

# Mississippi Jury Acquits 2 Accused in Youth's Killing

By JOHN N. POPHAM

Special to The New York Times.

SUMNER, Miss., Sept. 23—Two Mississippi white men accused of the murder of Emmett Louis Till, 14-year-old Chicago Negro, were acquitted today. A jury of twelve white

neighbors of the defendants reached the verdict after one hour and five minutes of deliberations.

Roy Bryant, 24-year-old country store keeper, and his half-brother, J. W. Milam, 36, both born and reared in Tallahatchie County, where the trial was held, greeted the verdict by embracing their wives, lighting up cigars and posing for photographs while relatives and friends extended congratulations.

The trial concerned only the murder count of the kidnap-murder indictment that was voted on Sept. 6 by a Tallahatchie County grand jury after Emmett's dead body was found within the county's jurisdiction. The boy allegedly was seized forcibly from his granduncle's home in adjoining LeFlore County four days after the youth reportedly had "insulted" Bryant's wife in the family store.

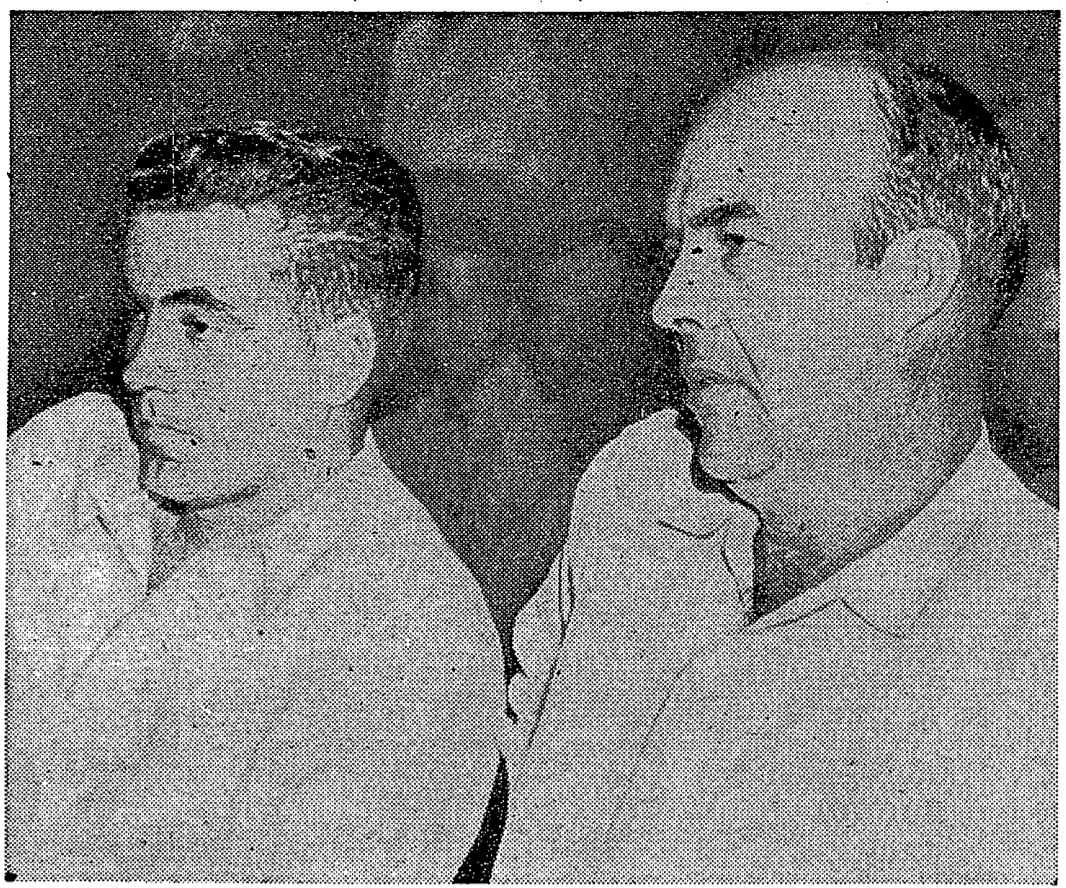
## Kidnap Action Awaits

Immediately after the jury verdict was filed with the clerk of the court, Circuit Judge Curtis M. Swango granted the prosecution's motion to dismiss the kidnaping count on the ground that evidence in the trial clearly established that LeFlore County had proper jurisdiction in the kidnaping case.

Robert B. Smith 3d, special prosecutor for the murder trial, said that Bryant and Milam, who have been in custody without bail on the murder charge, would be turned over to LeFlore County law enforcement officers tonight to face a sworn affidavit on kidnaping charges before a justice of the peace in Greenwood.

Mr. Smith said that in all likelihood the justice of the peace would set a bond under which the two men could be held to await possible indictment on the kidnaping evidence by the Le-

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Associated Press Wirephoto  
**ACQUITTED OF NEGRO'S MURDER: Roy Bryant, left, and J. W. Milam as they appeared yesterday in court room in Sumner, Miss. The jury took one hour and five minutes to agree on their innocence in the slaying of 14-year-old Emmett Louis Till of Chicago.**

## MISSISSIPPI JURY FREES 2 IN KILLING

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Flore grand jury, which meets in November.

