AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

EMMETT TILL UNSOLVED CIVIL RIGHTS CRIME ACT

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES

AND THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

ON

H.R. 923

JUNE 12, 2007

Serial No. 110–31

Printed for the use of the Committee on the Judiciary

Available via the World Wide Web: http://judiciary.house.gov

U.S. GOVERNMENT PRINTING OFFICE

36–017 PDF WASHINGTON : 2007

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON THE JUDICIARY

JOHN CONYERS, JR., Michigan, *Chairman*

HOWARD L. BERMAN, California
RICK BOUCHER, Virginia
JERROLD NADLER, New York
ROBERT C. SCOTT, Virginia
MELVIN L. WATT, North Carolina
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
MAXINE WATERS, California
MARTIN T. MEEHAN, Massachusetts
WILLIAM D. DELAHUNT, Massachusetts
ROBERT WEXLER, Florida
LINDA T. SÁNCHEZ, California
STEVE COHEN, Tennessee
HANK JOHNSON, Georgia
LUIS V. GUTIERREZ, Illinois
BRAD SHERMAN, California
TAMMY BALDWIN, Wisconsin
ANTHONY D. WEINER, New York
ADAM B. SCHIFF, California
ARTUR DAVIS, Alabama
DEBBIE WASSERMAN SCHULTZ, Florida
KEITH ELLISON, Minnesota

LAMAR SMITH, Texas
F. JAMES SENSENBRENNER, JR., Wisconsin
HOWARD COBLE, North Carolina
ELTON GALLEGLY, California
BOB GOODLATTE, Virginia
STEVE CHABOT, Ohio
DANIEL E. LUNGREN, California
CHRIS CANNON, Utah
RIC KELLER, Florida
DARRELL ISSA, California
MIKE PENCE, Indiana
J. RANDY FORBES, Virginia
STEVE KING, Iowa
TOM FEENEY, Florida
TRENT FRANKS, Arizona
LOUIE GOHMERT, Texas
JIM JORDAN, Ohio

PERRY APELBAUM, *Staff Director and Chief Counsel*
JOSEPH GIBSON, *Minority Chief Counsel*

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES

JERROLD NADLER, New York, *Chairman*

ARTUR DAVIS, Alabama
DEBBIE WASSERMAN SCHULTZ, Florida
KEITH ELLISON, Minnesota
JOHN CONYERS, JR., Michigan
ROBERT C. SCOTT, Virginia
MELVIN L. WATT, North Carolina
STEVE COHEN, Tennessee

TRENT FRANKS, Arizona
MIKE PENCE, Indiana
DARRELL ISSA, California
STEVE KING, Iowa
JIM JORDAN, Ohio

DAVID LACHMANN, *Chief of Staff*
PAUL B. TAYLOR, *Minority Counsel*

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

ROBERT C. SCOTT, Virginia, *Chairman*

MAXINE WATERS, California
WILLIAM D. DELAHUNT, Massachusetts
JERROLD NADLER, New York
HANK JOHNSON, Georgia
ANTHONY D. WEINER, New York
SHEILA JACKSON LEE, Texas
MARTIN T. MEEHAN, Massachusetts
ARTUR DAVIS, Alabama
TAMMY BALDWIN, Wisconsin

J. RANDY FORBES, Virginia
LOUIE GOHMERT, Texas
F. JAMES SENSENBRENNER, JR., Wisconsin
HOWARD COBLE, North Carolina
STEVE CHABOT, Ohio
DANIEL E. LUNGREN, California

BOBBY VASSAR, *Chief Counsel*
MICHAEL VOLKOV, *Minority Counsel*

CONTENTS

JUNE 12, 2007

Page

THE BILL

H.R. 923, the "Emmett Till Unsolved Civil Rights Crime Act" 2

OPENING STATEMENT

The Honorable Jerrold Nadler, a Representative in Congress from the State of New York, and Chairman, Subcommittee on the Constitution, Civil Rights, and Civil Liberties 1
The Honorable Trent Franks, a Representative in Congress from the State of Arizona, and Ranking Member, Subcommittee on the Constitution, Civil Rights, and Civil Liberties 12
The Honorable John Conyers, Jr., a Representative in Congress from the State of Michigan, Member, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, and Chairman, Committee on the Judiciary 13
The Honorable Howard Coble, a Representative in Congress from the State of North Carolina, and Member, Subcommittee on Crime, Terrorism, and Homeland Security 14
The Honorable Louie Gohmert, a Representative in Congress from the State of Texas, and Member, Subcommittee on Crime, Terrorism, and Homeland Security 15
The Honorable Robert C. Scott, a Representative in Congress from the State of Virginia, and Chairman, Subcommittee on Crime, Terrorism, and Homeland Security 15
The Honorable Steve Chabot, a Representative in Congress from the State of Ohio, and Member, Subcommittee on Crime, Terrorism, and Homeland Security 16

WITNESSES

Ms. Grace Chung Becker, Deputy Assistant Attorney General, United States Department of Justice, Washington, DC
Oral Testimony 17
Prepared Statement 19
Ms. Myrlie Evers-Williams, Bend, OR
Oral Testimony 39
Prepared Statement 42
G. Douglas Jones, Esquire, Birmingham, AL
Oral Testimony 43
Prepared Statement 45
Mr. J. Richard Cohen, President and Chief Executive Officer, Southern Poverty Law Center, Montgomery, AL
Oral Testimony 52
Prepared Statement 53
Rita L. Bender, Esquire, Skellenger Bender, Seattle, WA
Oral Testimony 57
Prepared Statement 59
Mr. Alvin Sykes, President, Emmett Till Justice Campaign Inc., Kansas City, MO
Oral Testimony 61

Page

APPENDIX

Material Submitted for the Hearing Record 81

EMMETT TILL UNSOLVED CIVIL RIGHTS CRIME ACT

TUESDAY, JUNE 12, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE CONSTITUTION,
CIVIL RIGHTS, AND CIVIL LIBERTIES,

AND THE

SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittees met, pursuant to notice, at 10:18 a.m., in Room 2141, Rayburn House Office Building, the Honorable Jerrold Nadler (Chairman of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties) presiding.

Present: Representatives Nadler, Conyers, Scott, Jackson Lee, Waters, Cohen, Davis, Ellison, Sensenbrenner, Coble, Chabot, Lungren, Franks, and Gohmert.

Staff Present: David Lachman, Chief of Staff; Keenan Keller, Majority Counsel; Susana Gutierrez, Professional Staff Member, Subcommittee on the Constitution, Civil Rights, and Civil Liberties; Bobby Vassar, Chief Counsel, Rachel King, Majority Counsel; and Veronica Eligan, Professional Staff Member, Subcommittee on Crime, Terrorism, and Homeland Security.

Mr. NADLER. Good morning. This hearing of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, and the Subcommittee on Crime, Terrorism, and Homeland Security will come to order. I should say this joint hearing will come to order. Today's hearing will review legislation introduced by our colleague, the gentleman from Georgia, Mr. Lewis, designed to address unsolved crimes from the civil rights era.

The Chair now recognizes himself for an opening statement.

Today, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties and the Subcommittee on Crime, Terrorism, and Homeland Security jointly consider H.R. 923, the "Emmett Till Unsolved Civil Rights Crime Act," introduced by our colleague, the gentleman from Georgia, Mr. Lewis.

[The bill, H.R. 923, follows:]

I

110TH CONGRESS
1ST SESSION

H. R. 923

To establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2007

Mr. LEWIS of Georgia (for himself, Mr. HULSHOF, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. CLYBURN, Mr. BUTTERFIELD, Mrs. MCCARTHY of New York, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. CLEAVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. WATT, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. MEEKS of New York, Mr. PAYNE, Ms. WATERS, Mr. JOHNSON of Georgia, Mr. CLAY, Ms. LEE, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. TOWNS, Mr. SCOTT of Georgia, Mr. ELLISON, Mr. DAVIS of Alabama, Mr. MOORE of Kansas, Ms. WATSON, Ms. CORRINE BROWN of Florida, Mr. WYNN, Ms. MILLENDER-MCDONALD, Ms. MOORE of Wisconsin, Mr. GRIJALVA, Mr. AL GREEN of Texas, Mr. SCHIFF, Mr. SERRANO, Mr. MCDERMOTT, Mr. KUCINICH, Mr. JEFFERSON, Mr. MARSHALL, Mr. RUSH, Mr. THOMPSON of Mississippi, Ms. CARSON, Mr. HONDA, Ms. NORTON, Mr. BERMAN, Mr. BECERRA, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. NADLER, Mr. BOSWELL, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. COHEN, Mr. MEEK of Florida, Mr. GUTIERREZ, and Ms. CASTOR) introduced the following bill; which was referred to the Committee on the Judiciary

---

A BILL

To establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights

Unit of the Federal Bureau of Investigation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Emmett Till Unsolved Civil Rights Crime Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHIEF INVESTIGATOR.—The term ''Chief Investigator'' means the Chief Investigator of the Unit.

(2) CRIMINAL CIVIL RIGHTS STATUTES.—The term ''criminal civil rights statutes'' means—

(A) section 241 of title 18, United States Code (relating to conspiracy against rights);

(B) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(C) section 245 of title 18, United States Code (relating to federally protected activities);

(D) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(E) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(F) any other Federal law that—

(i) was in effect on or before December 31, 1969; and

(ii) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, prior to the date of enactment of this Act.

(3) OFFICE.—The term ''Office'' means the Unsolved Civil Rights Crime Investigative Office established under section 5.

(4) DEPUTY.—The term ''Deputy'' means the Deputy for the Unsolved Civil Rights Era Crimes Unit.

(5) UNIT.—The term ''Unit'' (except when used as part of the term ''Criminal Section'') means the Unsolved Civil Rights Era Crimes Unit established under section 4.

SEC. 4. ESTABLISHMENT OF SECTION IN CIVIL RIGHTS DIVISION.

(a) IN GENERAL.—There is established in the Criminal Section of the Civil Rights Division of the Department of Justice an Unsolved Civil Rights Era Crimes Unit. The Unit shall be headed by a Deputy for the Unsolved Civil Rights Era Crimes Unit.

(b) RESPONSIBILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of Federal law, and except as provided in section 5, the Deputy shall be responsible for investigating and prosecuting violations of criminal civil rights statutes, in cases in which a complaint alleges that such a violation—

(A) occurred not later than December 31, 1969; and

(B) resulted in a death.

(2) COORDINATION.—

(A) INVESTIGATIVE ACTIVITIES.—In investigating a complaint under paragraph (1), the

Deputy shall coordinate investigative activities with State and local law enforcement officials.

(B) VENUE.—After investigating a complaint under paragraph (1), or receiving a report of an investigation conducted under section 5, if the Deputy determines that an alleged practice that is a violation of a criminal civil rights statute occurred in a State, or political subdivision of a State, that has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local law enforcement official to grant or seek relief from such practice or to institute criminal proceedings with respect to the practice on receiving notice of the practice, the Deputy shall consult with the official regarding the appropriate venue for the case involved.

(3) REFERRAL.—After investigating a complaint under paragraph (1), or receiving a report of an investigation conducted under section 5, the Deputy shall refer the complaint to the Criminal Section of the Civil Rights Division, if the Deputy determines that the subject of the complaint has violated a criminal civil rights statute in the case involved

but the violation does not meet the requirements of subparagraph (A) or (B) of paragraph (1).

(c) STUDY AND REPORT.—

(1) STUDY.—The Deputy shall annually conduct a study of the cases under the jurisdiction of the Deputy or under the jurisdiction of the Chief Investigator and, in conducting the study, shall determine the cases—

(A) for which the Deputy has sufficient evidence to prosecute violations of criminal civil rights statutes; and

(B) for which the Deputy has insufficient evidence to prosecute those violations.

(2) REPORT.—Not later than September 30 of 2007 and of each subsequent year, the Deputy shall prepare and submit to Congress a report containing the results of the study conducted under paragraph (1), including a description of the cases described in paragraph (1)(B).

SEC. 5. ESTABLISHMENT OF OFFICE IN FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—There is established in the Civil Rights Unit of the Federal Bureau of Investigation of the Department of Justice an Unsolved Civil Rights Crime In-

vestigative Office. The Office shall be headed by a Deputy Investigator.

(b) RESPONSIBILITY.—

(1) IN GENERAL.—In accordance with an agreement established between the Deputy Investigator and the Deputy, the Deputy Investigator shall be responsible for investigating violations of criminal civil rights statutes, in cases described in section 4(b).

(2) COORDINATION.—

(A) INVESTIGATIVE ACTIVITIES.—In investigating a complaint under paragraph (1), the Deputy Investigator shall coordinate the investigative activities with State and local law enforcement officials.

(B) REFERRAL.—After investigating a complaint under paragraph (1), the Deputy Investigator shall—

(i) determine whether the subject of the complaint has violated a criminal rights statute in the case involved; and

(ii) refer the complaint to the Deputy, together with a report containing the determination and the results of the investigation.

(C) RESOURCES.—The Federal Bureau of Investigation, in coordination with the Department of Justice, Civil Rights Division, shall have discretion to re-allocate investigative personnel to jurisdictions to carry out the goals of this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 2008 and each subsequent fiscal year through 2017. These funds shall be allocated by the Attorney General to the Unsolved Civil Rights Era Crime Unit of the Department of Justice and the Civil Rights Unit of the Federal Bureau of Investigation in order to advance the purposes set forth in this Act.

(b) ADDITIONAL APPROPRIATIONS.—Any funds appropriated under this section shall consist of additional appropriations for the activities described in this Act, rather than funds made available through reductions in the appropriations authorized for other enforcement activities of the Department of Justice.

(c) COMMUNITY RELATIONS SERVICE OF THE DEPARTMENT OF JUSTICE.—In addition to any amounts authorized to be appropriated under title XI of the Civil Rights Act of 1964 (42 U.S.C. 2000h et seq.), there are

authorized to be appropriated to the Community Relations Service of the Department of Justice $1,500,000 for fiscal year 2008 and each subsequent fiscal year, to enable the Service (in carrying out the functions described in title X of such Act (42 U.S.C. 2000g et seq.)) to provide technical assistance by bringing together law enforcement agencies and communities in the investigation of violations of criminal civil rights statutes, in cases described in section 4(b).

SEC. 7. SUNSET.

Sections 1 through 6 of this Act shall expire at the end of fiscal year 2017.

SEC. 8. AUTHORITY OF INSPECTORS GENERAL.

Title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779 et seq.) is amended by adding at the end the following:

"SEC. 3703. AUTHORITY OF INSPECTORS GENERAL.

"(a) IN GENERAL.—An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

"(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

"(2) by engaging in similar activities.

1 ''(b) LIMITATIONS.—

2 ''(1) PRIORITY.—An Inspector General may not
3 permit staff to engage in activities described in sub-
4 section (a) if such activities will interfere with the
5 duties of the Inspector General under the Inspector
6 General Act of 1978 (5 U.S.C. App.).

7 ''(2) FUNDING.—No additional funds are au-
8 thorized to be appropriated to carry out this sec-
9 tion.''.

○

Mr. NADLER. Our Nation's history is regrettably replete with acts of violence committed with impunity against African Americans generally and civil rights workers in particular. In many cases, these crimes are committed as acts of political terror designed to prevent African Americans from enjoying the same rights as other Americans: the right to vote, the right to travel, the right to walk into a restaurant or a theater, even the right to walk down the street unmolested.

For nearly a century, this Congress sat on its hands and refused to act. Anti-lynching bills were regularly buried. Civil rights bills were considered beyond the pale. Law enforcement looked the other way or was actually complicit in these acts of terrorism. And the all-White courts never convicted clearly guilty perpetrators of assaults and murders.

As a Nation, we have moved forward. We enacted civil rights laws, including criminal statutes that would punish civil rights crimes. We moved beyond the culture of impunity that protected these criminals. We have moved forward, but we have not adequately addressed the past.

Today, we will take an important step in doing just that by giving law enforcement the tools it needs to redress old wrongs. H.R. 923 is designed to expand the prosecution of unsolved civil rights crimes. The amendment in the nature of a substitute I will offer would authorize $11.5 million annually to the Criminal Section of the Civil Rights Section of the Department of Justice, the Civil Rights Section of the Federal Bureau of Investigation and the Community Relations Department of FBI.

The bill would designate specific administrative authority for the investigation and prosecution of unsolved civil-rights-era crimes and require an annual accounting to Congress on the progress of the investigative initiatives and provide grants to States to take on the task of bringing the criminals to justice and cleansing our society of this great stain.

I want to welcome our witnesses, and I look forward to their testimony.

I would now recognize our distinguished Ranking minority Member, the gentleman from Arizona, Mr. Franks, for his opening statement.

Mr. FRANKS. I want to thank you, Chairman Nadler and Chairman Scott, for holding this joint legislative hearing on H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act of 2007. This is critically important legislation that provides additional funds for the investigation and prosecution of unsolved civil-rights-era murders.

Emmett Till was only 14 years old in 1955 when he was kidnapped and brutally murdered while visiting family outside the small town of Money, Mississippi. Two men kidnapped Emmett from his great-uncle's home, beat him and then drove him to Tallahatchie, the river, where they shot him. They tied a gin fan around his neck with barbed wire and dumped his body into the river. All of this because Emmett spoke to Carolyn Bryant, a White woman, at the town grocery store.

The defendants, Bryant's husband and his half brother, were brought to trial just 4 weeks after Emmett's murder and were ac-

quitted. The jury found that the prosecution failed to prove that the body recovered from the river was in fact Emmett Till. Although the defendants later confessed to the murder, it was too little, too late for Emmett Till and his family.

In 2004, with the assistance of the Department of Justice, local officials in Mississippi renewed the investigation into Emmett's murder. Unfortunately, by this time the defendants had died.

Emmett's story is not unique. Many civil-rights-era murders remain unsolved. The Civil Rights Division of the Department of Justice in recent years has renewed its dedication to investigating these cases. To assist the Department in its efforts, the Emmett Till Unsolved Civil Rights Crime Act authorized additional funds for the investigation and prosecution of unsolved civil-rights-era murders. The bill also directs the Civil Rights Division to report to Congress annually on the number of open cases and ongoing investigations, the number of prosecutions and closed cases and the number of attorneys working on these cases.

I want to commend Mr. Lewis of Georgia, the co-sponsor and the sponsor of this bill for the dedication that he has shown on this issue.

I want to extend a special welcome to Ms. Rita Schwerner Bender, widow of slain Civil Rights activist Michael Schwerner; and Ms. Myrlie Evers-Williams, widow of Civil Rights activist Medgar Evers. God bless you both, and I look forward to hearing from you and our other witnesses here today.

Thank you Mr. Chairman.

Mr. NADLER. Thank you.

I would now recognize the distinguished Chairman of the full Committee, the gentleman from Michigan, Mr. Conyers, for his opening statement.

Mr. CONYERS. Thank you, Mr. Chairman. Good morning, distinguished witnesses.

This is an important continuation of the most exciting, tumultuous, unbelievable part of American history in the 20th century. Right in this room and because of what we are doing, that history now comes back alive for the first time.

We have two Subcommittees, and I commend Subcommittee Chairman Nadler, Subcommittee Chairman Scott and all of its Members and the Ranking Member for this incredible recapitulation of what went on during that period of time.

Just think back with me. It was in 1963 that we lost Medgar Evers. Then in the Civil Rights Act of 1964, where freedom somewhere occurred, Goodman, Chaney and Schwerner gave their lives. We have Attorney Cohen here, who with Morris Dees broke the back of the Ku Klux Klan by incredible litigation. We have Doug Jones, who led the prosecution of the 16th Street church burnings. We have the prosecution of Doug Jones and the work that he did in these cases. We have another incredible person, Sykes, who was close to Emmett Till. All of this converging together.

And the Committee on the Judiciary of the House of Representatives on this 12th day of June, 2007, where we are making history by correcting the incredible activity that went on during this unbelievable period of time in which tragedy and the hopes of people came together as in no other period in our history. We are all in

the same room, and I want everyone to know that this is very moving for me.

Because when we examine this period of time, Martin Luther King, the Civil Rights movement, the pathos, the disorganization that went from the lowest farmer in Mississippi up through the President of the United States, all were involved in this incredible, finally successful, attempt to drive legal segregation out of the history and experience of this country.

And it is still with us. We still have a problem. There are people that are right now very much afraid of what role they might be called to play in this because some of these lingering fears still exist.

So I have never been more proud of being a Member of the House Judiciary Committee than I am this morning; and I again congratulate the two Subcommittee Chairmen, the Ranking Members and the Members of the Committee.

Thank you very much.

Mr. NADLER. Thank you.

I would now recognize the distinguished Ranking minority Member of the Subcommittee on Crime, Terrorism, and Homeland Security, the gentleman from South Carolina—North Carolina, excuse me. I should never get my Carolinas mixed up—Mr. Coble, for his opening statement.

Mr. COBLE. Mr. Chairman, I will hold you harmless for that grievous error.

Mr. NADLER. I appreciate that.

Mr. COBLE. Mr. Chairman, I am actually standing in for the distinguished gentleman, Mr. Forbes from Virginia, who was unavailable to be here. He asked if I would present his statement, which I am pleased to do.

And, Mr. Chairman, I have to attend a Coast Guard hearing at 11:00, so when I depart I don't want you to think it is because of lack of interest. Because as you, the distinguished gentleman from Arizona and our distinguished gentleman from Michigan have accurately stated, this is a very, very significant hearing today.

I appreciate you and Chairman Scott holding the hearing of H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act of 2007. As my colleague, Ranking Member Franks noted, the murder of Emmett Till in 1955 was both brutal and unconscionable. Even more troubling is that the justice system failed Emmett and his family in prosecuting his killers.

As we meet here today, James Ford Seale, I am told, is on trial in Federal District Court in Jackson, Mississippi, for the 1964 kidnapping and murder of 19-year-old Charlie Eddie Moore and Henry Hezekiah Kee. Seale and a group of fellow Klansmen abducted Mr. Moore and Mr. Dee, drove them to the Homochitto National Forest and severely beat them with sticks. They were then wrapped in a plastic tarp—you may have mentioned this, Mr. Franks, in your statement—with duct tape over their mouths and hands and driven a hundred miles distance away where they were eventually dumped into the Mississippi River while still alive. Seale was arrested in 1964, but the charges were subsequently dismissed.

Although 40 years have passed since these horrific murders, it is my hope that justice will be served for the families and friends of

these young men. This case is but one of the unsolved Civil Rights Era murders that the FBI and the Department of Justice are investigating or assisting with local investigations.

I join my colleagues, Mr. Chairman, in strong support of this bill to provide additional tools and resources for those Civil Rights Era cases; and I again welcome our witnesses and thank you for joining us today.

Before I yield back, I yield to the distinguished gentleman from Texas, Mr. Gohmert.

Mr. GOHMERT. Thank you, and I thank my friend, Mr. Coble.

I have got to go to another hearing in another matter, but I did want to say I do think this is a worthy bill, and I would welcome the opportunity to co-sponsor it.

A crime against anyone in this country is a crime against all of us. As the Chairman of the full Committee knows, I supported the hate-crimes bill. I hate to see us giving precedence to one group over another, because truly a crime against any one of us in this country is a crime against all of us; and I am glad that this bill is being brought forward. These things need to be addressed.

I yield back my time.

Mr. COBLE. I reclaim and yield back.

Mr. NADLER. Thank you.

I would now recognize the distinguished Chairman of the Subcommittee on Crime, Terrorism, and Homeland Security the gentleman from Virginia, Mr. Scott, for his opening statement.

Mr. SCOTT. Thank you, Mr. Chairman; and I would like to thank you for convening this panel.

I would like to extend a very special welcome to Ms. Myrlie Evers-Williams and Ms. Rita Schwerner Bender, who have traveled long distances to be with us today.

It is interesting that this day has special significance because, although it wasn't intended, it was exactly 44 years ago today that Byron De La Beckwith assassinated the field director of the Mississippi NAACP, Medgar Evers, outside of his home in Jackson, Mississippi. After her husband's death, Ms. Evers courageously devoted her life to his memory and dreams, keeping those dreams alive and bringing his killer to justice. Her tireless efforts, including strong support of the NAACP, eventually paid off when her husband's killer was brought to trial for a third time in 1994 and finally found guilty of the murder more than 30 years after the crime. Ms. Williams, welcome.

Likewise, it took Ms. Schwerner Bender 41 years to get some semblance of justice for her husband. On June 21, 2005, Edgar Ray Killen was finally convicted of manslaughter for the deaths of Michael Schwerner, Andrew Goodman and James Chaney in 1964. The Committee also welcomes you, Ms. Bender.

These cases are only two of dozens of murders that would have never been acknowledged, investigated or prosecuted without the courageous commitment to justice by a few individuals that have been named by the Chairman of the Committee, Mr. Conyers. Indeed, we do not even know how many people were murdered during the 1950's and 1960's because many families did not dare report that their loved ones had been murdered for fear of retaliation. The FBI has identified more than 100 cold cases that should be

further investigated; and, if possible, charges should be brought against those accused killers.

I support the adoption of H.R. 923 because it will assist the investigation and prosecution of unsolved Civil Rights crimes by authorizing funds to the Department of Justice, the FBI and, where appropriate, State and local law enforcement agencies. It will also require the Attorney General to establish positions within the Department of Justice and FBI where a specific person will be accountable for ensuring that these cases are investigated. DOJ will report to the Congress annually on the progress that has been made to solving these cases. The first report will be due 6 months after the bill becomes law.

The FBI and the Department of Justice have already made a start at investigating these cases when it kicked off its cold cases campaign last February. However, as this hearing will soon demonstrate, there is an urgent need for the Federal Government to provide additional resources to both the Department of Justice and the FBI. H.R. 923 will accomplish this.

I urge my colleagues to support this important piece of legislation and yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, before the gentleman yields back, can I have a yield for just a moment?

Mr. NADLER. I yield to the gentleman from Ohio.

Mr. CHABOT. I thank the gentleman for yielding. I will be very brief.

I didn't have an opening statement, but I was thinking as Mr. Conyers was giving his opening statement, as somebody who was born in 1953 and so when this was going on. I was, basically, still a kid. Many of us have studied many of the great leaders in the Civil Rights movement and those that were so directly affected. But some of us have lived it. And Mr. Conyers and John Lewis and some others, Fred Shuttlesworth, who isn't a Member of Congress but is a leader in my district in Cincinnati, it has been an inspiration the time that I have had an opportunity to listen to Mr. Conyers, for example, on issues related to Civil Rights that we deal with in this Committee.

As I say, we studied it, we have learned about it, but a gentleman like Mr. Conyers really lived it; and it is always inspiring to be in the same room to hear stories that he has told and to have been one of those Members of Congress that had the great honor to go to Rosa Parks funeral in Detroit. A woman who was obviously was not only one of the early leaders in the movement, even though at the time I don't think she was going to be a leader in the movement, but who actually worked in Mr. Conyers' office, Rosa Parks did, which a lot of people don't know. So I just want to tell Mr. Conyers what an honor it is to have been able to actually listen to one of the early leaders in the movement on an everyday basis in this institution, and I yield back.

Mr. NADLER. I thank the gentleman.

In the interest of proceeding to our witness and mindful of our busy schedules, I would ask that other Members submit their statements for the record. Without objection, all Members will have 5 legislative days to submit opening statements for inclusion in the record.

Without objection, the Chair will be authorized to declare a recess of the hearing.

As we ask questions of our witnesses, the Chair will recognize Members in the order of their Subcommittees, I should say—alternating between majority and minority, providing that the Member is present when his or her turn arrives. Members who are not present when their turn begins will be recognized after the other Members have had the opportunity to ask their questions. The Chair reserves the right to accommodate Members who arrive late or are only able to be with us for a short time.

Our first witness will be Grace Chung Becker, Deputy Assistant Attorney General in the Civil Rights Division of the Justice Department. Your written statement will be made part of the record in its entirety. I would ask that you now summarize your testimony in 5 minutes or less. To help you stay within the time, there is a timing light at your table. When 1 minutes remains, the light will switch from green to yellow and then red when the 5 minutes are up.

Thank you, and you may proceed.

TESTIMONY OF GRACE CHUNG BECKER, DEPUTY ASSISTANT ATTORNEY GENERAL, UNITED STATES DEPARTMENT OF JUSTICE, WASHINGTON, DC

Ms. BECKER. Thank you very much. Good morning, Chairmen Nadler and Scott, Ranking Members Franks and Forbes, and Congressman Coble, who is standing in for Congressman Forbes, and all the Members of the Subcommittee.

It is an honor and a privilege to testify this morning about the work we are doing at the Department of Justice regarding Civil Rights Era murders. These horrific crimes constitute some of the greatest blemishes upon our history, and I commend the Subcommittees for their efforts to support our activities in this area.

The Department strongly supports the important legislative goals of H.R. 923. This is a very exciting time for us at the Civil Rights Division. Civil rights is one of the top priorities of the Department.

Last year, the FBI began its cold case initiative to identify and investigate Civil Rights Era murders. On February 27, 2007, the Department announced the next phase of this initiative, the FBI's partnership with the NAACP, the Southern Poverty Law Center and the National Urban League.

The Civil Rights Division has also been taking an active role in prosecuting cold cases. In January of this year, a Federal Grand Jury in Mississippi indicted James Seale, an alleged former member of the Ku Klux Klan, on two counts of kidnapping and one count of conspiracy. These charges stem from Mr. Seale's alleged participation in the 1964 murders of two young men, one of whom was a Civil Rights worker. Trial is currently under way; and, like every defendant, Mr. Seale is presumed innocent until proven guilty.

