

**Evidence that James Scott was Lynched
for a Crime He Did Not Commit**

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I believe I should begin with a quick synopsis of historical facts. Shortly after 3:00 p.m. on April 20, 1923, Regina Almstedt, the 14-year-old daughter of a German professor at the University, was on her way to a music lesson. Walking westward, she crossed a long bridge on Stewart Road. The bridge, which was torn down sometime in the forties or fifties, then spanned a deep ravine where Providence Road now runs. On Stewart Bridge, Regina encountered a man who tricked her into entering the ravine beneath them by telling her that there was a child down there, wandering along the railroad tracks and in danger of being killed.

Regina went down to rescue the child, and the man chased her into the ravine and attacked her. She put up a good fight, using her umbrella as a weapon, but eventually she was overpowered and raped. When she reached home, she told her parents and then the police that her assailant was black and about 30 years old, and that he had a Charlie Chaplin mustache.

The police scoured black neighborhoods looking for suspects, and the next day they arrested James Scott, a janitor at the medical school. He was the right age and had a Charlie Chaplin mustache. When police brought Scott to her house, Regina identified him as her assailant. From that moment forward, emotions in the town ran high. Well before Scott was actually charged with the rape, there was talk of a lynching. The formal charge came on April 28, a Saturday, when the town was packed with farm families shopping, gossiping, and looking for excitement. The situation was already a powder keg when the Columbia Tribune hit the street. On the front page was story saying that the evidence against James Scott was damning and that in the circumstances, [and I'll quote this carefully] "the taxpayers should be saved any costs that might accrue from a trial and that summary justice should be dealt to him." That night a mob formed on the courthouse lawn, attacked the jail, removed Scott, and marched to Stewart Bridge. There they lynched him in front of a crowd of perhaps 2000 spectators.

As Reverend Clyde Ruffin, chair of the James T. Scott Monument Committee, has said repeatedly, we don't need to believe that Scott was an innocent man to believe that the lynching was a terrible crime. We don't have to believe he was innocent to understand that the behavior of hundreds of Boone County citizens was that night was barbaric. Even if Scott committed the rape, the distressing fact would remain that dozens of murderers walked the streets of Columbia unpunished in the years that followed. It might seem wrong-headed even to ask what sort of evidence there was against Scott and whether he would have been convicted in a fair trial. But that is precisely the question I want to deal with this evening, and I should explain why.

That Scott never went to trial in the courthouse doesn't mean that he wasn't tried everywhere else. He was tried in the court of public opinion. Both before and after the lynching, he was tried on porches and around supper tables, in pool halls and at meetings of fraternal lodges. And he was tried again in stories passed from generation to generation, becoming Boone County folklore. The verdict in the stories depends on who is doing the talking, and how they understand their world and their community. In general, the folklore of the black community says that Scott was innocent. The folklore of the white community is divided, though I believe that the predominant strain says that he was guilty.

Take, for instance, the story as told by Dorsey Bass, a native Columbian from an old and prominent white family, Bass would have been about eight years old at the time of the lynching, and he clearly was steeped in one traditional way of talking about it. In a 1995 interview, he told Chancellor Haskell Monroe this version: "This guy raped this girl, and they took him down to the Boone County jail. Mr. Fred Brown was the sheriff at that time and he was a pretty tough guy. About two or three nights later, a bunch of guys from up at Harrisburg, mostly, some from Columbia, got together and formed a posse and dragged this guy out. And Mr. Brown, he didn't do a helluva lot to stop them.... Maybe he thought the guy did it; he hadn't been tried. "They took him down there to Stewart Bridge, put a rope around his neck and swung him off and hung him. There was a judge in town named Ruby Hulen. He had hearing a few days later. He had

a guy testifying, and he asked him, 'Were you at the scene of this incident that night?' The guy said 'Yes, your honor,' "'Were there very many people?' The guy said, 'Yes, your honor, quite a few.' "'Did you recognize any of them?' The guy said, 'Yes, your honor. Among others, I recognized *you*.' [Bass gives a chuckle here that I won't try to reproduce] So [says Bass] that ended the hearing."

