Foreword: Confronting the Crimes of the Civil Rights Era

A massive breakdown in law enforcement during the civil rights movement left thousands of Americans victimized by crimes of racial violence, from heinous murders to more common jailhouse assaults. State and local law enforcement frequently colluded with the perpetrators of anti-civil rights violence. Perpetrators were rarely prosecuted, and where cases were pursued, prosecutors usually undercharged and otherwise minimized the harms to civil rights activists and their supporters.

Decades after the violent backlash against the civil rights movement, communities across the country are grappling with how to make amends. In the last fifteen years, a range of policy initiatives that revisit and seek to rectify past governmental injustices have merged. State and local prosecutors have brought fresh cases against the perpetrators of past hate crimes; fresh trials have put behind bars at last the killers of Medgar Evers, the three Mississippi Freedom Summer workers, the four Birmingham girls, and Hattiesburg voting rights activist Vernon Dahmer. The accused KKK killer of Charles Eddie Moore and Henry Hezekiah Dee, murdered in Meadville, Mississippi, in 1964, was indicted in January 2007. Seven states have reopened twenty-nine killings from this period. Twenty-two individuals have been convicted. In June 2006, a high school in McComb, Mississippi, conferred diplomas on a group of sixty-year-olds who had been expelled in 1961 because of their civil rights activity. Congress is now considering a measure to beef up federal investigative and prosecutorial resources, the Unsolved Civil Rights Crimes Act (“Till Bill”).

The fresh prosecutions and related measures taken by legislatures and civic organizations are elements in a multifaceted movement to recognize, and to restore justice to, the victims of anti-civil rights violence, and to bring to book the perpetrators of these offenses. As Renee
Romano notes in her article, *A Movement to Remember/Remembering a Movement: Memory, History, and the Contemporary Trials of Civil Rights Era Crimes*, a tension exists between legal and political authorities, who seek closure by bring justice to individual victims through new trials, and victims’ families and activities, who hope to heal communities by bringing to light the widespread and often government-supported racism of the civil rights era.

In order to achieve this broader goal of community healing, victims’ families have not only encouraged prosecutors to pursue cold anti-civil rights cases, but have also made common cause with the press, with civic organizations, and with the legislature. This is a people’s movement to revisit the crimes of the civil rights era, so that the communities grappling with how to rectify past governmental injustices can begin to heal the festering wounds caused by anti-civil rights violence. The articles in this Symposium are part of that movement.

**The Role of Victims' Families**

The efforts of the victims' families have been paramount in reopening anti-civil rights cases and bringing the perpetrators of these offenses to justice. As Professor Romano points out, efforts to reopen cold anti-civil rights cases have been criticized because of the age of the cases and defendants, the cost to taxpayers, and because they “open up old wounds.” However, it is necessary to revisit these cases in order to begin to heal communities damaged by widespread and longstanding racism. In two of the articles in this Symposium, Rita Schwerner Bender and Myrlie Evers-Williams, both widows of murdered civil rights activists, address the role of victims' families in reopening and trying cold anti-civil rights cases.

Rita Schwerner Bender is a lifelong civil rights activist and the widow of Michael Schwerner, a Mississippi Freedom Summer worker who was killed with James Chaney and Andrew Goodman by the KKK in 1964. In her article, *Searching for Restorative Justice: The*
Trial of Edgar Ray Killen, Ms. Schwerner Bender discusses her experience bringing her husband's killer to justice, as well as the impact of the trial on the larger community.

Schwerner Bender described the trial as a catalyst that allowed the fear, anger, and pain of the community to come to the surface. She recounted the story of an African American woman for whom the trial was an opportunity to bear witness in the face of her community’s fear. She also renewed a friendship with a civil rights volunteer who had planned to go to Neshoba county with the three civil rights activists, but had instead stayed home to go to church with his mother. For him, the guilty verdict offered release from his misplaced sense of responsibility that, if he had only gone, somehow those murders would have been prevented.

Schwerner Bender also detailed the experiences of some of the white observers at the trial, including an elderly woman who had written a book on the harassment she faced for her efforts to cooperate in the investigation of the three civil rights activists’ disappearances. She reported how a retired editor who had written about the importance of the trial had cried when the verdict was announced. She also described how some people struggled to understand what had happened in their community, including a Mississippi Highway patrolman who had openly wept when trying to explain to her what it had been like to serve in law enforcement during the backlash against the civil rights movement.

