

Horton: "Let justice be done though the heavens may fall"

By Rebekah Davis
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I have the privilege in my job to get to know the stories of some of the greatest people ever to live in Limestone County, and often I wonder what it would have been like to sit down and talk to these people face to face.

If I could only pick one, though, I think it would have to be Judge Jim Ed Horton Jr. If I had the chance, I would ask him one question: "If you had it to do all over, would you do it all over again?"

I would want to hear it from his own lips, but I already know what the answer would be: "*Fiat justitia ruat colelum.*" That was his answer in a 1966 interview, and it's Latin for "Let justice be done though the heavens may fall."

The heavens may not have ever fallen on Horton, but his career did crumble as a result of his decision to uphold justice in a racially-charged case that captivated a nation who still remembered slavery and the war that nearly divided it.

It became known as the Scottsboro Boys trial, and it began with two white women who accused nine young black men of raping them on a train rolling through Scottsboro, Ala. When the U.S. Supreme Court decided the boys, initially found guilty, were to be retried as a result of incompetent legal counsel, the second trial of one of the boys, Haywood Patterson, was moved to Horton's courtroom.

On the surface, Horton may have seemed the perfect man to "railroad" Patterson straight back to jail: His father was a planter and former slaveholder, and his mother was the daughter of a Confederate general.

The announcement that the gracious and easygoing Horton would take on the controversial Scottsboro case was generally greeted with enthusiasm. Alabama papers praised the judge's "unusually equable nature, great legal ability, and fairness." Prosecutor Thomas Knight said that he thought Horton "would make an excellent judge."

But Horton made it clear that he was no pushover. On the third day of the trial, after hearing reports of plans for a lynching, Horton announced that he had ordered police guards to shoot to kill if necessary in defense of the black prisoners. He told those in the courtroom: "It would be a blot on the men and women of this country, a blot on all of you, if you were to let any act of yours mar the course of justice on this or any other case... So far as the law is concerned it knows neither native nor alien, Jew or Gentile, black or white. This case is no different from any other. We have only our duty to do without fear or favor."

Horton, along with virtually every other white person in Alabama, initially assumed that the Scottsboro defendants were probably guilty, but his doubts grew as the trial went on and evidence increasingly showed that the accusations were a lie.

On June 22, 1933, when Horton convened court in Athens, he shocked those assembled by announcing that he would grant the motion to set aside Patterson's guilty verdict and order a new trial on the ground that the jury's verdict was not supported by substantial evidence.

The years that followed may have made Horton feel like his decision had resulted in failure.

Patterson was later convicted again by an all-white jury, and in May of 1934, Horton, who had been unopposed in his previous election to the bench, lost his bid for re-election. No one doubted

but that his defeat was attributable entirely to his decision in the Scottsboro case. Horton retired from politics, and devoted his remaining years to private practice and his plantation. By the time he died in 1973 at age 95, however, Horton was already considered one of the top trial judges in American history because of his stand for justice. And in 1976, Horton again received national acclaim, posthumously, as the result of the film “Judge Horton and the Scottsboro Boys” that chronicled the case.

The Scottsboro Boys may be a prime example of one of the darkest chapters of Alabama’s history, but it also gave rise to one of Alabama’s brightest beacons of hope and justice: Limestone County’s own Jim Ed Horton.

Note: Some information for this article was taken from “A Trial Account” by Douglas O. Linder.

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