

## The Scottsboro Case, Revisited

## “A Special Paper In The Fight For Educational Equality”

A Speech By: Charles Hamilton Houston, International Labor Defense Conference, July 15, 1939

[page 1]...The essential thing so far as either security of the Negro people or intelligent direction on the part of liberal leaders is concerned, is to emphasize lynching first. It makes no difference and profits little for a Negro or white person to work and save for fifty years when a mob can come through, and burn down his home or throw him out of his living quarters. Such a person has no place to go and he becomes a refugee here in America. That, of course, is what always happens when a mob goes on a rampage. If lynching really was a matter of punishment of crime, the lynching would be over when the victim was dead. But if one studies the record of American lynchings he will find lynchers always drag the victims through the Negro sections and leave them on the steps of a Negro Church or hall as a direct method of terrorization of the whole community.

This brings us to another question which seems particularly important for a Conference such as this, and that question is in fighting for the Negro people, you are not simply fighting for the Negro people as such. It seems to me that one of the things you should realize – at least one of the things I believe – is that the Negro people represent the balance of power – the ultimate balance of power in any liberal movement in the United States.

[page 2]...We are now the balance of power so far as national politics is concerned. Even back so far as the Civil War, it was the two hundred thousand Negro troops in the National Army, representing also a loss of two hundred thousand workers in the Confederacy, which was the balance of manpower which turned the tide of the Civil War. And some of you who know little about Negroes representing the balance of power in America ...Under those circumstances, I am coming back to the proposition of saying, in this struggle for first, physical security for the Negro people is bound up [sic] your struggle for security for labor leaders, your struggle for security for liberals and progressives. In supporting Negroes in this struggle you are also giving courage to Negro masses and inspiring them to take their places alongside other progressive forces in America. Because again, what is the situation in regard to the Negro masses. We can illustrate by the Scottsboro Boys. Those boys were on a freight train going from one place to another looking for work. Although the particular technique was a judicial lynching, the actual social effect is the same as though the mob had taken them and strung them on a telephone pole – it was an attempt to keep the Negro farmworker and casual workers in subjection, to tie them down to their home localities and prevent them from migrating in search of better work, shorter hours, and more pay, and to isolate them from the other workers of America.

[page 4]...the question that Mr. Moore brought about the Scottsboro Case, represents the next step in the lynching fight. Scottsboro was a judicial lynching. The next development is that these extra-judicial mob lynchings are going to turn into judicial and official lynchings unless the drive of liberal forces is carried way beyond a Federal anti-lynching law, to complete justice in the courts and to true universal suffrage.

But now to get to my specific topic of education. After one has obtained physical security for the population, the next thing is to bring the population to a position where it can cope with the problems of the day. So far as the Negro people are concerned, if my thesis is correct that they hold the balance of power over any sustained period of time, education of the Negro becomes particularly important for the reason that at the present time the Negro is isolated, restricted and eliminated from most of the movements in American life. In other words, we don't get our apprenticeship in the politics, we don't get our apprenticeship in labor organizations, we don't get our apprenticeship in the social services, and therefore it becomes all the more important that we should get a correct and also an equitable opportunity so far as education and preparation for life is concerned."

Charles Hamilton Houston

Special Counsel – NAACP

Source curated by Gordon P. Andrews, Associate Professor of History, Grand Valley State University

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**DOCUMENT 8.6**

Historical Era

**THE GREAT DEPRESSION  
AND WORLD WAR II  
(1929-1945)**

Document Title:

**The Scottsboro Case Revisited, 1939**

Document Type:

**Speech****BRIEF DESCRIPTION:** Charles Houston delivered this speech to an International Labor Defense conference on July 8<sup>th</sup>, 1939. His "Special Paper on...Educational Equality" speech draws a connection between labor, civil rights, and education. Houston specifically links the Scottsboro Case to labor control.**Document Selection and Teaching Guide by:**