Being able to bring even a single historical prosecution in Federal Court is extraordinary and very exciting. Federal prosecutors must overcome constitutional challenges, jurisdictional hurdles, as well as practical limitations. For example, the ex post facto clause

of the Constitution prohibits retroactive application of criminal Civil Rights statutes enacted after the time of the incident. H.R. 923 applies to crimes occurring before December 31, 1969. However, two of the most important Federal statutes for prosecuting racially motivated homicides were not enacted until 1968. Therefore, the ex post facto clause bars use of these statutes when the incident occurred prior to 1968.

In addition, the 5-year statute of limitations for Civil Rights crimes during this era expired quite some time ago. Nevertheless, the division is committed to bringing these cases where we can.

We have creatively used noncivil rights statutes in prosecuting some capital offenses. For example, in 2003, the division successfully prosecuted Ernest Avants, a Mississippi Klansman, for the 1966 murder of Ben Chester White, an African American man. There was Federal jurisdiction because Mr. Avants shot Mr. White multiple times inside a national forest before throwing his body off a bridge. Mr. Avants participated in the racially motivated killing in an attempt to lure Martin Luther King to the area so he could attack him as well.

Mr. Avants had been acquitted of State murder charges in 1967. We were able to obtain Federal jurisdiction because the murder occurred on Federal land, a national forest, which falls within special maritime and territorial jurisdiction of the United States; and because the Federal murder statute was enacted in 1948, the prosecution was not barred by the ex post facto clause. Similarly, capital offenses have no statute of limitations so that we were able to overcome that hurdle as well.

In addition to the constitutional and jurisdictional challenges, there are also substantial evidential hurdles to prosecuting 40-year-old cases. Witnesses and, as Congressman Franks described, potential criminal defendants have passed away. Memories have faded, and sometimes evidence is simply lost. Because of the long passage of time, many of the victims' families, friends and the Nation will never be able to see justice served inside of a courtroom. But even in cases where there is no Federal jurisdiction, the Federal Government can still play an important role.

For example, the FBI recently worked with Mississippi authorities, as was mentioned in some of the opening statements, to investigate the 1955 murder of Emmett Till, a 14-year old African American teenager who was kidnapped and killed in rural Mississippi. Although there was no Federal jurisdiction, the FBI reported the results of its extensive investigation to the District Attorney for Greenville, Mississippi. Earlier this year, the matter was presented to a State grand jury, which declined to indict anyone.

In conclusion, the Department is committed to pursuing Civil Rights Era cases whenever possible and welcomes the opportunity to work with the Committee on H.R. 923.

Thank you very much.

Mr. NADLER. Thank you.

[The prepared statement of Ms. Becker follows:]

PREPARED STATEMENT OF GRACE CHUNG BECKER

Statement of Grace Chung Becker
Deputy Assistant Attorney General
Civil Rights Division
United States Department Of Justice

Before the Subcommittee On Crime, Terrorism, And Homeland Security, Committee on the Judiciary, US House of Representatives

Concerning
H.R. 923 - Emmett Till Unsolved Civil Rights Crime Act

June 12, 2007

As the Civil Rights Division celebrates its 50th Anniversary this year, it is an honor to appear before this Committee to talk about H.R. 923, also known as the "Emmett Till Unsolved Civil Rights Crime Act."

The Department wholeheartedly supports the Act's goals, which reflect principles of justice and equality that led to the founding of the Civil Rights Division half of a century ago. During the last 50 years, the Civil Rights Division has been instrumental in bringing justice to some of the nation's most disturbing civil rights era crimes. Those crimes remind us of a terrible chapter in our Nation's past when some people viewed their fellow Americans as inferior based only on the color of their skin. Racially-motivated murders from the civil rights era constitute some of the greatest blemishes upon our history.

The Civil Rights Division began in February 1939 with the creation of the Civil Liberties Section in the Criminal Division of the Department of Justice. Five years later, the Section was reorganized and renamed the Civil Rights Section. During its short existence, the Civil Rights Section averaged between six and eight attorneys "responsible for supervising the enforcement of the Federal Civil Rights law throughout the Nation." [1]

It soon became clear that more was needed. As early as 1949, President Harry S. Truman began calling for the formation of a Civil Rights Division within the Justice Department, stating: "[t]he [Civil Rights] Section simply does not have an adequate staff for the careful, continuing study of civil rights

[1] Hearing Before Subcommittee No. 2 of the Committee on the Judiciary House of Representatives, Eighty-Fourth Congress, First Session, p. 162.

violations, often highly elusive and technically difficult, which occur in many areas of human relations."[1] In 1954, the Supreme Court handed down its momentous decision in Brown v. Board of Education. The decision led to Congressional hearings in 1955 that resulted in the Civil Rights Act of 1957, the first civil rights legislation enacted into law following Reconstruction. As part of that legislation, the Civil Rights Division was officially formed. Almost immediately, the Division began to address racially-motivated brutality.

In 1964, the Civil Rights Division investigated and prosecuted the murder of three civil rights workers in Philadelphia, Mississippi - an incident commonly known today as the "Mississippi Burning" case. The Assistant Attorney General of the Civil Rights Division, John Doar, personally led the investigation and prosecution of these murders. He was able to secure the convictions of 7 of the 18 defendants charged with these murders; and they received sentences ranging from just 4 to 10 years of imprisonment. One of the ringleaders, Ku Klux Klan member, Edgar Ray Killen, was acquitted because one of the jury members refused to convict a "preacher." Ultimately, in June 2005, Killen was convicted in a state prosecution for his involvement in the crime - 41 years after the brutal murders were committed.

Today, the Division continues to use its resources and expertise to identify, locate, and, where possible, prosecute those responsible for committing racially-motivated crimes committed more than 40 years ago. For example:

In 2005, the United States Attorney for the Southern District of Mississippi, along with the Civil Rights Division, launched a federal-state law enforcement task force to reinvestigate the 1964 murders of 19-year-old Charles Moore and Henry Dee, a civil rights activist, in Franklin County, Mississippi. In January 2007, James Seale, age 71, a former member of the Ku Klux Klan, was indicted by a federal grand jury on two counts of kidnapping and one count of conspiracy in connection with the murders of the two young men. The indictment alleges that Seale and other Klansmen abducted Dee and Moore and drove them into the Homochitto National Forest in Mississippi, where the Klansmen beat the victims and interrogated them at gunpoint. The Klansmen allegedly drove the victims to Warren County, Mississippi on a route that took them through the state of Louisiana. Upon their arrival at Parker's Landing, the

[1] Ibid., p. 163

Klansmen weighted each of the victims and threw them into the Old Mississippi River, drowning them. Trial in that case is proceeding while we convene here.

In 2003, the Civil Rights Division successfully prosecuted Ernest Avants, a Mississippi Klansman who murdered an African American man in 1966. Avants was convicted for his role in killing Ben Chester White. Avants and others lured White to the Homochitto National Forest where they shot him multiple times and threw his body off a bridge.

Avants participated in the racially motivated killing in an attempt to lure Dr. Martin Luther King, Jr. to the area so that he, too, could be attacked. Although Avants had been acquitted of state murder charges in 1967, the Justice Department opened an investigation into White's death in 1999, using a federal statute that prohibits murder on federal property.

In addition, the Federal Bureau of Investigation recently worked with Mississippi authorities to investigate the 1955 murder of Emmet Till, a 14 year-old African-American teenager, who was kidnapped and killed in rural Mississippi – and is the namesake of this proposed legislation. While federal jurisdiction was lacking, the FBI was authorized to conduct its investigation into a local matter because Till had traveled from out of state into the state in which he was murdered. The FBI reported the results of its extensive investigation to the District Attorney for Greenville, Mississippi. In early 2007, the matter was presented to a state grand jury, which declined to indict anyone in the 50 year old case.

Despite these notable examples, the United States Constitution and federal law limits the Department's ability to prosecute most civil rights era cases. There are *Ex Post Facto* issues with the retroactive application of the current criminal civil rights statutes to prosecute historical cases covered by the proposed legislation. H.R. 923 charges the Department to investigate "violations of criminal civil rights statutes . . . result[ing] in death" that "occurred not later than December 31, 1969." Two of the most important federal statutes for prosecuting racially-motivated homicides, 18 U.S.C. § 245 (interference with federally protected activities) and 42 U.S.C. § 3631 (interference with housing rights), were not enacted until 1968. Therefore, the *Ex Post Facto* Clause bars use of 18 U.S.C. § 245 and 42 U.S.C. § 3631 for crimes that occurred prior to 1968. Consequently, the vast majority of racially-motivated offenses from the cold case era cannot be prosecuted by federal authorities.

In addition, the statute of limitations bars prosecution of many of these offenses. Prior to 1994, federal criminal civil rights violations were not capital offenses, thereby subjecting them to a five-year statute of limitations. 18 U.S.C. § 3282(a). In 1994, some of these civil rights statutes were amended to provide the death penalty for violations resulting in death, thereby eliminating the statute of limitations. 18 U.S.C. § 3281 ("An indictment for any offense punishable by death may be found at any time without limitation."). However, the *Ex Post Facto* Clause prevents the retroactive application of the 1994 increase in penalties, and the resultant change in the statute of limitations.

Nevertheless, the Division has used non-civil rights statutes to overcome the statute of limitations challenge. For example, the Division has brought a prosecution involving first degree murder committed in the special maritime and territorial jurisdiction of the United States, 18 U.S.C. § 1111, as well as a prosecution involving kidnapping resulting in death, 18 U.S.C. § 1201.

In addition to the legal hurdles to prosecution, there are substantial factual impediments. As you might imagine, prosecutions of 40-year-old cases may present insurmountable difficulties. In discussing the investigation and prosecution of these historical cases, FBI Director Mueller recently noted, "[w]e know that some memories fade away, evidence is lost, and witnesses pass away. We know that no matter how much work we devote to an investigation, we may not always get the result we're hoping for...." The unfortunate truth is that many of the victims' families, friends, and the nation will never be able to see justice served inside of a courtroom because the passage of time has destroyed the evidence we would need in order to obtain convictions.

Notwithstanding these constitutional, jurisdictional, and factual limitations, the Department believes that the federal government can still play an important role in these cases. In 2006, the FBI began its cold case initiative. The program was a comprehensive effort to identify and investigate racially-motivated murders committed during our nation's civil rights era. Toward that end, each of the 56 FBI field offices searched their so-called "cold cases" to catalogue offenses which might be ripe for investigation. In February of this year, the FBI announced the next phase of this initiative, which includes a more formal partnership with the National Association for the Advancement of Colored People, the Southern Poverty Law Center, and the National Urban League to assist the FBI in identifying additional

cases for investigation and to solicit their help. These organizations have already provided the FBI with valuable information from their files, and the Department will follow those and future leads.

The Department shares Congress's legitimate concern regarding the unsolved murders of the civil rights era, and recognizes that the bill is a substantial step toward helping to bring closure to a number of these tragic incidents. We know that not every case will be resolved. In some cases, the perpetrators may already be dead. In many cases we will find no federal jurisdiction. But these unsolved crimes remain on our radar, and through these expanded lines of communication we hope we can bring closure to some of these cases.

In view of the successes and limitations mentioned above, the Civil Rights Division believes that the following recommendations would improve the effectiveness of the proposed legislation. First, the bill should provide the FBI with flexibility in allocating its resources to address these historical cases rather than creating a new Unsolved Civil Rights Crime Investigative Office. The flexibility would allow the FBI to focus on assigning agents and analysts to those offices in the field which would investigate the cases.

Second, H.R. 923 would authorize $10 million to be shared between the Civil Rights Division and the FBI, and an additional $1.5 million to the Community Relations Service. We believe that the authorization would be more effective if it provided the Attorney General with the flexibility to distribute the $11.5 million among the Criminal Section of the Civil Rights Division, the Civil Rights Unit of the FBI, and the Community Relations Service, in order to advance the purposes set forth in the bill. In addition, because federal jurisdiction is often lacking in these cases, it would be more effective if the bill also authorized the Attorney General to provide grants of these funds to State and local officials to assist in the investigation and prosecution of the crimes described in the bill.

The Department 1welcomes the opportunity to work with the Committee to refine provisions of H.R. 923 so that the bill best addresses these sad but important events in our nation's history.

Mr. NADLER. I begin by recognizing myself for 5 minutes.

Ms. Becker, how many Civil Rights Era cases have the Department of Justice brought to date?

Ms. BECKER. We have investigated a number of matters and have two recent prosecutions, the Avants prosecution in 2003 and the Seale prosecution that is under way as we speak.

Mr. NADLER. So just two?

Ms. BECKER. Two most recent prosecutions, yes.

We also have investigated a number of matters—the FBI in conjunction with the Civil Rights Division over the last several years. Even though there was no Federal jurisdiction, we were providing assistance perhaps to the States or, in the case of Emmett Till, handing over our report to the State when we found there was no Federal jurisdiction.

Mr. NADLER. And will this bill assist you in bringing more cases?

Ms. BECKER. It certainly will, Mr. Chairman; and let me explain how.

The bill is a very important bill because, of course, these cases are just so important. Even if there is a slight chance that we can bring these cases, it is important for us to investigate and prosecute these cases wherever we can to ensure that no stone is left unturned; and if we can prosecute some of these horrendous crimes that occurred 40 or 50 years ago we should certainly do so. If Congress were to approve the resources in H.R. 923, that will facilitate the ability of both the FBI and the Civil Rights Division to effectively investigate and prosecute these matters. The FBI, as Chairman Scott mentioned, has already identified over 100 potential Civil Rights era cases that could benefit from investigation and prosecution.

Mr. NADLER. And these 100 cases you think are, to coin a phrase, bringable despite the ex post facto and constitutional problems and may help the bill bring its resources.

Ms. BECKER. I think the bill will do a number of things in addition to the resources. I think it also brings a lot of national attention and emphasizes the importance of these types of cases for the general public.

I think, in addition, it also provides some grant-making authority so that I believe that it would enable the Federal Government to share some of these resources with the States, which it has not been able to do before. So that if the FBI or the Civil Rights Division is assisting in an investigation and determines it doesn't have Federal jurisdiction, perhaps the State can bring a prosecution with some additional resources as well.

Mr. NADLER. Thank you very much.

I yield back, and I recognize the gentleman from Arizona.

Mr. FRANKS. Well, thank you, Mr. Chairman; and thank you, Ms. Becker, for joining us here today.

It occurs to me it is probably difficult to identify all of the cases that you would like to pursue. Are you working in conjunction with Civil Rights organizations or media? How do you identify the cases that you think have the best opportunity to be pursued?

Ms. BECKER. The FBI reached out to its various field offices around the country and has worked with various Civil Rights groups, the NAACP, the Southern Poverty Law Center and the Na-

tional Urban League, just to mention a few. And I know Mr. Cohen, who is on the second panel, is one of our partners in this endeavor; and the Southern Poverty Law Center has been very helpful in providing a number of cases from the Civil Rights era. It is unclear today what the state of the current evidence is in all of those cases, whether or not there are still viable leads in these cold cases. So that is something that the FBI is in the process of assessing.

Mr. FRANKS. Once you identify a case, and I can imagine many, but what is your greatest logistical challenge? Is it physical evidence? Is it the lack of witnesses? Is it just the age? Is it statute? What is your biggest logistical challenge?

Ms. BECKER. I think it is a combination of all of those things.

First and foremost, from the Federal perspective, our jurisdiction is limited. We have those constitutional and statutory hurdles that I mentioned. The States are in a little bit of a better position, because many of them do not have the same statute of limitations problems that we have for murder, which, of course, was a crime during that time period, and there is no ex post facto concern there.

The evidentiary hurdles cannot be underestimated as well. Some of the defendants that we would like to prosecute have passed away. There are also witness issues and evidentiary issues. Some of these cases were investigated perhaps 40 or 50 years ago, and it is unclear what the status of that evidence is at this point.

Mr. FRANKS. It sounds like you, many times, pursue murder charges because they are the only ones that you can pursue; and a lot of the other egregious tragedies that took place have to be glossed over in a sense because there is a statue of limitations that makes it impossible, is that correct?

Ms. BECKER. That is correct. Capital offenses have no statute of limitations. But the statute of limitations issue gets a little bit complicated because there were some offenses where death resulted earlier on that did not have unlimited statute of limitations at the time the crime was committed. So it is very fact specific. It is a case-by-case basis. That is why it is so important that we analyze these cases thoroughly on an individual basis.

Mr. FRANKS. Ms. Becker, if you were writing an amendment for this Committee to put in some of our Civil Rights laws or other laws that are not developed as they should be in order to pursue justice in these cases, are there some things that Congress can do to make it easier for you? Whether it is getting rid of some of the—and I know sometimes you are dealing with State law, but if we could do anything in the pursuit of justice in these egregious cases, what would we do from this Committee's standpoint?

Ms. BECKER. I think H.R. 923 is a step in that direction, Congressman; and I think that would be very helpful to the Administration.

Mr. FRANKS. And can you just for the Committee's sake one more time give us a sense of how 923 empowers the Department to pursue these cases?

Ms. BECKER. I think if Congress were to approve the resources in 923, it would enable us to provide greater attention to the investigation and prosecution of these cases wherever is possible. I think

it also enables us to create partnerships with the State and local governments with a lot of these cold cases, even in cases where the Federal Government does not have jurisdiction and is not able to bring it. I think those are two very important ways that it does so.

I think it is also very important for the American public to understand that these cases are still important and that we have not forgotten about them; and even though we call them "cold" cases, we are looking for burning embers wherever we can find them.

Mr. FRANKS. Well, let me just encourage you to continue to do what you do for these ofttimes forgotten children of God. It is a noble thing that you do. Thank you.

Ms. BECKER. Thank you.

Mr. NADLER. Thank you.

I now recognize the distinguished Chairman of the Subcommittee on Crime, Terrorism, and Homeland Security, Mr. Scott.

Mr. SCOTT. Thank you; and thank you, Ms. Becker, for your testimony.

Is the amount authorized in H.R. 923 sufficient for you to do all that you have available to do?

Ms. BECKER. Congressman Scott, I believe that the amount, if Congress were to approve it, would be put to very good use; and I think that that amount would be sufficient, at least from what we can tell at this point. It is hard to say because there is a 10-year life to this statute, but I think at this point it seems like a good start.

Mr. SCOTT. In following up from the questions from the gentleman from Arizona, do you have any recommended amendments to this bill?

Ms. BECKER. I have not seen the latest version of the bill, so I may have some additional comments when I do, but I believe the goals of the bill and I think that the bill is a very positive step in the right direction.

Mr. SCOTT. Now you mentioned statute of limitations. Do any States have a statute of limitation on murder?

Ms. BECKER. I am not aware of any at the current time, but I would want——

Mr. SCOTT. Are there any other crimes that have either no statute of limitations or statute of limitations that haven't expired yet for other crimes other than murder, or do most of them expire after about 5 or 10 years?

Ms. BECKER. Murder is the quintessential example of a case that does not have the statute of limitations.

Mr. SCOTT. So we are limited just to murder cases pretty much?

Ms. BECKER. I believe that is correct.

Well, if I can make one correction, It is not just murder cases, but in cases—capital offenses. So, for example, in the Seale case we are charging kidnapping resulting in death, which is a capital offense, so there is no statute of limitations under Federal law.

Mr. SCOTT. Some of these have been tried and acquitted in trials that I think weren't fair. Are we going over those, too, to see if there is any opportunity for the Federal Government to retry them in a forum that would be fair?

Ms. BECKER. I think that would depend upon which forum the defendant was tried in, if the defendant was tried in the State

court and acquitted and the Federal Government could take a fresh look at it and could see if there is a potential Federal prosecution there. However, because of the double jeopardy clause, once they have been acquitted once in the State court, then the State can not bring a subsequent prosecution.

Mr. SCOTT. Is there statute of limitations on the Civil Rights murder statutes in the Federal system?

Ms. BECKER. The statutes that we normally prosecute under—the Civil Rights statutes we would normally use, there is a statute of limitations issue there. So what we have tried to do is work creatively using non-Civil Rights tall capital offenses that do not carry a statute of limitations, such as murder on Federal land or kidnapping resulting in death.

Mr. SCOTT. But if they have been tried in State court, would that not be double jeopardy if it is essentially the same charge.

Ms. BECKER. If it is with the Federal Government, it is a separate sovereign, so there wouldn't be a double jeopardy problem there.

Mr. SCOTT. Could you say a bit about the nature of your, I think you said, formal partnership with the NAACP, Urban League and Southern Poverty Law Center.

Ms. BECKER. Yes. This is the FBI's partnership with the individual Civil Rights organizations asking for any cases that they may be aware of in the Civil Rights era or any leads that they may have with respect to these cases.

Mr. SCOTT. That is asking for information. Is there an ongoing partnership?

Ms. BECKER. I think it is intended to be an ongoing dialogue. As time goes on, individual field offices may reach out to the individual offices there.

Mr. NADLER. Gentleman yields back.

I now recognize the gentleman from North Carolina.

Mr. COBLE. Thank you, Mr. Chairman. Ms. Becker, good to have you with us.

Ms. Becker, you indicated the Department of Justice had brought to trial two cases for the Civil Rights era. Over what period of time does that cover?

Ms. BECKER. Avants was in 2003, and Seale was this year, Congressman. But I should say that the Civil Rights Division has also been very active in other prosecutions as well. In the 16th Street bombing case, the Department of Justice was involved in the investigation of that matter before it was tried by the State.

Mr. COBLE. How many attorneys are there in the Civil Rights Division? Are any of those attorneys exclusively assigned to Civil Rights Era cases?

Ms. BECKER. We have currently approximately 50 prosecutors in the Criminal Section of the Civil Rights Division, which would be the section that would responsible for potentially prosecuting these crimes; and we are able to use all of those resources to prosecute Civil Rights Era crimes.

We have, obviously, some attorneys who are very experienced in this area and have worked on a number of these cases, and they provide subject matter expertise, but at this point that is not 100 percent of their portfolio.

Mr. COBLE. Ms. Becker, once a case is set for trial, do the attorneys in your division participate in the actual trial?

Ms. BECKER. Definitely. We work hand in hand with the U.S. attorney's offices around the country. So, oftentimes, the trial team will consist of a trial attorney in the Criminal Section of the Civil Rights Division and perhaps an AUSA in the local U.S. Attorneys office or sometimes even the U.S. Attorney himself.

Mr. COBLE. I think you have previously answered this question, but, as I understand, you do work closely with Civil Rights organizations, the media, State and local authorities, do you not?

Ms. BECKER. That is correct.

Mr. COBLE. In your testimony, Ms. Becker, you stated that the Department has concerns with creating a new unresolved Civil Rights crime investigative office. Elaborate on that, if you will.

Ms. BECKER. I think that has been resolved in the latest version of the bill, but the concern at the time was creating an additional layer of—additional office when one may not be necessary.

The bill currently has a 10-year sunset. So, initially, the FBI will probably be doing some initial legwork to see which of these cases are ripe for a potential investigation. And if it seems like these investigations are ongoing, a prosecutor from our office will become involved and participate actively within the investigation as legal questions arise, if witnesses have counsel, if there are special investigative techniques that need to be pursued, and also to guide the investigation to ensure that we can meet the jurisdictional hurdles, finding out whether or not this occurred on Federal land or finding out whether or not interstate commerce is affected.

Those are questions that perhaps an agent may not think of without the assistance of a Federal prosecutor, and so we will work hand in hand with them. And then at a certain point, if it looks likes a prosecutable offense, we will then work with the U.S. attorney's office to bring an indictment and prepare for trial.

Mr. COBLE. I can appreciate the obstacles that you face, the ex post facto concerns, the statute of limitations, the passage of time, witnesses deceased or unavailable, the passage of time-dimming memories, all sorts of obstacles that you confront. I commend you all for going ahead.

Mr. Chairman, I think this is a good bill, and I am fully supportive. I thank you and Mr. Scott and Mr. Forbes and Mr. Franks for having conducted this hearing; and I thank you again, Ms. Becker, for having been with us and yield back.

Mr. NADLER. Thank you. The distinguished Chairman of the Committee, the gentleman from Michigan.

Mr. CONYERS. Thank you, Mr. Chairman; and thank you, Chairman Scott, as well.

Ms. Becker, you come here from what may be considered by many to be the most significant part of the Department of Justice, the Civil Rights Division; and within it is the Criminal Section, Special Litigation Section, Housing, Education, Employment, Voting, Appellate, Disability Rights, Coordination and Research. This division was created by President Lyndon Baines Johnson when we passed the Civil Rights law of 1964, a historic moment that not only created a kind of excitement and movement and, in some places, unfortunately, violence.

So you, as a Deputy Assistant Attorney General in the Criminal Section, have enormous responsibilities; and the Judiciary Committee, by having jurisdiction over the Department of Justice, has a huge responsibility. One of the things that we are pledged to do is to help make you as effective as possible, and we wanted to just chat with you about that. Because, as you know, the Department of Justice has come under scathing investigation and criticism over the last several months.

I see so many subjects in here. Are you able to comment on the number of lawyers and assistants and resources that you have here, give us some kind of idea of how you stacked up to get results?

Look at these different sections of the Civil Rights Division. America would be a different place if we could produce improvement in voting, in employment, in housing, in education, disability rights and, of course, the work that you are doing in the Criminal Section. Can you give us an idea of how things are going?

Ms. BECKER. I can tell you, Congressman, that the Civil Rights Division is vigorously enforcing all Federal Civil Rights laws. We are—for example, in the criminal division our section has been very vigorously enforcing all areas that are within our jurisdiction. So, for example, almost half the cases we brought last year were in the color of law area. Those are traditional law enforcement misconduct cases that we brought.

We have also brought significant numbers of hate crimes and human trafficking crimes, as well as the Civil Rights Era murders.

Mr. CONYERS. Well, I am glad that you used the term "vigorously" because I haven't used it. I mean, I just had Reverend Al Sharpton come in from New York about police abuse in two cases; and we are working on them. We are getting complaints in the voting section. I was in Ohio when I met the angriest group of people I had seen after the election day problems that they had there. This goes on and on.

We have got a lot more to talk about, but, as you know, this Committee will be working in a larger scope. I just wanted to bring that to your attention and mention, also, Mr. Chairman, that John Lewis just sent us a message. He is in New York speaking at the memorial service of David Halberstam; and, as the author of this bill, he wanted us to all know why he is not here. Because I saw him yesterday and told him you were coming, and I was stunned to find out that he asked us to make it clear about his inability to be with both of you today.

I thank you, Mr. Chairman, and return the time.

Mr. NADLER. I thank you.

Gentleman from California?

Mr. LUNGREN. Thank you very much, Mr. Chairman.

I might say the evidence is that America is a very different place today than it was when these tragic events occurred. We have benefited much from the Federal pieces of legislation, the various Civil Rights acts that have passed and been implemented and enforced by Administrations, Democrat and Republican, over the last 40 years, but yet there is still a stain that remains on our national history, and that is these unsolved cases coming out of the Civil Rights era. I view this legislation as a now-or-never piece of legisla-

tion. We already have, as you suggested, some potential defendants who have died——

Ms. BECKER. That is correct.

Mr. LUNGREN [continuing]. Witnesses who are no longer here, trials which took place which raise the issue of double jeopardy. If we are ever going to do as much as we possibly can, we need to do it now in the next 10 years. Time runs out. History doesn't stand still for us. So I appreciate what you are doing, and I appreciate the Administration support for this legislation.

Just to make clear on the record, in the last Congress when we had legislation presented in the Senate by Senator Talent, the Justice Department was concerned about some parts of it and said in a letter that the Constitution bars the law then being considered, S. 2679, from retroactively conferring Federal jurisdiction to prosecute such Civil Rights crimes.

Two of the most important Federal statutes for prosecuting racially motivated homicides, 18 U.S.C. 245 and 42 U.S.C. 3631, were not enacted until 1968. Moreover, from crimes committed prior to December 31st, 1969, virtually all Federal criminal Civil Rights statutes carried a 5-year statute of limitations, even where death resulted.

So I think it is important to note that the current bill and the manager's amendment does not seek to establish or expand Federal jurisdiction to prosecute Civil Rights crimes in a major way, it authorizes significant funding to establish a continued effort for the next 10 years.

So I think it is important for members of the public to understand it is not an easy thing to follow these cases and to prosecute these cases because of the various things you mentioned in your testimony. But, nonetheless, we are going to do the best we can.

You have bipartisan support of this Committee and I suspect on the floor of the House and the Senate for this. This ought to be something that transcends any type of partisanship. In some cases, we are going to be disappointed, because we will run up against double jeopardy and we are going to run up against the difficulty of witnesses and finding evidence, but the fact that we might fail in some circumstances is not an excuse for not trying. It ought not to be viewed as a failure on the part of any of us to do what we can do now.

We are in a very different place than we were when the trials of some of the suspects or defendants in these cases took place and within an hour or 2 hours a single-color jury found somehow that people were not to be held responsible for their actions.

When you look about the case of the young man for whom this bill is mentioned, it is inconceivable that grown men think that somehow they became better men by brutally killing a 14-year-old boy. I mean, that is hopefully how far we have come from a country in which certain segments of our society would believe that that was not only justifiable but it was affirming of them as human beings to do that to another human being.

