

The Wilmington 10:

Criminal Justice and Exoneration

Overview

Constitutional Rights Foundation is proud to have partnered with [Carolina K-12](#), a program of UNC-Chapel Hill's Carolina Public Humanities, to develop lesson plans about moments and themes from North Carolina history that resonate through the past and present of the United States.

In this lesson, students learn about the trial, conviction, and ultimate exoneration of the 10 people who made up the Wilmington 10 in North Carolina. First, they read a short background on the underlying facts of their case and the course of their trial and subsequent appeals. Then, in a jigsaw discussion activity, students analyze and report to their classmates on a mix of primary and secondary sources to learn more about the historical circumstances of the Wilmington 10 case. Finally, students discuss the documents they examined, hear about issues raised in the documents, and discuss what lessons this chapter in U.S. history may provide for the country today.

Many places around the world -- and around the United States -- have had moments and eras of what many people refer to as "hard history." This is history that is an ugly chapter from the past that can be hard for the present generation to face. Hard history leaves a mark on groups and communities, even on entire countries.

This lesson is a supplement to any lesson or unit on the following topics: due process of law; criminal justice; school desegregation in the 1960s and 1970s; the civil rights movement in the United States; struggles against racism and racist violence in the United States.

Objectives

Students will be able to:

- Describe the historical context and events of the school desegregation struggle in Wilmington, North Carolina.
- Identify the Wilmington 10 and other persons or groups involved in the trial and appeals of the Wilmington 10.
- Analyze primary and secondary sources to gain understanding the case of the Wilmington 10 as an example of the "hard history" of racial discrimination in the criminal justice system.
- Examine what lessons the case of the Wilmington 10 may offer the U.S. today.

Materials

- [Handout A: The Case of the Wilmington 10](#)
- [Handout B: Guiding Questions for Document Analysis](#)
- [Handout C: Primary and Secondary Sources Related to the Wilmington 10](#)
- [Slide Deck: Wilmington 10](#)

Preparation

In order to participate effectively and meaningfully in this lesson, students should have some background knowledge about the struggle for civil rights in the United States, as well as a basic understanding of the Ku Klux Klan as a violent hate group. It will also be important to let students know that the lesson includes sensitive content and material, some of which may be upsetting or difficult to hear about and discuss.

Procedure

I. Focus Discussion

Display [Slide 1](#) that shows the image of the “Free the Wilmington 10 Now!” button. Ask students:

- What do you see? Describe the image and words you see here.
- What do you think it is?
- When do you think it was made? Who do you think made it?
- Why do you think it was made?
- What are you curious to know about this image?

After hearing students’ answers, show **Slide 2** that gives a little more background information about the Rev. Benjamin Chavis, pictured in the button. Tell students that this is a button that was made in the 1970s as part of a campaign to help a group of people in prison called the “Wilmington 10.” Tell students that today they will learn about who the “Wilmington 10” were and why they are depicted here behind bars. (Image credit: “Free the Wilmington 10 Now!” ca. 1971-1981; 4.4 cm. North Carolina Collection. Gallery Accession No: CK.999.21)

Display **Slide 2** that shows definitions of *criminal justice* and *school desegregation*, two essential terms used in this lesson. Check for understanding of these terms.

II. Background Reading

Distribute/assign [Handout A: The Case of the Wilmington 10](#). Have students read the handout and annotate the text by jotting down questions in the margins, circling unfamiliar terms, and underlining the main points of the text.

Once students have read the text, open up discussion for clarifying or comprehension questions. Several questions about the circumstances in Wilmington; the trial and the defendants’ appeals; and finally the pardon of the defendants will likely be answered in the document-exploration (jigsaw) activity.

If students have questions that have so far not been answered, note them on the board or the screen, so that they can be revisited after the document-exploration activity. Hopefully they will have been answered by that portion of the lesson.

Note to teachers: This reading could also be assigned for homework the night before this lesson in order to give students more time to analyze and discuss the documents. If assigned in advance, begin the class with the clarifying discussion about the text itself.

