Cold Case JUSTICE

BY RACHEL POLLACK
Through a College of Law initiative, professors Paula Johnson and Janis McDonald and their students are investigating unsolved murders from the civil rights era

MANY AMERICANS KNOW THE NAMES Andrew Goodman, James Chaney, and Michael Schwerner, the civil rights workers slain in Mississippi by Ku Klux Klan members during “Freedom Summer” in 1964. But College of Law student Tashia Thomas L'09 is one of the few who knows of Joseph Edwards, and she wants to find out how and why he died, and who killed him. Edwards lived out most of his short life in rural Louisiana. No birth certificate exists to tell exactly how old he was when he disappeared, just weeks after the three civil rights workers were abducted, and before their bodies were found. Those murders spurred the passage of landmark civil rights legislation. Edwards's body, however, was never found—or even searched for. “He knew something was going to happen to him,” Thomas says. “He told his cousin he was afraid for his life.”

The forgotten victims of racially motivated crimes during the civil rights era now have a champion: The Cold Case Justice Initiative at the College of Law. Thomas is one of more than a dozen students actively working with the group’s founders, law professors Paula Johnson and Janis McDonald. They seek to reopen the book on crimes that were never prosecuted, and in some cases never even investigated, 40 years ago. The seeds of the Cold Case Justice Initiative were planted in spring 2007 on a trip to Ferriday, Louisiana, where McDonald first learned about the case of Frank Morris, a successful African American shoe-shop owner. In December 1964, two assailants trapped Morris in his store and held him at gunpoint as they poured flammable liquid around him and set fire to the building. He died four days later in a hospital, third-degree burns covering every part of his body except the soles of his feet. The case was investigated and even reopened briefly in the 1970s, but no one was ever prosecuted.

Stanley Nelson, an editor at the Concordia

Photo (top left) courtesy of Janis McDonald; photo (top right) by John Dowling
Thomas Moore (left) expresses his gratitude to U.S. Attorney Dunn Lampton following the August 2007 conviction of James Ford Seale for his role in the 1964 abduction and murder of Moore's brother, Charles Moore, and his friend, Henry Dee.

Sentinel in Ferriday, contacted Morris's granddaughter, Rosa Morris Williams, about her grandfather's death. He began conducting research and joined forces with Johnson and McDonald to investigate the unsolved murder. What began as a volunteer-based research effort led to a new law course, Investigating and Reopening Unsolved Civil Rights Era Murders, offered last fall. Thomas, who was among the first students to volunteer earlier that spring, enrolled in the course. "I felt angry," she says. "And sad for the family. I felt angry as a black person, and it made me want to be involved. In these types of cases there is usually nothing you can do, and this was an opportunity to do something." For her, she says, it became an obligation.

The professors and students combed through thousands of pages of documents, including FBI files, which they gained access to through the Freedom of Information Act, the Southern Poverty Law Center, the Mississippi Sovereignty Commission database, and several additional sources. Their research provided important clues to the Morris case, as well as extensive information about many other apparently racially motivated—and unsolved—murders during the era. As the number of cases grew, so did a realization of how much remained undone, and how little time there was to accomplish the work. In December 2007, Johnson and McDonald officially founded the Cold Case Justice initiative, headquartered at the College of Law. With the financial support of the college, the program was able to expand its research, offer courses, educate students, faculty, and the general public through forums and events, and serve as a clearinghouse for information about the cases. As many as 70 students have been involved in researching cases, with many making significant contributions. As of this fall, the initiative has about 17 cases under investigation. "There is an urgency to our work," McDonald says. "A sense of 'We need to do it now or it will be too late.'"

McDonald is driven by several factors: the belief that the prosecutions should have already happened and the knowledge that, within a few years, almost all the perpetrators will be dead. This leaves little time for one remedy, courtroom convictions, McDonald says, but revealing the truth is still of critical importance to the families. Other means of justice must be explored when convictions are no longer possible. To further the Morris investigation, the professors gained the attention of Donald Washington, the U.S. attorney for the Western District of Louisiana, and provided him with key information from their ongoing investigation. At Washington's request, the FBI gave him a summary report on the Morris case, and he promised a full review. In late January, the Justice Department special litigation counsel for the Office of Civil Rights, Criminal Section, became involved and met with McDonald in Ferriday.

Long Road to Justice

Why now, four decades after the fact, is the Frank Morris case being reopened? And what does his case bode for other forgotten victims caught in the same web of violence? As the investigation proceeds, it's evident that Morris's killers are linked to other unsolved murders. And while some of those who seemed beyond the law have been prosecuted and convicted, how justice will ultimately be served remains to be seen.

