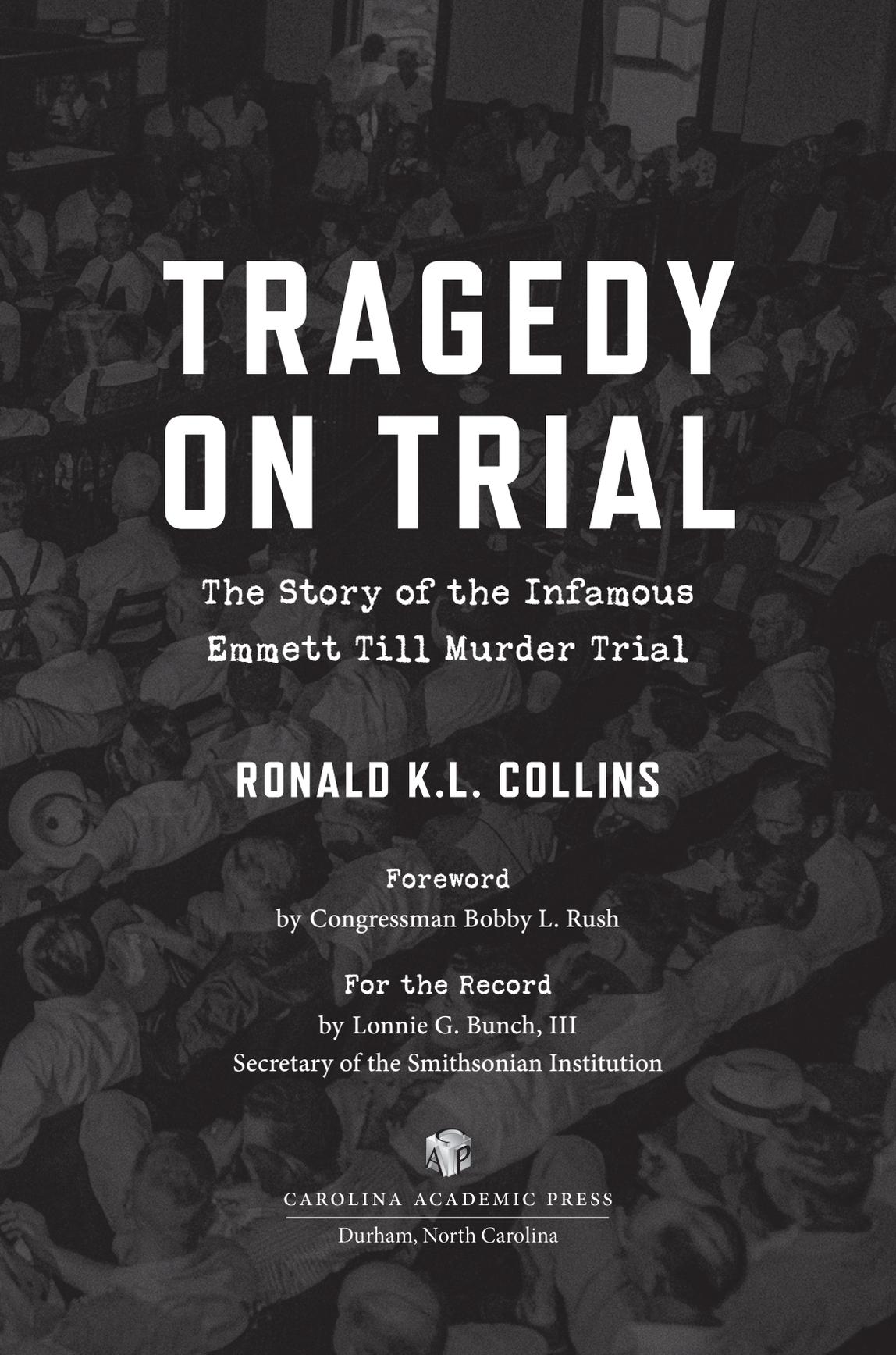


# TRAGEDY ON TRIAL





# TRAGEDY ON TRIAL

The Story of the Infamous  
Emmett Till Murder Trial

**RONALD K.L. COLLINS**

Foreword

by Congressman Bobby L. Rush

For the Record

by Lonnie G. Bunch, III

Secretary of the Smithsonian Institution



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*to*

**KEITH SIPE**

a fearless publisher who values the importance of truth in  
the marketplace and without whom this account of the evils  
of murderous men, the perversion of our legal system,  
and the perpetuation of widely accepted falsehoods  
might never have been revealed.

*and to*

**JAMIE RASKIN**

who passionately supported this project even when he was  
busy striving to save our constitutional Republic.



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*Image gallery appears following page 194*

The past refuses to lie down quietly.

— DESMOND TUTU (1998)

\* \* \* \*

Truth-telling ... is ... a critical form  
of reparation.

— SHERRILYN A. IFILL (2007)

\* \* \* \*

The story of Emmett Till refuses to fade  
into the background.

— REVEREND WHEELER PARKER (2023)

\* \* \* \*

If we're going to continue to move forward as  
a nation we cannot allow concerns about discomfort  
to displace knowledge, truth or history.

— JUSTICE KETANJI BROWN JACKSON (2023)

\* \* \* \*

I cannot imagine our nation did not have  
any federal law against lynching when so many  
African Americans have been lynched.

— CONGRESSMAN BOBBY RUSH (2020)

\* \* \* \*

As our nation strives to become a more  
perfect union, we must reckon with America's past,  
including the history of racialized violence  
that has permeated our nation.

— SENATOR CORY BOOKER (2022)

# FOREWORD

BOBBY L. RUSH<sup>†</sup>  
*Elder & Congressman*

Rage. Relived rage! Reinvigorated rage! An omnipresent rage.

Ronald Collins's mind-opening book *Tragedy on Trial: The Infamous Story of the Emmett Till Murder Trial* is a long-overdue and indispensable account. This amazing book throws yet more logs on the raging fire of judicial injustice that still permeates America's legal system. We who have inherited America's racial inequalities and violence in every quarter, especially in its courts, still cling to a very basic yet radical expectation: that justice will "run down like waters, and righteousness like a mighty stream."

Professor Collins, through the powerful imagery of the Mississippi racial madness in a small, rural town courtroom, has shed an illuminating light on the campaign that ruthlessly tried, and almost succeeded, to legitimize inhumanity. With skill and vigor, he has done so by examining the long-lost trial transcript of the two brutish white bastards who murdered Emmett Louis "BoBo" Till, a fourteen-year-old black-skinned, God-gifted, energetic boy. His precious and promising life was stolen and savaged in ways that stunned the world when his courageous mother, Mamie Till-Mobley, proclaimed, "Let the world see what they did to my boy." The world then saw Emmett there in an

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<sup>†</sup> Congressman Rush (D-IL, 1992–2022) of Chicago is an African American contemporary of Emmett Till and was the lead House sponsor of the Emmett Till Anti-Lynching Act (discussed in this book), which was signed by President Biden in 2022. He also sponsored the Emmett Till and Mamie Till-Mobley Congressional Gold Medal Act of 2021. The act provides for the posthumous presentation of a Congressional Gold Medal in commemoration of Emmett Till and Mamie Till-Mobley. After it was awarded, the medal was given to the National Museum of African American History and Culture.

open casket, first at the A.A. Rayner & Sons Funeral Home and then at the Roberts Temple Church of God in Christ on Chicago's South Side.

Like so many others, I thought I knew pretty much all there was to know about the Till murder trial and the hasty not-guilty verdict by an all-white male jury. Then I read *Tragedy on Trial* and learned of so many other evils lurking in the transcript. To think that this shocking story might have been lost to time reveals how the story of prejudice must be retold to new generations in truthful and unapologetic ways. Tenacity in the cause of truth is no sin.

In a real sense, America was on trial when the twin evils of white racial superiority and its violence-based racism were put on center stage for the world to see. I have long been mesmerized by the finality of Emmett's death—just imagine the “testimony” of his lifeless body floating in a Mississippi river with only his young black feet protruding above the waters in the hot Mississippi sun. The orchestrated malice of it all is painful to comprehend. The plan was for a watery grave: a 70-pound metal fan tied with barbed wire was fixed around the boy's neck. His body was grossly disfigured and macabre. And yet, in time, an undeniable truth miraculously arose—a truth first sensed by Black people who saw the gruesome photos in *Jet* magazine and other Black-owned publications.

The evil intentions of Emmett's murderers and their accomplices were no match for his lifeless body rising mightily from the dark river. That immortal image has ignited a generation of victims around our nation and throughout the world to stand tall and speak out. My martyred friend and courageous comrade Fred Hampton (Emmett's contemporary generationally and by residence) often said, “You can kill a revolutionary, but you can't kill a revolution.”

Emmett Till, that precious underaged and unintentional revolutionary, stirred a civil rights revolution in America and human rights revolutions in Africa, Asia, and South America. His tragedy helped to inspire an ethos that was part and parcel of the Viet Nam anti-war movement and thereafter the women's rights movement. Even today, when we think of heroic and courageous women wed to social justice, we can never overlook the bravery of Mamie Till-Mobley, to whom much indebtedness and tremendous gratitude are owed.

In our human condition, rage cannot and must not exist in a vacuum. Martyrs must not be robbed of the catalytic power of their martyrdom. Martyrs, even the innocent and young like Emmett, are God's instruments for His purposes and His Shalom . . . and our collective well-being.

