University of Baltimore Law Forum

Volume 34
Number 2 *Spring 2004*

Article 2

2004

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Time's glory is to calm contending kings,
To unmask falsehoods and bring truth to light....
– William Shakespeare[1]

I. Introduction

On October 18, 1933, in Princess Anne, Maryland, a mob of at least 500 white Eastern Shore residents gathered around the county jailhouse.[2] They cried out for "justice." They wanted to see George Armwood, an African American male charged of attacking an eighty-one-year old elderly white woman, punished.[3] A fight ensued at the jailhouse door; thirteen State Troopers were injured.[4] Overcome, officers failed to stop the stampede.[5]

The mob dragged Armwood from his cell to the street.[6] They raised up his body and lynched him.[7] The next day, Governor Albert Cabell Ritchie ordered the Attorney General of the State of Maryland to take charge and lead the investigation.[8] With the aid of detectives from Baltimore, several suspects were later arrested.[9] One of the suspects was a police officer.[10] However, no one was ever charged or convicted in the death.[11] Case closed.[12]

Imagine – you are a prosecutor in Maryland with enough evidence on the perpetrators of this crime to bring the case to trial. Would you reopen the case seventy years later and prosecute, knowing that you will face evidentiary problems and possible public backlash?

Over the last twenty years, state prosecutors are increasingly addressing similar questions and, in some cases, deciding to prosecute.[13] Maryland prosecutors could soon face such decisions. In addition to the Armwood murder, there are other unresolved civil rights crimes in Maryland's past, including: (1) at least six deaths and 600 injuries during the 1968 Baltimore City riots;[14] (2) a non-fatal shooting of a police officer in 1967;[15] and (3) a mob lynching in 1931.[16]

Aside from evidentiary hurdles, should Maryland prosecutors try these cases, they will inevitably face issues of politics. To be sure, prosecuting unresolved civil rights cases would create its own niche of prosecutorial rules and pitfalls in Maryland.

II. Should We Prosecute Unsolved Civil Rights Crimes?

Legal scholars, historians and civil rights attorneys differ on whether past unsolved civil rights crimes should be prosecuted. Dr. Sylvia Bradley, former American history professor at Salisbury University, argues that crimes in the distant past, like the 1930s, should not be prosecuted.[17] According to Dr. Bradley, such prosecutions would revive animosity or racial dissent, which was buried by progress during the civil rights movement and through time.[18] Further, Dr. Bradley suggests that more recent civil rights crimes should be prosecuted as a matter of criminal justice and in light of the evidence specific to the case, not as hostile response to racial acts committed in the past.[19]

Other state civil rights leaders and historians disagree. Neil Duke, a Maryland attorney and NAACP Baltimore Chapter First Assistant Vice-President, contends that past civil rights crimes should be prosecuted without regard to negative feelings that may resurface.[20] In Mr. Duke's view, society needs to confront past crimes in order to move forward.[21] Professor Sherrilyn Ifill, an expert on 1930s civil rights crimes, agrees with Mr. Duke.[22] Professor Ifill asserts that since mass lynchings are crimes committed by many members of a community, they are crimes committed essentially by society.[23] According to Professor Ifill, society must reconcile its past problems to improve and understand present circumstances.[24] Lastly, Cambridge Police Department Chief Kenneth Malik opines that police officials should investigate and prosecute these past crimes because they are crimes, and, as such, all crimes should be followed

through to closure.[25]

Bradley, Duke, Ifill, and Malik raise fundamental issues relating to the vindication of past civil rights crimes. Indeed, prosecuting such crimes should be undertaken if there is enough evidence. Moreover, unresolved past civil rights crimes are no different than any other crime and should not be afforded special treatment to bypass the criminal justice system. In addition, prosecuting the perpetrators of these crimes would serve as reinforcement to minority groups that their rights would be heard by society and the criminal justice system. By prosecuting past civil rights crimes, the criminal justice system, which is cast in a shadow of distrust by many in the minority community, could demonstrate that it strives to serve their interests, not merely the interests of the wealthy, the few, and the privileged.

III. Types of Evidence

As many law students may recall from their second year of law school, there are two types of evidence: direct and circumstantial. According to Black's Law Dictionary, direct evidence is "evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption."[26] Circumstantial evidence, on the other hand, "consists of proof of collateral facts and circumstances from which the existence of a main fact may be inferred according to reason and common experience."[27] Prosecutions of unresolved civil rights crimes fall into three case scenarios: (1) the case against the defendant will only involve direct evidence; (2) the case will involve a combination of direct and circumstantial evidence; and (3) the case will involve only circumstantial evidence showing the defendant's guilt.

