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A NEWSLETTER ABOUT LAW AND DIVERSITY

## Delayed Justice: Reopening the Emmett Till Murder Case

by Phyllis Raybin Emert

**Last year the U.S. Justice Department reopened the murder case of Emmett Till, a 14-year-old black teenager from Chicago who was killed 50 years ago in Mississippi after reportedly whistling at a white woman. With its investigation, the Justice Department hopes to get to the truth behind the crime that many historians believe sparked the beginning of the civil rights movement. Several months after the murder of the young boy, Rosa Parks refused to give up her seat to a white person on a city bus in Montgomery, Alabama, starting a 381-day boycott of the city-owned bus company and the rise of Dr. Martin Luther King Jr. in the civil rights movement. Parks would later tell reporters that she had been thinking of Emmett Till that day.**

### **Mississippi, circa 1955**

Mississippi in 1955 was a segregated society that had separate schools, restrooms, water fountains, restaurants, stores and theaters for black people and white people. Before Emmett Till left on his fateful journey to visit his relatives in Mississippi, his mother, Mamie Till-Mobley, tried to explain to her son that he would be entering a world different than what he was used to in Chicago.

In her book, *Death of Innocence: The Story of the Hate Crime that Changed America*, Till-Mobley recalled how she warned her son, "Don't start any conversations with white people. Only

talk if you're spoken to... If you're walking down the street and a white woman is walking toward you, lower your head. Don't look her in the eye." She added, "If you have to humble yourself... just do it. Get on your knees, if you have to." The young and confident Emmett couldn't believe it was that bad in the South for black people. "It's worse than that," his mother responded.

Emmett left Chicago on August 19, 1955 wearing his father's ring with the initials "LT." It took 16 hours for the Illinois Central Railroad to reach the Mississippi Delta. When the train crossed *>continued on page 2*

## Harvey Milk High School— Segregation or Solution?

by Dale Frost Stillman

**Imagine being afraid to go to school because you might be abused or taunted in the hallway or cafeteria. You might have to plan which hallway you can walk down safely to avoid certain bullies or be transferred out of a class because a group of students laughs and whispers every time you walk in the room. This is the reality that some gay, lesbian, bisexual and transgender (GLBT) youth suffer daily.**

According to the National Mental Health Association, gay teens across the country are sometimes subjected to such intense bullying that they are not able to receive an adequate education. A Human Rights Watch report suggests that nearly two million GLBT students nationwide are affected by this problem. In a 1999 study, conducted by the Sexuality Information and Education Council of the United States, nearly 42 percent of GLBT youth surveyed reported that they did not feel safe at school and 69 percent "had experienced some sort of harassment or violence" at school. *>continued on page 5*

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## Delayed Justice *continued from page 1*

the Illinois state line and made its way into the border state of Kentucky, the black people had to move into the colored car.

### Details of the murder

There have been several versions told describing what happened on August 20, 1955. However, all the accounts conclude with the report that Emmett whistled at Carolyn Bryant, who was working alone in Bryant's Grocery. Roy Bryant, the store's owner and Carolyn's husband, was out of town that day.

Emmett's mother would later explain that her son had a speech impediment. The whistle in the direction of Carolyn Bryant could have merely been a half stutter, whistling sound that Emmett often made when he was trying to say certain words.

Before long, the incident was the talk of the town and when Roy Bryant returned, he decided he needed to avenge the honor of his wife.

Papa Mose Wright, Emmett's great uncle, had heard what happened at Bryant's Grocery. "I thought they might say something to him," Wright later told *Look Magazine*, "but I didn't think they'd kill a boy," he said.

Bryant and his half-brother, J.W. Milam, showed up at Wright's house at 2 a.m. with

a flashlight and automatic pistols. They took Emmett, claiming they were just going to "teach him a lesson."

Till's battered body was later found in the Tallahatchie River with a bullet hole in the temple. His face was horribly beaten and mutilated. A 75-pound cotton gin fan wrapped around his neck with barbed wire weighed down his body. His killers neglected to weigh down his feet, however, and they floated to the surface.