The racist barbarians who killed Emmett, along with their justice-denying conspiratorial courtroom cohorts, could never have anticipated the immortal outcomes of their dastardly deeds. "But as for you, you meant evil against me; but God meant it for good, in order to bring it about as it is today, to save many people alive." So it is written in Genesis.

We, all freedom-loving people, owe Professor Collins a big, boisterous "Thank You." His book reminds us all of the unfinished work of faithful truth-seekers. And thank God for this book, even as infuriating as it is to read the story of judicial justice gone woefully wrong. The powerful account of *Tragedy on Trial* awakens in us a rapacious rage that has long been the common cause of America's second-class citizens. That same rage is the tributary channel into the river of righteous resistance and our unyielding fight for freedom, justice, and equality.

America is still on trial. Its moral purpose and promise remain unfulfilled. Let us march with justice, step by step into the light of a more moral world. Let us vow to "resist the devil[,] and he will flee from you." This reality is today even more poignant because Emmett's accuser, Carolyn Bryant, recently died without telling the truth in her memoir about Emmett Till's murder. The book you are about to read, however, provides a powerful antidote to that lie and so many others related to the trial and its aftermath—lies that have echoed too long in the halls of time.

Suppressed truth is like a planted seed; it will grow! Thankfully, *Tragedy on Trial* has done its part in helping to uproot the weed of racial injustice.



# FOR THE RECORD

## TELLING THE UNVARNISHED TRUTH

LONNIE G. BUNCH, III

*Secretary of the Smithsonian Institution*

One of the core principles at the heart of the Smithsonian's National Museum of African American History and Culture is to tell the "unvarnished truth," a phrase often used by the late Dr. John Hope Franklin, the dean of African American historians. I had first learned about him from my father, who used every meal as a teaching opportunity and once told us about a brilliant historian whose writing had resonated with him in his history course at Shaw College. I am not sure how old I was at the time, but I know it was the only historian my scientist dad ever discussed at the dinner table.

Years later, when I became the museum's founding director, I enlisted John Hope to help me make scholarship a robust, integral part of the museum by chairing its Scholarly Advisory Committee. I felt like my dad was with us as we discussed how the museum should take shape and what it should prioritize. John Hope would always remind me that it must tell the unvarnished truth about our history, to help the nation confront its tortured racial past. He passed away in 2009, but his words continue to live on, engraved in the museum's entrance hall, inspiring anyone who aspires to help the nation live up to its founding ideals. And they continue to embody my desire to use history as a weapon in the fight for justice and equality.

When I found out that legal scholar and educator Ronald K.L. Collins was working on a book to tell a more complete narrative about the trial of Emmett Till's killers, I was excited to learn the unvarnished truth about what really happened. It is a story that had been lost to

time, and as is often the case with historical examples of racial terror and injustice, it was also buried by people determined to obscure their own roles in maintaining a system that allowed it to happen.

So much of a historian's job is to uncover truths in the past, no matter how complicated or painful. We do it through intensive scholarship and meticulous research that leads to new evidence, new insights, and new interpretations. James Baldwin wrote in *The Fire Next Time*: "Time reveals the foundations on which any kingdom rests and eats at those foundations, and it destroys doctrines by proving them to be untrue." I would argue that more than time is necessary to destroy doctrines; it also takes a willingness to challenge conventional wisdom and the fortitude to uncover the unvarnished truth.

With *Tragedy on Trial*, Professor Collins does that vital work, shedding valuable light on one of the most consequential moments of the past century. This interrogation of our nation's complicated past examines how the historical record gets obfuscated, how myths are fixed into the public consciousness, and how justice has often been denied by the very institutions meant to secure it.

Although the murder of Emmett Till is one of the most pivotal events in American history, it was also sadly unremarkable, typifying the casual destruction of Black bodies in the Jim Crow South. In the crucible of racial terror in 1950s Mississippi (a state so tethered to its slaveholding past that it did not ratify the Thirteenth Amendment until 1995), Emmett's lynching could have been just another Black boy killed. Another false accusation of sexual impropriety used as a pretext for racist violence. Another statistic. Were it not for Emmett's mother, Mamie Till-Mobley (Bradley at the time), those in power may have been able to act as so many others had before, protected by a racist system and shrouded in obscurity.

Mrs. Till-Mobley's refusal to allow the nation to look away, despite the incomparable pain of the death of her child, changed the country forever. When she chose to have an open-casket funeral at Chicago's Roberts Temple Church of God in Christ and allowed pictures to be taken of Emmett's disfigured body, it became the catalyst that reignited the civil rights movement.

To that point, much of the work done in the fight for civil rights had been legal, involving taking arguments all the way to the Supreme

Court. But milestone victories like *Brown v. Board of Education*, although vital, were not enough to counteract the entrenched racism of the South. Indeed, they only served to spur violent backlash—including Emmett Till's murder.

When Black World War II veterans returned home, they attempted to change things to reflect the freer and fairer lives they had experienced overseas, but these efforts were carried out largely at a local level. Emmett's murder was the first event to really serve as a national wakeup call and galvanize people. It demonstrated that people on the ground must confront the evils of segregation head-on and that all people of conscience must be active participants in changing the country.

A generation of civil rights activists pointed to it as the clarion call to act, including Rosa Parks, who later told Mrs. Till-Mobley she was thinking of Emmett when she refused to relinquish her seat on a Montgomery bus; the Greensboro Four, who sat to demand service at a segregated North Carolina Woolworth's; the Freedom Riders of the Student Nonviolent Coordinating Committee, including a young John Lewis; and Martin Luther King, Jr., who delivered his "I Have a Dream" speech on the anniversary of Emmett's death.

Emmett Till resonates with me personally on many levels: as a Black man, as a father, and as a historian. When I was contemplating the content of the National Museum of African American History and Culture, I knew Emmett's story must be central to it, not just because it was a tragedy that became a historic movement, but also because I had an important promise to keep.

During my time at the Chicago Historical Society, I had the great fortune to meet Mrs. Till-Mobley. She was gracious in spending time with me, allowing me to hear firsthand what she had gone through and recounting the memories of her son. Just before her death in 2003, she spoke to me about how she had carried the burden of Emmett's death and the meaning of his loss for nearly fifty years. She was tired. She wondered who would carry that burden of history and the weight of his memory when she was gone. I knew it was a direct appeal to me and to the entire historical community to ensure that Emmett and countless other victims of racial terror would never be forgotten.

Her words echoed in my mind during the creation of the National Museum of African American History and Culture. The challenge be-

fore me was how to carry out Mrs. Till-Mobley's wishes in a way that not only respected Emmett's life but also spoke to the broader importance of what he meant to the nation.

The potential for a profound tribute to the lives and legacies of Emmett and Mrs. Till-Mobley came in 2005, when the Department of Justice reopened the murder case and disinterred Emmett's body, later reburying him in a new casket. The original was to be placed in storage, but unfortunately it was improperly stored in a shed and fell into disrepair.

When I found out about it, I reached out to Emmett's cousin, Simeon Wright. The family asked me if we would like to take the casket into the museum's collections to preserve it and help tell Emmett's story. I was unsure whether it was appropriate to do so. The last thing I wanted to do was create a ghoulish spectacle that stripped Emmett of his humanity. Ultimately, in conversations with senior staff, we decided the artifact was too important to leave out of the first national museum devoted to viewing America through an African American lens.

Emmett's casket has proven to be one of the museum's most powerful and profound exhibits. Soon after the museum opened, I witnessed its effect in action. A young Black woman was overcome with emotion as she stood next to the exhibit, absorbing the magnitude of this simple casket with a glass top that had revealed racism's ugly truth for the world to see.

An older white man approached and asked if he could cry with her. She hesitated but agreed, and they locked arms and stood in silence, two strangers crying together for the unthinkable murder of a child decades before. It was a moment of unguarded, shared humanity unlike any I had experienced. I think Mrs. Till-Mobley would have appreciated her son's ability to help visitors learn, heal, and grow together.

That is the power and promise of an honest telling of history. It allows us to look at our past in a richer and more meaningful way. It allows us to bring people together to understand the human impact of moments in time. And it allows us to gain a better perspective on our present by contextualizing where we have been and how we got where we are today. In so doing, we gain the tools of understanding to build a better-shared future.

I have always felt museums have an important role to play in addressing social and racial injustice by defining reality and giving hope. By seeking the unvarnished truth. But that duty does not belong only to cultural institutions or historians; it is the responsibility of all institutions dedicated to the truth.

Black newspapers have always been an important voice in the chorus calling for equal rights. Pioneering editors like Robert Abbot of the *Chicago Defender*, William Monroe Trotter of the *Boston Guardian*, Charlotta Bass of the *California Eagle*, and Jefferson Lewis Edmonds of the Los Angeles *Liberator* realized that as journalists, as guardians of a community seeking the equality central to the American promise, they had a sacred responsibility to act. The Black press continues to provide its readers with information often ignored by mainstream papers, confronting the systems that help perpetuate racism.

As *Tragedy on Trial* demonstrates, the Black press was a vital witness to history during the trial of Emmett Till's murderers. The most obvious contribution is the horrific photograph David Jackson of *Jet* magazine took of Emmett in his casket, battered beyond recognition, a surrealistic approximation of a face that would haunt any person of conscience.

Although no mainstream newspaper would carry the gruesome picture, *Jet's* editor John Johnson made the courageous decision to do so, and other African American publications followed suit.

