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Civil Rights Killers and the Courts

Exactly two months after James Earl Ray pleaded guilty to the slaying of the Rev. Dr. Martin Luther King, Jr., and was sentenced to 99 years in prison, an all-white federal court jury in Meridian, Mississippi, acquitted three Ku Klux Klansmen accused of murdering a black civil rights leader and could not agree on verdicts for seven other Klansmen also implicated in the crime.

The ten were being tried for the first time on federal charges in connection with the January 1966 slaying of Vernon Dahmer whose store and home in Hattiesburg was firebombed.

Three times 16 persons had been indicted on federal charges of conspiring to "intimidate, coerce and threaten" Dahmer but the first two times the indictments were dismissed and it was not until early this past May, 40 months after the crime and 16 months after the third set of indictments, that any of the 16 were tried. And then none were convicted.

U. S. District Court Judge Dan Russell, an outspoken segregationist and a political ally of Sen. James Eastland of Mississippi, was instrumental in the delay between indictments and trial.

For one of those indicted, Klan Imperial Wizard Sam Holloway Bowers, Jr., it was the second time this year that he had won a mistrial. In January Bowers had won a mistrial after being tried for the murder of Dahmer in a county court.

That January trial was the second time Bowers had been tried in county court in connection with the slaying and the second time a county court jury was unable to reach a decision. Last year a jury was deadlocked for 22 hours while attempting to reach a decision on a charge of arson against the Klan wizard. However, Bowers remains held in jail without bond on the state charge of murder.

Another of the seven who won a mistrial in federal court was Charles Clifford Wilson. Wilson also had been indicted by the county grand jury on a murder charge but has not yet been brought to trial. Two days before the county jury indicted him, Wilson received the distinguished service award from the Laurel Junior Chamber of Commerce. Laurel is a small town, and a Klan stronghold, about 30 miles northeast of Hattiesburg.

One of the three found innocent by the federal jury was James Frank Lyons who had earlier won a mistrial when tried on murder charges before the county jury.

Besides Lyons and Bowers only three persons, of 13 indicted, were tried in county court. One was found guilty of arson and sentenced to 10 years in prison, the other two received life sentences on murder charges. Of six trials then, including the two times Bowers was tried, only three convictions were obtained and eight persons have never been brought to trial at all.

Last November a federal court jury returned a \$1,022,500 judgement against three Klansmen and the White Knights of the Ku Klux Klan for the June 1966 slaying of Ben Chester White, a 65-year-old black man. The damage suit was filed by White's relatives after county action came to nothing and the federal government did not even bother to do anything.

A county grand jury did indict the three although the federal government never attempted to obtain indictments. However, one Klansman was eventually acquitted, another won a mistrial and the third has never even been brought to trial.

The federal jury did not find the Klan guilty in the damage suit trial. The jury only decided the amounts to be awarded in damages after the verdict was ordered by Judge Harold Cox.

White's murder was one of the most vicious slayings to be committed in modern day Mississippi. White had not even been involved in civil rights.

The 65-year-old White was lured from his home by the three white men who asked him to help them search for a lost dog. Once they got White to a secluded area, they shot him 17 times with a rifle, blew the top of his head off with a shotgun, and then dumped his body in a creek. But these details did not move a jury enough to produce any convictions. Nor did strong joint efforts by law enforcement officers, local officials and civic leaders, all pushing for a conviction, have any effect on the two juries in the Dahmer case who could not agree to return a conviction for Bowers.

Juries then, even integrated juries as in the Bowers case, are still not inclined to convict those who murder blacks or persons active in civil rights.

But not only have juries failed in dealing with such killers, so have county, state and even federal officials.

Since early 1963 at least 33 persons have been killed in the South--all except ~~14~~¹⁴ of them in Mississippi--because they were black or because they were involved in civil rights. At least 74 persons were involved in those killings, perhaps five to 30 more because surely more than one person was involved in the dynamitings and fire bombings that caused the deaths of six persons for which there were no arrests. But only 46 persons were indicted on federal charges and only 37 persons were indicted on state charges.

In federal courts only 52 per cent of those indicted, 38 men, were ever brought to trial, and only 12 of those 38 men were ever convicted.

In state or county courts only 23 of the 37 persons indicted on state charges were ever brought to trial and a mere seven were convicted.

