

REPORT ON THE SCOTTSEORO, ALA. CASE

made by
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I. HISTORY OF THE CASE

Two Huntsville Mill Girls Hobo to Chattanooga

On March 24, 1931, two mill girls from Huntsville in Madison County, northern Alabama, dressed up in overalls and hoboed their way by freight train to Chattanooga, Tenn., about 97 miles away. The older of the two, Victoria Price, who said she was born in Fayetteville, Tenn. and gave her age as 21, planned the trip, urging the younger one, Ruby Bates, 17 years old, to go with her.

All that is known so far of this trip is what Victoria Price later told concerning it on the witness stand. No check on the truth of her story was made at the trial. According to this story, the two girls arrived in Chattanooga late Tuesday, March 24, and went to spend the night at the home of Mrs. Callie Brochie, who lived, according to Victoria, several blocks off Market Street on North Seventh. Victoria said she did not know the number of the house, but found the place by asking a boy on the street where Mrs. Brochie lived. He pointed it out to the two girls, she said, and all she could say was that it was the fourth house in the block.

A thorough investigation of the neighborhood later by the attorney for the defense failed to discover either Mrs. Brochie or the house she was said to live in.

The Return to Huntsville

As the story of Victoria Price goes, the two girls spent the night with Mrs. Brochie, and set out the next morning with her to look for work in the mills. Victoria was not clear in her trial testimony as to the number and location of these mills where she said they tried to get work. Finding no jobs open, they decided to return home to Huntsville. This was around ten o'clock on the morning of March 25. Boarding an oil tanker at first, they later climbed over into a gondola, or open-topped freight car used for carrying gravel. The car was partly filled with gravel. Here they met seven white boys and began talking to them. Ruby declared in a private interview later than she did not speak to them but stayed in one end of the car by herself, while Victoria was talking, laughing and singing with the white boys in the other end of the car. Victoria, however, said that both she and Ruby had talked to the boys.

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As the freight neared Stevenson, less than half the way to Huntsville, Victoria testified that 12 Negroes climbed into the gondola in which the two girls were riding with the seven white youths, walking over the top of a box car in front and jumping into the gondola. Ruby said in a personal interview later that she did not know how many colored boys were in the crowd. She said she was too frightened to count them. The Negroes gave the number of their gang as 15. Victoria maintained emphatically that there were 12.

The Alleged Rape

According to Victoria's testimony, a Negro identified at the trial as Charlie Weems, came first waving a pistol, followed by the others in the crowd. A mile or two past Stevenson, Victoria said that the Negroes began fighting with the white boys, shouting "unload, you white sons-of-bitches" and forcing the white boys to jump from the freight which was moving at a fast rate of speed. One of the white boys, Orvil Gilley, who said he was afraid to jump for fear he would be killed, was allowed by the Negroes to remain. One of the Negroes testified that he pulled Gilley back upon the car as he was hanging over the edge for fear he might fall between the cars and be killed. The local papers reporting the trial, however, claimed that he was forced to remain out of viciousness to witness the alleged assault.

Victoria's story continued that while the freight was moving rapidly between Stevenson and Paint Rock, a distance of approximately 38 miles, the Negroes having driven the seven white boys from the train, attacked the two girls. Victoria Price testified that six raped her and six, Ruby Bates. Three of the ones who attacked Ruby got off before the train stopped at Paint Rock, Victoria said. She alleged that Charlie Weems was the leader and carried a pistol, but that Clarence Norris was the first one to attack her. He was followed by four others who took turns holding her, she claimed, and then the leader, Weems, as the last one, was in the process of raping her when the train stopped at Paint Rock and the Negroes were captured by the posse who had been notified by telegraph from Stevenson that the Negroes were on the train.

The white gang, after having been put off the train, had informed the station master at Stevenson that the Negroes and the two white girls were on the freight. The station agent telegraphed ahead to Scottsboro, a station about 18 miles west of Stevenson, to have the train stopped, but the freight had already passed there, so Paint Rock, some 20 miles farther, was notified by telegraph.

Here nine of the Negroes were seized by an armed posse of

officers and men. The other Negroes had left the train before it arrived at Paint Rock and nothing more has been heard from them. A report appeared in the press some days after the trial that two Negroes were captured and an attempt made to identify them as members of the crowd of nine Negroes in the Scottsboro case. Nothing more was said about it, so the attempt apparently fell through.

Plausibility of the Charges Questioned

The International Labor Defense, which had representatives on the scene at the time of the trial in Scottsboro, and whose attorney, George Chamlee, of Chattanooga, later made investigations of various phases of the case not brought out at the trial, claims that when the two girls were taken from the train at Paint Rock, they made no charges against the Negroes, until after they were taken into custody; that their charges were made after they had found out the spirit of the armed men that came to meet the train and catch the Negroes, and that they were swept into making their wholesale accusation against the Negroes merely by assenting to the charges as presented by the men who seized the nine Negroes.

There is no way of proving this conclusively, but from the interview I had with the two girls separately several weeks after the trial, I would say that there is a strong possibility of truth in this statement. The talk with Victoria Price, particularly, convinced me that she was the type who welcomes attention and publicity at any price. The price in this case meant little to her, as she has no notions of shame connected with sexual intercourse in any form and was quite unbothered in alleging that she went through such an experience as the charges against the nine Negro lads imply. Having been in direct contact from the cradle with the institution of prostitution as a side-line necessary to make the meager wages of a mill worker pay the rent and buy the groceries, she has no feeling of revulsion against promiscuous sexual intercourse such as women of easier lives might suffer. It is very much a matter of the ordinary routine of life to her, known in both Huntsville and Chattanooga as a prostitute herself.