Gordon Andrews, Associate Professor of History, Grand Valley State University

**SOURCING THE SOURCE**

Charles Hamilton Houston (1895-1950) was a civil rights icon who is probably best known as the man who laid the groundwork for *Brown v. Board of Education* (1954). Throughout his professional career (1925-1950) he served as Vice Dean of Howard Law School, collaborated with attorneys in the Scottsboro Case, represented African American railroad workers, and was involved in almost every major civil rights Supreme Court Case during that time, losing only one. Significantly, Houston constructed a three-pronged strategy to undo the stultifying impact of *Plessy v. Ferguson* (1896) by focusing on the courts, legislation, and the workplace. By 1939, Charles Houston had begun working full-time as Chief Legal Counsel for the National Association for the Advancement of Colored People (NAACP). That year Houston aimed his immense talent at the state of unequal education in the country, which to his mind, was intimately intertwined with the world of work and civic life.

The International Labor Defense (ILD) was the legal arm of the Communist Party. During the 1930s, African Americans in the South widely recognized the ILD as perhaps the only organization that would provide legal representation for labor and civil rights violations.

**Intended Audience:**

The biennial International Labor Defense Conference of 1939, held at the Hotel Hamilton Washington, D.C., was intended to address significant social issues confronting the American public. Members of the Communist Party-USA, as well as non-members, attended the conference. Houston's speech was intended to engage the public, national and state leaders, including some from Howard University, and members of labor unions who may have attended or participated in the open discussions that followed.

**UNDERSTANDING THE SOURCE** **Historical Context:**

In the spring of 1931, twelve young men hopped a train with the hope of securing jobs in the next town. As they flung themselves up and into the car, they found seven white men and two white women already on board. A fight quickly ensued, resulting in the seven white men being

thrown off the train. When the train arrived in the small town of Scottsboro, Alabama, the white men had already complained of the assault to the local police, and the authorities were waiting for the young black men. While they were being interviewed, the two women in the car, Ruby Bates and Victoria Price, pressed charges against them. Dressed in overalls, the out-of-work mill workers claimed to have been repeatedly raped by the black men. From that moment, the travails of the young men captured the attention of national and global media, as race, labor, and the vagaries of the law took center stage.

The Scottsboro case is understood today as a travesty of justice, as eight of the nine defendants were sentenced to death after receiving incompetent representation during their brief trial. Following their highly questionable convictions, the International Labor Defense took up their case. The ILD's representation of the nine men created an open debate between the NAACP and the ILD over tactics and intentions. Both groups organized protests against the convictions, creating public pressure in support of the Scottsboro Boys that contributed to two Supreme Court victories in *Powell v. Alabama* (1932, remanding the case for a second hearing) and *Norris v. Alabama* (1935, again remanding the case due to the exclusion of Black jurors). Despite these impressive victories, their decades-long struggle for justice persisted, with some of the men paroled in the 1940s and the last of the convicted men pardoned in the 1970s.

In the last decades of the nineteenth century 90% of African Americans lived in the South. The vast majority lived in rural areas, working in plantation agriculture where a system of sharecropping had replaced the pre-Civil War system of enslaved labor. In the second and third decades of the 20<sup>th</sup> century millions migrated out of the South in search of greater freedom and economic opportunities, in what historians call the "First Great Migration." This migration continued, although in smaller numbers, throughout the 1930s.

The political structure of the South, from the post-Reconstruction Era to the 1930s, provided stultifying impediments for African Americans attempting to work and earn a living wage for their families. Governments and employers used a number of legal and extralegal measures to keep black workers tied to the South, restrict labor costs and prevent black progress. These obstacles ranged from the enactment of black codes following the Civil War, to the abhorrent practice of lynching as a means to terrorize and restrict freedom of movement, the institution of peonage labor, and even outright enslavement. Rigidly enforced vagrancy laws entrapped poor blacks, primarily men, effectively enforcing a peonage system. It became common practice on the part of local police forces to arrest black men of any age who could not demonstrate residency or employment, or did not possess enough money to avoid the charge of vagrancy. These "vagrants" were then forced to labor in the convict lease system. African Americans in the South were "[u]nable to move or seek employment elsewhere, under threat that doing so would lead to the dreaded chain gang."<sup>1</sup> For example, although Georgia had outlawed the selling of persons in order to recover debts in 1908, by 1930 there were some 8,000 men, mostly black, working on chain gangs in Georgia, each of whom had been sold by a local or state government into servitude. These local and state policies, together with the