(These figures do not count repeat indictments. They count only the set of indictments involving the largest number of persons when more than one set of indictments were handed down for the same crime which has occurred in the cases of two separate killing incidents.)

The states were able to obtain the seven convictions out of 37 indictments because in all but two cases the killings were not related to civil rights. (Although convictions were not obtained in all non-civil rights cases.) The one civil rights killing conviction was the King case in which, of course, Ray pleaded guilty. The other was the Dahmer case, in which only three of 13 men indicted were convicted.

An examination of the other convictions reveals that the crimes were especially reprehensible and did not involve persons active in civil rights. Nor did any of them occur in Mississippi where even the accused killers of White were not convicted.

On September 15, 1963, 13-year-old Virgil Ware was riding on the handle bars of his brother's bike. Two white youths sped past on a motor scooter plastered with Confederate stickers. One of the white boys pointed a .22 pistol, fired twice, and Ware fell dead, one of six killings that day in Birmingham.

Both white youths were caught and signed confessions. The two, both Eagle Scouts, were charged with first degree murder. When they were brought to trial, they were convicted, but on reduced charges of second degree manslaughter, and sentenced to seven months imprisonment. However, the youth who had fired the shots was placed on two years probation and sent home free.

Another state conviction occurred almost as long ago. Mrs. Johnnie Mae Chappel was shot on March 23, 1964, while walking along a street in Jacksonville, Florida. A young white man was sentenced to ten years for the killing.

Three persons were indicted for the July 15, 1965, slaying of Willie Brewster in Anniston, Alabama. Two were tried. One, charged with being an accomplice to the murder, was acquitted. Herbert Damon Strange, after the jury deliberated for a day and a half, was convicted on a reduced charge of second degree murder and sentenced to ten years in prison but was freed on bond. Brewster was a dependable factory worker and father of four and Anniston is a town with a moderate racial atmosphere.

Only two days earlier in a nearby town, a black man charged with assaulting a white woman was sentenced to 40 years in prison after only minutes of deliberation by the jury.

But the problem in bringing action against alleged killers has not rested slowly with juries. The state never took any action against the persons who killed 16 blacks or civil rights workers.

In the Philadelphia, Mississippi, triple slayings, for example, a county grand jury refused to issue any indictments. Instead it issued praise for the conduct of law enforcement officers, including Deputy Sheriff Cecil Price who was later convicted in federal court, for their behavior in the face of "drastic provocation by outside agitators."

When the FBI arrested 21 men in connection with the killings on December 4, 1964, the state said it would not file any charges of its own. The next month Governor Paul Johnson said that the state would prosecute the killers only if the evidence warranted it. Evidently it didn't.

After the Birmingham church bombing in which four young girls were killed, Al Lingo of the Alabama State Troopers arrested three men with Klan backgrounds. They were simply charged with illegal possession of explosives.

The three were convicted in Recorder's Court, sentenced to 90 days and fined \$100 each. They appealed and the state circuit court overturned the convictions. That was the end of the state's role in the case.

The FBI, which was conducting a fruitless investigation, commented, "This investigation was prejudiced by premature arrests made by the Alabama Highway Patrol. Consequently it has not yet been possible to obtain evidence or confessions to assure successful prosecution."

The FBI was never able to obtain the necessary evidence or confessions.

But not only Southern states have been guilty of inaction. The federal government has also been guilty of inaction and poor action.

No federal action was ever taken in such killings as:

William Moore, the postman who was walking from Chattanooga, Tennessee, to Jackson, Mississippi, to appeal to the governor to grant blacks their constitutional rights.

Medgar Evers, Mississippi NAACP leader who was working to enable blacks to gain their voting and other rights.

Jonathan Daniels, who went to Alabama to aid a voter registration drive.

Willie B. Tucker, who was in interstate travel when slain.

Federal action could have been taken in all of these cases.

For example, the killers of Lemuel Penn, who was involved in interstate travel when shot, were brought to trial by the Justice Department, but not the alleged killers of Moore and Tucker.

In the case of Rev. James Reeb, who was murdered while aiding a voter registration drive in Selma, Alabama, federal charges were lodged against the four accused killers but the government never carried the case any further.