The younger girl, Ruby Bates, found herself from the beginning pushed into the background by the more bubbling, pert personality of Victoria. She was given little chance to do anything but follow the lead of Victoria, so much quicker and garrulous. When I talked with her alone she showed resentment against the position into which Victoria had forced her, but did not seem to know what to do except to keep silent and let Victoria do the talking. The general opinion of the authorities at the trial was that Ruby was slow and stupid, but that Victoria was a shrewd young woman whose testimony amounted

to something because she got the point at once of what was needed to hurry the trial through so that sentence of death could be pronounced quickly. From my talks with Judge Hawkins, who presided at the trial; with Dr. Bridges who examined the girls, and with other officials, I believe any unbiased person would have to come to the conclusion that this was the basis of their judgment of the two girls as witnesses.

After their arrest on March 25, the nine negroes were taken to Gadsden, Ala. to be held in jail there until the day of their trial. On March 30, they made a quick trip to Scottsboro and back under armed guard, for arraignment before a special session of the grand jury. Judge A. E. Hawkins of the circuit court, set the date of trial as April 6.

The Trial

About 5.45 in the morning on April 6, a picked detachment of the 167th infantry under Major Joe Stearnes, made up of 118 members of five national guard companies of Gadsden, Albertville and Guntersville, Alabama, brought the nine negroes from Gadsden and locked them in the county jail at Scottsboro until the hour of their trial. People from surrounding counties and states began arriving by car and train with the coming of dawn. Thousands had gathered by the time the trial opened at 8.30 o'clock. By ten o'clock it was estimated that a crowd of 8,000 to 10,000 swarmed in the narrow village streets of the little county seat of Scottsboro, packing the outside rim of the Square around the Courthouse with a solid mass of humanity. Armed soldiers formed a picket line to keep the mass of people out of the Square, and no one was admitted into the Courthouse without a special permit.

A Lynching Spirit

Officials and residents of Scottsboro maintained that the crowd was peaceful and showed no evidence of lynching spirit. Mrs. Ben Davis, local reporter for the Chattanooga Times, wrote that the crowd was "curious not furious" and was so pleased with her phrase that she continued to repeat it innumerable times when interviewed. Judge Hawkins, Dr. Bridges, Hamlin Caldwell, the court stenographer;

Sheriff Wann and many others were emphatic in their statements that the crowd had poured into Scottsboro in the spirit of going to a circus and wanted to see the show, but were without malicious intent toward the defendants.

Chance conversation with residents of the town, however, did not tend to substantiate this view of the officials. A kind-faced, elderly woman selling tickets at the railroad station, for instance, said to me that if they re-tried the Negroes in Scottsboro, she hoped they would leave the soldiers home next time. When I asked why, she replied that next time they would finish off those "black fiends" and save the bother of a second trial. Then she told me a lurid story of the mistreatment suffered by the two white girls at the hands of those "horrible black brutes", one of whom had had her breast chewed off by one of the Negroes.

When I called to her attention that the doctor's testimony for the prosecution was to the effect that neither of the girls showed signs of any rough handling on their bodies, it made no impression upon her. Her faith in her atrocity story which had been told to her "by one who ought to know what he was talking about", remained unshaken.

If, as the town authorities claimed, there was no lynching spirit, Major Stearnes, in charge of the soldiers called to Scottsboro, certainly did not go on this supposition. The town looked like an armed camp in war time. Armed soldiers were on guard both inside and outside the courthouse, and before Court opened, the Major gave orders to have persons in attendance at the trial searched.

Negroes Tried in Four Separate Cases

The defense did not ask for severance but was willing to have all nine negroes tried together. The State, however, demanded that they be tried in four separate cases. For the first case, two of the oldest of the boys were chosen by the prosecution. Clarence Norris, of Molina, Georgia, 19 years old, and Charlie Weems, of 154 Piedmont Avenue, Atlanta, Ga., 20 years old, were the defendants selected for the initial trial.

The chief witness for the State was the older of the two girls, Victoria Price, who told the story of the trip to Chattanooga and back from Huntsville, as given previously. She did it with such gusto, snap and wise-cracks, that the courtroom was often in a roar of laughter. Her flip retorts to the attorney for the defense, Steven Roddy, especially caused amusement. The sentiment of the courtroom was with her, she knew it and played up to it, as can be seen by the record of the trial testimony.

The other girl, Ruby Bates, was found by the prosecution to be a "weak witness", as I was told several times by officials present at the trial. The white youth, Orvil Gilley, who remained on the train with the girls, also was considered stupid and slow-witted. The Gilley boy came from Albertville, a small village a short dis-

tance from Scottsboro. Judge Hawkins remarked to me about him, saying, "Well, we all know what his family is. Her mother, for instance" and he broke off as though it were too obvious for words what his mother was like. I asked if he meant the family was feeble-minded or of low mentality. "No, not that," he replied, "but . . . well we know here they are not much good." He would commit himself no farther.

From all I could gather later, it seems that the opinion of spectators and officials at the trial was that both Ruby Bates and Orvil Gilley were no good because they could not make their testimony fit in with the positive identification of the Negroes and the account of events as given by Victoria on the stand. Victoria told me later that she warned the prosecutor that he had better take Ruby off the stand as she was getting mixed up and would make identifications and answers that did not coincide with those she, herself, had made. The minutes of the trial show certainly that she was the only alleged eye witness of the group on the freight that testified at great length. Questioning of Ruby Bates and Orvil Gilley was very brief, and the other six white boys were not put on the stand at all.

