JUSTICE DELAYED, NOT DENIED

BLAKE '04, RICHARDSON'08 ON RESTORATIVE JUSTICE

BY CYNTHIA E. ROCKWELL

The case was cold—more than 40 years had gone by—but Janeen Blake '04 and Rashida Richardson '08, working with their Northeastern Law School Professor Margaret Burnham, were able to provide some measure of justice for the families of two 19-year-olds killed in 1964 by Mississippi Ku Klux Klan members.

"This case marks the first time victims of the Klan's campaign of racial hatred and violence have recovered damages against a public entity for its role in connection with Klan activities," says Richardson.

Blake had begun working on this case with Professor Burnham's Civil Rights and Restorative Justice Project, at Northeastern Law School in 2008, and Richardson joined the case later as one of 15 interns who spent, on average, between 20 and 30 hours per week researching the case. Blake, now an associate at DLA Piper in Boston, remained a major part of the legal team throughout the litigation.

These were the sketchy facts of the 1964 case: Two friends, Henry Hezekiah Dee and Charles Eddie Moore, both 19, disappeared while hitchhiking along a road in rural Franklin County, Mississippi. One was a student, the other a member of the armed services.

Several weeks later, in June of that year, parts of their bodies surfaced on the Mississippi River. The young men had been bound, tied to Jeep engine blocks, and drowned. At that time, the country was absorbed in the search for three missing civil rights workers in what became known as the "Mississippi Burning" case; scant media attention was devoted to the murders of Dee and Moore.

Five months later, in November 1964, two members of the Ku Klux Klan, James Ford Seale and Charles Marcus Edwards, were arrested and charged in the deaths of Dee and Moore.

But the case never went to trial: The Franklin County district attorney persuaded the court to drop the charges, and the perpetrators then dropped out of sight. Seale even urged his family to tell anyone who might ask that he had died.

And that was where the case languished until this decade, when Thomas Moore, brother of Charles Eddie Moore, sought some answers, went back to Mississippi, and discovered that Edwards—and Seale—were still alive. Thomas Moore was successful in urging the U.S. Department of Justice to prosecute a federal criminal case against his brother's and Henry Dee's murderers.

BILL BURKHART

Janeen Blake '04, *l.*, and Rashida Richardson '08, *r.*, with Northeastern Law Professor Margaret Burnham, who heads the Restorative Justice Project.

That was in 2007, Blake recalls. Given immunity, Charles Marcus Edwards ultimately testified: He and Seale had kidnapped the hitchhiking Dee and Moore. Edwards claimed that the bandanna Dee wore had indicated that they were civil rights activists who were bringing guns into the county from the North. The Klan members drove Dee and Moore to the woods and beat them. No doubt to stop the torture, the two young men falsely confessed that guns were located in a nearby church. The Klan members returned to town and obtained assistance from the sheriff and his deputy in opening the building for a search. Finding no guns, the Klan members returned to the woods, dumped the two young men in the trunk of a car, drove across the state line, weighted them down and dropped them into the river.

In the criminal trial, Seale, now 70, was found guilty and was sentenced to life in prison.

Moreover, this trial opened up a new avenue through which to pursue justice—a civil case against local government. "With this new testimony, Professor Burnham realized that not only the individual men but also the county may have been involved in this crime," says Blake. Never before had the sheriff or his deputy admitted to talking with—much less helping—the Klansmen that night.

Blake went to work gathering evidence for Burnham's first move: to argue that because the state had suppressed its culpability in the murders, the normal statute of limitations did not apply and the 1964 case could be brought to civil court more than four decades later. Burnham would argue that the sheriff was acting on behalf of Franklin County, and could have—should have—had enough information to intervene in the kidnapping and prevent the murders.

Blake accompanied her professor to the federal courthouse in Natchez, Miss., where Burnham met with success; the judge denied Franklin County's motion to dismiss and agreed that a civil case could be pursued against the county. "And then the discovery process started," Blake said. "That meant a lot of depositions, a lot of FBI investigative reports—about 5,000 documents for us to go through. We had to match our evidence to every single aspect of our complaint."

Blake and Richardson, along with their fellow law students working on the Civil Rights and Restorative Justice Project, combed through the documents, drew up papers, wrote letters, supported the arguments, and interviewed witnesses.

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Richardson recalls "Aha!" moments as she sifted through the thousands of pages, when she'd discover the name of a new potential witness. In another high point, the team was able to access recently declassified files of the House Un-American Activities Committee, and Burnham discovered that the sheriff and his deputy, now both deceased, were identified as Klansmen back in the 1960s, bolstering their argument for complicity in the murders.

In other more frustrating moments, Richardson and Blake found interviewees who were reluctant to come forward.

"We had one witness who testified in the criminal trial, but when we contacted him he was not very happy about it," notes Blake. "He said, 'I don't have any interest in testifying. There are still members of the Klan out there.' While we think these events are in the past, the fear is still very much in the present."

In June 2010, the families of Henry Hezekiah Dee and Charles Eddie Moore settled a federal civil lawsuit, alleging that law enforcement officials of Franklin County assisted the Klan members in kidnapping, torture, and murder. The terms of the settlement were not disclosed, and the county issued a statement that it does not—and never did—condone the actions of the sheriff or his deputy.

With the settlement complete, Richardson, still in law school, has been working on another case from the '60s, this one a Georgia case, involving a mother of six, killed in a house bombing, whose family had survived but never was able to receive any measure of justice until this year. This family's story will soon be posted on the Civil Rights and Restorative Justice Project website, along with that of Dee and Moore (northeastern.edu/crrj/).

Additionally, Blake had accompanied another intern to Texas to visit a woman whose brother had been shot when he was a teen one afternoon at a Texas diner by two white men who were opposed to integration. The project has been instrumental in helping those in town to raise money for a new tombstone for the young man—whose date of death was carved inaccurately. The town also will be naming a street after him. "We do a lot of different things in the Restorative Justice Project," she explains. "It's not just litigation that we pursue in some of the cases."

Blake plans to continue with the Project, pro bono, now that she's with Piper. "I was a very junior lawyer and I got to work on some of the most important things that any attorney works on," she says. "It will shape what I do in the future."

WGBH, National Public Radio's Boston affiliate, has also turned its attention to the Civil Rights and Restorative Justice Project, and Blake was invited to be a guest on *The Callie Crossley Show.* When Crossley asked her, "What do you say if people tell you that this is all too far in the past to worry about?" Blake's response was heartfelt.

"As a black American, I'm only one generation removed from this type of violence. It's still important; it's not that long ago. I'm still feeling the effects through stories I hear from my family. My mom is from Alabama and she had run-ins with the Klan when she was growing up. It's very important work. Those are two lives that were ended." UPFRONT