III. Jigsaw: Primary and Secondary Sources Related to the Wilmington 10

Tell students that they are going to examine a range of documents related to the Wilmington 10 in order to get a better understanding of the context of their trial and their appeals and ultimate exoneration.

Give each student a copy of [Handout B: Guiding Questions for Document Analysis](#). Explain that they will answer these questions for the document they will be analyzing.

Divide students into five groups. Each of the groups will be the expert on one of the five documents included in [Handout C: Primary and Secondary Sources Related to the Greensboro Massacre](#). Assign and distribute to each group one of the five documents included in Handout C. Students should read their assigned document and then work together to analyze its significance using Handout B. Students should also prepare to present the document in their jigsaw group, where they will also be hearing about the rest of the documents.

Now form groups of (at least) five students each, making sure that each group has at least one representative from each of the previous document expert groups. In this new group, have students report out (in order) about the document on which they are the “expert.” Experts should summarize their document and share with the group how they and their fellow experts thought the source did (or did not) help to shed additional light on the causes and effects of the arrest, trial, and appeals of the Wilmington 10.

IV. Notes on the Documents on Handout C

The documents are organized 1 through 5 in chronological order. Though Document 5 technically is the earliest document from 1972, it was not revealed until 2012 and did not play a role in the case until that time, so it is last in the list.

- **Document 1: Letter from Carolyn Moody to Rosa Parks, July 29, 1976.** The explanatory note identifies Rosa Parks, but you may want to refresh students’ memories about the Montgomery Bus Boycott. The “spiritual fast” mentioned in the letter refers to Chavis’s hunger strike against his treatment while in prison where he was, among other things, confined to the hospital section for non-medical “security” reasons.
- **Document 2: Amnesty International’s newsletter, September 1977.** This document explains why Amnesty International took up the Wilmington 10’s case, identifying them as “prisoners of conscience” (aka political prisoners).
- **Document 3: Wayne King’s New York Times Magazine article, 1978.** This document is an excerpt of the article that introduced an unnamed source at the scene of the events on February 6, 1971, who contradicts the prosecution’s story that Benjamin Chavis was directly involved in the arson and the conspiracy to fire upon the firefighters.
- **Document 4: Interview with Dr. Benjamin Chavis, 1993.** This is an interview done at Dr. Chavis’s appointment as director of the national NAACP. He reflects on his experience in prison in the 1970s.
- **Document 5: Prosecutor James Stroud’s notes from jury selection at the 1972 trial.** These notes, uncovered in 2012, seem to reveal that Stroud deliberately attempted to get possible KKK members on the Wilmington 10’s jury, and that he deliberately sought “conservative” black jurors , one of whom he dubbed an “Uncle Tom.” You might find it necessary to advise students in advance that this offensive term for a “pro-white” Black person, used by a white prosecutor, arises in this activity. It was part of the reason for the pardons of the Wilmington 10 in 2012.

V. Assessment/Closure

Once all of the documents have been presented and discussed, bring all students back together for a final debriefing and to see what questions students may still have.

Some possible final questions for discussion:

- Which document did you find most helpful in better understanding what happened in the case of the Wilmington 10? Why?
- Which document did you find most helpful in better understanding the “hard history” of the effects of racial discrimination in the criminal justice system? Why?
- Which document did you find most helpful in explaining how to overcome racial discrimination in the criminal justice system? Why?
- What lessons do you think the country can learn from the case of the Wilmington 10?

For a written assessment, you can ask students to create a written response to any or all of the above questions.

Sources

Almasy, Steve. “North Carolina governor pardons ‘Wilmington 10.’ ” CNN, 1 Jan. 2013.
cnn.com/2012/12/31/justice/north-carolina-wilmington-10/index.html

“Ben Chavis Jr. oral history interview, 2005 February 7.” UNC Charlotte, 7 Feb. 2005.
repository.uncc.edu/islandora/object/uncc%3A2046

“February 1971 — The Wilmington Ten.” This Month in North Carolina History. University of North Carolina.
web.archive.org/web/20060205022125/http://www.lib.unc.edu/ncc/ref/nchistory/feb2005/

