

## BAILIFFS ISOLATE SCOTTSBORO JURY

Judge Forbids Talk of Case,  
and Movies and Jigsaw Puzzles  
Fill In Their Time.

### NEW YORKERS ARRESTED

Pamphlets Are Taken From Muriel  
Rukeyser and Others Seized  
by Decatur Police.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., April 1.—Remote from the discussions of their fellow-citizens of Morgan County regarding last week's assault upon its jury system, the twelve jurors who will begin hearing evidence against Haywood Patterson, one of the nine Scottsboro Negroes, at his second trial next Monday, amused themselves today with jigsaw puzzles and playing cards.

This evening they were taken to a motion picture show and tomorrow they will be escorted from the hotel where they have a suite of eight rooms to church by the bailiffs whose duty it is to protect them from outside influences and contacts. Judge James E. Horton has warned them against discussing the case before then, even among themselves.

Meanwhile in this North Alabama city, filled with Saturday night visitors from the neighboring countryside, the opening of the trial Monday was awaited calmly.

Judge Horton's exhortation to the people of the community to do nothing to impede the course of justice has made the local folk determined that nothing shall happen here to reflect discredit upon the county or the State.

Nevertheless, there is beneath the surface a smoldering resentment at defense efforts to open the jury rolls to the Negro population and at the accounts of the proceedings in the court published in some Negro and radical newspapers. The community is particularly incensed at a story published in a Negro newspaper in Chicago, indicating that Decatur prepared for the trial in holiday mood—"the kind of holiday Morgan County likes."

### Hold Negroes Dare Not Be Jurors.

As a matter of fact, thus far the townfolk have shown little interest in the proceedings, except for a small minority which is on hand each morning to scramble for seats in the court room.

Most of the residents of Decatur gain their information about the proceedings exclusively from The Decatur Daily, which, as a matter of policy, has printed only The Associated Press accounts and has refrained from editorial comment.

The tactics of the defense in moving to quash the venire from which the jury was chosen, on the ground that Negroes were barred from service by maladministration of the

### CHAPIN MARCUS LOSES.

Must Pay Ex-Wife \$15,470 Under  
Separation Agreement.

A judgment for \$15,470 was filed in the Supreme Court yesterday against Chapin Marcus, vice president of Marcus & Co., jewelers, by his former wife, Mrs. Gladys Butler, for payments at \$1,250 a week under a separation agreement in 1927. Justice Valente ordered the judgment in striking out the defendant's answer, which asserted that the agreement was not to be effective unless the parties were divorced. He held that such agreement was void under the law of New York State because it sought to dissolve a marriage.

The plaintiff divorced the defendant at Reno on May 15, 1928, and on June 18 of that year Mr. Marcus was married to Mrs. Claire B. Dalzell, by the same judge who had divorced Mrs. Dalzell that day from Fred B. Dalzell Jr., head of the Dalzell Towing Company.

The plaintiff and defendant were married on Jan. 6, 1909, at Geneva, Switzerland. Mrs. Marcus, who was graduated from Amherst in 1908, lives at Montclair, N. J.

### WILLIAM LOEB ILL.

Secretary to Late President Roosevelt Undergoes Operation.

William Loeb, who was secretary to President Theodore Roosevelt and is now vice president of the American Smelting and Refining Company, is recovering from a major operation at the Roosevelt Hospital. Mr. Loeb, who is 66 years old, is progressing satisfactorily, it was said yesterday by members of his family and at the office of his physician, Dr. Edward F. Kilbane. He is expected to return in about two weeks to his home, Westerleigh, in Oyster Bay.

Mr. Loeb went to the hospital two weeks ago to undergo the operation, but after his arrival there he developed a case of grip and the operation had to be deferred for a week.

James W. Gerard in 1930 named Mr. Loeb as one of the fifty-nine "rulers of America."

### QUAKER GROUP OPENS YEARLY SESSION HERE

Character Development Stressed  
at Meeting of Religious Society of Friends.

The 238th session of the New York Yearly Meeting of the Religious Society of Friends opened yesterday at the Friends' Meeting House, 221 East Fifteenth Street. The characteristics and effect of "vital religion" were discussed by S. Archibald Smith, principal of the Friends' Academy, Locust Valley, L. I., at the afternoon meeting for ministry and counsel.

"Vital religion overcomes the world," he said. "A religion that does not give inward power, by which we can overcome the world

and face the difficulties and necessities that surround us, is not functioning.

