Perhaps the biggest shock of the Scottsboro trials is that they happened at all. The nine black boys falsely accused of raping two white girls on a Memphis-bound train might easily have faced summary execution at the hands of the lynche mob gathered outside the Scottsboro jail on March 25, 1931, had the sheriff not called Governor Benjamin Meek Miller, who broke precedent and called in the National Guard.

Though lynching as a punishment had existed since the American Revolution, it wasn’t until after the Civil War that the practice began to be used systematically to brutalize and intimidate black Americans. Before emancipation, when blacks were still considered property, most victims of lynchings were white abolitionists; after the war and the social upheaval of Reconstruction, lynching became the centerpiece of a campaign of terror waged by white citizens, with the implicit sanction of legislators and the court, against freed black men and women.

Lynch mobs were composed primarily of working-class and poor whites who bitterly resented and feared economic competition from former slaves. The number of lynchings that took place in the years immediately following Reconstruction is uncertain, but statistics kept at the time by the NAACP, the Chicago Tribune, and Tuskegee University suggest that between 1880 and 1930 at least 3,000 African Americans faced death at the hands of lynching mobs. On many occasions the killings were mass, carnival-like events, “spectacle lynchings,” with hundreds and even thousands of white families in attendance, and body parts of the victims divvied up among the crowd as souvenirs.

In 1899, Massachusetts’s Springfield Republican reported on the dismemberment of Sam Hose, a man burned to death in front of a crowd of 2,000 in Newman, Georgia. Hose had been jailed for killing his white employer, Alfred Cranford. To the murder charge, however, was added an additional accusation: the rape of Cranford’s wife. According to the famous anti-lynch crusader Ida B. Wells, the rape charge was trumped up to ensure the murder. “Samuel Hose was burned to teach the Negroes that no matter what a white man does to them, they must not resist,” Wells wrote in an 1899 pamphlet. “Hose, a servant, had killed Cranford, his employer. An example must be made. Ordinary punishment was deemed inadequate. This Negro must be burned alive. To make the burning a certainty the charge of outrage was invented, and added to the charge of murder.”

Hose’s was not the only case in which “outrage” was falsely invoked. “Of the 12 men lynched during that reign of unspeakable barbarism,” Wells continued, speaking of her six weeks in Georgia, “only one was even charged with an assault upon a woman. Yet southern apologists justify their savagery on the ground that Negroes are lynched only because of their crimes against women.” Here Wells refers to the insidious myth invented by white southerners to justify—to themselves and to others—their own brutality; the myth that, if given the chance, a black man would always rape a white woman.

The myth was a political invention, emerging at a particular historically expeditious moment. As Frederick Douglass argued in his 1894 speech “The Lessons of the Hour,” no such claim had existed during (or before) the Civil War:

All through the war, while the slave masters of the South were absent from their homes in the field of rebellion, with bullets in their pockets, treason in their hearts, broad blades in their blood-stained hands, seeking the life of the nation, with the vile purpose of perpetuating the enslavement of the negro, their wives, their daughters, their sisters, and their mothers were left in the absolute custody of these same Negroes, and during all those long four years of terrible conflict, when the Negro had every opportunity to commit the abominable crime now alleged against him, there was never a single instance of such crime reported or charged against him.

The power of the myth cannot be overstated. “It has cooled our friends,” wrote Douglass, “It has heated our enemies . . . for nearly all have in some measure accepted the charge as true. Its perpetual reiteration in our newspapers and magazines has led men and women to regard us with averted eyes, increasing hate and dark suspicion.”

James Weldon Johnson, a leader of the NAACP, in his 1921 “Memorandum. Re: Relations between the Crimes of Rape and Lynching,” explained that “there have been many lynchings where the victim was not even accused of rape but in which cases the lynches gave rape as a cause.”

A case in point is the lynching of Elijah Strickland, a black preacher whom Hose was said to have mentioned as an accomplice in his killing of Cranford. Strickland, after refusing to admit to something he had not done, was found hanging from a persimmon tree with a blood-
stained piece of paper pinned to his chest on which was written, "We must protect our Ladies." The terrible irony is that the myth mirrored and masked the truth of racialized sexual violence in the South, where white men continued to rape black women with impunity, as they had done systematically during the era of slavery.