Thomas Moore shared his story of a recent prosecution with a Syracuse audience last fall. The bodies of Moore's 19-year-old brother, Charles, and his friend, Henry Dee, were found during the hunt for Goodman, Chaney, and Schwerner. Speaking at the invitation of Johnson and McDonald, Moore told students about the years of indifference and neglect by law enforcement officials, who essentially dropped his brother's case after discovering the young man's body was not one of the murdered civil rights workers. Years later, when new evidence emerged, Moore was
told that the killer, a Ku Klux Klan member named James Ford Seale, was dead. “Seale's family said he was dead,” Paula Johnson says. “The case got to trial through Thomas Moore's efforts. Together with documentary filmmaker David Ridgen [whose film about the investigation, Mississippi Cold Case, was nominated for a 2008 Emmy Award], he initiated his own investigation by talking to people in the community. And someone said, 'No, Seale's not dead, he lives right down the street.'”

In June 2007, McDonald attended Seale's federal trial in Jackson, Mississippi, on kidnapping and conspiracy charges in the abduction and murder of Moore and Dee. Throughout the trial, what struck McDonald most was the elderly African American women who came to court daily to hear the evidence. The looks on their faces during the difficult testimony every day of the two-week trial continue to inspire McDonald to do this work. "These women were having their day in court,” she says. “It was a day they never truly believed would come."

Seale was convicted and sentenced in August 2007 to three life terms, but in early September a three-judge panel of the federal appeals court in Louisiana overturned the verdict, citing a five-year statute of limitations on the crimes. The case could be reheard by the full appeals court, McDonald says, noting the action didn't wipe out the sense of vindication experienced with the jury's 2007 verdict. Following the panel's decision, Johnson and McDonald spoke with Thomas Moore and reached out to the families involved in the cases they're working on. “All of them are determined to go forward, as are we,” McDonald says. "Thomas Moore is determined to get the local prosecutors to arrest Seale and try him for state murder charges. They can do this.”

For those in Southern communities who believe justice is uncertain because the victims were African American and often poor, Johnson and McDonald are relentless advocates. Johnson wonders how much attention the murder of James Chaney, an African American, would have drawn had he died without his white coworkers, Andrew Goodman and Michael Schwerner. "This nation really hasn't been committed to dealing with issues of race and racism,” Johnson says. "These things happened in large numbers and didn't garner attention. Many black folks lost their lives. We are saying, 'They do matter!'"

In 2007, the U.S. House of Representatives took steps to provide for federal investigation of cold cases, passing the Emmett Till Unsolved Civil Rights Crime Act, named for the Chicago teenager who was murdered in Mississippi in 1955 because he allegedly whistled at a white woman. In September, the U.S. Senate passed the legislation, authorizing funding for the Justice Department to reopen unsolved murder cases from that era. Awaiting further action, Johnson and McDonald continue to work on the Morris case, even after sharing their research with federal authorities. "Until there is a full-blown investigation,” Johnson says, “we will continue to agitate for the attention the case deserves.”

**From Classroom to Case Files**

On a Thursday night in March, students in the course, Investigating and Reopening Unsolved Civil Rights Era Murders, discuss the cases they are investigating. They reel off the names of towns in Louisiana and Mississippi that are becoming familiar to them. "Monroe, Clayton, Ferriday," calls out Vicki Beighley L'08. Ask these students and they can tell you the roadways out of Ferriday, Louisiana, where Frank Morris died. They know it's only minutes to Vidalia, Louisiana, where Klan members allegedly planned his murder, and just a few minutes more across the river and state line to Natchez, Mississippi, where the same Klan group is linked with car-bomb murders. They can tell you how the road runs through Mississippi, later triangulating on to Hattiesburg and Laurel to form a region where the rule of law seemed to completely slip away in the 1960s. "The far
No one has really addressed the connections between the cases, particularly across state lines."

**Professor Janis McDonald**

more difficult level of expertise will involve connecting all of these different Klan members in the large area with the beatings, bombings, murders, and arsons that occurred within that territory," McDonald tells the students. "Attention to sometimes boring detail is the only way to acquire that information."

The College of Law course is open to students in other disciplines. And students learn as much in the course about confronting their own, often unspoken, racial attitudes as they do about civil rights law. They study criminal procedure and evidence. They discover how the easy movement of a ruthless splinter faction of the Klan, the "Silver Dollar Group," which included members of law enforcement, created a kind of perfect storm of violent lawlessness at the height of the civil rights era. The Cold Case Justice Initiative has helped bring attention to the group's reign of terror and explore the theory that its members may be behind the murders of Frank Morris, Joseph Edwards, and others.

When Beighley talks about her investigation of related deaths, she wonders if the knowledge she has acquired will advance the case. She speaks emotionally about the victims and is frustrated that she is still in the preliminary stages of investigation. If others pursue the case, she hopes they'll benefit from research she conducted. "I didn't think it was going to be this hard," Beighley says. "My general impression was that the Klan members who committed these types of acts didn't care about being found out. I thought they walked around with impunity because they thought nothing would ever be done to them." She doesn't know whether justice will ever be served, but wants the victims' families to know "that people paid attention," she says. "I think that will have value. I don't know if it will be enough, but I hope it will mean something."

