

# A CASE STUDY IN SOUTHERN JUSTICE: THE MURDER AND TRIAL OF EMMETT TILL

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*Using personal interviews conducted with jurors, law enforcement officials, lawyers, and other people involved with the trial of Emmett Till, this essay argues that a guilty verdict in the case was a foregone conclusion. Despite evidence that the body discovered in the Tallahatchie River was in fact that of Emmett Till, local Mississippians rallied around Roy Bryant and J. W. Milam. In addition, personal interviews suggest that two black men were purposefully hidden in a local Charleston, Mississippi, jail in order to limit the prosecution's case.*

**Editor's note:** Beginning with Stephen J. Whitfield's 1988 book *A Death in the Delta*, we've witnessed a remarkable interest in the murder and trial of Emmett Till. Culminating in the recent announcement that the Justice Department was reopening the case, several books, articles, documentaries, even a Hollywood film have put the case prominently in the public eye. This special issue, while part of that larger interest, also gestures to the past—1962, to be more specific. It was during this year that an intrepid 21-year-old Master's student at Florida State University (FSU)—Steve Whitaker—was encouraged to write about the murder and trial; after all, his graduate committee noted, Whitaker had grown up in Tallahatchie County, Mississippi, and knew many of the principals in the case. Whitaker, often under the cover of darkness, would drive his recognizable Volkswagen around the state, interviewing jurors, lawyers, witnesses, and former law enforcement officials. Occasionally he would return to find threatening notes left on his windshield. Also under the cover of darkness would Whitaker slip across town in Tallahassee to the library at Florida A&M University (FAMU). As a white student in the Jim Crow South, Whitaker was not legally allowed on FAMU's campus. But with the help of a sympathetic librarian, Whitaker would slip in through a back door and sequester himself with the library's collection of

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black newspapers. On one memorable night of racial violence in the city, Whitaker needed a personal escort from the football team just to get off campus alive.

Whitaker defended his 206-page thesis in 1963, and there it sat in the bowels of FSU's Strozier Library for years. These days it is online and widely heralded as the most important document ever written on the Till case—though still not published, at least until now. In a case woefully in need of primary sources, Whitaker had either found them or talked to them. With a bit of persuasive “lubrication” from Jack Daniels, he talked with all the lawyers. He talked to the sheriffs, the jurors, and the undertakers. His friends and family knew Roy Bryant and J. W. Milam. He got his hands on the trial transcript as well as on the grand jury hearing. Sheriff Strider gave him all of the mail he had received related to the case. William Bradford Huie shared his notes and stories about the interviews regarding the awful confession that ran in *Look* magazine.

I discovered Whitaker's thesis before I met him. After reading this fascinating and timeless document, I needed to know more about him. Was he still alive? If so, where did he live? Did he know how important the thesis had become? To make a long story short, I found Steve right here in Tallahassee, just a few miles from where I live. These days, getting ready to retire from the Department of Health, Steve still graciously entertains calls and interviewers from around the country on the Emmett Till case. Many of the calls he receives presently are from the FBI. His M.A. thesis once sat on the desk of the U.S. attorney general. Perhaps it still does.

As an academic I wanted to know why Whitaker had never published the thesis, nor even an article from it. Why, when dozens of books borrowed generously from it, and James Baldwin relied heavily on it in writing *Blues for Mister Charlie*? He confessed to “just not having gotten around to it,” even though several presses had expressed interest in publishing it. I found out later that Steve was pulling his punches: he had avoided publication out of fear that bodily and/or economic harm would come to his family. So here in the pages of *Rhetoric & Public Affairs*, Hugh Stephen Whitaker has finally agreed to share with the academic community the document that continues to bring people from around the world to his door. We decided to publish, in nearly original form, part 2 of the thesis inasmuch as it dealt directly with the case. While some terms will strike the contemporary reader as a bit hard on the ear, we have kept the text as close to the 1963 original as possible. We are pleased to give it the larger audience that it has earned—with interest—for more than 40 years.

Emmett Louis Till was born near Chicago, Illinois, on July 25, 1941. His mother, Mamie Till Bradley, had emigrated from Tallahatchie County, Mississippi, and married Louis Till, a Chicago Negro who subsequently died in Europe in 1945.<sup>1</sup> In August 1955, Emmett's mother took a vacation from her job as a voucher examiner in the Air Force Procurement Office in Chicago. In order to "enjoy the opportunity to rest," the divorced Mrs. Bradley sent her son to Mississippi to visit his great-uncle, Mose Wright. The sharecropper and his wife, Lillybeth, lived three miles east of Money, Mississippi, on G. C. Frederick's "place." Three of their ten children were still living with them. In August 1955, two grandsons and young Till were visiting in the home.<sup>2</sup>

On Wednesday, August 24, a carload of eight young Negroes—seven boys and a girl—set out for a "jook" in a 1946 Ford. Since it was only 7:30 PM, they stopped in front of the Bryant store in Money. Till and the seven others got out to talk to the dozen or so Negroes who were joking and playing checkers in front of the country store, which catered almost exclusively to the Negro trade.

In the week he had been in the Delta, Emmett "Bobo" Till had excited his Negro cousins with his "Yeah" and "Naw" to local whites. But his "most fascinating claim to distinction" was the picture of the white girl he carried in his billfold. Bobo insisted this was "his girl" back in Chicago. That night, he once again passed the picture around and bragged about his relations with this girl. His boasts caused one Negro youth to taunt, "You talkin' mighty big, Bo. There's a pretty little white woman in there in the sto'. Since you Chicago cats know so much about white girls, let's see you go in there and get a date with her."<sup>3</sup>

Bobo now had to act or lose face. While fascinated Delta Negroes lined the store window, Till entered the front door. Inside was pretty 21-year-old Carolyn Bryant. She was five feet, two inches tall and weighed 103 pounds. Young Till, only 14 years old, was four inches taller and nearly 60 pounds heavier.<sup>4</sup> Till asked Mrs. Bryant for candy, and when she extended her hand for the money, he grabbed it and said, "How about a date, baby?"<sup>5</sup> She jerked her hand away and turned and walked toward the living quarters at the back of the store, where her sister-in-law Juanita Milam was. Till caught her at the cash register and put his hands on her waist to stop her. "You needn't be afraid of me, baby. I've been with white women before."<sup>6</sup>

One of Till's cousins ran in and grabbed him and pulled him from the store. As he went out the door, he turned and said, "Good-bye." Carolyn Bryant ran out the front door to get a pistol from under the front seat of her sister-in-law's car. As she crossed the road, Till gave what sounded like a long, two-note "wolf whistle." Then the Negroes drove away. Mrs. Bryant told her sister-in-law about the incident, but they were determined to keep it from their husbands. Roy Bryant was then hauling shrimp from New Orleans to

Brownsville, Texas. When J. W. Milam picked his wife and Mrs. Bryant up an hour later to take them to Glendora, they did not tell him what had happened.

At 4:00 AM on the morning of Friday, August 26, two days after the incident, Roy Bryant returned from Texas. He slept late and got to the store on Friday afternoon. Soon after he arrived, a “Judas nigger” told him what the “talk” was. Bryant confronted his wife with the rumors. She admitted the talk, but urged Roy to forget it.<sup>7</sup> But once Roy knew, he felt he had to do something—at least give Till a “whipping,” or else be branded a coward in the eyes of his Negro customers. Negroes who did not know he had been in Texas had begun to talk because he didn’t “deal with the Chicago boy” on Thursday.<sup>8</sup> But the Bryants had no car; thus Bryant did nothing on Friday or Saturday. About 10:30 Saturday night, his half-brother J. W. Milam drove up in his green ’55 Chevrolet pickup. Bryant took him aside and told him of the incident. “So you see, I’ve gotta go over there and whip the niggah,” he concluded. “I’ll be here early,” replied Milam.<sup>9</sup>

As J. W. Milam drove home, he decided not to wait until dawn; he filled his pickup’s gas tank and returned to the Bryant store, some six miles away. At 2:00 AM Milam reached Money and woke his half-brother. Both men took their .45 Colt automatic pistols as they set out for “Preacher” Wright’s house. The two half-brothers were part of a tightly knit family. Their mother bore eleven children, five “Milam children” and six “Bryant children.” The family operated a chain of country stores as well as trucks and mechanical cotton-pickers. The family had, according to local law-enforcement officers, frequently sold whiskey in their stores in violation of the state’s prohibition laws.

Roy Bryant and J. W. Milam were “poor whites” or “rednecks,” who were, by their own admission, “determined to resist the revolt of colored men against white rule.”<sup>10</sup> While the two brothers were similar in this respect, they differed in many other respects. Bryant, 24 years old, was one of twin boys. He had married at 20, ten months after enlisting in the army. He and Carolyn Bryant had two sons. J. W. Milam was 36, stood six feet, two inches, and weighed 235 pounds. He was bald on top, but had not even a trace of grey on the sides or back. Like Bryant, he had two sons.

Milam was especially proud of his war record. With only a ninth-grade education, he had been commissioned in battle in Europe during World War II. “He was an expert platoon leader, expert street fighter, expert in night patrol, expert with a ‘grease gun,’ expert with every device for close-range killing.”<sup>11</sup> He won the Silver Star, the Purple Heart, and numerous lesser medals. He killed many Germans with his favorite weapon, the .45 Colt automatic pistol. “‘Best weapon the Army’s got,’ he says. ‘Either for shootin’ or slug-gin’.”<sup>12</sup> He can knock a turtle’s head off with it from 150 paces. Contrary to accusations by the National Association for the Advancement of Colored

People (NAACP) and some newspapers, neither Milam nor his father had a reputation of having killed several Negroes. Milam had stated, "I ain't never hurt a nigger in my life."<sup>13</sup>

Milam and Bryant pulled up under the cedar and persimmon trees in front of Mose Wright's house just after 2 AM Sunday morning. Milam carried a five-cell flashlight in his left hand and his .45 in his right. Bryant called out, "Preacher . . . Preacher."<sup>14</sup>

Wright: "Who is it?"

Bryant: "This is Mr. Bryant. I want to talk to you and that boy."

Mose Wright came to the door. "Yes, Sir."

Milam: "You got two boys here from Chicago?"

Wright: "Yes, Sir."

Milam: "I want that boy who did the talking down at Money."

Bryant and Milam entered the front room of the six-room house. Bryant told Preacher Wright to turn on the lights. Wright replied that they were out of order. Milam walked into the room where the four boys lay sleeping in two beds. Milam shined his light in Till's face. "You the niggah that did the talking down at Money?"

Till: "Yeah."

Milam: "Don't say 'yeah' to me, niggah. I'll blow your head off. Get your clothes on."

As Till dressed, he reached for his heavy crepe-sole shoes and socks.

Milam: "Just the shoes."

Till: "I don't wear shoes without socks."

Preacher and his wife begged the brothers not to take young Till. Mrs. Wright offered to pay "whatever you want to charge if you will just release him."

Milam asked Wright if he knew anybody there. Wright replied, "No, Sir. I don't know you."

Milam: "How old are you?"

Wright: "Sixty-four."