Cases in which prosecution occurs years after the crimes were committed tend to use circumstantial evidence.[28] Indeed, lack of direct evidence could be a reason for not prosecuting these cases in the first place.[29] Naturally, state investigations conducted years after these crimes occurred would more likely discover circumstantial evidence than direct evidence, which may have been lost or destroyed. As a result, it is likely that prosecutors would rely on circumstantial evidence, with a scant level of direct evidence, to seek indictments and, thereafter, successfully prosecute past civil rights cases.[30] To be sure, the United States Supreme Court held it is possible to secure a conviction with only circumstantial evidence of a defendant's guilt,[31] but it is uncommon that a case against a defendant would only involve circumstantial evidence.

One conviction, however, stands out for its near total dependency on circumstantial evidence. In 1963, the nation was stunned by the bombing of the Sixteenth Street Baptist Church in Birmingham, Alabama in which four young African American girls were killed and a number of other people injured as a result of a domestic terrorist attack by Klu Klux Klansman Robert Edward Chambliss.[32] The church was destroyed.[33] The only stained glass window in the church that remained in its frame showed Christ leading a group of little children,[34] but the face of Christ was blown out.[35] President John F. Kennedy, yachting off Newport, Rhode Island, was notified by radiotelephone almost immediately and Attorney General Robert F. Kennedy ordered Burke Marshall to Birmingham.[36] Within days, at least twenty-five FBI agents, including bomb experts from Washington, were sent to investigate the bomb scene.[37]

Despite substantial federal and local resources, the State of Alabama indicted Chambliss in September of 1977.[38] As the appellate court noted, by that time, the case against Chambliss was largely circumstantial.[39] The prosecutor's office relied on statements and conduct by Chambliss evidencing his anger and racism towards African Americans (i.e., his membership in the Klu Klux Klan), his knowledge of bomb making, and a conversation with his niece a day before the bombing in which he stated that "he had enough stuff put away to flatten half of Birmingham" and "[y]ou just wait until after Sunday morning, and they will beg us to let them segregate ... just wait ... [y]ou will see."[40] More damning, however, was a statement made in the presence of his niece on the Saturday evening following the bombing.[41] According to Chambliss' niece, a television broadcast mentioned the likelihood of murder charges stemming from the bombing and that Chambliss responded, "It wasn't meant to hurt anybody. It didn't go off when it was supposed to."[42] Additionally, Ms. Gertrude Glenn testified for the State and said that she saw

Chambliss' automobile parked on Seventh Avenue North behind and across an alley from the church at two o'clock on the morning of the explosion.[43] No one, though, saw Chambliss at the crime scene moments prior to or after the bombing. Nevertheless, Chambliss was convicted for the murders in 1977 and died in jail eight years later at the age of eighty-one.[44]

Affirming the trial court's decision, the appellate court emphasized, "As we have indicated this case is based on circumstantial evidence. Appellant did not testify. The evidence presented by the State [is uncontradicted]."[45] Moreover, the court noted, "Where the State relies upon circumstantial evidence for a conviction testimony may permissibly take a wide range and any fact from which an inference may be drawn is competent evidence."[46]

While *Chambliss* relied almost exclusively on circumstantial evidence, most cases, including past civil rights crimes, require and involve both circumstantial and direct evidence.[47] For instance, Alabama prosecutors used circumstantial evidence of the defendant's conflicting statements, which placed him at the crime scene at the approximate time of the homicide.[48] The prosecution also presented direct evidence that the murder weapon was observed in the defendant's home prior to the crime.

IV. Conviction Standards & Appellate Review

From almost day one in criminal law class (or by watching *The Practice* or *Law & Order*), law students learn that in a criminal trial the prosecution has the burden of persuasion as to every element of the case.[49] The Court of Special Appeals of Maryland has held that a judge must view the evidence in the light most favorable to the prosecution when determining whether the prosecution has established a *prima facie* case.[50] The general standard of proof for a criminal conviction is belief beyond a reasonable doubt.[51] That standard applies to the three types of evidentiary scenarios mentioned *supra*.

