

The Literary Digest

NEW YORK, APRIL 22, 1933

TOPICS OF THE DAY

The South Split Over the Scottsboro Verdict

FATE PICKED HIM OFF a freight-train, this black boy of nineteen, to lift him from dreariest obscurity to the dizzy height of "a world issue."

On that pinnacle, he puffed a cigaret while waiting for the jury to report, and did not move a muscle when it condemned him to death.

Focus of a case that has aroused the nation, he remained so obscure at his own trial that, when the jury filed in, he was not even required to stand to hear the verdict.

Storms of emotion swirled around Haywood Patterson in the yellow-brick courthouse in the little town of Decatur, Alabama, for this was a revival of the famous Scottsboro case.

There were mutterings about a wholesale lynching. National guardsmen with fixt bayonets patrolled the court-house. Others guarded defense counsel after court hours. But to all this the blue-black, overalled Patterson appeared oblivious.

Accused of being one of nine young Negroes who allegedly had criminally attacked two white girl "hoboes" on a freight-train in 1931, Patterson came up before the Decatur jury, on a change of venue, after the United States Supreme Court had set aside the Scottsboro convictions because the defendants were not adequately represented. But amid all the excitement inside and outside the court-room he appeared unmoved.

PATTERSON'S hopes rose when he heard the slender, dark-haired, gray-eyed Ruby Bates repudiate her previous testimony, and declare that the case was a frame-up.

His hopes fell when the other, Victoria Price, repeated, fiercely and bitterly, the story that condemned him to the electric chair.

He heard the tall, gaunt, kindly-faced Judge James E. Horton refer in the midst of the trial to reports that a mob was planning to lynch the prisoners, and his threat that guardsmen would "shoot to kill."

He heard the dark, heavy, florid Wade Wright, Circuit Solicitor of Morgan County, make what F. Raymond Daniell, corre-

spondent of the *New York Times*, called "a frank appeal to local pride, sectionalism, race hatred, and bigotry" in his address to the jury. As Mr. Daniell tells it—

"'Show them,' Mr. Wright said—pointing at the counsel table at which were seated Samuel S. Leibowitz of New York, chief defense counsel, and Joseph Brodsky, counsel for the International Labor Defense, a Communist affiliate—'show them that Alabama justice can not be bought and sold with Jew money from New York.'"

And perhaps Patterson, if he can read, saw the scorching statement which Mr. Leibowitz issued after the verdict:

"This is a black page in the history of American civilization. An occasion where once more twelve citizens of Alabama, swayed by bigotry and prejudice and harkening to the yelps of a bombastic Ku Klux who hurled mud at the Jew and the people of the great State of New York to sympathetic ears in the court-room crowded with lantern-jawed morons and lynchers, brought in a verdict that is a mockery of justice."



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"The Motion Is Denied"

Judge Horton, who presided at the Decatur trial, and Samuel S. Leibowitz, who fought in vain to save the young Negro from the death sentence.

The bitterness of that statement is echoed in the press of the South as editors in States with "a Negro problem" violently debate the verdict.

"**W**E shall fight with every drop of blood in our veins," declared Mr. Leibowitz, promising to carry the case again to the Supreme Court. Altho praising Judge Horton as "one of the finest jurists I have ever met," he indicated that the appeal would be based on points on which he had been overruled—Mr. Wright's address to the jury and the fact that no Negroes were allowed to serve as jurors.

Meanwhile the State moved to try the other defendants as Negroes in New York and other cities began preparations for a march on Washington to protest to President Roosevelt.

Out for twenty-two hours, the jury agreed unanimously on a verdict of guilty on the first ballot, we read, and fixt the death penalty on the third. They accepted the testimony of Victoria Price that she had been attacked by the Negroes on a freight-train running between Chattanooga and Memphis, Tennessee.

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They Won the Conviction That Has Caused a Storm

Prosecutors of the Scottsboro cases—Left to right: Thomas E. Knight, Jr., Alabama Attorney-General; Solicitor H. G. Bailey, of Scottsboro, Solicitor Wade Wright, of Decatur, and T. S. Lawson, Assistant Attorney-General. It was Wade Wright who made the fling that "Alabama justice can not be bought and sold with Jew money from New York."