Milam: "Well, if you know any of us here tonight, then you will never live to get to be sixty-five."

Milam and Bryant marched Till out to the pickup and made him lie down in the bed. They had intended to take him by the "store and let Carolyn identify him. . . . But, Preacher had identified him, and the niggah didn't deny it."<sup>15</sup>

As the trio crossed the Tallahatchie River and drove west, there was no doubt as to who had taken charge. "Big" Milam was driving, while Roy "kept an eye on the niggah through the big wrap-around window" of the pickup cab. Milam "had no idea of killing him." He "was gonna whip him, scare some sense into him, and send him back to Chicago." Milam drove for what he

termed “the scariest place in the Delta.” This was a spot near Rosedale, Mississippi, where the Mississippi River bends and forms a hundred-foot bluff. Milam intended to pistol-whip Till, shine the flashlight into the river, and make the youth think he was going to “knock him in.”

Milam drove 75 miles, through several Delta towns, found the levee, but couldn’t find that particular bluff in the dark. He finally gave up and drove to his home in Glendora. His family was away, and the house was deserted. He drove into the backyard and stopped. They marched Till into a barn.

Milam began to pistol-whip Till. After a few licks, Till had “never even whimpered.” Instead the Negro youth supposedly retorted, “You bastards, I’m not afraid of you. I’m as good as you are. I’ve had white girls and my grandmother was a white woman.” Till then pulled out his billfold and pointed to one of the pictures of the three white girls that were in it. “You see this? She’s my girl.”

Milam related his sentiments:

What could I do? He thought he was good as any white man. . . . I’m no bully: I never hurt a niggah in my life. But I just decided it was time a few people got put on notice. As long as J. W. Milam lives and can do anything about it, niggahs are gonna stay in their place. Niggahs ain’t gonna vote where I live. If they did they’d control the government. They’d tell me where to stand and where to sit. They ain’t gonna go to school with my kids. And when a niggah even gets close to mentionin’ sex with a white woman, he’s tired o’ livin’ . . . I’m gonna kill him.

Right then Milam decided to kill him, to make an example of him, “just so everybody could know how me and my folks stand.” Milam needed a weight to throw Till in the river. He remembered that the Progressive Ginning Company near Boyle, Mississippi, had recently installed new equipment, and that a discarded gin fan was lying on the ground.

Getting back in the truck, the three rode approximately 36 miles and got to the gin just after daylight. Here Milam worried for the first time. He was afraid somebody might see them and accuse them of stealing the fan!

They made Till load the fan in the truck, then they drove back to Glendora. From there they went north toward Swan Lake, crossed over the Tallahatchie River Bridge, and turned down a dirt road that paralleled the river. The dirt road ran “within a few feet” of L. W. Boyce’s house. It was nearly 7 AM and Boyce looked up from his breakfast as they passed to become the first and only eyewitness to recognize the group.

Approximately a mile from Boyce’s house, Milan stopped the truck on the levee of the river. He made Till carry the fan to the riverbank, then told him to undress. Milam said, “Are you still as good as I am?” Milam squeezed the .45

automatic. He tried to hit Till between the eyes, but the Negro ducked, and the bullet caught him above the right ear. Bryant and Milam wired the fan to Till's neck with barbed wire and rolled him down the bank into the river.

Milam drove back to Money, let Bryant out at his store, then drove home. He washed the blood from the truck, built a fire in his backyard and burned Till's clothes. The crepe-sole shoes took three hours to burn. This, then, is the "story" that Milam and Bryant told. There is, of course, no way of knowing Till's version of the events of that night. The trial was much less sensational because the defendants never testified in court and the testimony of Mrs. Bryant was ruled inadmissible and was not given to the jury. The "story" told here was not known until January 1956, when it appeared in *Look* magazine.

When Emmett Till did not return to his uncle's home, Mose Wright contacted George Smith, the sheriff of Leflore County. Around 2 PM on the day of the kidnapping, the sheriff drove to Money, woke Roy Bryant, and took him into custody.<sup>16</sup> A little later, J. W. Milam was also jailed on a charge of kidnapping. The brothers told Smith that they had gone to Wright's house and had taken a "little nigger boy" to Bryant's store. When Carolyn Bryant did not identify him as the "right one," he was turned loose at the store.

On the morning of August 31, 1955, 17-year-old Robert Hodges was running trotlines in the Tallahatchie River and discovered a pair of knees sticking out of the water. He summoned Tallahatchie County deputy sheriff Garland Melton, and the body was pulled into a boat and carried to land.<sup>17</sup>

Mose Wright was summoned to identify the body. The corpse was badly mutilated and decomposed. The body had apparently been beaten severely around the head, and there was a hole the size of a bullet above the right ear.

The body was taken to Chester Miller's funeral home in Greenwood for preparation for burial in Money. The grave was half dug when Mrs. Bradley called and asked that her son be sent home for interment.<sup>18</sup> The badly decomposed body was sent to C. F. Nelson's funeral home in Tutwiler for preparation for the interstate journey to Chicago as federal law required embalming. The undertakers received assurances that there was to be a closed-casket funeral, and that the usual pre-funeral preparation of a corpse was not necessary.<sup>19</sup>

Intravenous embalming of the corpse, which had swollen to twice its original size, was impossible. The body was weighted and immersed in a vat of formaldehyde, and incisions were made all over the body in order to release the tissue gas and to admit the preservative.<sup>20</sup> The next morning, September 1, the body was placed in "the finest casket available," without further preparation, and put on the train for Chicago.

Discovery of the body caused a reaction throughout the state that was almost unanimously against the brothers. Within the two counties in which the crimes took place (Leflore and Tallahatchie), law enforcement officials

were busy at work strengthening what seemed to be an airtight case. Sheriff Smith of Leflore County had a confession from Bryant that the pair had kidnapped “a little nigger boy” from Mose Wright’s home. Sheriff H. C. Strider of Tallahatchie County had already located blood on the bridge over the Tallahatchie River, which the two had crossed just before Till was killed.<sup>21</sup> “Officers of both counties searched the river bottomlands near Phillip, Mississippi, for evidence in the case.”<sup>22</sup>

Mississippi Governor Hugh White telegraphed District Attorney Gerald Chatham, “urging vigorous prosecution of the case.” He also wired the NAACP in New York that he “had every reason to believe that the courts will do their duty in prosecution.” In a press conference, the governor said, “Mississippi deplors such conduct on the part of any of its citizens and certainly cannot condone it.”<sup>23</sup> White citizens in the small community of Money and in nearby Greenwood “expressed shock over the slaying.” Ben Roy, a merchant in Money, told reporters, “Nobody here, Negro or white, approves of things like that. It’s too bad this had to come up at a time when there is so much talk about racial tension.”

A survey of Mississippi newspapers revealed unanimous condemnation of the crime and a demand for swift prosecution of the accused.<sup>24</sup> The *Greenwood Commonwealth*, in a front-page editorial, stated, “The citizens of this area are determined that the guilty parties shall be punished to the full extent of the law.” The *Vicksburg Post* said, “The ghastly and wholly unprovoked murder . . . cannot be condoned, nor should there be anything less than swift and determined prosecution of those guilty of the heinous crime.” The *Greenville Delta Democrat-Times* asserted, “We have met no Mississippian who was other than revolted by the senseless brutality. The people who are guilty of this savage crime should be prosecuted to the fullest extent of the law.” The *Hattiesburg American* editorialized, “Residents of the two counties are sorely distressed and severely-shocked over the crime. The whole world is watching them to see how they will handle their responsibilities.” The *Clarksdale Press Register* said, “Those who kidnapped and murdered Till have dealt the reputation of the South and Mississippi a savage blow. It is a blow from which we can recover only by accepting this violent and insane challenge to our laws and by prosecuting vigorously the individuals responsible for this crime.” Even Robert Patterson, executive secretary of the Citizens’ Councils, issued the statement, “This is a very regrettable incident. One of the primary reasons for our organization is to prevent acts of violence.”

Most important of all, the local power structure in Tallahatchie County refused to support the accused men. The sheriff was firmly set to prosecute.<sup>25</sup> The most experienced and probably the most powerful law firm in the county, that of Breland and Whitten, refused to take the case for the defendants.



“Judge” Breland set his price at \$5,000—a figure he knew the brothers were unable to pay.<sup>26</sup>

Meanwhile, north of the Mason-Dixon line, two statements issued by Negroes were to snowball into an avalanche of charges and counter-charges that would ultimately bring public opinion to the side of the accused. In Chicago, when Mrs. Bradley learned that her son’s body had been found, she made the first of the many statements that were to be misquoted by the press. She said that she would seek legal aid to assist officers in convicting the killers of her son, and that “the State of Mississippi will have to pay for it.”<sup>27</sup> Some Mississippi newspapers omitted the first part of her statement and quoted her out of context as simply saying, “Mississippi is going to pay for this,” implying that the whole state was responsible.<sup>28</sup>

The same day Roy Wilkins, executive secretary of the NAACP, called the slaying a “lynching” and said that “it would appear that the State of Mississippi has decided to maintain white supremacy by murdering children. The killers of the boy felt free to lynch him because there is in the entire state no restraining influence, not in the state capitol, among the daily newspapers, the clergy nor any segment of the so-called better people.”<sup>29</sup>

Most Mississippians passed over Mrs. Bradley’s remarks (as reported in the press) without comment, probably realizing that the violent death of her only son was partial justification for her statement. But the statement issued by Roy Wilkins drew bitter responses throughout the state. Many, including editor Hodding Carter, regarded this as the beginning of a stringent campaign by the NAACP to ensure the acquittal of the accused. A “not guilty” verdict, they reasoned, would aid anti-Southern propaganda immensely.

The people attacked by Wilkins reacted. The governor stated, “This is not a lynching. It is straight out murder.”<sup>30</sup> Newspapers throughout Mississippi bitterly criticized the NAACP for its “blindness and injustice.” The *Greenwood Commonwealth* wrote, “If the NAACP and other groups want justice, then let them cease throwing stones at the prosecution, judge, and jury. The people of Mississippi are no more responsible for this tragic murder and no more condone it than the people of New York.”<sup>31</sup>

Even Northern newspapers condemned the irresponsible statement by Wilkins. The editor of the *St. Louis Post-Dispatch* wrote:

Mr. Wilkins is guilty of a reverse prejudice when he says “Mississippi has decided to maintain white supremacy by murdering children.” It isn’t necessary to equate this foul act with Mississippi as a whole. . . . Many Mississippians feel as strongly about the matter as does Mr. Wilkins. . . . Let’s expect better than Mr. Wilkins speaks of Mississippi, for the good is there, and expecting it may draw it out.<sup>32</sup>

On Friday, September 2, a decision was made by Mrs. Bradley that vitally affected the outcome of the upcoming trial. Young Till's funeral was set for Saturday, September 3, and was to be a closed-casket affair. His mother instead ordered that the top be lifted, and that his face be uncovered. "Let the people see what they did to my boy!" sobbed Mrs. Bradley.<sup>33</sup>

Mass demonstrations were staged, and crowds estimated at between 10,000 and 50,000 thronged into the Chicago funeral home. Tables set up near the casket collected \$3,100, which was given to Mrs. Bradley. Burial was postponed until Tuesday, September 6, and the body was to lie in state until then, and could be viewed by the public.