So I thank the authors of this bill, I thank the Chairmen of the two Subcommittees for getting together to have this hearing and to move this bill, and I thank you for what you and your colleagues are doing at the Administration. And I thank our witnesses coming

up on the next panel who have lived this experience in ways that most of us will never live it. We have to stand in awe of their courage and persistence in seeking justice and in making this a better place.

Thank you very much, Mr. Chairman.

Mr. NADLER. Yield back?

Mr. LUNGREN. Yes.

Mr. NADLER. Thank you, gentleman.

I now recognize the gentleman from Tennessee.

Mr. COHEN OF TENNESSEE. Thank you, Mr. Chairman.

I am a first-year person on this Subcommittee. It is the first time I have had the opportunity to have somebody from the Justice Department before us who either didn't have to be sworn in or not want to be sworn in. It is a nice occasion to have you before us and also to see this Committee in such a bipartisan fashion and agreeing on the subject matter.

It is not nice to see—I went through this book during the testimony. I was listening, but this Southern Poverty Law Center has put together this book. It is a history, really, for what us old enough to recall about the Civil Rights era and the horrific deaths and the conditions and the challenges and the heroics of people. It is hard to fathom, as Congressman Lungren said, adult people committing these crimes or having these thoughts, but they did, and they need to be brought to justice, if possible.

Are there any files of the FBI that are not available to you, tapes, undercover tapes or anything like that, that you would need access to?

Ms. BECKER. I am not aware of any problems along that regard, Congressman. I think the FBI and the Civil Rights Division work very closely together, and we have had very a good relationship in terms of accessing evidence.

Mr. COHEN OF TENNESSEE. Do you know of any files at all that are not available to you? The FBI seemed to have a wide surveillance system during that time.

Ms. BECKER. I would have to defer to the FBI on what files they have.

Mr. COHEN OF TENNESSEE. Have you inquired? I would hate to defer to the FBI, to be honest. Do you have any reason to believe that there are files not available to your division.

Ms. BECKER. I have no reason to believe that.

Mr. COHEN OF TENNESSEE. Have you made inquiries?

Ms. BECKER. I have not. We do make inquires on a case-by-case basis as we investigate and prosecute these cases hand in hand with the FBI, and that has been an issue that has not come to my attention at all.

Mr. COHEN OF TENNESSEE. Dr. King's assassination is the last—of course, it is not the last death, it is the last in this book, hid the records of the investigative Committee in the late '70's are sealed until the year 2028. Have you made any efforts or do you believe any of the material therein would help you in looking into the people that might have been conspirators or aiders and abettors to that death.

Ms. BECKER. I could tell you the Civil Rights Division looked into allegations in the late '90's regarding Martin Luther King, Jr., and

issued a report regarding those allegations which ultimately proved not to be credible. Now there may be additional allegations out there, but I can tell you there were two in particular that we specifically looked at in the Civil Rights Division.

Mr. COHEN OF TENNESSEE. Do you know if there is information in those files that might be helpful to you?

Ms. BECKER. I believe that our attorneys that worked on the MLK investigation at the time had access to all the information that they needed to do the scope of their investigation.

Mr. COHEN OF TENNESSEE. I appreciate your work and your interest here and the Members of the Committee in this bipartisan fashion. When you look at this you have to think about the horrors of slavery. I read about the passage—and, of course, last weekend was the middle passage ceremony in Charleston, South Carolina, and other places in the country. The way people were brought to this country for 250 years in slavery and Jim Crow laws and the signs Jim Crow must go. And yet some people in Arkansas and you can see the faces of Little Rock Central High School and at Oxford people that were resistant to change. What happened under crimes against humanity, of slavery and Jim Crow laws is inexcusable. It was allowed by this Nation, unfortunately.

And I believe and I have got a bill and I would hope that some my Republican colleagues might take the lead and join us in passing an apology for this Nation. Right now, we have 102 Democratic cosponsors and one Republican. This should be bipartisan, as it was in the States of Virginia, Delaware, North Carolina and Alabama, where apologies and regrets have been expressed. I would hope my Republican colleagues, who I know understand that and thought about it and obviously, by hearing the questions today, have concerns, as we all do, would join us to have a bipartisan and not a partisan apology for slavery by this Congress.

Thank you.

Mr. NADLER. Does the gentleman yield back?

Mr. COHEN OF TENNESSEE. Yes, sir.

Mr. NADLER. I now recognize the gentleman from Alabama.

Mr. DAVIS. Thank you, Mr. Chairman and Ms. Becker.

I want to reserve most of my substantive comments for the second panel. Two close friends of mine are on that panel, and I will have a chance to greet them in—not too long, but I wanted to acknowledge two individuals and make a substantive comment while you are here.

First of all, I want to recognize Alexander Acosta, who is the current U.S. Attorney in Miami, who used to be your boss, I suppose, as chief for the Civil Rights Division. He has been a 20-year friend of mine. We were at Harvard undergrad and Harvard Law School together. Mr. Acosta is now the U.S. Attorney in Miami. He was the individual who revived a lot of the cold case prosecution investigations within the Department of Justice. So I don't want the hearing to pass without acknowledging him.

Second of all, as an Alabamian, I don't want the hearing to pass without acknowledging William Joseph Baxley. Bill Baxley was attorney general of my State during the 1970's; and, to follow up on Mr. Lungren's comment, Alabama was a very different place in the 1970's than it is today. Mr. Baxley made the very difficult political

decision to prosecute a man who was linked to the 16th Street bombing, and that was a very unpopular choice and possibly prevented him from ever being Governor of my State. He now practices law in the State of Alabama. He has been an outstanding public servant but never got a chance to sit in the Governor's office in part because of his political courage. I want to make sure that he and people like him were acknowledged today.

One of the inspiring things about this panel, these cases would have gone away but for individual prosecutors many times at the State level but sometimes the Federal level who were willing to revive them and who believe that, frankly, the South is a better place than it once was.

I want to turn to one substantive area and pick up where the Chairman of the Committee left off. You talked about the agenda of the Justice Department now, and you mentioned a variety of cases. You mentioned the hate crime prosecutions. You mentioned a number of prosecutions that have been brought by your Department.

The one thing that was missing from that litany, if I heard you correctly, was a reference to voter suppression cases. You are obviously aware of the phenomenon of voter suppression. Those are official but organized activities, rather than individuals who were trying to keep someone from exercising their right to vote. It can be done through a variety of tactics: misinforming people about their eligibility or having loud bullhorns on Election Day outside Black and Latino precincts announcing to people that if you have unsatisfied judgments that you can't vote, if you have outstanding debts or if you have warrants that you can't vote. There were a variety of voter suppression tactics that have been launched around the country, and I was curious how many prosecutions to your knowledge has your Department brought in voter suppression cases?

Ms. BECKER. I don't have those numbers available to me right now, Congressman. I came here to speak about H.R. 923.

Mr. DAVIS. Do you know of a single one?

Ms. BECKER. I don't have those numbers here.

Mr. DAVIS. I mention it because I fully recognize you are here to talk about a very good, bipartisan bill; and I will say more with the next panel. But I think Mr. Conyers and the Chairman were correct to raise these issues, because we don't get to hear from the Civil Rights Division a lot. It is fairly limited scope testimony; and, from your earlier testimony about the kinds of cases you have brought, I assume you do have some broad familiarity of what the Department is doing.

So I would frame it this way. I hope that you will gather that data and if for whatever reason the answer is none and zero I would hope that this Department, the current leadership, would correct that.

Individuals trying to prevent people from exercising the right to vote is as fundamental a violation of our Constitution and legal structure as any other kind of crime; and, frankly, I think part of reason you don't remember any cases like that is there haven't been very many, if any, and that ought to be a priority. I know of

at least one instance this year this Committee has passed a bill to address those issues.

I yield back my time, Mr. Chairman.

Mr. NADLER. I thank you gentlemen.

I recognize the gentleman from Minnesota.

Mr. ELLISON. Thank you, Ms. Chung Becker, for your testimony today.

I just have a brief statement. I want to say I thank the Chair of this whole Committee for bringing forth this bill and also this hearing. I think there are some people who might say this happened a long time ago, let's get on with it, but I think that ignores the generational trauma that hate crimes like this inject an entire community with fear. The fact is the terror that Civil Rights workers and others faced when we were trying to bring our country into democracy was so prevailing and the nature of the murders was so spectacular that it injected a paralyzing fear into the entire community. I don't know if we have yet to really recover from it.

I want to agree that America is a different place than it used to be 40 years ago, but it is not enough of a different place for me, particularly when we think about some of the civil and human rights violations we see still committed. Some of them I think are sanctioned by Government and law.

So I want to say to the Chair that I think this is a very important hearing, and I hope that the resources that this bill can provide will motivate the Department of Justice to be vigorous in its approach.

I don't think two cases is very many compared to the number of cases that there are. I don't know why there is only two. There may be a good explanation. You mentioned things like statute of limitations, ex post facto and all that stuff, but I know—as a person who has practiced law for 16 years, I know that where there is a will there is a way.

I just want to say hats off to all the State prosecutors and some Federal, as Congressman Davis mentioned, but I hope the resources provided in the bill do get to the Justice Department and enliven and help the Civil Rights Division to prosecute some of these cold cases.

Mr. NADLER. Does the gentleman yield back?

Mr. ELLISON. Yes.

Mr. NADLER. I thank you, gentleman.

Ms. Chung Becker, our Members may have additional questions after this hearing.

Ms. JACKSON LEE. Mr. Chairman.

Mr. NADLER. I recognize the gentlelady from Texas.

Ms. JACKSON LEE. I thank the Chairman, and I thank the Deputy Assistant Attorney General for being here.

I think this bill's underlying premise is that we have no choice, frankly. If this country is to ask its citizens to believe it is a country of laws governed by a Constitution that includes the right to due process, then we have denied any number of family members, in essence, due process or the right to have closure to the cases that have been so heinous.

I note it has been indicated that your initial testimony regarding H.R. 923 mentioned something about resources and the possibility

that you would have some issues of witnesses or evidence generating or whether or not it would duplicate the Civil Rights Division. I think that this is so unique, these cases are cases of mutilation, they are cases of heinous murder, and I applaud some of the deep South Department of Justice officials and also State and local officials who had the courage to recognize that an unsolved case is an injustice. It is an injustice for the families. It is certainly an injustice for the deceased person who, as a member of this society, under a Constitution that promised in its early premise the Bill of Rights and the Founding Fathers' statement of we are all created equal, knowing that the lives of many individuals were lost in a time that they were not considered equal. In fact, they were brutalized for their viewpoints but also for the thoughts people had about them.

So my question again, if I can—if it has been asked and answered, but I want it again for the record, will the Justice Department accept the fact that this is necessary and that to either ask for resources or believe resources to such a section could provide a vital relief to those who still mourn and those who still feel, undermined if you will, because of the lack of solving of these crimes?

Ms. BECKER. The Department believes that this bill is a very important bill, H.R. 923. We wholeheartedly support the legislative goals that are behind this bill. We have been working with Congress as the bill has progressed through various iterations. I think we have had a very good and productive bipartisan working relationship on this matter, and we look forward to continuing that relationship as we go forward.

Ms. JACKSON LEE. So, based upon the structure of the bill, the Justice Department is supporting crafting, carving, establishing an Unresolved Crime Section separate and apart from the Civil Rights Division.

Ms. BECKER. Congresswoman, I am not sure—there have been various versions of the bill. I am not sure if that version is currently in this bill or was in an earlier bill. But I believe that issue has been resolved.

Ms. JACKSON LEE. Well, when you say you believe it has been resolved, resolved in what manner?

Ms. BECKER. I believe there has been a bipartisan agreement as to the structure of who the designee will be in the Civil Rights Division, who the designee will be at the FBI. So I think all those issues about—whether we call it a section or office or a working group, I think all those technical issues may have been ironed out.

Ms. JACKSON LEE. Well, do you come with a knowledge of whether or not the Justice Department would welcome a free-standing section, regardless of what you think has been worked out, versus a section that is embraced under the Criminal Division and the Civil Rights Division?

Ms. BECKER. The Department doesn't believe a separate section is necessary. However, we are committed to bringing these cases wherever we can and have been working very closely with staff on both sides to come up with a framework that I think everybody has found acceptable.

Ms. JACKSON LEE. The Justice Department in the passing of this bill would advocate for the full funding so that those assigned to this area would in fact be able to vigorously pursue these cases?

Ms. BECKER. If Congress were to approve the funds, certainly that would facilitate the FBI and Civil Rights Division's ability to review the over 100 matters that have been identified, too, as potential Civil Rights Era murders and to investigate—fully investigate and prosecute wherever appropriate.

Ms. JACKSON LEE. I just close by simply saying that if you would take a message back, as this bill progresses, compromise is certainly something that all of us are willing to consider. I, frankly, believe in an established free-standing section for a time certain so that full concentration could be part of it might be the better approach.

Obviously, we are in the legislative process as we speak, but I would also just ask that you take back the message that we are sharply either understaffed or underfocused of the Civil Rights Division, because this period of time has the lowest prosecution of Civil Rights cases it might be in the history of the existence of the Civil Rights Division, and that raises enormous concerns for all of us who believe in the prosecution of cases so that people's rights can be vindicated. And I hope that you would convey that message.

Ms. BECKER. I will certainly convey that message, Congresswoman, and I will also review our statistics as well to see what we can provide for you in order to clarify any of those numbers.

Ms. JACKSON LEE. I would be happy to receive them.

I thank the gentlelady, and I yield back.

Mr. NADLER. I thank the gentlelady, and I yield to the gentleman from Iowa.

Mr. KING. I thank you, Mr. Chairman.

I appreciate this hearing, and I appreciate your testimony.

Just some broader questions to put this into a context for myself and hopefully for this panel.

The title of the bill says that it is Unsolved Civil Rights Crimes, so that implies these are race-based crimes, and I presume they are, and I support this legislation and encourage prosecution investigation into these crimes. But I would ask, is there a sunset in this bill?

Ms. BECKER. That is correct. There is a 10-year sunset in the bill.

Mr. KING. That clarifies that it is envisioned that we will solve these cases at some point or the perpetrators will—the biological solution will come to the perpetrators at some point, and it won't be necessary to have this legislation that goes on and perpetuates itself. That is the main point I wanted to emphasize. And, also, that even though it is titled Civil Rights, these kind of race-based crimes can work in either direction.

Is there a crime that—most of this is White on Black crime, I presume? Are there any incidents of it going the other way that are part of the investigation as well?

Ms. BECKER. I am not aware of any currently, but I have not reviewed the 100 plus cases that have been brought to our attention. But my inclination is that the vast majority, if not all of them, are African American victims.

Mr. KING. They are the victims, and that is what makes the tragedy, and it was done within a political context, too. Is there anything in the language that would preclude an investigation that might be the other direction from race.

Ms. BECKER. Let me just pull up the bill——

Mr. KING. It has to be difficult to analyze that in front of this panel at this time. I would just pose that question; and, if you would prefer, I would be happy to receive an answer to that after the hearing sometime.

Ms. BECKER. If I can just comment, H.R. 923 doesn't create new substantive legal provisions in terms of new crimes that we can bring. So we can look at cases that occurred prior to December 31st, 1969, for any Civil Rights violations that may have occurred prior to that time.

Mr. KING. That is my answer. I thank you very much, Ms. Becker; and I would yield back the balance of my time.

Mr. NADLER. Thank you, gentleman.

Ms. Chung Becker, our Members may have additional questions——

Mr. COHEN OF TENNESSEE. Mr. Chairman, may I ask one question.

Mr. NADLER. I yield the gentleman 1 minute.

Mr. COHEN OF TENNESSEE. Thank you, Mr. Chairman.

The question the gentleman from Iowa asked was a good question. There are these not just White on Black crimes. Some of these crimes are White on White people who are helping Black people, is that correct?

Ms. BECKER. That is correct.

Mr. COHEN OF TENNESSEE. So we can rest assured that some of the victims are not all Black victims. There are White victims, too. They are just people of goodwill who were trying to see that the law was changed to be what it should have been in the first place, that if we didn't have laws that permitted slavery, that permitted Jim Crow, that permitted and reinforced segregation, that these people wouldn't have to do their mission and their job to help make the law the way it should have been.

Ms. BECKER. I appreciate the clarification. That is exactly right. If you look at even some of the cases brought in 1960's like the *Mississippi Burning* case, for instance, you do see that some of the victims were either African Americans or persons of all colors helping African Americans.

Mr. COHEN OF TENNESSEE. Thank you, Mr. Chairman; and thank you, Ms. Becker.

Mr. NADLER. Ms. Chung Becker, our Members may have additional questions after this hearing. We have had some difficulty getting responses to our questions in general from the Justice Department and timely responses when we get them at all. Will you promise to provide a written response to our written questions, should there be any, within 30 days of the receipt of the questions.

Ms. BECKER. I will do my best.

Mr. NADLER. I would now like to introduce the second panel, if the second panel will come forward.

The first witness is Ms. Myrlie Evers-Williams. Myrlie Evers is the founder of the Medgar Evers Institute and Chairman Emeritus

of the National Association for the Advancement of Colored People. She was one of the pioneers of the Civil Rights movement, along with her husband Medgar Evers, whose assassination in 1963 finally saw justice through Ms. Evers-Williams tireless efforts after 30 years.

Ms. Evers-Williams holds a sociology degree from Panama College. She was the first African American woman appointed to serve as commissioner on the Los Angeles Board of Public Works, and was chairman of the NAACP from 1995 to 1998.

A second witness is Mr. Douglas Jones, who, as U.S. Attorney for the Northern District of Alabama, brought the prosecution of the 16th Street Baptist Church bombing case, one of the most notorious cases of the 1960's.

Our third witness is Mr. Richard Cohen, who is the president and chief executive officer of the Southern Poverty Law Center.

Our next witness is Rita Bender, who is one of the most courageous Civil Rights workers who went to Mississippi to register voters in 1964. She continues to fight for justice today. Her husband, Michael Schwerner, was killed, along with Andrew Goodman and James Chaney. They were murdered because they stood up for justice and the rule of law in Mississippi in 1964.

Our final witness is Mr. Alvin Sykes, President of the Emmett Till Justice Campaign.

I am pleased to welcome all of you, and at this point I am pleased to recognize for a brief statement Mr. Davis of Alabama.

Mr. DAVIS. Thank you, Mr. Chairman.

Let me have the honor of, first of all, greeting again Ms. Bender, Ms. Williams. We have met previously, and it is good to see you ladies again.

I have the honor of saying a little bit more by way of introduction. Two close of friends of mine are here today. Doug Jones for the Northern District of Alabama, who was an exemplary criminal defense lawyer and exemplary United States attorney—and, as the Chairman pointed out, the 16th Street prosecution, the prosecution of two individuals who committed a crime that at that time was 37 and 39 years old respectively. Very few people thought a conviction could be obtained on 37-year-old or 39-year-old evidence. This United States attorney was skilled enough to win convictions before predominantly White juries in both those instances, and I am glad to see him here and thank him.

My first boss in the professional world—I was an intern in 1992 at the Southern Poverty Law Center—Richard Cohen, the President and Chief Executive Officer of the Center, has a litany of outstanding constitutional cases to his pedigree, one of which I want to note before the Committee.

The very first time that a civil judgment was recovered against the Ku Klux Klan happened based on a case in Mobile, Alabama. Because of Richard Cohen's appellate advocacy and his skill, that verdict and judgment was secured, eventually satisfied. I thank him for his outstanding leadership and for his leadership in starting the new Civil Rights center in Montgomery, Alabama. I was honored to be the keynote speaker on that occasion several years ago. Ms. Bender, I believe I met you there.

So, Mr. Chairman, thank you for allowing me to recognize my friends who are here.

Mr. NADLER. I thank you, gentleman.

Again, I am pleased to welcome the witnesses. As a reminder, each of your written statements will be made a part of record in its entirety.

I would ask that you now summarize your testimony in 5 minutes or less. To help you stay within that time there is a timing light at the table. When 1 minute remains, the light will switch green to yellow and then red when the 5 minutes are up.

Mr. NADLER. We will begin by recognizing Ms. Myrlie Evers-Williams.

TESTIMONY OF MYRLIE EVERS-WILLIAMS, BEND, OR

Ms. EVERS-WILLIAMS. Good afternoon, honorable Chairmen and Members of the Subcommittees.

Mr. NADLER. Could you turn on your mike, please.

Ms. EVERS-WILLIAMS. All right.

Once again, thank you, honorable Chairmen and Members of the Subcommittees, for the opportunity to testify in support of the Emmett Till Unsolved Civil Rights Crime Act, H.R. 923.

My name is Myrlie Evers-Williams. I am president of MEW Associates, Inc., founder of the Medgar Evers Institute, chairman emeritus of the National Association for the Advancement of Colored People, and most widely known as the widow of Civil Rights leader Medgar Wiley Evers.

Medgar Evers was the first NAACP field secretary in the State of Mississippi, his native home. He was the major, unofficial investigator in the murder of Emmett Till. He disguised himself as sharecropper. He frequently changed the cars and trucks that he drove to gather information that was sent beyond Mississippi's "cotton curtain" to media sources elsewhere. He met with and assisted relatives of Emmett Till, including Ms. Mamie Till-Mobley. Medgar's involvement in this case was reported in depth, particularly in the Johnson publications of Ebony and Jet magazines.

How appropriate for me to be here today remembering Emmett Till and the many others, known and unknown, who were permanently disposed of through hate, fear and racism. Medgar Ever's assassination was the first, the first of the modern Civil Rights era to receive international coverage. Our family received telegrams, letters and cards from around the world expressing horror, disgust, shame and just plain condolences, with also a small number of hate letters that expressed joy at his assassination. These letters and Medgar's personal papers now reside at the Mississippi Department of Archives of History in Jackson, Mississippi.

Today is June 12, 2007. It marks the 44th anniversary of Medgar's assassination, which was June the 12, 1963.

On the night of June 11, 1963, President John F. Kennedy addressed the Nation on Civil Rights issues. Shortly after midnight June the 12, Medgar was shot in the back with a high-powered rifle as he got out of his car returning home from a long, exhaustive day of demanding activity. He had been the voice for justice and equality in Mississippi. Many of those years, he was alone, with little support, mostly because of fear of retaliation that para-

lyzed others from active and open participation in societal change. There was a time when there was little media coverage, when Civil Rights was not the "in" thing to be involved in.

Medgar was the spokesperson, the caregiver for the downtrodden in Mississippi. His bravery put him as number one on the Klan's hit list. Death was his daily companion, and we knew it. Medgar's awareness did not begin with his NAACP position. He served in the Army during World War II in Normandy. He returned home, was honorably discharged and enrolled at Alcorn High School and Alcorn A&M College. He graduated with a degree in business administration.

While employed with the Magnolia Mutual Life Insurance Company, he applied for admission to the University of Mississippi Law School, becoming the first African American to do so, long before he assisted James Meredith in entering Ole Miss.

Believing a solid education was important for all citizens, he filed a suit in the name of our first son, Darrell Kenyatta Evers vs. the State of Mississippi. The result: The legal battle was won, and the schools were desegregated, providing the promise of an equal education for all.

The successful voter registration drives, the economic boycotts, removal of barriers to parks, libraries, entertainment centers, transportation, hiring of police officers, equalization of teachers' salaries and many other gains came as a result of Medgar's dedication to equal opportunity. This was a man who wanted no glory for himself but who knew that his country could be a better place for all of its citizens.

There are numerous other accounts of his determination and the growing number of activists who joined in the pursuit of the American Dream in spite of the price to be paid. However, shortly after Medgar's assassination, change, though small, became evident. School crossing guards were hired. A few policemen were hired with the restrictions to only enforce the law within their neighborhoods. Libraries and recreational facilities were open to all.

Perhaps public attitude spoke louder than ever. After the first memorial service in Jackson, Mississippi, thousands marched from the Masonic Temple on Lynch Street to downtown Farrish Street in Jackson, chanting, "After Medgar, no More Fear." details and photos appear in Life Magazine, June, 1963. Fear, one of the strongest hold-backs on freedom, was at last being erased.

As we look at the passage of the Emmett Till Unsolved Civil Rights Crime Act, let us not forget that family members of the persons murdered are also victims. They are human beings who must survive the loss of their loved ones and all that that entailed. The emotional hell that can never completely disappear; the nightmare of the bloody crime scene; the sounds of terror; the firebombs; the sound of gunfire; missing that person's love, care and guidance; the loss of financial support and so much more.

Yet there are those who say that Civil Rights cold cases should remain lost in our history. No one benefits. The men are old and will soon die, so why bother? Besides, it costs the public too much to finance such projects. But murder is murder. They were young murderers who happened to grow old. Life was something denied those whose lives were so brutally taken.

I set forth on a mission to see that justice would prevail in Medgar's case, based on a promise I made to him shortly before his death.

The first trial was another first. No White had been tried for the murder of a Black in Mississippi. The first and second trials both ended in a hung jury. The messages sent to the public was that "old southern justice" remained intact.

I was on the witness stand testifying when Governor Ross Barnett entered the courtroom, paused, looked at me and proceeded to walk to the defendant, shook his hand, gave a "good old boy" slap on his back and sat with him throughout my testimony. The message had been sent to the jury: Do not convict this man.

Now, I ask you, Members of the Committee, may I have your permission just to finish this? It will take just a second. Thank you.

After the first trial, the accused assassin was given a parade with support banners along the highway from Jackson to his home in the Delta. During the next election, the district attorney ran for governor and the assassin ran for lieutenant governor. I think that was quite a ticket.

Years passed. I returned to Mississippi on a regular basis, always questioning people in various parts of the territory for any information that may have heard discussed relevant to the Evers case. Most people claimed that I was insane. "Keep trying, never give up" became my motto.

Then entered Jerry Mitchell, a reporter with the Clarion Ledger newspaper. He provided me with the hope that some new information had been uncovered, and one miracle after another took place. Missing witnesses were found and were willing to testify; numerous boxes of evidence were found; the murder weapon was found; my personal State-stamped transcript of the first trial was hand-delivered to the District Attorney; FBI cooperated; and a few politicians voiced support that the time had come to right the wrongs of our society.

The conviction of the murderer came on February 5th, 1994, almost 30 years to the day of the first trial. Reporters from around the world were there to broadcast the guilty verdict. Our American justice system became stronger.

The Medgar Evers case and third trial became a road map for all of the others that have followed. The legal issues: speedy trial, court approval to have a previous transcript read in court, and other legal matters were settled in this case.

Since Medgar's case, 29 cases have been reexamined with 29 different arrests and 22 convictions, with one trial still ongoing in Mississippi.

One noted Civil Rights leader said at the Arlington Cemetery service for Medgar, that Medgar believed in this country, now it remains to be seen if his country believes in him.

The passage of a bill named in honor of Emmett Till would send a message that the country indeed does believe in Medgar and others like him and in the cause of justice. It is a message that is particularly important to send to the young people of today and generations yet to come.

Thank you.

Mr. NADLER. I thank you.

[The prepared statement of Ms. Evers-Williams follows:]

PREPARED STATEMENT OF MYRLIE B. EVERS-WILLIAMS

Thank you, Honorable Chairmen and Members of the Subcommittees, for the opportunity to testify in support of the Emmett Till Unsolved Civil Rights Crime Act (HR 923).

My name is Myrlie Evers-Williams. I am President of MEW Associates, Inc., Founder of the Medgar Evers Institute, Chairman of the National Association for the Advancement of Colored People (NAACP), and most widely known as the widow of civil rights leader, Medgar Wiley Evers.

Medgar Evers was the first NAACP Field Secretary in the State of Mississippi—his native home. He was the major, unofficial investigator in the murder of Emmett Till. He disguised himself as a sharecropper. He frequently changed the cars and trucks that he drove to gather information that was sent beyond Mississippi's "cotton curtain" to media sources elsewhere. He met with and assisted relatives of Emmett Till, including Mrs. Mamie Till-Mobley. Medgar's involvement in this case was reported in depth, particularly in the Johnson publications of *Ebony* and *Jet* magazines.

How appropriate for me to be here today remembering Emmett Till and the many others, known and unknown, who were permanently disposed of through hate, fear, and racism. Medgar Evers' assassination was the first, the first of the modern civil rights era to receive international coverage. Our family received telegrams, letters, and cards from around the world expressing horror, disgust, shame and just plain condolences, also a small number of hate letters that expressed joy in his assassination. These letters and Medgar's personal papers now reside at the Mississippi Department of Archives and History in Jackson, Mississippi.

Today is June 12, 2007. It marks the 44th Anniversary of Medgar's assassination (June 12, 1963).

On the night of June 11, 1963, President John F. Kennedy addressed the nation on Civil Rights issues. Shortly after midnight, June 12, 1963, Medgar was shot in the back with a high-powered rifle as he got out of his car, returning home from a long exhaustive day of demanding activity. He had been the voice for justice and equality in Mississippi. Many of those years, he was alone with little support, mostly because of fear of retaliation that paralyzed others from active and open participation in societal change. That was a time when there was little media coverage, when civil rights was not the "in" thing to be involved in.

Medgar was the spokesperson, the care giver for the downtrodden in Mississippi. His bravery put him as number 1 on the Klan's hit list. Death was his daily companion, and we knew it. Medgar's awareness did not begin with his NAACP position. He served in the army during World War II in Normandy. He returned home, was honorably discharged and enrolled at Alcorn High School and Alcorn A&M College. He graduated with a Degree in Business Administration.

While employed by Magnolia Mutual Life Insurance Co., he applied for admission to the University of Mississippi Law School, becoming the first African-American to do so, long before he assisted James Meredith in entering Ole Miss.

