

The Legacy of Emmett Till: From Tragedy to Activism

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[00:00:04.5] Tanaya Tauber: Welcome to live at the National Constitution Center, the podcast sharing live constitutional conversations and debates hosted by the Center in person and online. I'm Tanaya Tauber, the Senior Director of Town Hall Programs. In this episode, Janai Nelson, president and director counsel of the NAACP Legal Defense Fund joins Ronald Collins, author of *Tragedy on Trial, the Story of the Infamous Emmett Till Murder Trial*, to discuss the tragedy of Till's murder, the shocking story of the trial that followed and its impact on the Civil Rights Movement. Thomas Donnelly, chief Content Officer at the National Constitution Center moderates. Here's Tom to get the conversation started.

[00:00:49.2] Thomas Donnelly: Hello friends, and welcome to the National Constitution Center and to today's convening of America's Town Hall. I'm Tom Donnelly, the Chief Content Officer of the National Constitution Center, and thank you so much for joining us for this program. Now to introduce our esteemed panel. So, beginning first with Ronald Collins. He is the editor and chief of the First Amendment News. He previously served as the Harold S. Sheffelman Scholar at the University of Washington Law School and as scholar at the Museum's First Amendment Center. He's the author of numerous books on the First Amendment and his riveting new book, which we're gonna discuss today is *Tragedy on Trial*, the story of the infamous Emmett Till Murder Trial. And Janai Nelson is the President and Director counsel of the NAACP Legal Defense Fund. She previously served in various leadership capacities at LDF, including as Associate Director Counsel, a member of LDF's litigation and policy teams, and interim director of LDF's Thurgood Marshall Institute. Prior to joining LDF, she was associate Dean for Faculty Scholarship and associate director of the Ronald H. Brown Center for Civil Rights and Economic Development at St. John's University School of Law, where she was also a full professor of law. Thank you so much for joining us, Ron and Janai.

[00:02:05.2] Janai Nelson: Happy to be here.

[00:02:07.9] Ronald Collins: Yes.

[00:02:08.4] Thomas Donnelly: So, Janai maybe beginning with you, reflecting on Ron's magnificent book, you wrote the following, you said, the Till moment is an unending and pressing reminder that until we take the time necessary to confront this miscarriage of justice head on and address the unfinished business that the tragedy of Emmett Till and everything his

murder and the acquittal of his killers represents, we will remain haunted. Why is it so important for Americans today to know Emmett Till's story?

[00:02:37.3] Janai Nelson: Because the Emmett Till story, unfortunately, is a story that continues to repeat itself in society today. We know that there is a deep mistrust of our criminal legal system, and that there are still severe racial inequities, and that black people are often not believed when they tell the truth about their circumstances. The Emmett Till story is a tragic one, as the title of Ron's incredible book reminds us. And it is so important in these moments when there's an attempt to erase history and recast it in ways that are wholly dishonest, that we can look to primary sources like trial transcripts and know exactly what happened. And it's not really up for debate or interpretation. The words are there, the circumstances are clear, and it's a history that we must confront if we ever hope to move beyond it.

[00:03:39.9] Thomas Donnelly: And so, Ron, just so we're on the same page, can you just tell us about Emmett Till and his murder? In other words, how do we end up inside a courtroom in Tallahatchie, Mississippi in September of 1955?

[00:03:52.4] Ronald Collins: Well, if I may, I just like to put a tail on the kite of what Janai just said. It is said that the dead live on the lips of the living. And it's true. And that is the search for the truth can take decades. It can take a century, but we have to kind of commit ourselves to it. And I think by that measure, the work that you're doing at the National Constitution Center and the work that LDF is doing is absolutely essential. And if I could just take a moment, I think this captures the spirit so much of what Janai just said. It's from the forward to the book. It's by Congressman Bobby Rush, who was the lead author, the Emmett Till Anti-Lynching Act, which was signed by President Biden. So just let me just read a few words, if I may.

[00:04:35.1] Ronald Collins: 'Cause I think it's just so powerful. He says, "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 wellbeing." And I think that really kind of says it. And the search for truth, particularly when it comes to racial justice, particularly when there's so much going on in terms of attempts to whitewash history or kind of tone it down, what have you. And so I think this story, which is a remarkable story. It's a tragic story, but it also has an element of grace in it. So go back, it's August, 1955. Emmett Till is 14, he lives in Chicago. He's a playful, happy-go-lucky boy, like so many others.

[00:05:31.5] Ronald Collins: And he wants to visit his cousins in Mississippi. And Moses Wright, his great uncle is there. They're gonna take a train, gonna go back to Mississippi or go to, 'cause he hasn't been there. And he's gonna spend some time. And it's really exciting for him. His mother gives him a warning beforehand that Emmett Mississippi is not Chicago, and she gives him quite a bit of a warning, but he's kind of a happy go lucky guy. And so when he's in Mississippi, he's out there in the cotton fields. This is all exciting to him. And they decide that they're all gonna go down several of them to a place called Bryan's Grocery and Meat Market. It's a very small source place. 90% plus of the people who patronize them are African Americans.