Sometime during Saturday, September 3, or Sunday, September 4, the power structure of Tallahatchie County decided to "go to bat" for J. W. Milam and Roy Bryant. In the Freestate of Tallahatchie, when the power elite decide against an "outsider," a jury decision is almost a foregone conclusion. The first indication of the change in feeling was the announcement by Sheriff H. C. Strider, on Saturday afternoon, that he was fairly certain that the body that was found was not that of young Till, but of a "grown man." It was more decomposed than it should have been after that short stay in the water." Strider then made public a rumor that quickly spread throughout the South: "he believed Till was still alive."<sup>34</sup> The following day, September 4, all five of the lawyers in the town of Sumner agreed to accept the offer to serve as defense counselors. This action held great significance to people within the county.

The dean of the battery, J. J. Breland, was a Princeton graduate who had been practicing law in Sumner since 1915 and who was the county Republican Party chairman. His younger law partner, "Johnny" Whitten, was born in the county and had practiced law in Sumner since 1940. He was chairman of the county's Democratic Party, and, most important, attorney for the board of supervisors. The latter post is of great value to an attorney in both civil and criminal cases, because the board of supervisors also acts as jury commissioners. An astute lawyer in this position can pick his own jury.

A second firm represented was that of Harvey Henderson and Sidney Carlton. Henderson, at 34 the youngest of the group, was a lifetime resident of the county and had practiced law for eight years. His partner came to Sumner in 1945, six years after being admitted to the bar. Carlton, in 1963, was the highly respected president of the State Bar Association. The fifth lawyer for the defense was self-educated J. W. Kellum, who had lived in the county for 35 years and practiced law for 16 of them. Kellum had finished a narrowly unsuccessful race for district attorney less than a week before the murder.

The background and qualifications of these five lawyers are given so that it may be realized that these men were unaccustomed to defending men of the caliber of Bryant and Milam and would not do so unless prompted by other

motives. Breland and Whitten, who had refused the case earlier in the week, now lowered their asking price to \$2,000 and assumed a great portion of the burden of securing evidence for the defense.<sup>35</sup>

What factors changed the minds of these six decision-makers? The chief action that precipitated the change was the statement that Wilkins had made to the press. Just as “the state capital” (governor) and the daily newspapers had fought back when insulted by the organization that had grown to be widely feared and hated in Mississippi during the past summer, so the “so-called better citizens” now began to retaliate. J. J. Breland said that he consented to employment only after “Mississippi began to be run down.”<sup>36</sup>

Sheriff Strider is reported to have said essentially the same thing. “The last thing I wanted to do was to defend those peckerwoods. But I just had no choice about it.” A highly reputable source close to Sheriff Strider during this time declared that Strider was “for the brothers all along.” This statement was denied by the county prosecuting attorney, who noted Strider “changing horses in mid-stream.”<sup>37</sup> One factor that is certain to have influenced the sheriff’s decision was the arrival of the first few of the deluge of vulgar, threatening letters. These were addressed to the defendants, to their families, and to Sheriff Strider.<sup>38</sup> Telephone calls in which people threatened to storm the Leflore County jail and get the brothers, which necessitated calling out the National Guard, certainly had a bearing on his decision.

One key fact is that these men did not arrive at this decision by themselves. All report that “some people” pointed out to them that this was not a simple murder, but Mississippi and “our way of life” against the outside agitators. These same people stated that we should “let the North know that we are not going to put up with Northern Negroes ‘stepping over the line.’”<sup>39</sup>

Identification of the persons who motivated these decision-makers was difficult. The first telegram that Sheriff Strider received came from a citizen of Terry, Mississippi: “I have talked to a great many people in Hinds County and none want to see these men prosecuted although our stupid editors might lead you to believe otherwise.”<sup>40</sup> The line of reasoning followed by the “influencers” follows the style of the Citizens’ Councils speakers and organizers who had formed a 1,100-member council in nearby Clarksdale fewer than three months earlier. The contentions resembled more than vaguely those voiced by Senator Eastland and Judge Brady at the well-publicized council meeting in Senatobia exactly three weeks before the acceptance of the case by the lawyers.

It must be remembered that the Citizens’ Councils in 1955 were a loosely knit group of relatively autonomous chapters that were held together more by a mutual interest—preservation of status quo in race relations—than by any discipline or set of rules. Thus any action by council members in influencing the outcome of the trial was not a result of orders or decisions from the state

headquarters in Winona, but was part of an implicit understanding of “what had to be done.”

On Monday, September 5, the grand jury of Tallahatchie County met and considered the case of the *State of Mississippi v. J. W. Milam and Roy Bryant*. The foreman of the grand jury was Jerry Falls, one of the wealthiest men in the county, a Delta aristocrat steeped in the tradition of noblesse oblige.<sup>41</sup>

The state was fortunate to have one of its most able and experienced prosecutors as district attorney. Gerald Chatham had practiced law in the district since 1931. After serving as a state representative, county superintendent of education, and county prosecuting attorney, he was elected district attorney in 1942. He had held the office for almost 14 consecutive years, and his experience and knowledge of the quirks of the people of the area were invaluable to the prosecution.

Further, Chatham had announced his retirement from political life, effective when his term of office expired the following September. Prosecution of a white man for killing a Negro could have no political repercussions. The district attorney, intent on obtaining a conviction in this case, resented the NAACP statement of August 31, fearing that “constant agitation by the NAACP may keep the guilty persons from being convicted. Murder is murder whether it is black or white, and we are handling this case like all parties are white.”<sup>42</sup>

The indictment was pushed by District Attorney Chatham and Sheriff Strider. Chatham’s motives were sincere; he wanted to see the guilty convicted. Strider’s motives are almost impossible to assess. This author tends to believe that Strider at this time was unsure whether or not to work for a conviction, and that the dynamic Chatham temporarily swayed him. Others close to Strider say he “was for the boys [Bryant and Milam] all along.”

County prosecuting attorney Hamilton Caldwell was recovering from a recent heart attack and was unable to bear much of the burden of the prosecution. He opposed asking the grand jury for an indictment because “the case was lost from the start. A jury would turn loose any man who killed a Negro over insulting a white woman.”<sup>43</sup>

After hearing testimony on Monday, the 18-man grand jury returned ten true bills on Tuesday morning. Jury Chairman Falls read, “Roy Bryant and J. W. Milam did willfully, unlawfully, feloniously, and of their malice aforethought did kill and murder Emmett Till, a human being, against the peace and dignity of the State of Mississippi.”<sup>44</sup> A similar indictment was handed down on the kidnapping charge. Under Mississippi law, conviction on either count could carry the death penalty.

Circuit Judge Curtis Swango set for the date of the trial September 19, 1955, the latest date possible. The prosecution had requested a late date in order to

gather evidence; the defense would have liked for the trial to start the next day. When the trial date was set, Governor Hugh White authorized District Attorney Chatham to appoint additional attorneys to aid in the prosecution. The governor also assigned two Highway Patrol inspectors to aid in the investigation.<sup>45</sup>

When Chatham requested help, Attorney General (and Governor-elect) Coleman and Governor White sent Robert B. Smith III, of Ripley, Mississippi. Smith was a bright and promising young lawyer who had been a special agent for the FBI for four years before enlisting in the Marines in 1944. In 1946 he returned to Ripley to practice law with his uncle, Hoke Stone, who was one of the state's most outstanding lawyers. Fellow barristers described Smith as "brilliant."

During the first three weeks of September 1955, the sentiments of the vast majority of whites in Tallahatchie County were placed fully with the cause of Milam and Bryant. These two men became the symbols of a resistance to "the outside." After interviewing most of the people connected with the case, and after having witnessed this period within the locale, the author is convinced that, in reality, most of the people were with Milam and Bryant from the beginning, and that their feelings were merely solidified rather than changed.

The Northern Negro press capitalized on the Till murder. The first Associated Press news release had quoted Maurice Wright, Till's cousin and an eyewitness to the incident at the store, as saying, "Emmett asked for some gum and left after telling the woman 'good-by.' *I told him to be careful of what he said in the store.*"<sup>46</sup> As the story grew from day to day, the incident became merely a "wolf whistle." Finally, magazines said Till was "alleged to have whistled" at a white woman.<sup>47</sup> The official NAACP version was "As a matter of fact, his only crime was the alleged 'whistling' at a woman. The 'whistling' was a defect in his speech as a result of a polio attack."<sup>48</sup>

The Negro press as well as national magazines began to build sentiment by playing up the "fact" that Emmett's father, Louis Till, had died in 1945 in the service of his country. Publication of a picture of Till's mutilated face and bloated body taken at his funeral even further inflamed Negroes.

This press coverage had several adverse effects. First, Negroes (and a few whites) wrote indignant letters to the defendants and law enforcement officials. Second, some Northerners felt moved to send the Negro press clippings to various whites in the county. These, coupled with what appeared to be biased coverage in national magazines, convinced many Mississippians that the upcoming trial was a battle between the North and Mississippi. Third, it provoked a reaction in the Southern press.

After expressing immediate anger at the murder, much of the press in Mississippi softened in its views. Pursuing the human interest angle, regional

newspapers ran stories on the families of the accused. "A graying, worried mother bit her lips Thursday in this community's (Sharkey, Mississippi) lone store as she talked about two of her sons who face charges in the slaying of Emmett Till, a Negro youth," said the *Commercial-Appeal*. Pictures and stories on their wives and small children helped bring sentiment to their side. "He's an ideal father," Mrs. Milam said of her husband. "All the Negroes at Glendora liked him like a father."<sup>49</sup>

The war records of both men were reviewed. Milam had won a Purple Heart when 17 pieces of shrapnel had struck him in the chest. Friends of the brothers spoke up. "I've never heard anything against them," said Elmer Kimbell, a Glendora cotton gin operator. "I haven't known them too long, but they've been nice to me."<sup>50</sup>

When Sheriff Strider stated, on September 4, that he felt sure the body that had been found was not Till's and that Till was still alive, local press gave great prominence to the claim. This started rumors that the body had been placed there by the NAACP and that it was a cadaver from nearby Friendship Clinic in Mound Bayou, Mississippi. Dr. T. R. M. Howard, state NAACP leader, operated the clinic.

Hodding Carter perhaps visualized the true situation when he wrote an editorial entitled "Lynching Post Facto" on September 6, 1955.