Dorsey Bass's version of the story is right in many details. What interests me, however, is a fact he has completely wrong. There was no judge at Stewart Bridge that night. In fact, the judge who was scheduled to hear the James Scott case, Henry Collier, was at the jailhouse that night, arguing hard with the mob, insisting on Scott's right to a fair trial. Ruby Hulen, who was not a judge, but was the county prosecutor, also argued with the mob at the courthouse. He went to the bridge only *after* the lynching, and he went there to gather evidence he might use to prosecute the murderers.

The idea that the judge himself was a part of the mob is the most extreme way I've ever heard of saying that *everyone* in the town had already concluded that Scott was guilty, and that he would have hung anyway, so giving him a trial would have been an empty formality. People who tell stories like this are saying, in effect, "no harm/no foul." They are denying that the members of the mob committed any serious crime, or sin, even. At most they committed an impropriety.

In 1995, Sarabelle Jackson told a very different story to one of Chancellor Monroe's students. Ms. Jackson was a black woman, a minister's daughter, who moved to Columbia in 1936, when she was about eight years old. Listen to how her rendition starts, invoking the collective voice of the black community: "That was about the first thing they told us when we got to town, that there'd been a lynching here. And the guy that was lynched was well known in the community. They said they believed the reason they lynched him was because he was the first black that had a car, a real good car. They believed that that's the reason they accused him. There wasn't a rape or anything involved. It was that somebody whistled at the girl, or looked at the girl or something. And they said her father tried to stop it, and people told him that if he didn't go away

they were going to lynch him, too. That [mob] came from people around Hallsville, a community that didn't have any blacks at all.”

Again, there is much about this version of the story that is accurate, but again the divergences from the facts are important. In this version Regina Almstedt was never raped or even physically assaulted, although the documentary evidence shows us clearly that she was. And while it is true that James Scott had a really good car, a practically new Hupmobile, there were other reasons why the police and the mob went after him. The story Dorsey Bass grew up with twists the story one direction to minimize the guilt of the mob. The story that Sarabelle Jackson was told twists it another direction to maximize the tribal hostility white Boone Countians, particularly those from Hallsville, felt toward their black neighbors.

Eighty-eight years after the event, we are still telling varying versions of James Scott story. Tonight I want to keep us close to documentary evidence and explore some facts that would have been revealed had James Scott gone to trial. The most efficient way to do so is to put ourselves in the shoes of Ruby Hulen, the county prosecutor.

From the moment that Scott was arrested the pressures on Ruby Hulen were enormous. Talk of a lynching was in the air, and any suggestion that the wheels of justice would grind slowly in the case would have increased the chances of mob action. On the other hand, hastily charging the wrong man might be a way of setting the mob loose on him.

Ernest Rowland, Columbia's police chief, was in charge of the investigation. Soon after the police arrested Scott, the chief brought him to the curb outside the Almstedt residence. There Regina—standing on her front porch, thirty feet away—identified him as the assailant. For some time, this identification of Scott by the traumatized 14-year-old victim, who had probably not looked steadily into a black man's face before in her life, was the whole of the case against him.

A less cautious prosecutor might have filed charges as soon as the identification was made, but Hulen held off for several days, and for good reason. Scott kept insisting that he was innocent. He claimed that he had been at work at the medical school all afternoon, and credible witnesses placed him there about 3:00—a few minutes before the encounter on Stewart Bridge—and again about 5:00.

Hulen had Regina Almstedt identify Scott two or three more times, under various circumstances, while he looked for ways to break Scott's alibi. In conjunction with private donors he offered a reward of almost \$1500 to anyone who would testify that they had seen Scott off campus that afternoon. \$1500 was a lot of money at a time when common laborers worked for a dollar a day.

A week after the rape, a witness came forward to say that he had seen Scott near the corner of 4th and Walnut at 4:15. This was the whole case Hulen had in hand when he filed charges, and the case that, once presented in the Tribune, led to the lynching. It wasn't a negligible case, and I don't think it fair to accuse Hulen of filing the charge frivolously.

It was not, however, an airtight case. Even while the mob gradually mobilizing, it began to fray around the edges. James Scott's attorney, the prominent local lawyer Emmett Anderson, had located two new witnesses, both white men who knew Scott. One was a co-worker who had seen Scott at the medical school at 3:10. The other had seen Scott polishing floors and woodwork there at 3:45. It would have been difficult almost to the point of impossibility for Scott to have left campus no earlier than 3:10, to have met Regina Almstedt on Stewart Bridge, chased her into the ravine beneath, and raped her, to have returned to campus before 3:45, to have reached the corner of 4th and Walnut 4:15 and to have returned to the medical school at 5:00.