[00:06:22.2] Ronald Collins: And while he is in there, he tries to buy some candy. There's some exchange of words. And later on when Carol Bryant, who's her husband owns the market, and that's just she. When she comes out Emmett whistles, there's no doubt about that he whistled. His cousins and others, Wheeler Parker said that he did indeed whistle. They realized immediately it was very dangerous. That was just extremely dangerous. And so they flee very quickly. They made a tragic mistake though. They didn't tell Moses Wright that Emmett had whistled because had they told Moses Wright the great uncle, he would've taken Emmett out of there immediately 'cause he knew how dangerous that was. Anyway, suffice it to say, and I'm skipping over some things here, that in the middle of the night, Roy Bryant and JW Milam, Roy Bryant, Carol Bryant's, the woman who was the object of the whistle, her husband and her brother-in-Law, JW Milam, come there and pound on the door with guns.

[00:07:33.7] Ronald Collins: Moses Wright can you imagine it's like middle of the night. He doesn't know what's going on, and they wanna know where the boy from Chicago is who whistled, they kidnap him. I emphasize kidnap him. They will brutally torture him before they murder him. And then a sheriff named HC Strider wants the body buried within 24 hours, and he has the casket sealed. And under penalty of law, that casket cannot be opened. We all know, and we're gonna get to the remarkable historic open casket funeral that Mamie Till had in Chicago in a moment. But suffice her to say that what she was doing is when she came, she came from Chicago. Now, where does a woman who is not a woman of means first get the money to take the train? And then to have the casket to go back to Chicago, but she comes to claim her boy, which means that she has to sign a statement that under penalty of law, she will not open that casket, nor will anybody who has custody of it.

[00:08:43.1] Ronald Collins: The body comes to Chicago, the casket is opened. And some remarkable things happened thereafter. But let me just pause right there. The two defendants had yet to be charged. There was a grand jury they would soon be charged with, yet, because the funeral in Chicago will be going on. But when they're charged, by the way, they were originally arrested for kidnapping and murder, and they confessed to kidnapping. That's important as we'll hear later. But in any event, let me, I just wanna pause before we get there, so, before we get to Chicago, 'cause what happens in Chicago is pretty important.

[00:09:20.7] Thomas Donnelly: Absolutely. Thank you so much for teeing that up, Ron. And to you, Janai, as Ron suggests, Emmett Till's mother, Mamie Till Bradley, plays such an important role in this tragic story. As Ron said, choosing an open casket funeral for her son to, as she said, "Let the people see what they did to my boy." Janai, you described her act as, "Forcing the country to confront the evil of lynching by sharing her grief and her son's suffering with the world." Can you talk a bit about Mamie Till Bradley, who she was, her courage and the importance of her decision to have an open casket funeral for her son?

[00:09:58.8] Janai Nelson: Well, like so many black mothers, she became a volunteer, a volunteer hero of our time through the most tragic of circumstances. And I think she understood acutely how important it is for all of us to bear witness to the atrocities of racism and racist violence. And it's not terribly different from what we experienced today when, for example, we all collectively viewed the murder of George Floyd. And we see the videos of Breonna Taylor and so many others who are victims of violence motivated by race. What's really interesting, and

what many people don't recognize is that there was something of a template for this particular bravery that we saw Mamie Till Bradley exercise. Just months before Emmett Till's murder in 1955 there were two black activists in Mississippi who had also been murdered. Reverend George Lee, he was an NAACP field worker.

[00:11:02.6] Janai Nelson: He was fatally shot in the jaw at point blank range, pulled over in his car after trying to vote in Belzoni, Mississippi. And Joy Ann Reid writes about this in her new book about Medgar and Myrlie Evers and tells this story that many people are not quite aware of. And then a few weeks later, after George Lee's murder in Brookhaven, Lamar Smith was shot and killed in front of the county courthouse in broad daylight before witnesses, after casting a ballot. And so what we see in all of these instances, the common thread is when black people, whether they're children or grown ups traverse the hard lines of what's expected of black citizens and white citizens, they are penalized in a very public way. And what black people have chosen to do in a number of these instances, including Rosebud Lee, George Lee's widow, is to say, you don't get to publicly denigrate our humanity without us taking some agency in showing the evil that you visited upon us.

[00:12:10.9] Janai Nelson: So it's a very interesting sort of role reversal in terms of trying to teach a public lesson so that black people understand the place in which they should remain. And black people saying, when you do this, we are now going to display your evil clearly for everyone to see as a way to bring greater attention to this scourge on our society, and hopefully come toward some remedy. So these are significant acts of bravery. They're acts of agency. They're acts of witness bearing and reclamation of our own humanity. And it's very important that we tie the thread among these various incidents of history. These were really courageous women who chose to expose the brutality visited upon their loved ones in this way, and to great effect.

[00:13:07.7] Thomas Donnelly: So powerful. Janai, thank you so much for that.

[00:13:08.6] Ronald Collins: Can I just add something to that?

[00:13:10.7] Thomas Donnelly: Absolutely, Ron. Absolutely.

[00:13:11.8] Ronald Collins: I find myself in her shadow yet again. So first of all, and I was delighted that Janai, you made a reference to Joy-Ann Reid's new book, Medgar and Myrlie, because there's a whole chapter in it about Emmett Till and what have you. But the Open casket funeral was so important, not only for the reasons that Janai just mentioned, which were the really important reasons, but there had been 500 lynchings in Mississippi before this. It all basically got ignored. When Mamie Till decided to have that open casket funeral, it went international. Alright? It's really what prompted the trial. Who knows if there would've even been a trial, this would've just been 501 another person, another black person murdered. So that trial is, it's really kind of, it opens in some respects, one can see this.