It is becoming sickeningly obvious that two groups of people are seeking an acquittal for the two men charged with kidnapping and of brutally murdering afflicted 14 year-old Emmett Till, a Negro youth accused of "wolf whistling" at a white woman. Those two groups are the NAACP, which is seeking another excuse to apply the touch of world-scorn to Mississippi, and the friends of the two white men. Among the latter apparently can be counted Sheriff H. C. Strider. All the macabre exhibitionism, the wild statements and hysterical overture at the Chicago funeral of the Till child seemed too well staged not to have been premeditated with the express purpose of (1) inflaming hatred and (2) trying to set off a reaction in reverse in Mississippi, where there had previously been honest indignation. Were the promoters of these demonstrations successful, they could make prospective Mississippi jurors so angry at these blanket indictments of our white society that it would seem a confirmation to convict any member of it, no matter how anti-social he or she might be. Then the purpose would have been accomplished and Mississippi could go down in further ignominy as a snake pit where justice cannot prevail for each race alike. That would suit the NAACP fine—that is just what they have been saying all along about us—that would provide them with the best possible proof. Working hand in hand with this devious intent, however unwittingly, are some officials who are handling the case. Upon their shoulders may rest the honor of Mississippi's

courts. Whoever heard of a Sheriff offering on the flimsiest construction of fact, the perfect piece of evidence for the defense? Without a *corpus delicti*, there can be no murder conviction of anyone. We would not say, for we do not know, who specifically is guilty of this murder. But we would say that the information that the body found was that of Emmett Till was accurate enough. It is a neat twist that the same Sheriff who says that the body recovered was not that of Till, has tried to locate the murder within his county by the discovery of blood on a bridge there. Sheriff Strider bases his supposition mainly on the fact that the body, after being shot, beaten, and soaked in the muddy river for several days, did not resemble a picture taken some while ago, which appeared in Jackson newspapers, and it appeared to have been in the river a longer time. This defies the fact that the body was identified by relatives, was accepted by the boy's mother. It defies also the evidence of the ring. Had such a murder been planned to replace another body for Till's, the ring engraved 1943 L. T. (for the boy's father Louis Till), someone would have had to have been killed before the boy was abducted, the ring stolen from young Till and placed on the dead person's finger. Without the prior knowledge that Roy Bryant and his half-brother would kidnap young Till, as they admittedly did, such a conspiracy defies even the most fantastic reality. Fortunately the officials of Leflore County are acting a bit more sensibly about the whole matter. And kidnapping is a capital offense in Mississippi just as is murder. They are calling this a lynching in some places outside of Mississippi. Well, it wasn't. But it may well become a lynching post-facto if the courts in Mississippi are unable to accomplish justice in this matter. And if this happens, we will deserve the criticism we get.<sup>51</sup>

Northern Negroes, as well as a few whites, reacted to the Till death, the funeral, and press releases by writing vulgar, obscene letters to the defendants, their families, local law enforcement officials, lawyers, prosecutors, the judges, and the jury. Many were from Chicago and evidently were triggered by Till's five-day "funeral." Most of the writers were semiliterate. Many letters threatened the lives of the defendants and Sheriff Strider. These threats alluded to various forms of murder, from bombing to dynamite to knifing, as well as dozens of types of torture that were unprintable. One of the most vivid threats was reminiscent of the fate of poor Nicholas in Chaucer's "The Miller's Tale."<sup>52</sup> Telephone calls awakened the sheriff every night, threatening the lives of him and his family.<sup>53</sup> Associates described him as having been "really scared."

The fears and prejudices concerning integration and "mongrelization" of those who received the letters and of those who heard of their content were actually strengthened because many of the letters said exactly what Till had reputedly told Milam and Bryant about interracial sexual relations. Violently anti-Semitic and anti-Negro literature was also sent by the American

Nationalists, supporters of Gerald L. K. Smith, and by many extremist groups; the material included pictures of Negro men and white women in embraces. This material further played on fears that helped sway the jury to a verdict of acquittal.

Many letters were from Northern whites who sympathized with Milam and Bryant. Some of these were extreme beyond comprehension. One wrote of the Negroes storing guns and taking over the North.<sup>54</sup> Others noted that a conviction would “mean a big victory for the NAACP and a gradual down fall [*sic*] of the South’s segregation policy; including Mississippi’s.”<sup>55</sup> A Chicago white wrote that “It does my heart good to see that somewhere in this world there are those who do something about dirty rotten niggers that insult white women.”<sup>56</sup> Many Southern whites were opposed to punishment for the brothers, feeling that Till “got his due.” One letter that typified the feelings of many Southerners indicated that the jury should bring in “a verdict of justifiable homicide.” To convict the brothers would be to weaken or destroy the defense of every woman against insult (or worse) at the hands of the upsurging Negroes, who have become much bolder in the commission of crime since that infamous decision of the Supreme Court!” The letter continued. “Have you read the speech of your great Senator James O. Eastland? He shows that the decision is admittedly based on considerations of psychology, sociology, and anthropology as set out in books written by crackpots, the majority of whom turned out to be Communists or Communist sympathizers.”<sup>57</sup>

Certainly the most inflammatory communication was an insert that was placed in books and sent to all “Boxholders” in Money, Mississippi. The books were postmarked “Chicago” and police assumed that a postal worker slipped into the books the mimeographed pages that told of sexual indecencies that the writer intended to inflict upon the townspeople.

The combination of all these factors, which were spread and exaggerated throughout the county, aroused the citizens of the Freestate so that a fair trial was impossible and the verdict was certain. Robert Smith of Tutwiler, a very honest and religious man, expressed the sentiments of most of the white citizens. When he was called as a prospective juror, he was queried as to whether he had a “fixed opinion.” Smith replied, “Anybody in his right mind would have a fixed opinion.”<sup>58</sup>

The trial of the *State of Mississippi v. J. W. Milam and Roy Bryant* was the most important criminal case involving the race issue since the Scottsboro cases. There had been three killings in Mississippi in the summer of 1955 that Tuskegee Institute had classed as lynchings: Reverend George W. Lee, at Belzoni on May 7; Lamar Smith, at Brookhaven on August 13; and Emmett Till on August 28. The Tallahatchie County case was the first of these three to be



tried, which placed a great burden on the state and focused world attention on the trial.

According to Louis E. Lomax, this trial was to decide whether or not the Southern Negro could still put faith in that “class of whites known to Negroes as ‘good white people.’ These were the respectable white people who were the pillars of the Southern community and who appeared to be the power structure of the community.”<sup>59</sup> A Negro newsman wrote, “The outcome of this case will determine whether Mississippi is already dead or whether there is hope for revival and improvement.”<sup>60</sup>

According to Mississippi law, “every male citizen, not under 21 years, who is a qualified elector and able to read and write,” and who has not been convicted of certain enumerated crimes, “is a competent juror.” Further, certain persons are exempt from jury service: doctors, lawyers, dentists, druggists, police, firemen, and anyone whose business would suffer a “serious financial loss” because of his absence. Persons over 60 years of age, or who have served on a jury within two years may claim exemption.<sup>61</sup>

In 1955, 30,486 persons lived in Tallahatchie County. No Negroes were registered, thus none could serve as jurors. So jury service was limited to the 3,163 white males over 21 years of age. Of this number, 598 were over 60 and could claim exemption. Consequently, only 8.4 percent of the people could be on a jury, and even this meager number was depleted by illiteracy, failure to meet rigid voter registration requirements that included two-year residence within the precinct, and exemptions for business reasons. The last group unfortunately included many of the most competent and level-headed citizens.<sup>62</sup>

Jury lists consisting of 200 to 800 names were drawn up each year by the board of supervisors in each county. By law, they are required to take the registration book for a guide, and from it select the “names of qualified persons of good intelligence, sound judgment and fair character.”<sup>63</sup> When a capital case is to be tried, either side may request a special venire. In the case of a county divided into judicial districts, as Tallahatchie County, an equal number of jurors shall be drawn from each district.

On September 8, 1955, on the motion of the state, Circuit Judge Swango ordered a special venire of 120 men to be drawn from the jury boxes, in open court, on September 12. The special venire gave the state a chance to get half of the jurors from the east side of the county, far from the homes of the accused. The regular venire had come entirely from west of the Tallahatchie River. On Monday, September 19, the trial officially began. The task of selecting the jurors first fell to the state, as it does in all criminal cases. The prosecution had decided that the best chance for a conviction lay in getting jurors who did not know the brothers, and who lived in the northeast corner of the

county. In order to obtain a jury of the above nature, the state asked the following questions on the voir dire:

1. Will you start out not only to give the defendants but the State of Mississippi a fair trial?
2. Would you be prejudiced because of race? Do you know the accused personally?
3. Did you contribute to the fund for the defense, or would you have contributed if asked to? (Chiefly, funds came from the Delta [west] side of the county.)
4. Did any of the defense attorneys ever represent you in a lawsuit?<sup>64</sup> (This would eliminate almost anybody in the Delta side of the county who had ever hired a lawyer; all of the Delta attorneys were defense attorneys in this case.)

The fallacy in the prosecution's reasoning is apparent to anyone who knew the situation in the county. First, except for a few close friends, people who knew Milam and Bryant disliked them and were afraid of them. When this author interviewed people who knew the brothers, they were invariably referred to as "peckerwoods," "white trash," and other terms of similar disapprobation.

Second, the prosecutors failed to note the distinct differences that have always existed between the hills and the Delta. In the hills, the far eastern sections of Tallahatchie County, most white farmers were in competition with Negroes and did not feel the intense noblesse oblige that was common to many of the large landowners of the Delta. The defense lawyers, all of whom lived in the county, were cognizant of this error by the state and were happy to capitalize on it.

By 4:30 PM that day, after five and one-half hours, the state accepted 12 jurors. Thirty men had been successfully challenged by the prosecution; the state had been forced to use 11 of its 12 preemptory challenges. Of these 12, the defense removed two "that they weren't sure of."<sup>65</sup> The following morning two regular jurors and an alternate were chosen, and the jury was complete.

In a large metropolitan area, perhaps justice can be blind to personalities. In a small community, however, the proverbial blindfold slips and often falls off. When the state accepted the original jury, the defense lawyers knew enough of the jurors personally to feel certain that the verdict would be "not guilty." Sheriff-elect Harry Dogan, reported to know more people in the county than any other man, helped the defense pick which jurors were "doubtful" and which were "safe."<sup>66</sup> The attorneys for the accused made use of a strategy realized by few outside the legal profession. Lawyers classify people into

“convicters” and “non-convicters,” that is, they realize that various jurors require different amounts of proof to vote for a verdict of guilty. “There are many people in the county who think that just because the grand jury indicts, the accused must be guilty,” said attorney J. J. Breland. Since the chief line of defense was to consist of “muddying the waters”—creating doubt as to the identity of the body—the lawyers for the brothers had to get men on the jury who would require that guilt be proven “beyond a reasonable doubt.”<sup>67</sup>

The jury that was finally settled upon consisted of 12 jurors and an alternate, all white men. Ten of them were farmers, one a carpenter, one an insurance salesman, and one a retired carpenter. The average age was 45, and the median age 42. Ten were from the hill section of the county. Of the three Deltans, only one was from Milam’s home in Glendora. None of the three was considered to have been endowed with paternalism toward Negroes. Both the state and the defense took pains that the jury would consist entirely of “good people.” The county and the state were determined to make a good showing before the world. The selection of the jury was important, although most people connected with the trial felt that there were no white men in the entire county who would not have voted for acquittal. The dean of the defense attorneys said, “After the jury had been chosen, any first-year law student could have won the case.”<sup>68</sup>

The first testimony was given on Tuesday, September 20, 1955. The state had had two weeks since the indictment to gather evidence. Sheriff Strider refused to aid the prosecution by obtaining evidence. District Attorney Chatham and special prosecutor Smith had to try to do police work, riding country roads to look for witnesses and searching “a dozen cotton gins” for the source of the fan that was used to weight Till’s body. The only witnesses were those present at the kidnapping and those present when the body was found. All parties concerned—the judge, prosecuting attorneys, defense attorneys, the jury, and the accused—knew that a verdict of not guilty was certain. Chatham, Smith, and Judge Swango were set to do all they could in the hopes that, by some miracle, a conviction could be obtained. Barring this phenomenon, a good showing would be made, and Mississippi could save some embarrassment.