As the *Chambliss* case demonstrated, rarely, however, does the process of litigating civil rights crimes end at the trial court stage; appellate courts often weigh in. Appellate courts have upheld convictions if the direct and circumstantial evidence supported rational inferences from which the trier of fact could have been convinced beyond a reasonable doubt of the essential elements of the crime.[52] However, federal and state case law dictates that convictions based solely on circumstantial evidence are also subject to other standards.[53] The Court of Special Appeals of Maryland has stated that inferences of circumstantial evidence must be inconsistent with any theory of innocence.[54] When considering the evidence, a conviction may be achieved even if there is a weak link in the chain of custody, meaning not every link of the chain needs to reach the reasonable doubt standard.[55] The culmination of evidence, however, must reach the reasonable doubt standard.[56]

If the evidence presented does not counter all theories of innocence there is a "mere suspicion" of the defendant's guilt.[57] Both federal and state case law hold that a "mere suspicion" of guilt cannot lead to a conviction.[58] Since the "mere suspicion" standard is subjective, case law is inconsistent with regard to convictions and acquittals. Cases resulting in acquittals with seemingly strong evidence to the contrary include one in which the defendant was seen away from the scene shortly after the crime occurred.[59] In another case, a defendant's presence in a room where a theft occurred was not strong enough evidence to meet the "mere suspicion" standard because others had access to the area.[60]

The discussion, *supra*, assumes, naturally, that a prosecutor is able to build a case for trial to satisfy these standards for conviction. In cases of past civil rights crimes, however, that assumption is difficult to realize. Indeed, piecing together the prosecution of a past civil rights crimes is in and of itself a difficult endeavor.

V. Litigation Problems

Although circumstantial evidence may result in (or sustain) criminal convictions, evidentiary problems may arise while gathering evidence for cases years after the crimes occurred. Such problems include the admission of out-of-court statements, which may include statements from dead or lost witnesses, and racially sensitive evidence.

Another problem is the possibility that evidence has been lost in the intervening years.

The issue of the admissibility of out-of-court statements is significant, if not crucial, in the context of past civil rights crimes. It is well recognized that out-of-court statements of witnesses may not be admissible hearsay if they are made long after the crimes occurred and are not subject to cross-examination.[61] However, United States Supreme Court precedent and the Maryland Rules of Evidence (Rules) provide exceptions. In *Williamson v. United States*, the Supreme Court held that out-of-court statements are admissible through hearsay exceptions.[62] In Maryland, some exceptions include: (1) present sense impressions;[63] (2) excited utterances;[64] (3) statements of then existing mental, emotional, or physical condition;[65] (4) former testimony;[66] (5) statement under belief of impending death;[67] (6) statement against interest;[68] and (7) statement of personal or family history.[69] Indeed, in the 1994 prosecution of Medgar Evers, killed in 1963, the Mississippi Supreme Court relied on a former testimony exception to allow a transcript of an unavailable witness into evidence because the witness had been cross-examined during previous testimony.[70]

Past civil rights crimes prosecuted today, however, must overcome yet another evidence law burden – the landmark *Crawford v. Washington* decision.[71] There, Justice Antonin Scalia, writing for a 7-2 majority, concluded that based on the Framers' understanding of the Sixth Amendment confrontation right, testimonial statements of a witness absent from trial are admissible only where the witness is unavailable, and only where the defendant had a prior opportunity to cross-examine.[72] Justice Scalia emphasized that the history of the Confrontation Clause supports two principles: (1) the principal evil at which the Clause was directed was the civil law mode of criminal procedure, particularly the use of *ex parte* examinations as evidence against the accused,[73] and (2) the Framers would not have allowed admission of testimonial statements of a witness who did not appear at trial unless he was unavailable to testify and the defendant had a prior opportunity to for cross-examination.[74] An extra-judicial statement is testimonial in nature if the statement was made "under circumstances which would lead an objective witness reasonably to believe that the statement would be available for use at a later trial."[75]

Aside from the devastating effect *Crawford* may have on the prosecution of child molesters,[76] it may severely limit the breadth of available evidence against defendants in civil rights cases. Indeed, statements made to police officers or prosecuting offices years ago may not be admissible if the witness is now dead or is otherwise unavailable to testify.

As if *Crawford* is not in and of itself an unmovable hurdle, lost evidence may be.[77] However, pursuant to the Rules the previous existence of lost evidence may be proved through authenticated public records describing the evidence.[78] Also, a copy of a lost transcript may be admitted if authenticated.[79]

Naturally, the prosecution of civil rights crimes often includes racially sensitive evidence, ranging from evidence showing racial prejudice of the defendant to evidence showing membership in traditional racist organizations.[80] Rule 5-403 permits the admission of relevant evidence unless it is substantially outweighed by unfair prejudice.

