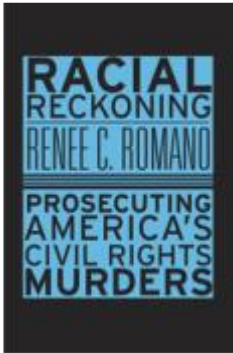


# Before Ferguson

July 28, 2015



Jimmie Lee Jackson was shot by an Alabama State Trooper in Marion, Ala., on Feb. 26, 1965, following a civil rights march. He died two days later. This killing sparked the Selma marches depicted in the now-famous film (the Jackson shooting is shown with a slight change in locale). The trooper was not even reprimanded, but 42 years later the case was reopened, and in 2010 the now 77-year-old man pleaded guilty to manslaughter and got six months, of which he served only five due to illness.

In *Racial Reckoning*, Romano's objective is to examine "why the racial terrorism of the civil rights era went unpunished, and why it was possible to reopen investigations and bring new charges decades after the murders took place" (13). But beyond that, she asks another question: what was the impact of these later trials and convictions on the way many Americans, not only in the South, viewed what had happened, and just as important, how did these trials influence our understanding of the present state of "race relations"?

In the first chapters of her book, she introduces us to 38 racially motivated murders of African Americans by whites in the South from 1951 to 1968, including five by law officers. Of this select group there were arrests in 15 cases, some of them only after they were reopened many years later. Romano uses these cases to try to answer her questions.

There were actually closer to 200 racist murders in the South in those years, not all involving civil rights activists. (The Arkansas Delta Truth and Justice Center lists 53 from 1955 to 1970 in Mississippi alone, including 15 by police officers.) One of the more infamous murders was that of 14-year-old Emmett Till, in August, 1955. He was visiting relatives in Mississippi when he was accused by a white woman of whistling at her. Her husband and another man kidnapped him, beat him, shot him, and dumped his body into the Tallahatchie River. An all-white jury acquitted them. They later confessed in a *Look* magazine article, but were never retried. Another "typical" murder was that of Herbert Lee, an NAACP activist who was shot by a Mississippi state legislator in 1961. No arrests were ever made even though there were witnesses, one of whom, an African American, was himself killed to keep him quiet. Many of the murders were assassinations, targeting particular leaders such as NAACP officers, activist ministers, people encouraging Blacks to vote, and so on. Others were the victims of random violence, terrorism, in short, as in the case of John Earl Reese, who was killed in October, 1955, when a group of white men shot up a local café in east Texas to discourage Blacks from attempting to go to school with whites; or Virgil Ware, age 13, who was shot by two white teenagers on their way home from a segregationist rally in Birmingham, Ala., in September, 1963. In the former case, the shooter was convicted but the five-year sentence was suspended. In the Ware murder, the teenagers got seven months, suspended. A number, like Till, were murdered for "transgressing customary racial boundaries" (22) including alleged intimacies with white women, lack of subservience toward white customers, or taking jobs traditionally reserved for whites. Yet others were random victims who were simply carrying out their daily business, as in the cases of Reese and Ware, or Johnnie Mae Chappell, a mother of ten, who was shot in Florida in 1964 while looking for a lost wallet on the street.

In the majority of these murders, no one was arrested much less tried at that time. In the handful of

cases that did come to trial, the court was rigged in favor of the defendants. The juries were all-white because in many communities jurors had to be registered voters, and there were few if any Blacks registered. Defense attorneys got informal help in identifying “safe” jurors. They made every attempt to stigmatize and belittle the victims, including red-baiting and accusations of sexual improprieties. They typically attacked federal prosecutors for interfering with states’ rights. Judges would not bar jurors who were openly racist even when they stated they could never convict a white man for killing a Black man. Even the prosecutors would tell jurors they were in favor of segregation and had no sympathy for the victims.

