years old, "for the court to enforce its orders. your manner is going to lead to trouble, Mr. Leibowitz, and you might as well get ready for it."

"Isn't it a fact that you decided to accuse these Negroes falsely to save yourself from arrest for hoboeing?" asked Mr. Leibowitz in the afternoon session.

"No sir," said Mrs. Price.

#### **Leibowitz Motion Is Denied**

Mr. Leibowitz then asked Judge Callahan to excuse the jury in order that he might make a motion. When the door closed behind the jury, Mr. Leibowitz rose and said:

"I move that the testimony of Victoria Price be stricken from the record on the ground that her testimony is so rampant with perjury that the court is constrained---

Judge Callahan did not let him finish. He denied the motion and ordered the Sheriff to bring back the jurors.

After Mrs. Price had told her story several farmers who saw Negroes and white men fighting on the freight train took the stand as they have at all the other trials. . . .

**July 24, 1937**

**WEEMS CASE GIVEN TO ALABAMA JURY**

**Another Scottsboro Trial Ends After Leibowitz Charges a Mockery of Justice**

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**HITS COURT 'HYPOCRISY'**

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**Prosecutor, in Reply, Accuses New Yorker of Jeopardizing Own Plea for Publicity**

By F. Raymond Daniell

Special to the New York Times

DECATUR, Ala., July 23.

A jury which heard Samuel Leibowitz of New York attack the State's case in the Scottsboro trials as a frame-up, and ridicule the proceedings before Judge W.W. Callahan as a mockery of justice, retired this afternoon to weight the guilt or innocence of Charlie Weems, one of nine Negroes accused of attacking Victoria Price, a white woman.

The jury, drawn from a regular panel after a special venire of sixty five was waived by the defense in consideration of a waiver of capital punishment by the State, was barred from ordering death for the Negro, who is being tried now for the first time since his original conviction at Scottsboro was set aside by the United States Supreme Court. Another jury condemned Clarence Norris to die after a trial last week.

The Weems case jurymen were ordered to their hotel for the night when they failed to reach a verdict after three and a half hours of deliberation.

**Answers Leibowitz's Attack.**

Melvin C. Hutson, Morgan County solicitor, in summing up the State's case against Weems before it went to the jury, declared that Mr. Leibowitz had insulted not only the members of the jury but the citizenry of this county and declared that Mr. Leibowitz's talk was aimed not at the jury box but at the press row behind it.

Mr. Hutson accused the New York attorney of deliberately seeking a conviction for publicity purposes, and told the jurors that they could give Weems up to 1,000 years.

In his address, Mr. Leibowitz declared his belief that it was hopeless even to try to convince a white jury here that a Negro accused by a white woman might be innocent of the charge.

**Says He Is Tired of Hypocrisy.**

"I'm sick and tired of this sanctimonious hypocrisy," he shouted. "It isn't Charlie Weems on trial in this case. It's a Jew lawyer and New York State put on trial here by the inflammatory remarks of Mr. Bailey."

H. G. Bailey of Jackson County who prosecuted the original trials at Scottsboro, in summing up for the State yesterday afternoon, dwelt at length on the fact that counsel in this case came from New York.

Mr. Leibowitz referred to the string of farmers called by the State to bolster up the testimony of Mrs. Price as "trained seals" and "performers in a flea circus." He accused Mr. Bailey flatly of supporting evidence favorable to the defense, declaring that this was a further reason to suspect that the whole case against the Negroes was manufactured in Mrs. Price's head to save herself and her hobo companions from vagrancy arrests.

The assertions of lawyers for the State that Negroes fare the same as white men in the courts of Northern Alabama was so much "popycock," said Mr. Leibowitz, calling the formalities of the trial a mere travesty of justice.

Since taking charge of the defense he had examined more than 1,000 prospective jurors from Morgan County without yet finding one who would admit that he harbored the least bit of prejudice against the Negroes or would treat them any differently than he would white defendants in a court of law, said Mr. Leibowitz.

Yet, he continued, outside the court room on the streets or Decatur white men had told him privately that a Negro did not have a chance and that his life was as worthless as a burned matchstick.

Judge Callahan strode back and forth on the bench, while Mr. Leibowitz continued his accusations against Alabama courts and juries. Mr. Lawson left the courtroom, but Mr. Hutson, the local solicitor, busily took notes and bided his time to have the final word.

#### **Plan to Inflame Jury Charged.**

When that time came Mr. Hutson, in a booming voice, charged that for some reason best known to Mr. Leibowitz the defense lawyer was seeking deliberately to inflame the jury against his client to make acquittal impossible.

Once, during Mr. Hutson's closing argument, he asked the jurors how they would like to have their own daughters or womenfolk upon the freight train with the Negroes. At this point Mr. Leibowitz asked for a mistrial but Judge Callahan denied his motion.

When the oratory of the Lawyers ended Judge Callahan recessed court for lunch and began charging the jury when court reconvened.

Judge Callahan charged, as he has done before, that where a white woman accused a Negro of rape the jury should regard that as presumptive evidence that there was no consent.

**July 25, 1937**

**SCOTTSBORO CASE ENDS AS 4 GO FREE; 2 MORE GET PRISON**

**Negroes, Released Quietly, Leave Decatur Under Guard, Bound for New York**

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**75-YEAR TERM FOR WEEMS**

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**Powell, Cleared on Woman's Charge, Admits a Stabbing ---Leibowitz is Elated**

By F. Raymond Daniell

Special to the New York Times

DECATUR, Ala., July 24.