VI. Beyond the Law: The Politics of Prosecuting Past Civil Rights Cases

In the media age, polls drive campaigns and government action. True, there are some politicians with the courage and conviction to do what is right regardless of the political consequences. Yet, more and more, as the Karl Roves and James Carvilles of America drive the political decision-making process, major decisions must first be politically correct. Prosecuting past civil rights cases is not an exception to this prevailing trend. Today, these cases benefit from a more favorable political environment.

"Before Emmett Till's murder, I had known the fear of hunger, hell and the Devil. But now there was a new fear known to me – the fear of being killed just because I was black," wrote Mississippi civil rights activist Ann Moody.[81] Emmett Till was a fourteen-year-old from the South Side of Chicago visiting his relatives near Money, Mississippi.[82] Joined by his cousin, Emmett met up with

some other black children outside Bryant's Grocery and Meat Market.[83] Outside of the store, Emmett showed off a picture of a white girl who was a friend of his in Chicago.[84] One of the boys told Emmett, "Hey, there's a [white] girl in that store there. I bet you won't go in there and talk to her."[85] Emmett took up the dare and went into the store. As he left, he told the woman, "Bye, Baby."[86] A few days later that woman's husband, Roy Bryant, returned from a trucking job.[87] The woman told her husband about the incident in the grocery store. In response, he and his brother-in-law, J.W. Milam, took Emmett from his cousin's home and killed him.[88] Emmett was tortured with a metal fan that crushed his face and then he was dumped into the Tallahatchie River with a noose of barbed wire.[89] Neither man was convicted of a crime.[90] As *Chicago Sun-Times* writer Mary Mitchell noted, "No one – not a judge or jury – would dare convict the men who meted out the punishment."[91]

It has taken this nation, and Mississippi, forty-nine years to resurrect this case. Recently, Senator Charles Schumer (D-New York) and Congressman Charles Rangel (D-New York) urged the federal government to re-examine the 1955 murder of Emmett.[92] On May 10, 2004, the United States Department of Justice and the Leflore County district attorney announced that they would reopen the case, which was prompted largely by two documentaries that claim the crime involved as many as ten people, not just the two men acquitted.[93]

VII. Conclusion

Prosecuting past civil rights crimes draws immediate media attention. The recent Till case developments and the 2002 prosecution of a York, Pennsylvania mayor for the 1969 race-riot murder of a young black woman are merely some examples.[94] These cases, these moments of past sin and the failings of our criminal justice system, are instant dramas. Yet, for prosecutors, these cases may be among the most important tests of their respective careers, both legally and politically. America has moved faster, and stronger than most nations in addressing a history of violence and injustice. We still have further to go. Another step in the direction of healing is to open these cases, try these cases – should the evidence to prosecute exist – and ensure that justice is served.

ABOUT THE AUTHOR

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[1] William Shakespeare, King Henry VIII, Section II, *reprinted in* THE COMPLETE WORKS, at 941-42 (Arthur Henry Bullen ed., Barnes and Noble 1st ed. 1994).

[2] *Ritchie Ouster Urged; Lynch Probe Widens*, Wash. Post, Oct. 20, 1933, at 1A; Telephone interview with Sherrilyn Ifill, Professor, University of Maryland School of Law (Oct., 2002).

[3] *Ritchie Ouster Urged*, *supra* n. 3, at 1A.

[4] *Id.*

[5] Professor Ifill interview, *supra* n. 3.

[6] *Id.*

[7] *Ritchie Ouster Urged*, *supra* n. 3, at 1A.

[8] *Id.*

[9] *Id.*

[10] Professor Ifill interview, *supra* n. 3.

[11] *Id.*

[12] *Id.*

[13] *Beckwith v. State*, 707 So. 2d 547 (Miss. 1997), *Chambliss v. State*, 373 So. 2d 1185 (Ala. Crim. App. 1979).

[14] Telephone interview with John Wallace, Sergeant, Baltimore Police Department Arson Investigation Unit (Oct., 2002); *Federal Forces Rise to 4,900 as Violence Fans Out from the Slums*, BALT. SUN at 1A, April 9, 1968; *Sharp Drop Reported in Lootings and Fire Between 9 and 11 P.M.*, BALT. SUN. at 1A, April 10, 1968.

[15] Telephone interview with Kenneth Malik, Chief, Cambridge, Maryland Police Department (Oct., 2002).

