

STATE OF ALABAMA
CIRCUIT COURT

J. H. GREEN, CLERK

DECATUR, ALABAMA

November 14, 1933

Governor B. M. Miller,
Montgomery, Alabama.

Dear Governor:

It has fallen to my lot to try the Scottsboro negroes. I am opposed to trying any case with soldiers in the courtroom unless it is absolutely necessary, and I am very much inclined to the opinion that when the conditions are such as to require soldiers, they are such that a defendant could not get a fair trial.

I do not believe now and have never believed that soldiers were necessary in the trial of these Scottsboro negroes at Decatur. Of course you could find, I presume, numbers of people who would probably make statements that they thought the negroes ought to be convicted, or that they ought to be hung, and probably some would say that they ought to be mobbed, but I can't believe that the sober minded people of this county have any such feeling as that; in fact I have never heard but very little expression of feeling against the negroes. There has been some feeling expressed against the lawyers in the case.

I believe that the militia not only advertises the case and thereby brings an extraordinary number of people to court, but that it also irritates the situation. I think it would be decidedly better to try the case just as any ordinary case is tried, except that I feel that there should be a number of bailiffs and deputies. I have somewhat looked into the law, and it appears that I have power to appoint only four bailiffs. I do not think that is enough. What it appears to me that I need, is about a dozen men of sound judgment and stamina, and who have had experience in handling of crowds and in dealing with the criminal minded. The jail at this place is so insecure that in ordinary cases it requires a guard all the time to prevent escapes from the jail, and of course on this occasion some extra precaution must be taken about guarding the jail.

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When the Attorney General was here I went over this matter with him and he said that he would see to it that I had all the necessary men that I needed, but I did not then see just what authority he had, and I have heard nothing from him since. I do not know the extent of your authority, but it would appear that you would have authority to send a sufficient number here to have an orderly trial. I presume that I would have the inherent power to appoint sufficient number of men to protect the prisoners and to insure an orderly trial, but under my appointment the question comes up: How would these parties be paid?

We are confronted with another complication and that is this: The trials were drawn out at great length here before and considerable bills were incurred at the boarding houses and hotels. Those bills have never been paid, and the Sheriff informs me that the hotels and boarding houses are declining to feed and house the jury.

I am laying these matters before you to see what suggestions you feel justified in making.

The prisoners are to be arraigned in Decatur on the 20th, and the trials are set for the 27th of this month.

Yours very truly,

W. W. Callahan
W. W. Callahan

WWC/NH