In the Birmingham, Alabama, church bombing of September, 1963, which killed four girls, no one was charged with the murders until 1977. One of the bombers was sentenced to life. But rather than heralding an era that would shine light on other murders, it was, in Romano’s view “an anomaly” (74). It took 25 more years for others to be convicted in this case. In the murders of James Chaney, Andrew Goodman, and Mickey Schwerner at the beginning of Freedom Summer in June, 1964, the state of Mississippi failed to prosecute. The federal government did win convictions of seven men for conspiracy. After Clifford Wilson was sentenced to life for his role in the 1966 murder of NAACP activist Vernon Dahmer, the governor of Mississippi commuted his sentence after three years.

Many murders, however, as in Till’s case, were never resolved. Among Romano’s 38 cases (not necessarily typical of all the murders), there were 12 killings where the murderers, even when known, as in the case of several police, were never arrested.

Why was the white South intent on terrorizing its African-American population? Romano tells us that “the white men behind the region’s racial violence feared the loss of the world they knew” (24), especially after the Supreme Court’s 1954 school desegregation decision. The (white) Citizens’ Councils, founded that same year, grew to 250,000-300,000 members in 500 local chapters by 1957. The various Southern klans also grew rapidly in that period. Mississippi established a Sovereignty Commission (MSC) to do, at the local level, what FBI Director Hoover was doing via his Counter Intelligence Program (Cointelpro): using informers and surveillance to track civil rights workers and disrupt their entirely legal activities. The MSC apparently alerted Neshoba County Deputy Sheriff Cecil Price to look out for Chaney, Goodman, and Schwerner, in effect painting targets on their backs.<sup>1</sup> Up to that moment, the FBI had been reluctant, to say the least, to interfere with local and state law enforcement, claiming lack of jurisdiction, even though its agents collected reams of evidence. This material would come to light when cases were reopened later. But in these years many African Americans would not talk to the FBI since the agency sometimes turned evidence over to local authorities, with dire consequences for the informants. The FBI in Mississippi in 1964 was all-white, and most agents were native to the state.

Romano lays out for us the entire network of institutions that supported segregation, including the white churches, the media, and the political establishment which, with its “racist rhetoric and ... policies aimed at stifling black protest ... created an environment ripe for political violence and racial terrorism” (31). As the co-editor (with Leigh Raiford) of a prior book, *The Civil Rights Movement in American Memory* (U. of Georgia, 2006) it is logical that Romano would be particularly interested in how the media (including film) portrayed this violence and how the public’s understanding of the circumstances was shaped. In her view, media coverage of the trials, then and later after cases were reopened, obscured the complicity of “respectable” community leaders—the “white power structure” (28). She comes back to this point repeatedly.

As for those few brave white souls who dared to support integration in the 1950s and 1960s, the consequences could be grim. Juliette Morgan, who supported the Montgomery Bus Boycott, lost her job, was targeted with threatening phone calls, and committed suicide. Ira Harkey, a newspaper editor in Mississippi, had his offices shot up, his delivery staff beaten, and his advertisers

threatened. Florence Mars, who cooperated with the FBI in an investigation, had her business boycotted, and she was ostracized by her church. The family of 1964's Miss Mississippi invited some civil rights workers to dinner and became the victim of a "vicious" campaign of intimidation (38). In none of these cases did white community church, business, or political leaders or even neighbors speak out, either because of their segregationist views or out of fear. This crushing atmosphere helped Florence Mars understand "how Nazi Germany was possible" (38).

Medgar Evers, the NAACP Field Secretary for Mississippi, was shot and killed on July 12, 1963, by an arch-segregationist, Byron De La Beckwith. Two trials ended in "hung juries." Twenty-six years later, some of the Sovereignty Commission's files were leaked. By now the political climate of the South, even in Mississippi, had shifted, due in part to the Voting Rights Act of 1965, which opened the door to the election of some Black officials. By 1990 one-third of Mississippi's registered voters were Black, and there were more Black elected officials there than in any other state. Romano also tries to make the case that the era of sweeping civil rights murders under the rug was coming to an end. "By the 1980s," she claims, "white Americans from a range of political backgrounds had accepted the position that the government should not discriminate on the basis of race" (77). Romano is quick to point out that this did not imply support for policies that might make this rhetoric a reality. But this changing atmosphere did lead the media to be more open to reinvestigating some of the more notorious murders. The release of the film *Mississippi Burning* in 1988 made a considerable impact regardless of its deeply flawed portrayal of the Freedom Summer murders and the FBI's (highly fictionalized) role. It won seven Oscar nominations.