Four Negro youths, who for six an one half years have lived in the shadow of the electric chair, were set free here today in a dramatic finale of the famous Scottsboro case.

The State, in the person of Thomas S. Lawson, Assistant Attorney General, nolle prossed all the indictments against five of the nine Negroes accused of attacking Victoria Price and Ruby Bates on a freight train bound from Chattanooga to Memphis on March 25, 1931.

Four of the Negro youths, three of whom were convicted and sentenced to death in the original trials at Scottsboro which the Federal Supreme Court reversed, were set free immediately to start for New York under guard with Samuel Leibowitz, their attorney.

The fifth Negro saved from trial by the State's action was sentenced to imprisonment for twenty years by Judge W.W. Callahan after he had pleaded guilty to a charge of assault with intent to murder. It was he who, a year and a half ago, drew a knife and attacked Edgar Blalock, a Morgan County deputy who was taking him to Birmingham . . . .

#### **Release Made in Secret**

Mr. Leibowitz regarded the day's developments as a great victory for the defense, and said that it marked the end of Alabama's efforts to send the Negroes to the electric chair.

The whole proceeding of the release of the four Negroes was carried out swiftly and without advance publicity.

As it was, Judge Callahan ordered State policemen to escort Mr. Leibowitz, William Richter, his associate, and the four Negroes to the State line. In two cars provided by Dr. Newman Sykes, a Negro who testified at the hearing which resulted in the order from the Federal Supreme Court for Alabama to include Negroes on her jury panels, Mr. Leibowitz and his four clients raced out of town for Chattanooga by way of Pulaski.

"It is nothing short of a miracle that the boys were saved from the chair, and it's God's wonder that they are actually free," said the New York lawyer. "I can hardly believe it. We'll keep up the fight until all of these innocent boys are saved."

The party was gone before news of the release of the four Negroes spread among Decatur's 17,000 citizens. Victoria Price, peering from a court house window, saw them go.

As the four Negroes ran out of the opened jail doors with their hands above their heads and ducked into one of the waiting cars, Sheriff J. Street Sandlin said to to Mr. Leibowitz:

"Why don't you get in there with your clients you"----

#### **Sheriff Not Told in Advance**

Neither the Sheriff nor the prisoners had been told in advance of the State's plan to nolle prosee the indictments against them.

The Negroes did not know that they were free until Mr. Leibowitz told them so. They had thought that they were being taken back to the Jefferson County jail, where they had been kept for the last four years awaiting trial. One said:

"Gee, I haven't been so happy since I was 2 years old." . . . .

#### **Weems Charges Injustice**

Thanking the jurors and dismissing them, Judge Callahan remarked that "this ends the business of the court for this week."

Weems was brought around before the bench. Before sentence was pronounced by Judge Callahan, who pointed out that he had "nothing to do with the jury's verdict," Weems said he had not had "a fair and impartial trial."

"I didn't get justice here," he declared.

Mr. Leibowitz moved for an arrest of judgment, charging that the court had no jurisdiction. This was a technical move to protect the record for future appeal from the conviction.

Ozie Powell then brought into court. Mr. Leibowitz talked briefly with him. Then Powell was marched before the bench to hear the indictment charging him with assaulting Deputy Blalock read by the court clerk. Judge Callahan explained that he could plead guilty or not as he chose.

"Don't plead guilty unless you are guilty," said Mr. Leibowitz.

"I'm guilty of cutting the deputy," the Negro said.

In consideration of the fact that the State had consented to nolle prosequere the attack indictment against Powell in the Victoria Price case, Melvin C. Hutson, the Circuit Solicitor of Morgan County, told the court that the prosecution would insist on the maximum penalty for Powell.

Mr. Leibowitz pleaded with the judge to take into consideration the six and a half years that the Negro has been in jail awaiting trial, but Judge Callahan said:

"If it had not been that the State had dropped the other charge of rape against him I would have given him fifteen years. As it is, I will have to sentence him to twenty years in the penitentiary. The State insists upon it."

The other four Negroes were not brought into court. Mr. Lawson stepped before the bench and in a quiet voice moved to nolle prosequere all the indictments charging them with attacking the two white women.

Thus, in a tangle of inconsistencies, ended the famous Scottsboro case.

Source: *Famous Trials* by Professor Douglas O. Linder,

<https://famous-trials.com/scottsboboys/1569-newspaper>.

### **Song Lyrics:**

#### ***From "Nothin'":***

"So go and bury me

Like you do a cat

Go get some dirt and a shovel

And that'll be that

Can't figure out so I won't even try

What's white looks whiter

What's black looks blacker

I ain't done nothin' but I'm going to die



So I won't say nothin'  
It wouldn't help nothin'  
When you can't help nothin'  
I believe it's true  
It's a real fine  
How do you do"

**From "That's Not the Way We Do Things":**

"I was waiting in the courthouse for the trial to begin  
When I noticed in the men's room  
Only white men came in  
Well, I know that that's the custom here in Alabama  
But that's not the way we do things in New York

Back in Manhattan ask anyone  
There's no bigger voice for equal rights than me  
I fight for it! I live for it!  
Just ask my maid, Magnolia  
And I'm sure she'd agree"

**From "You Can't Do Me"**

"You can't do me  
Like you done me  
Like you did me before

Do not poke me  
Or provoke me  
I ain't gonna take it anymore

I won't stand still  
My hands in my pockets  
What was a whisper  
Is now a roar

You can't do me  
Like you done me  
Like you did me before"