During and after the lynching, the case grew weaker still. For one thing, events began to call into question the professionalism of Police Chief Ernest Rowland, who had conducted the investigation. On the night of the lynching, he was seen on the

courthouse square, but he didn't join with the lawmen who attempted to defend the jail. He was there, apparently, as a spectator. His brother, Hamp Rowland, was one of the men who stood at the head of the mob, and who was later indicted for murder by a grand jury. These facts might make a reasonable person wonder how objective and fair the investigation had been.

Then there was the Ollie Watson question. On the bridge, James Scott said that his cellmate Ollie Watson had confided that *he* had raped Regina Almstedt. Scott said that the marks of Regina's umbrella still showed on Watson's neck and chin, for anyone to see. And Ollie Watson had recently been arrested for the rape of another teenage girl, Ernestine Huggard.

The Huggard rape had occurred exactly one week before Regina Almstedt was attacked, but the police had not acted swiftly, and Watson was still at large on the night of April 20.

Adding to the pressures on Ruby Hulen was the presence of Henry Davis, an assistant to Missouri's Attorney General. At the governor's insistence, he had been sent to Columbia to investigate the lynching and to help Ruby Hulen prosecute leaders of the mob. Henry Davis soon began to say publicly that Ruby Hulen had prosecuted the wrong man in the Almstedt case, and that rape charges should be now filed against Ollie Watson.

With Henry Davis looking over his shoulder, Ruby Hulen's situation grew more uncomfortable by the day. Charging Watson with the rape would amount to admitting—to himself and to the community—that he had made a dreadful mistake with dreadful consequences. Among other things, Hulen was a man with political ambitions, and the mess created by charging Watson would have destroyed his rising reputation. And there was something still more awful to consider. There wouldn't be sufficient evidence to charge Watson unless Regina Almstedt identified him. Hulen would have to discuss with her the possibility that, in her distress state, she had wrongly identified an

innocent man, and that the innocent man had died as a result. If it came to a trial, she would have to endure the withering cross-examination of Watson's defense attorney, who would certainly remind the jury that this was the girl who had positively identified another man—a dead man now—as her attacker. How could he relish the idea of putting this fourteen-year-old, already traumatized by the rape, through an additional trauma?

Hulen delayed the moment when he would have to discuss the matter with Regina and her family. Perhaps there was evidence that would eliminate Ollie Watson as a suspect, and so eliminate any need to retract the charge against James Scott. There was the mustache to consider. That was one detail Regina was sure of from the start, and Watson was obviously clean-shaven. But that objection ended up strengthening the case. Men who knew Watson reported that he had worn a mustache earlier in the spring, but had shaved it off just before he was arrested.

For his own safety, Ollie Watson had been moved from the Boone County jail to the Audrain County jail in Mexico. In late June, Hulen contacted the sheriff in Mexico and explained the situation. He wanted to bring Regina Almstedt quietly to the jail in early July to try to identify Watson, and in the meanwhile, he had a favor to ask. He wanted Ollie Watson to grow a mustache, so the jailer mustn't allow him to shave or be shaved, except as Hulen specified.

Perhaps Watson guessed the meaning of his jailer's odd behavior. Mysteriously, his mustache refused to grow. The jailer developed theories. Prisoners had opportunities to smoke: perhaps Watson was using a match to singe the whiskers off every day. Or perhaps he plucked them with his fingernails or even abraded them away with a stone. For whatever reason, the upper lip stayed hairless.

On 5th of July, four days before the Barkwell trial was to begin, Hulen took Regina and her parents to Mexico. The girl was able to observe Watson without being observed herself. When she emerged from the jail, reporters were waiting, but the wall of secrecy

was impenetrable. The Almstedts passed the reporters without speaking. Hulen paused, poker-faced: "I have nothing to say at this time. I will make a statement perhaps a little later on."

The St. Louis papers soon reported that Regina had positively identified Watson as her attacker and that two other witnesses had seen him on the bridge that afternoon. Suddenly Columbia was abuzz with talk that James Scott was no criminal, but the innocent victim of a misguided mob.

