

## CHAPTER 5

### SETTING THE STAGE

The announcement of the murder indictment and the trial date triggered widely publicized reactions from the North and the South.

Roy Wilkins, head of the NAACP, condemned the killing and the killers, calling the murder another example of white supremacist violence in the South. Civil rights supporters wrote to the governor of Mississippi demanding vigorous prosecution in the case, and the mayor of Chicago called on federal officials to join the investigation. Mrs. Mamie Till Bradley told reporters in Chicago that she was going to seek legal assistance to support the prosecution of the killers and that “Mississippi is going to pay for this.” Southern newspapers reported only the latter part of her statement, making it look like Emmett’s mother blamed the entire state of Mississippi for her son’s murder. In a television interview just before the trial, Mrs. Bradley also demanded support from President Eisenhower: “It’s my opinion that the guilt begins with Mrs. Bryant, and I want to see Mrs. Bryant,

her husband, and any other persons that were in on this thing. And I feel like the pressure should start with the president of the United States and be channeled all the way down to the township of Money, Mississippi.”

In Mississippi, Sheriffs Smith and Strider received letters and phone calls threatening them and Bryant and Milam; as a precaution, Smith called on National Guard troops to patrol the Leflore County jail. Strider reported rumors that thousands of African Americans were on their way to Mississippi to “tear up the jail and take the two men,” but the threats didn’t worry the Southern sheriff. He told *The Greenwood Commonwealth*, “These folks seem to think they are coming down here to take over—I don’t think they are.”

Robert Patterson, founder of the White Citizens’ Council, said the Emmett Till murder couldn’t be blamed on the Councils or any other segregationist group. “One of the primary reasons for our organization,” he said, “is to prevent acts of violence. We are doing our best in spite of constant agitation and inflammatory statements from the NAACP and outside agitators.” Defending his state against these outside agitators, Mississippi’s governor, Hugh White, sent a telegram to the NAACP with this message: “Parties charged with the murder are in jail. I have every reason to believe that the court will do their duty in prosecution. Mississippi does not condone such conduct.”

Before the widespread condemnation of Mississippi, local authorities looked forward to prosecuting the two brothers for Emmett’s murder, and the sheriffs’ offices in Leflore and Tallahatchie counties had been gathering evidence for the prosecution. Despite the state’s violent racist culture, the vicious murder horrified many white residents, and they supported a conviction of Bryant and Milam. Neither of the killers was well liked in the community, and many people felt the brothers had overstepped their “white” authority in kidnapping

and killing the boy. Initial public reaction in the Delta was so negative that no lawyer in the county would agree to defend the two men.

But the deluge of phone calls, letters, and telegrams from “outside agitators” and the loud criticism from Northern media put the local Mississippians, already on edge because of the *Brown v. Board of Education* decision, on the defensive. The hostile reaction against Mississippi convinced many white citizens that Southern culture was in danger, and they were determined to preserve their way of life at all costs. So, even though most white residents loathed siding with two unpopular “rednecks,” on the weekend of September 3, 1955, public opinion in Leflore and Tallahatchie counties turned in favor of Bryant and Milam.

Sheriff Strider began a public defense of the killers when he announced to the press that he thought the body found in the Tallahatchie was much too old to be Emmett Till’s and suggested that the boy was still alive. Strider later admitted privately, “The last thing I wanted to do was to defend those peckerwoods. But I just had no choice about it.” That same weekend other county leaders also had a change of heart, and all five lawyers in the town of Sumner—J. J. Breland, C. Sidney Carlton, Harvey Henderson, J. W. Kellum, and John Whitten—agreed to take Bryant and Milam’s case. Breland defended their decision by explaining that the lawyers felt the local murder case had turned into a media event pitting Mississippi and its way of life against outside agitators bent on destroying the South. He said they all felt intense pressure to “let the North know that we are not going to put up with Northern negroes ‘stepping over the line.’”

An article in *The Greenwood Commonwealth* reported a similar response among the white residents of Leflore and Tallahatchie counties:

“The attitude of Sumner citizens seemed to be that the indictments were expected, but citizens also resented charges and influence of



During a break in the trial, J. W. Milam and Roy Bryant talk with their mother. At right is Carolyn Bryant.

outside organizations, especially the National Association for the Advancement of Colored People.

“Vernon Brett, Sumner wholesale groceryman, said ‘justice should be done, but we resent the outside interference from northern negroes who don’t know the facts.’

“C. Sidney Carlton, a defense attorney for Bryant and Milam, said, ‘the people of this area all regret that this awful thing happened. We don’t condone such actions, but the people here are not convinced that the boys (Bryant and Milam) killed the negro boy.’”

In the *Delta Democrat-Times*, editor Hodding Carter wrote that he believed that some groups outside Mississippi were using the Till case as an opportunity to make the state look bad. In an editorial published before the trial, he warned that the intense negative reactions from groups in the North might make it impossible for any white juror to issue a fair and honest decision.

“[Northern agitators] could make the 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 snakepit where justice cannot prevail for each race alike.”

As a lifelong Southerner, Carter anticipated the reaction of the jury members

to the pressures from the North and the South and lamented the inevitable fallout that would come if the murder trial weren’t run honestly. “If the courts in Mississippi are unable to accomplish justice in this matter,” he said, “we will deserve the criticism we get.”

The defense lawyers weren’t worried about Northern criticism; they simply wanted their clients declared innocent. A victory in this case, they assumed, would be more than enough to silence the rabble-rousers from the North. And victory was assured even before the trial began because Bryant and Milam’s attorneys knew they could rely on the racist beliefs of their fellow white citizens to win an acquittal in the case. The defense team simply had to provide the jury members with an easy out, a legal reason to declare the killers innocent of the murder charges and still save face in their community.

Lead defense attorney J. J. Breland went public with the defense’s strategy, and by doing so made available to all potential jurors a way for them to vote against a conviction of Bryant and Milam: “The way I see it,” Breland told *The Greenwood Commonwealth*, “the state has got to prove three things: 1. That the boy was murdered. 2. That it happened in the second judicial district of Tallahatchie County. 3. That Bryant and Milam did it. It’s all circumstantial, which is okay when you’re returning an indictment but quite different when you’ve got to prove it beyond a reasonable doubt.”

Then Breland did some public relations work to rebuild the image of the two “peckerwoods” he had agreed to defend. He said that he’d known his clients for several years, and that they were “men of good reputation, respected businessmen in the community, what I’d call real patriots, 100 percent Americans.”