The trial was bizarre in the above and some other respects. At no time did the five defense attorneys even ask the brothers if they were guilty. “My wife kept asking me if they did it,” said one attorney, “and I didn’t want to have to lie to her. I just told her I didn’t know.” In 1962, one of the lawyers termed the killing a “dastardly, cowardly act,” and said that the brothers deserved punishment—if they had done it. The trial came just at the end of the four-year term of office for the sheriff and the district attorney. Both would be out of office in three months. The trial could not be postponed until the next session, which

would have given tempers time to cool and the state more time to gather conclusive evidence, because neither Chatham nor Strider wished to pass this chore on to newly elected officers. Too, newspapers “would have roundly denounced a postponement.”<sup>69</sup>

This was probably the most widely publicized trial of the century. Jim Kilgallen, who had covered the trials of Bruno Hauptman and Machine Gun Kelly, said that the trial of Milam and Bryant had greater press coverage than any that he had attended. More than 70 photographers, newspaper reporters, and radio and television newsmen were in the courtroom for the opening of the trial. The National Broadcasting Company sent down an airplane to fly film to New York daily. Newspaper reporters came from New York, Chicago, Detroit, Memphis, Atlanta, Miami, New Orleans, Toledo, Pittsburgh, Dallas, Washington, D. C., Ontario, London, and the Mississippi cities of Jackson, Greenville, Clarksdale, and Greenwood. The Associated Press, International News Service, and the United Press were represented. *Nation*, *Life*, *Jet*, and *Ebony* magazines sent newsmen and photographers. Four radio-television reporters were present.

Mamie Bradley and Representative Charles C. Diggs (D-Michigan) both made spectacular appearances on Tuesday. Their appearances inflamed an already tense crowd of spectators, but according to the jury, which was fairly insulated, these had little effect on the verdict. The little courtroom, which had a capacity of 200, was besieged by over 1,000 “outsiders.” Most stood outside on the courthouse lawn. Local whites in the courtroom were reputedly “armed to the teeth.” Negroes and whites who were not known were searched by deputies because of numerous threats the sheriff had received.<sup>70</sup>

The trial itself progressed rather smoothly. Mose Wright, Till’s great-uncle, offered unchallenged evidence that the pair kidnapped young Till. Negro and white undertakers testified as to the identity of the body. Mamie Bradley testified that the body of the deceased was her son’s. She also stated that her husband had died in the service in Europe, on July 2, 1945.<sup>71</sup>

On Wednesday, the state produced three “surprise witnesses.” These witnesses had been discovered by Dr. T. R. M. Howard, Negro leader from Mound Bayou, Mississippi. These witnesses were reported to have seen Milam and Till, along with three other Negroes and three other whites, on a plantation near Drew, Mississippi, which was managed by J. W. Milam’s brother Leslie. One of them, Willie Reed, heard “licks and hollering” from within a barn. The seven men and a boy who looked like Till drove away.<sup>72</sup>

Two Negroes who were supposed to have been in the truck with Till were Leroy “Too Tight” Collins and Henry Lee Loggins. The third Negro was thought to be Frank Young. Both Collins and Loggins were “missing” and were sought by Leflore County authorities. Unknown to the district attorney or

special prosecutor Smith, these Negroes were held under false identities in the Charleston jail on the orders of Sheriff Strider, prior to and during the entire trial.<sup>73</sup> This fact would support the theory advanced in court that Milam and Bryant did not handle the murder alone. Milam and Bryant later told their lawyers that both of the Negroes had been drunk on the Saturday night of the murder and did not come to work on the following Sunday.

At 1:55 PM Thursday the state rested. They had presented what all five defense counsels admitted later was sufficient evidence to convict. The defense now had to throw up a “smoke screen” to cover up for the jurors who were committed to a verdict of acquittal.

The first witness for the defense was Mrs. Roy Bryant. The judge ordered the jury to leave the room while she told of the incident at the store. Judge Swango, “bending over backward” for the state, ruled her testimony unrelated to the murder and hence inadmissible.<sup>74</sup> This gesture was futile, of course, for every juror already knew of the occurrence. Most of them probably had heard an exaggerated version, and the judge’s decision could have served a purpose opposite that which was intended.<sup>75</sup>

After brief testimony by Mrs. J. W. Milam, the defense showed its “surprise witness.” The sheriff, H. C. Strider, actually testified for the defense. Strider testified that, based on his past experience, the body seemed to be in a condition that would indicate that it had been in the river from 10 to 15 days. He further testified that the race of the corpse was unidentifiable. Said Strider, “If one of my own boys was missing, I couldn’t really say if it was my own son or not, or anybody else’s. . . . All I could tell, it was a human being.”<sup>76</sup>

Two “experts,” a white physician who “viewed the body”—from a distance, because of the odor—and the embalmer who embalmed Till’s body both testified that the body had been so decomposed on August 31 that it must have been dead for at least ten days prior to the discovery. H. D. Malone, the embalmer, said that the body was “bloated beyond recognition.”<sup>77</sup>

Many newspapers wondered why the defense did not utilize pathologists or why the state did not refute their testimony. Attorney Breland had, in fact, consulted pathologists at the medical schools of both the University of Mississippi and the University of Arkansas. Both men told Breland that they would testify that a body which had been badly beaten would easily decompose within three days to the state Till’s was in when found. Said Breland later, “I intended to get them to testify, but I sure didn’t then!”<sup>78</sup>

The prosecution knew that this would be the sole meager defense offered for the accused. Why were experts not summoned? Why was the body not exhumed for an autopsy as his mother had offered? Two reasons seem imminent. The first, acknowledged by special prosecutor Smith, is that the corpus delicti had been proven, beyond a doubt.<sup>79</sup> Nearly every juror later admitted

this to the author.<sup>80</sup> The second reason is that the district attorney knew that the case was lost, and he did not wish to place all the blame on the jurors, most of whom served out of a sense of obligation and with deep regret. If the “smoke screen” had been completely removed, 13 men would have become the victims of the harassment that Sheriff Strider had faced for weeks.

The final day of the trial was devoted to short testimony by five character witnesses and the closing arguments of the attorneys. District Attorney Chatham began with stirring oratory that would have done credit to William Jennings Bryan. “They murdered that boy,” said Chatham, “and to hide that dastardly, cowardly act, they tied barbed wire to his neck and to a heavy gin fan and dumped him into the river for the turtles and the fish.” He said the defendants “were dripping with the blood of Emmett Till.”<sup>81</sup> The defense attorneys could not look Chatham in the face as the district attorney closed his long career in a valiant but futile effort to see justice done.

All other summations were an “anti-climax.” The defense attorneys stressed that “every last Anglo-Saxon one of you has the courage to set these men free,” and warned that the jurors’ “forefathers would turn over in their graves if these boys were convicted on such evidence as this.”<sup>82</sup> At 2:34 PM the judge discharged alternate juror Willie Havens, and the jury retired to the jury room for deliberation.

The jury had been secluded in the Delta Inn, a hotel about 100 yards from the courthouse in Sumner, since Monday. They had not seen a newspaper, watched television, or listened to a radio. They were not allowed to discuss the case. Yet during this time it is rumored that every man was contacted by a member of the Citizens’ Council to make sure he voted “the right way.”<sup>83</sup> It is doubted that threats of even the mildest nature were deemed necessary or were utilized. The author did not seek to learn of what these “contacts” consisted. The jury had only three choices. Under Mississippi law, there is no “first degree” murder, “second degree” murder, and so forth. Murder is punishable in Mississippi by death or life imprisonment. Thus the jury had only three choices—capital punishment, a life sentence, or acquittal.

The jury cast three ballots. According to one juror, all the ballots were alike—each “not guilty.”<sup>84</sup> Sheriff-elect Harry Dogan sent word to the jurors to wait a while before coming out—to make it “look good.”<sup>85</sup> It was hot. The jury sent out for Cokes. After one hour and seven minutes of “deliberation,” the jury returned. Foreman J. A. Shaw handed the verdict to the clerk. “Not Guilty,” read Clerk Charlie Cox.

Why did the jurors vote for acquittal? The answer may surprise many of the people involved in the case, including the prosecutors and the defense attorneys. Of the jurors this author interviewed, not a single one doubted that Milam and Bryant, or the Negroes supposedly with them, had killed Emmett

Till. Only one juror seriously doubted that the body was Till's. A second fact may astound even more people. The jurors stated that they were not affected by the publicity attendant to the trial. Only one juror admitted, "If the Northern reporters and all those outsiders hadn't interfered, it might have been different. . . . But it probably wouldn't have affected the verdict." County Attorney Hamilton Caldwell had been the most perceptive of all. The simple fact was that a Negro had insulted a white woman. Her husband and his relative would not be prosecuted for killing him.

Newspapers the world over reacted with editorials of condemnation. Both Communist and pro-American papers in Europe denounced the crime. A typical report was that of the front page of the non-Communist *L'Aurore* of Paris: "The two . . . have been acquitted. Acquitted to the enthusiastic cries of a racist public, by a racist jury. . . . Perhaps even tomorrow these two honest citizens of Free America will go back to their usual occupations, greeted, respected, and the objects of ovations, as though nothing had happened."<sup>86</sup>

Negro newspapers throughout the country protested vehemently. The *Pittsburgh Courier* had a half-inch black border around the front page, and the headlines read "SEPT. 23, 1955—BLACK FRIDAY!" Mississippi was termed "the sin-hole of American civilization." The *Chicago Defender*, like many other newspapers, called for an end to discrimination in voting. "Yes, the Till trial is over, but the Till case cannot be closed until Negroes are voting in Tallahatchie and Le Flore [*sic*] counties and throughout the South."<sup>87</sup>

The magazines that covered the trial gave it great play in the first issues. The most notable was *Life*, which ran an editorial titled "In Memoriam": "Emmett Till was a child. . . . He had only his life to lose, and many others have done that, including his soldier-father who was killed in France fighting for the American proposition that all men are equal . . . Sleep well, Emmett Till; you will be avenged."<sup>88</sup> *Life* forgot to notice that Mrs. Bradley had stated that Louis Till had died July 2, 1945. The German surrender came on May 9, 1945, two months before his death. Actually, Emmett Till's father had been hanged by the U.S. Army for raping three Italian women and murdering the last.<sup>89</sup>

The Negro reaction ranged from demands for congressional legislation guaranteeing the right to vote to a call for invasion and occupation of Mississippi by federal troops. Thousands of letters poured into the county addressed to the principals of the trial; nearly all were obscene or threatening, or both.

