“But most of all, I thank you that the name John Earl Reese is now much more than something scratched on a homemade tombstone somewhere in a forgotten cemetery.” Honorable Donald Ross of the Texas Sixth Court of Appeals (Bowie County).

I. Civil Rights Era violence, a miscarriage of justice

Recently, a community in East Texas, not far from the Louisiana border, provided an excellent model for addressing the legacy of slavery and racial violence in the United States. Yes, Texas, the state that in 2010 tried to minimize the United State’s role in slavery by describing it as the “Atlantic Triangular Trade” in its history books. Let us look to the community members and current local political leaders of Mayflower, Texas as guides for how to acknowledge and heal from historic racial violence in America.

Mayflower Texas has a history similar to many towns throughout the Deep South in that, throughout the 1950’s, blacks lived in virtual peonage in rigidly segregated neighborhoods. Although it was late fall, by the end of October Reese was just returning to school. He had spent the end of the summer and beginning of the fall picking cotton in a farm west of Mayflower. He was killed the day before he planned to return to high school.

On October 23, 1955, 16-year-old John Earl Reese was shot in the head at the black owned Hughes Cafe off of highway 149 in Tatum, Texas, Gregg County. His cousins, 13
year-old Joyce Nelson and 15 year-old Johnnie Nelson, were also victims of the drive by shooting, but they survived. The murderers, Perry Dean Ross, 22, and Joe Reagan Simpson, 21, continued their rampage, driving into Rusk County on highway 149 until they hit the turn off for a small road that led to Mayflower, a black community and Mayflower High School. Ross and Simpson fired into several homes as they made their way down the street toward the school, where they continued to spew bullets.

What transpired after the shooting only further demonstrated how little those in power valued black lives. Local officials knew who committed the crime. Simpson, one of the shooters, was the nephew of a wealthy landowner named Jim Kuykendall and leader of a while political faction opposed to school desegregation. Local officials, well aware that Ross and Simpson were responsible for the shootings merely pretended to investigate. Although they knew of the true perpetrators, officers arrested the grandmother of John Earl Reese and the Nelson girls, claiming, absurdly that Reese’s grandmother had her grandchildren shot to collect insurance money. While some local authorities were indifferent to the murder, others, motivated by racism and personal relationships, actively attempted to cover up the crime. Even Tatum City Judge J.B. Williams, a cousin of Ross, the shooter, admitted to state investigators that he was dissatisfied with the efforts of Rusk County officials to control the violence. Superintendent of the School District, Pat Shaw, told these investigators that “Rusk County Sheriff and several other county officials are backed by the opposing faction led by Jim Kuykendall and that these officials are prejudice (sic) and will not take the necessary action to stop the violence ...”

After three months of complete inaction on the part of local authorities, the Texas State Rangers took over the investigation. This was due in large part to the work of a

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1 Interview with J.B. Williams, December 28, 1955.
determined journalist and anti-racist: Ronald Dugger of the Texas Observer. Ross and Simpson were eventually arrested and provided a detailed confession. Ross was charged and convicted of murder with malice. Simpson was also indicted for the murder, but the indictment against him was eventually dismissed. Ross, although convicted, received a suspended sentence and never served a day in jail. In short, no one served any time for this heinous crime.

This violence that claimed Reese’s life was in part the result of anger in the wake of the recent Brown v. Board of Education decision. Locally, anti-black sentiment fueled a debate over whether to improve the all black high school in Mayflower. This tension and hatred led to the murder of young John Earl Reese, the alleged “investigation”, and the flawed trial and sham sentencing that followed. For the community of Mayflower, the failure of local law enforcement adequately to prosecute Ross and Simpson poured pounds of salt into an already gaping wound.