The pretrial publicity from Breland and Sheriff Strider and the increasingly hostile attacks from Northern and liberal media would send members of the jury into the trial with their minds made up. Like most Mississippi whites,

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they already believed they had to defend Southern society against “radicals” and “agitators” determined to force integration on their state. If jurors needed further reasons to acquit Bryant and Milam, they only had to recall Breland’s preview of the defense’s trial strategy, his certification of Bryant and Milam as “patriots,” and Sheriff Strider’s rumor that Emmett Till was still alive. That would give any white who served on the jury enough “evidence” to render a decision that would defend the South.

To its credit, the state did what it could to set up a fair trial by appointing one of Mississippi’s leading prosecutors, District Attorney Gerald Chatham, to handle the trial, and by assigning Mississippi Assistant Attorney General Robert B. Smith, a former FBI agent, to assist Chatham in the case. The governor also assigned two additional attorneys and two Highway Patrol inspectors to help in the investigation. Circuit Judge Curtis M. Swango, widely respected for his fairness, presided at the trial that, by his order, would begin on Monday, September 19.

The site of the famous trial was the Tallahatchie County courthouse, a sturdy pre-World War I stone building that occupied the center of the town square of Sumner, Mississippi, population 550. On the morning of September 19, throngs of people, black and white, Northerner and Southerner, jammed the square, waiting for the trial to begin. More than seventy photographers and newspaper, radio, and television reporters from all over the United States were among the crowd.

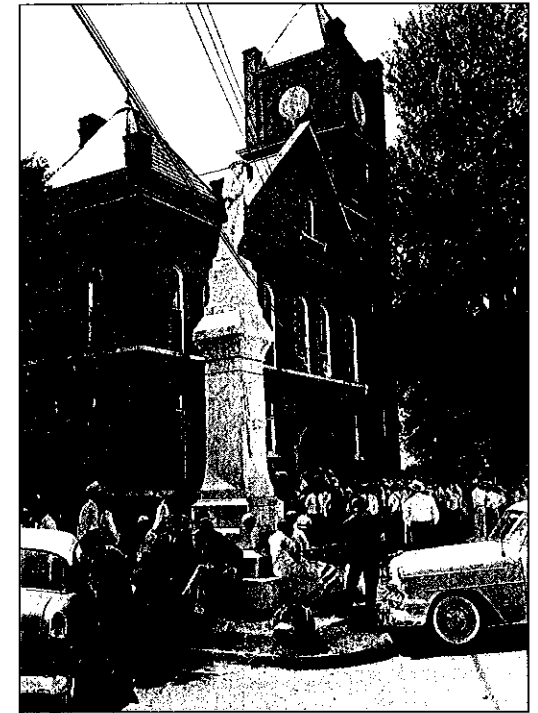
Sheriff Strider reminded Northern reporters that the courtroom was segregated, just like every other public building in the state. “We’ve kept the races separated for a long time,” he said, “and we don’t intend to change now.” When the county building opened its doors for the trial, more than 250 whites were allowed to file upstairs to the second-floor courtroom. After the whites had their

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seats, deputies let about fifty African American spectators enter and sit in the back of the court, and despite the protests of Sheriff Strider, Judge Swango permitted eight African American reporters to be seated at a card table set up in the rear of the courtroom. In the front of the courtroom facing the judge’s stand, Bryant and Milam sat at a table with their lawyers. The defendants’ wives and mother sat behind them. Each defendant had two young sons, and the four little boys split time between their mothers’ laps and their fathers’.

By the time the trial began, about 350 spectators were crammed into the courtroom designed for only 280 people, and an overflow crowd of nearly 1,000 waited outside on the courthouse lawn to receive regular updates on the trial.

Despite the seriousness of the event and the heat and humidity of a late summer Delta heat wave, the courtroom buzzed with excitement. Ruby Hurley, an NAACP worker who attended the trial, recalled the scene: “It was just like a circus. The defendants were sitting up there eating ice-cream cones and playing with their children in court just like they were out at a picnic. Everybody was searched going into the courtroom to make sure none of the Negroes carried weapons.” Even though deputies had searched most people who attended the trial, many of the black spectators worried about becoming targets of violence



**Scene of the trial: the Tallahatchie County courthouse in Sumner, Mississippi**



**J. W. Milam and Roy Bryant in court with their sons**

from resentful whites. Some of the black journalists had even worked out an escape plan they could use if gunfire broke out.

The courtroom atmosphere and the unfair treatment of African Americans in the audience foreshadowed a number of departures from standard legal practice that would occur during the weeklong trial in Sumner, Mississippi. The procedural inconsistencies, however, would have no effect on the trial's outcome; according to nearly everyone involved in the case, even before the trial began, no one in Sumner doubted that Bryant and Milam would be declared not guilty.

Judge Swango called the court to order and directed the lawyers on both sides to begin interviewing prospective jurors. Hoping to prevent jury candidates from excusing themselves because of a reluctance to use capital punishment, prosecuting attorney Chatham startled everyone in the room when he announced that the state would not seek the death penalty. "A substantial part of the state's evidence is circumstantial evidence," he said. "This case has received wide publicity. The state is going to take every precaution to see that we have a fair and impartial jury." His surprising announcement drew such a stir from the audience that Judge Swango had to bang his gavel repeatedly to restore order.

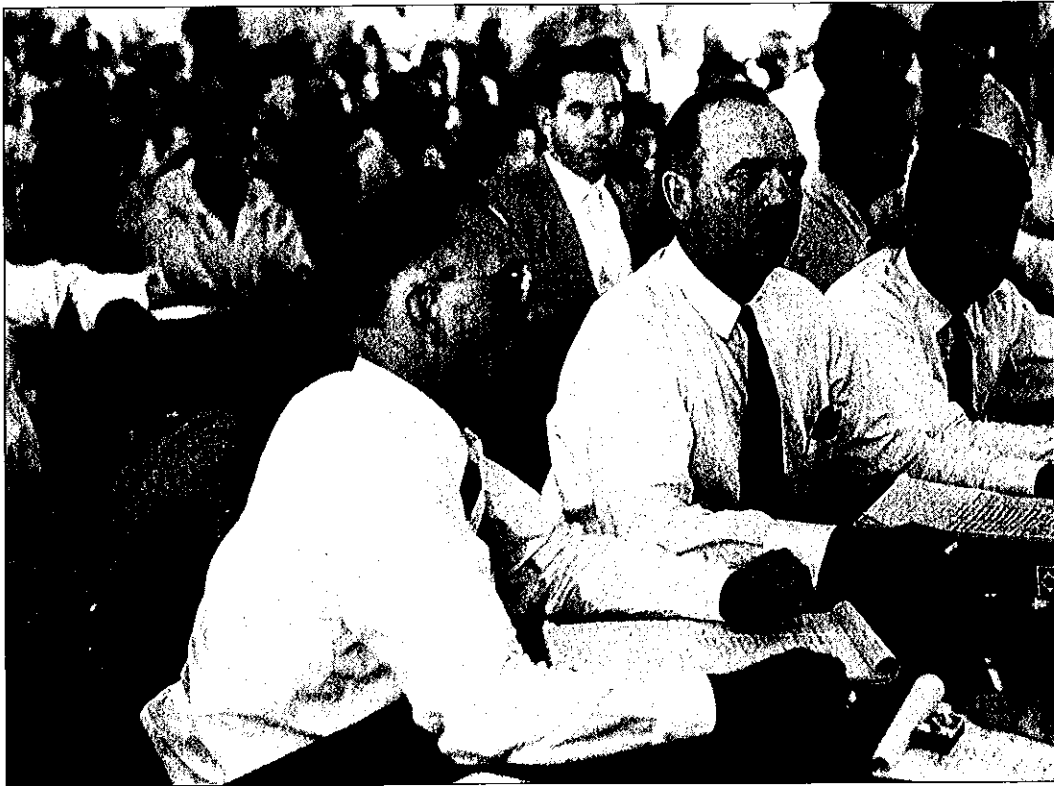
Even in jury selection, Chatham faced an uphill battle. Mississippi state law required that only registered male voters who were at least twenty-one years old and could read and write were eligible for jury duty. Even though 63 percent of the residents of Tallahatchie County were black, the pool of prospective jurors contained only white men because Tallahatchie County had no black registered voters. Chatham knew in advance that the jury would be all white, but he hoped that he could convince the jurors that race wasn't an issue in the trial. As far as he was concerned, murder was murder; the race of the killers and the victim was irrelevant. In addressing all the prospective jurors, he stressed that the state wanted a fair and impartial jury and asked them to put aside "any prejudice because the defendants are members of the white race and the deceased was a member of the colored race."