[16] Parallel in Probes, BALT. SUN, unknown page (October 25, 1933)

[17] Telephone interview with Sylvia Bradley, Ph.D., former Professor of American History, Salisbury University (Oct., 2002).

[18] *Id.*

[19] *Id.*

[20] Telephone interview with Neil Duke, First Vice-President, NAACP Baltimore, Maryland Chapter (Oct., 2002).

[21] *Id.*

[22] Professor Ifill interview, *supra* n. 3.

[23] *Id.*

[24] *Id.*

[25] Chief Malik interview, *supra* n. 16.

[26] BLACK'S LAW DICTIONARY 577 (7th Ed. 1999).

[27] Finke v. State, 56 Md. App. 450, 468 A.2d 353 (1983); BLACK'S LAW DICTIONARY 576 (7th Ed. 1999)("Circumstantial Evidence. Evidence based on inference and not on personal knowledge or observation.").

[28] Interview with Byron Warnken, Esq., Associate Professor, University of Baltimore School of Law (Nov., 2002).

[29] *Id.*

[30] *Id.*

[31] Holland v. United States, 348 U.S. 121, 140, 75 S.Ct. 127, 137-38, 99 L. Ed. 150, 166-67 (1954).

[32] Chambliss v. State, 373 So.2d 1185, 1188 (Ala. Crim. App. 1979); *FBI Reopens Probe into 1963 Church Bombing*, CNN.COM, at http://www.cnn.com/US/9707/10/church.bomb, July 10, 1997 (last visited May 10, 2004).

[33] *Six Dead After Church Bombing*, UNITED PRESS INTERNATIONAL, September 16, 1963 *reprinted in Church Burnings in the South*, WASHINGTONPOST.COM, at http://www.washingtonpost.com/wp-srv/national/longterm/churches/photo3.htm (last visited May 10, 2004).

[34] *Id.*

[35] *Id.*

[36] *Id.*

[37] *Id.*

[38] *Chambliss*, 373 So.2d at 1188.

[39] *Id.* Judge Harris stated, "The evidence in this case is circumstantial and the passage of time presents many complex problems which we must resolve."

[40] *Id.* at 1192-94.

[41] *Id.* at 1194.

[42] *Id.*

[43] *Id.* at 1197.

[44] *Six Dead After Church Bombing, supra* n. 35.

[45] *Chambliss*, 373 So.2d at 1210.

[46] *Id.*

[47] *See* Smith v. State, 145 Md. App. 400, 404, 805 A.2d 1108, 1111 (2002) (an individual's status as a driver/owner of a car was sufficient to permit the inference that driver/owner had knowledge of contraband in the vehicle); Braxton v. State, 123 Md. App. 599, 720 A.2d 27 (1998) (knowledge of a crime may be inferred by owning an item used in a crime); Hebron v. State, 331 Md. 219, 230, 627 A.2d 1029, 1034 (1993) (possession of a stolen money order supported the inference that defendant was a thief); Pressly v. State, 295 Md. 143, 147, 454 A.2d 347, 349 (1983).

[48] In the Matter of the Application of the State of Connecticut to Summon a Witness from Another State to Testify in a Grand Jury Investigation, 179 Misc.2d 623, 687 N.Y.S. 2d. 219 (N.Y. App. Div. 1999); Skakel v. State, 738 So.2d 468 (Fla. Dist. App. 1999).

[49] Mullaney v. Wilbur, 421 U.S. 684, 95 S. Ct. 1881, 1882 (1975); Evans v. State, 28 Md. App. 640 (1975), *aff'd* 278 Md. 197 (1976).

[50] Jones v. State, 37 Md. App. 511, 520, 378 A.2d 9, 14 (1977).

[51] *Finke*, 56 Md. App. at 480, 468 A.2d at 368.

[52] *Smith*, 145 Md. App. at 400, 805 A.2d at 1108.

[53] *Finke*, 56 Md. App. at 468, 468 A.2d at 353.

[54] *Id.*

[55] *Finke*, 56 Md. App. at 469, 468 A.2d at 363.

[56] *See* Petrovich v. United States, 205 U.S. 86, 27 S. Ct. 456, 51 L. Ed. 722 (1907); *Pressly*, 295 Md. at 143, 454 A.2d at 347 (stating, it is not necessary that the circumstantial evidence exclude every possibility of a defendant's innocence, or produce an absolute certainty in the minds of the jurors); *Nichols*, 5 Md. App. at 340, 247 A.2d at 722.