[00:14:06.0] Ronald Collins: And if I'm off base here, Janai, tell me. But one can see this as the beginning, the modern beginning of the Civil Rights movement. I mean, obviously Brownie Board was extremely important and what Rosa Parks did, but Rosa Parks was influenced by

what? By what Mamie had done. And so this is so important. And I don't know if we'll have a moment or not, but I think there's two things that are important that open casket and funeral and the closeup photographs taken at the mortuary of Emmett's face by David Jackson, who was a reporter, a photographer for Jet Magazine and Robert Johnson, the publisher. And when they decided to publish that in Jet Magazine, it also appeared in Ebony and Chicago Defender and other places. The only audiences for those were black people.

[00:14:57.6] Ronald Collins: I think Jet Magazine sold 400,000 copies. And I will say this, when I was interviewing any black person over 50, and I would say Emmett Till, the first thing, they would all say Jet Magazine. And it, so that you had, on the one hand, the funeral that went international and then the closeup of the tragedy that was felt by black Americans throughout the country. And it was really that moment that kind of just catalyzed things in a way that they'd never happened before, at least in modern history.

[00:15:35.2] Janai Nelson: Now, Ron, I think you're absolutely right. That was a moment that really shifted the temperature in the country. The Chicago Defender estimated that there were a quarter of a million people that attended the four days of public viewing. So this wasn't just a blip, this was a very intentional display of horror that was meant to instigate exactly what it did, which was a backlash against these violent attacks in the South, by white people who had not been held accountable and still weren't held accountable, as we know. Just to preview the outcome of the trial. But still, it raised awareness of this issue. And as you said, it motivated many like John Lewis and Rosa Parks and others to become civil rights activists. And it, as I said, allowed black people to assert some control over the spectacle of Black Death.

[00:16:27.6] Ronald Collins: And we could see, by the way, Tom, we could see this, you won't find this in any constitutional law book, but you should. This is the first amendment in action. What they're doing, what David Jackson is doing with his photography, what Robert Johnson is doing with the publication, what Mamie Till Bradley, later Mobley is doing with that open casket funeral. This is all First Amendment work. It may not be a Supreme Court decision, but it's the culture, it's the First Amendment puts to work. And that's why I think it's so important.

[00:17:02.6] Thomas Donnelly: Absolutely. And I mean, Ron, maybe moving ahead to the trial, which you've so beautifully capture in your book, could you maybe paint a picture for us of the Tallahatchie courtroom, what would it feel like to be there in September of 1955?

[00:17:14.8] Ronald Collins: Well, first of all, the defendants are only charged with murder. They're not charged with kidnapping, which is very significant. I mean, I won't go into the details, but so the courtroom, where do I start? I mean, first of all, it seats 250 people. There's 400 people there. A few back rows are saved for black people. There's a small little table that's for the African American press, it's extremely hot. It's almost 100 degrees, very humid. The defendants are sitting, I guess about 10, 12 feet from where the witnesses are testifying, and they're smoking cigars. One of them is reading the newspaper. I mean, can you imagine this? I mean, a murder trial and somebody is there smoking a cigar and reading a newspaper. I mean, how awful can it get? Meantime, there are two little boys who they were never in the presence of, they bring to the courtroom and they're running around the court with little guns just kind of plain as if, during breaks, a soda pop would be sold only to white people. And so there's this kind

of almost carnival-like atmosphere. Now, mind you, the judge, judge Swango did his best at, I mean, for a judge in 1955 in Mississippi, he was incredibly objective. But there's only so much you can do.

[00:18:57.0] Ronald Collins: And so that's what the courtroom looks like. And remember that every black person who testifies, particularly Moses Wright, you might as well sign your death warrant, right? I mean, that's how dangerous, that's how volatile the situation was. And one thing is that the criminal defense lawyers, they had, there was a collection that had been taken to raise money to defend these two guys. And the prosecution did the best they could, but there was one big problem. They had 13 days to prepare, and the sheriff had absconded with many of the witnesses and had them transported to another county and kept in jail so they couldn't testify. So that gives you a little sketch of the courtroom.

[00:19:04.6] Thomas Donnelly: Wow, that's a very helpful context there, Ron. You know, Janai, maybe expanding out a bit from here, you began to do this with one of your earlier answers, but, you know, can you just place the Emmett Till murder in sort of the broader historical context here? You know, we're in August, 1955 with the murder, September for the trial. You know, what's happening then in the nation and within the civil rights movement itself?

[00:20:04.0] Janai Nelson: Sure, Ron already noted that Brown versus Board of Education was decided on May 17th in 1954. So we know that the nation had already begun to recognize that separate but equal was not consonant with the 14th Amendment and the concept of equal protection. So there was already an awakening that the way in which we were operating along racial lines was not sustainable. We also know that there was massive resistance. Nearly a year to the date of the Brown decision, another court case was required, Brown 2, that was decided in 1955, the same year, that said these recalcitrant school districts must move forward with desegregation with all deliberate speed. That is, you know, in many ways, a very hollow phrase that doesn't provide any real timeline for Southern school districts to engage in the important project of desegregation.

[00:21:07.7] Janai Nelson: And this sort of lymphatic instruction by the Supreme Court allowed for violence to continue against black students who were integrating these spaces. I think also created the backlash and the empowerment of people to continue violence outside of the school context. And we see that happening with Emmett Till, right? This 14-year-old child who was penalized for, again, violating the mores and norms that were imposed on black people and their behaviors. So that was the very volatile condition of the South and of the country at large at that time. It was a moment of real transition for us as a democracy.