Reactions within the state and county varied. The defense's "smoke screen" concerning identification of the body at the trial convinced some people that the entire affair had been an NAACP plot. Others, including many Southern newspaper editors, held some hope that justice could be meted out on the kidnapping charge, which also carried a possible death sentence. Some of the effects of this reaction will be reviewed.

Immediately after the acquittal on the charge of murder in Tallahatchie County, J. W. Milam and Roy Bryant were turned over to Leflore County authorities for trial on the charge of kidnapping. The case was open-and-shut. Bryant had confessed to Sheriff Smith, and eyewitnesses were in abundance.<sup>90</sup> But the Leflore County grand jury refused to indict the brothers, and on November 9, 1955, they were released from custody.

The Milam-Bryant families owned a chain of country stores in the Mississippi Delta that catered almost exclusively to Negroes. Since Till's death, Negroes had boycotted stores at Glendora, Money, and Sharkey. Within 15 months, all three stores had been closed or sold.<sup>91</sup> Since their stores had closed, Milam turned to farming. In all of Tallahatchie County, the county that had "swarmed to his defense," Milam was unable to rent land for the 1956 crop year. Finally, Milam "was able to rent 217.4 acres in Sunflower County, near the vast plantation owned by Senator Eastland." And at the last moment, the Bank of Webb loaned him sufficient funds to "furnish" him. John W. Whitten, one of Milam's former lawyers, was on the loan committee there.<sup>92</sup>

Bryant had trouble finding work after his store closed. In late 1956 he went to Inverness, Mississippi, and learned welding with assistance from the GI Bill of Rights. Bryant and his family, finding themselves not accepted in the Delta, moved to an east Texas town in which they were still living in 1962. J. W. Milam found farming difficult. Many Negroes refused to work for him; he had to hire white men at higher pay. Milam, like Bryant, experienced the fear and distrust of his fellow Mississippians. He turned to bootlegging. The prime insult to the county came in 1960 when Milam found out about the location of a whiskey still hidden in the hills east of Charleston, Mississippi. Milam drove his pickup to the spot, and assembled the entire still on his pickup and a trailer. He hauled them, completely uncovered and in the middle of the day, down Mississippi Highway 32, through the boulevard and main street of Charleston, and around the court square. "To think of all we did for him," lamented one juror to the author, "and he goes and does something like that."<sup>93</sup> In 1962, Milam had joined Bryant in eastern Texas and both families were trying to live inconspicuously.

The sentiments of Tallahatchie County citizens toward the former residents are illustrated graphically by an incident that happened in the summer of 1961. Woods McLellan and his family were driving through a Texas town and stopped for a traffic light. The driver in the next car noted the license plate and yelled, "You're from Tallahatchie County." "That's right," said McLellan. "I'm Roy Bryant," said the Texan. The smile disappeared from McLellan's face; he stared straight ahead as he drove swiftly away from the traffic light, not looking back.

Gerald Chatham, the district attorney, and Robert B. Smith III, special prosecutor, had prosecuted Bryant and Milam so ably and so diligently that



everyone, even the Negro press, wrote encouragingly of their performance. They had done their utmost to secure a conviction despite having no assistance from the sheriff or police investigators in obtaining evidence. Chatham died one year later, on October 9, 1956, of a heart attack at the age of 50. The DA had suffered a heart attack prior to the Till case and his relatives feel that the exertion in this trial hastened his death. Circuit Judge Curtis Swango, as determined as Chatham to see justice done in the Till case, won the respect of all who attended the trial. More than that, he personified the hopes of many Mississippians and others that justice might survive this debacle. One Southern newspaperman remarked, "The South has always had its Judge Swangos. That's why we keep faith in the future."<sup>94</sup> Far from incurring the wrath of his fellow citizens for his attitude of giving the state every possible break in the case, Judge Swango won almost universal approval. He has since been reelected to office and will probably continue to hold the judiciary post until he retires.

Because Sheriff H. C. Strider had helped the defense challenge the identity of the corpus delicti, and because his name had been so widely publicized in the newspapers, he continued to receive threatening letters through 1956. Strider's name was so well known that one post card mailed in Sydney, Australia, to "Sheriff Strider, U.S.A." reached him in five days. Strider became the personification of the type of law enforcement that had caused so many Negroes to "go North." He was criticized by Mississippi newspapers as well as national and Negro publications. By Christmas 1955, five Negro families had moved off Strider's Delta plantation because of his actions in the trial. The culmination of these attacks came in 1957, long after the former sheriff's term of office had expired, when an attempt was made on his life. Strider was seated in his car in front of a general store in Cowart, Mississippi. He leaned forward just as the would-be assailant fired at his head. The bullet hit the metal post between the window and windshield, deflecting it. According to Strider, the Negro who had fired the shot had been given a new automobile by the NAACP to come down from Chicago and kill him. The gunman was identified by Negroes on Strider's plantation as a former Delta Negro who had recently moved to Chicago. His name was known but, again according to the former sheriff, the governor of Illinois would not extradite him back to Tallahatchie County for trial.<sup>95</sup> This attempted murder ended Strider's law enforcement career. Strider had been considered a prime contender in the sheriff's race in the 1959 election. After announcing his candidacy, Strider withdrew from the contest. Associates say that the chief factor behind his decision was that his wife, remembering how close to death he had come, persuaded him not to run. In 1963, Strider again declined to run for the county's highest law enforcement post. Not the least of his reasons for declining was the memory of the Emmett Till case.

The five defense lawyers, representing three firms, all received numerous vile, threatening letters. Because of these, at least one of the five attorneys carried an M-5 pistol for years after the trial. Although only one of the firms involved will admit that the case increased its business, the people who witnessed the case in court were impressed with the performance of the men, especially Breland. One of the jurors told the author, "Before this case, I would have gone out of the county for a lawyer. Now, I'd go to Breland—he really impressed me."

One of the attorneys, J. W. Kellum, was able to capitalize upon his connection with the case in subsequent campaigns for district attorney. According to his opponent, Kellum emphasized that he had "defended those white boys against the accusations of Negroes."<sup>96</sup> Apparently this credential worked to Kellum's advantage. After having been soundly defeated by Roy Johnson in 1955 (just a few days before the murder), Kellum bounced back in 1959 to lose by only a narrow 18-vote margin.

Each of the Negro witnesses involved in the trial felt compelled to leave the state. Mose Wright was offered a lifetime job in Middle Island, New York (which he declined). Wright was 64 years old and had always lived in the Delta. One of the saddest stories coming out of the trial showed "Uncle Mose" regretfully telling his friends good-bye and leaving his home and his dog Dallas, "the best dog in seven states," to go to an alien life in Chicago.<sup>97</sup>

Eighteen-year-old Willie Reed and his family moved to Chicago. There he soon suffered a nervous breakdown and had to be hospitalized. Amanda Bradley (no relation to Till's mother) was "whisked away" to Chicago and lived with friends there. The role of these witnesses, plus Mrs. Mamie Bradley, after September 23 is so inextricably bound to the NAACP that all further references to these people shall be made in connection with this organization.

The NAACP, through field representative Mrs. Ruby Hurley, released the following statement on September 22, 1955:

The NAACP has not and is not organizing a fund-raising speaking tour for Mrs. Bradley. . . . We had no hand in the funeral arrangements in Chicago, nor have we received any monies reportedly raised at that time. . . . For this long range basic struggle we welcome and need funds but we feel that our sponsorship of a tour exploiting the brutal Till slaying would be subject to misinterpretation.<sup>98</sup>

Only one month before, on the day before the Till slaying, Roy Wilkins, NAACP executive secretary, had pled for money. "Dig deep into your pockets—and do it now." And the stand taken by Mrs. Hurley did not last long. On Sunday, September 25, mass "protest rallies" were held in force in four major cities in the United States. Representative Charles Diggs and NAACP Field

Secretary Medgar Evers spoke to 65,000 people in Detroit, collecting \$14,064.88 for NAACP coffers. Dr. T. R. M. Howard, who had secured vital witnesses for the state in the Till trial, talked before a crowd of more than 2,500 people in Baltimore and collected \$3,001. In New York, Roy Wilkins and Mrs. Mamie Bradley spoke to 15,000. In Till's hometown of Chicago, *Jet* editor Simeon Booker addressed a crowd of 10,000.

"Protest rallies" sprung up in many large towns, usually meeting on Sunday. Thousands turned out to hear Mrs. Bradley, Congressman Charles Diggs, Mose Wright, Dr. T. R. M. Howard, and Ruby Hurley. The audiences made "big contributions to the NAACP."<sup>99</sup> Around October 20, 1955, Mrs. Bradley announced that she was "placing her crusade in the hands of the NAACP." One of the chief reasons was that front organizations for the Communist Party were trying to line her up for speaking engagements.

By November 19, 1955, the NAACP disclosed that over 250,000 people had heard Mrs. Bradley or Mose Wright speak. Dr. T. R. M. Howard revealed he had spoken to 30,000 people and had collected nearly \$30,000. The same day the organization cancelled Mrs. Bradley's speaking engagements. She had asked for \$5,000 for a speaking tour that had 11 appearances. The NAACP said it did not handle "commercial business," and that she should have worked "for the cause." Mose Wright replaced her on the tour.<sup>100</sup> Thus the organization against whom the "not guilty" verdict had been aimed profited enormously from this decision by the jury. Considering that many organizations, groups, and wealthy people began to donate or bequeath large amounts of money to the NAACP soon after the trial, the Emmett Till case proved a great asset in the organization's history. According to Lomax, the NAACP and the NAACP Legal Defense and Education Fund parted company during 1955 as a "result of deep internal troubling, the details of which are still in the domain of 'No comment.'"<sup>101</sup> It is suspected, but not known, that this fundraising drive contributed to the split.

According to editor Hodding Carter, the Till case "tended to coalesce the people of the Delta." Before the trial, there had been a division between the moderates and the extremists. After the acquittal, there were no voices of moderation, except perhaps Carter's.<sup>102</sup> During the fall of 1955, the Citizens' Councils snowballed. By November 1955, Mississippi Citizens' Councils had a membership of 65,000. Bill Simmons began to print a four-page monthly newspaper for the Councils; the first issue was dated October 1955. In December, the first statewide meeting of the Councils was held in Jackson. Senator Eastland spoke and called for "a South-wide organization similar to the Councils, but financed by public funds to combat segregation."<sup>103</sup> By January 1, 1956, there were at least 568 local pro-segregation organizations in the South, with a membership of 208,000. The Citizens' Councils claimed 75,000 members in Mississippi, 60,000 in Georgia,

40,000 in South Carolina, 20,000 in Louisiana, and scattered membership in Alabama, Texas, Oklahoma, Missouri, and Arkansas. The Councils were by now sending their newspaper and literature to Southern college campuses, to individuals and groups throughout the South. Even more important, they were to become a power in politics in Mississippi, in Alabama, and, to a lesser extent, in other Southern states.