*Tragedy on Trial* shows how vital the Black press was in keeping an accurate record of the events of the trial, pointing out other witnesses who were not called to testify and may have been connected to Emmett's kidnapping and murder, and debunking the myriad lies and half-truths in William Bradford Huie's popular accounts of the event that have stubbornly persisted for decades. With their contemporaneous reporting on the trial, the Black press also allowed Professor Collins to piece together the closing arguments that were inexplicably omitted from the trial transcript.

In the prologue below, Professor Collins asks, "Where do we turn to for the truth?" Where, indeed? We live in an age of increasingly brazen efforts to rewrite history, to pretend slavery was beneficial to the enslaved, to ban curricula that discuss race, and to remove books from

libraries. It is nothing new, of course, this effort to maintain a founding myth sanitized and stripped of its ugliest parts.

Challenges to the entrenched power structure from the disenfranchised have always been met with a reactionary backlash; the greatest pushes to rewrite history books and build statues to venerate the Confederacy came not directly after the Civil War but in eras where Black people were asserting their rights as human beings—during the post-Reconstruction Jim Crow era and during the civil rights movement.

Now, as a backlash to the grassroots movement and political campaigns in the wake of George Floyd's murder, we see the same kinds of reactionary efforts that aim to whitewash American history.

So, to answer Professor Collins's question, the truth must come from historians and educators, legislators and corporate leaders, artists and writers, parents and students—in short, it must be a collective effort by all who recognize that an educated citizenry is vital to our democracy and that we cannot simply erase the distasteful parts of our history.

When reading about the concerted attempts to change the narrative of the trial, I think of the oft-quoted line from the Jimmy Stewart western *The Man Who Shot Liberty Valance*: “When the legend becomes fact, print the legend.” We owe it to ourselves as a nation not to simply accept what we have been told about the past. In fact, I would argue that we do a disservice to our children and grandchildren if we gloss over the reality of our history in favor of a comforting fiction.

The Emmett Till story is an example of how history changes depending on the narrator, how perception can become reality, and how only through an honest appraisal of the evidence can we piece together what truly happened.

One of my life's great privileges was getting to know John Lewis, the civil rights icon and long-time congressman who was instrumental in getting the National Museum of African American History and Culture built. I attended some of his bipartisan pilgrimages to milestones of the civil rights movement, including one to Mississippi, where we stood at the site of Emmett Till's murder. It was a poignant and emotional moment, but Congressman Lewis helped ease the pain by reminding us how Emmett had been a powerful rallying cry for justice.

As we rode the buses back to Alabama where the tour had originated, we stopped in a rest area, and Congressman Lewis, Congressman Steny Hoyer, and I went into the restroom. Sadly but unsurprisingly, racist comments were scrawled on the walls, a reminder that the hate residing in people's hearts is not as easily changed as laws.

That reality was also evident in the bullet-riddled sign that marked the site where Emmett's body was pulled out of the Tallahatchie River. In 2021, the Smithsonian's National Museum of American History displayed one of several historical riverside markers made and replaced by the Emmett Till Memorial Commission. Due to repeated acts of vandalism, the latest version had to be constructed with bulletproof steel. But no matter how hard those with a vested interest in erasing Emmett Till and Mamie Till-Mobley try, whether with bullets or laws, they will never be able to do so. Their memory and legacy belong to the world.

This year, 2023, is indicative of the dichotomy inherent in the Emmett Till case. In one respect, Carolyn Bryant's death closed out one of the most infamous chapters in American history, though it offered no satisfying resolution. She made the accusation that set the deadly chain of events in motion, and despite the discovery of a 1955 arrest warrant for kidnapping, she was never charged. Neither she; her husband, Roy; his half-brother, J. W. Milam; nor anyone else involved in the conspiracy and connected to the crime ever faced true justice.

In many respects, though, Emmett's legacy is more secure than ever. A year after the release of a wonderful film about Emmett and Mamie and the passage and signing of the Emmett Till Anti-Lynching Act, President Biden declared three historic sites to be protected memorials: the Roberts Temple Church where Emmett's body was displayed (now the Emmett Till and Mamie Till-Mobley and Roberts Temple National Monument); Graball Landing, where his body was discovered; and the Tallahatchie County Second District Courthouse, the setting of *Tragedy on Trial*.

What were places of pain, of desperate attempts to thwart justice and rewrite history, will now forever stand as testaments to the resilience of a mother who demanded justice for her son and helped the nation leap forward in its long search for redemption.

Meanwhile, the names Roy Bryant and J. W. Milam and Carolyn Bryant will be mere footnotes in history and share in the ignominy and anonymity of other racists shunned by decent people who recognize the corrosive effects of hatred and strive for a better nation.

As *Tragedy on Trial* proves, there is a long list of heroes who deserve our attention, not just Mamie and Emmett but all who, like Professor Collins, are dedicated to revealing the unvarnished truth and perfecting our union. My deepest gratitude to them all.

# PROLOGUE

## THE UNJUST TRIAL AND ITS DECEPTIVE AFTERMATH

Time does not turn backward, but memory does. When memory is erased, however, the past dies with it. The evil of murder ends a life and thus ends the prospect of its future, while the evil of the suppression of truth destroys the memorial record of that life. That is why history is so important. Properly understood, it can serve as a moral yardstick when it comes to acts wrongfully committed and unjustly perpetuated.

No moral imperative can, however, be grounded in a lie, especially when that lie uproots the very possibility of understanding the past. Of course, past wrongs do not easily invite present reconciliations. That all-too-human failing helps to explain why there has been deep-seated resistance to fully and openly acknowledge the troubling truths of racial injustice in America. That mindset closets the evils of the past; sometimes it even condemns those who expose such evils as being “un-American.” Yet if the *true* past remains concealed or denied, then the very idea of equal justice rings hollow, if only because so much of the past determines the future.

Only that which has had life can have a history. There is no history of nothing. By that logic, when life ceases, its history often ceases with it. What remains is memory. Hence, to move forward, we must first look backward.

\* \* \* \*

Memory cuts deep but in different ways depending on who is on the receiving end of its blade. On the one hand, “the memory of lynching,” as Sherrilyn Ifill has stressed, “is indelibly engraved on the collective

psyche of blacks.”<sup>1</sup> On the other hand, as Roy Bryant complained, “Emmett Till is dead. I don’t know why he just can’t stay dead.”<sup>2</sup> Till’s after-life tormented Bryant, one of the two men charged with the boy’s murder. It was thirty years later, he emphasized, and people were still hounding him about the case. By his mindset, he had reason to be surprised. After all, a jury of his white male peers had found Bryant and his half-brother accomplice, J. W. Milam, “not guilty.”

Of course, everyone in that Tallahatchie courtroom knew otherwise, even though the five defense lawyers did their devil’s-advocate best to legitimize the murderous malice in the minds of the two men who took Emmett Till’s life. That evil, that “crime so unjust” as Bob Dylan tagged it in song,<sup>3</sup> could not, and did not, die. The poet Langston Hughes did not let it pass in 1955<sup>4</sup> nor did Congressman John Lewis let it pass in 2020. His words: “Emmett Till was my George Floyd. He was my Rayshard Brooks, Sandra Bland, and Breonna Taylor.”<sup>5</sup> The evil of the Till tragedy persists for at least two reasons: because justice was first denied in the courtroom in 1955, and because even now, sixty-nine years later as of the time of this writing, the full truth of what occurred remains either undisclosed or unclear.

The popular account of the Till murder trial largely begins and ends with the statement that “an all-white male jury” rendered a predictable verdict after a brief deliberation. While there is surely truth there, such snap judgments leave out much that is both significant and revealing. For example:

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1. Sherrilyn Ifill, *Confronting the Legacy of Lynching in the 21st Century: On the Courthouse Lawn*, Boston: Beacon Press (2018), p. 143. See also *ibid.*, p. xvi (“Perhaps it is the gruesome nature of the lynching ritual act itself that becomes indelibly etched onto the collective psyche of a black community for generations. . .”).

2. Quoted in Mamie Till-Mobley & Christopher Benson, *Death of Innocence: The Story of the Hate Crime that Changed America*, New York: One World/Random House (2004), p. 261. The irony, of course, is that the “perpetrators of this violence [have long taken] pride in their terrorism.” Sherrilyn Ifill, *Confronting the Legacy of Lynching*, p. x (foreword by Bryan Stevenson).

3. Bob Dylan, “The Death of Emmett Till,” Warner Bros. Inc. (1963).

4. Langston Hughes, “Langston Hughes Wonders Why No Lynching Probes,” *Chicago Defender*, October 1, 1955, reproduced in *The Lynching of Emmett Till*, ed. Christopher Metress, Charlottesville, VA: University of Virginia Press (2002), pp. 124–27.

5. John Lewis, “Together, You Can Redeem the Soul of Our Nation,” *New York Times*, July 30, 2020 (posthumous op-ed).

- What of the efforts of the African American press to ferret out the full truth of the crimes?
- And what of the courageous efforts of an African American doctor to locate and then safeguard witnesses?

Then there were those directly involved with the trial:

- What of the two sheriffs who played key roles in the case?
- How was the jury selected and by whom?
- Who were the lawyers, and what role did they play?
- What of the judge, and how important was his role?
- Who were the witnesses, and how credible were they?
- And what of the role played by Emmett Till's mother as a witness for the prosecution?

And then there is the matter of what never became part of the evidentiary record of the trial:

- What of the missing witnesses and their stories?
- What of the evidence excluded from the trial and what the jury knew of that evidence?
- And just how important was the procedural posture of the case—the fact that the defendants, though originally charged with kidnapping and murder, were tried *only* for murder?