[00:21:52.9] Janai Nelson: And so it's not surprising that, you know, these events would be met with the kind of forceful reaction that they were. I think black people were also feeling more empowered about their rights and feeling that they could engage in some resistance of their own in a form of protest like Mamie Till Mobley did here that was just so searing and powerful. So it was a volatile time, but not terribly unlike a time that we're in right now where we see so many shifts happening and part of it resulting from ongoing violence visited upon black communities.

[00:22:35.9] Thomas Donnelly: Thank you, Janai. And Ron, you know, you've alluded to this already a bit, but I hope you might drill down a bit further, could you just talk a bit more about the role of the African-American community in the Till trial? And so, you know, including the role of black witnesses at the trial itself. We've talked about the black press, but maybe a beat on that. And also others like certain leaders like Dr. TRM Howard in protecting the safety of black witnesses.

[00:23:00.5] Ronald Collins: If a book hadn't been written about Dr. TRM Howard, I would have written it. I mean, this guy is so, so important. And, you know, sometimes the people in the background are the most, the ones that are really most important. You know, I mean, I sometimes think, you know, the fish take the water for granted, but it's really important. He's the water. A very successful and well-to-do African-American doctor. He has a big home with a big fence, all right? So when Mamie Till Bradley came to Mississippi, where did she stay? When the reporters for Jet Magazine and others, the Chicago Defender, where did they stay, right? When witnesses needed to be protected, where did they stay? They didn't stay in any hotel or any place near the courthouse, that's for sure. They stayed at the home of Dr. TRM Howard, all right?

[00:23:53.9] Ronald Collins: That was essential. That was essential. And it really becomes this kind of communication center, all right? Medgar Evers is there along with people from the African-American press, and they're going out in the fields trying to find witnesses, all right? And they're finding out what the sheriff has done. You know, I mean, the sheriff, the trial lasted, I mean, it took the jury 67 minutes, which included a soda break, to find the defendants not guilty of murder. Remember, they weren't charged with kidnapping. They were, I mean, they weren't prosecuted for kidnapping. But the real evil was the sheriff. The sheriff had, he testified for the defense, number one. He took the witnesses that they were able to get and moved them to another jurisdiction so they couldn't testify. He lies on and on and on again.

[00:24:48.0] Ronald Collins: He says that the body was so badly received when they first saw it that they couldn't identify it. He didn't know if it was a boy or a man or a black person or a white person, what have you. I mean, it was just one lie after another. He's working with the defense. I recently did a program with Jason Downs, who was one of the main lawyers in the Freddie Gray case. And he told me, you know, he's done all of these criminal cases. You don't see a sheriff testifying for the defense. You just don't see that. And so that was such a, so much of an evil. The point is that I'm trying to get at is here, first of all, Dr. TRM Howard, what he does is really important because it allows the press to be there. And they did find, they did come up with some witnesses that they were able to bring to court. And so that's really important.

[00:25:43.1] Ronald Collins: I think the other thing is, is that, and this is one of the things, the closing arguments in the transcript, which had been missing for a half a century, had never been recorded by the court reporter. I mean, it's just unusual, highly unusual. The way I was able to reconstruct those in some summary form was primarily by going to the African-American press from the time. I mean, those stories had been lost for decades. And yet when you kind of go at them piece by piece by piece and you put them together, all of a sudden, the closing arguments, which were horrific in terms of what the defense had made. So this was a trial that had to, it's the most seminal document from the time, but it needed to be brought to life. And so that's what I attempted to do here in Tragedy on Trial.

[00:26:34.8] Thomas Donnelly: Thank you, Ron.

[00:26:37.1] Janai Nelson: Yeah, I just wanna underscore what Ron said about the importance of black press. And there's a phenomenal black press archives at Howard University. It is often underrated as a primary source of these historical events. And Ron is right to point out that black press often covered these critical events that national press would not and would ignore and didn't see as valuable, or were operating in a very biased way in terms of what was newsworthy. So as we try to reconstruct history from the point of view of the victims of many of these events, it is so important to consult black press. And I hope we do get to talk about some of the really interesting other acts of bravery in connection with this trial, like Willie Reed testifying.

[00:27:30.3] Janai Nelson: And we only know through some of these accounts that he was persuaded by field workers at the NAACP to appear as a witness and was only 18 at the time. And as Ron said, it was effectively signing your own death sentence to want to appear in these cases. And the way that black witnesses are treated or have historically been treated really tells you how compromised, how deeply compromised our criminal legal system is. Willie Reed, who was known as Willie Lewis at the time was the surprise witness in the prosecution of these white men. He had no family ties to Till. He didn't know him, but I think he saw this as his civic duty and his duty to the community and just a moral obligation to explain what he knew about the case.

[00:28:26.1] Janai Nelson: And we know that that act of bravery really defied the standards of the time prior to the civil war in many Southern states, including Texas. People who were enslaved or free black people even were barred from testifying against white people in court proceedings. Their word was simply not valued. They could not provide sworn testimony. And the Equal Justice Initiative that Bryan Stevenson leads reported that in civil cases between white parties and in criminal prosecutions of white people not charged with offenses against black people. So effectively any crimes involving white citizens, black people had no right to testify in the court of law. Our opinions were simply not relevant or valued.

