The diverse community that has grown up around efforts to obtain reconciliation and justice for unresolved civil rights-era harms had something to celebrate at the end of 2009. Before its December recess, Congress appropriated funds for the Emmett Till Unsolved Civil Rights Crime Act, which will stimulate activities on all fronts as this movement seeks to outpace the clock.

Since its launch in 2007, CRRJ has worked closely with lawmakers, lawyers, civil rights-era crime victims, activists, researchers and journalists to assess and develop a range of approaches to redress civil rights-era harms, including criminal prosecution, truth and reconciliation proceedings, and legislative remedies. On the research front, CRRJ is developing reliable data with which to analyze events of anti-civil rights violence, and studying the history and current significance of such violence.

In 2009, CRRJ expanded its programs in four areas: legal support for civil rights-era crime victims and for wrongfully accused persons; research support for legislators and other policymakers; scholarly research; and public outreach.

Student Practice

Working under the supervision of NUSL faculty and CRRJ Fellow Janeen Blake, students from Northeastern University School of Law and Wellesley College participated in CRRJ activities during the entire year. Students participated in litigation workshops, field internships, and conducted independent research. Students at Northeastern attend a
weekly class, which is conducted like a law firm meeting, to discuss CRRJ litigation and current assignments. At Wellesley students also met weekly to discuss their research projects. Instruction covers a broad range of substantive subjects and practice issues.

In 2009 each CRRJ law student handled litigation assignments, a cold case from our Reconstructing Cases of Racial Violence (RCRV) project, and a legislative or policy matter. The law students built and maintained the website and offered public programs to the University community on civil rights and restorative justice issues. The Wellesley students created a database on civil rights era violence in Southwest Mississippi.

Legal Support for Victims of Civil Rights Era Crimes

In 2009 CRRJ, with co-counsel David Kelston, Robert McDuff, and Charles Ogletree, litigated Moore and Dee v. Franklin County, CA 3:09cv236TSL, pending in the District Court for the Southern District of Mississippi. This Civil Rights Act case seeks damages for the families of Charles Moore and Henry Hezekiah Dee, two young African-American men who were killed by the Ku Klux Klan in May 1964 in Franklin County, Mississippi. We claim that Franklin County officials, including the sheriff and his deputy, were actively involved in the events leading up to the killings, and that these local officials covered up their activities during the extensive federal investigation of the crime. We allege that a history of racialized dual law enforcement policies in the County was the moving force behind the deaths of these two 19 year old teenagers. To our knowledge, this civil case is the first of its kind in the country to challenge law enforcement participation in a civil rights-era Klan killing. Moore v. Franklin County provides an opportunity for scholars and lawyers collaboratively to present evidence on the commonly known but clandestine relationship between local law enforcement and violent racial extremists during this period. The case is scheduled for trial in August 2010 in Jackson.

Thomas Moore reflecting on the life of his brother, Charles Moore at CRRJ Conference
Legislative and Policy Initiatives

Access to Federal Records

In 2009, CRRJ drafted legislation to provide open access to federal civil rights-era documents. Such documents are critical for the work of independent researchers, and they are often preemptively closed because of law enforcement needs or the inefficiencies of the FOIA system. Congress has in the past, as with the Kennedy assassination records, made records of great public interest more readily available. CRRJ is working closely with the Civil Rights Cold Case Project, which is edited by Hank Klibanoff, on this initiative. In March 2009 Professor Burnham joined a group of journalists and historians at a meeting with Representative John Lewis, who supports the concept.