Believing that a solid education was important for all citizens, he filed a suit in the name of our first son—Darrell Kenyatta Evers vs. the State of Mississippi. The result: The legal battle was won, and the schools were desegregated, providing the promise of an equal education for all.

The successful voter registration drives, the economic boycotts, removal of barriers to parks, libraries, entertainment centers, transportation, hiring of police officers, equalization of teachers' salaries and many other gains came as a result of Medgar's dedication to equal opportunity.

This was a man who wanted no glory for himself but who knew that his country could be a better place for all its citizens.

There are numerous other accounts of his determination and the growing number of activists who joined in pursuit of the American Dream in spite of the price to be paid. However, shortly after Medgar's assassination, change, though small, became evident. School crossing guards were hired. A few policemen were hired with restrictions to only enforce the law within their neighborhoods. Libraries and recreational facilities were open to all.

Perhaps public attitudes spoke louder than ever. After the first memorial service in Jackson, Mississippi, thousands marched from the Masonic Temple on Lynch Street to downtown Farrish Street, chanting "After Medgar, no more fear." (Details and photos in Life, June 1963). Fear, one of the strongest hold-backs on freedom, was at last being erased.

As we look to the passage of Emmett Till Unsolved Civil Rights Crime Act (HR923), let us not forget that family members of the persons murdered are also victims. They are human beings who must survive the loss of their loved ones—and all that that entailed . . . the emotional Hell that never completely disappears; the nightmare of the bloody crime scene; the sounds of terror; the firebombs; the sound of gunfire; missing that person's love, care and guidance; the loss of financial support and so much more.

Yet there are those who say that civil rights "cold cases" should remain lost in our history—"no one benefits—the men are old and will soon die, so why bother? Besides it costs the public too much to finance such projects." But, murder is murder. They were young murderers who grew old. Life was something denied those whose lives were so brutally taken.

I set forth on a mission to see that justice would prevail in Medgar's case, based on a promise I made to him shortly before his death.

The first trial was another first. No White had been tried for the murder of a Black in Mississippi. The first and second trials both ended with a hung jury. The messages sent to the public were that "old Southern justice" remained intact. I was on the witness stand testifying when Governor Ross Barnett entered the courtroom, paused, looked at me and proceeded to walk to the defendant, shook his hand, gave a "good ole boy" slap on his back and sat with him throughout my testimony. The message had been sent to the jury: "do not convict this man."

After the first trial, the accused assassin was given a parade with support banners along the highway from Jackson to his home in the Delta. During the next election, the District Attorney ran for Governor and the assassin ran for Lt. Governor. What a ticket!

Years passed. I returned to Mississippi on a regular basis, always questioning people in various parts of the territory on any information that may have heard discussed relevant to the Evers case. Most people claimed that I was insane. "Keep trying, never give up" became my motto.

Then entered Jerry Mitchell, a reporter with the *Clarion Ledger* newspaper. He provided me with hope that some new information had been uncovered.

One miracle after another took place. Missing witnesses were found and were willing to testify; numerous boxes of evidence found; murder weapon found; my personal State-stamped transcript of the first trial was hand-delivered to the District Attorney; FBI cooperation; and a few politicians voiced their support that the time had come to right the wrongs of our society.

The conviction of the murderer came on February 5, 1994, almost 30 years to the day of the first trial. Reporters from around the world were there to broadcast the guilty verdict. Our American Justice System became stronger.

The Medgar Evers case and third trial became a roadmap for all of the others that have followed. The legal issues: speedy trial, court approval to have a previous transcript read in court, and other legal matters were settled in this case.

Since Medgar's case, 29 cases have been reexamined with 29 different arrests and 22 convictions, with one trial still ongoing in Mississippi.

One noted civil rights leader said at the Arlington Cemetery service: "Medgar believed in his country, now it remains to be seen if his country believes in him."

The passage of a bill named in honor of Emmett Till would send the message that the country indeed does believe in Medgar and in the cause of justice. It is a message that is particularly important to send to the young people of today and to generations to come.

Mr. NADLER. Mr. Jones.

TESTIMONY OF G. DOUGLAS JONES, ESQUIRE, BIRMINGHAM, AL

Mr. JONES. Thank you, Mr. Chairman, Members of the Committee. I am honored to be here today to testify in favor of this hearing.

On a personal note, it is especially a privilege for me to be back on the Hill as a former Senate Judiciary staffer to Senator Howell Heflin, who was my mentor and largely responsible for my career.

Mr. Chairman, I want to talk just briefly about some of the practicalities of these cases. You will hear from others about what they mean; and, obviously, these cases mean so much to so many

people. It is just hard to imagine until you have lived it or even prosecuted it.

I am reminded of another victim's mother, the mother of Carole Robertson, one of the children who died in the church bombing. Her mother, Alpha Robertson, testified in the case. When I asked her what she was doing, she heard the bomb and it sounded like the whole world was shaking.

And in fact, that was the thing we adopted because the whole world did shake at the sound of that bomb in Birmingham, Alabama in 1963. But there are some very practical points that I want to bring out today. The difficulties in overcoming these cases are obvious. Witnesses die. Defendants die. Witness' memories fade. Legal challenges. Evidentiary challenges. But there is even some more beyond that. One of the points I would like to make for this bill is to ensure that there is language in this bill that there is some openness in sharing of information.

The Congressman from Tennessee asked a question a few minutes ago about missing files. I believe there are missing files. In a case that is pending in Alabama right now, the Jimmy Lee Jackson case, I received a call from a reporter in Anniston, Alabama the other day who had been told repeatedly and repeatedly that FBI files didn't exist, the old summaries didn't exist. They had not been turned over to the local DA. That case is pending. They had not been turned over to the local defense. But yet, lo and behold, a file appeared from some archive in Missouri with all the interviews in the Jimmy Lee Jackson case.

There are difficulties. There are things in those files that quite frankly, and I am being brutally honest about this, there are probably things in those files that the Department of Justice and the FBI just really don't want the public to see. It was not a pretty picture in the 1950's, in the 1960's. One of the critical components of our case against Tommy Blanton was a tape recording made without a warrant in 1964 in his home. And it was the seminal conversation in which Tommy Blanton, and his then-wife Jean talked about the bombing. You have a transcript in what I provided to you today. Before we did the motion to suppress I got a call from our local FBI agent-in-charge. And she was just a messenger because she was all in favor, as was the FBI. Everyone was in favor of these questions—all of these prosecutions, but the devil is in the details. And they were worried about going forward with the motion to suppress because they were afraid that the tape, couldn't get it into evidence and it would, in fact, embarrass the FBI.

Well, through some pretty good lawyering, not on my part, but I got a great staff, we did get the tape into evidence, we did not embarrass the FBI. But I think some of those attitudes are still prevalent. And my point is that there are a lot of files. And those files have to be open to all prosecutors within the Department of Justice and in state with State investigators and State prosecutors if that is where these cases end up being prosecuted. The second aspect is funding.

And I appreciate the fact that there is funding for this bill. It takes a lot to prosecute these cases. It takes a lot of money to investigate these cases. And I hope this bill not only will allow for the Department of Justice to use that funding to investigate and

prosecute cases, but I also hope it will allow the Department to redirect some of those resources. Because as a practical matter most of these cases are going to be prosecuted if at all in state court. I think the jurisdictional and constitutional challenges with resurrecting these for Federal jurisdiction is going to be very, very difficult. My district attorney in Jefferson County, Alabama or the Alabama attorney general would not have the opportunity to fund these cases and to do them properly.

The third thing, and the third and fourth are actually together. I also think that we have to manage expectations. These cases are very difficult. They mean so much to the victims. They mean so much to the communities. But they are, at the end, very, very tough cases. And no one should get their hopes up that all of these 100 cases the Department is looking at now will ultimately end up in a prosecution. They have to be done the right way, they have to be done zealously, but also fairly, because the defendants also have rights as well.

And I hope as part of that, my last point is that as we proceed with these, that we as a society, not just through this bill, but we as a society will also examine other ways. For those cases, that can't be prosecuted there has to be some form of reconciliation. We are a country of compassion. And in working with victims and others hopefully there can be some form of reconciliation.

Mr. Chairman, I applaud the Committee, I applaud my friend, Congressman Lewis and Senator Dodd, over on the Senate for doing this. If we are to be serious about the war on terror, we have to acknowledge that it began long before September 11, 2001. And this bill and the funding it provides will help alleviate the problems. And as I said, following the cases of Tommy Blanton and Bobby Frank Cherry, justice delayed will not have to be justice denied. Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Jones follows:]

PREPARED STATEMENT OF G. DOUGLAS JONES

On September 15, 1963, four young African-American girls, Denise McNair, Addie Mae Collins, Cynthia Wesley and Carol Robertson, died from a bomb blast that ripped into the ladies lounge of the Sixteenth Street Baptist Church in Birmingham. The shockwave created by this senseless tragedy was felt around the world and proved to be a pivotal point in the struggle for civil rights in this country. On May 1, 2001, a jury in Birmingham convicted Thomas Edwin Blanton, Jr. of murder for his role in the bombing. A year later, on May 22, 2002, another Birmingham jury convicted Bobby Frank Cherry, the last surviving suspect in the crime. During the decades between these historic events, Alabama experienced a phenomenal shifting of attitudes which made the prosecutions possible. Yet, the passage of time also created numerous legal obstacles. Some of the strategies used in this overcoming these obstacles were particular to this unique case. Most, however, were the tools and techniques we as trial lawyers use throughout our careers.

Much can be written and said about the case of *State of Alabama v. Thomas Edwin Blanton, Jr.* and the case of *State of Alabama v. Bobby Frank Cherry.* What follows is only a brief answer to a couple of frequently asked questions and a summary of how the cases came together for trial.

"WHY WAS THE CASE RE-OPENED AFTER SO MANY YEARS?"

In the spring of 1974, I had the privilege of spending the better part of an afternoon with the late U.S. Supreme Court Justice William O. Douglas. It was the occasion of the twentieth anniversary of the *Brown v. Board of Education* decision and Justice Douglas was the Law Day Speaker for the University of Alabama School of Law. Although an undergraduate at the time, Justice Douglas and I were in the same college fraternity and I had arranged for the Court's senior justice to come

by my fraternity house for a reception following her activities at the law school. Aspiring to head to law school following graduation, I asked him what advice he would give a law student. He asked me what I wanted to do with my law degree and I replied that I wanted to be a trial lawyer. His advice, "go to court as often as you can. Learn to be a trial lawyer by observing trial lawyers."

Three years later I took Justice Douglas' advice to somewhat of an extreme. As a second year law student at Cumberland School of Law, I decided I could get more out of watching one of the state's most historic trials than attending some of my classes. As much as I felt I could get away with that week in November, 1997, I skipped classes to hang out in the balcony of Judge Wallace Gibson's courtroom in the Jefferson County Courthouse to watch then Attorney General Bill Baxley prosecute Robert Chambliss for the September, 1963 boming of the 16th Street Baptist Church and the murder of Denise McNair. It was clear from the testimony that Chambliss did not act alone. But as I gave my undivided attention to Baxley's powerful closing argument, I never in my wildest imagination dreamed that one day this case and my legal career would come full circle, giving me the opportunity, some 24 years later to prosecute the two remaining suspects for a crime that many say changed the course of history. It has been, to say the least, a remarkable journey.

In a world where two years is a long time to get your case on the trial docket, this case was facing trial almost forty years after the crime. The FBI had done an extensive investigation following the bombing, but the case was closed without any prosecutions in 1968. By all indications, the case was closed by FBI Director J. Edgar Hoover without consulting the attorneys at the Justice Department. Despite Hoover's posthumous reputation, it appears Hoover was genuinely concerned about the ability to obtain a conviction. Although he was probably right, any decision about a prosecution should have been made by a prosecutor, not an investigator.

In 1971, newly elected Attorney General Bill Baxley re-opened the case and made it one of, if the not the highest, priorities of his office. Most, but not all, materials were given to Baxley for the 1977 prosecution of Robert "Dynamite Bob" Chambliss, who was convicted of the first degree murder of Denise McNair. It was clear from the evidence, however, that Chambliss did not act alone. Unfortunately, when Baxley left office in 1978, the investigation was once again shelved, with only some sporadic review over the next 20 years. But by 1996, a couple things occurred that breathed new life into what otherwise appeared to be a dead issue.

First, the newly installed special agent in charge of the Birmingham FBI office began to reach out to the African-American community to mend fences that had broken down over the highly publicized corruption investigation into Birmingham City Hall. One of the concerns being expressed by black leaders was why the 16th Street church bombing case had not been re-examined. At about the same time, the conviction of Byron de la Beckwith for the 1963 murder of civil rights activist Medgar Evers proved that a prosecution of these forgotten cases can be successful with a new generation of southern jurors. The time seemed right for another look at the church bombing case that had remained an open wound for Birmingham.

"HOW AND WHERE DO YOU BEGIN WITH A CASE THAT OLD"

All of the old investigative files remained at the Birmingham office of the FBI. Special Agent Bill Fleming was assigned the task of compiling the file and beginning the painstaking task of review. He was joined by Birmingham Police Detective Ben Herren, who was assigned to work the case full time. Ben would later retire and finish the case as an FBI Reasearch Analyst. Slowly and methodically the agents began the painstaking process of sifting through thousands of pages of interviews of witnesses and informants.

Once the files had been reviewed and the agents felt that they had a handle on the facts, it was time to begin interviewing witnesses. Old witnesses from the earlier investigation, who were still alive, as well as recent acquaintances and family members of Chambliss, Cherry, Blanton and others were identified for questioning. But before the FBI would take to the streets, and thereby expose the fact that the case was being re-examined, what proved to be a critical decision was made concerning the first interview to be conducted.

By all indication, Bobby Frank Cherry was a cocky Klan member in the 60's whose name kept coming up whenever there was trouble. He had been interviewed a dozen times or more in the 60's, each time denying any involvement in the crime, but each time giving the impression that he wanted to brag about his involvement. Cherry was a talker and if there was anyone who might say something to crack the case it was likely him. Interviewing him first was what turned out to be the first of many strategic moves that paid off.

In the summer of 1997, Ben Herren and Bob Eddy, who had been Baxley's investigator in the 70's, interviewed Cherry in Texas for about two hours. Although now almost 70 years old, Cherry was as cocky and defiant as ever. His two hour interview provided some helpful information, but it was his post interview press conference that really jump started the case. Although nothing had been publicized about the case being re-opened, Cherry decided to call a press conference to proclaim his innocence and to denounce the agents for continuing to hound him. When he did, the phones at the FBI began ringing: Cherry's granddaughter called to say she had overheard her grandfather admit to blowing up the church and that everyone in the family knew the story; a co-worker from his Texas carpet cleaning days called to say Cherry had admitted his involvement to him back in the early 80's; and a man who was a friend of Cherry's oldest son and only 11 years old at the time of the bombing called to say that in the days before the bombing he had been at the Cherry house and overheard Cherry and three other men talking about a bomb and the 16th Street Baptist Church. The Cherry interview provided the breaks that were needed to move the investigation forward; to hopefully bring closure to the case that had been so intensely investigated by the FBI and continued by Baxley.

"FEDERAL V. STATE"

Shortly after the Cherry interview and press conference I was sworn in as United States Attorney for the Northern District of Alabama September 8, 1997. What I found with this file was that while the new witnesses had sparked some hope, there was very little else that was encouraging. There was no forensic evidence from the scene, no DNA and no residue of explosive material. There were no eyewitnesses, or at least none that had come forward. There were no co-conspirators who had decided to get this off their chest before they pass from this life into the next. Over the years many potential witnesses, and suspects, had died and many others were elderly and frail. What we did have was a series of circumstances, including many of the prior statements of Blanton and Cherry, that clearly pointed to the guilt of these two men.

We assembled a team to begin the next phase of the investigation that would include having witnesses appear before a federal grand jury. Robert Posey, a former state Assistant District Attorney and a 10 year veteran of the U.S. Attorney's office, was assigned to assist. Jeff Wallace, one of the most seasoned prosecutors in the Jefferson County DA's office came on board. Following the Blanton trial, Assistant U. S. Attorney Don Cochran, who had also been a former state assistant DA, was added to assist in the Cherry trial. It was essential that we have both state and federal prosecutors looking at this case because there was no way to tell which forum would be chosen should we seek indictments.

Initially, all investigation was conducted out of the U.S. Attorney's office and the federal grand jury. Grand Jury subpoenas from a federal grand jury had a much larger reach for the many witnesses from out of state. There were also more resources out of the Department of Justice that we could draw on for witness expenses.

Federal jurisdiction, however, hung by a thread. The statute of limitations for all civil rights violations had long since ran. However, under 18 U.S.C. 841, et. seq, as it was written in 1963, there was no statute of limitation when a death resulted from the offense of interstate transportation of explosives. The problem for us was that with no forensic evidence we did not know exactly what explosives were used, much less where they came from. Fleming and Herren chased leads all over the country, particularly about dynamite coming out of Atlanta and Kentucky, but to no avail. In the end, there was no proof of any interstate transportation of explosives leaving a state murder charge in Jefferson County as our only option.

In May of 2000, with the express approval of both U.S. Attorney General Janet Reno and Alabama Attorney General Bill Pryor, we began presenting our case to a state grand jury. Three days later the Grand Jury indicted Tommy Blanton and Bobby Frank Cherry for the murder of the four young girls who died in the bomb blast of the 16th Street Baptist Church.

"SURVIVING THE MOTION TO DISMISS"

Defense lawyers for both defendants filed motions to dismiss the indictments, citing the age of the case and the loss of witnesses as evidence that their clients would be denied a fair trial if forced to defend themselves on a 38 year old murder charge. The law in Alabama, however, is difficult for a defendant to be successful in this type of motion. The defendant must show not just a delay, but an intentional delay designed to gain a tactical advantage and that the delay caused actual substantial prejudice to the conduct of his defense. Defendants failed on both counts. In fact,

I believe that the State was more prejudiced by the delay than the defendants. For instance, a witness visiting from Detroit identified Tommy Blanton's car as the car parked behind the church at 2:00 a.m. on the morning of the bombing. Robert Chambliss and two other unidentified white men were in the car. This witness testified against Chambliss, but died in 1985, thereby losing forever critical testimony.

"SURVIVING THE MOTION TO SUPPRESS THE KITCHEN TAPE"

In piecing together the chronology of events leading up to the bombing on Sunday morning, there were a series of meetings at the Modern Sign Shop, a local gathering spot for the Klan and anti-integration crowd, and at the Cahaba River Bridge, where Chambliss and Blanton were recruiting others to form a new Klan klavern. Blanton and his girlfriend, Jean, told agents that Blanton broke his date with Jean on Friday night before the bombing to make signs at the sign shop. Cherry, after initially stating he was at home that Friday night, admitted that he was also at the sign shop and that Blanton and Chambliss were both there. The significance of these interviews, given in the early stages of the investigation in 1963, was not realized until January, 2000, when Ben Herren was reviewing tape recordings prior to releasing them to the defense.

The bombing of the 16th Street Baptist Church was the first in the civil rights era that had resulted in deaths. The tragedy energized the FBI to find the murders and the to prevent further violence. While scores of agents hit the streets interviewing witnesses and working informants, FBI Director Hoover and Attorney General Robert F. Kennedy personally approved the use of wiretaps and electronic "bugs" on the telephones and at the homes of numerous suspects.

While reviewing one of those tapes, made by a "bug" under the kitchen sink in Blanton's apartment, Ben Herren made a remarkable discovery.

It was June of 1964. Tommy Blanton had married Jean and, in the presence of an unknown third person, they were discussing the Friday night broken date and their FBI interviews. Captured on tape was the following conversation, which proved to be the critical piece of evidence in this case:

JEAN: Well, you never bothered to tell me what you went to the river for Tommy.

TOMMY: What did you tell them I did?

JEAN: You didn't even.

TOMMY: What did you tell them I did at the river? What did they ask you I did at the river?

JEAN: They asked me what you went for and I told them I didn't know.

TOMMY: They were interested in that meeting that I went to. They knew I went to the meeting.

JEAN: What meeting?

TOMMY: To the Big One.

JEAN: What Big One?

TOMMY: The meeting where we planned the bomb.

JEAN: Tommy, what meeting are you talking about now?

TOMMY: We had that meeting to make the bomb.

JEAN: I know that.

TOMMY: I think I'll wear this sh—I'm going to wear this shirt.

JEAN: It's what you were doing that Friday night when you stood me up.

TOMMY: (UI) Oh, we were making the bomb.

JEAN: Modern Sign Company.

TOMMY: Yeah

Naturally, Blanton's defense team filed a Motion to Suppress, claiming a violation of the Forth Amendment. The microphone had, in fact, been placed in the Blanton apartment under orders from FBI headquarters, but without any court order or judicial review. What our research indicated, however, was that exceptions to the "exclusionary rule" provided a window of opportunity for the admission of this critical evidence.

To begin with, in 1963, there were no provisions for court approved electronic surveillance as there are now. A search warrant was not available because the items to be seized, conversations, could not be particularly described in an affidavit. The executive branch of government could, however, utilize electronic surveillance for national security purposes. Although one could question how a local KKK member

could involve national security, we cleared that hurdle by reminding the court of the climate of the time: the deaths cause by the blast and the unrest in the community, concerns over Communist influence on both sides of the civil rights struggle, the common practice of federalizing national guard troops to keep order and the assassination of President Kennedy that occurred just 2 months after the bombing. Moreover, determining what was or was not national security was exclusively an executive branch function. The evidentiary problem for us was that the law at the time only permitted electronic surveillance for intelligence purposes. Use as evidence in a trial was prohibited.

The law involving the use of electronic surveillance has been altered considerably since 1963. In 1968 Congress passed a wiretapping and electronic surveillance law which requires all law enforcement, state or federal, to get court approval before such investigative tools can be used in criminal investigations and trials. The statute also provides for the exclusion of evidence if a court order is not obtained or the law not followed. See 18 U.S.C. 2510, et. seq. The exclusionary rule for "bugs" that exists by statute is important when considering the exclusionary rule developed by caselaw. Over the years, the Supreme Court has chipped away at the once rigid, absolute rule of exclusion of any illegally seized evidence. Today there are exceptions for, among other things, good faith and inevitable discovery. Today's Supreme Court has held on more than one occasion that the exclusionary rule is not one of punishment of the offending officer in a particular case, but one of deterrence for future cases and that the value of the truth seeking process must be weighed against the value of deterrence. In this case, when there exists an legislative statute that completely governs the use of electronic "bugs" there is no deterrent value to excluding evidence based on conduct that occurred long before the statute went into effect. When weighed against the truth seeking process, as was obvious by the content of the tape, it seemed clear that the suppression motion should be denied. Judge Garrett agreed and our jury was able to hear an admission out of Blanton's own mouth.

Interestingly, on appeal, Attorney General Pryor and his staff developed an even stronger argument. Overlooked in our efforts during the suppression hearing was a document from the FBI that indicated that the microphone had been placed "without trespass." At trial, Ralph Butler, the FBI tech who installed the mike testified that when the wall was torn out from the apartment that the FBI rented next to Blanton, they discovered a small hole in Blanton's wall. The microphone was then place on the inside of the wall, not intruding into the Blanton residence. The evidence is critical to a review of the law that existed at the time in that a "bug" placed without any trespass was admissible under the 1928 case of *Olmstaed vs. United States,* 277 U.S. 438 (1928). The appeal was argued before the Alabama Court of Criminal Appeals on May 20, 2003.

"SELECTING THE JURY: THE USE OF JURY CONSULTANTS"

Jury selection is always critical, but in these cases there seemed to be so many more issues that permeated the case that could influence a juror: the age of the defendants, the age of the case, the historical significance of the case, the racial overtones, the life experiences of each juror living in the South, then and now. To assist in jury selection, we brought in two highly regarded consulting firms who were experts in the process. Andy Sheldon, of Sheldon & Associates in Atlanta, had assisted the prosecution in two other high profile civil rights cases in Mississippi, including the Medgar Evers murder case. Steve Patterson and Norma Silverstein, with Vinson & Dimitri of Los Angeles, had assisted in a number of high profile and juror sensitive cases, such as the McVeigh case and former Louisiana governor Edwin Edwards. Together they were a powerful and insightful team.

The first step was to conduct a focus group where pieces of the case were presented to a panel of randomly chosen citizens. There were two separate groups, moderated by Andy and Norma, in more of a discussion fashion than a mock trial. They also discussed three separate cases, our bombing case, the Eric Rudolph case, and the O.J. case, in order to mask who was staffing the presentation. Various themes were tested, as were the strengths and weaknesses of key pieces of evidence. Through a one-way glass prosecutors and agents were also able to observe the dynamics between the various age, gender and ethnic origins of the participants.

The second stage of the process was a community attitude survey, built on questions developed from the focus groups. This was an extensive telephone survey that went into great detail regarding potential jurors' opinions of the case, the impact of media coverage, race relations, and general themes. The results were broken down by age, gender, race and address. What we learned was that by in large the participants had heard of the case through the media, but had not formed a hard

opinion about guilt or innocence; that neither the age of the case nor the age of the defendants were a concern if the evidence existed and that some of our strongest evidence was the inconsistent, and what we believed to be lies, statements of the defendants about their whereabouts that weekend. We were also encouraged that the attitudes on race and race relations clearly proved that Alabama has, in fact, come a long way from where we were as a state in the 1960's.

Judge James Garrett had already indicated that he would allow the use of a juror questionnaire when jury selection began. After dissecting the results of the focus groups and the survey, and after receiving input from the defense, a questionnaire consisting of 100 questions was proposed. The questionnaire dealt with just about everything from the routine questions about the jurors' backgrounds and knowledge of the witnesses, to more detailed information covering the books they read, the television shows they watch, the radio programs they listen to, their knowledge about the case and their opinions on race relations.

Because questions arose concerning Cherry's competency, the two cases were severed so that while Blanton proceeded to trial, Cherry was undergoing mental evaluations. Prior to the Blanton trial our consultants argued for a "mock trial" to test the various themes and defenses. I resisted for fear that in this age of commercialization of high profile cases we could not control the confidentiality of our evidence, which could jeopardize our venue in Birmingham. For the Blanton trial we waded into the jury selection process armed with a great deal of information, but no true test of our case. However, because the evidence in the two cases was considerably different, and even though Blanton had been convicted, the decision was made to test the Cherry evidence in a mock trial. Don Cochran, who had not participated in the Blanton case and was thus probably not as easily recognized by the participants, prosecuted the State's case. Assistant U.S. Attorney, Mike Rasmussen, presented the case for the defense. Both did an excellent job of presenting what turned out to be a pretty accurate rendition of the upcoming trial. The results of the mock trial were nothing short of dramatic. What we thought was a relatively thin case against Cherry turned out to be surprisingly compelling.

Trial lawyers have to be sensitive to the jurors and the jury selection process in order to be successful. What is hard to admit, however, is that we don't know everything about everyone on a jury panel. The use of consultants, with a fresh, but experienced, perspective can make all the difference.

"CAPTURING THE JURY'S FOCUS: SETTING OUT A THEME IN BLACK AND WHITE"

The themes of both trials took jurors on a journey back through history. It was a history that some of the jurors had lived, while others had only learned about it in school. Using black and white video footage and photographs, jurors were walked through the black and white world of 1960's Birmingham. The black and white images were a constant, albeit subtle, reminder throughout the trial of a once segregated Birmingham.

The journey started in 1957, when Rev. Fred Shuttlesworth attempted to enroll his children in the all-white Phillips High School. He was met by an angry mob of white men, about ten of whom proceeded to attack Rev. Shuttlesworth and his wife in front of the school. The scene was captured on 8mm file and is standard footage in most civil rights documentaries. Seeing that such attempt to integrate the Birmingham City Schools would not work, a lawsuit, based on the 1954 *Brown v. Board of Education* decision, was filed in federal court. That case and its ultimate outcome would set the stage for many events to follow. But the footage of the mob beating Rev. Shuttlesworth also had additional importance in the Cherry case.

To the courtroom spectator, Bobby Frank Cherry appeared to be anybody's grandfather: a 71 year old man more comfortable wearing overalls in the garden than wearing a suit sitting in a courtroom. But witnesses identified Cherry in the thick of the mob attacking Rev. Shuttlesworth, even using what appeared to be brass knuckles. Thus, from opening arguments jurors were shown what Bobby Frank Cherry was like as a 33 year old man in 1963: a member of the KKK, who resorted to violence to stop integration.

Jurors also learned, through photographs and testimony, that 1963 and the months leading up to the bombing were pivotal times for the City of Birmingham. That spring the famous "children's marches" were organized by Dr. King and others to integrate the public facilities of downtown Birmingham. The Sixteenth Street Baptist Church had already become a focal point for the civil rights movement in Birmingham, but now it was even more prominent with the marchers gathering in the sanctuary before facing Bull Connor's forces just outside. When a settlement was reached to begin the process of integrating Birmingham, Cherry and Blanton saw the first real cracks in their segregated way of life.

As the civil rights movement gathered steam with the August, 1963 "March on Washington," the case to integrate Birmingham Schools was coming to a close. Six years after the case began, the final orders were issued that forced Birmingham to accept African-American students. On September 10, 1963, just five days before the bombing, two young men enrolled at Graymont Elementary School and for the first time, Birmingham had an integrated school system. Blanton and Cherry saw their segregated way of life erode even further. It was, I believe, no coincidence that five days after the schools were finally integrated a bomb was placed under the steps of a prominent player in the civil rights movement, the 16th Street Baptist Church, on a Sunday morning where other prominent players in the movement, the youth, were preparing for the first of the planned monthly youth worship services.