"Vital religion transfers the centre of our life out of the realm which man and circumstances have control to the realm where man and circumstances do not have control. If you are seeking wealth, seeking pleasure, the world will beat you. If you are seeking character, nothing short of death insanity can hinder you."

Others who spoke included J. A. Hughes, director of Pendle Hill, Wallingford, Pa., a graduate school for the development of Quaker thought; Daniel Batchelor, Washington and Bliss Forbush, Baltimore, director of religious education for the Baltimore Yearly Meeting.

The presiding officers were Jay Watson, clerk of ministry and counsel of the New York Quarterly Meeting, serving in place of Charles H. Trafford, who holds the same post for the Yearly Meeting.



## "SCARF-CAPES"

THE NEW FUR FASHION

SILVER FOX  
ERMINÉ  
SABLE  
MINK

Even last year's clothes look new, exciting and different with one of these scarfs so definitely 1933. They may be worn with equal success on day frocks, suits and evening frocks

**J a e c k e l**

546 FIFTH AVENUE · NEW YORK

Uneasy is the head

that wears the

wrong crown





the lawyers who are defending them.

It was amusing during the long legalistic arguments and conflicting testimony regarding the right of Negroes to do jury duty, to hear the comments among the spectators.

While Arthur J. Tidwell, the president of the jury board, was disavowing racial exclusion and admitting that he knew of not one Negro in the county who could qualify as a juror, one man in the front row turned to his neighbor and said:

"We've never had niggers in our juries yet and we never will."

His friend bent over and whispered:

"If we told them they could, there isn't a nigger here who would dare to try to sit on a jury."

#### Leibowitz Wary of Radicals.

It was because of the resentment engendered by Samuel Leibowitz's determined fight to produce a court record showing systematic exclusion of Negroes in the event that he has to appeal from a verdict of guilty, that Captain Joseph Burleson, who is commanding the National Guardsmen on duty at the trial, decided to assign a guard to the New York lawyer.

At the request of Mr. Leibowitz, it was withdrawn after a few hours and he continued to go about town on foot and by automobile without encountering any open hostility.

Mr. Leibowitz is more concerned over the possible activities of visiting radicals than he is over the unfriendliness of the people of Decatur. He has repeatedly asked that these persons stay away from the court house and abandon any plans they may have for demonstrations or agitation among local Negroes.

With the same desire to preserve the peace, police officials took five persons into custody early this morning for investigation.

Three of them, two men and a woman, said they were New Yorkers here in the capacity of observers with journalistic aims. The other two were Negroes from Birmingham.

The three New Yorkers, who were released and ordered to appear before Judge Horton Monday morning, described themselves as Muriel Rukeyser, Edward Sagarin and Hank Fuller. Fuller says he was run out of Scottsboro two years ago.

The two Negroes said they were James Cooper and William A. Christal of Birmingham. Patrolman A. S. Brazelton saw the three white New Yorkers in the Negro section of Decatur with Cooper shortly after midnight and took them to Police Headquarters for investigation.

#### Literature is Seized.

Miss Rukeyser, according to Brazelton, had in her possession some literature of the National Students League and letters relating to the Scottsboro trial.

Christal was found at the address given by Cooper and in the room, Brazelton said, was a quantity of pamphlets and appeal for funds for the Scottsboro Negroes, together with enrolment cards of the Workers Ex-Servicemen's League.

The Negroes and the others were held at Police Headquarters while Wade Wright, circuit solicitor, was notified.

After questioning them, Mr. Wright ordered all five released, but he confiscated the literature found on them. He ordered them to appear in court Monday and said that the pamphlets would be offered to Judge Horton.

Prices  
begin  
at 750



Tomorrow an all day  
promenade of manne-  
quins will be presented  
in a setting of fresh  
Spring flowers.  
Second Floor

So many smart women have been shopping here for millinery, that we've doubled the size and variety of our hat collections during the past week. Here you can take your pick of dozens of ultra-new high crown fashions or sailors—chechias in many different versions according to the different ideas of Reboux,

Agnes, Maria Guy—tilted forward for youth, built up in back for the more mature. Orientals—sultans, fez, turbans. Highland, Welsh, Tyrolean fashions. Bishops' mitres. Breton brim sailors, Merry Widow and Gibson models, and many flower trimmed just-right-for-Easter fashions that are as new as they are becoming.

## BONWIT TELLER

FIFTH AVENUE AT 56



# 'OBSERVERS' LEAVE SCOTTSBORO TRIAL

**Leibowitz Threatened to Quit  
Case if Radical Group Re-  
mained in Decatur.**

## JURORS ATTEND CHURCH

**Members of Three Faiths Hear  
Sermon on Tolerance by  
Episcopal Rector.**

**By F. RAYMOND DANIELL.**

Special to THE NEW YORK TIMES.