The upshot was that Medgar Evers' murder case was reopened thanks to a kind of partnership between Myrlie Evers, Medgar's widow; Jerry Mitchell of the Jackson, Mississippi, *Clarion-Ledger*; and a white assistant district attorney named Bobby DeLaughter, who, while at first reluctant, soon became "a vocal advocate for the need to show that Mississippi courts could treat blacks and whites equally" (67).<sup>2</sup> De La Beckwith was convicted and sentenced to life in 1994. He died in prison.

The relatives of the victims, Till's mother, Chaney's brother, Schwerner's widow, and others who had been working for years to keep these cases visible, were now able to press more actively to have them reopened. Soon their cases and others were indeed reopened. "Within a decade, a range of new activists—who were dedicated to uncovering the full extent of the racial terrorism of the 1950s and 1960s as well as state complicity with it—embraced the project of seeking prosecutions" (68). But for the Southern white establishment, the trials had another purpose: "to close the door on a troublesome past." Activists wanted to open up the past; the establishment wanted as quickly as possible to bury it.

Since the 1980s, Romano tells us, there have been more than one hundred reinvestigations of racially motivated killings that took place between 1955 and 1970. They have resulted, so far, in 13 trials and more than twenty men sentenced to prison. In addition to Evers' murderer, there were convictions and long sentences for the Birmingham church bombing, a retrial and conviction in the Freedom Summer murders, and a life sentence for the Vernon Dahmer murder, among others. In 2008 further pressure resulted in Congress passing the Emmett Till Unsolved Civil Rights Crime Act, passed unanimously in the Senate and with only two dissenting votes in the House, and signed by President Bush. The Department of Justice reopened 112 investigations, but within a year had closed all but twenty of them because, the FBI determined, "prosecutions were no longer viable" (199).

Still, many Southern whites and some Blacks did not favor reopening the Evers or other cases. All sorts of excuses appeared: the defendants were too old, the trials would cost too much, they would just open up old wounds. "Stirring up old crap," one white man said, "just makes it stink worse" (81).

The defenders of reopening responded by comparing the trials to pursuing aging Nazis. Maybe, the thought went, sometimes old wounds needed to be reopened so that they could be cleaned.

Yet in Romano's estimation even when trials did take place there were serious problems. Foremost is the fact that trials by themselves could not "foster the kind of understanding of history [that is] necessary to serve the cause of racial equality and social justice" (171). This was mainly due to the way trials are structured. In short, it was difficult to raise issues beyond the narrow question of the guilt or innocence of defendants. Efforts were certainly made, and continue to be made by movement activists and relatives of the deceased, to correct the way the trials functioned to portray the South and to deepen the public's awareness of the roots of racism and the collusion of white power structures in fostering the climate in which the murders took place. But Romano suggests this was a losing battle.

The trial narratives did several things: For one, they sent the message that Mississippi was not like *Mississippi Burning*, which portrayed Mississippians generally as a bunch of hoodlums. Rather, the murders were the acts of a "monolithic group of thugs and racists" (82), and guilty verdicts demonstrated evidence of racial progress. In fact, defense attorneys called none of the defendants as witnesses in any of these cases: They were deemed too "'repulsive' to the jury to be heard" (129). Less-repulsive defendants were never tried because they might arouse sympathy or because the case might have raised larger questions about state complicity. Moreover, prosecutors facing Southern juries (even though no longer all-white) felt they needed to steer clear of connecting the murders to the controversial area of civil rights since many whites might have felt that the victims "brought it on themselves," and so they concentrated on the "narrow question of individual culpability" (115). In this way racism became defined as overt hatred by these particular individuals, rather than deeply woven into the fabric of southern (and American) life. So the trials "presented history in ways that excused the government or community of any complicity" (137).