The jury received the case for deliberation at 2:35 P. M. local time. At 3:40 P. M. they filed out of the jury room and stood in the jury box. At 3:43 P. M., the foreman, J. A. Shaw Jr., a farmer of Webb, two miles from Sumner, announced that the decision was "not guilty."

The courtroom's 250 seats were occupied, with about forty Negroes sitting in the customarily segregated section at the rear, and with some ten or twelve Negro press representatives at a table near the railing. About fifteen persons were standing at the front entrance of the courtroom and about twenty-five persons were standing along the walls.

There was no commotion or excitement when the verdict was announced. Two persons at the door turned and ran down the steps to spread the message to those standing on the sidewalk and the courthouse lawn.

The first break in the calm came as photographers began to converge on the defendants and request that they pose for pictures. The defendants and their wives, sitting on chairs just inside the railing were completely composed and smiled faintly as they embraced at the request of camera men. A few minutes later both men lighted cigars and stood up for more pictures.

### Three Ballots Taken

Milam said "I'm happy with the outcome" and his wife, Juanita, added "I was scared, but sure of the verdict." Bryant replied "I'm glad to get loose" and his wife, Carolyn, said "I'm real happy at the result."

Mr. Shaw, who was chosen by the rest of the jurors as their spokesman, said that the jury had taken three ballots. He said the first vote was nine for acquittal with three not voting, the second was ten for acquittal with two not voting and the third was unanimous for acquittal.

He said that the principal item that led to the verdict was "the belief that there had been no identification of the dead body as that of Emmett Till." Defense attorneys had centered their attack on the contention that the dead body was not identified beyond a reasonable doubt as Till.

The jurors, Mr. Shaw said, had studied the photograph of the dead body that was made by a police photographer a day after it was taken from the Tallahatchie River, bludgeoned and shot in the head. Mr. Shaw said the jury "felt the body was too badly decomposed to be identified."

Asked what the jury thought of the testimony of Emmett's mother, Mrs. Mamie Bradley, who said the body was definitely that of her son and who also identified a ring taken from the body as belonging to her son, Mr. Shaw replied "if she had tried a little harder, she might have got out a tear."

During her testimony on the witness stand, Mrs. Bradley, when shown the photograph of the dead body, removed her glasses and wiped at her eyes.

### 3 Verdicts Possible

The jury had been instructed that it could return any of four verdicts. These were guilty as charged, which carries a mandatory sentence of death in the gas chamber; guilty with recommendation for life imprisonment; guilty with a stipulation that the jury cannot agree on fixing the penalty, in which case the law requires the judge to impose life imprisonment, and acquittal.

For practical purposes, therefore, the jury was faced with three decisions, death in the gas chamber, life imprisonment or acquittal. The Mississippi statutes do not provide for degrees of murder with varying punishment. There is a manslaughter statute with penalty ranging up to twenty years, but it applies to a killing in the heat of passion and without premeditation and therefore was not cited in the jury instructions.

Because of the race relations factors involved in this case it was widely predicted that a verdict carrying either a death or a life imprisonment sentence was most unlikely to be returned by the jury. This was regarded by many as the major factor underlying the jury's action.

The jury returned its verdict after two-and-one-half hours of

listening to oratory by five lawyers who underscored dramatically the area conflicts and tensions that had permeated the courtroom atmosphere and held the spectators enthralled since the trial started last Monday.

The race relations aspect, somewhat blunted during the presentation of evidence because of court rulings and swift legal maneuvers by the prosecution, was injected strongly into the summations to the jury.

The racial subject was emphasized when John C. Whitten, last of three defense lawyers pleading for the defendants, posed to the jurors the possibility that "outsiders" desirous of stirring up racial conflict in the South had "arranged" to have a dead body identified as that of Emmett Till.

### 'Rabble Rousers' Accused

Mr. Whitten said that "rabble rousers" had brought "notoriety" and national newspaper coverage to Sumner. He said he was "sure that every last Anglo-Saxon one of you has the courage to free these men in the face of that pressure."

Mr. Smith, who pressed the state's case with vigor, opened his summation by declaring that he wanted to answer specifically the words of Mr. Whitten.

The special prosecutor said: "We can only keep our way of life when we support the constitutional guarantee of life, liberty and the pursuit of happiness for every citizen regardless of race, and Emmett Till was entitled to his life."

Mr. Smith held that there was no way to discount the finding of Emmett's ring on the dead body as "powerful proof" in support of identification. He said Emmett's mother should be viewed as the key identification witness because "the last thing in God's creation a mother wants is to believe that her son is dead."

Gerald Chatham, circuit district attorney and associate counsel for the prosecution, made a shouting, table-thumping statement that "there was no justification for killing Emmett, the most he needed was a whipping if he had done anything wrong."

C. Sidney Carlton, defense attorney, concentrated on the evidence, hammering away at the

point that several people who handled the dead body testified they thought it had been too decomposed to be identified. J. W. Kellum, another defense lawyer, said that if the jurors voted the defendants guilty "your forefathers will turn over in their graves."

The slaying of Emmett Till caused an uproar throughout Mississippi and brought strong criticism of the state's white supremacy practices from other sections of the country. Tempers have been running high here over the "outside" criticisms and nearly everyone in Tallahatchie has seen or heard of letters sent to local officials with vile language.

Emmett Till allegedly was kidnapped on Aug. 28 and his body was found in the river on Aug. 31.