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<sup>1</sup> Gordon Andrews, *Undoing Plessy: Charles Hamilton Houston, Race, Labor, and the Law, 1895-1950*, (Newcastle upon Tyne: Cambridge Scholars Press, 2014): 128-135.

federal government's use of work-or-fight legislation during WWI to forcibly constrain black workers, made simple movement to secure employment perilous.

Rape charges, as in the Scottsboro case, have long been used by whites against black men as a means of terrorizing them, and controlling their movement. For example, nine months after the arrests in Scottsboro, many newspapers referred to rape charges against Jesse Hollins in Oklahoma as 'Scottsboro II.' This case resulted in another Supreme Court decision, *Hollins v. Oklahoma*, (1935), which also concluded that the accused's constitutional rights had been violated. False accusations of rape as a means of control also appear as the subject of historical fiction, most notably in Harper Lee's *To Kill a Mockingbird*.

All of these efforts on the part of the white elite made the South a particularly dangerous place for African Americans to live and work during the Great Depression of the 1930s. The nine young men, popularly known as the "Scottsboro Boys," learned this first-hand when they were arrested. The use of the word "boy" requires some clarification. During the Jim Crow era whites used the term "boy" to infantilize black men; they clearly intended it to be derogatory and degrading. In this speech, however, Houston was using the term to describe the innocent intentions of the nine young men, some of whom were actually children (ranging in age from thirteen to twenty). Notably, in the 1930s the legal voting age was twenty-one.

Charles Houston would lend his appreciable talents to proving the men's innocence and winning their release. Throughout the Scottsboro Case two groups competed for the allegiance of African Americans: the NAACP and the Communist Party, USA. The legal wing of the NAACP and the legal arm of the Communist Party (the ILD), each took on defense of the men convicted in the Scottsboro Case. Their competition sheds light on the particularly distressed state of laboring blacks in the South, as workers weighed the issues of class, race, and allegiance as part of a vigorous discourse over the future. The debate centered on the best way to move the condition of freedom forward in the midst of economic catastrophe. Houston felt the NAACP had neglected workers, and the poor in general, and that the Communists were using poor blacks (and whites for that matter), to advance their own agenda.

At the time of this speech, eight years after the initial trial, Houston was confronting inequality on as many fronts as his energy would allow. This included challenges to nominally liberal groups, such as the the American Federation of Labor (AFL), and the Congress of Industrial Organizations (CIO), as well as to the Roosevelt administration, and states whose policies and laws denied full rights of citizenship to people of color, including the right to vote and equal employment opportunities. In this speech we hear Houston challenging the ILD and its progressive supporters to be part of a movement fighting for full integration and opportunities for African Americans in employment, politics and work. Members of the larger Communist Party and progressive movement of which the ILD was a part, were active and often highly respected leaders in the labor movements of the 1930s.

□ **Meaning and Significance of the Source**

Charles Houston recognized that the Scottsboro Case was inexorably linked to the freedom to work and earn a living in the face of forces that sought to artificially, or extralegally, restrict movement; that it was just another in a long line of attempts by whites to restrict the movement of free labor. Houston makes this connection explicit when he explains why the men were on

the train: “Those boys were on a freight train going from one place to another looking for work. Although the particular technique was a judicial lynching, the actual social effect is the same...it was an attempt to keep the Negro farmworker and casual workers in subjection, to tie them down to their home localities... and to isolate them from the other workers of America.” This notion has been borne out in more contemporary research. In her history of the NAACP, Patricia Sullivan emphasizes that those nine young men, ranging in age from thirteen to twenty years old, were in fact looking for work, not trouble. She writes, “The women were unemployed cotton mill workers from Huntsville, Alabama; the young men were from towns in Tennessee and Georgia. Poor, adrift, and looking for work...”<sup>2</sup>