Though the answers to those questions are central to any meaningful account of the Till tragedy, they have too long remained largely outside of the popular purview.

It is appalling but true: the Till story is layered with lies, some of which have gained staying power by virtue of their repetitiveness over decades. Which raises the question: Where does one turn to for the truth? From newspaper, magazine, and television accounts from before the trial? From accounts of the murder trial itself? From press accounts that appeared shortly after the trial? From interviews with some of those then involved in the matter? From books? From government investigations and reports? From documentaries? How do we best approach the full truth?

The Emmett Till murder trial revealed much about what occurred when a young boy from Chicago visited his cousins in Mississippi to pick cotton by day and play in the evening. Even so, the *whole* truth about what occurred on August 28, 1955, was not on display for all to hear and remember. Since the trial was for *murder* and that crime alone, the *kidnapping* charge fell to the wayside until after the trial when a second grand jury would consider that matter. Still, evidence was tendered in the murder trial that bore directly on the question of kidnapping. That kidnapping was prompted by what had been told to the defendants about Till's alleged exchanges with the spouse of one of the defendants along with what came to be known as his "wolf whistle."<sup>6</sup> When word got out, it sparked fires of white male rage fueled by a culture of racism. Men with combustible tempers, men with guns, and men with no consciences sped into homicidal action of a most foul kind. Two were arrested, tried for murder, and then acquitted. The first official account of those historic moments of race and law in America was recorded by James T. O'Day, the trial court reporter.

To many, the trial transcript of *State of Mississippi v. J. W. Milam and Roy Bryant* is unknown. For them, it is one of those dead documents weighed down by 62,551 words of legalese. After the trial, the transcript seemed to vanish, a crucial document lost to history. A copy, however, did remain in the possession of J. J. Breland, one of the defense lawyers. Around 1962, a graduate student named Hugh Stephen Whitaker "obtained his copy of the transcript, a thick sheaf of onion-skin with a binder clip, from Breland, after interviewing him for hours."<sup>7</sup>

As fate would have it, however, even that rare copy was destroyed in a "basement flood in the 1970s."<sup>8</sup> For decades thereafter, no complete

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6. See Devery Anderson, *Emmett Till: The Murder That Shocked the World and Propelled the Civil Rights Movement*, Jackson, MS: University Press of Mississippi (2015), pp. xvi, 363; Alexis Rogers, "The Living Truth: The Emmett Till Story Special," WishTV.Com, Indianapolis, December 27, 2022, (Wheeler Parker: "It was a wolf whistle. . . . It was [the sort of thing that was] way, way out of line. . . . We knew he had violated a serious law—I mean a death-threatening law."), <https://www.wishtv.com/news/local-news/the-living-truth-the-emmett-till-story-special/>.

7. Shaila Dewan & Ariel Hart, "FBI Discovers Trial Transcript in Emmett Till Case," *New York Times*, May 18, 2005, sect. A, p. 14.

8. Anderson, *Emmett Till*, pp. 325, 338, 353.

copy of the transcript was available, though various portions of it had been quoted in newspaper articles from the time. Very few people even noticed its public absence for nearly a half-century.

Finally, the transcript resurfaced in September 2004 when FBI agents, serving under the direction of Dale Killinger, discovered a badly faded copy owned by a man who lived in Biloxi, Mississippi—his father, Lee McGarrh Sr., testified as a character witness for J. W. Milam, one of the defendants. The copy, described as “faint and barely legible, [was then] the only publicly known record of the trial. . . . [At the time], Robert J. Garrity, Jr., the FBI’s special agent in charge in Mississippi, said . . . that the newly found transcript would allow investigators to review the testimony of witnesses who are now dead and also compare living witnesses’ accounts today with what they said in court 50 years ago. . . . The newfound copy was first reported . . . by the *Clarion-Ledger*, the Jackson daily newspaper. Mr. Garrity described it as a ‘copy of a copy of a copy.’ ‘It was in pretty poor shape,’ he said, ‘so we had to go through it line by line, word by word, and retype it.’ . . . It took two weeks for two clerks to transcribe the entire document, except for [two] missing pages.”<sup>9</sup> Though a copy of the transcript was available in the archives at Ohio State University before 2007, it did not receive real public notice until 2007. Incredibly, the court reporter did not transcribe the closing arguments of the prosecution and defense lawyers (recreated in Chapters 9, 10, and 11). Despite its limitations, the trial transcript is the longest primary document from the time.

In the three hundred fifty or so pages of this transcript<sup>10</sup>—the apparent last of the surviving primary documents—lives the most extensive in-real-time historical record of the murder, replete with truths, half-truths, untruths, and unfinished facts waiting to be explored. Some have mined the transcript for a few facts, others plucked it for attention-grabbing quotes, and biographers have referred to it to explain or refute this or that claim. But no one has ever published and analyzed the

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9. Dewan & Hart, “FBI Discovers Trial Transcript”; Anderson, *Emmett Till*, pp. 324–26; Timothy B. Tyson, *The Blood of Emmett Till*, New York: Simon & Schuster (2017), p. 4. Lee McGarrh Sr.’s name was “redacted from the FBI report for privacy purposes.” Anderson, *Emmett Till*, p. 471 n. 42. See also Chapter 2 note 14, *infra*.

10. There were also several items reproduced in Clenora Hudson Weems’s *Plagiarism—Physical & Intellectual Lynchings: An Emmett Till Continuum* (2007) and also preserved in the William Huie papers at Ohio State University Libraries.

transcript *in toto*. What was true? What was false? What was omitted? Who and what were left out of the story? What do we know about the lawyers for the prosecution? What of the defense lawyers and the arguments they advanced? What did the evidence offered during the trial reveal about the true culprits of this miscarriage of justice, the ones who preordained the result that a bigoted jury desired? What was reported after the trial that either supported or refuted what was set out in the trial transcript? And how does all of this fit into the story of the murder that helped launch a movement?<sup>11</sup>

Over time, people with often essentially the same motive attempted to erase much of the Emmett Till tragedy and murder trial from the memory of recorded history—for example, the attempted quick burial in Mississippi (to prevent national notice), the cotton gin wheel wrapped with barbed wire around Emmett’s neck (which remains lost), the missing witnesses (some of whom never spoke fully and truthfully), the long-lost trial transcript (with its curiously missing closing arguments and exhibits), the initial renovation of the courtroom (which changed its appearance considerably), the mutilation or destruction of Till landmark signs (which continues to this day), and more. Thankfully, however, enough has been preserved to reconstruct what happened.

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What of the *safety* of the witnesses for the prosecution, including Mamie Till-Bradley (Mamie’s legal name before her remarriage to Gene Mobley in 1957), and the African American press covering the trial? Before, during, and after the murder trial, their safety had to be guaranteed. For the most part, that was in the hands of one man: Dr. Theodore R. Mason “T.R.M.” Howard, a well-to-do medical doctor, noted civil rights leader, and a major figure in the Black community in Mississippi.<sup>12</sup> They found needed shelter and safety at his Mound Bayou

11. See Davis W. Houck & Matthew W. Grindy, *Emmett Till and the Mississippi Press*, Jackson, MS: University of Mississippi Press (2008), pp. 154–55 (noting how the civil rights movement evolved); Dave Tell, *Remembering Emmett Till*, Chicago: University of Chicago Press (2019), pp. 121–25 (noting the need to also recognize prior events such as the Montgomery bus boycott and the *Brown v. Board* ruling).

12. See David T. Beito & Linda Royster Beito, *T.R.M. Howard: Doctor, Engineer, Civil Rights Pioneer*, Oakland, CA: Independent Institute (2018), pp. 129–88; David T. Beito &

estate, which was guarded by men with guns. His home was also the command center for gathering information about what happened and planning how to proceed.<sup>13</sup>

Well before the court trial, Mamie had already seen enough to suppose that the evil that seized her son (“Bobo”) would be compounded by attempts for a quick and invisible burial in Mississippi.<sup>14</sup> So she had her son’s body collected and then shipped from Greenwood, Mississippi, to Chicago; it cost \$2,300! Once *The City of New Orleans* train arrived at Central Station at Twelfth Street, Mamie was there to meet it, as was *Jet* reporter Simeon Booker and photographer David Jackson, among others. They “unloaded the box that [carried Emmett’s body] and placed it on a flatbed truck, a simple train yard wagon. . . .” As the cameras kept clicking, Mamie kept screaming. When the casket was opened, it emitted a “most terrible odor.” “Oh, God. Oh, God. My only boy,” she cried.<sup>15</sup> They all proceeded to A. A. Rayner’s funeral home. There, with a combination of resilience and determination, Mamie’s eyes bore witness to the badly mangled body that was her son: “I stood a long time looking at that body,” she recalled.<sup>16</sup> What Mamie saw was mirrored in the chilling close-up photos Jackson took of the boy’s dis-

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Linda Royster Beito, *Black Maverick: T.R.M. Howard’s Fight for Civil Rights and Economic Power*, Champaign, IL: University of Illinois Press (2009), pp. 115–69.

13. Till-Mobley & Benson, *Death of Innocence*, pp. 152–53, 156, 167, 168, 170, 172; James L. Hicks, “White Reporters Double-crossed Probers Seeking Lost Witnesses,” *Cleveland Call & Post*, October 15, 1955 (rediscovering witnesses and how to release the story).