In the Philadelphia, Mississippi, killings, the federal government's performance is questionable. In spring of 1967, for example, when Judge Harold Cox postponed the trial on his own motion, Justice Department attorney Robert Owen said the government did not plan to do anything to speed up the trial.

Earlier, the Justice Department assured its own defeat in one round of this case.

In the Williams case of 1953 Justice Felix Frankfurter ruled for the U. S. Supreme Court that in order to try someone under Section 241 of the U. S. Code (the violation of which is a felony) it had to be charged that both a federally protected right such as due process and a federally created right, such as the right to vote, had been violated.

When the Justice Department filed "information affidavits" on the 21 arrested persons before U. S. Commissioner Esther Carter it brought charges under both Section 241 and Section 242 and included the fact that both a federally protected right (due process) and a federally created right (the right to vote and encourage others to vote, and the right of free speech) had been violated. Miss Carter dismissed the affidavits.

The department then attempted to indict 17 persons implicated in the slayings under Sections 241 and 242 before a grand jury called by Judge Cox. However, this time the department did not include the fact that a federally created right had been violated. Because of this, defense attorneys made a motion that the charges be dismissed since no federally created right had been violated. Judge Cox did not dismiss the misdemeanor charges under Section 242 but he did dismiss the felony charges under Section 241.

The Justice Department finally obtained a new set of indictments under which the trial was held and seven convictions obtained.

This poor record concerning these 33 civil rights slayings has not only played a roll in encouraging lawlessness on the part of others, but it has also permitted persons to become involved in more than one crime.

After the Philadelphia killings, for example, Sheriff Lawrence Rainey and Deputy Sheriff Price were indicted for depriving blacks of their civil rights because of their roles in beating seven black prisoners on three separate occasions.

Sam Holloway Bowers, Jr., had been indicted by the federal government for both the June 1964 Philadelphia slayings and the January 1966 firebombing which took the life of Dahmer. He was finally one of the seven convicted for the Philadelphia slayings but, as already mentioned, has yet to be convicted in either federal or county court for his role in the Dahmer slaying.

Also indicted by the federal government for the Dahmer slaying was Mordaunt Hamilton, Sr., a Hattiesburg hardware dealer. Before the Dahmer slaying, Hamilton had been freed five times on charges of beating civil rights workers. After one of those acquittals, Hamilton even attacked the civil rights worker a second time on his way out of the court building.

Herbert Damon Strange, while free on bond in the July 1965 slaying of Willie Brewster, was again arrested in May 1966. This time the charges were for beating and kidnapping a white man who was riding in a car with a black man. Strange was again freed on bond. But on November 5, 1966, his violent activities came to a violent end--he was shot to death in a honky-tonk brawl.

Deputy Sheriff Price, indicted three times and finally convicted for the Philadelphia slayings, toured the South, appearing at Klan rallies following the first set of indictments. The three accused slayers of Lemuel Penn were to do the same.

Sheriff Rainey hired as a deputy a former Philadelphia patrolman, Richard Willis, who was also indicted. (Willis, like Rainey, was acquitted by the federal jury.) And Sheriff Rainey appeared in Meridian newspaper advertisements for a chiropractic clinic. The ads were headlined "Civil Rights Got Him Down In The Back."

On August 4, 1965, Cecil William Meyers and Joseph Howard Sims were acquitted by a county jury in the slaying of Penn. In October the pair showed up in Crawfordville, Georgia, where they tried to attack a Southern Christian Leadership Conference photographer and where they were later arrested for attempting to beat a black farmer.

As did Meyers, Sims and Deputy Sheriff Price, the accused killers of Mrs. Viola Gregg Liuzzo also appeared at Klan rallies following their indictments. County and federal grand juries indicted Collie Leroy Wilkins, Eugene Thomas and William Orville Eaton for first degree murder and conspiracy to violate federal civil rights statutes, respectively. The three then went off to march in Klan parades in North Carolina and Atlanta. In North Carolina, where they also attended a Klan rally, they were given a standing ovation.

But unlike the other killers, a strange justice followed these three men..

The three were convicted on the federal charges but then were freed on appeal. Following this Eugene Thomas was convicted in federal court of illegal possession of a sawed-off shotgun, Collie Leroy Wilkins went to jail for parole violation in a federal firearms case, and William Orville Eaton died of a heart attack.

But that this can be seen as a victory of sorts only symbolizes the low state of justice in the South.

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