Interviewing and selecting jurors took all day, and the audience watched restlessly while lawyers carefully questioned jury candidates. Even with the case stacked in their favor, the defense attorneys relied on input from Sheriff Strider, who knew almost everyone in the county, to select men who would be friendly to their cause. Strider's recommendations and J. J. Breland's questions helped his team select jurors who would play along with the defense's approach

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to the trial. Breland identified jurors who would be sympathetic to Bryant and Milam by asking "Will you be sure beyond a *reasonable doubt* that the dead body found in the river was Emmett Till?"

The prosecution's questions took a different approach. Chatham and Smith asked candidates if they were racially prejudiced, if they were personal friends of Bryant or Milam, or if they had contributed to the defense fund. Many candidates were disqualified by their answers or by challenges from the defense, but after interviewing more than fifty men, both sides finally agreed on twelve men



From left to right: Tallahatchie County Attorney J. Hamilton Caldwell, District Attorney Gerald Chatham, and Special Prosecutor Robert Smith III

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Sheriff H. C. Strider, standing at right, addresses the jury that would determine the fate of J. W. Milam and Roy Bryant

and one alternate for the jury. Court adjourned at 4:30 Monday afternoon, and spectators filed out of the stuffy, crowded courtroom anxious to return for the next day's action.

Tuesday's trial highlight was the entrance of Emmett's mother, accompanied by Charles C. Diggs Jr., one of the few African Americans in the United States Congress at the time. The crowd turned quiet as Mamie Till Bradley entered the courtroom and was seated at the black press table in the rear. Deputies blocked Representative Diggs from entering, and when he identified himself as a member of Congress who had received permission from Judge Swango to attend the trial, one deputy couldn't believe what he had heard. "Hell, that ain't even legal," he exclaimed. Eventually Diggs was searched and allowed to enter.

Not long after Mrs. Bradley was seated, Sheriff Strider pushed his way through the crowd and handed her a subpoena to testify in the trial. She accepted it without speaking.

The courtroom audience, which had swelled to almost four hundred people on Tuesday morning, was disappointed when Chatham asked the judge for a recess to allow him and his assistants to search for and question potential witnesses that Medgar Evers and other NAACP workers had been trying to locate. Chatham's request and the overcrowded courtroom conditions prompted Judge Swango to recess court until Wednesday morning. Bryant and Milam's lawyers, confident of victory no matter what evidence or testimony the prosecution presented, were frustrated by what they considered Chatham's stalling tactics.

Chatham, like everyone else in Mississippi, knew the defense's plan relied on creating reasonable doubt about the identity of the killers and the body. He hoped that eyewitness testimony might be so irrefutable that even a white, racist jury would have to vote to convict Bryant and Milam of murder. Various sources in the Delta had reported to Chatham that at least two African American men, Leroy "Too Tight" Collins and Henry Lee Loggins, might have been witnesses to the murder and that other people would be able to testify that they had seen these men with Emmett Till after the kidnapping or with Bryant and Milam on the morning of the murder. A newspaper article reported on the potential witnesses, but unfortunately for the prosecution, these men were never found. (Unbeknownst to Chatham's team, shortly after the murder indictment against Bryant and Milam, Sheriff Strider had had Collins and Loggins locked up in the Charleston jail under false identities; they remained there until after the trial.)

Chatham's assistants were finally able to locate three new witnesses who

agreed to appear in court. Several other African American farm workers who had been interviewed by Medgar Evers and his assistants might have provided important testimony against Bryant and Milam, but they refused to show up at the trial because they feared for their lives. All of them knew that testifying against a white man would ruin—or end—their lives in the Delta.

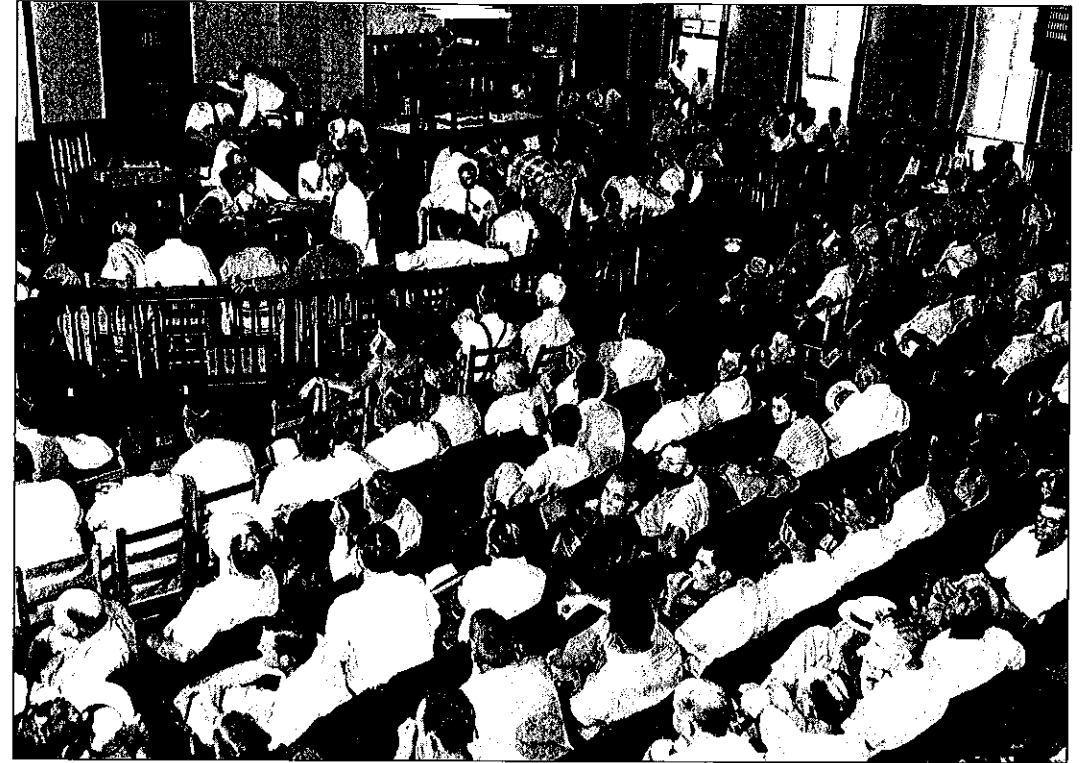
Finally, the investigative work of Chatham's team was finished. The actors were all in place, and the stage was set for the evidence and testimony portion of the tense and widely publicized courtroom drama.