Dr. M. H. Lynch, County Health Physician, and Dr. H. H. Bridges, of Scottsboro, testified at the trial that the medical examination of the girls made shortly after they were taken from the train, showed that both the girls had had recent sexual intercourse, but that there were no lacerations, tears or other signs of rough handling; that they were not hysterical when brought to the doctor's office first, but became so later. Dr. Bridges said that Victoria had a small scratch on her neck, and a small bruise or two, but nothing more serious was found. The lawyer for the defense, Mr. Roddy, inquired hesitantly and indirectly, in his cross-examination of the doctor, if it were possible to tell the difference between the spermatozoa of a white man and that of a colored male. The doctor answered that it was not possible to distinguish any difference.

Other witnesses put on the stand by the State included Luther Morris, a farmer living west of Stevenson, who testified that he had seen the girls and the Negroes on the freight train as it passed his hay loft, which he said was 30 yards away, and that he "had seen a plenty"; Lee Adams, of Stevenson, who said he saw the fight between the white and colored boys on the train, and Charles Latham, deputy who captured the Negroes at Paint Rock.

Mr. Steven Roddy, attorney for the defense from Chattanooga, was

undoubtedly intimidated by the position in which he found himself. At the beginning of the trial he had asked not to be recorded as the lawyer in the case, begging the judge to leave Milo Moody, Scottsboro attorney appointed by the Judge as lawyer for the defense, on record as counsel for the Negroes with himself appearing purely in advisory capacity as representing parents and friends of the boys in Chattanooga. He made little more than half-hearted attempts to use the formalities of the law to which he was entitled, after his motion for a change of venue made at the beginning of the trial was overruled. It might be said for him, of course, that taking the situation as it was, he felt it was hopeless for him to attempt to do anything much, except make motions for a new trial after the convictions, which he did.

The first case went to the jury Tuesday afternoon at 3 o'clock, and a verdict calling for the death penalty was returned in less than two hours. The Judge had previously warned the courtroom that no demonstration must be staged when the verdict was announced. In spite of this the room resounded with loud applause, and the mass of people outside, when the news spread to them, cheered wildly.

The next day, Wednesday, April 8, Haywood Patterson, of 910 West 19th Street, Chattanooga, 18 years old, was tried alone, as the second case. In three hours the jury returned with the death penalty verdict. It was met with silence in the courtroom.

In the third case, five of the remaining six boys were tried: Olin Montgomery, of Monroe, Georgia, 17 years old, and nearly blind; Andy Wright, of 710 West 22nd Street, Chattanooga, 18 years old; Eugene Williams, No. 3 Clark Apts., Chattanooga, 15 years old; Willie Robeson, 992 Michigan Ave., Atlanta, Ga., 17 years old; Ozie Powell, 107 Gilmore St., Atlanta, Ga., 16 years old.

It was brought out in this trial that Willie Robeson was suffering from a bad case of venereal disease, which would have made it pain-

ful, if not impossible for him to have committed the act of which he was accused. The case went to the jury at 4 p.m. on Wednesday, April 8, and early Thursday morning, the jury again turned in the verdict calling for the death penalty, received without demonstration in court.

Judge Hawkins proceeded at once after the convictions returned against the five Negroes in the third case, to pronounce the death sentence on the eight who had been tried. He set the day of execution for July 10, the earliest date he was permitted to name under the law, which requires that 90 days be allowed for filing an appeal of a case.

In three days' time, eight Negro boys all under 21, four of them under 18 and two of them sixteen or under, were hurried through trials which conformed only in outward appearance to the letter of the law. Given no chance even to communicate with their parents and without even as much as the sight of one friendly face, these eight boys, little more than children, surrounded entirely by white hatred and blind, venomous prejudice, were sentenced to be killed in the electric chair at the earliest possible moment permitted by law. It is no exaggeration certainly to call this a legal lynching.

The most shameful of the cases was left to the last. This was the trial of fourteen-year-old Roy Wright, of Chattanooga, a young brother of another of the defendants. Perhaps because of his youthfulness, the white authorities who had him at their mercy, seemed to be even more vicious in their attitude toward him than toward the older defendants. They may unconsciously have been trying to cover up a sense of uneasiness at what they were doing to a child. Several of the authorities at the trial assured me later that he was really the worst of the lot and deserved no leniency on account of his youth. But for the sake of outside public opinion, the State decided to ask for life imprisonment instead of the death penalty, in view of the youth of the defendant.

At two o'clock on the afternoon of Thursday, April 9, the jury announced that they were dead-locked and could not agree on a verdict. Eleven of them stood for the death penalty and one for life imprisonment. Judge Hawkins declared a mistrial, and the child was ordered back to jail to await another ordeal at a later date. He is now in the Birmingham jail. The other eight defendants were kept a short time also in Birmingham, and then removed to Kilby prison, about four miles from Montgomery. I visited them there in their cells in the death row on May 12, locked up two together in a cell, frightened children caught in a terrible trap without understanding what it is all about.