THE CASE AGAINST BLANTON AND CHERRY

The evidence introduced in the Blanton trial and the Cherry trial obviously had many similarities. Testimony from the victims' families and from those on the scene was essentially the same in both trials, but the evidence that pointed to the guilt of each defendant was considerably different.

The Blanton jury heard evidence of the defendant's hatred for blacks and his membership in the Klan. Tapes were played of conversations between Blanton and an informant in which Blanton joked about "bombing my next church." There was testimony by James Lay who identified Blanton and Chambliss has the men he saw standing on the side of the church at one o'clock in the morning two weeks prior to the bombing. The man identified as Blanton was holding some type of satchel and standing next to the steps where the bomb was eventually placed. Agents who had interviewed Blanton following the bombing testified about Blanton's inconsistent statements concerning his whereabouts the weekend of the bombing. Finally, the jury heard Blanton himself, on tape, admitting to being part of meetings where the bomb was planned and made.

With Cherry, the witnesses who came forward all gave compelling testimony about Cherry's admissions to them. In addition, an ex-wife who had also called the FBI when she read about the case in Montana, testified about Cherry's admissions to her. Like Blanton, Cherry also gave many conflicting statements about his whereabouts the night before the bombing. His latest version of where he had been on Saturday night was that he was home early because his wife was dying with cancer and he always watched live studio wrestling at 10 p.m. We introduced medical records proving that Mrs. Cherry was not diagnosed with cancer until 1965, two years after the bombing, and that there was no Saturday night wrestling on TV at the time. Most significantly, Cherry admitted to being at the Modern Sign Shop with Blanton and Chambliss on the Friday night before the bombing, the same Friday night and location where Blanton said "we" had planned and made the bomb

In both trials, we concluded the prosecution's case on an emotional high note. People sometimes forget that there were actually five little girls in the ladies lounge that morning. Our last witness was Sarah Collins Rudolph , the sister of Addie Mae. She testified about walking to church that morning with her sisters and going into the basement and the ladies lounge with Addie. As she went to wash her hands she turned around and saw Addie tying the sash of Denise's new dress. The explosion then trapped her beneath rubble, unable to move and unable to see because of injuries to her eyes. I asked her what happened after the explosion? "I called out for my sister." What did you say? "I called out Addie, Addie, Addie," her words echoing in a silent courtroom much as they would have 38 years earlier. "Did she answer you back?" I asked. "No."she said softly. Did you ever see her alive again? "No" she said, wiping back the tears. With that, the State of Alabama rested.

It took the jury only 2 and one-half hours to find Tommy Blanton guilty on four counts of first degree murder. It took the Cherry jury about six hours to reach the same result. Both were immediately sentenced to life in prison and were whisked out of the courtroom by Sheriff's deputies.

"THE AFTERMATH"

It is impossible to express the emotion felt by the prosecution team and the satisfaction gained from being a part of these cases. I have said many times that I wish every lawyer, at least once in their career, could work on a case that meant so much to so many. There are many things that can come from such a case, but only two I would like to highlight here.

First, I am always asked about threats or hate mail that we received throughout the course of this investigation. I guess it is assumed that even today the hatred of the past remains with us. I am sure it does in some quarters. But the fact is that we received absolutely nothing in the way of the hate mail or threats. None.

That is not to say there was not some criticism of the prosecution, but that is always expected in any high profile case. It seems to me though, that the complete lack of anonymous threats or hate mail speaks volumes about where we as a state have come since 1963.

Finally, as lawyers we have to remember that we are a service profession. Our job is to seek justice for our clients no matter what the obstacles or delay. Justice delayed does not have to mean justice denied. The odds are that you will never see a case that has such an impact on so many, but every case does have an impact on the client we represent, whether it is injured child, the defrauded consumer or the family of a victim. Each of these clients deserve as much attention and effort as Carol, Denise, Addie and Cynthia.

Mr. NADLER. I thank the witness. Mr. Cohen.

TESTIMONY OF J. RICHARD COHEN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, SOUTHERN POVERTY LAW CENTER, MONTGOMERY, AL

Mr. COHEN. Thank you. Thank you Mr. Chairman, Chairman Conyers, Chairman Scott, thank you very much for the opportunity to appear before you today. And Congressman Davis, thank you for those very, very kind remarks. In 1989, we built the Civil Rights Memorial to honor the martyrs of the Civil Rights movement. Since that time, Congressman Lewis has led an annual pilgrimage to the Memorial on the occasion on the anniversary of Bloody Sunday. Many Members of this body have joined him, including Congressman Jackson Lee and Congressman Ellison. When we built the Memorial we had just finished litigating a case against the United Klans of America, a Klan group that blew up the 16th Street Baptist Church killing Addie Mae Collins, Denise McNair, Carole Robertson and Cynthia Wesley. And also a group that had murdered Viola Liuzzo, a Civil Rights activist from Detroit who was involved in the Selma-to-Montgomery voting rights march. At the time the Memorial was dedicated, most of the cases chronicled on it had not been brought to justice. Today, many of the cases still cry out for justice. For this reason the Memorial serves as a reminder, not just of the sacrifices of the Civil Rights era, but of its injustices.

If we as a Nation are going to address these injustices before they become permanent scars on our history, it is essential for Congress to pass the bill before it now. In doing the research for the Civil Rights Memorial we focused on the period 1954 to 1968, and looked for cases where victims had been murdered because they were active in the Civil Rights movement, they had been killed by organized hate groups in an effort to intimidate African-Americans and other Civil Rights activists or those whose deaths like Emmett Till, helped to galvanize the movement.

We named 40 persons who fit this criteria, including Medgar Evers and Michael Schwerner. I am humbled to be on this panel today with their widows. But we know that there were many, many other victims besides those chronicled on the Memorial. During our research, we discovered the names of approximately 75 other people who died under circumstances suggesting that they too were victims of racial violence during the Civil Rights era. And as thorough as we tried to be in our research, I have no doubt that we missed many of the cases. Many of the killings we researched were never fully investigated by authorities. Our files, for example, include the case of Thomas Brewer, a prominent Black physician and NAACP activist in Georgia who was killed by a White department

store owner in 1956. No one was indicted for the crime. It was an era when African-Americans and their allies were beaten, bombed and shot with impunity.

Herbert Lee of Liberty, Mississippi, for example, was shot in the head by a White State legislator in broad daylight in Liberty, Mississippi, in 1961. Nothing was ever done about it. Although we never anticipated it really, the dedication of the Memorial sparked renewed interest in the Civil Rights era slayings. And since that time, a number of people have been brought to justice in connection with the murders from that era. My friend, Doug Jones, is responsible for a number of those convictions. But I think we all know that much more remains to be done. And in many of the cases on the Memorial, no one was ever brought to justice.

As I indicated before, there were many, many victims of racial violence during the Civil Rights era whose names are not on the Memorial. We sent our list of 75 suspicious cases to the Justice Department. And as I understand it, now they have a list of over 100 cases. They have indicated that many of these cases had never been investigated before. We applaud the FBI and the Justice Department for their interest in resolving these cases and we wish that these cases had always been a high priority. Passage of the Emmett Till Act will keep them on the front burner.

In closing, I would like to note that I had a chance to meet Mamie Till, Emmett Till's mother, before she died. She spoke at the dedication of the Civil Rights Memorial and visited us a number of times. She was a very eloquent woman and a woman of great courage who forced the country to face the ugly reality of its racial violence in the hopes that we would do something about it. Passing an Act named for her son would be a fitting tribute to her courage and a measure that is long overdue. Thank you, Mr. Chairman.

[The prepared statement of Mr. Cohen follows:]

PREPARED STATEMENT OF J. RICHARD COHEN

Thank you, Messrs. Chairmen and Members of the Subcommittees, for the opportunity to be here today to testify in support of the Emmett Till Unsolved Civil Rights Crime Act (HR 923).

My name is Richard Cohen. I'm the president of the Southern Poverty Law Center (SPLC), a civil rights organization founded in 1971 and located in Montgomery, Alabama. In 1989, we built the Civil Rights Memorial in Montgomery, the birthplace of the modern civil rights movement, to honor the lives and memories of those who were slain during the movement from 1954 to 1968. Inscribed on the Memorial are the names of 40 martyrs, including Emmett Till; however, we know from our research that many more people lost their lives to racial violence during that era. At the time the Memorial was dedicated, the killers in most of the cases chronicled on the Memorial had not been prosecuted or convicted, and today, there are many cases that still cry out for justice. For these reasons, the Memorial serves as a reminder, not only of the sacrifices made during the civil rights era, but also of its terrible injustices.

The dedication of the Memorial sparked renewed interest in the civil rights era cases from a number of courageous prosecutors. But there has never been the kind of institutionalized effort that is needed to address the historic injustices that occurred during that era—an era when the criminal justice system in much of our country was corrupted by racial bigotry and the lives of the African American citizens of our democracy were not protected. If we are to address the injustices of the civil rights era before they become permanent scars on our nation's history, the passage of legislation mandating a sustained, well-coordinated and well-funded effort to investigate and prosecute racially motivated slayings from the civil rights era is essential.

We decided to build the Civil Rights Memorial after litigating a case against the United Klans of America, the group responsible for some of the most horrific violence during the civil rights era. In 1981, members of the United Klans, angry over a jury's failure to return a verdict against a black defendant accused of killing a white police officer, decided to lynch a black man to show that the Klan was still alive and well in Alabama. Their victim was Michael Donald, a college student who had the misfortune of being on a public street while Klansmen drove by looking for potential victims. They abducted Michael, beat him mercilessly, cut his throat, and hung him from a tree for the world to see their "handiwork." The local leader of the Klan described the scene as "a pretty sight."

Ignoring the fact that Michael Donald had led an exemplary life, local law enforcement officials initially attributed the killing to the illegal drug trade. But spurred on by local activists and the persistence of Assistant U.S. Attorney Thomas Figures, federal prosecutors eventually broke the case. One Klansman pled guilty to the killing in federal court and was sentenced to a long prison term. Another Klansman was found guilty of capital murder in state court and was later executed.

We followed the case closely and were convinced that other parties should be held responsible. In 1984, we filed a civil action on behalf of Michael's mother, Beulah Mae Donald, against the United Klans itself as well as a number of additional Klan members. At the trial in 1987, we proved that the plan to lynch a random black victim was hatched at a meeting of the United Klans. We also established that United Klans had a long history of carrying out its goals by violent means. We presented evidence: (1) that its members had blown up Birmingham's Sixteenth Street Baptist Church in 1963, killing four young black girls—Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley; (2) that the group had murdered civil rights activist Viola Liuzzo during the Selma-to-Montgomery march in 1965; and, (3) that its members had beaten the Freedom Riders in Montgomery in 1961. (Congressman John Lewis was among those beaten at the bus terminal.) An all-white jury in Mobile returned a verdict for $7 million in our favor against all the defendants, including the United Klans. As a result of the verdict, the United Klans disbanded and was forced to deed its headquarters to Mrs. Donald.

After the Donald verdict, my colleague Morris Dees was invited to speak to an NAACP convention in Mobile. At the close of his remarks, Morris said that he hoped that Michael Donald's name would be remembered along with the names of Dr. Martin Luther King Jr., Medgar Evers, Emmett Till and the other martyrs of the civil rights movement. After the speech, young people came up to Morris and said that they knew of Dr. King, of course, but weren't familiar with the names of the other civil rights martyrs that he had mentioned. On his way home that night, Morris decided that we should build a memorial to the martyrs of the movement so that their sacrifices would never be forgotten.

In preparing to build the Civil Rights Memorial, we researched deaths between 1954, the year of *Brown v. Board of Education,* and April 4, 1968, the date of Dr. King's assassination. We looked for victims who fit at least one of three criteria: (1) They were murdered because they were active in the civil rights movement; (2) They were killed by organized hate groups as acts of terror aimed at intimidating blacks and civil rights activists; or, (3) Their deaths, like the death of Emmett Till, helped to galvanize the movement by demonstrating the brutality faced by African Americans in the South.

In some sense, the dates we chose were arbitrary. The civil rights movement clearly began before the Supreme Court's landmark school desegregation decision in 1954, and it did not end with Dr. King's death in 1968. We knew that by choosing specific dates, we would leave out certain victims, such as Harry Moore, an NAACP official who died along with his wife, Harriette, in the Christmas night bombing of their home in Mims, Florida, in 1951. But we felt like we should choose a timeframe bounded by well-known historic events.

To identify victims fitting the criteria we selected, we solicited information from civil rights activists, authors, and journalists. We combed through newspaper archives and books on the era. We reviewed files and other materials at the Southern Regional Council in Atlanta; Tuskegee Institute in Alabama; state archives in Mississippi and Alabama; the U.S. Library of Congress; the Birmingham Public Library's Southern History collection; the Center for the Study of Southern Culture at the University of Mississippi; and the Martin Luther King Jr. Center for Nonviolent Social Change in Atlanta. The Library of Congress research included searches through the papers of the Student Nonviolent Coordinating Committee, the Congress of Racial Equality and the NAACP. We also filed Freedom of Information Act requests to obtain FBI files on individual deaths. The archives of *The New York Times* were particularly useful. A day-by-day search of its pages on microfilm turned up many deaths that had not been covered by local newspapers. A wealth of infor-

mation also was found at the Southern Regional Council. This research became the basis for our book "Free at Last: A History of the Civil Rights Movement and Those Who Died in the Struggle." I'm providing copies to the Members of the Subcommittees.

Our research yielded the names of 40 people who fit the criteria we had established. They ranged in age from 11 to 66. Seven were white, and 33 were black. They came from all walks of life—students, farmers, ministers, truck drivers, a homemaker and a Nobel laureate. These are the names inscribed on the black granite of the Memorial, which was designed by Maya Lin.

But there were many, many other victims besides the 40 who are remembered on the Memorial. While we were conducting our research, we discovered the names of approximately 75 other people who died violently between 1952 and 1968 under circumstances suggesting that they were victims of racial violence. We did not add their names to the Memorial because their deaths did not fit the criteria we had established for inclusion on the Memorial or because we simply did not know enough about their deaths. Many of these killings were never fully investigated in the first place, and in some cases, law enforcement officials were involved in the killings or subsequent cover-ups. And precisely because the killings of African Americans were often covered up or never seriously investigated, we have no doubt that many slayings were not recorded in the sources we checked.

The dedication of the Memorial in 1989 was a memorable event. Family members representing 39 of the 40 martyrs attended and celebrated the lives and contributions of their loved ones. Emmett Till's mother, Mamie Till-Mobley, spoke eloquently at the dedication of her loss, her hopes, and the joy she felt over the fact that many of the forgotten martyrs of the movement were finally getting the recognition that they deserved. But the dedication was tinged with sadness, not simply because those remembered on the Memorial had lost their lives, but because most of the family members in attendance still awaited justice for the killing of their loved one.

The reason justice had not been served was the callous indifference, and often the criminal collusion, of many white law enforcement officials in the segregated South. There simply was no justice for blacks during the civil rights era. The whole criminal justice system—from the police, to the prosecutors, to the juries, and to the judges—was perverted by racial bigotry. Blacks were routinely beaten, bombed and shot with impunity. Sometimes, the killers picked their victims on a whim. Sometimes, they targeted them for their activism. In some cases, prominent white citizens were involved. Herbert Lee of Liberty, Mississippi, for example, was shot in the head by a state legislator in broad daylight in 1961—and nothing was done.

The victims also included Mack Charles Parker of Poplarville, Mississippi, an Army veteran who was accused of raping a white woman. In 1959, three days before his trial, a lynch mob dragged him from his jail cell, beat him, shot him in the heart, and threw his body in the Pearl River. The mob of eight white men included the jailer, a former deputy sheriff, and a preacher. Though most people in town knew who did it, no one was ever arrested. Finally, persistent FBI agents developed hard evidence against members of the lynch mob. The county prosecutor, who had earlier vowed to not prosecute the crime, refused to present it to a grand jury. U.S. Attorney General William Rogers called the action a "travesty of justice" and ordered the Justice Department to build a federal civil rights case. But a federal grand jury refused to indict, and the mob went free. No one was ever punished.

In many cases, such as the murder of Emmett Till, suspects were brought to trial only to be set free by sympathetic white juries.

There have been sporadic efforts over the years to solve some of the crimes that were ignored at the time by law enforcement officials. In some cases, prosecutors have performed heroically in bringing killers to justice. But the effort has depended, in large part, on the priorities and judgments of individual prosecutors.

The most prominent figure to pursue prosecutions of civil rights era slayings between 1968 and the dedication of the Memorial was Alabama Attorney General Bill Baxley. Shortly after he took office in 1971, Mr. Baxley began investigating the Sixteenth Street Baptist Church bombing—one of the most heinous crimes of the era. He doggedly pursued the case, even though the FBI refused to share its voluminous evidence with him. The FBI had investigated the crime extensively at the time it occurred in 1963 and had focused its attention on four local Klansmen with long histories of violence. Despite possessing secret tape recordings that implicated the suspects, FBI Director J. Edgar Hoover had closed the case in 1968 without bringing charges.

Mr. Baxley wrote in *The New York Times* on May 3, 2001, that what he initially attributed to "innocent bureaucratic shuffling" was later revealed to be a "charade." The FBI finally released evidence to him, but only after a reporter from the *Los Angeles Times,* with whom Mr. Baxley had shared his frustration, threatened to expose

the FBI's obstruction. The combination of the evidence Mr. Baxley developed on his own and the FBI's evidence was enough to convict Robert "Dynamite Bob" Chambliss of first-degree murder in 1977. But Mr. Baxley still lacked enough evidence to bring charges against two other suspects that the FBI had originally identified—Thomas Blanton and Bobby Cherry.

The case remained closed until U.S. Attorney Doug Jones reopened it in the mid-1990s. Mr. Jones discovered that there was significant evidence that the FBI had not shared with Mr. Baxley during the Chambliss prosecution. This evidence included recordings made by a listening device placed near Blanton's kitchen sink as well as tapes secretly recorded by Klan informant Mitchell Burns during drinking binges with Cherry and Blanton. Armed with this evidence, Mr. Jones convicted Blanton in 2001 and Cherry in 2002.

In the mid-1970s, Mr. Baxley also tried, unsuccessfully, to prosecute three Klansmen for the 1957 murder of Willie Edwards Jr., a 25-year-old black truck driver who was forced at gunpoint to jump off a bridge into the Alabama River in Montgomery. The indictments of three Klansmen in that case were quashed twice by an Alabama judge who ruled that no cause of death had been specified.

Notwithstanding Mr. Baxley's success, prior to the dedication of the Memorial, there was little interest in reopening other cases. There was an assumption that most of the murder cases described on it were "cold" and that nothing could be done. In many cases, the assumption had become a self-fulfilling prophecy. There also was a lack of political will to see that justice was done.

Fortunately, the dedication of the Memorial and the publication of our book "Free at Last: A History of the Civil Rights Movement and Those Who Died in the Struggle," which was released in conjunction with the dedication, sparked renewed interest in these cases. Investigative reporter Jerry Mitchell of *The Clarion-Ledger* in Jackson, Mississippi, whose reporting is often credited with spurring prosecutors to reopen cases from the era, has said the book became a "road map" for his investigations, which began with an examination of the 1963 assassination of NAACP field secretary Medgar Evers. During the October 2005 dedication of the new visitors center for the Civil Rights Memorial, Mr. Mitchell said, "The Memorial stands as a reminder their killers walked free, even though everyone knew they were guilty. . . . After its dedication in 1989, it transformed into an instrument of justice."

Since that time, thanks in part to the hard work of dedicated journalists like Jerry Mitchell, authorities in two Southern states (Alabama and Mississippi) have convicted 10 people in connection with 11 murders from the civil rights era. Six of those convictions were for 10 deaths chronicled on the Memorial. (There also have been convictions in connection with racial slayings from the 1960s in Indiana and Pennsylvania.) In addition, James Ford Seale is currently on trial in Mississippi for the slaying of two of the martyrs on the Memorial—Charles Eddie Moore and Henry Hezekiah Dee. And former Alabama state trooper James Bonard Fowler has recently been indicted and is awaiting trial in the death of another Memorial martyr—Jimmie Lee Jackson, the Alabama college student whose death sparked the Selma-to-Montgomery march led by Congressman Lewis and others.

But the hard truth is that much more remains to be done.

In 13 of the 40 deaths noted on the Civil Rights Memorial, no one has ever been brought to trial. In 10 of the 40 deaths, defendants were either acquitted by all-white juries or served only token prison sentences. And, of course, there were many more killings than those remembered on the Memorial. Our files include the case of Thomas Brewer, a prominent physician killed in Georgia in 1956. He was a local NAACP activist who was shot seven times in a department store by a white politician. No indictment was ever brought. There was Sam O'Quinn from Centreville, Mississippi, who was shot in the back shortly after joining the NAACP in 1959. He had been criticized often by whites in his hometown as being "uppity." There was Sylvester Maxwell, whose body was found castrated and mutilated in Canton, Mississippi, in 1963. NAACP field secretary Medgar Evers saw it as a probable lynching; no arrests were made. There was 15-year-old Larry Bolden, shot in the chest by a white Chattanooga policeman responding to a call about teenagers making too much noise in 1958.

In February of this year, after reading a story in *The New York Times* about the FBI's "cold case" initiative, launched in 2006, we forwarded a copy of our book "Free at Last" (the story of the 40 martyrs) and our files on the 75 other cases to the FBI. The article said the FBI had compiled a list of 51 victims in 39 cases, most of which had never been investigated by the FBI; we don't know the extent to which our list and theirs overlap. After we forwarded our list, I was asked to appear at a press conference with Attorney General Alberto Gonzalez and FBI Director Robert Mueller. I was honored to be included. The press conference was held on Feb. 27—

ironically, the same day that a grand jury in Mississippi declined to issue any new indictments in the Till case.

We applaud the Justice Department's and the FBI's interest in resolving the civil rights-era cases. We wish that this had always been a high priority. To ensure that it continues to be so, Congress should mandate that these efforts be coordinated and focused, while providing adequate funding and establishing clear reporting requirements. The Emmett Till Unsolved Civil Rights Crime Act would accomplish this goal.

It is appropriate, of course, to name the act for Emmett Till. His slaying in 1955 and his mother's decision to have an open casket at his funeral stirred the nation's conscience and galvanized thousands of committed Americans to join the march for equality. Unfortunately, many others were killed during that march, and many of the killers, like those of Emmett himself, were never successfully prosecuted.

We should not underestimate the difficulties that the passage of time has created in pursuing the civil rights era cases. But we should not let those difficulties—the product of our country's neglect and failure—be an excuse for not doing what we can now. Some of the cases that are today considered "cold" may turn out to have some burning embers, and we should leave no stone unturned in our efforts to resolve them.

During her speech at the dedication of the Civil Rights Memorial, Emmett's mother said, "When my eyes were a fountain of tears, the realization came that Emmett's death was not a personal experience for me to hug to myself and weep, but it was a worldwide awakening that would change the course of history." The fact that no one was ever punished for Emmett's death would not have surprised or deterred her. Instead, it would have only strengthened her commitment to justice for the other victims of the racial terrorism that plagued our country for so long.

It should strengthen our resolve as well.

Mr. NADLER. I thank you. Ms. Bender.

TESTIMONY OF RITA L. BENDER, ESQUIRE, SKELLENGER BENDER, SEATTLE, WA

Ms. BENDER. I would like to thank the Members of the Committee and the Chairs, and of course, Congressman Conyers, who was very helpful, I must tell you all who are too young to know it, in the years, in those terrible and glorious years of the Civil Rights movement. I am appearing before you today to support the passage by the Congress of H.R. 923. This important legislation provides an opportunity to confront our common legacy of racism, a confrontation long overdue. Since the end of reconstruction millions of African-Americans have been denied the right to vote, access to adequate schooling, to economic opportunity and to the full participation and the benefits of United States citizenship. This denial was systematically enforced by a complex of laws and by custom and practice, all of which perpetuated political and economic disenfranchisement.

Violence was employed as a tool to maintain the status quo. In the State of Mississippi alone there were at least 581 lynchings. In January 1964, my husband, Michael Schwerner, and I went to Meridian Mississippi, just two of many Civil Rights workers who were committed to assist local people in their efforts to break the cruel tyranny of the Jim Crow system. We came of age at a time of great hope in America with the conviction that our country could change, that with the effort of many people, we would see the emergence of the society which had been promised in which the badges and indicia of slavery would forever be relegated to the brutal past.

On June 21, 1964 while visiting an African-American church in Philadelphia, Mississippi, whose members had been severely beaten because of their commitment to voter registration efforts, Mickey Schwerner, James Chaney and Andrew Goodman were mur-

dered. The murders were a group of 18 men who included the deputy sheriff, local police and others, all members of the Ku Klux Klan. Two members of the State patrol abandoned the conspiracy at the last moment but did nothing to prevent the killings that they knew were to occur that evening. The State of Mississippi did not bring murder charges until 2005. By then, many of the conspirators were dead.

Of the eight surviving participants, only one was indicted. Edgar Ray Killen was found guilty of three counts of manslaughter and is now serving a 60-year sentence. But throughout the south, there were hundreds of other murders, some of people who played active roles if the Civil Rights movement. There were also many victims who were simply available, killed to send the message that Black people had no worth and that those who opposed the stifling status quo could be eliminated without consequence. For decades the crimes of the Civil Rights era went unacknowledged. People lived their lives in the towns and cities where the crimes occurred often engaging in the small exchanges of life with the perpetrators. For some the continued interaction with persons who they knew had committed heinous acts must have been a constant source of intimidation even if nothing was said directly. For others knowledge of the crime and the failure of communal action to impose consequences on the actors was the denial of the seriousness of the event, a diminishment of civil society.

The Civil Rights prosecutions, albeit very late, are an acknowledgement by our Nation that crimes were committed not just against the victims, but crimes that tore the very fabric of our social order. The belated acknowledgement by the State represents an important effort to confront the reality of the communal dysfunction. With such confrontation comes the possibility of healing. So criminal trials serve both to impose punishment upon the perpetrators for their individual wrongdoing, but also to acknowledge societal responsibility for the racism which permitted and even encouraged the violence to flourish.

The testimony which is placed before the public, both those in the local community who sit through the trial, and those who may come to know about it through the media, serves to confront the questions of how such violence can have occurred. Indeed, in the Killen trial, some of the testimony was shocking in its revelation. One witness was a former mayor of Philadelphia who served in the 1990's. He was called as a character witness for Preacher Killen, who he assured the jury was a fine man and a good Christian.

Asked by the prosecution if he would maintain his support for Killen if he knew Killen was a member of the Klan, a fact which the defense had already acknowledged, the mayor responded that he would, since he knew that the Klan had done good things, such as deliver food baskets to widows.

Many people in the courtroom registered shock at this testimony. It was important for the community and the Nation to hear. It was an opportunity for confronting truth. The truth being the extent to which a significant portion of the White society had continued to deny reality and to cloak itself in a fantasy in which the wrongdoers were the Civil Rights workers who had disrupted the expectations and traditions of Jim Crow and not the society which had

spawned the violence. Acknowledging these crimes and imposing appropriate punishment is an important societal obligation. Permitting the opportunity for communal acceptance of responsibility is a necessary part of restoration of civil society. If we allow the opportunity to pass without attempting to bring these cases to trial as possible, we lose forever the chance to understand who we are as a Nation.

Let us allow these trials to encourage the public debate about the overreaching societal and governmental conduct that both enabled these crimes and which continues to cause racial inequality. The goal of trials should not be that once over there is no further discussion to be had. The opportunity for exploring how we move forward to bridge the racial divide then would be lost. Understanding our history is the necessary step toward ensuring that we move ahead as a society which is committed to healing our wounds and achieving reconciliation. The trials provide an opening for the process of restorative justice. They are important to the families who were so cruelly hurt by the crimes, but equally important for our Nation. Thank you.

[The prepared statement of Ms. Bender follows:]

PREPARED STATEMENT OF RITA L. BENDER

I am appearing before you today to support the passage by the Congress of HB.923. This important legislation provides an opportunity to confront our common legacy of racism, a confrontation long over due.

Since the end of Reconstruction, millions of African Americans have been denied the right to vote, access to adequate schooling, to economic opportunity, and to the full participation in the benefits of United States citizenship. This denial was systematically enforced by a complex of laws, and by custom and practice, all of which perpetuated political and economic disenfranchisement.

Violence was employed as a tool to maintain the status quo. In the State of Mississippi alone, there were at least 581 lynchings.

In January1964, my husband Michael Schwerner and I went to Meridian, Mississippi, just two of many civil rights workers who committed to assist local people in their efforts to break the cruel tyranny of the Jim Crow system. We came of age at a time of great hope in America-with the conviction that our country could change, that with the effort of many people, we would see the emergence of the society which had been promised, in which the badges and indicia of slavery would forever be relegated to the brutal past.

On June 21, 1964, while visiting an African American Church in Philadelphia, Mississippi, whose members had been severely beaten because of the their commitment to voter registration efforts, Mickey Schwerner, James Chaney, and Andrew Goodman were murdered. The murderers were a group of 18 men who included the deputy sheriff, local police, and others-all members of the Ku Klux Klan. Two members of the State Patrol abandoned the conspiracy at the last moment, but did nothing to prevent the killings they knew were to occur that evening,

The State of Mississippi did not bring murder charges until 2005. By then, many of the conspirators were dead. Of the eight surviving participants, only one was indicted. Edgar Ray Killen was found guilty of three counts of manslaughter, and is now serving a 60 year sentence.