## CHAPTER 6

### GETTING AWAY WITH MURDER

Judge Swango opened court Wednesday morning by reminding the audience about proper courtroom etiquette and by scolding several photographers for taking pictures while court was in session. That would not be his last warning to spectators, reporters, and photographers to abide by proper courtroom etiquette, and it's ironic that while the judge vigorously policed audience behavior throughout the trial, he allowed some judicial proceedings to occur that were both illogical and inconsistent with standard legal practice. Despite those inconsistencies, however, Judge Swango would conduct the trial in a way that earned him the respect of almost everyone involved in the case.

After the judge finished admonishing the audience, the trial finally began. Before calling his first witness, Chatham faced the jury and announced, "The state has found six new witnesses who will place the defendants with the Negro boy several hours after he was taken from Mose Wright's home. These witnesses will present absolutely newly discovered evidence that will convince you,



**An overhead view of the courtroom during a recess in the trial. African American spectators, required to sit at the back of the room, do not appear in this photograph.**

beyond a shadow of a doubt, that Roy Bryant and J. W. Milam kidnapped and murdered the child named Emmett Till."

The state's first witness, Mose Wright, had to push his way through the crowded courtroom to get to the witness stand. The chair was almost too big for the small man, and under the hateful glares of hundreds of hostile spectators, he sat uncomfortably on its edge, waiting for his opportunity to testify. Chatham began by asking Wright to describe what had happened on August 28.

Wright straightened up in the chair and told how two men had come to his front door that Sunday around 2:00 A.M. One of them said, "This is Mr. Bryant,"



and then demanded to see “the boy who done that talk at Money.” Wright said that when he opened the door, Milam stood there with a pistol and a flashlight; another man stood beside Milam in the shadows.

Wright continued his story, but Chatham interrupted him to ask, “Uncle Mose, do you see Mr. Milam in the courtroom?”

The audience fell silent, wondering if Wright would risk his life to accuse a white man in open court. For a moment no one moved. Excruciating tension filled the room while people waited for Wright’s reply. Then, in one of the most dramatic moments in Mississippi trial history, Mose Wright, a poor black sharecropper, stood up, raised his arm, pointed at Milam, a white man, and said, “There he is.” Wright then pointed at Bryant, identifying him as the man who had assisted Milam in the kidnapping. Wright later said that while he was on the witness stand, he could “feel the blood boil in hundreds of white people as they sat glaring in the courtroom. It was the first time in my life I had the courage to accuse a white man of a crime, let alone something terrible as killing a boy. I wasn’t exactly brave and I wasn’t scared. I just wanted to see justice done.”

Murray Kempton, a reporter for the *New York Post*, admired Wright’s courage. Kempton wrote that after Wright singled out Milam and Bryant, he “sat down hard against the chairback with a lurch which told better than anything else the cost in strength to him of the thing he had done. He was a field Negro who had dared try to send two white men to the gas chamber for murdering a Negro. [He] had come to the end of the hardest half hour in the hardest life possible for a human being in these United States.”

After identifying the two killers, Wright, who, at that moment, exiled himself from Mississippi forever, responded to the rest of Chatham’s questions with a firm, confident voice, detailing the fateful events that began the night Bryant and Milam pushed their way into his house and ended the day Wright



During his testimony, Mose Wright stands and points out the two men who kidnapped Emmett Till

identified Emmett Till's body on the banks of the Tallahatchie River. Wright was able to identify the body, he said, from Emmett's father's ring, which the boy was wearing.

When Chatham finished his questions, defense attorney Sidney Carlton quickly started his cross-examination. He challenged Wright's ability to recognize the two men in the darkness. Carlton hammered away at Wright's testimony, but Wright refused to change his answers, insisting that he was confident that he had correctly identified Bryant and Milam as the kidnapers of Emmett Till.

After Wright was excused from the witness stand, Chatham called on Sheriff George Smith to testify that Roy Bryant had confessed to kidnapping Emmett.



**Key evidence: Emmett's father's ring, which Emmett was wearing at the time of his death**

Smith reported that Bryant "told me he went down there to Wright's shack and brought Till up to Bryant's store and he wasn't the right one and he turned him loose." The defense had no questions for Sheriff Smith.

The next witness was Chester Miller, an undertaker from the Century Burial Association, a black mortuary in Greenwood. Local authorities had called Miller to be present when they retrieved Emmett's

body from the river. Under Chatham's questioning, Miller described the condition of the body: "The whole top of the head was crushed in. A piece of the skull fell out in the boat. I saw a hole in his skull about one inch above the right ear." Defense attorneys Breland and Carlton constantly shouted objections during Miller's testimony, and he sometimes became distracted or confused by the loud objections and the stream of questions from Chatham. Miller's discomfort caused the disrespectful white audience to break into laughter several times, and each time, Judge Swango pounded his gavel and demanded quiet from the spectators. When Miller was finished, a white undertaker, C. F. Nelson, also testified about the condition of the body.

C. A. Strickland from the Greenwood Police Department was Wednesday's last witness. He told the court about police photographs of Emmett's corpse and of the scene where Emmett's body had been recovered. The defense objected to the admission of some of the photographs as evidence because the captions contained inaccuracies. Their objections were sustained, and the sensational day of testimony adjourned at 2:30 to give lawyers on both sides an opportunity to interview the new witnesses discovered by Chatham's investigators.