Many people in the county, including many of the people connected with the case, feel that the trial had no impact on the county. Nothing could be further from reality. One immediate effect of the acquittal was to seem to place a stamp of approval on the murder, and to encourage harassment of Negroes in the county. This perception was especially true among the impressionable young people in the county. During 1955 and 1956, a great sport among many white teenagers was to ride through "Negro town" and throw cherry bombs and firecrackers at Negro houses. These actions were not restricted to teenagers. On December 3, 1955, Elmer Kimbell pulled into Lee McGarrh's service station in Glendora, Mississippi. He was, according to one account, driving J. W. Milam's pickup. He asked for gas, and went to a nearby store. When Kimbell returned, he argued with Negro attendant Clinton Melton about the amount of gas put in the tank. He told Melton, "I'm going to get my gun and come back and shoot you."<sup>104</sup> Kimbell, who had been drinking, returned a few minutes later and fired three shots, killing Melton. According to the arresting officer, Kimbell had been wounded in the shoulder when he was arrested. It was hypothesized at the trial that McGarrh had shot Kimbell when he returned to the station the second time. Then Kimball ran behind his truck, grabbed his gun, and shot Melton.

The slaying of Melton did not involve sex. The murdered man was a respected member of the local community. The Glendora Lions Club sent a resolution to regional newspapers that read:

We . . . make known our feelings and intentions with regard to the regrettable tragedy . . . which claimed the life of one of the finest members of the Negro race of this community. . . . We intend to see to it that the forces of justice and right prevail in the wake of this woeful evil. . . . We humbly confess in repentance having so lived in a community that such an evil occurrence could happen here, and we offer ourselves to be used in bringing to pass a better realization of the justice, righteousness, and peace which is the will of God for human society.<sup>105</sup>

At the subsequent trial, the Sumner courtroom was filled to capacity, largely due to the Till case. Jim McClure of Sardis, sitting in place of the ill Judge Swango, wisely banned cameras from the courtroom. Witnesses for the defense were the sheriff, a deputy sheriff, and a chief of police. According to

the district attorney, “many” members of the jury voted “guilty” on the first ballot. After four hours of deliberation, these men gave in, and the foreman returned a verdict of “not guilty.” A local newspaperman told fellow reporters that criticism from the Till trial had hardened the people there and “convinced them that they were all right and everyone else was all wrong. . . . We had forgotten . . . the fact that you can’t put one value on a Negro three hundred and sixty-four days a year and then raise him up equal in court.”<sup>106</sup>

Soon after this incident, the widow of Clinton Melton “lost control of her car” and drowned in a lake near Glendora. Testimony by Negroes before a congressional committee called this incident murder, but this interpretation was denied by local authorities, who pointed out that two children with her at the time were rescued.<sup>107</sup> The Till trial combined with the murder of Clinton Melton caused very strained race relations in the county. Negro children and whites no longer played together. Communication between adults of the races was almost completely severed. The local Citizens’ Council put pressure on local NAACP members and forced the organization underground.

No Negroes voted in Tallahatchie County. Newspapers covering the Till trial pointed this fact out to the entire world. When the 1957 Civil Rights Act passed through Congress, Negroes in the county complained to the Justice Department.<sup>108</sup> Investigations revealed that “at least since 1946,” Negroes had not been allowed to pay poll taxes. On January 26, 1963, the Fifth Circuit Court of Appeals granted an injunction against Sheriff-elect Harry Dogan, restraining him from prohibiting Negroes from paying their poll taxes and voting. As of February 1, 1963, three Negroes had become the county’s first eligible colored voters in decades. The effect of the trial is also reflected in the radical decrease in population within the county during the decade 1950–60. While Mississippi’s population did not fluctuate as much as 0.1 percent, Tallahatchie County experienced a 21.1 percent decline.

In September 1955, Mississippi was at a crossroads. The Emmett Till case was to indicate the direction that the state and its officials would head. It was to designate whether or not the law would back up the Citizens’ Councils in their fight to deprive citizens of their rights. And it would indicate whether or not the “good white people” would allow “peckerwoods” to commit violence and inflict injury on Negroes and remain unpunished. The acquittal of Milam and Bryant, along with the deluge of criticism that followed, signaled the path that the state had chosen. The week before the Tallahatchie County trial, the grand jury in Brookhaven, Mississippi, refused to indict the three men who were accused of having shot Lamar Smith on the courthouse lawn in August. Although many people were within 30 feet of the shooting, “the jury was unable to get enough evidence,” and released the trio.<sup>109</sup> Neither were indictments returned in the murder of Reverend George W. Lee, shot in Belzoni in May.

In October, windows were smashed in the home of Dr. A. H. McCoy, state NAACP president, in Jackson. No suspects were located. In Belzoni, Mississippi, grocer Gus Courts had taken over the leadership of the local NAACP chapter when Rev. Lee had been killed. He had endured economic boycott in which wholesale suppliers had stopped selling him groceries at the urging of the Citizens' Councils. By November, the number of Negroes registered to vote in Humphreys County had been reduced to two through pressure applied by the Councils. On November 25, 1955, Courts was shot and wounded with a shotgun as he stood in his store. Although the license number of the car from which the shots had come was taken down by a bystander, no arrests were made.

In 1962 and in 1963, the patterns of violence once again recurred. Negroes in Rosedale, Greenwood, and Jackson who had led in registration were shot. Medgar Evers, NAACP field secretary for Mississippi who covered the Till trial, was killed in Jackson on June 12, 1963. At the time of this writing [1963], there have been no convictions for any of these assaults.

Mississippi has, in following this course, isolated itself from the mainstream of Southern thinking. Progress evident in other sister states has caused a contrast that is not favorable. The State of Mississippi placed its official sanction on the work and aims of the Citizens' Councils. The state legislature, in the session that began in January 1956, passed laws "allowing" discrimination in all public places. Any person who enters a public place of business against the wishes of the owner or manager can be fined \$500 and imprisoned for six months.<sup>110</sup> The legislature in 1956 created a "State Sovereignty Commission." The 12-man group, headed by the governor, was to "protect the sovereignty of the State of Mississippi . . . from encroachment thereon by the Federal government." It had full subpoena powers. The Commission was granted a \$250,000 appropriation to begin with.<sup>111</sup> The Citizens' Councils were later to be granted \$5,000 per month for assisting the Commission.

The Till trial helped to force the people of Mississippi to one extreme or the other in race relations. Moderates of both races were silenced. Many daily newspapers in the state became even more radical on the race issue. The *Jackson Daily News* ran a series of stories on the Till case—an exclusive by a "newspaperman who dared to penetrate Chicago's South Side!"<sup>112</sup> The first headline read "State Negroes Held Captives in Chicago." Communication between the races was virtually nonexistent. Said Bill Simmons, national coordinator of the Citizens' Councils of America, "I think the so-called middle ground, the moderate position, will disappear, that it will become completely untenable."<sup>113</sup>

The Till case had at least one positive effect on Mississippi: it pointed up the need for better law enforcement. Soon after the trial, the newly elected Governor Coleman began to advocate the idea of a state police force—

essentially, broadening the power of the highway patrol. But those with vested interests in the status quo began to fight the plan, and it was dropped. In November 1962, a modified plan was adopted by the people in a referendum. The constitutional amendment separated the offices of sheriff and tax collector, put the sheriff on a salary basis, and allowed the sheriff to succeed himself. This reform was intended to provide much more efficient law enforcement in the state.

The Till case had an extremely adverse effect throughout the nation. Mississippi became in the eyes of the nation the epitome of racism and the citadel of white supremacy. From this time on, the slightest racial incident anywhere in the state was spotlighted and magnified. To the Negro race throughout the South and to some extent in other parts of the country, this verdict indicated an end to the system of noblesse oblige. The faith in the white power structure waned rapidly. Negro faith in legalism declined, and the revolt officially began on December 1, 1955, with the Montgomery, Alabama, bus boycott.

When Negroes lost faith in the legal solution to racial problems, many sought refuge in extremist groups. There was a "perceptible increase in the Muslim membership in 1955 and 1956." According to Professor C. Eric Lincoln:

It is entirely possible that some of the increased interest in the Muslim movement could have been derived from the lynching of Emmett Till and the fact that those responsible were not punished. It is certain that the rallies held across the country giving publicity to the murder did increase significantly the general level of hostility and resentment already present in the Negro community. It is likely that some of this hostility was canalized in the direction of Muslim recruitment. . . . The Muslims very often use the Till case in their arguments against the white man's sense of justice. To the Muslims, Emmett Till had become a symbol of the depravity of the "white devils" and of the helplessness of the federal government to provide protection for all its citizens, or to bring whites who are guilty of crimes against Negroes, to justice.<sup>114</sup>

Negroes began to demand extremism, just as the Citizens' Councils in Mississippi fostered racism on the opposite end of the spectrum. In Charleston, South Carolina, the Palmetto Conference of the African Methodist Episcopal Church suspended 80-year-old minister James Van Wright for saying in a press release that "all Negroes don't want integration." Two weeks later, the United Negro College fund junked plans to feature entertainer Josephine Baker in a benefit because "certain elements doubted her loyalty."<sup>115</sup>

The nation's image abroad was greatly impaired by the Till case. The United States had reeked with glory after the desegregation decision in May 1954. But

the acquittal of Milam and Bryant was denounced in nearly every large daily newspaper outside the United States. The State Department was believed to have compiled a file of foreign press reaction to the case. The Till case was influential in the passage of at least one important piece of legislation. In 1957, Congress passed the first Civil Rights Act since Reconstruction. The Till murder and the subsequent acquittal were the subject of much testimony before the Senate Subcommittee on Civil Rights. Six persons came before this committee to talk about the Till case.

The Civil Rights Act of 1957 contained five parts. Part I created a six-member bipartisan Civil Rights Commission, which had the power to subpoena witnesses. It was to investigate allegations that U.S. citizens were being deprived of the right to vote. Part II allowed an extra assistant attorney general in the Justice Department who would deal with civil rights. Part III extended the jurisdiction of federal district courts to include civil action by those deprived of civil rights, including the right to vote. Part IV prohibited attempts to intimidate or coerce persons voting in general or primary elections for federal officers. The attorney general was empowered to seek injunctions when a person was about to be deprived of his right to vote, and federal district courts were given original jurisdiction over these proceedings.<sup>116</sup>

In the original bill Part V provided that criminal contempt charges could be brought for disobeying the injunction, with a fine of up to \$1,000 and a jail sentence of not more than six months. Standards were set for federal jurors, so that state laws concerning jury selection were no longer applicable. The greatest point of contention over the Civil Rights Bill of 1957 was the clause that stated that a judge could fine or fail a person for criminal contempt without a jury trial. On the final bill, attempts to add a jury trial requirement were defeated. In floor debate, Senator Douglas of Illinois pointed out that Tallahatchie County, "where Roy Bryant and J. W. Milam were found innocent of murdering 14-year-old Till," had 19,000 Negroes, not one of whom voted, and thus none could serve on a jury.<sup>117</sup>

Mrs. Church, congresswoman from Illinois, Congressman Diggs, Congressman Whitten of Mississippi (first cousin of defense attorney Whitten), Congressman Rivers of South Carolina, Senator Ervin of North Carolina, and Senator Eastland, in addition to Douglas, discussed and debated the Till case on the floor of Congress.<sup>118</sup> The *Congressional Record* indicates that the Till case was a strong selling point in showing that a jury trial verdict in a race case in some Southern areas would be a farce. The bill finally passed the Senate on August 29, 1957, with an amendment to Part V stating that a person fined over \$300 or sentenced to more than 45 days could demand a jury trial, but this was still considered a victory for civil rights forces.