CRRJ is consulting with officials from the FBI, the Justice Department’s Criminal Section of the Civil Rights Division, and the Community Relations Service to ensure effective implementation of the Emmett Till Unsolved Civil Rights Crime Act, which provides funds to accelerate the prosecution of cold cases. In July 2009, with others in the civil rights legal community, including Professor Paula Johnson of Syracuse Law School’s Cold Case Initiative, Margaret Burnham consulted with United States Attorney Eric Holder to discuss implementation of the Till Bill. After Congress funded the law in December 2009, CRRJ assisted Alvin Sykes and other civil rights strategists to enhance community input in the federal government’s planning regarding implementation of the law.
The central challenge facing this new movement is time: four or five decades have passed since these harms occurred. As the participants in these events age and pass on, their evidence, stories, and the opportunity for truth-telling is lost with them. In our experience, victims and their descendents are anxious to discuss their experiences, particularly when they know that their accounts will be preserved for history and could provide a basis for genuine truth and reconciliation. It will take time for the Emmett Till Bill to show results. Private investigations have proven to be an enormously effective avenue for reconstructing these cases, but our resources are limited.

In 2009, CRRJ collaborated with law enforcement authorities, journalists and advocates to reach all possible victims. It is well established, however, that law enforcement’s role, while critical, is also limited. CRRJ seeks to reconstruct these civil rights era cases even where criminal prosecution is not an option. Such cases arise when: (1) judicial prosecutions led to wrongful acquittals (as in the Emmett Till case); (2) the case cannot be prosecuted because the perpetrators are not available or the evidence currently on hand is insufficient; or (3) the harms were serious but not fatal.

There are many hundreds of cases across the South that stand ready for investigation and, where possible, resolution. Even if there is no prosecutorial opportunity, uncovering the background and facts of these cases can enhance restorative justice and historical accuracy. These cases require a coordinated, multifaceted and interdisciplinary approach, drawing on the skills of lawyers, historians, social scientists and journalists. Without that, the victims - usually ordinary people with limited resources - and their experiences will remain absent from the civil rights narratives.

In 2009, CRRJ took on several such cases. These three are typical of our work:

**Adlena Hamlett & Birdia Kegler**
Charleston, Mississippi

CRRJ represented the families of civil rights activists Adlena Hamlett and Birdia Kegler, who died under suspicious circumstances in January 1965. The two women were in an auto accident upon their return to their homes in the Mississippi Delta after attending a meeting of the U.S. Civil Rights Commission in Jackson. They died immediately from their injuries. Both women were active in the Delta Civil Rights Movement. Long-standing suspicions that the women were run off
the road by persons seeking to do them harm led to the inclusion of the case on the FBI’s Civil Rights Era Crimes list. Family members asked CRRJ to look into the case in 2008. In March 2009 CRRJ’s Tayo Belle, a 2L student, travelled to Mississippi to investigate. Ms. Belle met with the family members of Hamlett and Kegler and interviewed former civil rights workers who knew the women, including CRRJ Board Chairperson Hollis Watkins.

Shortly after Ms. Belle’s trip, CRRJ interviewed a witness - a former civil rights worker - who was on the scene at the time of the car crash in 1965. Now retired and a resident of Washington, D.C., the witness had never been questioned about the crash before. His statement to CRRJ and to the FBI this past March established that there was no foul play involved in the crash; it was purely accidental. The result of this interview was that CRRJ concluded its representation, and left the Hamlett and Kegler families with peace of mind that their loved ones were civil rights heroines but not martyred murder victims.

**John Earl Reese**

*Mayflower, Texas*

John Earl Reese was 16 years old when, in October 1955, he was shot and killed at a café in a small town in East Texas. Whites were protesting the integration of some Texas schools, and had been shooting randomly across the black neighborhood. Reese and his cousins, two young women, were shot by two men driving by the café. The men later told the court they “wanted to keep the n-rs and whites from going to school together.”

At the trial of one of the shooters, defense counsel asked the jury to “call it a bad day and let the boy go on in life.” The jury found the shooter guilty of murder but the judge released him on probation.
CRRJ represents one of the women who was shot with Reese but survived. Now 67 years old, she has never had an opportunity to tell her story to the public. CRRJ student Kaylie Simon obtained trial materials and located older residents who still remember the killing. This case cannot be the subject of a fresh prosecution because it was tried to verdict. Although it does not qualify for legal action, CRRJ’s work resulted in FBI attention, which in turn led to an investigative journalist’s report about the case. This was the first time the case had received any media attention in East Texas since the 1950s.