The most poignant moments of the trial came during Mamie Till Bradley's testimony Thursday morning. A hush fell over the courtroom when Chatham called her to the stand and she walked resolutely to the front of the courtroom from her seat at the black press table in the back. The circumstances must have been nearly unbearable for her. Her son had disappeared about a month earlier. Then his mutilated body was discovered, identified, and shipped home. She had collapsed at the train station when she opened the casket. A three-day viewing was followed by a huge funeral. Through all of these ordeals, Mrs. Bradley had to mourn the violent and senseless death of her only child, while at the same time helping to mount an effort to see his killers punished. Despite

the inestimable stresses she felt at the trial, she remained remarkably poised and clear-headed. A white local newspaper reporter described her as a “fashionably dressed 33-year-old negro woman” who displayed “an air of confidence and determination. Her answers were direct and to the point, using good English and speaking in a highly audible tone.”

Many whites in the courtroom were surprised to see a composed, articulate black woman in such a hostile environment, and it was clear to everyone that Emmett’s mother would not be intimidated. Even though most white spectators resented her presence at the trial, the defense team made a show of treating her civilly when she was first introduced as a witness. It was so unusual in the South for white men to treat an African American woman with respect that their actions caught the attention of a newspaper reporter who wrote: “She was shown every courtesy by both counsel for the prosecution and defense. At no time was she shouted at during testimony.”

Emmett’s mother took her seat facing the two men who had murdered her son, two men surrounded by their family and supporters. The killers ignored her as Chatham started his questions.

“Mrs. Bradley,” he asked, “when your son’s body arrived in Chicago, were you able to identify it as him?”

“Yes, sir, positively,” she replied without hesitation. She explained that because of the horrible condition of her son’s body, she began her examination with his feet. Then she studied his hands, his teeth and gums, and his hairline. “A mother knows her child,” she said, “has known him since he was born. I looked at the face very carefully . . . I just looked at it very carefully, and I was able to find out that it was my son, Emmett Louis Till.”

Chatham then showed her a photograph of the body taken at the Century

Burial Association after Emmett had been removed from the Tallahatchie River on August 31. He asked her if she could identify the body in the photo.

She looked at it and nodded. “That’s my son, my son, Emmett Till.” Her voice broke, and she took off her glasses to wipe away tears.

“Are you sure?” Chatham asked.

“If I thought it wasn’t my boy, I would be out looking for him now.”

When Chatham finished questioning Emmett’s mother, the defense lawyers had their turn. From his seat at the defense table, Breland fired questions at Mrs. Bradley, disputing her ability to identify the body found in the river as her son. A lawyer showed her a photo from *The Chicago Defender* of Emmett in his coffin and challenged her to explain how she could recognize the disfigured corpse. Mrs. Bradley held steadfast to her testimony despite defense attorneys’ efforts to make her admit uncertainty about the identity of the remains. “Beyond a shadow of a doubt,” she affirmed, “that was my son’s body.”

Many years later, Mamie Till Bradley recalled that day in court. “I remember I was concentrating very hard on using the proper language, the ‘yes, sirs’ and the ‘no, sirs,’” she said. “And I was certainly not treated very gentle on this day and on the witness stand. Particularly when I was so adamant about that being Emmett’s body. I knew that if they could just get me to say this wasn’t Emmett, they could get off scot-free. But I couldn’t say that, because I knew that was Emmett.”

Eighteen-year-old Willie Reed took the witness stand next. The son of a black sharecropper had the courage of the previous black witnesses but lacked the composure of Mose Wright and Mamie Till Bradley. Facing a large audience of antagonistic white people intimidated him, and several times during Reed’s testimony Judge Swango had to admonish the teenager to speak more loudly.

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Under Prosecutor Smith's questioning, Reed said that at around 8:00 A.M., Sunday, August 28, he saw four white men and two black men drive up to a barn on the plantation owned by Leslie Milam, J. W. Milam's brother, in nearby Sunflower County. The two black men rode in the back of the pickup with Emmett Till. When the truck stopped, the men carried Emmett into the barn, from where Willie later heard screams and "licks and hollering."

Over the defense's repeated objections, Reed testified that when he heard the screams, he ran to the home of his aunt, Amanda Bradley, who lived on the plantation, and asked, "Who are they beating to death down at the barn, Aunt Mandy?" Not long after that, Reed saw J. W. Milam, with a pistol on his hip, leave the barn to get water from the well. A few moments later Milam was joined by three other white men.

Reed said that after he heard the screams and saw Milam and the other men, he went to a country store and then returned home to get ready for Sunday school.

"On the way back, did you hear anything or anybody?" Smith asked.

"No, sir," answered Reed.

"Was the truck gone?"

"Yes, sir."

Reed's testimony presented a threat to the defense's "reasonable doubt" strategy, and Bryant and Milam's lawyers moved quickly to undermine Reed's statements. First they tried to create doubt that Reed even knew who J. W. Milam was. Reed stated that he had seen Milam three or four times but had never before seen that pickup truck.

"Was Mr. J. W. Milam driving the truck?" a defense lawyer asked.

"No, sir," said Reed.

"Did you see Mr. Milam in the truck?"

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In preparation for his testimony, Willie Reed, center, talks with Gerald Chatham

"No, sir."

"You wouldn't say Mr. Milam was inside the truck?"

"No, sir, I wouldn't," Reed answered.

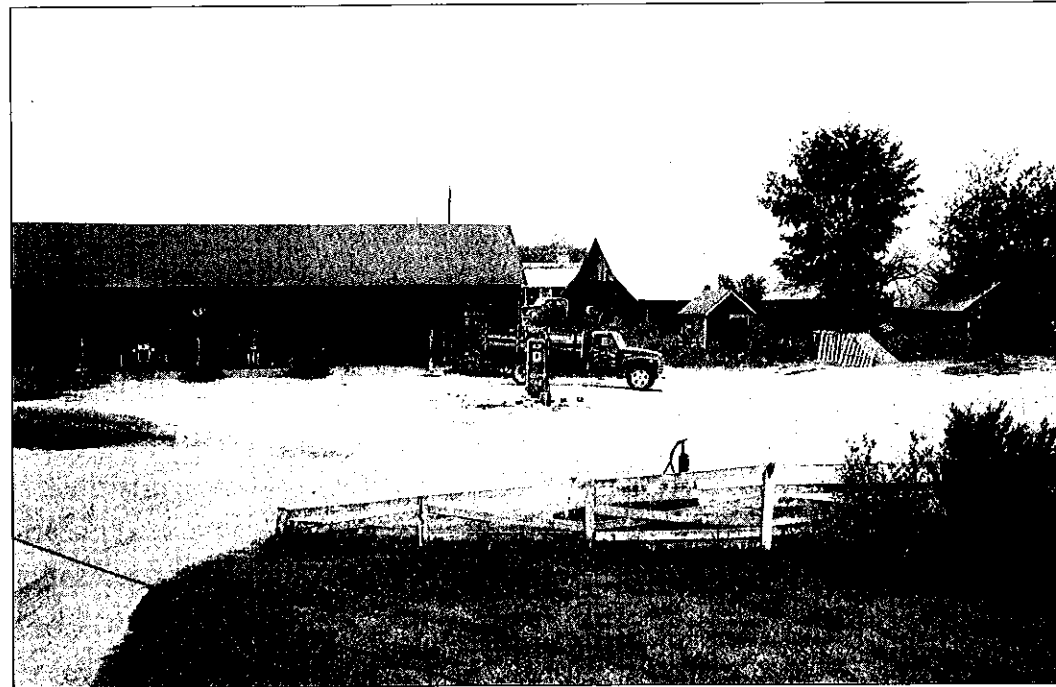
Then, in an effort to weaken the credibility of Reed's testimony, the defense asked a series of questions about how far Reed had been from the truck when he first saw it, and how far he was from the barn when he saw Milam leave the barn to get a drink. The threatening pressure from the defense lawyer caused Reed to stumble in his testimony, and he admitted that he didn't know exactly