[00:29:17.0] Janai Nelson: And that carried over beyond just the witnesses in the case. We often overlooked heroes like Constance Baker Motley, a woman who was one of the early female attorneys at the Legal Defense Fund who litigated throughout the South in her career. And even as a lawyer in these cases, there was a refusal to acknowledge her, to call her by her name, to even recognize her value as an attorney and an officer of the court in proceedings across the South. So recognizing the hostile environment in which these witnesses and their lawyers were operating is also a critical element to understanding the importance of that trial and what it meant at that moment.

[00:30:03.0] Ronald Collins: By the way, consistent with what you just said, Janai, none of the black witnesses were addressed by their full name. They were only addressed by their first name, whereas all of the white witnesses were addressed by their surname, you know, a Mr. Or Mrs. And you're right in terms of what Willie Reed and Moses Wright, and at one point Moses Wright during the trial stands up and he points, he says, "Those are the men, they're the ones that committed the murder." You know, and there was a photograph taken at the time in the

courthouse. By the way, just to shout out, and I don't mean to put LDF and the National Constitution Center on the spotlight, but let me do it anyway. It's long overdue. We have to, somebody has to honor Robert Johnson for publishing that issue with that issue of Jet Magazine and David Jackson.

[00:31:01.5] Ronald Collins: To the best of my knowledge, they have never been honored for that. And I think, you know, that's such an important point, you know, and I would love to see them recognized because, you know, the word, that's how the word went out to so many people for so many, for such a long period of time, but. No, excellent. No.

[00:31:24.7] Thomas Donnelly: No, certainly, certainly. I appreciate that, Ron. You know, Janai, one other thing to draw out and, you know, came up in your exchange with Ron near the beginning is, you know, Emmett Till is coming down to Mississippi from a Northern city, namely Chicago. Can you talk a little bit about just the difference, the differences in the ordinary lives of African-Americans if you're an Emmett Till in Chicago versus what he is going to, or what he did confront once he got to Jim Crow Mississippi?

[00:31:55.5] Janai Nelson: Yeah, I love how beautifully Ron laid it out in the beginning where we can put ourselves in the shoes of Emmett Till and think about the excitement he must've felt going to a new part of the country, a state he had never been to, to meet family and frolic in ways that perhaps he wasn't able to do in Chicago. And his mother, who did know the environment in which he was going, knew to warn him. And this is not to suggest that he did not face any threat in Chicago or that Northern states don't pose their own complications in terms of black freedom. But his mother knew that this young man did have a different sense of self being from Chicago than he would in the South. I wanna actually read what she told him or what she recounted that she told him. She said, "I told him when he was coming down here that he would have to adapt himself to a new way of life."

[00:32:53.6] Janai Nelson: "I told him that if ever an incident should arise where there would be any trouble of any kind with white people, then if it got to a point where he even had to get down on his knees before them, well, I told him not to hesitate to do so. Like if he bumped into somebody on the street, well, and then they might get belligerent or something. Well, I told him to go ahead and humble himself so as not to get into any trouble of any kind."

[00:33:23.7] Janai Nelson: "I told him to be very careful how he walked in the streets at all times." And so think about a mother who already went into this scenario with some trepidation and worry who knew that she needed to prepare her son for the indignities that he would necessarily confront in Mississippi. So these days we call something like that the talk.

[00:33:51.8] Janai Nelson: It's something that many black parents have to convey to their children just as Mamie Till did in 1955. And it is a talk that tells you how to navigate racism, how to navigate the threat of violence that follows black people like a rain cloud. And you have to balance that in a way that does not require your child to forfeit their right to be a child, their right to be imperfect, their right to be human and to hold on to their dignity and a sense of infinite possibility, but recognizing that there are circumstances where they may have to compromise that in order to live and to save their lives. So it's a paradox that has really defined

black existence in our entire time in this country. It's a tight rope that we continue to walk. And I think Mamie Till Mobley's recitation of her conversation with her son is something that couldn't happen today still in almost any context in this country.

[00:34:58.2] Ronald Collins: What Janai has just said is, and I can't emphasize this enough, is what you see depends on where you stand. I mean this metaphorically. I didn't have any reference in the book to the talk, right? Because I never had the talk. I repeated the words that Mamie Till had, you know, I underscored them. I thought they were significant. But in terms of the talk, I never had the talk, right? And because of that, it wasn't something that was part of the narrative as I originally wrote it. And I think this is the importance about having communication along race lines and open and uninhibited, you know?

[00:35:38.5] Ronald Collins: And I think this is exactly what Bobby Rush and Lonnie Bunch, the Secretary of the Smithsonian are calling for, you know, in the forward and the introduction of this book, which I was so honored. And I just want a big shout out to Congressman Rush and Secretary Lonnie Bunch for first taking the time that they did and writing the incredible things they did. And if you read nothing else in the book, read that forward by the Congressman and that introduction by the Secretary. And I was deeply honored that they did that.

[00:36:12.7] Thomas Donnelly: Absolutely. Both of those are very, very powerful writings. You know, just to bring in some audience questions here, Ron, David Scover asks, you know, there are many books that have been published about the Till murder and aftermath. What is unique about your book that distinguishes it from volumes written in the past?

[00:36:30.0] Ronald Collins: Well, my background is in law. I mean, a lot had been written about Emmett Till, right? I mean, I had gone on a civil rights tour four years ago. I found myself in the courtroom where it happened. I was just, I didn't plan to write a book on Emmett Till. I was in the courtroom and somebody spoke about the trial for about eight minutes and then went on.

