

'Justice can't just forget' long-ago racial killings

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The letter landed on Chip Burrus' desk about 18 months ago.

Two black couples, George and Mae Dorsey and Roger and Dorothy Malcom, had been brutally killed by a white mob in Georgia, it said. And the details astonished the FBI's assistant director, even 60 years after the crime was committed.



Associated Press

[\(ENLARGE\)](#)

Loy Harrison (left), who had tried to drive the two black couples to his Oconee County farm in 1946, shows Oconee Sheriff J.M. Bond how the mob in Walton County bound the four after dragging them from his car.



Associated Press

[\(ENLARGE\)](#)

In 1946, Coroner W.T. Brown covers the body of one of four victims of a slaying near Monroe. The two black couples were waylaid by a mob and shot multiple times. Though many people supposedly knew who did it, no one was ever charged.

"I'd never heard of this [case] before, and I kind of fancy myself a student of the South," said Burrus, who had just taken over as assistant director of the FBI's criminal investigative division when the letter arrived. "You sort of start asking yourself, 'How many more of these are out there?'"

After ordering all of the FBI's field offices to comb their files and revisit people and groups who may have information about unsolved slayings from the civil rights era, Burrus had his answer: There are at least 35 to 50 such cases across the country, predominantly in the South.

But can these cold cases from 40, 50 or 60 years ago be solved?

"We won't have the ability to bring closure to a lot of them, probably," Burrus said. But "you just can't forget. Justice can't just forget. Even though they're 50 years old, it still doesn't mean we shouldn't take a look at them and use whatever laws we can to try to address it."

Congress is weighing whether to create special cold-case units at the Justice Department and FBI that, with a \$5 million annual budget, would focus exclusively on unsolved killings from the civil rights era. But Congress has come late to the movement. Federal and state authorities already are reopening those cold cases in Georgia, Mississippi, Florida, Alabama and elsewhere.

This new urgency over unsolved killings from one of America's most violent eras was ignited in part by a series of successful prosecutions of civil rights murder cases in recent years and the fear among victims' families and law enforcement agencies that suspects and witnesses, now in their 70s and 80s, may not live much longer.

Further fueling the movement to close cold cases is the growing clout of black elected officials in the South, the appearance of a new generation of Southern prosecutors eager to put that racially explosive era behind them and the need of aging witnesses and perpetrators to clear their consciences before they die, according to civil rights groups and police.

Nationwide, 29 civil rights era killings have been reinvestigated since 1989, resulting in 27 arrests and 21 convictions, according to the Southern Poverty Law Center, a nonprofit organization in Montgomery, Ala., whose missions include monitoring hate groups and providing legal expertise in civil rights cases. Twenty-two of those cases were in the South.

[Their stories](#)

The latest breakthrough was in Florida in August. After reopening the 1951 firebombing murders of Harry and Harriette Moore for the fourth time, state investigators found new evidence — a suspect's deathbed confession that had been lost from the investigative file — and charged four white men with the Christmas Day slayings. All four were dead by the time the case was closed.

In Alabama on Aug. 29, Dallas County prosecutor Michael Jackson — the state's first African-American district attorney — announced he was launching an investigation into the 1965 death of civil rights worker Jimmy Lee Jackson, who was shot by a state trooper. State investigators and the FBI are expected to assist.

James Bonard Fowler — the trooper who shot Jackson and publicly acknowledged his role for the first time in a 2005 interview in the magazine of the Christian social justice group Sojourners — said it was self-defense. Other witnesses dispute that.

"These are events that help the South remember and face itself. These are things that most white Southerners didn't want to believe about themselves," said Mark Potok of the Southern Poverty Law Center.

Susan Glisson, director of the Institute for Racial Reconciliation at the University of Mississippi, said there is a downside to reopening old national wounds.

"People justifiably are worried that raising issues that are painful or controversial could at times set things back," Glisson said. Still, she said, that shouldn't deter investigators and prosecutors from pursuing the cold cases.

"At least beginning to have an honest appraisal of the past, at least beginning to tell the truth, outweighs the pain that it causes," Glisson said.

The only Georgia case on the FBI's list is what is known as the Moore's Ford Bridge lynching — the slayings described in the letter that landed on Burrus' desk.

In July 1946, the Malcoms and Dorseys, who were related, were taken to Moore's Ford Bridge along the banks of the Apalachee River in Walton County, lined up and shot hundreds of times.

Dozens of people may have seen or participated in the lynchings, but no one was arrested.

Authorities believe the lynching was in retaliation for a fight Roger Malcom had with Barney and Bob Hester, who were white, on the Hester farm 10 days before the murders. Barney Hester was stabbed during the melee and Roger Malcom went to jail screaming, "I ain't gonna get out of this! They gonna kill me."

Malcom was released from jail the day before the shootings.

Burrus declined to discuss the Moore's Ford investigation beyond saying, "We're kind of at a crucial point right now."

He said other Georgia cases could be examined: "I think there's going to be several down there we're going to be taking a second look at."

Bobby Howard of Social Circle has been the custodian of the story of the Moore's Ford case since 1968, when a local mortician, Dan Young, showed him pictures of the victims' bodies and gave him two lists — one of alleged white participants and one of blacks who reportedly knew about it.

Howard said he used to be wary of Georgia investigators and FBI agents interested in re-examining the killings after ignoring them for 60 years. But with the FBI's newly organized effort to close such cases, Howard said he believes a breakthrough in the Moore's Ford case may not be far off.

"I'm really excited about it right now. I've never felt this way about it before," he said. "With the stuff that's been

happening I believe they really are serious."

In a series of trials since 1994 — a round of prosecutions writer David Halberstam once called "a lot of little Nurembergs" — authorities sent to prison men responsible for some of the most infamous murders from that era: the 1963 bombing of the Sixteenth Street Baptist Church in Birmingham, Ala., that killed four young girls; the 1963 assassination of civil rights activist Medgar Evers, who was gunned down in front of his children; and the 1964 murders of three civil rights workers who disappeared near Philadelphia, Miss., while investigating the burning of a black church.

Several of those convicted while in their 70s, 80s and 90s have died in prison.

Most of the remaining unsolved cases involve victims known to few people beyond their families and communities, with the exception of the slaying of Emmett Till. The black teenager from Chicago was visiting relatives in Mississippi in 1955 when he was tortured and killed, supposedly for whistling at a white woman. The boy's mother held an open-casket funeral, and a widely reprinted photo of Till's disfigured face let the world see what was happening in the South.

In 1955, an all-white jury acquitted two white men, Roy Bryant and J.W. Milam, in the case. But they later confessed to the killing in a *Look* magazine interview. Both have since died. The case helped galvanize the civil rights movement.

Federal attorneys and the FBI announced in 2004 they would reopen the case. In March, they said they would not file charges because the five-year statute of limitations on federal civil rights violations had expired.

Even without the added pressure of a national spotlight like the Till case, police are finding that lesser-known cases can be problematic to revive, let alone solve. Memories have faded over the decades, and circumstances surrounding the old cases sometimes make it difficult for authorities to determine whether a murder even occurred, or whether there were civil rights violations that would allow the federal government to intervene.

Yet having so much time pass between the crimes and the new investigations does mean that once-terrified witnesses and relatives of suspects are increasingly willing to reveal what they know.

And that, said Mark Vukelich, head of the FBI's civil rights division, is a bigger asset to investigators than all of the new technologies they are applying to the cases.

"The thing that works to our advantage is the fact that attitudes change," Vukelich said. "I think it's a bigger ally than the forensic aspect."

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