



Legislative Bulletin.....June 20, 2007

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H.R. 923 — Emmett Till Unsolved Civil Rights Crime Act

Summary of the Bills Under Consideration Today

Total Number of New Government Programs: 1

Total Cost of Discretionary Authorizations: \$11.5 in FY 2008, \$57.5 million over a five year period

Effect on Revenue:

Total Change in Mandatory Spending: 0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 1

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

**H.R. 923 — Emmett Till Unsolved Civil Rights Crime Act
(Lewis, D-GA)**

Order of Business: H.R. 923 is scheduled for consideration on Wednesday, June 20, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 923 would authorize \$10 million annually for the Attorney General to create an Unsolved Civil Rights Era Crimes Unit within the Civil Rights Division of the Department of Justice (DOJ) and to appoint a deputy to head the unit. The deputy of the unit would be responsible to investigate and prosecute alleged civil rights violations that occurred prior to 1970 and resulted in a death. Any violations that the deputy investigates that do not fit the aforementioned criteria will be referred to the Civil Rights Division of the DOJ.

The bill would also establish a Civil Rights Unit of the FBI that would be headed by a Deputy Investigator, who would coordinate with the DOJ deputy on unsolved civil rights investigations. The bill would authorize \$1.5 million annually for technology that would bring law enforcement agencies together to investigate unsolved civil rights crimes. All funding for the program would sunset in ten years.

The bill expresses the sense that the DOJ should:

- “expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and
- “provide all the resources necessary to ensure timely and thorough investigations in the cases involved.”

Additional Information: Emmett Till was a 14 year old boy from Chicago who was kidnapped and killed in an apparently racially motivated attack while visiting family in Money, Mississippi in 1955. According to the DOJ, “Till was kidnapped and murdered on or about August 28, 1955 by Roy Bryant and his half-brother J.W. Milam. The murder occurred after Till purportedly whistled at Bryant’s wife, Carolyn, while shopping at the Bryants’ store. Fewer than four weeks after Till’s body was pulled from the Tallahatchie River, an all white, all male jury acquitted the two of the murder. They subsequently detailed to a magazine journalist how they beat Till, took him to the river, shot him in the head, tied a large metal fan to his neck with barbed wire, and pushed his body into the river. Milam died in 1980, and Bryant in 1990. No one else was ever indicted or prosecuted for involvement with the kidnapping or murder.”

Till’s murder helped to animate the civil rights movement and sparked protests across the South. In 2004, nearly fifty years after the murder, and in spite of the fact the five year federal statute of limitations for federal charges had expired, the case was reopened by DOJ officials who believed that more people may have been involved. The renewed investigation, a cooperative venture between Mississippi’s District Attorney, the United States’ Attorney, the FBI, and local law enforcement failed to bring any new charges or come to any new conclusions, but it did restore interest in civil rights crime legislation.

Although current civil rights laws allow for people to be punished more severely if they commit a crime because of someone’s race, this bill would not increase criminal penalties. It would, however, create and fund a special unit of the DOJ, in coordination with the FBI, to investigate unsolved civil rights crimes that result in death even though there is no statute of limitations for murder, and unsolved civil rights crimes are already investigated without this legislation. According to Congressional Quarterly, “in 2005 a jury in Mississippi convicted an 80-year-old man of manslaughter in a case where three civil rights workers were attacked by a mob and killed in 1964. This month, a 71-year-old man in Jackson, Miss., was convicted of killing two black teenagers in the mid-1960s.”

Committee: H.R. 923 was introduced on February 8, 2007 and referred to the Committee on the Judiciary, which Subcommittee on the Constitution, Civil Rights, and Civil Liberties on March 1, 2007, and the Subcommittee on Crime, Terrorism, and

Homeland Security on June 8, 2007. On June 12, 2007, a subcommittee mark up was held and the bill was report, by voice vote, to the full committee which held a mark up the following day, amended the bill, and reported it by voice vote.

Cost to Taxpayers: A CBO score for H.R. 923 is not currently available, however, the bill would authorize \$11.5 million in FY 2008 and \$55.5 million over five years.

Does the Bill Expand the Size and Scope of Government? Yes. It creates new DOJ and FBI units to investigate unsolved civil rights crime and, if the violation took place before 1970 and resulted in death, prosecute the offender.

Does the Bill Contain Any New State-Government, Local-Government or Private-Sector Mandates? No.

Constitutional Authority: A committee report citing constitutional authority is not available. However, House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution” [*emphasis added*].

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