The issues of race and labor, comingled with the explosive element of interracial sexuality, were not uncommon in the South of the early 1930s. Houston alludes to this in language that his audience would have well understood when he says “The essential thing...is to emphasize lynching.” He reminds his listeners of the falsity of rape claims commonly used to justify lynchings: “If lynching really was a matter of punishment of crime, the lynching would be over when the victim was dead. But...[the victim is dragged through the Negro section as] a direct method of terrorization of the whole community. ”

Re-examining the Scottsboro incident in a speech to the ILD, which had mobilized so fully to defend the Scottsboro Boys, was guaranteed to resonate with an audience well aware of the injustice of the case. The Communists posed a serious challenge to the NAACP in the South during the 1930’s, creating a competition between the two groups. Houston understood that African Americans could count on one consistent representative of their interests in the South, the Communist Party; the NAACP had little representation in the South. Houston not only understood why communism appealed to the poor, but appreciated what it had done for blacks by turning “the race issue into the class issue.” In the speech he seeks to show that this must be a reciprocal relationship, arguing that “The Negro people represent the balance of power” and that they have something to offer to the ILD cause: “I am coming back to the proposition of saying, in this struggle for first, physical security for the Negro people is bound up [sic] your struggle for security for labor leaders, your struggle for security for liberals and progressives.” Framing this as part of a larger and longer struggle, Houston appeals to his audience to support liberal and progressive candidates so that African Americans “get a correct and also an equitable opportunity so far as education and preparation for life is concerned,” which he sees as essential to their entry into politics, labor organizations and social services.

Houston’s willingness to speak to the NAACP’s rival, the ILD, and his speech linking workers’ rights to the Scottsboro Case offer an opportunity to consider the centrality of labor rights in his pragmatic approach, both short and long term, to the freedom struggle.

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<sup>2</sup> Gordon Andrews, *Undoing Plessy: Charles Hamilton Houston, Race, Labor, and the Law, 1895-1950*, (Newcastle upon Tyne: Cambridge Scholars Press, 2014): 134–135.



## GLOSSARY

**American Federation of Labor (AFL)** – A federation of unions that organized skilled labor (craft unions), initially under the leadership of Samuel Gompers beginning in 1886. The AFL merged with the Congress of Industrial Organizations (CIO) in 1955.

**Charles Hamilton Houston** – (1895–1950) Civil Rights attorney who focused on race, labor, and the law using a three pronged strategy, involving the workplace, courts, and politics, to end inequality in the United States. Beginning in the 1930s, Houston worked as the first legal counsel for the National Association for the Advancement of Colored People (NAACP).

**Congress of Industrial Organizations (CIO)** – organized workers engaged in mass production and industrial work, initially founded by John L. Lewis in 1935 as a rival to the AFL. The CIO merged with the AFL in 1955.

**Extra-judicial** – Occurring outside the legal boundaries of the law.

**International Labor Defense** - the legal arm of the Communist Party in the United States.

**National Association for the Advancement of Colored People (NAACP)** – Founded in 1909, the NAACP is the largest and longest established organization to advocate for civil rights in many areas including the law, education, economics and society writ large. It was, and is, involved in many of the historic moments in modern US history.

***Plessy v. Ferguson*** – The 1896 Supreme Court case that ruled that “separate but equal” was the law of the land. The Court declared that segregation, what the Court termed “separate but equal,” did not violate the “equal protection” clause of the Fourteenth Amendment.

**Scottsboro Boys** – Nine young black men who were falsely arrested, charged, and convicted of rape in the town of Scottsboro, Alabama in 1931. Their personal tragedy lingered into the 1970’s, impacting the legal, cultural, and political, history of the United States, including two Supreme Court Cases, *Powell v. Alabama* (1932), and *Norris v. Alabama* (1935).

## QUESTIONS -- DISCUSSION POINTS

### Source Specific

- How is Charles Hamilton Houston framing the importance of education?
- Why does Houston think it significant that the issue of lynching be addressed first?
- What does Houston mean when he says “the Negro people represent the balance of power”?
- How does Charles Houston link the Scottsboro Boys to labor rights and conditions?