Henry, Carma. “Wilmington Ten prosecutor called ‘delusional’ for defending ‘racist’ actions.” *Westside Gazette*, 12 Dec. 2012. <https://thewestsidegazette.com/wilmington-ten-prosecutor-called-delusional-for-defending-racist-actions/>

King, Wayne. “The Case Against the Wilmington Ten.” *The New York Times*, 3 Dec. 1978.
nytimes.com/1978/12/03/archives/the-case-against-the-wilmington-ten.html

Myerson, Michael. *Nothing Could Be Finer*. New York: International Publishers, 1978. Available here:
archive.org/stream/nothingcouldbefi00myer_0/nothingcouldbefi00myer_0_djvu.txt

Siceloff, Bruce. “Four decades later, Ben Chavis and the Wilmington Ten seek a declaration of innocence.” *The Charlotte Observer*, 12 May 2012.
web.archive.org/web/20130115151713/https://www.charlotteobserver.com/2012/05/18/3250354/four-decades-later-ben-chavis.html

“The Wilmington Ten.” NCPedia. <https://www.ncpedia.org/anchor/wilmington-ten>

Weller, Frances. “Wilmington 10: A look back 40 years ago.” WECT, 3 Feb. 2011.
wect.com/story/13960930/wilmington/

The Wilmington Ten Pardons of Innocence Project. Black Press of America Initiative, 2011.
wiilmingtontenpardons.blogspot.com/

The Case of the Wilmington 10

After the United States Supreme Court ruled that racial segregation of schools was unconstitutional in 1954, desegregation proceeded slowly. Many Southern white people and politicians resisted the integration of Black and white students.

In 1969, the City of Wilmington, North Carolina ordered its schools to desegregate and closed its lone historically Black high school, simultaneously laying off the Black teachers, administrators, and staff who worked there. When the Black students enrolled at two local white high schools, they were excluded from athletics and extracurricular clubs. Racial tensions led to fights, expulsions, and arrests of Black students. The tensions also led to local Black students and community members organizing demonstrations.

In 1971, Black students organized a school boycott as a protest. By not attending the schools, the schools lost state funding. Benjamin Chavis was a young, well-recognized organizer in the civil rights movement who had worked with Dr. Martin Luther King Jr. He was an organizer for the United Church of Christ, which sent Chavis to Wilmington to assist the boycotters in negotiations with the school board.

Tensions continued to escalate when the Ku Klux Klan and another white supremacist group, the Rights of White People, attempted to intimidate the white school superintendent and Black citizens. The groups sent armed patrols into the city's Black neighborhoods to intimidate the boycotters. Gun violence from Rights of White People members became more common, and riots erupted. National Guard troops were deployed in several places in the city. On February 6, 1971, the conflict reached its boiling point. That day, several white-owned businesses were burned, including a store named Mike's Grocery. At the time, Chavis and others were barricaded inside a nearby church. When firefighters arrived at Mike's Grocery, snipers shot at them from the roof of the church, injuring one of the firefighters.

Nine Black men, including Chavis, and one white woman — the Wilmington 10 — were arrested and charged with arson for the firebombing of Mike's Grocery and conspiracy to fire upon emergency personnel (the firefighters). At trial, prosecutor James Stroud's case relied on the testimonies of two Black men who claimed to be in the church on February 6. One of the witnesses, a Black teenager named Allen Hall, testified that Chavis directed the other defendants to commit the arson. The jury of ten white people and two Black people found the Wilmington Ten guilty in 1972, and they were sentenced to a combined 282 years in prison.

The defendants appealed their convictions, and in 1977, Hall and two other witnesses admitted to lying on the stand during the trial in order to get guilty verdicts. In that same year, CBS's national news program *60 Minutes* ran a segment questioning the evidence against the Wilmington 10. A *New York Times* article in 1978 reported evidence that the defendants were framed by the prosecution's witnesses. Based on this new evidence, by 1979 the governor of North Carolina commuted (ended) the sentences of all of the Wilmington 10, and they were no longer imprisoned. In 1980 the U.S. 4th Circuit Court of Appeals overturned the convictions of all ten defendants.