[00:36:57.4] Ronald Collins: I went home that night and I was just on the internet and it was, I couldn't stop. I just, I mean, and so what I thought I could do was I could write about something at length that nobody else had done. And that is the trial, not just, you know, it was an all white male jury, it was 67 minutes. They had a soda break, you know, begin a story, end of story. That this was a primary document that really needed to be elaborated upon, that needed to be analyzed, that needed to be complete, that needed to be fully discussed.

[00:37:33.0] Ronald Collins: I'll say this, it was the hardest book for me. Of all the books, there are 13 books I've done. It was the hardest one to publish. Publisher after publisher after publisher said, "Trial transcripts don't sell." And I a big shout out to Carolina Academic Press, one of the nation's leading law book publishers for publishing it and seeing the importance of it. So I think that perspective others have done incredible jobs covering Davey Anderson, Dave Tell, and others have done enormous work on the Emmett Till story. I think what separates what I do from their admirable work and the work of others, is that the focus here on the law and the trial, and my hope is that whatever else is written over time, this will be the definitive account of the trial. So I think that's really what separates it from everything else.

[00:38:28.6] Thomas Donnelly: Excellent. Thanks Ron. And maybe another audience question here to you, Janai. This is from an anonymous attendee. The specific question is to what extent, if any, did the Department of Justice intervene in the prosecution and trial of Emmett Till? But even more broadly, can you talk a little bit about sort of the national government's response to incidents like this in the 20th century leading up to the 1950s, sort of what role, if any, did the national government play and sort of what was the push and pull between sort of the national government over time and the civil rights movement that eventually allowed us to make progress on racial equality?

[00:39:08.3] Janai Nelson: Well, I think, you know Ron just mentioned that it wasn't until just two years ago, March 29th, 2022, that President Biden signed the Emmett Till Anti-Lynching Act, that was introduced in the house by congressman that rush. And of course, last year, president Biden also declared the Tallahatchie County courthouse where the trial occurred, a national monument. I'm not going to suggest that that's the first and only response of the federal government, but it has taken a long time to capture the attention and response, adequate response, commensurate response from the national government. We know that the history of lynching in this country is just so vast and sorted and under appreciated. More than 4,700 people were lynched in the United States between 1882 and 1968. And a vast majority of those people were black and none of them were prosecuted.

[00:40:18.1] Janai Nelson: And that tells you that the national government, the Department of Justice frankly, did not act even post, you know uh to, to posthumously, prosecute, or establish these harms in a way that would hopefully deter future crimes. So the Department of Justice now has been doing so much more, and I want to acknowledge the incredible work of its Civil Rights division led by a former LDF attorney who I think is bringing that sensibility to the work of prosecuting harms against black communities by law enforcement and hate crimes as well. But the government still has quite a ways to go to catch up to doing its job to protect black communities against this type of racist motivated hate. And I think there's still a lot of work to be done historically to acknowledge that part of our history and recognize that even a century later to name those atrocities is part of the healing and reconciliation that will be necessary for us to move forward.

[00:41:34.4] Thomas Donnelly: Thank you Janai. Ron, another audience question to you. This is from Bob Bauer, whatever became of Moses Wright after the trial.

[00:41:42.9] Ronald Collins: Yeah very good question, Tom. It's very dangerous. And as Janai mentioned when Willie Reed, Moose Wright and others take the stand you put yourself in a murderous path. And so he leaves, goes to Chicago, but remember, the defendants hadn't been charged with kidnapping. So then there's a grand jury hearing in another jurisdiction to determine whether or not they should be charged with kidnapping. And he comes back. I mean, can you imagine? You dodge a bullet and then you come back with the possibility that you could catch another one? And he testifies. I mean, the grand jury hearing it's a total sham. These fellas were, I mean, there was ample evidence just over the top evidence that they were guilty of kidnapping. They're not charged.

[00:42:42.5] Ronald Collins: So then he leaves returns to Illinois and as Janai said, is one of these unsung heroes. And I think it's important that people like Moses Wright and Emmett Till Mobley they belong in the textbooks. I don't know how, it'd be interesting to find out Janai how many textbooks mention the Till story. I mean, I just, they obviously I assume many of them mentioned the Rosa Parks story, some of them trying to water that down or get it rid of it all together. But I think the Till story is a really important one, and speaking of the Till story, Tom, and I hope I'm not getting ahead to things, but there was something awful that happened after the trial, and it had to do with a Look Magazine story. Can I say a few words about that?

[00:43:34.2] Thomas Donnelly: Oh, absolutely, Ron. That'd be great.

[00:43:35.6] Ronald Collins: Simone Vey once said that there are certain evils that are so evil that it takes decades or even centuries before the evil stops. And I think a lot of that is true when it comes to Emmett Till. What could be worse than the, not the guilty verdict in the murder case? What could be worse than that the grand Jury not prosecuting these fellows for kidnapping? Well, there was a reporter named William Bradford Huie, and after the trial, now remember, the defendants have found not guilty of murder. So after the trial, he strikes up a deal with the defendants and their lawyers to get their confessions right, and to sell that story. So believe it or not, he went to the NAACP and asked them to help fund this project. I mean, it was just incredible.

