

Scales Trial ^[1]

Scales Trial



Junius Scales, 1946. North Carolina Collection, University of North Carolina

by Robert J. Cain, 2006 at Chapel Hill Library.

Junius Irving Scales, from a prominent [Greensboro](#) ^[2] family that included his great-uncle, Governor [Alfred Moore Scales](#) ^[3], in 1939 joined the [Communist Party of the United States](#) ^[4] while enrolled at the [University of North Carolina in Chapel Hill](#) ^[5]. He soon became state president of the communist-affiliated [American Student Union](#) ^[6]. In 1946, after serving four years in the [U.S. Army](#) ^[7], Scales entered UNC as a graduate student and assumed the chairmanship of the Chapel Hill Communist Party. By 1951 he was chairman of the party's Carolinas District, going underground to evade arrest.

In 1954 Scales was apprehended and charged with violating the [Alien Registration Act](#) ^[8] (commonly known as the Smith Act) of 1940, which made it illegal to advocate the violent overthrow of the U.S. government or to organize or become a member of any group espousing such doctrine. At his 1955 trial in the Greensboro federal court, Scales was convicted and sentenced to six years in prison. The conviction was upheld by the [Fourth Circuit Court of Appeals](#) ^[9] but reversed by the [U.S. Supreme Court](#) ^[10] in 1957, shortly after Scales had resigned from the Communist Party. The basis for the reversal was that the government had not provided to the defense the notes and other material of prosecution witnesses. Retried in Greensboro the next year, Scales was represented by [Telford Taylor](#) ^[11], a nationally recognized expert on the Smith Act, and by [McNeill Smith](#) ^[12], a prominent local attorney. Scales again maintained that he had never advocated the violent overthrow of the government, but he was again convicted and sentenced to six years' imprisonment. This time the conviction was upheld by the Supreme Court in a five-to-four decision. In October 1961 Scales entered the federal penitentiary in Lewisburg, Penn.; he served 15 months before his sentence was commuted by [President John F. Kennedy](#) ^[13].

Reference:

Junius Irving Scales and Richard Nickson, *Cause at Heart: A Former Communist Remembers* (1987).

Additional Resources:

Junius Irving Scales, short biography, Digital Library of Civil Rights, Digital Library of Georgia:
http://crdl.usg.edu/people/s/scales_junius_irving/?Welcome ^[14]

Junius Irving SCALES, Petitioner, v. UNITED STATES of America, Cornell University Law:
<http://www.law.cornell.edu/supremecourt/text/367/203> ^[15]

Junius Irving Scales Papers: http://www.lib.unc.edu/mss/inv/s/Scales_Junius_Irving.html ^[16]

Indictment, U.S. v. Junius Irving Scales, November 18, 1954: <http://www.archives.gov/exhibits/documented-rights/exhibit/section4/detail/scales-indictment.html> ^[17]

Cause at Heart: A Former Communist Remembers by Junius Irving Scales and Richard Nickson. (Athens: University of Georgia Press, 1987. 427 pages. http://beck.library.emory.edu/southernchanges/article.php?id=sc10-2_009 ^[18]

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Great Depression (1929-1941) ^[19]

World War II (1941-1945) ^[20]

Post War 20th Century (1946-2000) ^[21]

Law and legal history ^[22]

Political movements and parties ^[23]

Authors:

Cain, Robert J. ^[24]

Origin - location:

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Greensboro ^[26]

Chapel Hill ^[27]

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Encyclopedia of North Carolina, University of North Carolina Press. ^[28]

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