how far away he had been from the men. Seeing a chance to cast a cloud of doubt over Reed's testimony, the defense continued to press the boy about the distances involved. After a barrage of questions that rattled the teenager's confidence, Reed finally guessed that he had observed the men from a distance of about four hundred yards.

When the defense finished its cross-examination, Prosecutor Smith asked Reed a final question. "Did you see [Milam] before you heard the noise in the barn and the hollering?"

"After I heard it," replied Reed.

With Willie Reed's testimony over, Judge Swango recessed court until



Willie Reed testified that he heard "licks and hollering" coming from this building on Leslie Milam's plantation

1:30 P.M. Reed quickly left the court building and was rushed out of town by Congressman Diggs. For his own safety, Reed would flee Mississippi soon after the trial.

After the lunch recess, four witnesses testified for the prosecution. Fifty-year-old Mary Amanda Bradley, Willie Reed's aunt, told the jury that she saw four white men going in and out of Leslie Milam's barn, where Reed said he had heard the screams and beating. Reed's grandfather Add Reed reported that he had seen Leslie Milam at the plantation that same morning.

The final two witnesses for the state took the stand over objections from Bryant and Milam's lawyers. Leflore County Sheriff George Smith told the court that Roy Bryant had admitted to him that he had kidnapped Emmett from his uncle's home but that he had released him unharmed later that night. Deputy Sheriff John Edd Cothran testified that J. W. Milam had also confessed to having abducted Emmett. The lawmen's testimony combined with Mose Wright's made obvious what everyone in the courtroom already knew: Roy Bryant and his half brother, J. W. Milam, had kidnapped Emmett Till early in the morning of August 28. Unfortunately for the prosecution, the two men were on trial for murder, and none of the witnesses had testified that they had actually seen Bryant and Milam kill the boy; it would take that kind of direct testimony from a white Southern man to convince this jury to convict the two brothers.

At 1:56 P.M., emotionally and physically exhausted, and without any more witnesses or evidence to support the state's case against Bryant and Milam, Gerald Chatham told Judge Swango that the prosecution had finished its presentation.

As soon as Chatham sat down, the defense attorneys asked Judge Swango to end the case immediately by declaring Bryant and Milam not guilty. The judge rejected their request, and it then became the defense's turn to make their case.

Defense attorney Sidney Carlton called Carolyn Bryant, wife of Roy Bryant and the woman who had been "molested" by the boy from Chicago, as their first witness.

Before Judge Swango allowed Carlton to question Mrs. Bryant, he dismissed the jury because, he explained, too much time had elapsed between the incident at the store in Money and the kidnapping. Her testimony was, however, included in the official court record.

This was the kind of show many of the whites in the audience had come for. They leaned forward in their seats to better hear all the juicy details of the alleged assault that had taken place at Bryant's store. As the spectators listened, Mrs. Bryant told how a black man with a Northern accent had molested her in the store a few days before Emmett Till was kidnapped.

"This negro man came into the store," she said, "and stopped at the candy counter." He asked for bubble gum, she told the jury. "I held out my right hand for some money and he caught my hand. I pulled away and he said, 'How about a date, baby?'"

The courtroom audience turned dead silent, the air hot with hatred.

"I turned and started to the back of the store," she continued, "but he caught me at the cash register . . . and put both hands around my waist. He said, 'What's the matter, baby, can't you take it? You needn't be afraid of me.'" While the sympathetic white audience listened, horrified and furious, Mrs. Bryant said she wrenched herself out of his grasp, and when she did, the man said unprintable words to her, filthy words she refused to repeat in court. The last thing he told her was, "I've been with white women before."

At that point, she said, another black man came in and pulled the first man out of the store. "I started out for my pistol," she said, "and he was standing on the front porch of the store. He whistled."

Mrs. Bryant's testimony would have been enough for nearly any white jury in Mississippi at the time to justify the murder. Southern womanhood had been assaulted, they would have rationalized, and the woman's husband had no choice but to kill the perpetrator. White racists believed it was the only way to protect white women and to keep "those people" in their places. The jury didn't need to hear her testimony, however, because they, like everyone else in the county, already knew what had happened. The story of the alleged assault in Bryant's store had been all the evidence most white citizens in the area needed to decide that Emmett Till got what he deserved.

The jury reentered after Carolyn Bryant's testimony and heard briefly from Juanita Milam, J. W. Milam's wife. Then the defense called its surprise witness, Sheriff H. C. Strider.

Sheriff Strider followed the defense strategy exactly. His goal was to convince the jury that it would have been impossible for anyone to positively identify the body, thus giving the jury enough reasonable doubt that Emmett Till was really dead to acquit Bryant and Milam. Strider testified that based on his previous experience, the body found in the Tallahatchie River on August 31 had been in the river for at least ten to twenty days. He said that the corpse was so decomposed that it was impossible for him to recognize the victim or even determine if the body was black or white. "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."

The prosecution let Strider's testimony go unchallenged, but during a break in the proceedings, Clotye Murdock Larsson, an African American reporter covering the trial, angrily approached the judge to contest what Strider had said. "I pushed my way through the milling crowd of Whites," she recalled, "and asked Judge Curtis Swango . . . why, if Sheriff Strider was unsure of the

## GETTING AWAY WITH MURDER

victim's racial identity, he had asked a Black undertaker to take charge of the body!" Larsson received no reply, only angry stares from whites that made it clear she had risked her life to make that sort of accusation in their presence.