14. Till-Mobley & Benson, *Death of Innocence*, pp. 129–32. “Sheriff Strider ordered Moses [Wright] to bury Emmett in Mississippi without delay.” Simeon Booker with Carol McCabe Booker, *Shocking the Conscience: A Reporter’s Account of the Civil Rights Movement*, Jackson, MS: University of Mississippi Press (2013), p. 59. Sheriff Strider had also seen to it that there would be no autopsy. Thanks to Crosby Smith’s alerting Sheriff George Smith and to the latter’s insistence, Mamie was alerted and the body was transported to Chicago. See Simeon Wright with Herb Boyd, *Simeon’s Story: An Eyewitness Account of the Kidnapping of Emmett Till*, Chicago: Lawrence Hill Books (2011), p. 65; Crosby Smith, “Forgotten Witness to a Mississippi Nightmare,” *Negro History Bulletin*, vol. 38, no. 1 (December 1972–January 1975), pp. 320, 323.

15. Till-Mobley & Benson, *Death of Innocence*, p. 132. See also Mattie Smith Colin, “Mother’s Tears Greet Son Who Died Martyr,” *Chicago Defender*, September 10, 1955, p. 1 (providing a detailed account of Mamie Bradley’s receiving Emmett’s body at the Illinois Central Station).

16. Mattie Smith Colin & Robert Elliott, “Grieving Mother Meets Body of Lynched Son,” *Chicago Defender* September 10, 1955, p. 5.

figured face. Those iconic images<sup>17</sup> came into sharper focus when she arranged for an open-casket memorial service, in clear contravention of release orders by Mississippi officials that the casket not be opened.<sup>18</sup>

Meanwhile, on September 5, while Till's body lay in repose, an eighteen-member, all-white, male grand jury heard testimony in the Till murder case. District Attorney Gerald Chatman presented his evidence for the prosecution. The witnesses included Tallahatchie County Sheriff Henry Clarence "H. C." Strider, Tallahatchie County Deputy Sheriff Garland Melton, Sheriff George Smith, and Leflore County Deputy Sheriff John Cothran. Moses Wright and his son, Simeon, were on hand but did not testify. Among other things, there was conflicting testimony about the identity of the body. The testimony concluded at 4:00 p.m.<sup>19</sup>

The next day, a service was held at the Roberts Temple Church of God in Christ in Chicago. "Let the people see what they did to my boy,"<sup>20</sup> Mamie Till-Bradley proclaimed to the world. Thousands in Chicago peered into the open coffin revealing Emmett's grotesquely disfigured face. As Reverend Jesse Jackson put it so well nearly a half-century later, "Mamie turned a crucifixion into a resurrection."<sup>21</sup> Emmett Till was buried at the Burr Oak Cemetery in Alsip, Illinois, on September 6, 1955.

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17. See Noah Adams, "Emmett Till and the Impact of Images: Photos of Murdered Youth Spurred Civil Rights Activism," National Public Radio, *Morning Edition*, June 23, 2004, <http://www.npr.org/templates/story/story.php?storyId=1969702>.

18. This was a condition of the release of the body to Emmett's mother. The casket was locked and had a State of Mississippi seal on it. "Promises had been made just to get the body out of Mississippi," said the Chicago funeral home director, A.A. Rayner. He added, "I had to sign papers, the undertaker had to sign papers, your relatives had to sign papers." Booker & Booker, *Shocking the Conscience*, pp. 59–60.

19. Anderson, *Emmett Till*, p. 61; Elliott J. Gorn, *Let the People See: The Story of Emmett Till*, New York: Oxford University Press (2018), pp. 72–73, 316 n. 6.

20. Houck & Grindy, *Emmett Till and the Mississippi Press*, p. 36 (citing *Biloxi Daily Herald*). Despite the Chicago funeral home director's "promise not to touch up the body, the mortician stitched the eyelids shut, removed the tongue, closed the mouth and refastened the back of the skull using some coarse thread." Booker & Booker, *Shocking the Conscience*, p. 62.

21. Jesse L. Jackson Sr., foreword to Till-Mobley & Benson, *Death of Innocence*, p. xiii. In 2023, the church was designated as a national monument.

That same day, Roy Bryant and J. W. Milam were indicted by a Tallahatchie County grand jury on charges of kidnapping and murder.<sup>22</sup> When arraigned, they pleaded not guilty and remained in jail until the trial began. “Judge Curtis M. Swango would preside, having insisted that the trial be held during the court’s current session, due to expire shortly, rather than in the next session in the spring.” What that meant, and as Simeon Booker of *Jet* magazine realized early on, was that the prosecution would be without “either the opportunity or resources . . . to establish an adequate case.”<sup>23</sup> Consequently, both time and the obstructive actions of Sheriff Strider made the prosecution’s task a Sisyphean one.

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The murder trial<sup>24</sup> of the two defendants commenced at the Second District Tallahatchie County Courthouse in Sumner. Scores of white men lingered in front of the courthouse with only a few people of color watching on, but at a safe distance. Compared with what was being reported in the Black press, the trial was in many respects a sanitized version of what actually happened.

If you take a civil rights history tour through the South, you will likely come upon the courthouse where the Till murder trial occurred between September 19th and the 23rd of 1955. The courthouse is located on North Court Street in Sumner, Mississippi, next to a towering Confederate statue with a chiseled tribute to “our heroes,” in memory

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22. See “Grand Jury Indicts Men with Kidnapping, Murder,” *Greenwood Commonwealth*, September 6, 1955, p. 1; “Wolf Whistle Pair Indicted on Murder Count,” *Memphis Press-Scimitar*, September 6, 1955, p. 7. According to one report, “Bryant was implicated in the death of a Negro who was beaten and left in a ditch last year [1954].” Mattie S. Colin & Robert Elliott, “Mother Waits in Vain for Her ‘Bo,’” *Chicago Defender*, September 3, 1955, 1.

23. Booker & Booker, *Shocking the Conscience*, pp. 62, 63 (“All the parties concerned—the judge, the jury, and the accused—knew that a verdict of not guilty was certain.”). Hugh Stephen Whitaker, “A Case Study in Southern Justice: The Emmett Till Case” (MA thesis, Graduate School of Florida State University, August 1963), p. 147 (statement based on “interviews with all concerned”).

24. As discussed later, the defendants were originally charged with both kidnapping and murder, but they were only tried for murder; after the trial they were brought before a grand jury in another jurisdiction for kidnapping.

of “the cause that never failed.” If the trial were ever to be re-enacted,<sup>25</sup> and on some regular basis, in the original courtroom and based on the trial transcript, one could see in the mind’s eye Judge Curtis M. Swango Jr. presiding in the front center of a wildly overcrowded courtroom. The judge banged his gavel as the two defendants—J. W. Milam (six feet, two inches tall, and 235 pounds) and Roy Bryant (five feet, four inches tall, and 160 pounds)—were each joined by their young sons and accompanied by their wives. Many Black Americans came to watch the trial, though only fifty were admitted into the sweltering, humid courtroom with temperatures rising above one hundred degrees. The open windows did little to clear the haze of cigarette smoke. Fans swirled to offer only a modicum of relief. Playing to the crowd, vendors hawked soda pops and lunch boxes during court recesses, but only to whites. Meanwhile, the Milam and Bryant boys were rowdy as they chased one another while playing with their toy guns. Thus did the judicial case begin.

From that same conceptual perch, one can imagine seeing Judge Swango drinking Coca-Cola as the lawyers selected jurors and the three prosecutors and five defense lawyers huddled at nearby desks. The proceeding drew national attention; the national mainstream media and press correspondents included the likes of John Chancellor, Murry Kempton, and David Halberstam. As the trial proceeded, Mississippi and Louisiana radio reporters scurried around to phone in their on-the-spot stories—“Stay tuned to hear the latest from Sumner on the trial.”<sup>26</sup> Off to the side, the far side, a small card table marked the segregated spot for the Black reporters.

Moses Wright (Till’s great-uncle) was the first witness called by the prosecution. He sat in a chair to the judge’s right. It was from there, in what proved to be a historic moment captured by a camera, that Wright

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25. In February 2022, the DuSable Museum of African American History hosted “Trial in the Delta: The Murder of Emmett Till,” a ninety-minute dramatic rendition of the trial. The live event was also video-recorded. Then in October of the same year, the Mosaic Theater Company in Washington, D.C., presented the premier of “The Till Trilogy” by Ifa Bayeza and directed by Talvin Wilks. One of three plays was on the Till murder trial: “That Summer in Sumner.”

26. John N. Herbers with Anne Farris Rosen, *Deep South Dispatch: Memoir of a Civil Rights Journalist*, Jackson, MS: University of Mississippi Press (2018), p. 58.

stood and pointed an accusatory finger at the defendant Roy Bryant. When the “new witnesses were ushered in, verbal clashes broke out between civil rights advocates and the locals. The judge could barely keep order, and Sheriff Strider barked commands at the crowd.”<sup>27</sup> The tension grew as Willie Reed, one of the surprise witnesses, testified that he heard screaming and whipping coming from the shed where Emmett was being held.

And then there are the images of the time when Carolyn Bryant rested her head on her husband Roy’s shoulder after she testified (outside the presence of the jury) about allegedly being touched and later whistled at by Till. Sheriff H. C. Strider added to the fabricated tale when he rendered his perjured and all-too-defendant-friendly testimony. The testimony of the twenty-two witnesses (twelve for the prosecution, ten for the defense) along with closing arguments lasted two-and-a-half days.