Although Schwerner Bender found her personal experience of the trial to be a significant thread in the events of her life, she came to believe that the civil rights trials could have a greater impact on the community at large than they ever could have for victims’ families. She recounted the complicity of the government in the crimes of the civil rights era, and argued that an accounting of the history of racism and poverty in America was necessary in order to move forward. By providing “an opportunity for a part of the truth to emerge, imperfect and
incomplete as it is,” these civil rights trials could play a part in the search for restorative justice

Myrlie Evers-Williams is a longtime civil rights activist, the first full-time chairman of the NAACP, and the widow of civil rights leader Medgar Evers, who was assassinated in 1963. Evers-Williams was chairman of the NAACP from 1995 to 1998, and is credited with spearheading the operations that restored the association to its original status as the premier civil rights organization in America. In her article, Keeping a Promise of Justice: The Trial of Byron de la Beckwith, Ms. Evers-Williams discusses the promise she made to her husband before he died that she would see that justice was done.

After her husband was murdered, Evers-Williams fought through multiple trials to bring his killer to justice. During the first trial, she fought against a District Attorney who refused even to call her “Mrs. Evers” when she took the stand. Further, the governor interrupted her testimony at the trial, greeting the defendant, Byron de la Beckwith, and starting a conversation with him. The trial ended in a hung jury, and Beckwith left the courthouse to campaign for lieutenant governor; the prosecutor was running for governor in the same race.

Later, even after the District Attorney warned her that there was nothing they could do, that there was not enough evidence, and that the case was too old, Evers-Williams continued working to keep her promise to her husband. She had kept the three-volume transcript from the previous trial, which she gave to the District Attorney’s Office after learning from Jerry Mitchell that the prosecutor claimed that it could not be found.

When the guilty verdict was read at Beckwith’s third trial, Evers-Williams relates how “every bit of anger, every bit of hatred, of fear, escaped from every pore of my body . . . and I felt free. But I also felt that America, my people, all people, were freer when that verdict was read.” She had kept the promise she made to her husband, but she had also worked towards the
fulfillment of another promise—the promise of this country—“[t]o see that this America does what she says she would do, when everyone has the opportunity to do whatever her womanhood or his manhood said could be.”

**The Role of the Press**

The press has also played an important role in reopening cold anti-civil rights cases and promoting community healing by bringing the atrocities of the civil rights era to light. As Rita Schwerner Bender argued, "the press can be a powerful voice in the struggle for restorative justice.” In his article, *Investigating and Reporting on Civil Rights Era Crimes: The Role of the Press*, Jerry Mitchell, an investigative reporter for The Clarion-Ledger in Jackson, Mississippi, describes his part in bringing to justice the killers of Medgar Evers, Vernon Dahmer, the four Birmingham girls, and the three Mississippi Freedom Summer civil rights workers.

Mr. Mitchell worked closely with Myrlie Evers-Williams, Medgar Evers' widow, in bringing Byron de la Beckwith to justice. Mitchell interviewed Beckwith and developed sources who leaked sealed records from the Mississippi Sovereignty Commission that, along with transcripts found by Mrs. Evers-Williams, helped to indict Beckwith for Evers' murder. Mitchell also played a role in the trial for the murder of Vernon Dahmer. He tracked down and obtained a tape from a key witness, Billy Roy Pitts, describing Sam Bowers' involvement in Dahmer's murder, that led to Bowers' arrest and conviction. Mitchell interviewed Bobby Cherry, the defendant in the Birmingham case, several times before his arrest, and his investigation into Cherry's alibi helped to convict him for his role in the murders. Mitchell also investigated the murder of the three Mississippi Freedom Summer workers, and obtained a copy of a sealed interview with Sam Bowers that implicated Edgar Ray Killen in the murders. Mitchell's efforts to investigate and report on these murders, along with the efforts of victims' families and
prosecutors, led to the retrial and prosecution of anti-civil rights cases.

**The Role of Civic Organizations**

In addition to the retrial of cold anti-civil rights cases, which focuses on individual perpetrators and victims, there has been a larger, community-based effort to revisit the crimes and systemic racism of the civil rights era. Civic organizations have played an important part in this larger effort. In two of the articles in this Symposium, Andrew M. Sheldon and Susan M. Glisson address the role of community-based efforts to heal the wounds of the civil rights era.

Andrew Sheldon, a trial and jury consultant based in Atlanta, Georgia, has assisted in selecting many juries in both civil and criminal cases nationwide. His specialties include witness work, jury research, *voir dire* and jury selection. Dr. Sheldon is the past president of the American Society of Trial Consultants and is active in promoting the profession of litigation consulting to trial lawyers. In his article, *Alternative Paths to Racial Reconciliation*, Mr. Sheldon discusses the efforts of his organization, Southern Truth and Reconciliation, or STAR, to promote truth telling and reconciliation as a means of processing racial violence in Southern communities.