[57] Deese v. State, 367 Md. 293, 307, 786 A.2d 751, 759 (2001).

[58] *See* Shepard v. United States, 290 U.S. 96, 101, 54 S. Ct. 22, 24, 78 L. Ed. 196, 200 (1933) (holding that homicide cannot be imputed into mere suspicion); Wear v. State, 127 Md. App. 656, 665, 756 A.2d 395, 400 (1999) (emphasizing, "Circumstantial evidence which merely arouses suspicion or leaves room for conjecture is obviously insufficient").

[59] Hickory v. United States, 160 U.S. 408, 423, 16

S. Ct. 327, 333, 40 L. Ed. 474, 479 (1896) (holding that the fact that defendant fled after allegedly committing murder did not create a presumption of guilt and was merely a circumstance to be considered and weight with other evidence).

[60] Wilson v. State, 319 Md. 530, 536, 573 A.2d 831, 834 (1990); *See also Wear*, 127 Md. App. at 664-65, 756 A.2d at 400 (noting that while there was evidence of appellant's motive and intent to have the building burned, such evidence was not sufficient proof to show that she successfully solicited someone to do so); Collins v. State, 318 Md. 269, 280, 568 A.2d 1, 6 (1990) (citing Brown v. State, 281 Md. 241, 378 A.2d 1104, (1977)) (emphasizing that evidence must corroborate testimony in order to convict).

[61] *See* State v. Brown, Ill. App. 3d 949, 709 N.E.2d 609 (1999).

[62] 512 U.S. 594, 598, 114 S. Ct. 2431, 2434, 129 L. Ed. 2d 476, 482 (1994).

[63] MD. R. EVID. 5-803(b)(1).

[64] MD. R. EVID. 5-803(b)(2).[65] MD. R. EVID. 5-803(b)(3).

[66] MD. R. EVID. 5-804(b)(1).

[67] MD. R. EVID. 5-804(b)(2).

[68] MD. R. EVID. 5-804(b)(3).

[69] MD. R. EVID. 5-804(b)(4).

[70] Beckwith v. State, 707 So. 2d 547, 604-05 (Miss. 1997) (citing Mitchell v. State, 572 So.2d 865, 870 (1990)).

[71] 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004).

[72] *Id.* at 1369, 158 L. Ed. 2d at 197.

[73] *Id.* at 1363, 158 L. Ed. 2d at 192.

[74] *Id.* at 1366, 158 L. Ed. 2d at 194.

[75] *Id.* at 1368, 158 L. Ed. 2d at 193.

[76] *See* Snowden v. State, 156 Md. App. 139, 846 A.2d 36 (2004).

[77] *See id.* at 547 (the original court transcript was lost).

[78] MD. R. EVID. 5-901(b).

[79] MD. R. EVID. 5-803(8).

[80] *Beckwith*, 707 So.2d at 547; *Chambliss*, 373 So.2d at 1185.

[81] Juan Williams, EYES ON THE PRIZE, AMERICA'S CIVIL RIGHTS YEARS, 1954-1965, 37 (Viking 1987).

[82] *Id.* at 39.

[83] *Id.* at 41.

[84] *Id.* at 42.

[85] *Id.*

[86] *Id.*

[87] *Williams*, *supra* n. 82, at 42.

[88] *Id.*

[89] Mary Mitchell, *Reopening the Emmett Till Case May Not Bring Closure*, CHICAGO SUN-TIMES, at http://www.suntimes.com/output/mitchell/cst-nws-mitch11.html, May 11, 2004 (last visited May 15, 2004).

[90] *Id.*

[91] *Id.*

[92] *Lawmakers Want 1955 Mississippi Murder Re-Opened*, CNN.COM, at http://www.cnn.com/2004/Law/04/13/till.murder.case.html, April 13, 2004 (last visited on May 15, 2004).

[93] Maria Newman, *U.S. to Reopen Investigation of Emmett Till's Murder in 1955*, N.Y. TIMES, at http://www.nytimes.com/2004/05/10/national/10CND-TILL.html, May 10, 2004 (last visited May 15, 2004).

[94] Mayor Charles Robertson was acquitted on second-degree murder charges. Caryn Tamber, *Lawyer's Book Blasts DA's Office, Media*, YORK DISPATCH, at http://www.yorkdispatch.com/Stories/0,1413,138%257E10021%257E2141405,00.html, May 11, 2004 (last visited May 17, 2004).