

## LESSON

### Scipio A. Jones: Defending the Convicted in the Elaine Riots

Between September 30 and October 4, 1919, a racial conflict occurred near Elaine in Phillips County, Arkansas, that resulted in the deaths of five white men and an unknown number of African Americans—possibly in the hundreds. The Southern white press reported that African Americans in the area planned to kill all the whites in Phillips County and take over their lands. African American tenant farmers and sharecroppers wanted fair payment for their crops. Also, whites were intent on destroying a planned union for sharecroppers. However, to date nobody is sure who fired the first shots that began the fighting. Hundreds of blacks were taken into custody—some of them were held for questioning and others were arrested. The riots made news in the national, state and local newspapers.

Arkansas governor Charles H. Brough named a committee of seven prominent white citizens of Phillips County to investigate the situation. Over 70 black citizens were found guilty of various charges, including murder. No whites were charged at all. Twelve black men received death sentences. Biased evidence was presented in hasty trials. African Americans and sympathetic whites believed the trials were unfair, believing prisoners were tortured into confessing. The National Association for the Advancement of Colored People (NAACP) sought to overturn the trial results.

Working with the NAACP, black Little Rock attorney Scipio A. Jones planned steps to save the twelve men from their impending execution in November 1919. The NAACP also decided to appeal the decisions to the Arkansas State Supreme Court, which divided the twelve men into two groups of six men each. The State Supreme Court delivered its judgment in both sets of cases on March 29, 1920. In the case of *Banks v. State*, the Court ordered a retrial, because the Phillips County Circuit Court had not specified the crimes in its verdict. In *Hicks v. State*, Jones was not successful and the death penalties for the six African Americans remained in effect.

In *Banks v. State*, the state delayed prosecution for two consecutive terms of the county's circuit court. Under Arkansas law at the time, such a circumstance made the cases eligible for dismissal. On June 26, 1923, the NAACP appealed to the State Supreme Court for dismissal; the Court agreed and the six men were freed.

In *Hicks v. State*, which was later tried as *Moore v Dempsey*, the NAACP argued in the U.S. Supreme Court that the original trials were unfair and based on biased evidence, including confessions gained by torture. The U.S. Supreme Court ordered the Arkansas State Supreme Court to investigate the facts of the case. It also declared all previous trials null and void. The NAACP chose to work out a compromise with the governor. On November 3, 1923, Arkansas governor Thomas C. McRae changed the death sentence of the six persons to twelve years imprisonment. He also took into account the period they had already served in prison from October 1919. The six men were left to serve eight years in prison.

In December 1924, the governor granted indefinite furloughs to some eight men in another Elaine riots case, serving twenty-one year sentences. This news prompted Scipio A. Jones to meet with the governor to discuss the six men whom he was defending and who still had to serve eight years in prison. The governor heard Scipio A. Jones sympathetically, and he pardoned the final six defendants. On January 14, 1925, Scipio A. Jones escorted the prisoners to freedom.

**Please note:**

**The lesson plan is suggestive of a beginning point for teachers. Teachers are advised to modify to meet their specific classroom needs.**

**LESSON PLAN**

***Lesson:* Scipio A. Jones: Defending the Convicted in the Elaine Riots**

***Recommended grade level:* 8<sup>th</sup> grade**

***Time required:* 2-3 class periods of 50 minutes duration**

***Curriculum fit:* Arkansas History or English**

***Arkansas History Curriculum Frameworks:* RP.6.AH.7-8.2; W.7.AH.7-8.1**

***English Curriculum Frameworks:* OV.1.8.1, 1.8.2, 1.8.3, 1.8.4, 1.8.5, 1.8.6, 1.8.8, 1.8.9; 2.8.4, 3.8.1; W.4.8.1, 4.8.2, 4.8.3, 4.8.7, 4.8.9, 4.8.10, 5.8.9, 5.8.10, 6.8.7, 6.8.8, 6.8.10, 7.8.11; R.9.8.1, 9.8.6, 9.8.19, 9.8.22.**

***Objectives:***

***Students will be able to:***

- demonstrate their understanding of the legal cases of the Elaine Riots by filling out the open-response worksheets and presenting them to the class.
- demonstrate their comprehension about the role that Little Rock black attorney, Scipio A. Jones played in defending the legal cases of the Elaine Riots by filling out the open-response worksheets and presenting them to the class.

***Procedure:***

**Phase 1: Student-Group Activity**

- 1) Make copies of the lesson “Scipio A. Jones: Defending the Convicted in the Elaine Riots” and the “Worksheets.” Also, prepare transparencies of the “Worksheets.”
- 2) Create five groups of students and assign group numbers.
- 3) Provide the lesson to the student-groups.
- 4) Instruct and assist students to read the lesson.
- 5) Hand out the “Worksheets” to the students.
- 6) Instruct student-groups to fill out their respective worksheets. For example, group 1 fills out Worksheet 1; group 2 fills out Worksheet 2; and so on, for all the five worksheets.

## **Phase 2: Teacher & Student-Group Activity**

- 1) Place Worksheet 1-transparency on the overhead projector.
- 2) Call upon group 1 to present their response.
- 3) Discuss their response with the class.
- 4) Write the correct response on the transparency.
- 5) Instruct all the students in the class to note down the correct response.
- 6) Repeat the above steps until you complete all the five worksheets.

## WORKSHEETS

### **Scipio A. Jones: Defending the Convicted in the Elaine Riots**

#### **Worksheet 1**

##### **FACT**

- What were the causes of the Elaine Riots?
- Which parties were involved in the Elaine Riots?
- What happened in the Riots?

## Worksheet 2

### FACT

- What did the committee of seven prominent white citizens decide about the case?
- According to the lesson, what was the step that Scipio A. Jones took with the NAACP in the case?