Johnson knows the students experience a range of emotions, some painful, and acknowledges that certain cases won't proceed past initial investigations. "It's emotional for Janis, for me; all of us feel this," Johnson says. "It is imperative, though, to have coping mechanisms, to be effective in what we want to do. You can have the feelings, but you have to channel that energy and emotion into something that helps you do the work."

**Community Concerns**

Concordia Sentinel editor Stanley Nelson has made the same kind of long-term commitment to the Frank Morris case as Cold Case Justice Initiative founders Johnson and McDonald. He was the one who first spoke of Frank Morris to McDonald. By this fall, he had written more than 80 articles related to the Morris case, but has limited resources. He credits the Cold Case Justice Initiative as his primary resource. "It gave me not only the same type of privileges and assets as a large publication, but also access to information that would have taken so long to find, or maybe would not have been found at all," Nelson says. "Without it, I probably would not have been able to continue to write these articles."

Without Nelson's vigilance and focus, the Morris case might well have returned to languishing in obscurity. He is also a key

**WEB LINKS:**

+ Cold Case Justice Initiative: coldcaselaw.syr.edu
+ Concordia Sentinel: www.concordiasentinel.com
+ Documentary Film: Alexa Harris '08, a recent graduate of the Documentary Film and History master’s degree program at SU, took the CCJI course last fall. She produced and directed a film about the initiative, *The Past is Not the Past*, together with other students in the program. It can be viewed on YouTube at: www.youtube.com/user/shanatelevision.
link for McDonald and Johnson to the people who surrounded Morris in the Ferriday community. Between them, Johnson and McDonald have visited Ferriday more than a half-dozen times since March 2007. “We went to one of the [African American] churches asking for their support,” Johnson says of a visit during winter break. “We wanted to let them know we were not folks coming down from the North telling folks in Louisiana what to do. It’s a process of developing trust and respect for who they are and what they want.”

Shelton Chappell (right) talks to students about his mother, Johnnie Mae Chappell, being murdered by four Klansmen in Florida in 1964, when he was an infant. “What do you do when the system has robbed you of everything, robbed you from the cradle to the grave?” he asked. Listening in is Chappell’s niece, Candace BIlbro-Chappell.

But recognizing how the investigations open old wounds, Johnson and McDonald have tried not to overreach. “It is palpable that [the memories of the crimes] are a part of their everyday existence,” Johnson says. “So it would be beyond irresponsible on our parts to promise anything. But we will give it our best efforts.”

For those who have dreamed so long of justice, it may be hard to keep expectations low. McDonald remembers feeling emotionally overwhelmed after a conversation with a retired Ferriday educator, who had been a teenager in the 1960s and lost friends to the violence. “He said to me, ‘I always promised if I won the lottery, I would hire the best investigators money could buy to find out what happened, and now we have you,’” McDonald recalls. That sense of responsibility drives the work, she says.

**Connecting Cases**

College of Law Dean Hannah Arterian says the combination of faculty, students, and institution may not be easy to duplicate in another setting. “The profile of the program makes evident the uniqueness of its inception here, and the way in which it can and has brought students from other disciplines together with the law school students,” she says. While the College of Law is the first institution to support the reopening of these forgotten cases, more may ultimately follow its lead. Last spring, Johnson and McDonald gave a presentation at a Society of American Law Teachers’ “Teaching For Social Change” Conference held at the University of California, Berkeley, School of Law that sparked interest among other law professors. Several expressed thoughts about creating similar programs on their campuses. The initiative may become a model, much the way the Innocence Project, a national organization to exonerate the wrongfully convicted, was founded with the support of a law clinic at the Cardozo School of Law at Yeshiva University in New York, providing the blueprint for other legal groups to become part of an umbrella organization. “The more we look, the more we discover,” McDonald says. “And we’re not presumptuous enough to think we could do it all. There are other cases that have never been addressed by anyone. No one has really addressed the connections between the cases, particularly across state lines.”

Encouraging the U.S. Department of Justice and local prosecutors to investigate those important connections is one of the next steps McDonald envisions. According to Justice Department spokesperson Jamie Hais, the department appreciates the efforts of the students and professors involved in the initiative. “Projects such as this one may be helpful in furthering the department’s commitment to resolving civil rights era murders,” Hais says.

The Cold Case Justice Initiative hopes to host a conference next spring, bringing together the families of victims. This would allow the families to hold workshops and discussions about what they really need, McDonald says. At the same time, the families could talk and strategize with each other, as well as educate faculty, students, and the general public about the cases. “They can motivate our community to do more for what should be done,” McDonald says.

For now, the Cold Case Justice Initiative is helping a buried history to emerge and forgotten voices to be heard, one case at a time. As law student Tashia Thomas pursues justice for Joseph Edwards, she has already discovered there is more than one road to healing. “There more than likely won’t be convictions in some of these cases,” Thomas says. “The perpetrators will be dead, but the living families of the victims will know someone did something about this.”