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In the shocking course of it all, there was also the testimony of Mamie Till-Bradley (Emmett’s mother). Born in Webb, Mississippi, she had lived in a world in which race determined one’s destiny in daily life. That was apparent once she entered the courtroom where seats were segregated by race.<sup>28</sup> Likewise, while whites were addressed by their surnames, people of color were addressed solely by their first names. Though it surely shocked many, it did not surprise the Black press that some of the key witnesses for the State, like Levi Collins (a twenty-year-old Black man who worked for one of the defendants<sup>29</sup>), were nowhere

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27. *Ibid.*, p. 60.

28. See Metress, *The Lynching of Emmett Till*, pp. 44, 48, 58, 64, 176–77.

29. See James L. Hicks, “They Stand Accused by C-C Reporter: Jimmy Hicks Charges Miss. Officials Aided Lynchers,” *Cleveland Call and Post*, October 8, 1955 (per Sheriff Strider’s order, “Leroy Collins was in the Charleston jail on Friday at the very hour that the case went to the jury. . . . I charge further that Prosecutors Gerald Chatham and Robert B. Smith were told about this but that they decided that since the sheriff had given his word that Collins was not in the jail, they proceeded to close out the trial without this man whom everyone believes could have positively hung the crime on the two white men and seriously implicated at least one other white man.”).

to be found.<sup>30</sup> So, too, with the paucity of evidence available to the prosecutors, thanks in no small part to the pre-trial maneuverings of Sheriff H. C. Strider. The tenor of the trial only compounded such evils as even the most obvious of facts tendered by the State's twelve witnesses were discounted one by one by the five lawyers for the defense. One of those lawyers, J. J. Breland, went so far as to suggest that Mamie had staged her son's death to collect "life insurance" on him—thus was the drift of his questioning when she took the stand. The defense lawyers, aided by Sheriff Strider, even argued that the body was so badly disfigured that no one could identify it as that of Emmett Till. Ironically, on the one hand, the photos taken by David Jackson of *Jet* were neither part of the trial record nor part of any real discussion of the utter savagery of the murder. On the other hand, the very barbarity that produced the horrific figure of the murdered boy was used as a defense to refute Emmett's true identity. In his summation, defense lawyer John Whitten told the jury that he had full confidence that "every last Anglo-Saxon one of you has the courage" to render the right decision, echoing what his colleague J. J. Breland had said earlier. As for the jury, they deliberated for sixty-seven minutes, which included a soda break, before returning a "not guilty" verdict.

There was more, including the basement of the court where the seventy-four-pound cotton gin that had been tied around Till's neck with barbed wire and introduced into evidence was stored before being "tossed out when the building underwent renovations in 1973," only to be retrieved by a local man who sometime thereafter "got rid of it."<sup>31</sup>

Thus it was that Till's murderers, aided by the sheriff and the defense lawyers, transformed a fourteen-year-old living boy into inert matter—a lifeless thing with no name. The *psychology of their evil* thus became manifest: they never viewed Emmett Till as a human being. Bigotry and intoxicating rage followed by official wrongdoing directed their psyches, which in the process denied Emmett his dignity and then his life.

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30. "One of Milam and Bryant's defense attorneys, J. J. Breland, told graduate student Hugh Stephen Whitaker in 1962 that Collins and [Henry Lee] Loggins had [secretly] been kept in jail [in another county] during the trial" at the behest of Sheriff H. C. Strider. Anderson, *Emmett Till*, p. 379.

31. Anderson, *Emmett Till*, pp. 337–38, 475 n. 86.

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*Mississippi's Governor, Hugh White, "wired the NAACP in New York that he 'had every reason to believe that the courts will do their duty in prosecution.'"*

—HUGH STEVEN WHITAKER<sup>32</sup>

*[A]fter the jury had been chosen, any first-year law student could have won the case.*

—J. J. BRELAND, lead defense counsel<sup>33</sup>

Around 3:48 p.m. on Friday, September 23, 1955, Charlie Cox, the clerk of the court, announced the “not guilty” verdict, this after reports that witnesses had heard “laughter inside the jury room during deliberations.”<sup>34</sup> Once announced, the verdict won the excited approval of the white audience. When this phase of the criminal “justice” process was done, black-and-white photographs of the smiling defendants and their wives were captured and then circulated widely. Predictably, protests and rallies were mounted across the nation. “Four thousand church and United Auto Workers packed Detroit’s Bethel AME Zion, designed to accommodate 2,500; fifty thousand more lined an eight-block radius around nearby Scott Methodist Church. Representative Charles Diggs [who sat in on the trial] addressed between six and ten thousand people in that city, describing the ‘sheer perjury and fantastic twisting of facts’ at the trial. . . .”<sup>35</sup> At another protest that occurred on October 16, 1955, Mamie spoke to ten thousand or so people at a rally in Washington, D.C., organized by the Bible Way Church.<sup>36</sup> There was a unified front; this horrific injustice must not stand. That same year, in a letter to a friend, Rosa Parks wrote, “I’m sure you read of the lynch-murder of Emmett Till of Chicago. This case could be multiplied many times in the South. . . .”<sup>37</sup> Soon enough she, too, would respond to the racial injustice that was murdering her people.

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32. Whitaker, MA thesis, pp. 119–20.

33. Quoted in Stephen Whitfield, *A Death in the Delta: The Story of Emmett Till*, Baltimore, MD: Johns Hopkins University Press (1991), p. 44.

34. Booker & Booker, *Shocking the Conscience*, p. 79 (“but at other times cameramen roamed the courtroom taking pictures”).

35. Tyson, *The Blood of Emmett Till*, p. 190.

36. Anderson, *Emmett Till*, p. 198.

37. Tyson, *The Blood of Emmett Till*, p. 210.

One of the more disturbing things about the twists of *State of Mississippi v. J. W. Milam and Roy Bryant* is this: though the defendants were both initially charged with kidnapping and murder, they were only tried on the *latter* charge (at the time, both offenses could be tried as capital crimes under Mississippi law). Proceeding by way of a single criminal charge was due to a jurisdictional issue: though Till was kidnapped in Leflore County, his body was found in Tallahatchie County, where it was *asserted* that the murder occurred. That meant that the kidnapping case had to be prosecuted in one jurisdiction (Leflore) and the murder in another (Tallahatchie). Of course, though Sheriff Strider of Tallahatchie County boldly asserted jurisdiction, there was considerable doubt among local Blacks that the murder happened there.<sup>38</sup> The bifurcation of the crimes made it harder for the prosecution to make its case since the two crimes were unquestionably linked.

Once the verdict was rendered in the murder trial, Judge Swango announced that the prosecution had requested that the kidnapping charges be dropped as far as Tallahatchie County was concerned since those charges fell within the jurisdiction of Leflore County where the kidnapping occurred.<sup>39</sup> When another grand jury was thereafter convened there in early November 1955, it took all of seventy-two minutes for the all-white, all-male panel to refuse to indict the defendants even though there was ample evidence, including evidence in the trial record, of their guilt as to this kidnapping count. “I don’t know what to say. I don’t see how they could fail to indict those men,”<sup>40</sup> is how Mamie Till-Bradley judged it.

The entire affair—from the barbaric murder to the acquittal to the grand jury’s refusal to indict the defendants for kidnapping—was akin

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38. According to Dr. T.R.M. Howard, “Sunday night a Negro came to me with information that the killing of Till may have happened in Sunflower County. I have looked into this. I can produce at least five witnesses at the proper time who will testify that Till was not killed in Tallahatchie County but killed in Sunflower County about three and a half miles west of Drew in the headquarters shed of the Clint Sheridan Plantation[,] which is managed by Leslie Milan, brother of J. W. Milan, one of the defendants and half-brother of Roy Bryant[,] the other defendant.” Hicks, “White Reporters Double-crossed Probers.” See also Till-Mobley & Benson, *Death of Innocence*, p. 161.

39. See Clark Porteous, “Next: 2 Face Kidnap Charges,” *Memphis Press-Scimitar*, September 24, 1955, p. 1.

40. Quoted in Anderson, *Emmett Till*, p. 209.

to something out of what would be seen a few years later on Rod Serling's *Twilight Zone* TV series. (As it turned out, the then-young script-writer was so struck by the injustice of it all that he prepared a screenplay for an episode based on the Till tragedy, but the idea was killed at least twice by TV executives and advertisers.<sup>41</sup>)

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There are trials and there are truths. When the wheels of the law turn toward justice, the two coincide. But that did not occur in *State of Mississippi v. J. W. Milam and Roy Bryant*. Worse still, evil took a new turn when a freelance reporter named William Bradford Huie arranged to secretly meet with defense lawyers John Whitten and J. J. Breland. Sometime after the trial, a deal was struck to interview J. W. Milam and Roy Bryant: \$1,269 to their law firm plus 10 percent of magazine royalties. Each of the cash-strapped defendants would get \$1,575 plus a purported portion of profits from magazine sales. Their “tell-all” story of how they murdered Emmett Till would be revealed to the world, albeit with an assurance that the legal doctrine of “double jeopardy” would prevent them from being retried. On January 24, 1956, *Look* magazine ran the story titled “The Shocking Story of Approved Killing in Mississippi.” Six million copies were sold before the piece was reprinted for six million *Reader's Digest* subscribers. Then came yet another Huie-authored *Look* magazine piece on January 22, 1957, titled “What's Happened to Emmett Till's Killers.” And then there was the 1959 book *Wolf Whistle*, with its sordid, screaming red cover.<sup>42</sup>

In all of this Huie had his work cut out for him: his account had to be cautiously and cleverly attentive to what was set out in the trial transcript. Additionally, his account had to be told in such a way as not to incriminate the defendants and others—the pair could, after all, still be indicted for kidnapping by a new grand jury since double jeopardy did not protect them given that they had never been tried for kidnapping.