But throughout the South there were hundreds of other murders, some of people who played active roles in the Civil Rights Movement. There were also many victims who were simply available, killed to send the message that Black people had no worth, that those who opposed the stifling status quo could be eliminated without consequence.

For decades, the crimes of the civil rights era went unacknowledged. People lived out their lives in the towns and cities where the crimes occurred, often engaging in the small exchanges of life with the perpetrators. For some, that continual interaction with persons who they knew had committed heinous acts must have been a constant source of intimidation, even if nothing was said directly. For others, knowledge of the crime and the failure of communal action to impose consequences on the actors was the denial of the seriousness of the event, a diminishment of civil society.

A criminal trial is a public event through which a community attempts to confront a wrong, by determining guilt, by seeking to acknowledge responsibility, and by imposing a penalty commensurate with the wrong doing. But can such prosecutions be meaningful so long after the crimes were committed?

These civil rights prosecutions are an acknowledgement by our nation that crimes were committed, not just against the victims, but crimes that tore the very fabric of our social order. The belated acknowledgement by the state represents an important effort to confront the reality of the communal dysfunction. With such confrontation comes the possibility of healing.

So, criminal trials serve both to impose punishment upon the perpetrators for their individual wrongdoing, but also to acknowledge societal responsibility for the racism which permitted, and even encouraged the violence to flourish.

The testimony which is placed before the public, both those in the local community who sit through the trial, and those who may come to know about it through the media, serves to confront the questions of how such violence can have occurred. Indeed, in the Killen trial, some of the testimony was shocking in its revelation.

One witness was a former mayor of Philadelphia, who served in the 1990's. He was called as a character witness for Preacher Killen, who he assured the jury was a fine man and a good Christian. Asked by the prosecution if he would maintain his support for Killen if he knew Killen was a member of the Klan, a fact which the defense had acknowledged, the mayor responded that he would, since he knew that the Klan had done good things, such as deliver food baskets to widows.

Many people in the courtroom registered shock at this testimony. It was important for the community to hear. It was an opportunity for confronting truth-the truth being the extent to which a significant portion of the white society had continued to deny reality, and to cloak itself in a fantasy in which the wrong doers were the civil rights workers who had disrupted the expectations and traditions of Jim Crow, and not the society which had spawned the violence.

These trials are publicized, receiving media attention around the country and the world. However, my experience was that some of the significant events in the Killen trial were rather private. The trial provided a catalyst for people to acknowledge the fear, anger, and pain they had carried for so long.

I met an African American woman who waited on line each day to get into the courtroom. She had grown up in a neighboring county. She told me that as a child her parents had warned her never to go to Philadelphia, it was too dangerous. She had become a lawyer; since the trial courts are located in Philadelphia, she often came to town. She always found herself thinking of her parents' warnings. One morning during the trial, as she had arrived early, she went across the street to the coffee shop. She was about to enter when two elderly African American women came down the street. One of them took her by the arm and gently said, "You don't want to go in there dear. The restaurants are just for white folks." Of course, she went in and ordered her coffee, but she told me that the experience reminded her that many people have yet to get over their sense that they constantly live in danger. For this woman, sitting through the trial and hearing the verdict was her opportunity to bear witness in the face of her community's fear.

Still, people who were unwilling to speak out over the years seemed to be struggling yet to understand what had happened in their community, not just on the night of the murders, but in the times since. I was struck with the depth of the wounds which had been imposed on this society, many of them certainly self-inflicted. The trial apparently permitted some to face truths about individual and collective culpability for the silence and the acquiescence which had allowed such crimes to occur repeatedly over so many years.

I met a State Patrol Officer, one of many guarding the courthouse during the trial, who asked to speak with me in private. He was a white man in his late 50's. With tears in his eyes, he told me that he had been in law enforcement since he was very young. He spoke of the bad men he had served with, who were now gone from the ranks. He said that the younger officers could not believe him when he told of how bad they had been. Why did he want to tell me this? Why was he crying? Perhaps because he had lived too long with the burden of knowing that evil had gone unpunished. I do think that he was attempting to acknowledge his part in collective responsibility. His recognition was his small, personal step towards the restoration of civil society.

For others, there continued to be a need to deny. An elderly woman approached me every morning as I entered, to ask if I had had a pleasant evening, and if everyone was treating me with kindness. She then said to me, each morning, "You see, we are good people here, and we would never have allowed this terrible thing to happen had we known it was going on." Despite the tableau of each day's testimony which she heard, she was not capable of facing the underlying issue of community

responsibility for all that had occurred. Her denial and avoidance of responsibility was palpable. The trials of these cases are painful for many different reasons.

Acknowledging these crimes and imposing appropriate punishment, is an important societal obligation. Permitting the opportunity for communal acceptance of responsibility is a necessary part of restoration of civil society. If we allow the opportunity to pass without attempting to bring as many of these cases to trial as possible, we loose forever the chance to understand who we are as a nation.

Let us allow these trials to encourage the public debate about the overreaching societal and governmental conduct that both enabled these crimes and which continues to cause racial inequality. The goal of trials should not be that once over, there is no further discussion to be had. The opportunity for exploring how we move forward to heal the racial divide would be lost. Understanding our history is the necessary step towards ensuring that we move ahead as a society which is committed to healing our wounds, and achieving reconciliation.

The trials provide an opening for the process of restorative justice. They are important to the families who were so cruelly hurt by the crimes, but equally important for our nation.

Mr. NADLER. I thank you, and I now recognize Mr. Sykes for 5 minutes.

TESTIMONY OF ALVIN SYKES, PRESIDENT, EMMETT TILL JUSTICE CAMPAIGN INC., KANSAS CITY, MO

Mr. SYKES. Thank you very much, Mr. Chairman. First I would, because I was just invited Thursday and was in the middle of the James Seale trial in Mississippi, I was not able to prepare a written testimony, so I would like to be able to submit it following. My name is Alvin Sykes. I am president of the Immaterial Justice Campaign. I am a 38-year veteran of the human rights victim rights field. On December 30th of 2002 Don Berger and myself met with Mamie Till Mobley in her home and discussed with her both the possibility of a Federal-State investigation, as well as an opportunity to turn the poison from Emmett Till's death into the medicine of justice for many others.

Following a meeting 4 days later the Immaterial Justice Campaign was formed. Mrs. Mobley was the first chairperson and I was designated as the coordinator. Two days later, unfortunately, she passed away. Having passed the torch to us, we continue with the mission of both missions. One, to get a Federal-State investigation into the death of Emmett Till, as well as to pursue potential legislation. First, with the investigation. After the meeting, I contacted the Civil Rights division of the Justice Department where I have had a 32-year partnership relationship with them and requested that there be an investigation into the case. I also knew at the time that there was going to be a jurisdictional issue, since they had a standing policy that they would not conduct investigations in cases that they could not prosecute and that the Civil Rights statutes at the time had expired with the 5-year statute of limitations.

During the course of the investigation, of the request for the investigation and review that was started, we became aware of a memorandum that Antonin Scalia, who at the time was assistant attorney general for the Office of Legal Affairs at the Justice Department, had made in 1976 due to the request of an investigation into the death of President Kennedy. At the time that President Kennedy was assassinated there was not a Federal statute in existence that made the killing of the President of the United States by a single person a Federal offense. He was asked to do a report and

see whether there was jurisdictional ways to be able to look into it.

He then came up with 28 U.S.C. 533. I won't go into the detail. In a written report it will elaborate. But this allowed for investigations to be done by the Federal Government even though they could not prosecute, didn't have jurisdiction to prosecute the case. So we were able to then get them to move forward with their part of the investigation but we also understood that when you went this route and it wasn't a Federal statute involved that you could not have the use of a Federal grand jury. So we approached the district attorney in Mississippi and asked that she become a copartner with this investigation so that the investigation could be conducted, and then results turned over to the State for prosecution in their case.

They, in fact, did go through with that partnership and an investigation was conducted. And you are aware of the results. Following that—I mean, during the course of that period, we became aware that there were many, many unsolved Civil Rights era cases that did not have the notoriety of immaterial or the three Civil Rights workers. That there needed to be a systemic way to go after all of these cases. At that time, Senator Jim Talent was my senator from Missouri. And in conversation with him, I approached him about there being this systemic approach. That was the beginning of the Unsolved Civil Rights Crime Act.

We feel that this legislation is very much important and that they recognize that the majority of these cases that could be prosecuted would be prosecuted on the State level. But we also understood that the State prosecutors did not have the resources to be able to go forward and prosecute and investigate these cases. And a lot of the witnesses were scattered around the country.

So we allowed for in our effort to have this joint investigation, but we also felt that there was another provision that was not in the prosecutorial side of it. And that relates to the part relating to the community relations service of the Justice Department. We knew that since people were hesitant about cooperating with the Justice Department and with law enforcement that there needed to be a proactive effort to go out and find people who left the south, migrated to the north, such as Detroit and Chicago and get their minds opened up to come up with the names of the people who were either perpetrators or were victims in these cases.

So in short, we are looking very much forward to being able for this legislation to go forward. I must return back to the courtroom in the James Seale case this afternoon. And my last comment I would like to make is to the perpetrators who committed these deeds and thought that they got away with it long ago. We strongly encourage you that once this bill is passed that you contact and retain attorneys, have your attorneys contact the prosecutors and start plea bargaining and making it easy on yourself because we are coming after all of you that are out there and we want to be able to bring you to the bar of justice. And for those that we don't get, we want you to die fearing that you are next. Thank you.

Mr. NADLER. I thank you, sir. I am going to do something a little unusual now. Because we have a reporting quorum for the bill and because that reporting quorum may not sustain itself, I am going

to recess the joint hearing of the two Subcommittees. I would ask the witnesses to remain. I am going to recess the joint hearing of the two Subcommittees and then call a meeting immediately of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties for the purpose of recognizing the bill that is before us. And then we will return to the hearing of the two Subcommittees. I now declare the hearing of the two Subcommittees in recess.

[Whereupon, the Subcommittees recessed for purposes of a markup.]

[Whereupon, the Subcommittees returned from recess.]

Mr. NADLER. I now declare the joint hearing of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, and the Subcommittee on Crime, Terrorism, and Homeland Security resumed from its recess. The Chair will recognize himself for 5 minutes for purposes of asking questions. Let me ask Mrs. Evers. Do you think this legislation and the actions that will stem from it will help surviving family members to heal.

Ms. EVERS-WILLIAMS. I certainly think that this legislation would do that because it would speak not only to the family members, the survivors, but to the Nation as a whole, that these people's lives were not in vain. And I know we hear that term used all of the time. But it is very necessary to know that your loved one was an American citizen whose country believed in them. And we have a strong justice system to pursue those wrongs and see that they are corrected. I truly believe it would give a sense of relief and a deep sense of dignity and pride. And as I mentioned, to me it is very important that our younger generations also will be able to study our history, to look back and to see that even 30, 40 years later something positive has been done about those ills in our society.

Mr. NADLER. Thank you. Let me just ask one more question. After, assuming that the Congress passes this bill, as I assume it will, can you think of anything more that Congress could be doing to help resolve these cases and to promote healing for the family members who suffer so greatly? Is there anything else we can be doing besides this legislation.

Ms. EVERS-WILLIAMS. I'm sure there must be. I don't have a plan at this point. But with the organizations that we have in this country, Civil Rights organizations, the Poverty Law Center and others, I would really like to see a coming together of family members, legal persons, representatives come together and declare some kind of we have arrived at this point. Something that would be positive and that would send once again that positive message. There are lots of spokespersons out there who would love to express their feelings. And I don't see any action as a negative one that we would take, but something positive, something uplifting, perhaps even something after the passage of this legislation that would be very public and very positive.

Mr. NADLER. Thank you very much. Mr. Jones, would this legislation have been useful to you when you were prosecuting the 16th Street bombing case?

Mr. JONES. Mr. Chairman, I think so. Obviously because it would have focused on the efforts. There would already have been something in place, a mechanism in place. My predecessor who was in the office who really opened the file had to kind of reinvent the

wheel a little bit to try to look at these cases. You normally, as a United States attorney, go back. So we were kind of following the lead of the Evers case in Mississippi. But ultimately in our office, it was funded by the Justice Department. So we were going back to the then-Attorney General Janet Reno, who was very supportive. And so we were kind of creating the mold again, I think, for Federal offices. And as it turned out it really is a model I think for both cooperation of Federal and State offices.

Mr. NADLER. Thank you. And finally, is there anything else you think Congress should be doing to help resolve these cases.

Mr. JONES. Mr. Chairman, I think that as a Congress this bill is very important. But I think as individual public servants going back to your districts in talking about these cases, in talking about the issues that still face people today, as Ms. Bender was talking about, I think that that does more than anything other than what we are doing with these bills and the prosecutions that could have a very dramatic impact. These cases should not be forgotten. And Mr. Chairman, if I could, I wanted to clarify one thing I said in my opening remark. I don't want anything I said about the FBI files to be misunderstood. I got tremendous support from the Federal Bureau of Investigation, absolutely tremendous support. I believe their hearts were in the right place, their professionalism, the two agents who worked the case with the Federal employees, and I just didn't want there to be any misunderstanding.

Mr. NADLER. I don't think there will be any misunderstanding between the different attitudes of the FBI in 1970 and 25 or 30 years later.

Mr. JONES. That's right. Thank you.

Mr. NADLER. Thank you. I yield back to the gentleman from Arizona who is recognized for 5 minutes.

Mr. FRANKS. Thank you, Mr. Chairman. Mr. Chairman, I believe that Ms. Evers and Ms. Bender probably feel these cases in this situation as intimately as anyone in this room could possibly imagine. And I don't know that any of us can truly identify with their circumstances to be widows of murdered Civil Rights leaders. And I would like to, if I could start with Ms. Evers—Ms. Williams and——

Ms. EVERS. Ms. Evers-Williams.

Mr. FRANKS. Ms. Evers-Williams. Okay, I'll get it right. And just tell us why you think that this is important to the past and to the present and the future what has occurred today.

Ms. EVERS-WILLIAMS. This hearing specifically.

Mr. FRANKS. Yes, ma'am. And at least the first stage of the passage of this bill.

Ms. EVERS-WILLIAMS. It is important because it sends a message. If it goes no further than this Committee, these hearings, it sends a message to America as a whole that at least we as a Nation, we are entertaining legislation such as this. I do believe that it would be watched very carefully throughout this country to see what happens to it. If the legislation is passed and it is what injected, if I might put it that way into the community, in terms of its importance, how it relates to today, the past and how it relates to today, that it is going to have a positive impact in the communities around this country. And it certainly gives us hope for the future

if we have come this far. It would say to me that this country has not given up on full justice. And that as Americans we can feel proud of it. We don't have to hide our heads, shrug our shoulders. When our leaders speak about justice and equality in America and other countries of this world, look at us and point, which they do, to the inequities in our society, to the murders that took place here, it is more ammunition to stand up and be what we truly say that we are. And it gives our young people even more benefit of knowing the past and feeling strongly about their future.

Mr. FRANKS. Thank you, Ms. Evers. Thank you very much. Ms. Bender, what would be your response?

Ms. BENDER. Well, I don't know that it is a response as such. As I said in my remarks, and as I have said on numerous occasions, these cases are important to be brought to trial because they are not only a matter of what happened to people who were killed and people's families, but perhaps in a way that—I can only speak for me. I cannot speak for other families. I can say that for me what happened to me, when I was 22 years old, has become integrated into the fabric of who I am now. All of us have had things happen in our lives that we come to understand and they make us the people we are. Having said that, what I think is important for me as a member of this society, as a proud citizen of this Nation, is to feel that there is a commitment to understanding and to helping our children, our grandchildren, understand how we got to where we are and what we are going to do about it.

And there is a lot to be done about it. I believe that Mr. Nadler asked Ms. Evers-Williams what she thought was something that the Congress can do. I think what the Congress can and must do is return to the unfinished business in this country of addressing racial inequalities. And if doing that you bring justice.

Mr. FRANKS. Thank you, Mr. Chairman, and thank both of you ladies. I think that your husbands would be extremely proud of you and grateful for carrying on their legacy and their memory in such a noble fashion.

Mr. NADLER. I thank the gentleman. I now recognize for 5 minutes the Chairman of the Subcommittee on Crime, Terrorism, and Homeland Security, Mr. Scott.

Mr. SCOTT. Thank you. And I thank Ms. Williams and Ms. Bender for your continued activity making sure you bring justice to everyone, and that was branch president for the NAACP back in the 1970's. So I am familiar with Ms. Williams' hard work in that organization over the years. Particularly when you were elected chairman you did a lot to bring the NAACP back together. So thank you very much. Let me ask Mr. Cohen, the FBI, you mentioned the form of partnerships between the NAACP, Urban League and Southern Poverty Law Center, are those organizations participating to the fullest extent appropriate? Is there more that those organizations can do to help in this effort?

Mr. COHEN. Mr. Chairman, we have offered to help in any possible way that we can. When the partnership was announced in February of this year, I took it as more of a metaphoric thing than a literal thing because we had sent the FBI our list of cases. And of course, we stand ready to help them in any way that we can. I might not have called it a partnership at the time. I saw our-

selves as applauding their initiative and offering our assistance in any way. I think obviously with the law enforcement agency to have partnerships with private organizations, there could be problems. But we are supportive of their work.

Mr. SCOTT. Have there been lines of communication so that you can get all of the information you have available that might be helpful to them, have you been able to get all of that information to them?

Mr. COHEN. Yes. We have sent them our entire files on all the cases that we have. At this point, I do not believe that there has been a central spot in Washington where these investigations are being coordinated. We had a number of calls. And when we spoke to people in Washington, they asked us to refer the callers to persons in various states. We do think it would be helpful to have a central repository in Washington, and I hope that the passage of this Act will prompt the creation of such a thing.

Mr. SCOTT. Thank you. Mr. Jones, if you bring the cases at one point or another, you are going to have to face a jury. Have we gotten to a point where we can have confidence that the juries will be fair?

Mr. JONES. I believe so, Mr. Chairman. I think the cases we prosecuted in Birmingham are evidence of that. There has been many more cases, one of these cases than have been lost. And I certainly think in our two cases, we spent a lot of time with the jury, we spent a lot of time with questionnaires, we spent a lot of time in voir dire talking to the jurors. And what we ended up with were jurors that were a cross both gender, racial and age barriers. And I certainly think we can find that and I think we can continue to find that.

Mr. SCOTT. During voir dire, how many people were you able to strike for cause because of perceived bias.

Mr. JONES. I don't recall exactly. But there were a number of people. And there were biases on both sides. There were those that expressed concern about the prosecutions, that it was maybe being done for political reasons. And the judge was pretty liberal with our ability to allow strikes for cause. We had a large panel, we had plenty to choose from. So he was pretty liberal in allowing strikes for cause. On the other side, we also had folks who felt like that they could not be fair to the defendants. They had grown up with this crime, lived in the communities. And overall, I think it balanced out very, very well. The judge that handled the case was tremendous.

Mr. SCOTT. What kind of evidence is available. I assume there is not much DNA. But what kind of tangible evidence do you have available?

Mr. JONES. In our case, we had virtually none, except for that tape-recording which we found. There are a lot of tape-recordings out there.

Mr. SCOTT. Have you been able to get those? Notwithstanding, how they were obtained, have you been able to avoid the exclusionary rule?

Mr. JONES. We did with the one tape. That was the only one that we found that we wanted to try to introduce.

Mr. SCOTT. Do you believe there are others.

Mr. JONES. I would not be surprised. There were just so many wiretap tapes, undercover tapes made during the time. It is just hard for me to believe that there is not something somewhere that is a pretty inculpatory to certain defendants.

Mr. SCOTT. Could I get one other question in briefly?

Mr. NADLER. The gentleman is recognized.

Mr. SCOTT. Can you say a word about the reliability of the testimony.

Mr. JONES. I felt that in our cases that we had quite reliable testimony. We didn't have a tremendous number of witnesses. In the Blanton case, we had the tape-recording, we had the testimony of a man, we actually read the testimony into evidence, who was kind of a security guard. We called them defense league people that helped guard the church who saw Blanton and Robert Chambliss who was convicted in the 1970's outside the church at 1 in the morning.

In the Cherry case, the Cherry case was a lot different. The Cherry case consisted primarily of the tape and the fact that Cherry had lied so many times to the FBI over the course of his career. He just couldn't keep them all straight. And that can be pretty damning evidence sometimes. And in addition he made a lot of boastful comments that helped convict Byron De La Beckwith in Mississippi and it helped convict Bobby Frank Cherry.

Once he called a press conference after he had been interviewed to complain about the FBI, to complain about the harassment and declare his innocence, the phone started ringing. His granddaughter called. His ex-wife found us. So there were other people who came forward with testimony about what Mr. Cherry said over the years. And it was again damning and very reliable evidence.

Mr. SCOTT. Thank you.

Mr. NADLER. I thank the gentleman. The gentleman from California is recognized for 5 minutes.

Mr. LUNGREN. Thank you very much, Mr. Chairman. Mr. Jones, I would like to ask you about one of the issues that as got to come up right away. Defense attorneys have got to bring up a motion to dismiss based on the fact that it is unfair to a defendant because witnesses have died. And if you can't show that the defendant has done anything overtly to push off the prosecution, how do you respond? I noted in your written testimony, you talked about the law in Alabama being very, very tough on this point where you say the defendants must not just show a delay, but an intentional delay designed to gain a tactical advantage and that the delay caused actual substantial prejudice in the conduct of his defense. To your knowledge, is that a higher standard in Alabama than is found in a lot of other States and is that a higher standard than on the Federal level?

Mr. JONES. Congressman, I believe it is a fairly standard actually. Remember that the statute of limitations is passed by State legislatures and Members of Congress. And in murder cases, there is no statute of limitations. So the issue is always going to come up in any kind of delayed case. In this case, the defense could not show any delay, purposeful delay on the part of the State of Alabama. And this was an unusual case because I was the United States attorney, but actually was designated as a special assistant

attorney general for the State. They couldn't show that. And in fact, they really couldn't show any prejudice from witnesses because there were really no witnesses that really supported their defense.

Mr. LUNGREN. And you mentioned that after what was his name, Cherry had the press conference that all of a sudden the dike broke and you got people coming back with information.

Mr. JONES. Yes, sir. The media has played an important role. And I think Ms. Evers-Williams will attest to that as well. The media has played an important role in getting the word out about these cases, the fact that they are going to be looked at again and the fact that there is a serious investigation. And when Mr. Cherry had his conference the phone started ringing.

Mr. LUNGREN. Let me ask you about that because you talked about his granddaughter, you talked about co-workers and others, former wife, et cetera. Did they come back out of the woodwork, so to speak, because they now knew an investigation was going on or was this something that sort of psychologically hit them where they realized they had to come forward.

Mr. JONES. I think it was primarily the fact that they realized there was an investigation going on. The ex-wife, it was an interesting story with the ex-wife——

Mr. LUNGREN. It usually is.

Mr. JONES. This one was even more. She was Cherry's third wife. I think three out of five for Mr. Cherry. And she had not been with him very long. And, in fact, had lived in Chicago and they were moving back to Birmingham and she described him as very abusive and made up her mind to leave. And she told me that when she drove back to Birmingham in 1974 that he got out of the car and slammed the door and she slammed the gas and never looked back. And she couldn't be found. Bill Baxley had tried to find her. We tried to find her. My FBI agents had tried to find her. And she saw an article that our mutual friend, Ms. Evers and I, mutual friend Jerry Mitchell wrote that hit the wire services. And she saw it in her hometown newspaper in a little town in Montana and picked up the telephone and drove herself about 200 miles because she thought Bob had already gone to prison. She didn't know.

Mr. LUNGREN. Here's the amazing thing. During this period of time, he felt cocky enough and confident enough to talk to people. It was common knowledge in his family, according to your written testimony. His granddaughter, what motivated her in this case?

Mr. JONES. She was estranged from the family, she was young, she was 22 or 23 when she came forward I believe, and I think it was just a different generation of people who—there are folks out there, there are people whose parents or grandparents or others who have grown up in a different way and want to make sure that justice is served and want to do the right thing. And she came twice.

Mr. LUNGREN. Ms. Evers-Williams, let me ask you this. One of the things I find as I talk to young people about the Cold War, sometimes I have blank stares when I talk about communism, I talk about the Soviet Union, I talk about what we went through when we were growing up, the fear of a nuclear attack, those sorts of things. And so you have to restore history as you are explaining

to them what it is. I have some concerns about that with respect to the Civil Rights movement.

Do the young people today fully appreciate what you went through? What others went through? Ms. Bender, what you had to go through? It is a terrible story of hate and racism and death and destruction, but it is a magnificent story of courage and persistence and there are Blacks and Whites who are heroes as well as those who were devils. How do we make that real to young people today?

Ms. EVERS-WILLIAMS. I have taken it upon myself to be a teacher, to be a link between that period of time and today with the young people that I encounter. And I do it at quite a few high schools and on college campuses. There is a curiosity about that period of time. I think most young people want to hear about it. Then they conclude that they could never live like that, how did we do it. How did we overcome that period of time. They want honesty from you in terms of how did you actually feel. And there have been times when I have said, not proudly, but truthfully, that I was filled with hatred for a while. They want to know how did you overcome it, how did you get to where you are.

We did not know about those people in those times until we talked to you. It is not in our school books. Our teachers don't talk about it. What can we do to have access to that kind of information. Many young people come back, and even those who are in graduate school or whatnot and ask what it is I can do. But on the other hand there are some young adults who say that helped them back then, I don't want to be bothered with it, it doesn't relate to me. So it becomes a job of taking the past, of relating it to today, the present, and helping them work through the future in terms of what everyone paid, the prices that they paid. I shared with a group once that I have not always felt like an American.

Born in Mississippi, went through the schools, everything, but my sense of being an American that could treasure that did not exist. And I was asked well, when did you feel that way, did you ever feel that way. Of course I felt that way. And we talked about 9-11. And I said that was one time when I felt so American. I also went back to a time at Medgar's funeral at Arlington Cemetery that I felt American when they played taps and when that American flag was folded and presented to me. There is a sharing of information that is so badly needed to make a bridge from what was then to what is today.

And I believe that with a number of programs that are taking place, and I can talk about the center's tolerance, other organizations that are putting information in schools, and the willingness to talk and the willingness for those of us who have been through it to be honest with our feelings and say we have come this far, things have been cleared for you now, it is your responsibility not only to learn more, but to take it to the next step. And that usually seems to get dialogue going in all of the places and it is something that is extremely positive.

Mr. LUNGREN. Thank you very much. Thank you very much, Mr. Chairman, for the time.

Mr. SCOTT. [Presiding.] Thank you. Thank you, Ms. Evers. The gentleman from Michigan, Chairman of the Committee, Mr. Conyers.

Mr. CONYERS. Thank you, Chairman Scott. I want you to know that this has been the most distinguished panel since I have been on the Judiciary Committee. And we have had lots of important people. But I'll tell you why. What else can we all do is being done right here now. We have got to replicate this. This can't be a hearing that is transcribed by the stenographer and put in the archives. We have got to bring this out. All of you are on the speaking circuits and go around and so are all of us. You should know as the most senior Member of this Committee, this is the most distinguished Judiciary Committee in the House of Representatives since I have been here.

We have got an ex-attorney general from California sitting down on the end, Lungren. And we have got two former U.S. attorneys. We have got distinguished legal activists and city councilpersons, lawyers and even good people from Iowa. This is an experience not just for you in America. It is a good experience for us because we keep getting better and better. I have never heard since 1965 this much American history. And in preparing for this I started looking at Taylor Branch's trilogy. Everybody on this Committee and in the panel know about it.

And it started out as a biography of Martin Luther King, Jr., but the detail was so enormous that it really became a history of the Civil Rights movement and each one of you are in it. I can't—that's why when you take this and what you have done and said here today and put them together, it's something we've got to go back to, we've got to make the case for history. Of course, young people, I had no regard for history, most of us didn't when we were young. We were going to make history. We didn't need to learn history. And of course, we know the fallacy of that concept, but by all of you being here today has been enormous in recommitting America and this Government to what it ought to do.

Now, let me just point out that there are some missing files around here, because the FBI was secretly taping all the while and I would never turn to the people who were holding the records of the tapes to ask them were there any tapes that you haven't turned in yet. You know what that's like asking. What we have there were also a lot of records that were kept by those who were running the White citizens counsels and the police departments, and all kinds of state agencies and police organizations that do have materials that we have an obligation to continue to search for.

Now, the reason this is so big, it took two Subcommittees to handle this hearing today. It is not just looking back, it is how we are going to move forward. When we were talking to the Deputy Assistant Attorney General earlier, and we started calling off all of the jurisdictional powers in the Civil Rights division, remember those? Housing, education, employment, hate crimes. Now here is what the budget is, this is the budget request. For the Department of Justice it is 21.8 billion, but the Civil Rights division with all those 7 or 8 responsibilities, they get $116 million.

Now if that doesn't suggest that we need to look at our priorities in the Department of Justice, nothing does. Those are resources. We've got to put more money in this to really get something to happen. And so I come here today to tell you in the what-else-can-we-do list. We've got to have an oversight of the Department of Jus-

tice, because much of it, particularly the Civil Rights division, wasn't even created until Lyndon Johnson came along and the Civil Rights movement started.