In 2012, after a long campaign for pardons, North Carolina Governor Jim Hunt pardoned the Wilmington 10. The six living members of the Wilmington 10 received compensation for the years they spent in prison for a crime they did not commit.

Guiding Questions for Document Analysis

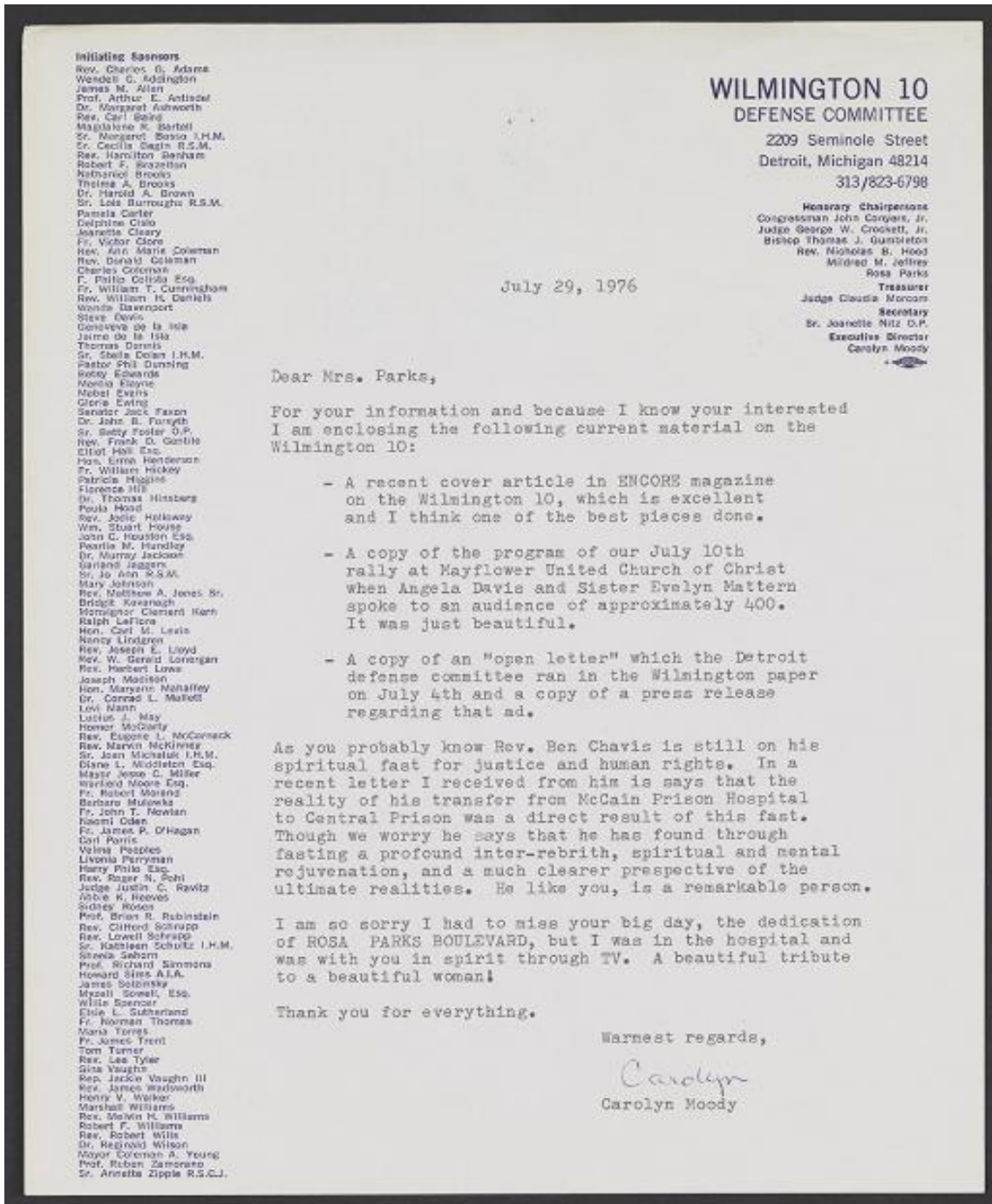
Directions: You will be working with a small group of your classmates to analyze a document related to the Wilmington 10.