STAR has been involved in several community-based projects, including one with the Moores Ford Memorial Committee in Moores Ford, Georgia. The committee was organized to raise awareness of the murder of two African American couples in 1946 and to seek prosecution of those involved in the killings, and invited STAR to assist in its efforts. As a truth and reconciliation organization, STAR was unable to assist the committee in prosecuting the murders. However, STAR was able to provide the community with a “menu of options” to work towards racial reconciliation, including a memorial, discussions about reparations, and reporting about past violence.
STAR was also involved in organizing a centenary effort to bring to light the violence of the 1906 Atlanta Race Riot, a largely unknown riot, in which people were dragged from trolleys and beaten and killed by white mobs. STAR held a downtown celebration that included gospel choirs, speeches, art exhibits, performances, as well as several panels of authors and historians. After STAR’s community outreach efforts, Georgia high schools began teaching about the riot, people began visiting the sites of the violence, and the Georgia state legislature passed a bill acknowledging and condemning the riot. By bringing to light and processing past injustices, Sheldon hopes to remove “the scab that only covers a deeper wound, so that fresh air can provide real healing” for communities.

Susan M. Glisson is director of the William Winter Institute for Racial Reconciliation at the University of Mississippi, and specializes in the history of race and religion in the United States, especially in the Black struggle for freedom. In 1998, she coordinated the only deep-South public forum for One America: the President's Initiative on Race at the University of Mississippi, which led to the creation of the Institute for Racial Reconciliation. In her article, Community Engagement and the Search for Justice, Dr. Glisson discusses the role of the Winter Institute in assisting the McComb, Mississippi, school system in its efforts toward community reconciliation.

In 1961, Brenda Travis was expelled from her McComb high school for a civil rights arrest. Over one hundred students at her high school staged a protest after learning of her expulsion. Of these students, fifteen were immediately expelled, and the remaining students were forced to leave after they refused to sign an agreement not to engage in further civil rights activity.

In 2004, as Director of the William Winter Institute for Racial Reconciliation, based at
the University of Mississippi, Glisson was invited by the mayor of McComb to help improve race relations there. Glisson helped to create several programs on civil rights history in McComb, including an oral history project, workshops at the school and in the community, and several public discussions.

The Winter Institute hosted the first statewide civil rights summit for teachers in the summer of 2005, in Philadelphia, Mississippi. McComb was selected as the location for the second annual summit in 2006. When planning the second summit, McComb school system staff introduced the idea of holding an honorary graduation ceremony for those students who had protested Brenda Travis’ expulsion in 1961, and of offering them honorary diplomas. Despite heated disagreements between the Winter Institute and McComb school system in planning the graduation ceremony, Glisson was able to arrange for Brenda Travis to speak at the ceremony, who received a standing ovation.

Although tensions continued in the aftermath of the summit, everyone involved remains engaged in the work towards community reconciliation. Glisson believes that, despite different perspectives on the meaning of community reconciliation, “in that commitment, that refusal to run away or give up, lays the hope of democracy.”

**The Role of the Legislature**

Legislative efforts have also been important in revisiting the crimes of the civil rights era, in order to begin to heal the communities harmed by anti-civil rights violence. In his article, *Investigating Anti-Civil Rights Cases: The Emmett Till Bill*, Alvin Sykes, the chairman of the Emmett Till Justice Campaign, describes his efforts to prosecute the killers of Steve Harvey and Emmett Till, and his role in introducing the Till Bill in Congress.

After his friend, local jazz musician Steve Harvey, was beaten to death in a park, and the
man charged with his murder, Raymond Bledsoe, was acquitted, Mr. Sykes contacted the prosecutor and helped convict Bledsoe under federal civil rights violation charges. Sykes then formed the Emmett Till justice campaign and persuaded a state prosecutor to work with the federal government in investigating Till's murder. Although this did not result in a grand jury indictment, Sykes went on to persuade his then-senator to introduce into Congress the Till Bill, which would create a permanent cold case unit in the Justice Department. The Till Bill has since been passed in the House of Representatives, and is currently pending in the Senate. Sykes’ prosecutorial and legislative efforts show the impact one person can have in bringing to light the festering wounds caused by anti-civil rights violence. As he argues, you must "[l]ook for the truth, and latch on to the truth, whatever it is. You cannot get justice until you first find out the truth."

**Conclusion**

The articles in this Symposium are part of a movement to recognize the victims of anti-civil rights violence, fueled by the efforts of victims’ families, as well as community efforts by the press, civic organizations, and the legislature. Although tensions exist between the goals of prosecutors who retry cold anti-civil rights cases and those of victims’ families and community activists, these trials are a necessary part of a larger effort to bring the atrocities of the civil rights era to light. By revisiting these cases, communities may begin to heal the old wounds created by past governmental injustices, systemic racism, and anti-civil rights violence.