So we have got to examine who's in it, what are they doing and look back on their record, not to be partisan or to point fingers, but we've got to understand what they did, what they didn't do, where they succeeded and there were good chapters in there, but there are some things that we're not proud of, because in the end as much personal tragedy was involved, as much unknown, unsolved murders and suffering. The Government was involved in holding us back, it was the failure on the Government's part to deal with this in a more forthright manner, but the question is not then but now.

We still have voting rights abuses. We still have violence and intimidation and terror and coercion and fear in America, and we want to try to get rid of as much of that as possible. So if I can, Mr. Chairman, I would just like to ask of these tremendous witnesses that we pulled together, if you have any words of solace and calming that would soothe me and make me feel even better about the nature of these hearings.

Attorney Sykes, what do you say.

Mr. SYKES. First, I'm not an attorney, I'm a human rights worker, I think it is about seeking a justice seeking atmosphere in this country. I think that this hearing is a very part of that. I think that now we will be able to close a part of this chapter and be able to use it to create justice and give a greater sense of justice in this country.

Mr. CONYERS. Ms. Bender.

Ms. BENDER. I don't know that I want to calm you down, sir.

Mr. CONYERS. Did I mention Morris Dees in my tirade?

Mr. COHEN. You did, sir.

Mr. CONYERS. Cohen and Dees at the poverty center have been doing great, great work. I know he could have been a witness here with you, but both of you have done historic work, I want to remember him.

Mr. COHEN. He would have been a very eloquent witness, it was Mr. Dees' idea to build the Memorial, he was so concerned that people had forgotten the names of the persons who had died, that's why we did it. I wish I could put Ms. Evers or Ms. Bender in a bottle and send them to every high school in America so they could talk about those days, unfortunately we can't. We send films to schools, free of charge about the Civil Rights era. The one thing we try to get across to people is as great as your former Secretary was, as great as Dr. King was, that it was a movement kind of the people and we try to tell young people that all of them are historical actors and that how history will remember them depends upon what they do in their day-to-day lives. I think we need a rebirth of that understanding, and the Civil Rights movement, I think, is probably the greatest example of that in our history. I'm glad you have those books.

Mr. CONYERS. Thank you.

Doug Jones.

Mr. SCOTT. If you could be brief, because we are a little bit over time.

Mr. JONES. Let me say, I tell children and kids, lawyers, I wish that everyone that I speak to about these cases could have either a case or something in their life that they did that means so much to so many people and it changes you personally, and what I think we do, this panel and what I know you have done for many, many years, Mr. Chairman, is to try to throw that little pebble in the pond and let it ripple out, and that's the goal.

Ms. EVERS-WILLIAMS. I'm in total agreement, Congressman, with my colleague here, I don't want you to come off of your tirade because your voice and the voice of others, your voices need to be heard. There is an understanding, a sense of urgency, commitment that's in your voice. And the more people who speak as you do and others to this legislation and to this issue the better off we will be. So I guess, in conclusion, I would say that my prayers are for your longevity and your strength and a proud voice that will help to motivate others and carry us through and for those of us who are here, to be able to support in whatever way we can.

Mr. CONYERS. I thank you all from the bottom of my heart.

Mr. SCOTT. Thank you.

Mr. King.

Mr. KING. Thank you, Mr. Chairman. First I want to thank Chairman Conyers for the compliment, he has not quite gone overboard and declared me an honorary Dr. King, I still await that. I appreciate the working relationship that we have here, the sentiment that's been expressed by all Members of the Committee, the testimony of all the witness.

I want to express first that for me these experiences that you have related are just uttered foreign to the environment that I grew up in. And so I had to try to watch in on the news and see what was happening and try to relate to that as a young man that was formulating his ideology, and now I find myself several decades hence having a far better understanding of circumstances that were taking place in places like Philadelphia, Mississippi that I have been to visit, and certainly compelled to sense what went on there.

I remember the time I think that it framed for me the most was on a random trip down along on the east side of the Mississippi River, and by happenstance, my wife and I drove through Port Gibson, Mississippi. And as we drove through there, I recall that there was a priest from our hometown who had the charge of that parish, who I believe is St. Joseph's parish in Port Gibson, Mississippi. And so as a surprise visit we stopped to visit Father Tony Putins, he was amazed that we would show up at his door, but he took us next door from the rectory into that church which was built in 1848 by the hands of the family of James Boyd of all people, some of the hands, I'm sure there were many others. The woodwork carving was done by the Boyd family, I understood, it has what I call igloo glass that makes it look like you're standing in an igloo.

As we stood there on the floor of that church, he related the week before they had buried the newspaper editor who had, in 1967, defied the segregation within that congregation, in that that church was built with the ground floor for White families, the balcony for Black families, and that the White editor of the newspaper had in 1967 taken his family, his five children and his wife and they went

up to the balcony to sit with the Black families. At that moment about half of the White families in the church walked across the street to the other church where those families go to this day and have an integrated congregations of about 75 families in that parish. I relate this story because for me to stand there, it brought together the understanding that there were people that believed they could build a house to worship the Lord and segregate us. And I could not comprehend that coming from my background.

So as I listen to your testimony today, I comprehend it far better than I would have had I not stood in that church and gotten a lesson from Father Tony Putins. As I hear the solid strength ring through your testimony here, I think that you have a message that transcends the decades and the generations, a message that needs to be the bridge as you said, Ms. Evers-Williams, you need to make a bridge from what was to what there is today but also into the future.

Perhaps this time would be a good time to ask the question, if I could, Ms. Evers-Williams, what's that look like and how do we get there? I will note that we made a tremendous amount of progress and my sense is the tension have diminished dramatically, but how do we get to where we need to go and how would you define that?

Ms. EVERS-WILLIAMS. If I had the answer to all of that I would market it, I tell you.

If we take it as an individual challenge, one-to-one we can make a lot of progress, but it will be much, much slower. One of the things I believe we need desperately is to upgrade our educational system. It's just been within the last few months that the State of Mississippi passed legislation to have Civil Rights taught in their schools and prior to that time there was nothing. But if we build bridges as I've heard someone say, a brick at a time, a martyr at a time and enough of us are doing this, we will eventually have a strong bridge to walk over.

Using, and I mean that in a positive way, using the resources, the human resources in a manner in which we can reach out to young people through the different organizations that already exist to bring dialogue groups together, to bring community groups that are working to uplift people in that community, whether it be unwed mothers or welfare mothers or whatever to inject into the day-to-day living this whole need for societal change and get them actively involved in it in some way. I'm sure that there must be groups out there that are doing this kind of thing, but perhaps there needs to be some research on who is doing what and see what we can do to bring them together. It's a slow process, but we have seen progress made and I would just like to say we should continue.

Mr. KING. A 15-second concluding remark I would appreciate the opportunity to say as I look at this from the outside however great the pain, however great the sacrifice that era of this nation's history was a glorious time, because we rose above something that drug us down and we continue on the trajectory into the future built upon this foundation you have articulated. I want to thank you all so much for your testimony for being here today and I yield back.

Mr. SCOTT: Thank you.

Mr. Sykes?

Mr. SYKES. I have a 2:20 flight due, I ask to be excused so I can try and make it.

Mr. SCOTT. Are there any questions just for Mr. Sykes at this point? He has a plane, very quickly.

Ms. JACKSON LEE. First of all, can I just proceed.

Mr. SCOTT. No, he has to leave, if somebody has a question just for him.

Ms. JACKSON LEE. Mr. Sykes, let me thank you for being a human rights worker. You had to deal with a lot of families, we lost Emmett Till's wife, should that be a component as well in the legislation to embrace and to make sure we have resources for those families?

Mr. SYKES. The 1.5 million in the community relations service is part of the outreach that it does, in fact, address interaction with the family. What it helps do is have the families and the other witnesses feel comfortable coming forth to and cooperating with the Justice Department and the other investigators, so that's the part that does——

Ms. JACKSON LEE. If it specifically——

Mr. SCOTT. The gentleman has a plane.

Ms. JACKSON LEE. If it more specifically states it in the language it would be preferable if the families were specifically stated in there.

Mr. SYKES. Yes, it would certainly be included.

Ms. JACKSON LEE. Thank you.

Mr. SCOTT. Without objection, there may be other questions we would forward to you in writing if you would kindly respond. We appreciate your testimony and hopefully you can make your plane. Thank you very much for being with us.

Mr. SYKES. I need to get back to the trial.

Mr. SCOTT. Thank you.

The gentlelady from Texas, Ms. Jackson Lee is now recognized.

Ms. JACKSON LEE. Let me thank all of the witnesses for what has been an enormously powerful experience. Mr. King, let me thank you because I think what we saw today is that every one has their individual and singular experience in this journey, American journey of Civil Rights.

It is interesting that the basis of solving the cases were if you will on the backs, on the shoulders I think it is better to say of family members, some lovingly, some disgruntled, but I think the issue of the burden on families that have carried this loss for so long, Ms. Myrlie Evers-Williams, finding your American hood at the time you were able to sit at the Arlington Cemetery and, in essence, be brought back into the fold, back into America's true values is an important issue for me.

I wanted to just cite what I think is an eloquent enunciation, families are also victims you said.

Ms. EVERS-WILLIAMS. Yes.

Ms. JACKSON LEE. They go through an emotional hell, sounds of terror, such as guns and firebombs, the loss of love, the loss of companionship, the loss of care are all vital elements that sometimes go unnoticed, or as we rush toward the judgment of the conviction

we have to rely upon families, and to a young 22-year-old who was probably part of a living part of one of the more renowned viciously and violently renowned, the thought of three young men having to either be killed or to have suffocated or however the ultimate, but to be dug out in the most horrific set of circumstances does not in any way diminish any other violent death, but certainly, if anyone had an iota of history, they would remember, as they would remember a Medgar Evers as he knelt on that yard, it is forward embedded in my vision to see that and to see you holding him in your arms.

So I would appreciate it, if I could ask all of the witnesses, to just make a comment about the importance of the family in pursuing these cases, particularly to the U.S. Attorney Jones on providing the momentum and the persistence of the case going forward so that you, the appointed or elected person can have an excuse, if you will, as you speak to the media, as you speak to those who may not be outright opponents, but are sceptics, how important it is.

I raise this question because of the necessity of the timeliness, we need to move on these unsolved cases. Family members don't live forever and so if we have third cousins or someone that are still here, how important that is in being able to bring the conclusion.

Ms. Bender.

Ms. BENDER. Well, I think sometimes people use the word "closure" and I find that to be a very, very overused and not particularly helpful word because it implies that you put things in a box and put them away. I don't think that's what happens.

For me, the Killen trial was an astounding experience because what I was not prepared for was the way in which people in that community reacted to the grief and sorrow that they and fear that they had lived with for 41 years before the trial, and this was both White people and Black people in the community who talked about their fear, who talked about their—some of them their unwillingness to acknowledge what had happened.

I met one man who was in his late 50's who was a Mississippi State patrolmen who asked to speak to me in private. He was a White man and he described to me with tears coming down his cheeks, he was very tall, good looking man, and there were tears rolling down his cheeks as he said to me, I've been in law enforcement since I was a very young man in my 20's and I saw—I knew very bad men who were a part of law enforcement in this State, and I knew very bad things, they are all gone now, they have retired from the ranks or they have died, and I try to tell the young officers what it was like, they can't understand.

I don't know why that man was crying, I think it was partly his acknowledgment that he was aware of evil and his effort to talk to me about it was I think some little step in his own effort to reach for some kind of redemption. I think these trials are terribly important, not just to family, but to all of us.

Ms. JACKSON LEE. Mr. Cohen, Mr. Jones and Ms. Williams, could you quickly answer the importance of family and I agree not for closure, but to continue to ensure that we finish the task on the criminal justice side.

Mr. COHEN. When we dedicated the Civil Rights Memorial in 1989, we had hundreds of representatives, of the 39 of the 40 families whose names were on the Memorial. The only ones who were not there, Paul Giehardt's family, a French reporter killed at Ole Miss, it was the funeral many families had never had. It was a tremendously important event, just sitting with people and talking at the Memorial about what it meant to them was a very, very moving experience. Yet I know that for many people, Miss Till, for example, the fact that there had never been justice in her case was a wound that she lived with every day, and I know that there are many, many other family members who are in that same position now.

Ms. JACKSON LEE. Mr. Jones.

Mr. JONES. Yes, I think every prosecutor will tell you the involvement of the victims is extremely important. After all, when you really boil it right down, we can talk about the significance and the historical significance of these cases, but they are murder cases, they are real people that had real victims. And while people can wait for the justice system to work, it has to work and we have to focus on the individual. We tried our case not as a historical Civil Rights case, but as a murder case where four young children were killed and it is never too late to go about that. I will tell you the victims and families were very supportive. They maintained—you have to maintain a good relationship with them. And I relayed a personal story, the greatest compliment I ever had was after the Cherry trial, the second trial, Ms. Alva Robinson, who I became very close to, passed away that summer just within 2 months, her son at the Memorial service said, thank you for coming, but thank you for what you did, it was because of you, she died with a smile on her face. It is all about the families.

Ms. JACKSON LEE. Ms. Williams.

Ms. EVERS-WILLIAMS. As I was preparing to come to this hearing, I spoke to my younger son, who was three at the time when his father was assassinated. He said, Mom, how are you feeling about this? I said, you know, the fact that I'm testifying has brought so many memories back that I thought I had put aside. We continued to talk and he said to me I know when I reached a point where I could deal with my dad's death. And I mentioned the time that just before the trial that Medgar's body was exhumed from Arlington, taken to Albany, New York, and they did another examination of his body, got the evidence that they wanted.

This young man insisted on going and being there, he said he wanted to take care of his dad. He was told that he would not be able to see Medgar's remains in the casket when was opened. Van's response was you will have to kill me to keep me out of there. I said, please, let him see his father's body whatever remains there. It just so happened that when that casket was opened, Medgar's body was in perfect condition except for the tips of his fingers and I knew then and there believing as I do in a greater spirit than us, that he remained in that condition so his son, who was 3-years old at the time, could see his father.

And Van said to me when he returned home, now I know where I came from. And I think that sentence now I know where I came from, probably speaks to what we are talking about now of know-

ing the history, of knowing who we are. Of being able to forgive and be willing to go on. As Medgar said to me, Myrlie, hatred is bad. Those people that you hate, most of them don't know it. There are those that you hate, they could care less, and the best thing for you to do is not hate and rise above that.

I mention those two things, it is not really answering your question, but they are things that happened in the lives I believe of the people of the relatives of the victims that little by little make a change in your life and you find positive ways of going on and shed contributing.

For me, my coming here today was a little tougher than I thought it was going to be emotionally. But I'm so glad that I can say with this 44th anniversary that I was here, that I participated in some way in what I hope will be a bill that will pass that will say America, you are on your way to a full justice system.

Ms. JACKSON LEE. I thank the gentlelady and I thank her for her service as the first woman to chair the NAACP board, powerful and continue in your power. I yield back.

Ms. EVERS-WILLIAMS. Thank you.

Mr. SCOTT. I don't think she was the first woman.

Gentleman from Alabama.

Mr. DAVIS. Thank you, Mr. Chairman. Let me do one brief thing with my time, first, I want to make sure all of you note the Chairman of the Committee, Mr. Conyers has been here the entire time of this hearing. He is not the Chair of the Subcommittee, and the fact that he has spent now two and a half hours, 3 hours worth of his time, I want you all to appreciate as people who don't come on the Hill everyday how rare it is for someone who is not chairing and who wasn't talking the whole 3 hours of that time, Senate they can talk all 3 hours, I want to thank John Conyers for being here.

Mr. Jones, I would like to share with the panel a story that I have told you privately several times, because I think it is illustrative for the reporters who are here and the people left in the audience. I was a television commentator during the first trial which I believe was the Blanton trial, I believe. And I dealt with the reporters so I picked up all the scuttlebutt about the trial. There was a very strong feeling that you were going to have a hard time getting a conviction. You had a racially mixed but predominantly White jury, you had frankly an old, battered, broken White man who was sympathetic in terms of his physical appearance. His whole appearance appeared to say, leave me alone, I don't have a lot of time left anyway.

There were a lot of people who wondered if on 40-year old evidence, 40-year old eyewitness statements and statements in general, a lot of people wondered if you had any chance to prevail.

The day the jury went into deliberations they were sent to lunch and a young woman who used to work on my staff but was then a lawyer in Birmingham watched them having lunch at the Birmingham Museum of Fine Arts. The Black jurors all sat at one table, the White jurors all sat at another table. I remember I wasn't in Congress then, she wasn't working for me, she called me and she said, there is no way that a jury of people who can't even sit together for lunch will come back and do the right thing. So she predicted hung jury.

I remember getting a call on my cell phone from the producer of the station saying there's been a verdict, can you help us open up the newscast on 5.

There was gossip that they've already come back and said it's a hung jury, a lot of people were expecting after 2 hours that they were so locked into their past and their skin color that they couldn't agree. One of the most gratifying things that I have witnessed in my time as an attorney was to have those 12 jurors who couldn't even eat lunch together a few hours earlier to say that the justice in this case was so manifest that they had no choice but to do the right thing.

So Ms. Bender, when you talked about the redemptive power of these trials, yes, it is redemptive for the families, yes, it is redemptive if you believe in justice, it is also redemptive if you believe in the modern south. It's redemptive if you believe our region and people are changing and extricating themselves from the foxholes they have lived in for most of their lives.

So I want to thank Doug Jones one more time and all the witnesses on this panel for their courage and for what you have done to help redeem the modern south and I yield back the balance of my time.

Mr. SCOTT. Mr. Ellison from Minnesota.

Mr. ELLISON. Thank you again, Representative Davis, that was very important that you mention, that's actually where my question goes, if the trial was redemptive, because it allowed us to in some way face the past in some way, I don't know if corrective is the right word or face it, what about the important of pursuing those unresolved cases as the trial itself helped to, in some way, rectify the past, does the unresolved nature of the cases that still exist continue to exact a price, inflict a wound, leave a scar? And what does that look like and what does that mean.

Ms. Bender?

Ms. BENDER. I would say, yes. I would say that there are many, many, many of these cases that have never been acknowledged, never had any particular notoriety. You know, the case that's going on right now, the Seale's trial involved two men Mr. Dee and Mr. Moore whose bodies were found when the rivers were being dragged for the Neshoba murder victims, as soon as it was realized that they were not any one of those three victims, that case disappeared and it was known very early on who the probable killers were. It was just one of the great untried crimes of the south. There were two Black kids, 19 years old, their terrible crime was they were hitchhiking.

So yes, it is important that these cases be tried. It is part—if you want to frame it in redemptive terms, it is part of national redemption to understand how deep the wounds are.

Mr. ELLISON. Ms. Bender, it is funny you should point that out, Representative Davis and I are from of the same era and we probably would be the same age as your children are. I could tell you growing up that both of my parents one from Louisiana and one from Georgia there are so many things they just really don't want to talk about and they actually begin to crack a little when they start talking about it.

Do you think there is such thing as generation until pain, even if you were you weren't there for the facts or too young to realize what was actually happening, is it possible the next generation can sort of get—can feel the pain of what happened because they were raised by the survivors of the tragedy? Am I making any sense Ms. Evers-Williams right now? I have in mind the strong emotion that your sons experienced, why he absolutely had to be there at that exhumation, what is the next generation dealing with if we don't, in some way, address these unsolved cases?

Ms. EVERS-WILLIAMS. That's why I think we have to address them. It is bridging that gap, communication has an awful lot to do with it and as you mentioned your parents and many others choke up.

I have found in my family and in other families too the more you talk about your pain and about what happened, the easier it becomes to overcome it, you can emote one way or the other those young people in the family have a chance to see it and to I think better understand it. I had an opportunity to talk to a group of college students and many of them cried because they didn't know. They cried because it had happened. They cried because they didn't realize that in a time and place in America these things happened and they didn't know. I'm not sure whether they were crying because it had happened or crying because they didn't know and they felt deprived because they did not know.

Tears flowed freely with them. And I had an opportunity to see some students later after that, a year or so later, and they told me how that had changed their life and how they had decided to go into another area of expertise rather than what they had thought.

So you don't know when you talk—when you remote, when you share exactly what good is going to come from it.

Mr. ELLISON. Mr. Jones.

Mr. JONES. I would like to follow up on the question Ms. Bender addressed, because I agree with her, but I also come about at a little bit different way because we keep talking about trying the cases, and it is important to try those cases that can be tried, not all of them can be tried. And that's why I think that this hearing today and this bill is so important because during this time the criminal justice system of this country let down people like Myrlie Evers and families and victims, and truly a whole race of people in this country, the system just did not work for those people. And there was also the perception and the overwhelming number of cases that people didn't care, the system wasn't working because people did not want it to work, State officials did not properly investigate the crimes and they didn't.

So I think the fact that we are here today with this bill and these cases are going to be examined in a thorough way, in a probing way. Those that can be prosecuted will be. The mere fact we are here today will be looked at, also sends that kind of message that Ms. Evers-Williams was talking about, it is a very important message to get out there that we just won't let up, justice really means something.

Mr. ELLISON. Quick point before I yield back, Ms. Bender, Ms. Evers-Williams, I can't ever express how grateful I am to you for your courage and commitment, thank you very much. And to Mr.

Cohen and Mr. Jones, you know, thank you for carrying the fight on, it is just absolutely essential that you do it, untold millions are in the debt of all four of you and many more than that. Thank you.

Mr. SCOTT. I thank all of our witnesses and I mentioned earlier, Ms. Williams, as a former branch president of the NAACP, and I particularly thank you for your service to that organization.

Without objection all Members have 5 legislative days to submit to the Chair written additional written questions for the witnesses which we'll forward and ask the witnesses to respond as promptly as you can so the answers may be part of the record without objection. All Members have 5 legislative days to submit any additional materials for inclusion in the record. With that the Chair without objection, the hearing is hereby adjourned.

[Whereupon, at 1:38 p.m., the Subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

GRAND LODGE
FRATERNAL ORDER OF POLICE®

309 Massachusetts Ave., N. E.
Washington, DC 20002
Phone 202-547-8189 • Fax 202-547-8190

CHUCK CANTERBURY
NATIONAL PRESIDENT

JAMES O. PASCO, JR.
EXECUTIVE DIRECTOR

11 June 2007

The Honorable Jerrold Nadler
Chairman
Subcommittee on the Constitution,
Civil Rights and Civil Liberties
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Trent Franks
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman and Representative Franks,

I am writing on behalf of the membership of the Fraternal Order of Police to advise you on our support for H.R. 923, the "Emmett Till Unsolved Civil Rights Crime Act," which is currently pending before your subcommittee.

Specifically, the FOP strongly supports Section 8 of the bill, which would authorize the staff of an Inspector General to assist the National Center for Missing and Exploited Children (NCMEC) by conducting reviews of inactive case files to develop recommendations for further investigations. This provision has the strong support of the Inspector General community, which formally approved the enactment of such a measure in April 2002. Identical legislation passed the Senate in the 108th and 109th Congresses, but was never taken up in the House on either occasion. It is our hope that we will be able to get this provision passed in this Congress.

On behalf of the more than 325,000 members of the Fraternal Order of Police, I want to urge you and the other members of the subcommittee to schedule the consideration of H.R. 923 so that it the full Committee and the House will have an opportunity to vote on the bill. If I can be of any further assistance, please do not hesitate to contact me or Executive Director Jim Pasco at my Washington office.

Sincerely,

Chuck Canterbury
National President

—BUILDING ON A PROUD TRADITION—

THE SOUTHERN POVERTY LAW CENTER
400 Washington Avenue
Montgomery, AL 36104

J. Richard Cohen
Chief Executive Officer

334-956-8200
334-956-8481 - FAX
richard@splcenter.org

June 1, 2007

The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
U.S. Senate

Dear Chairman Leahy,

I write on behalf of the Southern Poverty Law Center in support of the Emmett Till Unsolved Civil Rights Crime Act. Investigating and prosecuting the unsolved slayings of the civil rights era, whenever possible, is a crucial step toward healing the wounds of racial division that still afflict our nation. Though particular prosecutors or political appointees may sometimes be interested in pursuing justice in such cases, legislation with meaningful reporting requirements is essential to ensure a sustained, well-coordinated and fully funded effort.

The resolution of the civil rights-era cases is particularly important to the Southern Poverty Law Center. In 1989, we built the Civil Rights Memorial in Montgomery, Ala., to honor the lives and memories of 40 martyrs of the movement. At the time, the majority of their killers had not been brought to justice. For that reason, the Civil Rights Memorial served as a reminder, not just of the sacrifices made during the civil rights era, but of its terrible injustices. Prior to the dedication, there was an assumption that most of the murder cases described on the Memorial were "cold" and that nothing could be done. The assumption had become a self-fulfilling prophecy.

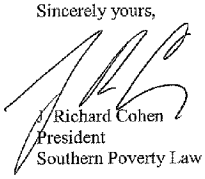
Fortunately, the dedication of the Civil Rights Memorial sparked renewed interest in the unsolved civil rights cases. Six persons have since been convicted for deaths chronicled on it. These successful prosecutions have proven false the assumption that it is too late to pursue and prosecute those responsible for the civil rights-era murders.

But the hard truth is that much more remains to be done. The names of the martyrs inscribed the Civil Rights Memorial are but a fraction of those who fell victim to racial violence during the civil rights era. Many cases still cry out for justice. Many were never fully investigated in the first place because of the callous indifference, and in some cases collusion, of local law enforcement officials.

Printed on recycled paper

After her son Emmett was murdered, Mamie Till insisted that his casket be open at the funeral so that America would be forced to confront the horror and brutality of racial violence. Her action stirred the conscience of the nation and galvanized thousands to join the march toward equality. Unfortunately, many others were killed during that march, and many of the killers, like those of Emmett himself, were never successfully prosecuted. The passage of legislation named in Emmett Till's honor will send an important message to the families of those who were slain – and to the nation – about the strength of our commitment to justice.

Sincerely yours,



Richard Cohen
President
Southern Poverty Law Center

cc: The Hon. Arlen Specter

on Civil Rights

1629 K Street, NW
10th Floor
Washington, D.C. 20006

Phone: 202-466-3311
Fax: 202-466-3435
www.civilrights.org

OFFICERS
CHAIRPERSON
Dorothy I. Height
National Council of Negro Women
VICE CHAIRPERSONS
Judith L. Lichtman
National Partnership for Women & Families
Karen K. Narasaki
Asian American Justice Center
William L. Taylor
Citizens' Commission on Civil Rights
SECRETARY
William D. Novelli
AARP
TREASURER
Gerald W. McEntee
AFSCME
EXECUTIVE COMMITTEE
Barbara Arnwine
Lawyers' Committee For Civil Rights Under Law
Robert W. Edgar
National Council of Churches
Caroline Fredrickson
American Civil Liberties Union
Kim Gandy
National Organization for Women
Ron Gettelfinger
International Union, United Automobile Workers of America
Bruce S. Gordon
NAACP
Marcia Greenberger
National Women's Law Center
Andrew J. Imparato
American Association of People with Disabilities
Jacqueline Johnson
National Congress of American Indians
Edward J. McElroy
American Federation of Teachers, AFL-CIO
Floyd Mori
Japanese American Citizens League
Marc H. Morial
National Urban League
Janet Murguia
National Council of La Raza
Ralph G. Neas
People For the American Way
Debra Ness
National Partnership for Women and Families
David Saperstein
Union for Reform Judaism
Theodore M. Shaw
NAACP Legal Defense & Educational Fund, Inc.
Shanna L. Smith
National Fair Housing Alliance
Joe Solmonese
Human Rights Campaign
Andrew L. Stern
Service Employees International Union
John Trasviña
Mexican American Legal Defense and Educational Fund
Reg Weaver
National Education Association
Michele Wanbelie Wetherald
American Association of University Women
Mary G. Wilson
League of Women Voters of the United States
Richard Womack
AFL-CIO
COMPLIANCE/ENFORCEMENT COMMITTEE CHAIRPERSON
Karen K. Narasaki
Asian American Justice Center
PRESIDENT & CEO
Wade J. Henderson

June 4, 2007

Mr. Roscoe Jones
Office of Senator Patrick Leahy
152 Dirksen Office Building
Washington, DC 20510

Ms. Jamila Thompson
Office of Rep. John Lewis
343 Cannon House Office Building
Washington, DC 20515

Dear Colleagues:

On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, with nearly 200 member organizations, we urge you to cosponsor and support the bipartisan Emmet Till Unsolved Civil Rights Crime Act (**S.535/H.R. 923**). LCCR believes that it is imperative to put resources behind investigating and prosecuting those individuals involved with committing the unsolved civil rights era crimes.

The historic conviction of Edgar Ray Killen, for the 1964 deaths of three Mississippi Civil Rights workers, Andrew Goodman, James Chaney, and Michael Schwerner, demonstrates how it is imperative that our nation bring murderers to justice, even if several decades have passed since these heinous crimes were committed. However, time is running out because the witnesses to these crimes are elderly.

S.535/H.R. 923 will create two new offices to investigate and prosecute unsolved civil rights era murders. The Unsolved Civil Rights Crime Investigative Office, a new FBI office headed by a Chief Investigator, will aggressively investigate pre-1970 murder cases in coordination with state and local law enforcement. The second office will be the Unsolved Crimes Section in the Civil Rights Division of the DOJ, which will focus specifically on prosecuting these cases. If a crime other than murder is discovered during the course of an inquiry, it will be referred to the appropriate law enforcement officials.