A young boy discovered the body three days later while he was fishing. Till's body was identified, in part, by his father's ring on his finger.

The local authorities wanted to bury Emmett immediately, but his mother arranged to have the body brought back to Chicago for burial. She insisted on seeing her son and recalled in her book how she could see light shining through the bullet hole in his head.

Till-Mobley decided on an open-casket funeral so that the whole country could see what had happened to her son. In her book, she said, "People had to face my son and realize just how twisted, how distorted, how terrifying race hatred could be... the whole nation had to bear witness to this."

### The trial

Emmett Till was buried on September 6, 1955, the same day a Mississippi grand jury indicted Bryant and Milam on murder charges. Meanwhile, Tallahatchie County Sheriff H.C. Strider publicly stated that he wasn't sure the body was that of Emmett Till, even though he had signed Till's death certificate five days earlier.

The jury for the case was selected on the second day of the trial. Only registered male voters who could read and write were eligible for jury duty. Although 63 percent of Tallahatchie County was black, twelve white males were chosen in the murder trial.

Mississippi District Attorney Gerald Chatham headed the case against Milam and Bryant. Chatham told the judge he was attempting to locate several black witnesses who could testify against the defendants. Two of them, LeRoy Collins

and Henry Lee Loggins, were never found. It was discovered too late that Sheriff Strider had locked up both men in a Charleston jail under different identities.

Willie Reed, the 18-year-old son of a black sharecropper, testified he saw four white men riding in the front of a truck and three black men in the back, one of whom was a young boy. Later he saw the truck by the barn and heard screams inside. He saw Milam walk out of the barn, he testified, and then saw something wrapped in a tarp placed in the back of the truck before it was driven away. The defense asked him how far away he was, and Reed became uncertain. He couldn't identify anyone beyond a reasonable doubt.

Papa Mose Wright, Carolyn Bryant, the sheriff, the local doctor, the undertaker and Emmett's mother also testified at the trial, but no one had seen the actual murder take place. Milam and Bryant had already admitted they kidnapped Emmett and roughed him up, but they claimed they let him go alive.

In his closing statement to the jury, Chatham pleaded for justice for Emmett Till. In his book, *Getting Away With Murder: The True Story of the Emmett Till Case*, author Chris Crowe reported that the defense attorney in the case, J.W. Killum, said to the jury in his closing, "I say to you gentlemen, your forefathers will absolutely turn over in their graves if these boys were convicted..." The jury took a little more than an hour and seven minutes to reach the verdict of not guilty.

### After the verdict

Less than six months after Milam and Bryant were **acquitted**, the two men sold their story to *Look Magazine* and described in detail to a national audience how they kidnapped and murdered the

14-year-old. Safe from prosecution under the doctrine of **double jeopardy**, they could not be charged again for the same murder.

"Well, what else could we do? He was hopeless," said Milam in *Look*. "I just made up my mind, 'Chicago boy,' I said, 'I'm tired of 'em sending your kind down here to stir up trouble... I'm going to make an example of you just so everybody can know how me and my folks stand!'"

The *Look Magazine* article raised more questions. Even though Milam and Bryant both said they were the only ones in the truck, had others taken part in the crime? Emmett's mother found it hard to

imagine that he didn't try to escape, despite being beaten and brutalized.

Papa Mose Wright said there was a female waiting in the truck of the kidnappers who identified Emmett the night he was taken from Wright's house. He was certain that a third man waited on the porch for Milam and Bryant to bring the boy outside. Over the years, fear kept many from speaking publicly about the case.

Milam and Bryant were never indicted on kidnapping charges, even though they had already confessed. After the trial, blacks boycotted Bryant's grocery store, and it eventually went out of business. Shunned by their white neighbors, both

## Final Justice

Emmett Till is not the only victim of hate who had to wait decades before receiving justice. Below are several more cases of justice delayed, but not denied.

### Medger Evers — 1963

Civil rights activist, Medger Evers, was shot in the back and killed in front of his two small children in the driveway of his Mississippi home on June 12, 1963.