Conflict between Rival Organizations for Control of Case

Two organizations have been in irreconcilable conflict over the handling of the case since the conclusion of the trial. The International Labor Defense, a Communist-led organization with southern headquarters in Chattanooga, read of the arrest of the Negroes in the press and sent representatives at once to Scottsboro to observe events there. The National Association for the Advancement of Colored People say that they were informed of the case through the Interdenominational Ministers Alliance, an organization of colored preachers in Chattanooga, and ~~claim~~ credit for the presence at the trial of Steven Roddy, Chattanooga attorney who represented himself in Scottsboro as sent by friends of the defendants in Chattanooga, but refused to go on record as attorney in the case, saying that he had not been employed by any organization whatever. Milo Moody, an ancient Scottsboro lawyer, of low type and rare practice, was appointed by the Judge to represent the defense. Later both Mr. Roddy and Mr. Moody received a small fee from the National Association for the Advancement of Colored People.

After the convictions were rushed through by the Scottsboro authorities, the International Labor Defense retained their Southern attorney, George Chamlee, of Chattanooga, to start action for an appeal of the case. On May 6, when the hearing on a new trial came up in Scottsboro, Mr. Chamlee was present as attorney for the defendants and appeared before the Judge on the hearing which was postponed until May 20.

The two organizations differ so fundamentally on principles and tactics, that any hope of a compromise in the legal control of the case seems impossible. The I.L.D. believes in making appeals to the masses of the workers, both black and white, on the issue of the case, calling upon them to support the defense of the prisoners on a class basis. By constant agitation through the Communist press and by mass meetings, the Communists believe in using the case as propaganda to educate the working class and to make clear to them what the Communist Party stands for.

The thing for which they have been criticized most severely by opponents of their political philosophy in their tactics on the Scottsboro case is the sending of telegrams to the Governor of Alabama, the Judge at the trial, and other public officials. As printed in the Scottsboro paper, the telegram from the I.L.D. sent to Judge

Hawkins during the trial read: "In names of masses white and Negro workers we protest attempt to legally lynch nine young Negro workers Scottsboro on framcup rape charges. We demand immediate change venue new trial, dismissal defense lawyers openly advocating quick execution. Imminent danger lynching mob. Guardsmen openly advocate lynching. We hold you responsible for lives these nine workers."

The NAACP is shocked and dismayed by these tactics, thinking that it does great harm to the case as the members of the organization believe it should be conducted. They favor working quietly with as little publicity as possible, through liberal contacts in the South wherever possible. They are most anxious to try to avoid antagonizing Southern prejudice.

By going to interview the colored prisoners at Kilby in company with a Negro minister, the Rev. Terrell, from Birmingham, Walter White, of the NAACP succeeded in getting four of the defendants to sign their crosses to statements prepared by the NAACP saying they wished the NAACP and not the I.L.D. to handle their case. All of the defendants are illiterate, unable even to sign their own names. He also visited some of the parents with a warning to the effect that it meant electrocution for their sons to have anything to do with the I.L.D.

The NAACP also has arranged with Roderick Beddow, a young Birmingham attorney with some reputation in the State as a criminal lawyer, to take the case for them on appeal.

Some days after Walter White's visit to Kilby, the I.L.D. took the parents of the boys, accompanied by their attorney, George Chamlee, to the prison to see the boys, and claims to have won all of them over to allowing the I.L.D. attorney to handle their case.

As the affair stands at present, the struggle between the I.L.D. and the NAACP seems to be in a deadlock, with the possibility in the future that the case will be split between the two organizations, each retaining their own attorney, and endeavoring to win over as many of the defendants and the relatives to their side as possible.

II. ECONOMIC AND SOCIAL BACKGROUND OF THE SCOTTSBORO CASE

Why Do People Do Such Things?

More than a mere knowledge of the events in the Scottsboro case is necessary for a real understanding of it. Like the Dreyfus affair, the Mooney-Billings and Sacco-Vanzetti cases, the Scottsboro trial has laid bare some of the inner workings of our social structure. How few human beings understand the real nature of forces moving beneath conventional surfaces is shown by the startled surprise expressed generally when our Scottsboro trials, our Sacco-Vanzetti cases bring out strange and terrible things produced by these underground forces.

It is important for those who believe mankind can learn and is learning to exert some control over social forces, to make a careful study of such phenomena when it is thrown to the top by such eruptive events. Nothing could offer a richer field for scientific observation and study of the effect of strong economic and racial prejudice on the ordinarily mild and civilized impulses of modern men, than the trial of the nine young Negroes in Alabama.

The question that comes first to the mind of a person who has grown up away from the influence of the particular kind of prejudices, the particular type of economic struggle under which another group has developed, is: How can people behave in such a manner? In the Scottsboro case, it is crystal clear to an unbiased outsider that the persons concerned did cruel, unfair and unreasonable things. An inquiry into their behavior might take the form of three questions:

1. The record of the trial and personal interview later, show that the two young women who brought the charges of rape against the nine Negroes said things that fitted together so badly as to indicate that they were deliberately giving untruthful evidence.

Why with nothing apparently to gain by it, were these two girls so willing to say anything, regardless of its truth, that would bring

death to nine boys?

2. The officials and citizens of Scottsboro and neighboring communities present at the trial gave unmistakable signs of violent hate, of blind, unreasoning antipathy to these young Negroes whom they had never seen before, and who had done nothing whatever to them. Even the two girls they were charged with harming were present for all to see, in blooming health, and one of them at least, in the best of spirits.

What made these officials and citizens then lust so for the blood of these helpless, frightened children?