The *Tribune*, which had certainly played a role in inciting the mob, did what it could to safeguard its reputation and the reputations of Columbia citizens who had been involved with the lynching. It ran a front-page story in which Chief Rowland defended his investigation, saying that Regina Almstedt's identification of Scott had been so definite that it was "senseless" to dispute it.

The next day the Tribune ran another front-page story headlined "Ollie Watson Has Complete Alibi." He had been in or around George Scott's restaurant all afternoon, the paper said. This wasn't the most elegant defense, however, since a bloodhound Chief Rowland had loosed at the scene of Regina Almstedt's rape had followed a scent north and east and finally right through the door George Scott's restaurant.

On the 5th of July, Hulen traveled to Mexico to prosecute Watson for the rape of Ernestine Huggard. Just before the trial began, a reporter asked him if he intended to charge Watson with the assault on Regina Almstedt as well. "It's according to how this case comes out," he replied. He was asking for the death penalty in the Huggard case, and a man can't be executed twice.

The two-day trial proceeded smoothly to a conviction. The jury agreed on the first ballot that Watson was guilty, but struggled for nearly an hour with the sentence. In the end, they gave him twenty-four years. As a way of keeping Ollie Watson off the streets of Columbia, this turned out to be as good as a death sentence. I see no evidence that he

ever left the state penitentiary, which was at that time a brutal and dangerous place. Hulen never filed charges against Watson for the rape of Regina Almstedt, and so we will never know for certain whether he was the man with the Charlie Chaplin mustache who met her on Stewart Bridge.

Was James Scott guilty or innocent of the crime for which he was lynched? Because there has been in Columbia some tendency to defend the lynching on the ground that the man only got what was coming to him, we owe it to his memory to consider carefully the possibility that he was not only theoretically but actually innocent.

My own research leads me to believe that the case against him would have fallen apart he had been given a fair trial. His widow would have kept her husband; his children would have kept their father; his mother would have been spared enormous pain.

My ninth-grade Latin teacher required us to translate the quotations from poets and playwrights that ended the chapters of our grammar book. Her theory, I think, was that wrestling meaning out of them would somehow build our characters. Among them was one from Terence: I'll spare you the Latin and go right to the translation: "I am a human being; therefore, I consider nothing human to be alien to me."

It is a great sentence, a real double-edged sword. Because we are human, *nothing* human is alien to us. When we look at the James Scott tragedy, we need to recognize ourselves in *all* the people involved: James Scott and Regina Almstedt, the victims; Ruby Hulen, the prosecutor who fumbles and stumbles as he attempts to do the right thing, and, yes, even the members of the mob.

They seem almost out of the reach of our imaginations, unless we consider that down deep there must be some wolfish impulses in all of us. Something that makes us relish joining a pack and hunting down a victim. Professor Charles Ellwood, a sociologist who lived in Columbia at the time of the lynching and saw the mob forming, put the matter concisely: "Civilized men act like savages in crowds," he said, particularly when crowds

get excited and become susceptible to the suggestions of their most extreme members. Deep social divisions, Ellwood pointed out, encourage the pack mentality. In America and in Columbia, race has at sometimes been the deepest division of all.

Occasionally, a human wolf pack goes so far as to take its victim's life. Often the attack is less violent, delivering of a bump here and a bruise there. Or more often still, it's just a matter of gestures or words. The wolves don't kill; they're content to insult and humiliate. Go to the Tribune's website occasionally and read the anonymous postings that follow the news stories. On a bad day, you'll find plenty of evidence of simmering wolfishness.

If nothing human is alien to us, we all have it in us to join the pack. But if nothing human is alien to us, we also all have the capacity to refuse to join. Hermann Almstedt, Regina's father, did go to Stewart Bridge that night. Whatever he may have come to believe later, at *that* moment, just after midnight on April 29, he surely did believe that James Scott had raped his daughter. Now a howling mob was ready to see Scott stripped of all human dignity and punished.

Almstedt didn't go to join in the mob, however. He went to oppose it. Put to this extreme test, he somehow managed to remember that he had things in common with James Scott. They were both American citizens, they were both fathers, they were both human beings.

"I have been wounded to the heart by this matter," he told the leaders of the mob, who had by then transformed themselves entirely into wolves. "[I have been] Wounded far more than any of you. Don't besmirch your hands with this deed. I plead with you to let the law take its course with this man. I ask it of you in the name of law and order and the American flag."

That plea is one detail we should always get right when we tell the James Scott story.