The bill authorizes $11.5 million in annual appropriations: $5 million for the Unsolved Crimes Section, $5 million for the Unsolved Civil Rights Crime Investigative Office and $1.5 million for Community Relations Service of the Department of Justice to work with local communities in identifying these cases.

We hope that you co-sponsor and support the Emmet Till Unsolved Civil Rights Crime Act (**S.535/H.R. 923**), which will bring to justice individuals who committed heinous

crimes against civil rights activists and individual African Americans. If you have any questions, please contact Nancy Zirkin, at (202) 263-2880.

Sincerely,

Wade Henderson
President & CEO

Nancy Zirkin
Vice President / Director of Public Policy

THE CHRISTIAN SCIENCE MONITOR csmonitor.com

from the April 04, 2007 edition - http://www.csmonitor.com/2007/0404/p02s01-usju.html

Feds turn up heat to solve cold cases of civil rights days

Changing attitudes in the South and old wiretaps are helping the FBI reexamine nearly 100 unsolved crimes.

By Patrik Jonsson | Staff writer of The Christian Science Monitor

ATLANTA

As he treks across the Dixie roads he traveled as a young FBI agent in the mid-1960s, Jim Ingram gets a similar question from many people about his quest to solve murder cases dating back to the civil rights era.

"We say, 'Look, a law has been broken, and we're committed,'" says Mr. Ingram, who came out of retirement at the FBI's request. "Then they say, 'Why are you doing this now?' Ingram answers: "Because it was not carried to its final conclusion 40 years ago."

The US government recently announced that it is reexamining nearly 100 such cold cases – an effort that's being helped by changing attitudes of law enforcement and the public in the South, even among former supremacists.

"These days, people see that it was wrong," says Ingram, "and that if it was their families, they'd want us to solve these cases."

But circumstances were different during the civil rights era. "In the 1960s ... there were Klan members in law enforcement, and it was a direct pipeline back to the very people they were investigating," says former US Attorney Doug Jones, who brought two Ku Klux Klan members to trial in 2002 for a 1963 church bombing that killed four black girls in Birmingham, Ala. "Today, people are coming forward to assist."

In one case, kidnapping and conspiracy charges were brought in January against reputed Klansman James Ford Seale because one of Mr. Seale's confidantes decided to talk to Ingram. Seale was allegedly involved in the killings of two black men in 1964.

Most of the cold cases the FBI will consider reopening hail from Mississippi. Several others include:

• the 1968 "Orangeburg Massacre" at South Carolina State University where state police shot and killed three student protesters;

• the 1967 shooting death of Carrie Brumfield, whose body was found on a rural Louisiana road;

• the 1957 murder of Willie Joe Sanford, whose body was fished out of a creek in Hawkinsville, Ga.;

• the 1946 killing of a black couple, including a pregnant woman, who were pulled out of a car in Monroe, Ga., and dragged down a wagon trail before being shot in front of 200 people.

"Many murders during the civil rights era were not fully investigated, were covered up or were misidentified as accidental death or disappearance. Many trails ran cold," FBI Director Robert Mueller said in a Feb. 26 news conference.

Investigations have made progress in part because of the recent cooperation between federal and local law enforcement officers on crimes involving drugs and weapons.

What's more, investigators digging into old FBI files have found a surprising degree of detail. They've uncovered wiretaps that had not been revealed earlier because of criticism of FBI director J. Edgar Hoover's aggressive investigatory techniques at the time, including wiretapping people without warrants.

But it took recent successful prosecutions to jump-start the broader investigation, Mr. Jones says. Since 1989, federal and local authorities in seven states have arrested 28 people and convicted 22 of them for involvement in 29 civil rights era killings. Those prosecutions, mostly in Mississippi and Alabama, have "proved that you can take old evidence and repackage it in a way that strikes at the heart of juries today," he says.

Societal changes have helped significantly, too, experts say. Many segregationist viewpoints have died with the previous generation or mellowed with age as fewer Southerners see a problem with blacks and whites dating and intermarrying. And in hindsight, many see that the biblical justification for violence, often used by the KKK, was misguided. Meanwhile, blacks in the South cite fewer concerns about discrimination than blacks in other regions by a 31 percent to 20 percent margin, according to a 2003 Pew Research Center study.

Beyond the South, crimes from the civil rights period are getting new public attention. This year, Sen. Christopher Dodd (D) of Connecticut and Rep. John Lewis (D) of Georgia reintroduced the Emmett Till Unsolved Civil Rights Crime Act, which would authorize $11.5 million to create a federal civil rights crimes unit. And a symposium, "Solving the Crimes of the Civil Rights Era" at Harvard University, is scheduled for April 27 and 28.

A list of 74 unresolved killings

The Southern Poverty Law Center, a civil rights firm in Montgomery, Ala., has handed over to the FBI a list of 74 unresolved killings, many involving white police officers who allegedly shot or beat to death black victims. The FBI is considering which ones to investigate further.

Although only a handful may be solved, they could serve as proxies for those cases that will be closed forever, says Richard Cohen, president of the SPLC.

"The families are owed one last real college try where we turn over every stone and look behind every corner," says Mr. Cohen.

For many families, it would help the healing process. Charles Robinson says the system failed his brother, Freddie, whose mysterious death on Edisto Island, S.C., in 1960 caused even his grandmother to urge police to shut the case in fear of retribution from "white folks." At the time, the coroner, who was white, called his death an accident.

The Robinson family remains convinced that Freddie was killed, perhaps by local fishermen, because he liked to teach dance moves to white girls on the island. The FBI is considering taking up the case.

"Just the fact that someone took the time to look into [his death], that would make me feel better," says Mr. Robinson. "If it opens eyes for white people and black folks, too, that would be a great thing, and just to say, 'We didn't forget about you, Freddie.' "

Concerns about reopening cases

But some family members are still concerned about retribution. When Anna Ruth Montgomery talks about the death of her mom, Mattie Greene, in a 1960 explosion in the narrow-pathed black section of Ringgold, Ga., she

questions whether learning the truth could come back to harm her.

"I don't know who they [the perpetrators] are, but they know who I am," says Ms. Montgomery. "I want this investigation to happen, but, at the same time, if they can't solve it, why go into it?" Her mother's death is another case the FBI may reopen.

To be sure, some say the federal effort comes too late – the evidence has only gotten older, and many suspects are deceased. FBI agents still meet resistance, among both victims and those who took part in the turmoil.

But eventually most see the light, says Ingram. "It's like pulling a tooth; it's painful to these people," he says. "But you keep going back, and they eventually say, 'I remember now.' "

Full HTML version of this story which may include photos, graphics, and related links

Home | About Us/Help | Feedback | Subscribe | Archive | Print Edition | Site Map | Special Projects | Corrections
Contact Us | Privacy Policy | Rights & Permissions | Terms of Service | Advertise With Us | Today's Article on Christian Science

www.csmonitor.com | Copyright © 2007 The Christian Science Monitor. All rights reserved.

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

WASHINGTON OFFICE
2435 Rayburn House Office Building
Washington, DC 20515
(202) 225-3816

DISTRICT OFFICE
1919 SMITH STREET, SUITE 1180
THE GEORGE "MICKEY" LELAND FEDERAL BUILDING
HOUSTON, TX 77002
(713) 655-0050

ACRES HOME OFFICE
6719 WEST MONTGOMERY, SUITE 204
HOUSTON, TX 77019
(713) 691-4882

HEIGHTS OFFICE
420 WEST 19TH STREET
HOUSTON, TX 77008
(713) 861-4070

FIFTH WARD OFFICE
3300 LYONS AVENUE, SUITE 301
HOUSTON, TX 77020

Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEES:
JUDICIARY
SUBCOMMITTEES
COURTS, THE INTERNET, AND INTELLECTUAL PROPERTY
IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW
CRIME, TERRORISM AND HOMELAND SECURITY

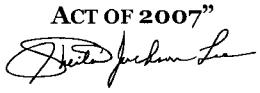
HOMELAND SECURITY
SUBCOMMITTEES
CHAIR
TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION
BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

FOREIGN AFFAIRS
SUBCOMMITTEES
AFRICA AND GLOBAL HEALTH
MIDDLE EAST AND SOUTH ASIA

DEMOCRATIC CAUCUS
VICE
CONGRESSIONAL BLACK CAUCUS
CHAIR
CONGRESSIONAL CHILDREN'S CAUCUS

CONGRESSWOMAN SHEILA JACKSON LEE, OF TEXAS

LEGISLATIVE HEARING: H.R. 923 "EMMETT TILL UNSOLVED CIVIL RIGHTS CRIMES ACT OF 2007"



JUNE 11, 2007

Mr. Chairmen, thank you for holding this very important hearing to consider legislation intended to complete some of the nation's most important unfinished business. And that is to solve some of the most depraved acts of violence against persons belonging to a racial group that was vulnerable, politically powerless, and innocent, and against those persons who risked life and limb to help them secure the rights promised in the Declaration of Independence and made real in the Constitution.

The Emmett Till Unsolved Civil Rights Crimes Act of 2007 is long overdue. I thank our colleague, John Lewis of Georgia, who is widely recognized as the moral conscience of the House for sponsoring this legislation and I thank the Chairmen for their work in shepherding it through the legislative process.

I also welcome our distinguished panel of witness, each of whom is an American hero in my book and in the view of my constituents in the Eighteenth Congressional District of Texas. They are:

- Mrs. Myrlie Evers Williams of Bend, Oregon, the widow of Medgar Evers
- Douglas Jones, Esq., Birmingham, Alabama
- Mr. Richard Cohen, President and CEO, Southern Poverty Law Center, Montgomery, Alabama
- Rita Bender, Esq., Skellenger Bender, Seattle, Washington
- Mr. Alvin Sykes, President, Emmett Till Justice Campaign Inc., Kansas City, Missouri
- Grace Chung Becker, Deputy Assistant Attorney General, United States Department of Justice, Washington, DC

Mr. Chairmen, in 1989, the Civil Rights Memorial was dedicated in Montgomery, Alabama, the birthplace of the modern Civil Rights Movement. The Memorial honors the lives and memories

of.40 martyrs who were slain during the movement from 1954 to 1968, including Emmett Till. But we know that many more people lost their lives to racial violence during that era. In fact, at the time the Memorial was dedicated, the killers of 13 of the 40 martyrs whose names are inscribed on the Memorial had not been prosecuted or convicted. In 10 of the 40 deaths, defendants were either acquitted by all-white juries or served only token prison sentences. We also know there are many cases that still cry out for justice. These unsolved crimes represent a continuing stain on our nation's honor and mock its commitment to equal justice under law. The legislation before us is intended to help us remove that stain once and for all.

The 40 victims selected for inclusion in the Civil Rights Memorial fit at least one of three criteria: (1) they were murdered because they were active in the civil rights movement; (2) they were killed by organized hate groups as acts of terror aimed at intimidating blacks and civil rights activists; or, (3) their deaths, like the death of Emmett Till, helped to galvanize the movement by demonstrating the brutality faced by African Americans in the South. The 40 persons who fit the selection criteria ranged in age from 11 to 66. Seven were white, and 33 were black. They were students, farmers, ministers,

truck drivers, a homemaker and a Nobel laureate.

But Mr. Chairmen, there are many, many other victims besides the 40 who are remembered on the Memorial. The Southern Poverty Law Center reports that its research uncovered approximately 75 other people who died violently between 1952 and 1968 under circumstances suggesting that they were victims of racial violence. For most of them the reason their names were not added to the Memorial is because not enough was known about the details surrounding their deaths. Sadly, the reason so little is known about these cases is because they were never fully investigated or, in some cases, law enforcement officials were involved in the killings or subsequent cover-ups. And because the killings of African Americans were often covered up or never seriously investigated, there is little reason to doubt that many slayings were never even recorded by the authorities.

The reason justice had not been served was the callous indifference, and often the criminal collusion, of many white law enforcement officials in the segregated South. There simply was no justice for blacks during the civil rights era. The whole criminal justice system – from the police, to the prosecutors, to the juries, and

to the judges – was perverted by racial bigotry. Blacks were routinely beaten, bombed and shot with impunity. Sometimes, the killers picked their victims on a whim. Sometimes, they targeted them for their activism. In some cases, prominent white citizens were involved and no consequences flowed. Herbert Lee of Liberty, Mississippi, for example, was shot in the head by a state legislator in broad daylight in 1961.

It is, of course, fitting and proper that H.R. 923 bears the name of Emmett Till, whose slaying in 1955 and his mother's decision to have an open casket at his funeral stirred the nation's conscience and galvanized a generation of Americans to join the fight for equality. Sadly, hundreds of them were killed in that struggle, and many of the killers, like those of Emmett himself, were never successfully prosecuted.

Mr. Chairmen, I am very pleased to learn that the Department of Justice strongly supports this legislation. It should. No government agency has done more through the years to protect and defend the civil rights of African Americans and other victims of injustice. I hope the DOJ's embrace of this legislation represents a rededication to its historic role of ensuring equal justice under law for all, even the poor,

powerless, and vulnerable.

Mr. Chairmen, on June 11, 1963, 44 years ago yesterday, President John F. Kennedy addressed the nation from the Oval Office on the state of race relations and civil rights in America. Medgar Evers would be murdered the next day. In his historic speech to the nation President Kennedy said:

> *"We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution.*
>
> "One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not yet freed from the bonds of injustice. They are not yet freed from social and economic oppression. *And this Nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free."*

H.R. 923 is intended to help bring justice to those whom justice has been delayed for more than two generations. In doing so, this legislation will help this Nation fulfill its hopes and justify its boast that in America all persons live in freedom.

Thank you, Mr. Chairmen, for holding this hearing. I look forward to hearing from our witnesses. I yield back my time.

▶About This Site
▶Book Info
▶News & Events
▶Landmarks
▶Literary History
▶Publications
▶Other Features
▶Writer Listings

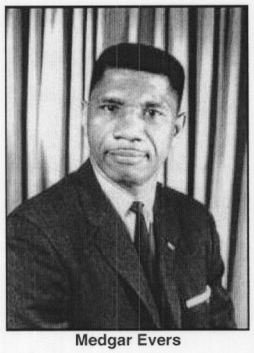
The Mississippi Writers Page
Drama Fiction Nonfiction Poetry

Home: >Browse Listings >Authors >Evers, Medgar

Go to
- Publications
- Bibliography
- Media Productions
- Internet Resources

See also:
Book Info:
Of Long Memory: Mississippi and the Murder of Medgar Evers, by Adam Nossiter (June 2002)

Writer News:
'Ghosts of Mississippi' recalls slain civil rights activist (December 1996)


Medgar Evers

Medgar Evers

Known today more for his struggles for civil rights in Mississippi and his untimely death at the hands of an assassin than for his writings, Medgar Evers nevertheless left behind an impressive record of achievement.

Medgar Wiley Evers was born July 2, 1925, near Decatur, Mississippi, and attended school there until he was inducted into the army in 1943. After serving in Normandy, he attended Alcorn College (now Alcorn State University), majoring in business administration. While at Alcorn, he was a member of the debate team, the college choir, and the football and track teams, and he also held several student offices and was editor of the campus newspaper for two years and the annual for one year. In recognition of his accomplishments at Alcorn, he was listed in *Who's Who in American Colleges*.

At Alcorn he met Myrlie Beasley, of Vicksburg, and the next year, they were married on December 24, 1951. He received his B.A. degree the next semester and they moved to Mound Bayou, Mississippi, during which time Evers began to establish local chapters of the NAACP throughout the Delta and organizing boycotts of gasoline stations that refused to allow blacks to use their restrooms. He worked in Mound Bayou as an

Related Links & Info

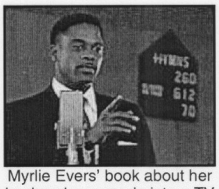
Evers met his future wife, Myrlie, at Alcorn College (now Alcorn State University).

In 1954, Evers became the first field secretary for the NAACP in Mississippi.

insurance agent until 1954, the year a Supreme Court decision ruled school segregation unconstitutional. Despite the court's ruling, Evers applied for and was denied admission to the University of Mississippi Law School, but his attempt to integrate the state's oldest public university attracted the attention of the NAACP's national office, and that same year he was appointed Mississippi's first field secretary for the NAACP.

The name of Medgar Evers has been immortalized in many ways but perhaps none more so grandly than in Brooklyn's Medgar Evers College, a unit of the City University of New York.

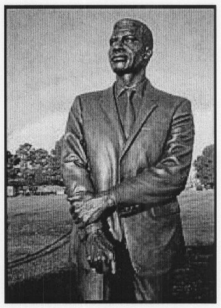
Evers and his wife moved to Jackson, where they worked together to set up the NAACP office, and he began investigating violent crimes committed against blacks and sought ways to prevent them. His boycott of Jackson merchants in the early 1960s attracted national attention, and his efforts to have James Meredith admitted to the University of Mississippi in 1962 brought much-needed federal help for which he had been soliciting. Meredith was admitted to Ole Miss, a major step in securing civil rights in the state, but an ensuing riot on campus left two people dead, and Evers' involvement in this and other activities increased the hatred many people felt toward Evers.



Myrlie Evers' book about her husband was made into a TV movie starring Howard Rollins.

"It may sound funny, but I love the South. I don't choose to live anywhere else. There's land here, where a man can raise cattle, and I'm going to do it some day. There are lakes where a man can sink a hook and fight the bass. There is room here for my children to play and grow, and become good citizens—if the white man will let them...."

—Medgar Evers, "Why I Live in Mississippi"



On June 12, 1963, as he was returning home, Medgar Evers was killed by an assassin's bullet. Black and white leaders from around the nation came to Jackson for his funeral and then gathered at Arlington

National Cemetery for his interment. Following his death, his brother, Charles, took over Medgar's position as state field secretary for the NAACP. The accused killer, a white supremacist named Byron De La Beckwith, stood trial twice in the 1960s, but in both cases the all-white juries could not reach a verdict. Finally, in a third trial in 1994 (and thirty-one years after Evers' murder), Beckwith was convicted and sentenced to life in prison.

A statue of Medgar Evers was erected to honor him in his adopted hometown of Jackson on June 28, 1992.

The legacy of Medgar Evers is everywhere present in the Mississippi of today. This peaceful man, who had constantly urged that "violence is not the way" but who paid for his beliefs with his life, was a prominent voice in the struggle for civil rights in Mississippi. Many tributes have been paid to Medgar Evers over the years, including a book by his widow, *For Us, the Living*, but perhaps the greatest tribute can be found in changes noted in *Mississippi Black History Makers*: "Ten years after Medgar's death the national office of the NAACP reported that Mississippi had 145 black elected officials and that blacks were enrolled in each of the state's public and private institutions of higher learning.... In 1970, according to statistics compiled by the Department of Health, Education, and Welfare, more than one-fourth or 26.4 percent of black pupils in Mississippi public schools attended integrated schools with at least a 50 percent white enrollment. When Medgar died in 1963, only 28,000 blacks were registered voters. By 1971, there were 250,000 and by 1982 over 500,000."

—John B. Padgett

(Article first posted August 1997)
Updated September 2002

Publications

Nonfiction:

- "Why I Live in Mississippi." *Ebony* (November 1958). Rpt. in *Mississippi Writers: Reflections of Childhood and Youth.* Vol. II: Nonfiction. Ed. Dorothy Abbott. Center for the Study of Southern

Culture Series. Jackson: University Press of Mississippi, 1986. 209-10.

Media Productions

Motion Pictures and Television Programs:

- *For Us the Living: The Story of Medgar Evers.* Dir. Michael Schultz. Screenplay by Ossie Davis. Starring Howard Rollins, Jr., Irene Cara, Laurence Fishburne, and Paul Winfield. 1983. Television film based on the book by Myrlie B. Evers. (This film may be purchased online).
- *A Tribute to Medgar Evers.* Broadcast by WBLT-TV, Jackson, Mississippi, on 28 June 1992. Includes interviews with Evers' friends and colleagues and an overview of his work for the NAACP in Mississippi.
- *Southern Justice: The Murder of Medgar Evers.* New York: Ambrose Video, 1994. Originally broadcast on HBO as a segment of "The America Undercover" series. Executive producers: Paul Hamann, Sheila Nevins; photographer: Bob Perrin; film editor: Malcolm Daniel; original music: Mark T. White. Narrated by Julian Bond. The assassination of Medgar Evers is placed within the context of race relations in Mississippi at mid-century by means of archival photography, interviews with Myrlie Evers and convicted murderer Byron de la Beckwith, and reenactments of murder trial scenes.
- *Ghosts of Mississippi.* Dir. Rob Reiner. Columbia Pictures/Castle-Rock Entertainment, 1996. Starring Alec Baldwin, Whoopi Goldberg, James Woods, and Craig T. Nelson. Based on the book by Maryanne Vollyers.

Bibliography:

Biographical Sources:

- Brown, Jennie. *Medgar Evers.* Los Angeles: Melrose Square Pub. Co., 1994.
- Evers, Myrlie B., and William Peters. *For Us, the Living.* 1st ed. Garden City, N.Y.: Doubleday, 1967; Jackson: University Press of Mississippi, 1996.
- Jackson, James E. *At the funeral of Medgar Evers in Jackson, Mississippi; A Tribute in Tears and a Thrust for Freedom.* New York: Publisher's New Press, 1963.
- Massengill, Reed. *Portrait of a Racist: The Man Who Killed Medgar Evers?* New York: St. Martin's Press, 1994.
- Nossiter, Adam. *Of Long Memory: Mississippi and the Murder of Medgar Evers.* Reading, Mass.: Addison-Wesley, 1994; Da Capo Press, 2002.
- Salter, John R. *Jackson, Mississippi: An American Chronicle of Struggle and Schism.* Foreword by R. Edwin King, Jr. Hicksville, N.Y.: Exposition Press, 1979.
- Scott, R. W. *Glory in Conflict: A Saga of Byron De La Beckwith.*

Camden, Arkansas: Camark Press, 1991.

- *Remembering Medgar Evers—For a New Generation: A Commemoration.* Developed by the Civil Rights Research and Documentation Project, Afro-American Studies Program, The University of Mississippi. Oxford, MS: distributed by Heritage Publications in cooperation with the Mississippi Network for Black History and Heritage, 1988.
- Vollers, Maryanne. *Ghosts of Mississippi: The Murder of Medgar Evers, The Trials of Byron de la Beckwith, and the Haunting of the New South.* Boston: Little, Brown, 1995.

Internet Resources

General:

- Black History Month — Biography: Medgar Evers. Published by the Gale Group. Source: *The African American Almanac*, 7th ed., Gale, 1997.
- "Medgar Wiley Evers, 1925-1963." Biographical sketch at the Medgar Evers College of the City University of New York web site.
- "Medgar Wiley Evers, Sergeant, United States Army." From the Arlington National Cemetery web site www.arlingtoncemetery.com.
- "NPR: The Legacy of Medgar Evers." From National Public Radio.

Add Information to this page

Mississippi Writers Page Links
About This Site | New Book Info | News & Events | Literary Landmarks | Mississippi Literary History | Mississippi Publishing | Other Features | Other Web Resources

WRITER LISTINGS:
by author | by title | by place | by year | by genre

SEARCH THE MISSISSIPPI WRITERS PAGE

Ole Miss Links
UM Home Page | English Department | Center for the Study of Southern Culture | The University of Mississippi Foundation

-- Articles Now Available --

This page has been accessed 624724 times. *About this page counter.*

Last Revised on Friday, December 19, 2003, at 01:36:14 AM CST.
Send comments to mwp@olemiss.edu

Web Design by John B. Padgett.
Copyright © 2003 The University of Mississippi English Department.

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, CHAIRMAN, COMMITTEE ON THE JUDICIARY, AND MEMBER, SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES

For those who did not live through the this period, it is difficult to understand the climate of fear and violence that gripped the nation during the Civil Rights era. Simply for acting on their ideals, innocent people were struck down in the prime of their lives to deliver a message of racial hate. These murder cases reflect the most heinous of the hundreds of crimes committed against Americans during the Civil Rights movement. Most shocking by today's standards, State and local law enforcement colluded with the perpetrators of anti-Civil Rights violence. Attempts at justice often proved to be a charade and ended with jury nullification or tampering by racist citizens' councils.

For the families of the victims and those who lived through it all, the memories are still vivid and affect their daily lives. Today, for example, is a significant date, as it marks the 44th anniversary of Medgar Evers assassination. His widow joins us today to bear witness to the importance of this legislation. Moreover, a major trial is currently taking place in Jackson, Mississippi—the trial of James Seale, who has been charged with the abduction, beating and drowning of two black teenagers, Charles Eddie Moore and Henry Hezekiah Dee, in 1964.

Since 1989, 29 Civil Rights era "cold cases" have been re-examined, with 22 resulting in convictions:

- In 1994, white supremacist Byron De La Beckwith was finally convicted for the 1963 hate crime and murder of NAACP field secretary Medgar Evers. Two all-white juries had previously deadlocked in the late 60s.
- In 1998, former Klan imperial wizard Sam Bowers was convicted of the 1966 hate crime and firebombing of NAACP leader Vernon Dahmer.
- In 2002, former Klansman Bobby Cherry was convicted of the hate crime and first-degree murder during the 1963 firebombing of a Birmingham church—well-known for the resulting deaths of four Black schoolgirls. His partner in crime, Thomas Blanton Jr., was convicted for this same hate crime in 2001. We are joined today by Doug Jones, the prosecutor in that case.

For every infamous killing that tore at the South in the 1950s and '60s, however, there were many more that were barely noted, much less investigated. That is why I support this bill, the Emmet Till Unsolved Civil Rights Crime Act. For the more than 100 case identified in February by the FBI, there must be a clear and unambiguous statement from this Congress that the pursuit of justice shall not rest.

Although many of the most notorious murders took place in Mississippi, racist murderers killed victims throughout the south. Examples of some of the unsolved cases include:

- the 1968 "Orangeburg Massacre" at South Carolina State University where state police shot and killed three student protesters;
- the 1967 shooting death of Carrie Brumfield, whose body was found on a rural Louisiana road;
- the 1957 murder of Willie Joe Sanford, whose body was fished out of a creek in Hawkinsville, Ga.;
- the 1946 killing of a black couple, including a pregnant woman, who was pulled out of a car in Monroe, Ga., and dragged down a wagon trail before being shot in front of 200 people.

As one commentator has stated, "the fact that it has taken more than 40 years for justice to be delivered in cases like these speaks volumes about power in society, but when we consider that many more who committed horrible atrocities and hate crimes during that era may never be brought to justice, never serve time for their crimes against other human beings, never be asked to atone for their wrongdoings, then we begin to understand the power of race."

This legislation is important to closing a grim chapter in our nation's history; a time when domestic terrorists attempted to derail our march toward freedom and equality. For that reason, I believe it is important that the perpetrators of these crimes be brought to justice, even 40 years late. While justice was delayed for the victims of Civil Rights era hate crimes, the fact that we are raising these cold cases breathes new life into our justice system. Ultimately, that commitment bodes well for our collective future and reconciliation within these communities.

WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
1156 15TH STREET, NW SUITE 915 · WASHINGTON, DC 20005 · P (202) 463-2940 · F (202) 463-2953
E-MAIL: WASHINGTONBUREAU@NAACPNET.ORG · WEB ADDRESS WWW.NAACP.ORG

June 11, 2007

Members
United States Senate
Washington, DC 20510

via fax

RE: S. 535 THE EMMETT TILL UNSOLVED CIVIL RIGHTS CRIME ACT

Dear Senator:

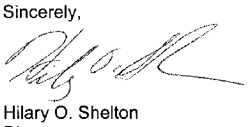
On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grassroots civil rights organization, I urge you to co-sponsor and support S. 535 the *Emmett Till Unsolved Civil Rights Crime Act*. It is imperative to bring murderers of early civil rights activists to justice, to show the victims' families, as well as the Nation, that their sacrifices continue to outrage our Nation. The United States' government needs to commit the resources necessary to see that these heinous crimes intended to intimidate are resolved.

Witnesses and evidence to these crimes are aging and time is of the essence. As proven by the historic 2005 conviction of Edgar Ray Killen for the 1964 deaths of three Civil Rights workers, Andrew Goodman, James Chaney, and Michael Schwerner, and the 1994 conviction of Byron De La Beckwith of the murder of Medgar Evers, more than 30 years earlier, there is no time limit on justice.

This bill creates two new offices within the Department of Justice whose sole purpose is to investigate these crimes. The **Unsolved Civil Rights Crime Investigative Office**, a new FBI office headed by a Chief Investigator, will aggressively investigate pre-1970 cases in coordination with state and local law enforcement officials that resulted in death and remain unsolved. This office will do everything possible to make certain those who have committed these murders are brought to justice. The **Unsolved Crimes Section**, a new office within the Civil Rights Division of the Department of Justice, will focus specifically on prosecuting these cases. If a crime other than murder is discovered during the course of an inquiry it will be referred to the appropriate law enforcement officials. Lastly, the bill authorizes $11.5 million in annual appropriations: $5 million for the Unsolved Crimes Section, $5 million for the Unsolved Civil Rights Crime Investigative Office and $1.5 million for Community Relations Service of the Department of Justice to work with local communities in identifying these cases.

In order for our Nation to fully begin to move beyond these heinous crimes, the federal government needs to resolve these cases. Thus I urge you again to co-sponsor and support this important legislation. Thank you in advance for your attention to the NAACP's support for this legislation. Please feel free to contact me if you have any questions or comments on the legislation or on the NAACP's position. I can be reached at (202) 463-2940.

Sincerely,



Hilary O. Shelton
Director

○