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41. Whitfield, *A Death in the Delta*, pp. 83–84; Gorn, *Let the People See*, pp. 253, 356 nn. 12–13, 14 (the screenplay was named “Noon at Doomsday” and was first written for ABC's *United States Steel Hour*; later Serling submitted something to CBS's *Playhouse 90*); Anderson, *Emmett Till*, p. 461 n. 7. See also Jackie Mansky, “An Early Run-In with Censors Led Rod Serling to ‘The Twilight Zone,’” *Smithsonian Magazine*, April 1, 2019.

42. See Anderson, *Emmett Till*, pp. 220–51.

In the revisionary process, some places and persons had to be rearranged or omitted to protect the guilty. On the one hand, Huie had to write a revealing story while, on the other, he had to retell the story so as not to reveal any incriminating truths. As explained in Part V of this book, it made for good copy, though as with the trial transcript, there was much in it that was simply false.

While the Black press had long been highly suspicious of Huie's "checkbook journalism," the most damning evidence came from FBI reports on the Till murder. Though Huie was favorably portrayed in the 1987 documentary *Eyes on the Prize*, rigorous studies by the FBI and biographers have offered a largely damning interpretation. For example, though the FBI was apparently unwilling to open an investigation in 1956,<sup>43</sup> in its 2006 "Prospective Report,"<sup>44</sup> the FBI authoritatively disproved important parts of Huie's account. That is, much in its depiction of events was deemed wrong or misleading. The FBI reported various falsehoods perpetuated by Huie, some having to do with the locale of the crimes and others relating to the actual size of the murder party, which Huie falsely reported to be two (J. W. Milam and Roy Bryant). In all instances, such falsehoods were likely intended to protect the guilty, be they the two defendants or other parties.<sup>45</sup> In his 2010 book, Simeon Wright (Moses Wright's son and an eyewitness to the criminal acts) entered this into the historical record: "In the end,

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43. See *ibid.*, pp. 248–49. In a September 2, 1955, attorney general's internal memo (from Mr. F.L. Price to Mr. Rosen), it was stated that "considerable 'pressure' is being generated by Negro newspapers and colored organizations in an effort to have the Federal Government take some action in Mississippi." In an August 29, 1955, memo (from Mr. F.L. Price to Mr. Rosen), it was recommended that the "Memphis [FBI office] contact local authorities to obtain complete facts to determine if a Bureau violation [e.g., Federal Kidnapping Statute] has occurred." An addendum dated August 30, 1955, declared, "No indication of interstate transportation. Memphis following matter closely." <https://fsu.digital.flvc.org/islandora/object/fsu%3A685427>.

44. "The Emmett Till Case: The FBI Report," *Famous Trials*, February 9, 2006, <https://famous-trials.com/emmettill/1765-fbireport>. See also Margaret M. Russell, "Reopening the Emmett Till Case: Lessons and Challenges for Critical Race Practice," *Fordham Law Review*, vol. 73 (2005), p. 2101.

45. See, for example, Tell, *Remembering Emmett Till*, pp. 49–59, 64–65, 75–76, and Simeon Wright, *Simeon's Story*, pp. 133–36.

Huie got his story,”<sup>46</sup> through the perpetration of untruths, half-truths, and misleading claims.

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*Those lawyers, J. J. Breland and John Whitten and the rest, hadn't really defended Roy Bryant and J. W. Milam so much as they defended a way of life.*

—MAMIE TILL-MOBLEY<sup>47</sup>

*They weren't just killing a boy, they were expressing something rooted in decades of animosity, fear, and anger.*

—BRYAN STEVENSON<sup>48</sup>

“[W]e've got to have our Milams to fight our wars and keep the niggahs in line.”<sup>49</sup> Those were the brazen post-trial words mouthed by J. J. Breland, lead counsel for the defendants. Offensive as they were intended to be, Breland's remark was rooted both in the state's past and in its present. For example, the Equal Justice Initiative has documented “4,084 racial terror lynchings in twelve Southern states between the end of Reconstruction in 1877 and 1950. . . .”<sup>50</sup> And in the “75 years before Emmett Till set foot in Mississippi, more than 500 Black people had been lynched in the state—most were men who had been accused with associating with white women.”<sup>51</sup> Whatever system of justice there was in the South in general, and Mississippi in particular,<sup>52</sup> that system was largely bereft of justice for people of color.

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46. Wright, *Simeon's Story*, p. 136.

47. Till-Mobley & Benson, *Death of Innocence*, p. 198.

48. “The Body of Emmett Till: 100 Photos,” *Time*, November 17, 2016 (narrated by Bryan Stevenson), <https://www.youtube.com/watch?v=4V6ffUUEvaM>.

49. Quoted in Tyson, *The Blood of Emmett Till*, p. 49.

50. Equal Justice Initiative, *Lynching in America: Confronting the Legacy of Racial Terror* (3d ed., 2017), p. 4.

51. *The Murder of Emmett Till*, documentary, directed by Stanley Nelson (PBS, *American Experience* (2003)).

52. Even in 1955 it was reported that “[s]ince 1882, Mississippi has led the country in lynchings, holding the record of more than 11 percent of all in the country.” William Gordon, “Reviewing the News: The Sins of Mississippi,” *Atlanta Daily World*, September 4, 1955, p. 4.

Then there was *Brown v. Board of Education*, the landmark 1954 desegregation ruling, a case that threatened the legacy of racial submission and bigotry as a central tenet of the southern way of life. In Breland's mind, that was the link to the Till murder. "[T]hey wouldn't have killed him except for Black Monday [the day *Brown v. Board* was handed down]. The Supreme Court . . . is responsible for the murder of Emmett Till. . . ." Again, Breland's words.<sup>53</sup> By that logic, the Till murder and the jury's acquittal symbolized a fiercely defiant response to *Brown*<sup>54</sup> and to *Brown II*, which was decided three months before the Till murder. Breland, as many then knew, was echoing the words and ideas of Thomas Pickens Brady, then a Mississippi circuit judge and later a state supreme court justice and author of a widely circulated pamphlet titled *Black Monday: Segregation or Amalgamation—America Has a Choice*.<sup>55</sup> The tract was an overtly racist bluster urging whites to rise up and rebel against the *Brown* ruling. The white culture, its white women (the "loveliest and the purest of God's creatures"), and its white way of life had to be preserved at all costs.<sup>56</sup> And it is well to note that the trial of the two defendants occurred, thanks to the devious assumption of jurisdiction by Sheriff Strider, in Tallahatchie County—"ground zero in the fight over a 'southern way of life.' . . ."<sup>57</sup>

Writ large, the past again became present. That present—the tragedy of the Emmett Till murder—tilted forward in ways both promising and treacherous. There was the birth of a new and invigorated civil rights movement and the enactment of the Civil Rights Acts of 1957, 1964, and 1968, and the Voting Rights Act of 1965, along with a string of

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53. Quoted in Gorn, *Let the People See*, p. 236; Tyson, *The Blood of Emmett Till*, p. 49.

54. See, e.g., Editorial, *Daily News* (Jackson, MS), May 18, 1954, p. 6 ("Human blood may stain southern soil in many places because of this decision, but the dark red stains of that blood will be on the marble steps of the United States Supreme Court building.").

55. Thomas P. Brady, *Black Monday*, Winona, MS: Association of Citizens' Councils (1954), discussed at length in Tyson, *The Blood of Emmett Till*, pp. 91–106.

56. Brady, *Black Monday*, p. 45; "Thomas P. Brady: Mississippi Judge," *New York Times*, February 1, 1973, p. 38 (obituary). The pamphlet "served as the guide for starting the Citizens Council movement to resist" the *Brown* ruling. *The Blood of Emmett Till*, p. 49. See also Neil R. McMillen, *The Citizens' Council Organized Resistance to the Second Reconstruction, 1954–64*, Champaign, IL: University of Illinois Press (1994), pp. 17–40.

57. Dave Tell, *Confessional Crises and Cultural Politics in Twentieth-Century America*, University Park, PA: Penn State University Press (2015), p. 84.

post-*Brown* civil rights Supreme Court rulings. Then again, there were the events of 1963: for example, Medgar Evers's murder and the Birmingham church bombing. There were also the tumultuous Watts and Harlem race riots of 1965 along with the assassination of Martin Luther King Jr. in 1968. By the time of the Kerner Commission Report (1968), ordered by President Johnson, the nation had moved toward "two societies, one black, one white—separate and unequal."<sup>58</sup> Much later came the "Black Lives Matter" movement of 2013, in response to countless incidents of police brutality and racially driven violence against African Americans. In the words of professor and author Christopher Lebron, it sparked haunting memories of "Emmett Till's face beaten and bloated as much by hatred as by the river waters that overtook his biology. . . ."<sup>59</sup> By the time of the 2020 George Floyd police murder and the homicidal manhunt for Ahmaud Arbery, the historical sweep of racial injustice pointed, yet again, to what has been described as "systemic and institutional failures."<sup>60</sup> As with so many others, the link directly back to Emmett Till was too great for Congressman Lewis to ignore.<sup>61</sup>

Like Roy Bryant, though in softer but nonetheless dismissive tones, too many modern-day Americans have grown weary of hearing about the evil of the Emmett Till murder and all that the legacy of racism came to represent in the events leading up to the murders of George Floyd and Ahmaud Arbery, among others. Such talk (as evidenced by Florida's Stop W.O.K.E Act of 2022) is viewed as an attack on them and their heritage. By their dim lights, racism is not troublingly widespread but distinctively individualistic, and it is not something that should impugn the reputations of once revered past or present public figures. But such attitudes are themselves monuments to bigotry. Hence, they do not topple easily.