It is not incidental, then, that when Victoria Price and Ruby Bates, two poor white women from the mill town of Huntsville, Alabama, were caught hoboing on the same freight train as nine black boys, they chose to claim the boys had raped them in order to avoid punishment. The girls were impoverished prostitutes who were known to consort with black men—in other words, "the lowest of the low" in the eyes of the South, as Hollace Randsall noted in the 1931 ACLU report on the Scottsboro case. They played the strongest card they had; they must have known how readily they would be believed.

When Governor Miller called in the National Guard to protect the Scottsboro Boys, he intended to save the Boys from the lynch mob, not from death. The local newspapers shared this sentiment. "If ever there was an excuse for taking the law into their own hands," the editor of the Scottsboro Progressive Age wrote, "surely this was one." Nevertheless, he continued, the people of Jackson County "have saved the good name of the county and state by remaining cool and allowing the law to take its course."

The understanding was that in return for delivering the "brutes" (as the Huntsville Times referred to them) to the court, the court would reward the people of the county with a swift conviction and sentence of death. The all-white jury did not disappoint. When the first guilty verdict was announced, a brass band outside the courthouse erupted into "There'll Be a Hot Time in the Old Town Tonight" and "Dixie."

Over the next seven years, the Boys would be taken through a series of appeals by their lawyer, Samuel Leibowitz, a New Yorker employed by the International Labor Defense (ILD), a legal arm of the Communist Party, which took up the Boys' cause immediately following their 1931 conviction. In the 1933 retrial, Bates recanted her accusation and the doctor who examined the girls after the alleged incident testified that there had been no physical evidence to support Price's charges; despite this, the jury returned another guilty verdict, and the retrials dragged on. In 1937, Leibowitz struck a deal with the state of Alabama, managing to secure the release of four of the Boys: the two youngest (Eugene Williams and Roy Wright), Olen Montgomery (who was severely nearsighted), and Willie Roberson (who had been seeking treatment for a debilitating case of syphilis and gonorrhea when he was arrested). Between 1943 and 1946 Clarence Norris, Ozie Powell, Charlie Weems, and Andy Wright were paroled. Haywood Patterson was never paroled, but he escaped in 1948. In 1976, the state of Alabama pardoned Clarence
1931

1932

1933

1934

Strader v. West Virginia (1880) and Neal v. Delaware (1881), Norris v. Alabama gave teeth to the earlier verdicts, proving that the court would not tolerate disobedience. And, in fact, Governor Bibb Graves of Alabama responded to the ruling by sending copies of the decision to every solicitor and judge in Alabama, reminding them, "Whether we like the decision or not, it is the patriotic duty of every citizen and the sworn duty of every public officer to accept and uphold the decision in letter and in spirit. . . . This decision means that we must put the names of Negroes in jury boxes in every county in the State." Though the composition of juries by means of changes overnight, the decision struck a crucial blow to the all-white jury, that mainstay of whitesupremacy. As important as the legal decisions—and, according to leaders of the Communist Party who mounted the Scottsboro Boys' defense, a great pressure behind the decisions—were the mass mobilizations the trials inspired around the world. In the weeks following the 1931 decision, thousands of letters and telegrams streamed in, to the great surprise of local officials. "Although mainly from ordinary men and women," Goodman writes, "they [also] came from John Dos Passos, Theodore Dreiser, Fiorello La Guardia, Hamilton Fish, Thomas Mann, Albert Einstein, Maksim Gorky, and H. G. Wells." In June 1931, the Communist Party and the League of Struggle for Negro Rights led a march of 1,500 through Harlem, carrying signs proclaiming "Smash the legal lynching of the Scottsboro Boys." Another 3,000 attended an NAACP rally in New York. In 1933, 10,000 gathered in New York's Union Square. Other protests followed around the world as far as Berlin and Havana. In Alabama, Rosa Parks's husband, Raymond, worked on the National Committee to Save the Scottsboro Boys. By many accounts, it was a formative consciousness-raising experience for the woman who would become a titan in the history of civil rights. The movement had begun.