3. The young Negroes charged with the rape were undoubtedly members of a rough, undisciplined gang; they did not know how to read nor write, and they had no jobs. In outward appearance to the average white person certainly, they looked like an uncivilized, uncouth lot. One of them was nearly blind; another was diseased with gonorrhea; a third was of low mentality.

Why had society so neglected these boys that they were roaming the land, diseased, destitute, and ignorant?

Why the Two Girls Made the Charge?

The first of these questions can be answered only by some knowledge of the conditions of life in the mill town of Huntsville, as it affected the lives and development of the two young mill workers, Victoria Price and Ruby Bates.

Huntsville, the town seat of Madison County in northern Alabama, has within its city limits, some 12,000 inhabitants. Taking in the four mill villages which surround it, the population is about 32,000. There are seven cotton mills in and around Huntsville, the largest being the Lincoln mill made up of four units. It has its own mill village and employs more than a thousand workers. The Merrimac, the Lowe, and the Dallas, the next three largest mills, also have mill villages on the outskirts of Huntsville. Then there are three smaller mills, the West Huntsville, and two old-fashioned plants under the same management and owned by local capitalists -- the Helen knitting mill and the Margaret spinning mill. It is in this last place,

the Margaret mill, that both Victoria Price and Ruby Bates worked before the trial and afterward.

Wages were always low and hours long in all the Huntsville mills, but in the Margaret and Helen especially, working conditions are very bad. The workers had to bear the brunt of the competition with the modern mills, backed by outside capital and with outside connections to help them out, while the Margaret and Helen management was muddling along in the old way. Respectable citizens of Huntsville said that only the lowest type of mill worker would take a job in the Margaret and Helen mills.

All the mills were running on short time during the period of the Scottsboro case, and had been for some months before. Most of them had cut down to two, three, and four days a week. The Margaret had its workers on shifts employed only every other week, from two to four days a week.

Mill workers found it a dreary, hopeless enough struggle making some sort of a living when times were good, so when the slump hit them, it did not take long for a large group to fall quickly below the self-sustaining line. Low standards of living were forced down still lower, and many were thrown upon the charity organizations. It is from the charity workers of Huntsville that one may get an appallingly truthful picture of what mill life in Huntsville in time of depression means to workers who are doggedly trying to live on the already meager and uncertain wages of "prosperity."

High standards of morality, of health, of sanitation, do not thrive under such conditions. It is a rare mill family that is not touched in some form by prostitution, disease, prison, insane asylum, and drunkenness. "That's the kind of thing these mill workers are mixed up with all the time", complained one social service worker. "I'm beginning to forget how decent people behave, I've been messing around with venereal disease and starvation and unemployment so long."

Under the strain of life in Huntsville, the institution of the family does not stand up very well. Charity workers grumble that too many men are deserting their families. "If they get laid off, and can't get another job they seem to think the best thing for them to do is to leave town, because then the charities will have to take care of their families", said one.

There was no father in evidence in either the families of Victoria Price or Ruby Bates.

Husbands come and go in many cases, with marriage ceremonies or without. A woman who takes in a male boarder to help out expenses is unquestionably assumed to share her bed as well as her board with him. The neighbors gossip about it, but with jealousy for her good luck in getting him, rather than from disapproval of her conduct. The distinction between wife and "whore", as the alternative is commonly known in Huntsville, is not strictly drawn. A mill woman is quite likely

to be both if she gets the chance, as living is too precarious and money too scarce to miss any kind of a chance to get it. Promiscuity means little where economic oppression is great.

"These mill workers are as bad as the Niggers", said one social service worker with a mixture of contempt and understanding. "They haven't any sense of morality at all. Why, just lots of these women are nothing but prostitutes. They just about have to be, I reckon, for nobody could live on the wages they make, and that's the only other way of making any money open to them."

It should perhaps be mentioned that there are undoubtedly very many mill families in Huntsville to whom these things just described do not apply, but it is also true that there is a large group of workers to whom the conditions do apply, and Ruby Bates and Victoria, with whom this part of the report is concerned, come from this group. It might also be said here, that Huntsville is not any worse than many another mill town in the South. Conditions found here could be seen in almost any textile center, and about some places even worse things could be truthfully said.

Ruby Bates and Her Family

As has been said, it is from the most economically oppressed of the mill workers of Huntsville that the two girls in the Scottsboro case come. Ruby Bates, the younger of the two, has a better reputation among the social workers of Huntsville than Victoria. They say that she was quiet and well-behaved until she got into bad company with Victoria Price.

Ruby is only seventeen. She is a large, fresh, good-looking girl, shy, but a fluent enough talker when encouraged. She spits snuff juice on the floor continually while talking, holding one finger over half her mouth to keep the stream from missing aim. After each spurt she carefully wipes her mouth with her arm and looks up again with soft, melancholy eyes, as resigned and moving as those of a handsome truck horse.

Ruby lives in a bare but clean unpainted shack at 24 Depot Street, in a Negro section of town, with her mother, Mrs. Emma Bates. They are the only white family in the block. Of the five children in the family, two are married and three are living at home. Mr. Bates is separated from his wife and lives in Tennessee, according to the report of neighbors, who say that he comes occasionally to see his children.

The house in which the Bateses lived when I visited them on May 12, several weeks after the trial, had been vacated recently by a colored family. The social service worker who accompanied me on the visit sniffed when she came in and said to Mrs. Bates: "Niggers lived here before you, I smell them. You can't get rid of that Nigger smell." Mrs. Bates looked apologetic and murmured that she had scrubbed the place down with soap and water. The house looked clean and orderly to me. I smelled nothing, but then I have only a northern nose.