The suspect in the murder, Byron De La Beckwith, was captured immediately and the murder weapon with De La Beckwith's fingerprints on it was also retrieved.

At the trial, two white policemen testified that De La Beckwith was 60 miles away in the town of Greenwood and could not have committed the crime. In 1964, De La Beckwith was released after two separate, all-white juries could not reach a unanimous decision in the case.

Years later, it was discovered that the Mississippi Sovereignty Commission, which

is no longer in operation, may have tampered with the jurors, selecting only those who were sympathetic to the defense. A third murder trial, with the same evidence, was held in 1994. This time, eight of the 12 jurors were black. De La Beckwith was convicted of murder and sentenced to life in prison. Though he appealed his conviction, the Mississippi Supreme Court upheld the decision, and De La Beckwith died in prison in January 2001 at the age of 80.

### The Birmingham Church Bombing — 1963

The Sixteenth Street Baptist Church was bombed in Birmingham, Alabama during a crowded Sunday morning service on September 15, 1963. Four young girls — Denise McNair, Carole Robertson, Cynthia Wesley and Addie Mae Collins — were killed in the blast. The church was a meeting place for Martin Luther King Jr. and other civil rights activists who planned marches and non-violent protests. Four

men left the state within a few years and were divorced by their wives. Milam died in 1980, and Bryant died in 1994.

### New evidence: reopening the case

Years passed and the racial climate in Mississippi slowly changed. Racist groups could no longer threaten witnesses or juries, and black men and women served as jurors alongside their white neighbors in the South.

The case of Emmett Till remained in the news and many books have been written describing the events that took place 50 years ago. Filmmaker Stanley Nelson produced a documentary about the murder of Emmett Till for the *American Experience* series on the Public Broadcasting System (PBS) in 2003. A *New Yorker* named Keith Beauchamp also began his own investigation into Emmett's death for a television documentary.

In the course of their research, both filmmakers met people who talked about the murder, people who "should have testified

but didn't because they were scared," Nelson told *Newsweek*. Specifically, Nelson was referring to Oudie Brown, who saw a man washing blood out of a truck all those years ago. Brown asked the man about it and was told that it was Emmett Till's blood. When Brown went to the courthouse to tell his story, armed men frightened him and he left.

While collecting material for his film, *The Untold Story of Emmett Louis Till*, Beauchamp discovered a number of witnesses who revealed additional details of the 1955 crime. One woman said she saw several trucks involved in the kidnapping, not just one. Beauchamp believed there were five people still alive today that could be connected to Till's murder. He turned over all case-related material that he had uncovered to federal prosecutors.

In May 2004, Assistant Attorney General R. Alexander Acosta announced that new information in the case suggested as many as a dozen people, not just the two who were put on trial for the crime, may have been involved in *continued on page 6*

local members of the Ku Klux Klan (KKK) were suspected, but no charges were filed.

For years the Federal Bureau of Investigation (FBI) would not disclose information about the case. Finally a niece of one of the suspects agreed to testify against him in court. Robert Chambliss was convicted of murder and sentenced to life in prison in 1977. He died there in 1985.

One of the other suspects, Herman Frank Cash, died in 1994. The remaining two, Thomas Blanton Jr. and Bobby Frank Cherry, were charged in 2000 on four counts of intentional murder. Blanton was convicted and sentenced to life in prison in 2001, but Cherry was considered too ill to stand trial at the time. In January 2002, Cherry was declared fit, and in May of the same year the 73-year-old was convicted and sentenced to life in prison. He died on November 18, 2004 at the Kilby Correctional Facility near Montgomery, Alabama.

### Vernon Dahmer Sr. — 1966

A civil rights activist and businessman, Vernon Dahmer Sr., was killed in a KKK firebombing on January 10, 1966 in Hattiesburg, Mississippi. Reportedly, Dahmer had been singled out because he helped register black people to vote, allowing them to pay the \$2 poll tax required for voter registration in his store. Samuel Bowers, a former Imperial Wizard of the KKK, was tried four separate times in the late 1960s for ordering the killing. All four juries were deadlocked—unable to reach a unanimous decision. In 1998, the 73-year-old Bowers was retried and convicted of murder. He was sentenced to life in prison where he remains today.