With such intensive media attention over such an extended period of time, the Scottsboro trials became an embarrassment for the state of Alabama. Those who in 1931 expected praise for their restraint in leaving the execution to the courts instead of the Lynch mob had changed their tune by 1937 when charges were dropped against four of the Boys. The Birmingham News published a piece titled "At Last We Are Rid of the Scottsboro Case," which concluded that "a great and troublesome burden has been lifted from Alabama." The Chattanooga Times, which had reported cheerily on the mob gathered outside the Scottsboro jail, now concluded: "There is no sadder story in the annals of American jurisprudence than that of the Negroes who for the past six years have lived in the shadow of the electric chair."

It is a very different America today than the America that saw the arrest and indictment of the Scottsboro Boys. That is beyond dispute. Segregation and all legal barriers have been lifted; black Americans hold the highest positions in every field. To use a common contemporary encapsulation: we have a black president.

And yet, when it comes to interaction with the criminal justice system, the position of black Americans is more similar to the days of Scottsboro than we would like to think. "It hasn't changed," The Scottsboro Boys book writer, David Thompson, said in a recent interview. "We just have another way to talk about it that makes us either feel better or feel like certain issues are put to bed."

According to The Baldus Report, a 1983 study of racial discrimination and the death penalty, killers of white victims were (at the time the report was published) 4.3 times more likely to receive the death penalty than killers of black victims, an echo of the relative value placed on white and black lives during the heyday of lynching. On the whole, black Americans are 6.5 times more likely to be incarcerated than white Americans, and one in ten black men is in prison or jail on any given day, The Sentencing Project has found. More black men are in prison today than were enslaved in 1850. Because ex-felons cannot vote, more African Americans are disenfranchised now than were in 1870.

Sensational accounts of wrongful convictions make headlines from time to time—such as the recent execution of Troy Davis in Georgia—but a widespread critique of criminal justice as it is practiced in the United States (with 2.3 million people currently behind bars, the United States has the highest incarceration rate in the world) is only just beginning to get airtime. As Haywood Patterson wrote in his autobiography Scottsboro Boys, "What happened in the Scottsboro case wasn't unusual. What was unusual was that the world heard about it." The world heard once; perhaps it is time for the world to hear again.
A Note From John Kander

Nearly every musical I have ever written started as an idea around Fred Ebb's kitchen table. The 
Scotsboro Boys is no different. One morning in 2002, Susan Stroman, David Thompson, Fred 
Ebb, and I were gathered around Fred's table, eager to start a new project. One of us proposed an 
idea: what if we were to write a musical about a true story—one based on an important 
chapter in American history.

In order to find inspiration, we turned to the landmark court trials of the 20th century. 
Immediately, the case that jumped out at us was the story of the 
Scottsboro Boys. As a young boy growing up in Kansas City, I remember when the Scottsboro Boys were first in the headlines. I remember the conversations with my parents about what the trials meant. I am sure there were similar conversations at kitchen tables across the country. I also remember when the headlines began to fade and the 
Scottsboro Boys gradually disappeared from the national spotlight.

As we began to write The Scotsboro Boys, it was immediately apparent why it was so important to tell their story. Behind the headlines, the spectacle, the ongoing trials and the histrionics of politicians and lawyers was the story of nine young African American boys determined to prove that they mattered. And as collaborators, our kitchen table conversations continued: How was it possible that a group of innocent boys could be destroyed by a single lie? Why was it easier to believe that lie than it was to accept the truth?

The Scotsboro Boys is a story that still resonates today as we struggle to give voice to those who are marginalized or disenfranchised. I remember how much the story touched me as a young boy growing up in Kansas City. And it touches me even more today. Writing The Scotsboro Boys has been one of the most rewarding experiences of my career. I am eager for you to join us and become part of a conversation that I know you will take back to your own kitchen table.
Scottsboro Profiles

The Defendants

Olen Montgomery (Age 17)
Olen Montgomery had a fifth-grade education and was one of the few Scottsboro Boys able to write when they were jailed in March 1931. He was extremely nearsighted and nearly blind in one eye from a cataract. Before boarding the freight train to Memphis, he was in Chattanooga trying to earn enough money for a new pair of glasses.

Clarence Norris (Age 18)
Clarence Norris was the son of sharecroppers; his father had been born a slave. After his father died, Norris left home at age 16. Once riding the rails looking for work, he was caught and almost killed by railroad cops; another time he was arrested for vagrancy and received a one-day sentence breaking up a coal mine.