Out in front while we talked, the younger Bates children were playing with the neighboring Negro youngsters. Here was another one of those ironic touches which life, oblivious of men's ways, gives so often. If the nine youths on the freight car had been white, there would have been no Scottsboro case. The issue at stake was that of the inviolable separation of black men from white women. No chance to remind Negroes in terrible fashion that white women are farther away from them than the stars must be allowed to slip past. The challenge flung to the Negro race in the Scottsboro case was Ruby Bates, and another like her. Ruby, a girl whom life had forced down to equality with Negroes in violation of all the upholders of white supremacy were shouting. As a symbol of the Untouchable White Woman, the Whites held high - Ruby. The Ruby who lived among the Negroes, whose family mixed with them; a daughter of what respectable Whites call "the lowest of the low", that is a White whom economic scarcity has forced across the great color barrier. All the things that made the respectable people of Scottsboro insist that the Negro boys must die, had meant nothing in the life of Ruby Bates.

Yet here was Ruby saying earnestly, as she sat in a Negro house, surrounded by Negro families, while the younger members of her family played in the street with Negro children, that the Scottsboro authorities had promised her she could see the execution of the "Niggers" - the nine black lads who were to be killed merely for being Negroes.

Ruby's mother, Mrs. Emma Bates, clean and neat in a cheap cotton dress, talked with a mixture of embarrassment and off-handed disregard for her visitors' attitude toward her. She has worked in the mills for many years. She was employed by the Lincoln textile mill, the largest one in Huntsville, some time before the trial. When I saw her she was out of a job, but neighbors reported that she had a "boarder" who was living with her, a man named Maynard. They also gossiped that she frequently got drunk, and took men for money whenever she got the chance.

Neither mother nor daughter showed signs of regarding the experience Ruby is alleged to have been through as anything to be deplored especially. They both discussed the case quite matter-of-factly, with no notion apparently, that it had marred or blighted Ruby's life at all. The publicity which the case has brought to them, however, has impressed them greatly. They humbly accept the opinion of respectable white people; it never occurs to them, of course, to analyze the inconsistencies it makes with their own way of life. Accustomed to seeing Negroes all around them on equal status with themselves for all practical purposes, and looking upon sexual intercourse as part of the common and inescapable routine of life, they have no basis in their own lives for any intense feeling on the subject of intimate relations between whites and blacks. They have just fallen in with "respectable" opinion because that seems to be what is expected of them, and they want to do the proper thing. There are so few times when they can.

The only strong feeling that Ruby showed about the case was not directed against the Negroes. It was against Victoria Price that

Ruby expressed deep and bitter resentment. For Victoria captured the show for herself and pushed Ruby into the background, causing people at the trial to say that Victoria was a quick, clever girl, but Ruby was slow and stupid. It was easier for Victoria to talk than to breathe. Words came hard to Ruby. Victoria identified the six Negroes she claimed attacked her with a cock-sure, emphatic manner that much impressed the jurors and the trial spectators. She caught on at once to what was wanted of her -- identifications without any confusing hesitations to slow up the death sentences. Ruby, on the other hand, was annoying from the start because she could not say which ones attacked her. So Victoria with pert, condescending manner, passing looks with the prosecuting officials at such stupidity, told Ruby which ones she must say attacked her, in order not to get mixed up and identify some of those Victoria had previously said were "her six Niggers", as she put it.

Both Ruby and Victoria told me this, in their own words, when I interviewed them personally. Neither one had the slightest notion of the seriousness of what they were saying. The only opinion they had run across so far was that which said the "Niggers" must get the death sentence at once or be lynched. Never having met any other attitude on the Negro question, they both assumed that this was my attitude also, and therefore spoke to me as they thought all respectable white people speak.

Victoria Price and Her Mother

Victoria Price was born in Fayetteville, Tennessee. She has been married but says she is separated from her husband. She left him because he "lay around on me drunk with canned heat", she said. She was known at the trial as Mrs. Price, though this is her mother's name, not her husband's. Her age was variously reported in Scottsboro as 19, 20, and 21. Her mother gave it as 24, and neighbors and social workers said she was 27.

Victoria lives in a little, unpainted shack at 313 Arms Street, Huntsville, with her old, decrepid mother, Mrs. Ella Price, for whom she insistently professes such flamboyant devotion, that one immediately distrusts her sincerity. This impression is strengthened by little side looks her mother gives her. Mrs. Price fell down the steps while washing clothes, and injured her arm, which is now stiff and of little use. Victoria says her mother is entirely dependent upon her for support.

Miss Price is a lively, talkative young woman, cocky in manner and not bad to look at. She appears to be in very good health. The attention which has come to her from the case has clearly delighted her. She talks of it with zest, slipping in many vivid and earthy phrases. Details spoken of in the local press as "unprintable" or "unspeakable" she gives off-hand in her usual chatty manner, quite unabashed by their significance. Like Ruby, Victoria spits snuff with wonderful aim.

Victoria and her mother, after some warm argument on the subject,

agreed finally to the number of years that Victoria had worked in the mills as being ten. Eight of these years were spent doing night work, they said, on a twelve-hour shift. Victoria is a spinner, and used to run from 12 to 14 sides, she said with pride. "Yeh, I used to make good money. I've made as high as \$2.25 a day workin' the night shift before hard times come." Now nobody is allowed to have more than 8 sides to run, and the average is 6, Victoria says. She gets 18 cents a side now, where she used to get 22 cents. "I make on an average of \$1.20 a day now, workin' two, sometimes three days a week. Every other week we are laid off altogether. You know nobody can't live on wages like that."