### Ben Chester White — 1966

In 1966, the body of black sharecropper Ben Chester White was found riddled with bullets in a national forest near Natchez, Mississippi. Three men — Ernest Avants, James Lloyd Jones and Claude Fuller — were accused of the

crime. Ernest Avants was acquitted of murder in a state court in 1967. James Lloyd Jones confessed to the crime, but a mistrial was declared. Claude Fuller was never tried for the crime. Both Jones and Fuller are now dead, but federal authorities reopened a federal case against Avants in 1999. Even though Avants was acquitted in state court, he could still stand trial on a federal charge because White was killed on government land. Federal prosecutors explained that White was killed to lure civil rights activist Dr. Martin Luther King Jr. to southern Mississippi so the Klan could assassinate him.

Ernest Avants was convicted of aiding and abetting in the murder of Ben Chester White in 2003 and sentenced to life in prison. Although Fuller allegedly shot White 17 times with a rifle, it was Avants who fired a shotgun blast into his head. Avants died in prison in June 2004 at the age of 72. ■

—Phyllis Raybin Emert

### New high school opens doors

In September 2003, New York City opened the nation's first state-accredited, four-year public high school for GLBT students. The school was named after Harvey Milk, San Francisco's first openly gay city supervisor who was assassinated in 1978. Founded in 1984 as an experimental, alternative school option, the Harvey Milk School was then just an after-school program that helped students obtain their GEDs. Part of the Hetrick-Martin Institute, a nonprofit organization founded in 1979 to address the problems of disenfranchised lesbian and gay youth, the full-fledged high school became a reality when the New York City Board of Education authorized a \$3.2 million capital expansion in 2002.

Although the school accepts applications from anyone regardless of race, gender, sexual orientation, religion or physical disabilities, it was created as a hate-free place for GLBT students. The Harvey Milk High School acts as a safety net for students who might otherwise have dropped out of school. According to the Hetrick-Martin Institute, Harvey Milk High School boasts a 95 percent graduation rate, and 60 percent of its students go on to higher education.

New York State Senator Thomas K. Duane, who is openly gay, wrote in a letter to the editor of *New York Magazine*, "The reality is that without the Harvey Milk High School, many students would be denied access to a safe environment and the

quality of education they deserve." Senator Duane's comments were in response to a feature article, *The Harvey Milk School Has No Right to Exist. Discuss.*, that the magazine published in February of this year.

Mayor Michael Bloomberg and the board of education support Harvey Milk High, but there are those who

oppose the idea of a separate school for GLBT youth. An opinion piece from *The Yale Herald* regarding Harvey Milk High School stated "safe classrooms and hallways should be a

fundamental right

afforded every student in every public school, and it is absolutely ridiculous that gay students, or any other group for that matter, should have to attend special schools to have those rights respected." The editorial contends that the precedent set by Harvey Milk High School actually "sets back the cause of equal rights by affirming that separating gays from mainstream public institutions is an acceptable alternative to providing for the protection of their rights within those institutions."

### Resorting to segregation

Critics of Harvey Milk High School claim that separating GLBT students from mainstream schools promotes **segregation**. The landmark U.S. Supreme

Court decision in the 1954 case of *Brown v. Board of Education* declared that segregation is unconstitutional. Unlike African-American students in 1954, however, no one is forcing GLBT students to attend Harvey Milk High School. In fact, only a small percentage of the total number of GLBT students in New York actually attend the school.

Pio Pennisi, principal of Dunellen High School, believes once you start separating students on the basis of different races, different religions or sexual differences, it is a form of segregation. "Heterogeneously grouped schools are the way to go. Everybody learns from everybody else. The world is a big melting pot," Pennisi contends.

Jonathan Turley, a law professor at George Washington University who has been a long-time advocate for gay rights, has publicly criticized the school, saying it promotes "separate but equal," another doctrine that the *Brown* decision struck down. Turley said separating gay students does not deal with the underlying problem of prejudice against them.