A quarter-century ago, John Edgar Wideman wrote bluntly and prophetically about the lasting terror of the Emmett Till lynching and

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58. Quoted in *The Essential Kerner Commission Report*, ed. Jelani Cobb, New York: Liveright (2021), p. xiv.

59. Christopher J. Lebron, *The Making of Black Lives Matter*, New York: Oxford University Press (2017), p. 161.

60. *The Essential Kerner Commission Report*, p. xviii (Cobb introduction).

61. See note 5, *supra*.

what it symbolized: “Emmett Till’s murder was an attempt to slay an entire generation. Push us backward to the bad old days when the lives of Black people seemed to belong to Whites. When White power and racist ideology seemed unchallengeable forces of nature.” Those forces were dominant then, and even today there is a current of the same force, if only because “Emmett Till’s mangled face could belong to anybody’s Black son who transgressed racial laws. . . .”<sup>62</sup> So much of the story of the killings of people of color is a history of race and law operating in a culture in which systemic racism is first indifferent to the inviolability of Black lives and then indifferent to laws designed to protect all lives. And in today’s charged political environment, teachers who dare to speak up about racial injustice stand to be harassed or sacked.

When an entire race has been uprooted for centuries and then enslaved, there are collateral consequences that affect their cultural, legal, economic, and psychological history. They represent, in Simone Weil’s perceptive words, “the supreme human tragedy.”<sup>63</sup> Just how we deal with that complex and perpetual tragedy is the “truest barometer of American democracy and the test of the national creed.”<sup>64</sup> By that measure, Emmett Till “can’t stay dead”—the full and unvarnished truth is just too important to let die.

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#### A FEW ADDITIONAL FACTS

- A support fund, replete with contribution jars in local stores, had been organized to raise money for Bryant and Milam’s legal defense.
- Nine days before the trial began, the African American *Chicago Defender* editorialized, “No country that *tolerates* the barbarous hate-killing of a child within its midst deserves, nor can it expect, the respect of the civilized world. There can be no compromise this time.”

62. John Edgar Wideman, “The Killing of Black Boys,” *Essence*, November 1997, p. 124.

63. Simone Weil, *The Need for Roots*, trans. Arthur Wills, New York: Routledge (1952), p. 119.

64. *The Essential Kerner Commission Report*, p. xviii (Cobb introduction).

- The courtroom, located in a then two-story courthouse, seated two hundred fifty. On the first day, and “[s]urveying the more than 400 Mississippi Delta residents jammed into every available space in the courtroom including the isles [*sic*], Circuit Judge Curtis Swango told the crowd: ‘If a fire develops any place in the courthouse, a great tragedy will take place.’ Smoking is permitted in Mississippi courtrooms.”<sup>65</sup>
- The trial occurred in the courtroom that was situated on the second floor and accessible only by narrow stairs; its rules and arrangements were largely set by Sheriff H. C. Strider.
- The two defendants, clad in short-sleeved white shirts and khaki pants, were never handcuffed, including at the time outside when they approached the court.
- A room on the first floor of the courthouse was “converted into a makeshift press room with typewriters and teletype machines, and UP installed a telephone” for its reporter to give updates.<sup>66</sup>

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65. “District Attorney Seeks More Time to Examine New State Witnesses,” *Greenwood Commonwealth* (AP), September 20, 1955, p. 1.

Four women labor activists “were unable to get into the courthouse, so they spent the morning outside on the lawn, passing out copies of the UPWA District 8 Women’s Conference resolution on the Till murder. During the midday recess, the women shared a picnic lunch under a nearby tree. Their interracial group met with ‘disapproving and shocked glances’ from locals. ‘The three white ladies and I were sitting down and along came a white photographer and took our picture,’ recalled Lillian Pittman. ‘He asked us were [if] we from Chicago, and we all answered, “No, we are from Louisiana.” He couldn’t believe it.’” Matthew F. Nichter, “‘Did Emmett Till Die in Vain? Organized Labor Says No!’: The United Packinghouse Workers and Civil Rights Unionism in the Mid-1950s,” *Labor: Studies in Working-Class History*, vol. 18, no. 2 (2021), p. 28.

Regarding the modern status of the courthouse, see Erica L. Green, “Biden Creates Monument to Emmett Till Amid Fights Over Black History,” *New York Times* (July 25, 2023). Remarks by President Biden and Vice President Harris at Signing of the Emmett Till and Mamie Till-Mobley National Monument Proclamation, ” and Establishment of the Emmett Till and Mamie Till-Mobley National Monument (July 25, 2023) (remarks by President Biden). See also Dave Tell, “A 700-Mile Road Trip with the Last Living Witness to Emmett Till’s Murder,” *Esquire* (July 28, 2023).

66. Herbers & Rosen, *Deep South Dispatch*, p. 61. “One room on the first floor of the courthouse had been converted into an editorial office that contained typewriters, tables, and a teletype machine. Representatives from the National Broadcasting Company and Columbia Broadcasting System also sent reporters, but in the era before instantaneous transmission, the networks had to put the film on a bus to Memphis, and then have it flown to New York.” John R. Tisdale, “Different Assignments, Different Perspectives:

- *First day*: Defendant J. W. Milam's children were rowdy during the trial (e.g., they ran and jumped around, pointing toy pistols at each other).
- The courtroom was racially segregated both for reporters and the audience.
- Twenty-one reporters covered the trial for the "white press" and sat up front near the judge's bench.
- A total of twelve Black journalists covered the trial and the events leading up to it, though not all were in the courtroom at the same time. Some of the reporters included Moses Newson (*Tri-State Defender*), Simeon Booker (*Jet* and *Ebony* magazines), Jimmy Hixes (*Baltimore African-American*), Alex Wilson (*Tri-State Defender*), and Ruby Hurley (*The Crisis*, the official NAACP magazine). The courtroom photographers for the Black press were David Jackson and Mike Shea (*Jet-Ebony* team) and Ernest Withers (*Chicago Defender*). On the first day, they had to sit at a small card table off to the side near a window, though it was replaced the next day with a larger table. Sheriff Strider openly addressed them as "niggers"<sup>67</sup> and "greeted" other people of color by saying, "Mornin', niggahs." During

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How Reporters Reconstruct the Emmett Civil Rights Murder Trial," *Oral History Review*, vol. 29, no. 1 (Winter/Spring 2002), p. 39, at p. 46.

67. See Simeon Booker, "A Negro Reporter at the Till Trial," *Nieman Reports*, January 1956. "The day before the trial opened, our *Jet-Ebony* crew ran into a truckload of gun-bearing whites on a truck near Money, Mississippi, which brought it home to us that our assignment was no good neighbor get-together." *Ibid*.

As to the importance of the Black press coverage, there is this: "In the pages of the *Chicago Defender*, alongside those of other leading Black newspapers, the drama of Emmett Till's murder dominated the headlines throughout the fall of 1955. For 19 consecutive weeks, the paper presented the accounts of the final hours of the teenager's life, the outcry of Mississippians (of all races) for swift justice against Till's murders, the NAACP's efforts to publicize Till's tragedy to the nation-at-large, [and] the gradual backlash of White Mississippians who felt slandered by the NAACP leadership and changed their allegiance from Till to the boy's assailants. . . ." Harvey Young, "A New Fear Known to Me: Emmett Till's Influence and the Black Panther Party," *Southern Quarterly*, vol. 45, no. 4 (Summer 2008), p. 22. See also Michael Randolph Oby, "Black Press Coverage of the Emmett Till Lynching as a Catalyst to the Civil Rights Movement" (MA thesis, Georgia State University (2007)) (available online).

noon recesses, Black reporters' chairs were stolen, requiring some to stand up.<sup>68</sup>

- Black witnesses were addressed solely by their first name or nickname, whereas all white witnesses were addressed by their surname.
- The jury was all white and all male.<sup>69</sup>

Ronald K.L. Collins  
Lewes, Delaware

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68. Till-Mobley & Benson, *Death of Innocence*, p. 165; James L. Hicks, "The Real Till Story," *Los Angeles Sentinel*, October 27, 1955, pp. 1, 4.

69. "In 1955, 30,486 persons lived in Tallahatchie County. No Negroes were registered; thus none could serve as jurors. So jury service was limited to the 3,163 white males over 21 years of age. . . . On September 8, 1955, on the motion of the state, Circuit Judge Swango ordered a special *venire* of 120 men to be drawn from the jury boxes, in open court, on September 12. The special *venire* gave the state a chance to get half of the jurors from the east side of the county, far from the homes of the accused. The regular *venire* had come entirely from west of the Tallahatchie River." Hugh Stephen Whitaker, "A Case Study of Southern Justice: The Murder and Trial of Emmett Till," *Rhetoric and Public Affairs*, vol. 8, no. 2 (Summer 2005), p. 189, at p. 205. Note: Whitaker was the son of a local sheriff's deputy and did his master's thesis on the trial. Among many others, Whitaker, who was related to Gerald Chatham, interviewed all of the living jurors. The additional notes and comments that accompany the trial transcript were added by the editor.