*Banks v. State Case*

**Worksheet 3**

**DECISION**

- What was the decision of the Arkansas State Supreme Court in the *Banks v. State* case?
- What was the reasoning behind this decision?

**RULE**

In the *Banks v. State* case, which rule was applied when the case moved to the Circuit Court in the county?

**DECISION**

- What was the decision of the Circuit Court in the *Banks v. State* case?
- What was the reasoning behind this decision?

*Hicks v. State Case*  
(Later became *Moore v. Dempsey Case*)

**Worksheet 4**

**DECISION**

What was the decision of the Arkansas State Supreme Court in the *Hicks v. State* case?

**DECISION**

What was the decision of the U.S. Supreme Court in the *Moore v. Dempsey* case?\*

\* Note: The *Hicks v. State* case was later tried as *Moore v. Dempsey* case.

***Moore v. Dempsey Case***  
**(Earlier was *Hicks v. State Case*)**

**Worksheet 5**

**DECISION**

What was the decision of Arkansas governor Thomas McRae in the *Moore v. Dempsey* case on November 3, 1923?

**RULE**

What news prompted Scipio A. Jones to appeal to Arkansas governor Thomas McRae in the *Moore v. Dempsey* case?

**DECISION**

What was the final decision of Arkansas governor Thomas McRae in the *Moore v. Dempsey* case on January 14, 1925?

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**ASSESSMENT**

1. Elaine is in _____ County.
A. Pulaski
B. Pope
C. Polk
D. Phillips
2. Which of the following <b>best</b> defines the term “sharecropper”?
A. a vendor who sells crops and invests money in shares.
B. a poor farmer who works on the land of the landowner, in return for a large share of the crop.
C. a shareholder who sells crops.
D. a group of people who share failures in life.
3. Who was the governor of Arkansas between 1917-1921?
A. Junius M. Futrell
B. George W. Hays
C. Charles H. Brough
D. Thomas C. McRae
4. What does the popular acronym NAACP stand for?
A. The National Association for the Advancement of Colored Programs
B. The National Association for the Advancement of Colored People
C. The National Association for the Advancement of Colored Partners
D. The National Association for the Advancement of Colored Professionals
5. According to the lesson, in which case did the Arkansas State Supreme Court order a retrial?
A. <i>Banks v. State</i>
B. <i>Hicks v. State</i>
C. <i>Moore v. Dempsey</i>
D. None of the above
6. According to the lesson, which case continued to support the death penalties for the six African Americans?
A. <i>Banks v. State</i>
B. <i>Hicks v. State</i>
C. <i>Brown v. State</i>
D. <i>Cooper v. State</i>

7. According to the lesson, in which case did the Arkansas State Supreme Court free the six African Americans upon an appeal by the NAACP?
A. <i>Banks v. State</i>
B. <i>Hicks v. State</i>
C. <i>Moore v. Dempsey</i>
D. None of the above
8. Who was the governor of Arkansas between 1921-1925?
A. Junius M. Futrell
B. George W. Hays
C. Charles H. Brough
D. Thomas C. McRae

### READING OPEN-RESPONSE ITEM

Using details from the lesson, describe the *Banks v. State*, *Hicks v. State*, and *Moore v. Dempsey* cases.

### RUBRIC FOR READING OPEN-RESPONSE ITEM

SCORE	DESCRIPTION
<b>4</b>	The response clearly describes all the three cases.
<b>3</b>	The response clearly describes all the three cases, but some part of the discussion is unclear.
<b>2</b>	The response clearly describes two cases.
<b>1</b>	The response clearly describes one case.
<b>0</b>	The response is incorrect or irrelevant.
<b>B</b>	Blank – No Response. A score of “B” will be reported as “NA” (No Attempt – Zero Score).

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**GLOSSARY OF TERMS**

<b>Consecutive</b>	one after another; successive; repeated.
<b>Furlough</b>	temporary leave from prison.
<b>Impending</b>	just round the corner; approaching.
<b>Indefinite</b>	not sure when the period ends; unclear; uncertain.
<b>National Association for the Advancement of Colored People (NAACP)</b>	This is a group that protects the civil rights of African Americans and other minorities. They work for the equal protection and equal opportunity under the law for African Americans and other minorities. They especially work to eliminate discrimination in education, voting, employment, housing, use of public transportation and facilities, etc. The Association was established on February 12, 1909.
<b>Null and Void</b>	invalid; having no value or importance under law.
<b>Prominent</b>	famous; important.
<b>Prosecution</b>	to officially accuse a person of committing a crime, and to bring a case against them in a court of law.
<b>Sharecroppers</b>	farmers who worked on the land of the landowners and obtained supplies for growing a crop, in return for a large share of the crop. The system benefited the landowners, but sharecroppers generally stayed in debt.
<b>Tenant Farmers</b>	farmers who rent lands on which to produce crops. They are not obligated to the owner for anything except the rent, and acquire their supplies and equipment on their own rather than from the landlord.

**Scipio A. Jones: Defending the Convicted in the Elaine Riots**

**ADDITIONAL RESOURCES**

Cortner, R. C. *A Mob Intent on Death: The NAACP and the Arkansas Riot Cases*. Fayetteville: University of Arkansas Foundation, 1972.

Dillard, T. "Scipio A. Jones." *Arkansas Historical Quarterly* 31 (Autumn 1972): 201-219.

Lewis, Todd. "Race Relations in Arkansas, 1910-1929." PhD diss., University of Arkansas, 1995.

Taylor, Kerry. Scipio Africanus Jones. In *Arkansas Biography: A Collection of Notable Lives*, ed. Nancy A. Williams, 155-156. Fayetteville: University of Arkansas Press, 2000.