"One can have great sympathy for the motivation behind this school but question the means used to achieve noble ends," Turley told *New York Magazine*. "I was flabbergasted that leaders in the gay community embraced this concept, an act of self-exile from the school system, to self-isolation." Turley went on to tell *New York Magazine*, "I think Harvey Milk High School is an enormous cop-out by the Bloomberg administration. It would be far more expensive to deal with the underlying problem: to train teachers, to monitor classrooms, to punish prejudicial students. All of that comes with high financial and political costs; it is much easier to isolate these students and claim it as a benefit," Turley said.

*continued on page 6*



## Delayed Justice *continued from page 3*

the kidnapping and murder of the teenager in 1955.

"We owe it to Emmett Till, we owe it to his mother and to his family, and we owe it to ourselves to see if, after all these years, any additional measure of justice is possible," Acosta told *Newsweek*.

The Justice Department investigation moves forward this month with the exhumation of Emmett's body for an autopsy, which was never performed after the murder. Authorities are hopeful that the autopsy will finally determine the cause of death and dispel the claims made during the 1955 trial that the

murdered teenager was not Emmett Till.

Unfortunately, Mamie Till-Mobley died in 2003 at the age of 81. Active in the civil rights movement, she never gave up the fight to reopen the case and lectured around the country about her son's murder.

In her book, she said, "As long as the Emmett Till murder is unresolved, this case will sit there like a thorn in the side of our sense of justice and fair play. It will continue to poke at us, to prick our conscience and irritate. Without a resolution, we can never be at ease." ■

## Harvey Milk High School *continued from page 5*

### Lawsuit filed

New York State Senator Ruben Diaz, a Bronx Democrat and Pentecostal minister, brought a lawsuit against Harvey Milk High School in August 2003. His suit claims "the school is illegal because it violates policies of the New York Education Department and the city's laws against bias based on sexual orientation," and sets up a special class of students, effectively creating illegal segregation. Senator Diaz also says in his lawsuit that the \$3.2 million spent to launch the fully-accredited high school would be better utilized if it were spread more evenly among New York City's 1.1 million students rather than benefiting only the 100 students attending Harvey Milk High School.

Though he claims that he is also acting in the best interest of gay students with his lawsuit, "fighting against their isolation," according to *New York Magazine*, Senator Diaz has been critical of the gay lifestyle and is often accused of being **homophobic**. In 1994, Senator Diaz, as a member of New York City's Civilian Complaint Review Board, wanted to call off the Gay Games because he thought that the influx of gays to New York would result in an increase in the HIV infection rate and "have a corrupting influence on youth," reported *New York Magazine*.

New York City Councilwoman Margarita Lopez told *The Villager* that she believes Senator Diaz "should leave his religion at home when he is a state senator." Harvey Milk High School is located in Councilwoman Lopez's district and she is supportive of the school.

"The majority of children who go to that school are in foster homes because their families kick them out," Lopez said. "The physical, psychological abuse of these children is serious."

Shortly after Senator Diaz brought his lawsuit, the Liberty Counsel took up his cause. The Liberty Counsel, located in Florida, is a nonprofit litigation group

inspired by **evangelical** causes. *New York Magazine* reported in its feature article on the high school that Liberty Council's founder, Mathew Staver, has called Harvey Milk High School "a school dedicated solely to those engaged in abnormal sexual practices."

Lawyers for the city and Liberty Council are reportedly in negotiations, according to *New York Magazine*, although the city's lawyers will neither confirm nor deny it. Currently, the case is making its way through the New York court system. At press time, a decision had not been rendered, nor had an agreement been struck between the two parties. ■



## Glossary

**acquitted** — cleared of a criminal offense. **double jeopardy** — the protection against being tried in a court of law twice for the same offense. **evangelical** — believing in the authority of the scripture and the salvation of Jesus Christ. **homophobic** — derived from the word homophobia, which is an irrational fear of homosexuals. **indicted** — to be charged with a criminal act by a grand jury and held over for trial. **segregation** — the policy of separating people from society by race or social class.