

The Cold Case Justice Initiative at Syracuse University College of Law vows to keep fighting for families of klan killings in 1960s

The Cold Case Justice Initiative has received numerous calls today from family members of unsolved civil rights era killings in reaction to the decision of the United States Court of Appeals for the Fifth Circuit reversing the 2007 kidnapping conviction of James Ford Seale for the kidnapping deaths of Charles Moore and Henry Dee in Mississippi in 1964. The families and the CCJI are determined to continue their fight to hold individuals legally accountable for the wave of klan violence and terrorism that plagued these families, their loved ones and their communities during that era.

A three judge panel of the 5<sup>th</sup> Circuit ruled that a five year statute of limitations should have barred this federal criminal prosecution. James Seale was convicted under a federal criminal statute, Title 18 United States Code section 1201(a) and (c). At the time of the deaths of Dee and Moore this death penalty crime did not have a time bar. However, a subsequent 1968 Supreme Court ruling invalidated the death penalty provision in the kidnapping crime and Congress specifically eliminated the death penalty in section 1201. The question addressed by the 5<sup>th</sup> Circuit was whether this five year limit on prosecutions applied to a crime committed in 1964. They ruled that the change of punishment retroactively changed the statute of limitations to a five year bar against criminal prosecutions.

Professor Janis McDonald, a co-director of the Cold Case Justice Initiative at Syracuse, called the decision “convoluted and taken out of the larger context of the failure to utilize the law that existed at the time that should have resulted in criminal convictions 43 years ago.” “The court strained to apply the five year bar on prosecutions for this 43 year old neglect of justice. The decision is contrary to well settled Supreme Court decisions that refuse to apply amendments to a statute retroactively, absent a clear statement from Congress to the contrary; instead changes are meant to apply to future conduct prohibited. Even if the logic of the 5<sup>th</sup> Circuit is followed there was an even more recent amendment that clearly stated that this crime had no statute of limitations yet the court refuses to retroactively apply that statute.

The Cold Case Justice Initiative is an interdisciplinary project that engages faculty and students of law, journalism, history and documentary film to seek justice for racially motivated murders during the Civil Rights era on behalf of the victims, their families, local communities and society at large. Volunteers and students in the course, “Investigating and Reopening Civil Rights Era Murders” assist family members in researching and providing information to government prosecutors to reopen these investigations. The co-directors of the Cold Case Justice Initiative can be reached for comment:

Professor Janis McDonald 315 443-1397, 450-2085(c)

Professor Paula Johnson 315 374-4613(c)