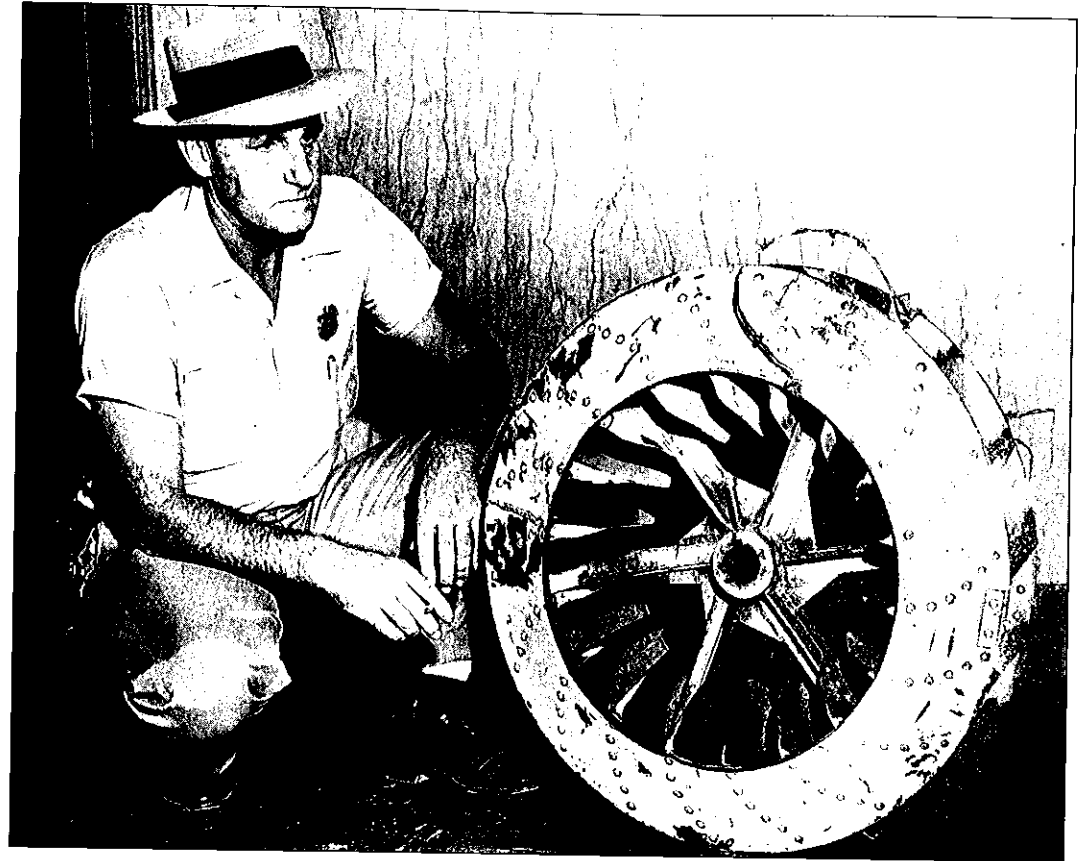
Two local experts, a white doctor who reported that he had viewed the body at a distance because of the smell, and a white embalmer who had helped prepare the body for shipment to Chicago, both backed up Strider's statement. The two men said that the body they had examined was so decomposed that it must have been dead for at least ten days before it had been found. It was, said the embalmer, "bloated beyond recognition." Their statements concluded Thursday's activities, and Judge Swango rapped his gavel on his desk, closing court for the day.

Nature provided an appropriate setting for the final day of the trial. Early Friday morning, a huge thunderstorm rocked Tallahatchie County. The storm ended before the last day's events began, making the air in the crowded and cramped courtroom hotter and heavier than ever before.

With Chatham and Smith watching, the defense began their presentation by interviewing five character witnesses who testified to Milam's impressive record in World War II, of Bryant's military service, and of the two men's good reputations. After the last witness, Breland told Judge Swango that the defense rested. Soon, both sides would deliver their final arguments.

After a brief recess, Chatham began his closing argument, a rousing oration that would last for almost an hour. Sweating profusely and with his sleeves rolled up, he raised his arm over his head and shouted to the jury, "They murdered that boy, and to hide that dastardly, cowardly act, they tied barbed wire to his neck and to a heavy gin fan and dumped him in the river for the turtles and the fish." Chatham then reviewed all the evidence and testimony presented in the case, including the eyewitness testimony that showed beyond a

## GETTING AWAY WITH MURDER



**A deputy shows the gin fan used to sink Emmett's body in the river**

doubt that Bryant and Milam had kidnapped Emmett Till. He also reminded the jury that this case was not about race or equality. It was about the murder of a boy.

Throughout Chatham's argument, Bryant and Milam showed little emotion. Reporter Dan Wakefield wrote that while Chatham spoke, "J. W. Milam, the bald, strapping man who leaned forward in his seat during most of the sessions with his mouth twisted in the start of a smile, was looking at a newspaper. Roy Bryant lit a cigar. With his eyebrows raised and his head tilted back he might

have been a star college fullback smoking in front of his coach during the season and asking with his eyes, 'So what?'"

Ignoring the two defendants, Chatham continued his closing statement. "The first words that entered this case were literally dripping with the blood of Emmett Till," Chatham said in a booming voice. Then he rehashed the events of that August night when Emmett had been kidnapped. "As far as the state of Mississippi is concerned, this is not about race, it's just another murder. But I want to say to you that the murder of Emmett Till was a cowardly act and a brutal and unnecessary killing of a human being. His abduction at gunpoint was unjustified. This was a summary court martial with the death penalty. That child had done nothing that would cause the defendants to invade the privacy of that home.

"When those two defendants took Emmett Till from the home of Uncle Mose Wright, they were absolutely and morally responsible for his protection. I was born in the South. I'll live and die in the South. The very worst punishment that should have occurred, if they had any idea in their minds this boy did anything, would have been to take a razor strap, turn him over a barrel and give him a little beating. I've whipped my boy. You've whipped yours. A man deals with a child accordingly as a child, not as a man to a man." As Chatham spoke, the jury looked attentive but unmoved. The defense attorneys could not look Chatham in the face while he concluded his valiant effort to bring justice to the segregated courtroom in the Mississippi Delta by pleading with the jury to convict Bryant and Milam of murder. One of Chatham's last statements was a quotation from the twenty-eighth chapter of Proverbs that explained, in part, his reasons for prosecuting these two men: "The wicked flee when no man pursueth: but the righteous are bold as a lion."

