

Discussion Guide

The cover features a red background. At the top left is a globe. To its right, the text 'WORLD ALMANAC®' is written in large white letters, with 'VIDEO' below it in smaller white letters. A yellow diagonal banner in the top right corner says 'America's #1 Source'. Below the title, the text 'Landmark American Trials' is written in white. In the center, there are two black and white photographs: the top one shows a group of men, and the bottom one shows a woman in a courtroom. Below the photos, the title 'The Scottsboro Boys' is written in white. At the bottom, there are logos for 'nfn NATIONAL FILM NETWORK' and 'CHOICES'.

Some trials take on a significance that is larger than the verdict itself. Such trials are shaped by the tenor and emotions of the era in which they occur, and in turn may reshape prevailing attitudes. The trials of this series fall into that category. Whether pointing up the antianarchistic hysteria demonstrated in the 1921 Sacco and Vanzetti trial or the anti-Communist fervor exhibited during the 1951 Rosenberg case, these trials become miniature history lessons that can provide as much insight into an age as a history textbook.

In March of 1931 in Alabama, seven white youths claimed they had been thrown off a freight train by a group of young black men. When the train made a stop, it was met by a posse that pulled off the nine black men as well as two white women who were dressed in men's clothing. During their interrogations, the two women claimed they had been raped by the group of blacks. Almost immediately, several hundred local citizens banded together in an attempt at a mass lynching, but they were repelled by local authorities with help from the National Guard. By the time the trials ended eight of the nine youths were convicted, despite one woman's recantation of her story and testimony by doctors that neither woman showed evidence of violent physical or sexual attack. In later trials charges against five of the boys were dropped; the other four were convicted. The case was one of the first to focus heavy national attention on the political and social forces at work in furtherance of racism.



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Laws, Cases, and Legal Terms

- **Due Process of Law:** A basic doctrine of fairness in all criminal and civil cases. It states that all legal procedures mandated by law must be followed for every person so that no one receives unfair or unequal treatment. The universal guarantee of due process is in the Fifth Amendment to the Constitution. The Fourteenth Amendment applied it to all states. The principle was crucial to the Scottsboro Case and behind the two Supreme Court rulings made regarding it.
- **Fifth Amendment:** adopted on Dec. 15, 1791. One of its clauses reads that no person shall “be deprived of life, liberty, or property, without due process of law.” The “due process” principle established here - and expanded in the fourteenth Amendment - was central to the Scottsboro Case.
- **Fourteenth Amendment:** adopted on July 9, 1868. The first section reads: All Persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they abide. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
- **Norris v. Alabama:** A decision handed down by the U.S. Supreme Court on April 1, 1935. It overturns the convictions of Norris and Patterson because African Americans were barred from sitting on their juries, thus ending a longstanding discriminatory practice in southern courts.
- **Powell v. Alabama:** A decision handed down by the U.S. Supreme Court on November 7, 1932. It overturned the conviction of the Scottsboro Boys because they had not been given adequate legal counsel, thus setting a precedent that all defendants have the right to an adequate and competent defense - to be provided for them if they cannot pay for it themselves.

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THINGS TO THINK ABOUT / THOUGHT PROVOKING QUESTIONS

- What bearing do you think the Scottsboro case has on the issue of capital punishment?
 - What guarantees do you think the legal system can make to ensure that innocent people are not executed?
 - Do you think capital punishment is a deterrent to crime?

Judge James E. Horton is often praised for his courage in overturning the conviction of Haywood Patterson. Horton effectively gave up his career, since he was not reelected.

- Compare his actions to those of Martin Lynch, the doctor who was convinced of the Scottsboro Boys' innocence but wouldn't testify because doing so would jeopardize his career. Do you think you would have been able to display Horton's courage in a similar circumstance?
 - What traits do you think he had that compelled him to do what he did?
 - Would you argue that his actions proved that it would be unfair to describe all southerners of the period as prejudiced?

Some argue that judges should be allowed to keep their jobs for life so they will not be so tempted to cave in under political pressure. Do you agree?

- What does the Scottsboro case tell you about the importance of the U.S. Supreme Court in guaranteeing the civil liberties of U.S. citizens?
 - What important rights were established by the court because of the Scottsboro case?
 - Are there other Supreme Court decisions that had an equally important impact?
- Why do you think the Communist Party was willing to get involved in the Scottsboro case?
 - Were they just trying to seek publicity for their cause? What connection do you think they saw between the Scottsboro case and their mission of overthrowing the capitalist system?

Like many people during the Great Depression, the Scottsboro Boys were "riding the rails" in search of work.

- What can you find out about this common practice during the era?
 - What compelled so many people to leave home and why did they use the railroads to get around?

In one of the trials, Ozie Powell testified that he had been to school for a total of "about three months" in his life.

- What does this tell you about the Jim Crow system of denying African Americans an education?
 - How did this denial help keep African Americans from making progress?
 - What does it say about the importance of education for underprivileged people today, and how can society make sure that everyone has the same educational opportunities?

One of the most notorious statements in the trials was prosecutor Wade Wright's remark about Alabama justice being "bought and sold with Jew money from New York."

- What does this tell you about other racial and ethnic prejudice as a factor in the trials?
 - Why would some people in Alabama also have a dislike for big cities, New York in particular?

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OTHER RESOURCES

For students:

Hine, Darlene Clark: **From the Scottsboro Case to the Breaking of Baseball's Color Barrier, 1931-1947**; Chelsea House, 1995.

Horne, Gerald: **Powell vs. Alabama: The Scottsboro Boys and American Justice**; Franklin Watts, 1997.

For adults:

Carter, Dan T. Scottsboro: **A Tragedy of the American South**; Louisiana University Press, 1969.

Chalmers, Allan Knight: **They Shall Be Free**; Doubleday, 1951.

Goodman, James E. **Stories of Scottsboro**. Vintage Books, 1995.

Kinshasa, Kwando: **The Man from Scottsboro; Clarence Norris and the Infamous 1931 Alabama Rape Trial, in His Own Words**; McFarland, 1997.

Patterson, Haywood: **Scottsboro Boy**; Doubleday, 1950.

A television dramatization, **Judge Horton and the Scottsboro Boys** which aired on NBC in 1976, is available on videotape.

An independent documentary film, **Scottsboro: An American Tragedy**, was shown at the Sundance Film Festival early in 2000.

Internet

<http://www.afroam.org/history/scott/scotts.htm>: From the Afro-American History Site, an excellent section on the Scottsboro Case. It has the text of several articles from black newspapers written at the time of the case, in addition to other relevant documents.

<http://www.english.upenn.edu/~afilreis/88/scottsboro.html>: A page describing the role of the ILD in the trials.

<http://home.early.com/~amistad/scotts.htm>: An outline of the case with some fascinating pictures of artifacts from the period concerning it.

<http://www.law.lsu.edu/library/lawhum/scottsbortrial.htm>: From the Louisiana State University law school, a bibliography of works on the case and links to other sites.

<http://www.law.umkc.edu/faculty/projects/ftrials/scottsboro/scottsb.htm>: From the University of Missouri and Kansas City's Web site on "Famous American Trials," a comprehensive page on the Scottsboro trials.



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