### Historical Era

- What does a national conference of the International Labor Defense help us understand about the politics of the 1930’s?
- Based on the speech, what reforms might Houston have wanted the Roosevelt Administration to enact to reform the unequal political structure?
- How does Houston help to clarify our understanding of grassroots strategies for the attainment of equality in the 1930’s?

### Labor & Working Class History

- How has the labor of African Americans impacted US history?

- What is the connection between the Scottsboro Boys and working conditions and employment opportunities in America?
- How is the tragedy of the Scottsboro Boys part of a larger history of restricting the movement of black labor (men and women)?
- What is the relationship that Houston draws between apprenticeships and the fulfillment of civic equality? Does it apply today?

### **CITATION & FAIR USE**

Charles Houston, "Speech to the ILD, July 8, 1939," Box 163-17 Folder 23, Manuscript Division, Moorland-Spingarn Research Center, Howard University.

### **ADDITIONAL SOURCES**

#### **Books**

Andrews, Gordon. *Undoing Plessy: Charles Hamilton Houston, Race, Labor, and the Law, 1895 – 1950*. New Castle upon Tyne: Cambridge Scholars Press, 2014.

Carter, Dan, T. *Scottsboro: A Tragedy of the American South*. Baton Rouge: Louisiana State University Press, 2007.

James, Rawn. *Root and Branch: Charles Hamilton Houston, Thurgood Marshall, and the Struggle to End Segregation*. New York: Bloomsbury Press, 2010.

McNeil, Genna Rae. *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights*. Philadelphia, University of Pennsylvania Press, 1983.

Sullivan, Patricia. *Lift Every Voice: The NAACP and the Making of the Civil Rights Movement*. New York: The New Press, 2010.

Wilkerson, Isabel. *The Warmth of Other Suns: The Epic History of America's Great Migration*. New York; Random House, 2010.

#### **Media and Web-Based Sources**

American Civil Liberties Union. "Black Justice" Report, 1931. See "Slavery Today?" section. <https://www.aclu.org/report/aclus-1931-black-justice-report>

The Great Migration. InMotion: The African American Migration Experience. <http://www.inmotionaame.org/migrations/landing.cfm?migration=8>

The Scottsboro Trial: A Timeline. PBS. <https://www.pbs.org/wgbh/americanexperience/features/scottsboronine-black-youth-arrested-for-assault/>

*Scottsboro: An American Tragedy*. Barak Goodman, Director. American Experience. 2001. Available through PBS.

Separate is not Equal: Brown v. Board of Education. Smithsonian National Museum of American History. <https://americanhistory.si.edu/brown/history/2-battleground/battleground.html>

*Slavery By Another Name*, Samuel Pollard, Director. TPT National Productions, 2012. Available through PBS.



## **CURRICULAR & PROFESSIONAL DEVELOPMENT CONNECTIONS**

### **Curricular Connections:**

NCHS US ERA 8 Standard 1: **The causes of the Great Depression and how it affected American Society**

This document illuminates the strategies used by those concerned with civil rights and labor during the Great Depression. It does so by discussing the multipronged strategy used by groups and individuals to attack racism in the workplace, education, and political sphere.

NCHS US ERA 8 Standard 2: **How the New Deal addressed the Great Depression, transformed**

This document reveals the manner in which the issue of labor, race, and the courts helped to transform federalism in the US.

### **Common Core Standards:**

[CCSS.ELA-Literacy.RH.11-12.1](#) Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

[CCSS.ELA-Literacy.RH.11-12.2](#) Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

[CCSS.ELA-Literacy.RH.11-12.3](#) Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.

[CCSS.ELA-Literacy.RH.11-12.5](#) Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the whole.

[CCSS.ELA-Literacy.RH.11-12.6](#) Evaluate authors' differing points of view on the same historical event or issue by assessing the authors' claims, reasoning, and evidence.

[CCSS.ELA-Literacy.RH.11-12.8](#) Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.