II. Justice Restored, Five Decades in the Making

Over 50 years passed, and nothing was done to correct this wrong. In the summer of 2009, Professor Margaret Burnham, Director of Northeastern Law School’s Civil Rights and Restorative Justice project (CRRJ) asked me to look into John Earl Reese’s death. At the time, I was a second-year law student at Northeastern University working with CRRJ. Professor Burnham asks students to investigate Civil Rights Era crimes that have gone unrecognized. We believe that, as a nation, when such crimes go unacknowledged, we diminish the seriousness of the events and miss opportunities to mend historic injustice. We did not want the Reese case to be yet another buried travesty of this nation’s history.
I found a brief notation in Michael Newton and Judy Ann Newton’s book, *Racial & Religious Violence in America: a Chronology*, but little else was available in secondary sources. We retained investigative help in Texas, and ultimately learned that Reese’s cousin, Joyce Nelson-Crockett, still lives in East Texas, only miles from where the crime took place. Nelson-Crockett is the only surviving victim of the crime.

CRRJ Fellow, Janeen Blake and I traveled to Texas to meet with Joyce Nelson-Crockett in the summer of 2009. On this trip, we collected information and investigated whether legal remedies were still available. It quickly became clear to us that for Ms. Nelson-Crockett, every step of the process, while sometimes painful, was ultimately restorative. She was deeply moved that, after over 50 years, people were committed to setting the record straight and helping to restore the truth of what happened for her, her family, and her community. She explained that this alone helped her to feel better than she had since 1955. One-on-one recognition of injustice, as with Mr. Nelson-Crockett, was, hence, a fundamental element of the restorative process.

As lawyers and law students, we are trained to consider whether legal claims are available to our clients. In this case, we considered whether a prosecution of the shooters would be feasible, but immediately ruled this out. Double jeopardy barred bringing Ross to trial, for he had been tried in 1955. More practically, prosecution was out of the question because both Ross and Simpson were now dead.

We also explored whether civil claims were available to Ms. Nelson-Crockett, who was shot in the wrist on the day John Earl Reese was killed and permanently lost partial use of her hand. Unfortunately, because the statute of limitations had run, no tort claim was available. Lastly, we

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considered whether a legislative Act might offer some redress to Ms. Nelson-Crockett. But, in the circumstances, this appeared to be unavailing.

Hence, we concluded that there were no legal options, but Ms. Nelson-Crockett and the Mayflower community still deserved redress for the crimes they had endured. We were determined to work with the community to figure out how they wanted to honor John Earl Reese. I returned to Texas with CRRJ’s Nataniel Johnson-Gottlieb to meet with the community. It became apparent that they wanted four main things. First, they wanted the record to be set straight; Reese’s death certificate listed the cause of death as accident. Second, they wanted John Earl Reese to have a proper gravestone. Third, they wanted those in power to make a statement condemning what transpired. Fourth, they wanted future generations to be aware of this history. Together with leaders in the Mayflower community, we decided to organize a memorial event for John Earl Reese that was both educational and would provide some closure.

We were committed to involving local officials in the process. With that goal in mind, Ms. Nelson-Crockett met with Mayor Buzz Fullen of Henderson and Rusk County Commissioner Mike Pepper. Nataniel and I joined the group. Sitting around a large table, Ms. Nelson-Crockett for the first time had the opportunity to tell her story to local officials. Giving an account to two white political leaders about what happened to her, her family, and her community was in and of itself a transformative experience. “I can’t believe they never knew what happened to us,” Ms. Nelson-Crockett told me as we left the meeting. “I am glad they know now.”

Mayor Fullen agreed to issue a proclamation that what happened was an injustice, and Mike Pepper agreed to help the Mayflower community name a street after John Earl Reese. Ms. Nelson-Crockett also let them know that John Earl Reese did not have a proper gravestone. Not only was it a small, crooked, and worn stone, but the date of his death was incorrect. Mike
Pepper agreed to help raise money for a new gravestone.

In addition to the efforts of the local officials, the Mayflower community, led by community organizer Johnnie Johnson and Clifford Harkless, Human Resources Director of the Tatum Unified School District, created a committee to plan a memorial event. The event took place on October 23, 2010, commemorating the 55th anniversary of John Earl Reese’s death. It was a marvelous and inspiring example of the power that people have to take something tragic and create something beautiful. Planned and run by members of the Mayflower community, the event, forever changed East Texas. Hundreds gathered to reflect upon and to honor and memorialize the life of John Earl Reese.