They rejected the story of Ruby Bates who made a dramatic entrance into the court-room, after a mysterious absence, to recant her previous testimony. She had been in New York, she said, and had been persuaded by the Rev. Harry Emerson Fosdick to return and tell the truth.

"I told it just like Victoria did," she said on the stand, "because she said we might have to stay in jail if we did not frame up a story after crossing a State line with men."

FEELING flames high in the Southern press as the verdict is debated. Some editors denounce it as a rank injustice. Others turn their guns on the "outside" lawyers and the International Labor Defense.

"The men are being sentenced to death primarily because they are black," declares the *Richmond News*

Leader, which finds that "the second trial confirmed all the suspicions aroused by the first hearing."

In the same city, *The Times-Dispatch* asserts that "the apparent lack of fairness in trying these seven hapless Negroes is deplored by the vast majority of Southerners."

"An outrageous verdict," says the *Raleigh News and Observer*, published by Josephus Daniels, newly appointed Ambassador to Mexico. "Southerners," it says in another editorial, "have a deeper interest in the case than people elsewhere, since all Southern justice in the eyes of the world will be discredited by the shocking verdict in Decatur."

To eliminate "one of the most complex emotional tangles in the history of American criminal trials," this paper suggests that the Inter-

from the defense of the Negroes "upon the condition that lovers of justice in the South will secure the ablest Southern counsel, lawyers of the greatest eminence in the South, to go to Alabama and conduct the defense."

In Chattanooga, the city which Ruby Bates and Victoria Price visited shortly before the alleged assault, *The News* blames both prosecution and defense for inflaming local feeling. Then—

"The Scottsboro case was a battle of prejudices. Indeed, it has become such a mixture of propaganda and prejudice that we can not conceive of a civilized community taking human lives on the strength of the miserable affair."

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BUT the other side is equally vehement in defending the verdict. First let us hear from the *Tuscaloosa News*, in the State where the trial was held:



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They Told Stories That Clashed

Ruby Bates (left) who repudiated her previous statement and declared that the case against the Negro boys was a frame-up, and Victoria Price, who stuck to her original testimony, and was believed by the jury.

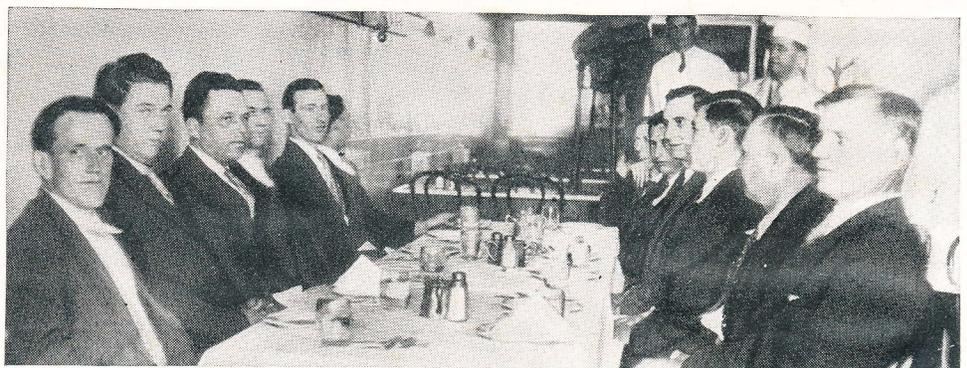
"Regardless of the raving grandstand play of defense attorney Leibowitz and the hub-bub raised by Communist organizations of the East, we in Alabama know that the Negro Patterson received a fair and honest trial.

"Intimidation, denunciation, threat, nor money can influence an Alabama court and jury away from its duty."

"Alabama gave this man a fair trial," asserts the *Montgomery Advertiser*, which also sharply criticizes Mr. Leibowitz.

THE verdict "was in strict accordance with the law and the evidence," says a Missis-

sippi paper, the *Jackson News*, and the *New Orleans Item-Tribune* finds that the trial, "quite regardless of what any one may think of the verdict, still puts the public justice of Alabama in a better position before the rest of the world on that matter than it previously occupied."



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