Once you have read the document carefully on your own, answer the following questions. Then discuss (and add to) your answers in discussion with your classmates.

1. Does this document help give you a more complete picture of the causes and/or effects of the trial of the Wilmington 10? Explain and include specific examples or details.
2. How does this document help to explain what happened during the events of February 6, 1971?
3. Does this document help you to see or understand the effects of racial discrimination in the criminal justice system? Does the document help in any way to show how racial discrimination in the criminal justice system can be overcome? Explain.
4. After reading this document, what questions do you still have about the Wilmington 10, criminal justice, or any other person, organization, or event described?

Document 1

The Wilmington 10 Defense Committee was an organization that raised money for the Wilmington 10's appeals of their convictions and raised public awareness about their case. Rosa Parks, the recipient of the below letter, was the legendary figure of the civil rights movement who prompted the Montgomery Bus Boycott in 1955 by refusing to give up her seat on a segregated bus. Note the roles Carolyn Moody and Rosa Parks had on the defense committee.



Source: <https://www.loc.gov/exhibitions/rosa-parks-in-her-own-words/about-this-exhibition/detroit-1957-and-beyond/the-wilmington-10-defense-committee/>

Document 2

In 1976, Amnesty International (AI) took up the Wilmington 10's case, lobbying the United States government to release the nine prisoners who were, at that time, still imprisoned. AI is an organization whose mission is to free political prisoners worldwide. Political prisoners are people imprisoned for their political beliefs, not for actual crimes. In this excerpt from the September 1977 AI newsletter, the organization expressed its reasons for calling the Wilmington 10 political prisoners.

AI URGES UNITED STATES GOVERNOR TO PARDON WILMINGTON 10

AI appealed to United States Governor James B. HUNT Jr. of North Carolina on 9 August to grant a free pardon to the group of prisoners known as the Wilmington 10, who were sentenced in 1972 to up to 34 years' imprisonment on charges of "unlawful burning" and "conspiracy to assault emergency personnel".

The charges arose from racial disturbances in Wilmington, North Carolina, in February 1971, during which a fire broke out at Mike's Grocery, a white-owned store.

The 10 people eventually convicted of this crime were Benjamin CHAVIS, Marvin PATRICK, Connie TINDALL, Jerry JACOBS, Willie Earl VEREEN, James MCKOY, Reginald EPPS, Wayne MOORE, Joe WRIGHT and Ann Shephard TURNER. All the prisoners are black, except Mrs Turner who has been released on parole. The prisoners were released on bail in 1972 and 1973, pending appeals against their convictions, but were re-imprisoned in February 1976 after the US Supreme Court refused to hear their appeals.

AI believes that the imprisonment of the Wilmington 10 is due to their political activities and their ethnic origin. AI adopted all 10 prisoners as prisoners of conscience after learning that the main prosecution witness, Allen HALL, had retracted his testimony against them and had stated that he was induced to testify falsely by promises made to him by the prosecuting authorities. Subsequently, two other prosecution witnesses—Jerome MITCHELL and Eric JUNIOUS—also retracted their testimony.

At a post-conviction hearing, which took place in Burgaw, North Carolina, in May this year, all three witnesses repeated their retractions in open court.

Bolivian lawyer Dr Luis REQUE attended the post-conviction hearing on behalf of AI. In the conclusions to his report he stated that "...there is reason to believe that the Wilmington 10 have been denied a fair trial. . . the just solution to this unfortunate situation would be for the Governor of the State of North Carolina, the Honorable James B. Hunt Jr., to grant them a pardon of innocence"□

Source: <https://www.amnesty.org/download/Documents/204000/nws210091977en.pdf>

Document 3

In 1978, reporter Wayne King published an article in The New York Times Magazine about the Wilmington 10 case. In it, King recounted the fact that the prosecution's young witnesses testified falsely against the Wilmington 10 in exchange for lenient sentences in their own cases, and in one instance, in exchange for a minibike. King also shared new evidence from an unnamed witness that exonerated Benjamin Chavis. (The following is a condensed excerpt.)