[00:44:28.0] Ronald Collins: And you'll see why in a second. So, he gets the defendants to "confess to Murder". He sells the story to Look Magazine. And Look Magazine in 1956 sells six million copies, syndicates it for another five million. So in 1956, this story gets 11 million copies printed. Fast forward decades. Juan Williams writes a book on all of this. And there's a documentary that's made. And that story that William Bradford Huie is repeated, and in the opening scenes of Eyes on the Prize, which is based on Juan Williams' book, William Bradford Huie appears. The problem, which Juan Williams and the makers of the documentary didn't know, is that half of what he said was just a lie. Why was it a lie? Well, when he was writing, remember, the defense lawyers have control of the content. So before he turns anything over to Look Magazine, they control the content.

[00:45:34.3] Ronald Collins: So when he says, "Well, where did the murder occur?" "Well, it occurred at the home of, at the shed of Jade W. Brian's brother," "Well, we can't mention that because he could be prosecuted." "Well, whose truck was used?" "Well, we can't mention that because he could be prosecuted." "Well, who helped load the body on the truck, on the pickup." "We can't mention that." And so he had to whitewash time and again and leave so many things out and give misinterpretations. This is the evil that continues. And you think about a documentary as important as Eyes on the Prize. And here you have this fellow that perpetuates a lie, that to this day continues. And so, part of what I try to do in that is in tragedy on trial, is to take the various things that he left out, the various things that were just lies that were in there.

[00:46:29.5] Ronald Collins: And by the way, he has to skirt around kidnapping. So how did you get the body from point A to point B? Well, they can't mention that because they hadn't been charged with kidnapping. So this is just another example of how an evil, once it starts, it just continues. And that's why the fight to get the story of racial injustice is one that just, it never

really ends. And I think for me, when I looked at, found out about this Look Magazine story, I was just, my breath was taken away.

[00:47:05.7] Janai Nelson: And I was gonna, can I add to that? I want to build on the first question that asked about how Ron's book can be distinguished. And something I said earlier about primary texts and how critical they are, particularly in this moment of doubt about truth. And when we know that there are 3000, over 3300 instances of individual books being banned. And we know that there's a proliferation of legislation across the country that now regulates how race can be taught in schools. And so, Ron, you said we should check and see how many textbooks mention the Till story. It doesn't matter how many you mentioned it now. The question is, where are we headed? Will this story continue to be told? Will the important information that you brought to us in your text be allowed to inform how we think about our history and how we address issues of race going forward?

[00:48:00.3] Janai Nelson: And I will say that Mississippi in 2022 became the 15th state to pass a law regulating how race is taught in schools, and to make sure that certain teachings about race are not brought to children for fear that they will somehow be harmed by it. But what we really know is behind these laws is an effort to erase the truth of this history to, as you mentioned earlier, to whitewash it. And the reason to do that is to make sure that there's no effort to hold Mississippi and other actors accountable for the present day effects of some of these past harms, and to recognize the context for the inequality that persists today. So it is so important to have these texts and to have these primary sources, and to have an unaltered trial transcript that tells the truth of what happened in that courtroom that effectively is an indictment of our criminal legal system. Because you can't challenge the truth and veracity of the words on those pages in that transcript. And that is unfortunately what some of our stories have been reduced to. But it is important that we do not abandon the fight to tell the truth and to help to tell the whole context of history. And that is what this important book helps to do.

[00:49:26.7] Ronald Collins: And by the way if anybody hasn't heard the song by Nina Simone, Mississippi Goddam, you, I strongly recommend it. It is just a woman that just brought the passion and rage and what have you to what was going on in Mississippi, both with Emmett Till and Medgar Evers is just a really powerful song.

[00:49:47.6] Thomas Donnelly: Absolutely. Thank you. Thank you, Ron. And Janai, just building on your response there about the importance of national memory when it comes to things like Emmett Till's story. You mentioned it earlier that the Tallahatchie County Courthouse was recently where the Emmett Till trial occurred was recently named a national monument. Can you talk about the importance of the role that national shrines like that might play in helping to tell the story up, not just Emmett Till, but more broadly the battle for racial equality over time?

[00:50:23.9] Janai Nelson: Yeah. Monuments are a powerful, powerful national expression of identity. They help convey a narrative that reflects the deeper experiences of the people they represent, or the events that they represent and by whom, and the purpose of erecting them. So situating these monuments in public spaces allows us not to ignore this history. It instigates and invites curiosity. I love that Ron was on a tour and happened to hear more about the trial, and that then gave birth to this phenomenal text. We can't afford to ignore or fail to remember these

important moments of our history. And the way to do that is to live with them among us. But what we choose to lionize is incredibly important about what we're saying about who we are and who we aspire to be, which is why there is such controversy around Confederate monuments.

[00:51:25.8] Janai Nelson: It's not to suggest that we should ignore that aspect of our history, but do we valorize it is the real question. And by naming this courthouse a national monument, by having representations of this Till trial and the family, as part of that conversation, we are saying, one, we are expressing a degree of sympathy and grief along with the Till family. But we're also acknowledging as a nation that this was a harm and a wrong and asking that we don't forget that. So that it is not repeated. I think that memorials and monuments are just, we see them used in so many powerful ways in other countries that the United States has not yet, I think, fully grasped. And there is a growing movement to do that with a sensibility about how it helps us define our identity and our future going forward.