Although Victoria with a sly eye on me to see if I had heard of her record and would scoff, assured me that in spite of her low wages she never made a cent outside the walls of the mill, her reputation as a prostitute is widely established in Huntsville, and according to investigation of the International Labor Defense, also in Chattanooga. One of the social workers reported that Walter Sanders, chief deputy sheriff in Huntsville, said that he didn't bother Victoria, although he knew her trade, because she was a "quiet prostitute, and didn't go rarin' around cuttin' up in public and walkin' the streets solicitin', but just took men quiet-like."

Sheriff Giles, of Huntsville, said he had information that she was running a speak-easy on the side with a married man named Teller, who lived in the Lincoln mill village and had several small children, but was now running around with Mrs. Price and leaving his wife. The sheriff said he had been trying to catch them with the liquor on them, but had not succeeded so far. He said that he had caught the Teller man in her house, however, and had given both of them a warning.

Mrs. Russell, a neighbor of the Prices, claims that Victoria is a "bad one" and has been in no end of scrapes with married men. She was reported to be the cause of the separation of a Mr. and Mrs. Luther Bentrup, and was rumoured to have received the attentions of a man named George Whitworth, until his wife threatened to kill her, and Victoria hurriedly moved out of the neighborhood. One morning after the Scottsboro trial, Mrs. Russell said she saw her lying drunk out in the back yard with a man asleep on her lap. Mrs. Russell is also authority for the statement that Victoria's mother was as notorious for her promiscuity in her day as Victoria is now.

These stories are typical of the sort that circulate continually among the mill workers of the group from which both Ruby and Victoria come. Whether true or exaggerated, they give some idea of the social background of both the plaintiffs in the Scottsboro case. Leaving out of consideration the matter of the conflicting and untested evidence upon which the Negro boys were convicted, and assuming what has by no means been proved, that the Negroes are guilty of the worst that has been charged against them, the question of whether a monstrous penalty has not been exacted for an offense which the girls themselves feel to be slight, can certainly be raised.

Why the Boys Were Hated

Scottsboro, the county seat of Jackson county in northern Alabama, is a charming southern village with some 2,000 inhabitants situated in the midst of pleasant, rolling hills. Neat, well-tended farms lie all around, the deep red of their soil making a striking contrast with the rich green of the hills. The cottages of the town stand back on soft lawns, shaded with handsome trees. A feeling of peace and leisure is in the air. The people on the streets have easy, kind faces, and greet strangers as well as each other cordially. In the Courthouse Square in the center of town, the village celebrities, such as the mayor, the sheriff, the lawyers, lounge and chat democratically with the town eccentrics and plain citizens.

Strolling around observing these things, it is hard to conceive that anything but kindly feelings and gentle manners toward all mankind can stir the hearts of the citizens of Scottsboro. It came as a shock, therefore, to see these pleasant faces stiffen, these laughing mouths grow narrow and sinister, these soft eyes become cold and hard because the question was mentioned of a fair trial for nine young Negroes terrified and quite alone. Suddenly these kindly-looking mouths were saying the most frightful things. To see people who ordinarily would be gentle and compassionate at the thought of a child - a white one - in the least trouble, who would wince at the sight of a suffering dog - to see these men and women transformed by blind, unreasoning antipathy so that their lips parted and their eyes glowed with lust for the blood of black children, was a sight to make one untouched by the spell of violent prejudice shrink.

The trial judge, A. E. Hawkins, a dignified, fine-looking, gray-haired Southern gentleman, who was absolutely convinced in his own mind that he had done everything to give the Negroes a fair trial, gave himself away so obviously at every other sentence he uttered, that any person with mind unclouded by the prejudice which infected him could have pointed it out. The other officials and citizens with whom I discussed the case also made it disconcertingly clear that they regarded the trial of the Negroes and the testimony given at it, not as an honest attempt to get 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. They all wanted the Negroes killed as quickly as possible in a way that would not bring disrepute upon the town. They therefore preferred a sentence of death by a judge, to a sentence of death by a mob, but they desired the same result, and

were impatient with anything that slowed up the conviction and death sentence which they all know was coming regardless of any testimony.

They said that all Negroes were brutes and had to be held down by stern repressive measures or the number of rapes on white women would be larger than it is. Their point seemed to be that it was only by ruthless oppression of the Negro that any white woman was able to escape raping at Negro hands. Starting with this notion, it followed that they could not conceive that two white girls found riding with a crowd of negroes could possibly have escaped raping. A Negro will always, in their opinion, rape a white woman if he gets the chance. These nine Negroes were riding alone with two white girls on a freight car. Therefore there was no question that they raped them, or wanted to rape them, or were present while other Negroes raped them - all of which amounts to very much the same thing in southern eyes - and calls for the immediate death of the Negroes regardless of these shades of difference. As one southerner in Scottsboro put it, "We white people just couldn't afford to let these Niggers get off because of the effect it would have on other Niggers."