DECATUR, Ala., April 2.—The jury which will begin hearing evidence tomorrow in the Scottsboro case prepared for the task ahead today by attending the services at St. John's Episcopal Church in a body.

There they heard a sermon on tolerance delivered by the Rev. Peter M. Dennis, the rector, who avoided any direct reference to the trial which has agitated this North Alabama community much less, in many respects, than other sections of the country.

Most of the members of the jury, chosen from a venire of white men after the lawyers defending the nine accused Negroes had waged an unsuccessful fight against exclusion of Negro talesmen, are Methodists or Baptists, but they attended the Episcopal Church at the suggestion of Eugene E. Graves, the banker member of the jury, who is a vestryman of St. John's. "We must enlarge our vision, we must banish hatred and hypocrisy," the Rev. Mr. Dennis told the congregation of which the jury, seated in the last two pews, was a part.

Most of the rector's sermon dealt with the "inconsistency" of American policy in protesting the Japa-

nese invasion of Manchuria and forgetting the sending of marines to Nicaragua. But he added:

### Appeals for Open Hearts.

"We, all of us, and I am speaking particularly to ourselves right here in Decatur, need to open our hearts to the heavenly spirit and to put away the things that led well-fed bodies and starved souls to nail the Lamb of God to the Cross on Calvary."

After church the jurors, three farmers and nine townsmen, went for a stroll. One member sent home for his radio set and had it installed in the jury's suite at the Hotel Lyons, where they are quartered. Another, who is a barber by trade, had a busman's holiday by shaving some of his fellow-jurors.

Meanwhile the nine prisoners, charged with attacking Ruby Bates and Mrs. Victoria Price on a freight train near Scottsboro two years ago, amused themselves in the Morgan County jail by singing work songs in their cells, from which they can see the timbers of a gallows no longer used.

Of the group, the only one actually on trial is Haywood Patterson, who, according to the evidence the State plans to present to the jury beginning tomorrow morning, was the ringleader of the gang. He was indicted jointly with the others, but the State obtained a severance in order to try him alone.

Patterson is charged with attacking the twice-married Price woman, who will be the main witness for the State. The other white girl alleged to have been attacked by the Negroes has been missing from her Huntsville home for a month and, so far as has been learned, remains unfound.

### Severe Cross-Examination Expected.

Samuel S. Leibowitz, the New York criminal lawyer defending the Negroes, whose original conviction and sentence of death were reversed by the United States Supreme Court in a decision which received little publicity in Alabama, expects the cross-examination of the State's star witness to consume the better part of a full court session.

That he intends to delve deeply into her past was indicated during his examination of prospective jury-

men, when he asked if they would take into consideration in weighing the credibility of a witness the kind of life that witness had led, even if it happened to be a woman.

Attorney General Knight also expects Mr. Leibowitz to use all his skill as a cross-examiner in questioning Mrs. Price.

The lawyer's questioning of talesmen on Friday also brought to light the significant but hitherto scarcely known fact that Ruby Bates formerly lived here. One of the veniremen, in responding to the New York lawyer's questions said he had known the Bates girl when she lived here nine years ago.

"Make a note of that," Mr. Leibowitz said to one of his assistants with an expression of surprise.

### Demand Release of Miss Rukeyser.

Chief of Police Rigsby received a telegram today demanding the "unconditional release" of Muriel Rukeyser and the two men taken into custody yesterday for investigation and released.

The telegram was signed by the National Students League, of which Miss Rukeyser said she was a member. No charges of any kind were made against the three New Yorkers and they were detained only a few hours. They were ordered to appear before Judge James E. Horton tomorrow when the trial is resumed.

By the time the telegram was received the visitors from New York had left town along with several others who came here in the capacity of "observers" in the trial of a case which the International Labor Defense and its Communist affiliates have been used as propaganda for organization work among the Negroes. It was understood that the exodus was ordered by Mr. Leibowitz as a condition of his continuing as trial counsel.

Explaining his attitude, Mr. Leibowitz said:

"I am not interested in the affairs of the Republican party, the Democratic party, the Socialist party, the Communist party or any other group in the conduct of this case. I am interested solely in saving these innocent boys from the electric chair, and I will do my best to see that their case is not endangered by propaganda or agitation from any quarter. I have ordered the irresponsibles away and they must stay away."