Romano hammers away on this theme repeatedly. She sees the trials as an evasion. They let governments and institutions off the hook, allowed the North to blame the South for all the violence, and let the South put the blame on a few aging klan members whose deeds took place years ago. Yet she admits that trials did, and do matter. Trials do, in theory, help to overcome Black mistrust of the legal system and make clear that the wider community does not condone racist violence. Such trials function much, perhaps, like hate-crime legislation, which also does little to stop hate, but reassures minority communities of their legitimate place in society. Also, the trials did act as entry points for broader community activism just as police shootings do today. Still, if civil rights murder trials are to be more than just "a way to close the door on the past, or as proof that history has been fully dealt with" (193), it must be kept clear that they are only "a first step towards [the] goal of racial justice."

How were steps towards "a deeper conversation about the region's past" (180) to take place? By 2004 a number of communities in the South had been commemorating some of the civil rights-era victims. Notably in Philadelphia, Mississippi, the site of the three Freedom Summer murders, an interracial coalition had been formed to "rehabilitate" Neshoba County's image. It organized a 40<sup>th</sup> anniversary (of the murders) commemoration to press for justice in the case. (Edgar Ray Killens was convicted a year later.) Within the coalition, a more radical group advocated that it should go on to "fight for educational initiatives and political reform" in the community and to uncover "the whole truth" about what had been going on in the county (179). In 2006, 24 different community groups from around the South met at the University of Mississippi to create a "regional alliance to confront the region's history of racial terror" (181).

Several of these groups, including Atlanta's Southern Truth and Reconciliation and the earlier Greensboro (North Carolina) Truth and Reconciliation Commission, were interested in "restorative justice" (after the model of South Africa). The Greensboro group had been organized a few years

after the 1979 killings of five people during a “Death to the Klan” march. The perpetrators were associated with local extremist groups. The police did nothing, and the six accused were acquitted. (The families of the victims won a civil suit in 1985.)

The idea, apparently shared by all these groups, was that “shaping people’s views of America’s racial history was ... an important part of achieving a more equitable society” (183). It was thought that contemporary policies such as Affirmative Action, aid to “inner cities,” improving public education, and other expensive reforms would not gain a following (among whites) unless people learned how current economic problems were “the consequences of slavery and segregation” (187). If Romano believes this, as apparently so many did and still do, it suggests a rather naïve view of the processes by which attitudes and beliefs change (or don’t).<sup>3</sup> Nevertheless, movement veterans also continued to press for trials as a way of paying a debt to the victims and their families, despite the drawbacks.

*Racial Reckoning* was not intended to go beyond the South. As we know, there were many other civil rights murders.<sup>4</sup> Probably the most notorious, after that of Martin Luther King, Jr., was the Chicago police assassination of Panthers Fred Hampton and Mark Clark while they were asleep on Dec. 4, 1969. A federal grand jury cleared the officers, but years later the families of Hampton and Clark won a civil suit against local, state, and federal authorities.<sup>5</sup>

Romano’s book is meticulously researched. There are 45 pages of footnotes. However, for anyone not deeply familiar with the period it would have been useful to have synopses of the major cases, from murder to trial or other result, rather than forcing the reader to switch back and forth to the index or refer to Wikipedia for a quick overview. The book is nevertheless a fine contribution to the history of the civil rights period.

Romano concludes that the civil rights murder trials functioned to depict “the United States as an exceptional nation committed to equality, justice, and democracy” (207). This myth promotes the message that we live in a “post-racial” society, and that further remedies to overcome racial disparities in income, education, housing, health, and more are unnecessary. The series of police killings of unarmed Black men and the lack of indictments in their cases 2014 and 2015 illuminates once again that disparities continue, and that our society is very much racial.