In answering the question then, of why ordinarily kind, mild people are aroused to such heartless cruelty against boys who have done them no harm, and if their case were fairly investigated quite likely would be found to have harmed nobody else either, one is brought up against the ugly fact that these pleasant people of the South, the Civil War notwithstanding, are still living on the enslavement of the Negro race. And this brings one to a second ugly fact, that when this is so, the subjugating race cannot afford to have any regard for decency, honesty, kindness, or fairness in their treatment of the black race. These traits are exclusively for relationships with their own people. The thing that stands out above everything else in their minds is that the black race must be kept down; as they put it, "The Nigger must be kept in his place." Repression, terror, and torture are the means that will do it.

Why Society Neglected the Boys

The third question of why these nine young Negroes who have been sentenced to death after a hasty legal ritual has been said over their heads, have never been given a chance to be anything but the illiterate, jobless young itinerants they are, lies tied up with the whole problem of the denial of civil, social, and economic rights to the Negro in America. It can be answered completely only by a study of the discriminations practiced against the Negro in all phases of his life - educational, residential, economic segregation.

We pride ourselves in this country upon having a free and compulsory educational system. Why then did these young Negroes, all under age, not know how to read and write? Because the subjugating white race is not concerned to see that black children go to school. It is not to their interest to educate the Negro. They profit too much by having a race under their feet who will do the dirtiest, the hardest of their work. It is not to their interest to see that the Negro has the same legal and social rights as the white man. Southern whites feel to their marrow-bone only one thing about the Negro, and they say it over and over. Hundreds of thousands of them have been saying it for generations. They will continue to say it so long as anyone will listen. It is their only answer to the Negro problem. It is their reply to the questions of the Scottsboro case - the Nigger must be kept down.

III. OBVIOUS EVIDENCES OF MISFEASANCE OF JUSTICE

A Fair Trial?

As basis for an appeal for a new trial, perhaps the most important evidence of a state of affairs which could be said to have made a fair, unbiased trial for the Negroes in Scottsboro impossible, was the presence of some eight to ten thousand people who poured into the little town to see that the "Niggers got what was comin' to them." The demonstrations made by this mob or crowd, as the authorities insist it was; the presence of armed troops both inside and outside the Courthouse; the searches made by soldiers of people who were allowed to enter the courtroom, certainly can not be said to have left no impression upon the minds of the jurymen.

Analyzing the trial, not so much for legal technicalities, as for open and flagrant violations of justice obvious to any open-minded observer, certain points may be seen to stand out clearly.

1. Any kind of slipshod evidence against the Negroes was accepted with no check made on it. The testimony of Victoria Price, for example, was taken with no verification attempted. She claimed that she and Ruby spent the night with a Mrs. Brochie in Chattanooga. Minutes of the trial show that for some reason she wanted to conceal who Mrs. Brochie was and where she lived. It would have been a simple matter to have tried to locate this Mrs. Brochie and check up Victoria's story, yet this was not done.

Ruby Bates was taken off the stand quickly before she could give her full version of the affair. Ruby and Victoria said separately afterward, as mentioned before, that this was because her story and identifications did not fit in with those Victoria had given.

No examination was made of the plausibility of the story told by the men who claimed they saw part of the affair on the freight car as it passed near where they were standing. It has been since mentioned that one of them claimed to have seen things from a point so far distant that he could not possibly have seen what he alleged at the trial he witnessed.

2. There was a significant omission of evidence which might have been made by those who played an important part in the case. Why was Orvil Gilley, the white boy who was not put off the train and is said to have witnessed the whole affair, not allowed to tell his story on

the stand? Judge Hawkins answer to this question later was: "Well, we all know what his family is. His mother for instance....." The judge apparently thought this was pertinent to the case, though the reputation of Miss Price was not.

Why were the other six white boys, who were responsible for the charges against the Negroes, not put on as witnesses? Was it because something might have come out to show that they were the ones who had sexual intercourse with the girls? This certainly is a likely supposition in view of several things, and if the case against the Negroes were "fair" should have been looked into and not suppressed.

3. There were no friendly witnesses at the trial for the Negro prisoners, themselves. If this was a "fair trial" why were not even the parents, or some relative where the parents were dead, brought to the trial? Can the Scottsboro authorities say that our treatment of minors in our courts is so bad that boys of 14, 15, 16, and 17 years of age, if they were white, would be tried and sentenced to death without their parents even being present at the trial? Yet these authorities assert repeatedly and emphatically that the Negroes would have had the same kind of a trial if they had been white.

4. Evidence as to the character and reputation of Victoria Price and Ruby Bates was ruled out of order by the judge. Yet there seems to be some story current that Victoria Price was given to taking colored men as customers in her trade as prostitute. An investigator for the International Labor Defense in Chattanooga claims to have obtained affidavits which state that she solicited among the colored workers of a certain plant on pay day, and that she designated this particular day as "Nigger day". The judge ruled at the trial that any evidence as to the previous reputation and conduct of Miss Price was not pertinent. If nine young men are to be killed on the testimony mainly of one young woman, is it a mark of a "fair trial" to say that nothing whatever about this young woman or the value of her word has any bearing on the trial?

5. As a final consideration of the fairness of the trial, a point might be mentioned which is very much in the realm of the ideal rather than the practical and would be considered by most southerners too ridiculous and "red" to put into words - there were no Negroes on the jury which convicted the nine boys.

The trial, such as it was, is over. Interest and passion in the case have cooled. Examining the present status of the accusers and the accused to see what horrible things have been brought about by this "crime", heralded in Alabama papers as the most heinous ever committed in the State, or the whole country, as a matter of fact, this is what one finds:

The convicted "criminals", eight terrified, bewildered young Negroes lie miserably in their death cells in Kilby prison, awaiting [execution.]