Early in the morning, starting at Smith Chapel Cemetery, Reverend Lewis Thomas presented the beautiful new gravestone with the correct date of Reese’s death which had been placed next to the old marker that will remain for historical purposes. From the cemetery, hundreds moved like a flock of birds to the Tatum public library. There, Mayor Phil Corey of Tatum brought tears to people’s eyes as he spoke of the Reese shooting and the progress we have made as a society. A plaque was placed in the library in Reese’s honor. With Professor Burnham, I presented to the library a volume we had compiled on the case. The volume included all of the available trial materials, legal documents, the Texas Rangers’ Investigation file, and news articles. Our hope is that future generations will come to the library and be able to learn of their history.

We all traveled back to Mayflower, where County Commissioner Mike Pepper unveiled the John Earl Reese Road. Selected by Ms. Nelson-Crockett, the road runs alongside the former location of Mayflower High School. It is the same road that John Earl Reese walked down twice a day to get to school. Thereafter, Clifford Harkless, whose father taught at Mayflower High
School, then presented a civil rights marker in front of Smith Baptist Chapel. The historical marker is located across the road from the old Mayflower school that Reese attended. It would be difficult for anyone passing through Mayflower to avoid learning about the death of John Earl Reese in 1955 and the Mayflower community’s struggle for better education. Finally, the crowd gathered in the Chapel for a beautiful ceremony.

Those present at the event couldn’t help but feel deeply moved. "The entire memorial was wonderful. For the first time since I was a little girl I finally know the truth about what really happened to my eldest brother, who I will never ever truly know. Just knowing what I know today is a blessing," said Reese’s sister, Sharon Reese Thompson. Giving families’ space to learn the full truth of their own stories is an important aspect of healing.

Unfortunately, few members of the white community attended the event. Aside from me and Nataniel Johnson-Gottlieb, the white participants were either political leaders or journalists. The event received great local press, and whites and blacks alike likely learned about it from news reports. However, Ross and Simpson’s relatives did not participate. In retrospect, it could be that we did not spend enough time reaching out to white people. Whatever the reasons, the Reese family has yet to receive a real apology from any of the white people who participated in the shooting and surrounding controversy in 1955.

Two other components of this process have been greatly restorative. With the help of Ms. Nelson-Crockett, CRRJ was successful in getting public officials in Texas to change John Earl Reese’s death certificate to accurately state the cause of death as homicide (previously it was listed as an “accident”). This small legal action held tremendous meaning to Ms. Nelson-Crockett and the rest of the Reese family. Finally the legal and historical record matches what
they know to be true. When history is erased or inaccurately recorded, the humanity of people like Ms. Nelson-Crockett is ignored.

Additionally, I worked with Clifford Harkless to create a curriculum so that high school students can learn about the Reese case. Tatum High School which serves 450 people is now using the case as a tool to teach students internet research skills as they learn about the history of their town.

Legal remedies may not always possible, but as a society we can always confront our past. The process of organizing for this event, the event itself, and the legacy it will leave in Mayflower is an example of how confronting the past can empower a community politically. The actions taken by local officials here, demonstrates how accepting social responsibility can create a genuine and collective history. Here in East Texas, where the local government was once complicit in the violence, local officials fifty-five years later chose to speak out against what happened. In essence, these leaders made clear they are unwilling tacitly to endorse the vestiges of Jim Crow.

For Ms. Nelson-Crockett, the Mayflower community commemorations for Reese, as well as the markers established in his honor, have all served to make her feel that she can, as she put it, “breathe easy again.” All families who have experienced such injustice deserve this sense of relief. We must confront the difficult reality of our history to heal and grow as a nation. The Mayflower community has provided us with a replicable model for achieving such restorative justice.