The three-month inquiry into the case of the Wilmington Ten by this magazine turned up yet another account of the incidents of the night of Feb. 6, 1971. It is the recollection of a self-professed participant in the fire fight who was never indicted. A black Wilmington man now in his mid-20s, he agreed to talk only on the condition that he would not be identified any further.

His account of what happened differs drastically from the versions of both the prosecution and the defense at the trial of the Wilmington Ten. In the first place, he denies that there ever were a "Wilmington Ten." He says that Allen Hall, eager to get his 12-year sentence reduced, "just picked [the names] from the top of his head," and that prosecutor Stroud "just hooked it up. . . . He could have had the Wilmington 50."

As for the events on the night of Feb. 6, the professed participant gave this account:

"Let me tell you what happened. They blamed Chavis for burning Mike's Grocery. Allen Hall set the fire. Yeah, Hall started the fire. It was under orders. Chavis was there but he wasn't actually there, you know? He just gave out directions and the orders were carried out.

"There were just seven of us. We firebombed about six or seven places on Castle Street. Then we set Mike's Grocery on fire. From Mike's Grocery you could crawl under houses all the way to the church. And under these two houses there were about six of us, and we had — what? — 12-gauge pump shotguns, you know? And when the firemen came, we just started shooting at them."

At one and the same time this account convicts Mr. Chavis and contradicts the principal testimony — Mr. Hall's — that sent Mr. Chavis to jail. According to this version, for instance, Mr. Chavis did not actually participate in the firebombing of Mike's Grocery, although he ordered it. Mr. Hall, on the other hand, testified that Mr. Chavis was on the scene and stood guard.

Source: <https://www.nytimes.com/1978/12/03/archives/the-case-against-the-wilmington-ten.html>

Document 4

In 1993 – 13 years after his conviction was overturned – Benjamin Chavis became executive director of the NAACP, the nation's oldest civil rights organization, founded in 1910 by both white and Black activists, including author and historian W.E.B. Du Bois, journalist Ida B. Wells, and others. In this excerpt from a Los Angeles Times interview from 1993, Chavis was asked about his experience in prison as one of the Wilmington 10.

Q: What did you learn in prison?

A: I found an inner strength. . . . I realized I was not the first African-American to be imprisoned unjustly. When they put those chains about my ankles, I would think about the chains my great-grandparents wore. . . .

But prison was not the final chapter in my life, it was a chapter. I decided not to serve time but to make time serve me. I earned a masters of divinity, *magna cum laude* from Duke University. I learned Greek and translated the New Testament. . . . I read the works of W.E.B. Du Bois, one of the founders of the NAACP, and Frederick Douglass. James Baldwin was an influence on me.

I learned there is no adversity that one goes through in life that one cannot draw some strength from. . . . That I lived through the experience — and it was an excruciating experience, particularly when I was in maximum security — is relevant. . . .

