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Unfinished Business: Revisiting Civil Rights 'Cold Cases.'
But not just those from the '60s and the Deep South.

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TWO WEEKS AGO, the House of Representatives voted 422 to 2 to pass a bill called the Emmett Till Unsolved Civil Rights Crime Act. It would authorize up to \$13.5 million a year in new federal spending for investigations into "cold case" killings like that of Till, a black teenager who was murdered in Mississippi in 1955 after supposedly whistling at a white woman.

The bill's emergence reflects the powerful consensus that has developed over the last two decades about the importance of reopening unsolved civil rights murder cases. Just last month, for instance, a federal jury in Mississippi convicted former Ku Klux Klansman James Ford Seale of kidnapping and conspiracy in the 1964 killings of two young black men whom he mistakenly thought were civil rights workers.

Seale's crime was obscure and long forgotten, but there are a host of others among the 23 "cold case" convictions that have been won since 1989 that are historically notable. In Mississippi, for instance, white gunman Byron De La Beckwith, who assassinated NAACP leader Medgar Evers in 1963, was finally convicted in 1994, and former Klan leaders Sam Bowers and Edgar Ray Killen, both of whom orchestrated infamous murders in the mid-1960s, were eventually imprisoned as well. In Alabama, Thomas Blanton Jr. and Bobby Frank Cherry, two of the Klansmen who bombed Birmingham's 16th Street Baptist Church in 1963, killing four young girls, were convicted in 2001 and 2002.

Sponsors of the new legislation rightly point out that time is running out. Possible witnesses, and likely defendants, are fast passing from the scene for murders that occurred upward of 40 years ago. (Some horrific racial killings, such as the 1946 deaths of four young black adults at Moore's Ford in rural east Georgia, are now so distant in time that any possible prosecution seems unimaginable.)

These better-late-than-never prosecutions are certainly laudable; such horrendous crimes should not go unpunished. But there is a problem. Entirely overlooked in Congress' consideration of the present bill is the way it unthinkingly adopts two of the most widespread but nonetheless false myths about the civil rights movement: that it took place only in the South and that it ended in the late 1960s.

The Deep South presumption -- that all the unpunished killings of civil rights activists took place

in the band of states stretching from North or South Carolina through Georgia, Florida, Alabama and Mississippi to Louisiana -- is not formally enshrined in the text of the pending measure. But it is voiced repeatedly in the House Judiciary Committee report that accompanied the bill to the floor, so it is quite possible that the Department of Justice would apply the bill only to the South.

The view that the black freedom struggle ended in the late 1960s, meanwhile, is explicitly adopted by the bill, which states that it applies only to killings that took place no later than Dec. 31, 1969.

Those unnecessary limitations would create serious injustices. If it focuses on crimes committed in the South in the 1960s, the new law would miss a whole category of complicated crimes that don't fit quite as easily into our preconceptions and expectations.

Consider the case of 17-year-old Bobby Hutton, a black activist who was killed following a shootout in Oakland on April 6, 1968 -- just two days after the Rev. Martin Luther King, Jr. was murdered in Memphis, Tenn. Hutton, a charter member of the Black Panther Party, may have been trying to surrender to Oakland lawmen at the very moment he was killed by a burst of police gunfire. The Panthers, of course, are not universally remembered as heroic civil rights workers, and a politically cautious U.S. attorney general, Republican or Democrat, could easily decide that the Oakland killing falls outside this bill's legislative intent.

Ditto for Los Angeles. In January 1969, two other Panther members, John Huggins and Alprentice "Bunchy" Carter, were shot to death at UCLA by a member of a rival black nationalist group called US. Although witnesses and law enforcement officials named the gunman in court in 1969, he's never been tracked down or prosecuted.

The Panthers' history of vituperative hostility toward the police, and the FBI's own well-documented efforts to destabilize the group, make it highly unlikely that discretionary investigative efforts will seek justice for dead Panthers. Young men such as Hutton and Huggins may nowadays seem like badly misguided radicals to everyone except the most romantic leftists, but they undeniably were killed as a result of their involvement in the black freedom struggle.

But don't expect former Panthers to endorse a broadened and amended bill, for many of the worst unpunished murders of Panthers and Panther supporters were committed not by white lawmen or black rivals but by other Panthers.

When mercurial Panther spokesman Eldridge Cleaver split with party co-founder Huey Newton in early 1971, a trio of tragic murders quickly followed. Robert "Spider" Webb, a Cleaver loyalist, was gunned down on a New York City sidewalk. William Seidler, a white Philadelphia shop owner who was a crucial contact for the Cleaver faction, was shot to death in front of his wife in a faux robbery. In retaliation, Sam Napier, a top Newton supporter, was tortured and then burned to death in Queens, N.Y.

Several Cleaver supporters later served time for Napier's murder, but neither Webb's nor Seidler's killers have ever been pursued. Nor have those Panther apparatchiks who were responsible for the December 1974 disappearance of party bookkeeper Betty Van Patter, an

idealistic white leftist who had discovered Panther financial shenanigans and whose battered body was found in San Francisco Bay.

Politically, it's of course far easier if the only targets of new civil rights probes are elderly ex-Klansmen and stereotypical old Southern sheriffs (who, of course, merit prosecution). But what about these more difficult cases? What member of Congress is going to advocate indicting retired Oakland cops, aging Los Angeles black nationalists and former Black Panther leaders? Don't the victims in those cases deserve justice too?

By encouraging cold case prosecutions only in the South and by focusing only on murders committed in the 1960s, the bill effectively limits itself to the kinds of easy cases that fit our expectations and that everyone can agree on -- while ignoring the cases that cut against our wistful, nostalgic desire to see civil rights history as just a Deep South morality play featuring drooling racists versus Gandhian victims.

In reality, history is not that simple. Pretending that unpunished murders of civil rights activists occurred only in one part of the country during one period of time is a historical fiction that members of Congress -- particularly African American members from California -- should refuse to swallow. Bobby Hutton, William Seidler and Betty Van Patter are not names that carry the historical resonance of Emmett Till, but their unpunished deaths were part of the black freedom struggle just like Till's. If we seek greater justice for civil rights killings, let's not arbitrarily and unthinkingly limit our search.

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