Robert Smith made the final arguments for the prosecution. Hoping to

convince the jurors that an acquittal in this case would further damage the state's reputation, he built his concluding argument on the defensiveness white Mississippians felt at the time. Facing the jury, he said, "I tell you, gentlemen, that Emmett Till was entitled to his constitutional rights; he was entitled to his liberty, and once we go taking away his rights, then we are on the defensive and we can't complain what people do to us. Those people, outside agitators, want J. W. Milam and Roy Bryant turned loose. If they're convicted, those people are silenced. They can't say the state of Mississippi didn't do its duty." His closing



J. W. Milam and Roy Bryant confer with one of their defense attorneys, Sidney Carlton



remarks finished, Smith joined Chatham at the prosecution's table to wait out the remainder of the trial.

When it was their turn for closing arguments, the defense lawyers consistently worked to stir up Southern patriotism and racism in the jurors so they'd feel compelled to declare Bryant and Milam innocent. Attorney John Whitten told the jury, "There are people in the United States who want to destroy the custom and way of life of Southern white people and Southern colored people. There are people out to put us at odds, who are willing to go as far as possible, to commit any crime to widen the gap between us. They would not be above putting a rotting, stinking body in the river in the hope it would be identified as Emmett Till. If these people had the opportunity to create a commotion, to stir up a trial such as this and focus national attention on Mississippi and focus national attention on the strained relations here, they would do it." Whitten concluded by reminding them that "every last Anglo-Saxon one of you men in this jury has the courage to set these men free."

Sidney Carlton, who throughout the trial had played to the media as much as to the jury, went next. He emphasized again and again that the state had failed to prove the identity of the body beyond a reasonable doubt. The prosecution had, he said, "talked generalities because the facts just didn't bear out the guilt of these defendants. Where's the motive?" he shouted. "Where's the motive?" Carlton contended that Mrs. Bryant's testimony about the black man who had assaulted her did not implicate Emmett Till, so there would have been no reason for Bryant and Milam to harm the boy. It was obvious, according to Carlton, that Emmett had *not* been the person in the store. "The state did not link up the dead boy with the defendants. The only testimony that Emmett Till did anything in connection with these defendants was Mose Wright's testimony that he heard the boy had done something. If [Mose Wright] *had* known Emmett Till

had done something down there, he would have gotten him out and whipped him himself."

Carlton went on to question Mose Wright's ability to recognize the intruders who came into his home in the dark of the night. With only the light from the kidnappers' flashlight illuminating the unlit rooms, it would have been impossible, he claimed, for the old man to see either intruder's face clearly enough to recognize him. According to Carlton, Wright's account of what had been said by the two men was also impossible to believe. "Had any of you gone to Mose Wright's house with evil intent, would you have given your name? How many Mr. Bryants are there in the state of Mississippi? There's nothing reasonable about the state's theory. If that's identification, if that places these men at that scene," he shouted, "then none of us are safe!"

The concluding defense statements were delivered by J. W. Kellum, who told the jury, "I'll be waiting for you when you come out. If your verdict is guilty, I want you to come to me and tell me where is the land of the free and the home of the brave. I say to you, gentlemen, your forefathers will absolutely turn over in their graves if these boys were convicted on such evidence as this." He finished by saying that a guilty verdict would be admitting that freedom was lost forever, and then admonished the jury to "Turn these boys loose." Kellum's directive were the last words the jury heard from the defense.

At 2:34 p.m. Judge Swango sent the jury to the deliberation room to consider their verdict. While in the room, the jury cast three ballots, each one with the same result: unanimously not guilty. Their decision hadn't taken long, but they had been advised to take their time before coming back into the courtroom in order to make it look like they had actually deliberated their decision. They sent out for some Cokes, drank them at their leisure, and then returned to the courtroom just one hour and eight minutes after they had left.

Once they were seated, the jury foreman handed their verdict to the court clerk, Charlie Cox, who read it aloud for everyone to hear. "We, the jury, find the defendants not guilty."

The announcement triggered a loud celebration in the courtroom. Bryant and Milam shook hands and slapped backs with their lawyers; then they turned and kissed their wives. Somebody handed both men cigars, and photographers started snapping photos to capture the scene. Justice, racist style, had been done.

In the foyer after the trial, a TV reporter asked Sheriff Strider if it was true that he had received threats and hate mail ever since Bryant and Milam had been arrested.

"I'm glad you asked me this," replied the sheriff. "I just want to tell all those people who've been sending me threatening letters that if they ever come down here, the same thing's gonna happen to them that happened to Emmett Till."

Justice. Racist style.

#### THE GREENWOOD COMMONWEALTH

##### New Story On Murder Of Till

MEMPHIS, Sept. 21 (AP)—The Memphis Press Scimitar said today it had been told that two negro men, last seen in the company of slain Emmett Till, had disappeared.

The newspaper said reporter Clark Porteous also had unearthed information that could place the Till murder site in Sunflower County, Miss., instead of in Tallahatchie County where the trial of two white men accused of killing the young Chicago negro is under way.



After the verdict, J. W. Milam and Roy Bryant celebrate the jury's decision with their wives

## GETTING AWAY WITH MURDER

Porteous, in a story written from Sumner, Miss., trial scene, said his new information had been obtained from Dr. T. R. M. Howard, a negro physician and a resident of the all-negro town of Mound Bayou, Miss.

Porteous quoted Howard as saying he could produce four or five witnesses "at the proper time" who would testify that Till's slaying "probably" occurred in the headquarters shed of a plantation near Drew, Miss. Drew is in Sunflower County.

Howard also said, Porteous wrote, that his informants told him they had seen four white men and three negroes, including Till, enter the shed in a truck in the early morning hours of Aug. 28. That was the day young Till was taken from the home of his uncle, Mose Wright, near Money, Miss.

Only the white men were seen in the truck when it left the shed, Howard said. A tarpaulin was spread over its pickup compartment, he said.

"There are witnesses," Howard said, "who heard the cries of a boy from the closed shed. They heard blows. They noted with anxiety of soul that the cries gradually decreased until they were heard no more."

Howard identified the two negroes reported missing as Leroy Collins and Henry Lee Loggins, plantation workers.

## CHAPTER 7

### AFTERSHOCKS

Southern racism won a battle in the Emmett Till case, but that would be one of its last victories in its war against integration and racial equality. The murder of a fourteen-year-old boy from Chicago and the trial of his killers would turn out to be the beginning of the decline of segregation and Jim Crow rule in the South.

While some reporters and well-wishers crowded around local "heroes" Roy Bryant and J. W. Milam in the noisy Sumner courtroom on Friday, September 23, other journalists were busily writing articles and headlines condemning the outcome of the trial. The bad news spread lightning-fast across the country. In a banner headline, one African American newspaper declared the day "Black Friday!" An NAACP news release to the Associated Press called the verdict "as shameful as it is shocking." Many African Americans and sympathetic whites were disgusted by the news of the acquittal and concerned that the victory signaled a continuation of racial discrimination in the South.