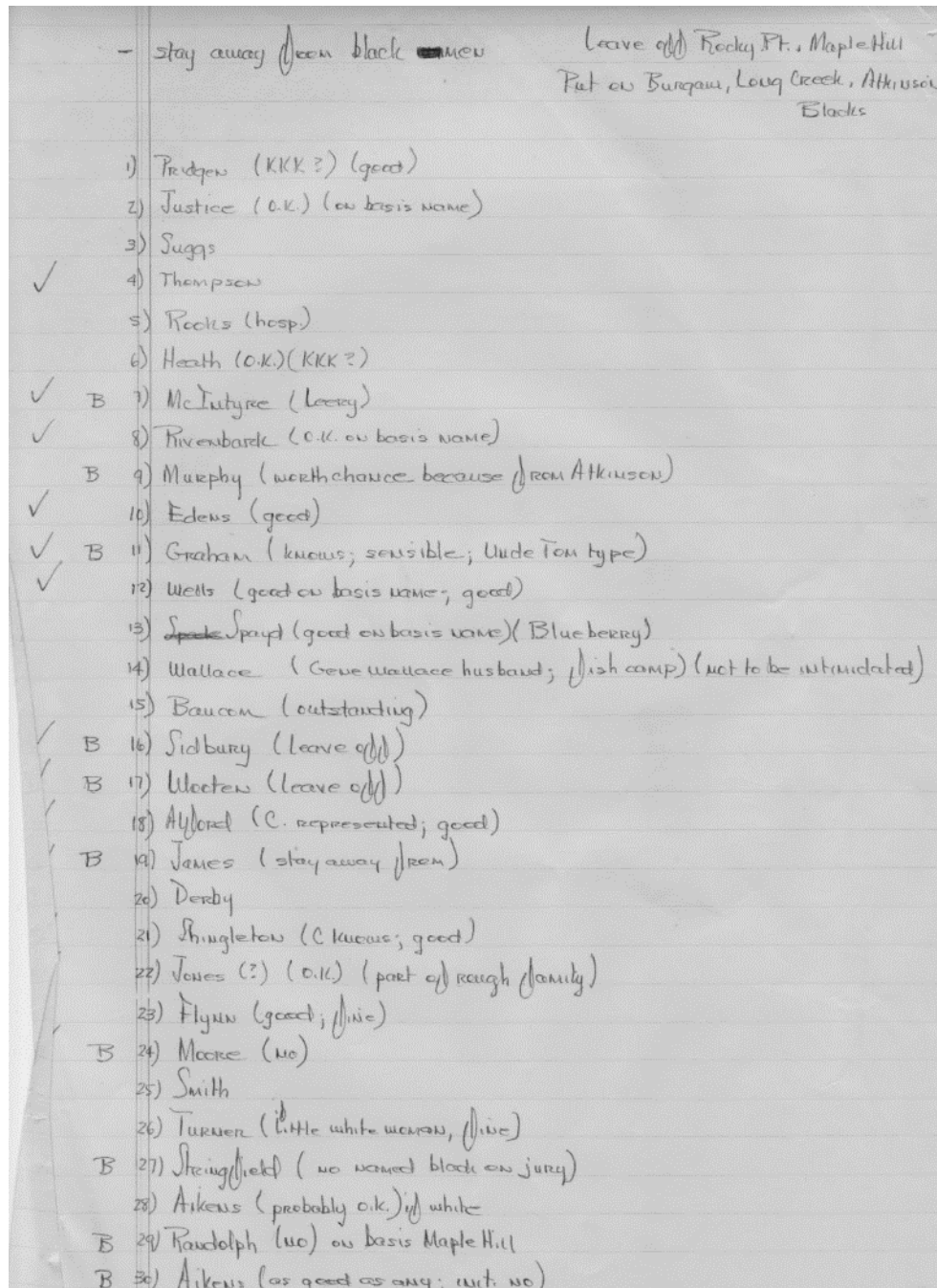
The NAACP has established chapters in prisons and correctional facilities both for men and women. Given the high rate of juvenile incarceration, we are contemplating also starting Youth Councils to help begin the constructive bridge back into society. We've found from our prison chapters that young men take a lot of pride in being part of an organization that is also on the outside. . . . To participate in the civil-rights movement, the movement for justice, gives them another reason for pride, self-worth, self-esteem. It can be a transforming experience. . . .

We're warehousing some of our best intellectual potential. This goes across racial lines, but it's particularly true for African-Americans, because we have such a high rate of incarceration. The stereotyping of inmates is something the NAACP has to challenge. . . .

Source: <https://www.latimes.com/archives/la-xpm-1993-04-18-op-24544-story.html>

Document 5

In 2012, files of the Wilmington 10's prosecutor James Stroud were released. In those files were Stroud's handwritten notes from the trial during jury selection. Stroud, a white man, wrote racial comments next to potential jurors' names indicating he wanted to keep white jurors as well as a Black juror he deemed an "Uncle Tom" who would convict. He marked all potential Black jurors with a capital "B." His shocking notes helped convince then-Governor Beverly Perdue of North Carolina to grant pardons to the Wilmington 10. In 2012, James Stroud defended his notes, telling the press, "Why would I want to leave a KKK on the jury?"



Source: <http://wilmingtontenpardons.blogspot.com/>