Mattie Green
Ringgold, Georgia

Mattie Green, a thirty-two year old mother of six, was killed in Ringgold, Georgia when a bomb was set off at her home on May 19, 1960. Twenty-five sticks of dynamite were set under the Greens’ home. The blast killed Mrs. Green and injured her husband and son. Everyone suspected nightriders – probably the “Dixie Klan,” but, despite the governor’s offer of a $5,000 reward for information leading to the arrest of the perpetrators no arrests were ever made. CRRJ student Rashida Richardson is assisting Mrs. Green’s daughter, who was 10 years old when her mother was killed.

The goals here are to: (a) create a full and comprehensive history of cases of homicides and other severe civil rights era violence; (b) provide or refer victims to legal services, where appropriate; (c) create an archive of original materials; (d) work with communities to develop truth-telling instruments based on the cases; and (e) make public (and searchable) the results of our research.

Scholarly Research

On considering the issues raised by CRRJ’s 2007 conference on cold cases, Athena Mutua, University of Buffalo, authored an article critiquing what she argues is the exclusionary premise of the movement. Margaret Burnham’s 2009 draft article, *Recasting Anti-Civil Rights Violence* is open for comment. CRRJ Collaborators Daniel Kryder (Brandeis) and David Cunningham,
(Brandeis), and former co-director Geoff Ward (Irvine) are conducting research for the Mississippi Truth Project, which they helped launch under the auspices of CRRJ. Kryder’s work on anti-civil rights law enforcement, focusing on the Clarksdale, Ms. police department, is forthcoming in his book Civil Blood: White Police and Black Protesters in Modern America. Kryder, Cunningham, and Burnham presented their work at the roundtable, Facing the Anti-Civil Rights Movement, at the 2009 meeting of the Southern Political Science Association. Collaborator Melissa Nobles’ (MIT) essay on prosecuting human rights violations is forthcoming.

Public Outreach

The CRRJ website, launched in 2007, provides documents, news, and analysis relating to civil rights-era crimes to an audience of lawyers, journalists, advocacy groups, and policymakers. The web site covers cold cases, current research, news, and policy issues on the subject of remedial justice in the United States.

The centerpiece of the website is the Case Watch, which provides descriptions of the facts underlying the court proceedings, analysis of the legal proceedings, the political and historical context of the case, and links to media reports and related resources. The site monitors federal and state legislative efforts to redress civil rights era crimes and compiles information about executive pardons and truth commissions. In the upcoming period, CRRJ will enhance the content and expand the outreach of the website by providing an opportunity for the public to offer information relative to the Case profiles. Currently a selective list heavily focused on Mississippi, the Case Watch will become more comprehensive. The site will include a brief bank accessible to attorneys working in the field. CRRJ will redesign the website to include a site map, search engine, additional pages on remediation, and to render the site more appealing and easier to use.

CRRJ Staff and Board

We welcome Attorney Janeen Blake, NUSL ’09 and CRRJ alumnus, to the full-time staff. Janeen will join the law firm of DLA Piper in 2011.

Margaret Burnham, Professor of Law
CRRJ Director
Janeen Blake
Civil Rights and Restorative Justice Fellow
Bonnie Kanter
CRRJ Administrative Director

Our board has provided critical advice and support in 2009.

CRRJ thanks the NUSL Clinic staff for its support.
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The Philadelphia Coalition, with guests Rita Bender and Susan Glisson, dedicates a memorial to James Chaney, Andrew Goodman and Michael Schwerner at Mt Zion Methodist Church, Longdale, Neshoba County, Mississippi Mar. 2008
www.neu.edu/crrj

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