[00:52:29.2] Thomas Donnelly: Of course, the monument story cuts two ways. So if one stands in front of that courthouse off to the left, there's a confederate monument, alright? To those that fought the great cause that will never die. Something to that effect. And it raises the question, should that monument be brought down alright, as it, or should it remain there to kind of let people feel and see the kind of the racism that was existing at the time. And that just continued. By the way, I wanna give a shout out to Patrick Williams and a group that he works with called the Emmett Till Interpretive Center. And they're doing just phenomenal work and have been doing phenomenal work in connection with the courthouse and what happened there. And I urge people to go on a civil rights tour, come to that courthouse. Because like I said, it wasn't until I was actually there, you know, in there, I mean, I'd written about the Emmett Till story in the Baltimore Sun in the 1990s. But it wasn't until I was actually there in that courtroom that somehow I was moved to write tragedy on trial.

[00:53:36.9] Thomas Donnelly: Excellent. Thanks. And so, Ron, one question we have from a few people in the Q&A here this one's a version of, it's from Ken Byrd about the kidnapping charges. If the defendants confessed to kidnapping, why not bring that charge? Can you talk a little bit about the kidnapping part of the case and what became of that?

[00:53:53.9] Ronald Collins: Sheriff Smith and other sheriff when he had arrested Roy Bryant confessed to kidnapping JW Milan when he came down did as much as well. What had happened was that the sheriff, Sheriff Strider, this man is so evil, I just, he had claimed jurisdiction over the body. He said that the murder occurred in my jurisdiction, which he didn't. And the kidnapping occurred in another jurisdiction, so they had to split jurisdictions. All right? So they were only, although they were arrested for kidnapping and murder, they were only charged with murder. Then after that after the non-guilty verdict for murder sometime later a grand jury was convened in the floor County. And the evidence against the defendants on kidnapping was overwhelming, overwhelming. And that this grand jury didn't bat an eye was shocking. But as Jason Downs had mentioned in an earlier interview I did with him, the easiest way to prove murder, and Janai, you and Tom, you know this is the felony murder rule.

[00:55:02.7] Ronald Collins: If there's an underlying felony like kidnapping. The death occurs, you don't have to show intent to murder. All you have to do is show that there was a kidnapping

in the process of kidnapping the death appeared. That never happened. 'cause it was derailed from the outset and the reporters for the African American press, they knew all of this. They knew that the sheriff was lying and what have you. And that's why those accounts and Janai mentioned that they're stored at among other places, primarily at Howard, are so vital because they really kind of give you a perspective that was otherwise lost to history. And I think this is why writing, like I said at the beginning, the dead live on the lips of the living. And you kind of, all of a sudden, by the way, Jesse Jackson said of the Emmett Till funeral the open casket funeral at the, he referred to it as Emmett Resurrecting.

[00:56:00.0] Ronald Collins: I love the metaphor. I mean, and that's really what history does, is that when you let it come out, and sometimes it's difficult to deal with. It's very hard to deal with it. But I think as a nation committed to democracy and as a nation committed to justice, assuming will continue to be that this is a struggle that I don't think will ever end. But it's important. It defines not only who we are, but what we might aspire to be.

[00:56:33.0] Thomas Donnelly: Thank you, Ron. And as we come to the end of our conversation here, a final question to you, Janai. It's a pretty broad one, but I mean, are there, what are sort of, what are some closing thoughts that you'd like to leave our audience with when it comes to the tragedy of Emmett Till?

[00:56:47.2] Janai Nelson: That is a broad question, and there's so many. I think it is, I would say it is important that we continue to relive these stories because as Ron said at the very beginning, these stories are not just ones of tragedy and pain that is for sure and for certain, but also ones of heroism and grace. And they help us see the bravery that we all should aspire to in moments of pain and challenge. So telling these stories should be understood as not only a method of healing and trying to resolve so many of the open wounds that persist in our society, but they really need to be cast differently than what is currently happening.

[00:57:41.0] Janai Nelson: That they are divisive concepts or they cause anguish and pain in people. They can be understood as a means of celebrating the progress that our country has made and the progress that is still unfinished, that needs to occur, and has to be informed by history and a true account of what happened. So that's what I think is most important to remember about Till's story, to remember that he is a child whose life was cut short in the most brutal fashion. And that his story is not one that we can be confident would not be repeated today. And it is incumbent upon all of us to ensure that we do get to a point where this type of tragedy is unfathomable in this country.

[00:58:36.5] Thomas Donnelly: Beautifully put Janai, and that's an excellent way to end this interesting, inspiring, tragic, really so many emotions wrapped up in this conversation. But Ronald Collins, Janai Nelson, thank you so much for joining us and illuminating my audience.

[00:58:49.3] Ronald Collins: My honor.

[00:58:50.2] Janai Nelson: Thank you.

[00:58:55.6] Tanaya Tauber: This program was streamed live on April 11th, 2024. This episode was produced by Lana Ulrich, Bill Pollock and me, Tanaya Tauber. It was engineered by Kevin Kilburn and Bill Pollock research was provided by Samson Mostashari, Cooper Smith and Yara Daraiseh. Check out her full lineup of exciting programs and register to join us virtually at constitutioncenter.org. As always, we'll publish those programs on the podcast. So stay tuned here as well or watch the videos. They're available in our media library at constitutioncenter.org/medialibrary. Please rate, review, and subscribe to live at the National Constitution Center on Apple Podcast, or follow us on Spotify. On behalf of the National Constitution Center, I'm Tanaya Tauber.