Haywood Patterson (Age 18)
Haywood Patterson was the fourth of nine siblings. When he was young, he made deliveries for Jewish merchants to help out his family, but at 14 he decided the best way he could help would be not to eat at home. He started hopping on freight trains, and by age 16 he was an expert hobo. He was on his way to Memphis to find work when he was arrested.

Ozie Powell (Age 15)
Ozie Powell was born to an abusive father who left the family when Powell was a small boy. He worked odd jobs, and at 14 he ran away from home and bounced from highway camps to sawmills for weeks or months at a time.

Willie Roberson (Age 17)
Willie Roberson's father walked out on the family when Roberson was two months old; his mother died two years later. He reached the seventh grade before quitting to work as a hotel busboy. Riding the train, he was looking not only for work, but also for a free hospital to treat his severe cases of syphilis and gonorrhea. He also suffered from asthma.

Charlie Weems (Age 19)
Charlie Weems's mother died when he was four and only one of his seven siblings survived beyond childhood. He completed school through the fifth grade, but he quit to take a job at a pharmacy when his father became unable to work. He then worked on a road gang and then a farm.

Eugene Williams (Age 13)
Eugene Williams was only 13 in 1931. He was born in Chattanooga and worked there in odd jobs at a cattle ranch before moving with his friends Haywood Patterson and the Wright brothers when he was taken off the Memphis-bound train.

Andrew "Andy" Wright (Age 19)
Andy Wright was born in Chattanooga; he did well in school, and could read and write a bit, but had had to quit in the sixth grade after his father died in order to help his mother support his brother and younger sister.

Leroy "Roy" Wright (Age 13)
Roy Wright was a young-looking 13-year-old when he was jailed in Scottsboro. He quit school early to work in a grocery store in his hometown of Chattanooga, and he was often in the company of his older brother, Andy. His journey to Memphis was his first trip away from home; his mother did not even know he had left.
The Accusers

Victoria Price (Age 21)
Victoria Price lived in Huntsville, Alabama, in a small shack with her ailing mother. She began working in a mill at the age of ten; conditions were dismal and shifts were low-paying and scarce. Price's reputation as a hard-drinking prostitute was widely established in Huntsville and Chattanooga.

Ruby Bates (Age 17)
Ruby Bates had a better reputation than her friend. After the family escaped from her alcoholic, abusive father, Bates lived in a bare but clean shack with her mother in Huntsville. Hers was the only white family on the block in a black section of town. Bates was frequently described as a "notorious prostitute."

Others

Samuel Leibowitz
After the initial Scottsboro trial in 1931, the Communist Party's International Labor Defense (ILD) hired Samuel Leibowitz, a Jewish lawyer from New York, to defend the Boys. Leading up to the Scottsboro case, he had represented 78 defendants on trial for murder: none were convicted. Leibowitz was not a Communist (in fact, he was a mainstream Democrat who had never been associated with class-based causes), but he agreed to fight (without pay) for the Boys. Although a passionate, well-prepared, and savvy litigator, Leibowitz was hampered by his status as an outsider in a southern courtroom. He challenged southern conventions by demanding that prosecutors treat black witnesses with respect while not hedging his cross-examination of the difficult Price. He became one of the most hated people in Alabama.

The Interlocutor, Mr. Tambo, and Mr. Bones
The traditional minstrel show, which had its heyday in the mid 19th century, used set rituals and characters. The Interlocutor was the master of ceremonies, who sat onstage at the center of a semicircle of chairs and structured the show. Mr. Tambo and Mr. Bones (named for the instruments they played, the tambourine and the bones) were the two comedic pranksters who sat at either end of the semicircle and interrupted the proceedings with their antics.

Turning Taboo on its Head

The Scottsboro Boys' story was photographed by Erich Lessing. It is long, harrowing, and we are too sensitive to the cues. What we need is to bring the story back to once again. The Boys had been tried, convicted, and sentenced to be hung. The world was against them, and the Boys were against the world. We need to form the sort of the Scottsboro Boys and their fates into a whole, but we did not: the paint did not stick. Turn the Taboo on its Head. The Boys were a symbol of what is wrong with the world, the interlocutor and the master of ceremonies were the symbols of what is right. The Boys were a symbol of the world, the interlocutor and the master of ceremonies were the symbols of the world.