Mamie Bradley was right when she said, "My son, you have not died in vain." Now Negroes have a chance to register and vote in areas such as Tallahatchie County. The franchise means the possibility of Negro jurors, elected officials responsible to all segments of the population, paved roads and sewers in Negro districts, Negro police, and a wealth of civil rights. The 1960 Civil Rights Act has further strengthened the right to vote, and has given Negroes a giant push on the road to equality.

Emmett Till had not died in vain.

## NOTES

1. The details in this essay were obtained chiefly from interviews with the lawyers for the persons accused of killing Emmett Till; from the book *Wolf Whistle* by William Bradford Huie (New York: New American Library, 1959); from an interview with Huie; and from the transcript of the trial, which has since been lost. What follows is a more thoroughly detailed version of the account that appeared under the title "Shocking Story of Approved Killing in Mississippi" in *Look*, January 24, 1956, 46–48; and in *Reader's Digest*, April 1956, 57–62.
2. *Pittsburgh Courier*, September 17, 1955, 1; testimony of Mose Wright, *Official Transcript of State of Mississippi v. J. W. Milam and Roy Bryant*, Seventeenth Judicial District of the State, September 19, 1955, 5–7.
3. Quoted in Huie, *Wolf Whistle*, 20.
4. Testimony of Mrs. Roy Bryant, *Official Transcript*, 258.
5. Testimony of Mrs. Roy Bryant, *Official Transcript*, 268–69.
6. Quoted in testimony of Mrs. Roy Bryant, *Official Transcript*, 269–72.
7. The term "Judas nigger" was coined by Dr. T. R. M. Howard, a Negro activist who addressed Emmett Till protest fundraising rallies. He called the betrayer a "Judas nigger, a two-bit nigger who wanted four bits worth of credit." See Huie, *Wolf Whistle*, 42.
8. Huie, *Wolf Whistle*, 22.
9. Quoted in Huie, *Wolf Whistle*, 22.
10. Huie, *Wolf Whistle*, 18.
11. Huie, *Wolf Whistle*, 22–23.
12. Huie, *Wolf Whistle*, 23.
13. This was part of the signed, witnessed interview between Huie and Milam in the fall of 1955. Revealed to this author in personal interview with Huie, Hartselle, Alabama, October 5, 1962.
14. The account of the kidnapping is from the testimony of Mose Wright at the trial; see *Official Transcript*, 4–20; and from Huie, *Wolf Whistle*, 24.
15. The details regarding the murder come from *Wolf Whistle* unless otherwise noted.
16. Testimony of Sheriff George Smith, *Official Transcript*, 85–86, 120–27.
17. Testimony of Robert Hodges, *Official Transcript*, 100–110.
18. Testimony of Chester Miller, undertaker, *Official Transcript*, 74–75.
19. Personal interview with C. F. Nelson, owner of funeral home, Tutwiler, Mississippi, July 25, 1962.

20. Personal interview with Harry D. Malone, embalmer, Cleveland, Mississippi, July 28, 1962.
21. *Delta Democrat-Times*, September 6, 1955, 4.
22. *Commercial-Appeal*, September 2, 1955, 4.
23. *Commercial-Appeal*, September 2, 1955, 4.
24. The following editorials were reprinted in the *Commercial-Appeal*, September 4, 1955, 1.
25. Personal interview with Hamilton Caldwell, county prosecuting attorney, Charleston, Mississippi, August 15, 1962.
26. Personal interview with J. J. Breland, dean of defense attorneys, Sumner, Mississippi, August 15, 1962.
27. *Commercial-Appeal*, September 1, 1955, 1.
28. *Jackson Daily News*, September 1, 1955, 1.
29. *Jackson Daily News*, September 1, 1955, 1. Notorious for quoting people out of context to make the statements fit their editorial policy, the paper left off the first seven words of Wilkins's statement: "It would appear that the state of . . ."
30. *Jackson Daily News*, September 2, 1955, 1.
31. *Greenwood Commonwealth*, September 2, 1955, 1.
32. *St. Louis Post-Dispatch*, September 2, 1955, 2B.
33. Quoted in *Jackson Daily News*, September 3, 1955, 1.
34. *Commercial-Appeal*, September 4, 1955, 1.
35. Information on all five lawyers gleaned from interview with attorney J. W. Kellum, Sumner, Mississippi, July 25, 1962.
36. Interview with Breland.
37. Interview with Caldwell.
38. *Jackson Daily News*, September 6, 1955, 1.
39. Interview with Breland.
40. Telegram to Strider from Jackson, Mississippi, September 4, 1955.
41. *Secret Indictment Record*, 2nd Judicial District, Tallahatchie County, Mississippi, vol. 3, 567.
42. *Commercial-Appeal*, September 4, 1955, sec. 1, 2.
43. Interview with Caldwell.
44. *Secret Indictment Record*, 568.
45. Personal interview with Robert B. Smith III, special prosecuting attorney, Ripley, Mississippi, August 16, 1962.
46. *St. Louis Post-Dispatch*, September 1, 1955, sec. A, 7, emphasis added.
47. "Chicago Boy," *Nation*, September 17, 1955, 234.
48. Letter to author from Mrs. Ruby Hurley, regional secretary, NAACP, Southeastern Region, December 5, 1962.
49. *Commercial-Appeal*, September 2, 1955, 19.
50. *Commercial-Appeal*, September 2, 1955, 19. Ironically, Kimbell was tried a few months later for the murder of a Negro, Garland Melton. Like his "best friend" Milam, he was acquitted by an all-white jury despite several witnesses to the crime.
51. *Delta Democrat-Times*, September 6, 1955, 4. Copied by permission of the editor.
52. Letter addressed to Roy Brynt [*sic*] that was signed in an obscene manner, mailed from Chicago, Illinois, dated September 6, 1955.

53. Interview with former sheriff H. C. Strider, at his plantation near Webb, Mississippi, August 2, 1962.
54. Letter to Strider from "a six generation American," Detroit, Michigan, dated September 20, 1955.
55. Letter to Strider from "A [sic] Indiana Resident," postmarked Cleveland, Ohio, September 21, 1955.
56. Letter to Strider, unsigned, postmarked Chicago, Illinois, September 23, 1955.
57. Letter to Strider from Morehouse, Missouri, dated September 11, 1955.
58. *Commercial-Appeal*, September 20, 1955, 1.
59. Louis E. Lomax, *The Negro Revolt* (New York: New American Library, 1963), 85–87.
60. *Pittsburgh Courier*, editorial, September 24, 1955, 10.
61. *Mississippi Code Annotated*, 1942, sec. 1762, 1764, and 1765.
62. Statistics from U.S. Bureau of the Census, *Census of the United States; 1950, General Characteristics* (Washington, D.C.: Government Printing Office), xxiv, 71.
63. *Mississippi Code Annotated*, 1942, sec. 1762.
64. Voir dire questions from the *Commercial-Appeal*, September 20, 1955, 1, 15.
65. Personal interview with J. J. Breland, defense attorney, Sumner, Mississippi, August 15, 1962.
66. Interview with Breland.
67. Interview with Breland.
68. Interview with Breland.
69. Interview with Smith.
70. Interview with N. Z. Troutt, former deputy sheriff, Charleston, Mississippi, August 1, 1962.
71. Mose Wright's testimony, *Official Transcript*; testimony of Chester A. Miller and C. F. Nelson, *Official Transcript*, 64–80, 94–100, 177–79; testimony of Mamie Bradley, *Official Transcript*, 180–87.
72. Testimony of Willie Reed, *Official Transcript*, 221–35.
73. Interviews with prosecutor Smith and defense attorney Breland.
74. *Official Transcript*, 260–65.
75. Personal interviews with each juror.
76. Testimony of Sheriff H. C. Strider, *Official Transcript*, 285–87.
77. Testimony of L. B. Otken, examining physician, and H. D. Malone, embalmer, *Official Transcript*, 293–303, 311–20.
78. Personal interview with Breland.
79. Personal interview with Smith.
80. Personal interview with each juror.
81. Attorneys' summations were not included in the official transcript; see *Commercial-Appeal*, September 24, 1955, 2.
82. Both summaries quoted in Dan Wakefield, "Justice in Sumner," *Nation*, October 1, 1955, 285.
83. Personal interview with jurors.
84. Personal interview with jurors.

85. Personal interview with Breland.
86. Reprinted in the *Commercial-Appeal*, September 25, 1955, 7.
87. *Pittsburgh Courier*, October 1, 1955, 1.
88. "In Memoriam, Emmett Till," *Life*, October 10, 1955, 48.
89. *Commercial-Appeal*, October 16, 1955, sec. 1, 4.
90. Testimony of Sheriff George Smith, *Official Transcript*, 91–93.
91. William Bradford Huie, "What's Happened to the Emmett Till Killers?" *Look*, January 22, 1957, 65.
92. Huie, "What's Happened to the Emmett Till Killers?" 65, 66.
93. Interviews with eyewitnesses, local law-enforcement officers. According to court records, Milam was not prosecuted for this offense although he was arrested.
94. Quoted in John Lafarge, "The Emmett Till Acquittal," *America*, October 8, 1955, 31.
95. Personal interview with Strider.
96. Interview with Roy E. Johnson, district attorney, Senatobia, Mississippi, July 28, 1962.
97. *Chicago Defender*, October 1, 1955, 2.
98. *St. Louis Argus*, September 23, 1955, 13.
99. *Pittsburgh Courier*, October 2, 1955, 10.
100. *Chicago Defender*, November 19, 1955, 1.
101. Lomax, *The Negro Revolt*, 12.
102. Letter to the author from Hodding Carter, Tenants Harbor, Maine, August 15, 1962.
103. Quoted in John B. Martin, *The Deep South Says "Never"* (New York: Ballantine, 1957), 34.
104. Quoted in David Halberstam, "Tallahatchie County Acquits a Peckerwood," *The Reporter*, April 19, 1956, 27.
105. *Mississippi Sun*, December 8, 1955, 1.
106. Quoted in Halberstam, "Tallahatchie County Acquits a Peckerwood," 30.
107. U.S. Congress, Senate, Subcommittee of the Committee on the Judiciary, *Hearings, Civil Rights—1956*, 84th Cong. 2nd sess., 552.
108. U.S. Department of Justice, *Report of the U.S. Commission on Civil Rights, 1959*, 55.
109. *Tri-State Defender*, October 1, 1955, 2.
110. *Mississippi Code Annotated*, 1942, sec. 2046.5.
111. Testimony of Governor J. P. Coleman of Mississippi, U.S. Senate Subcommittee, *Hearings, Civil Rights—1956*, 758.
112. *Jackson Daily News*, October 3, 1955, 1.
113. *New York Times*, September 2, 1962, sec. E, 9.
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