

Samuel Proctor Oral History Program
College of Liberal Arts and Sciences

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-October 2013

MFP-071B

Interviewee: Alan Bean

Interviewer: Sarah Blanc

Date of Interview: September 21, 2011

BL: Good evening, this is Sarah Blanc. It's September 20, 2011. I'm here with Reverend Alan Bean and it's part two of our interview. Reverend Bean, would you like to begin by telling us about your narrative approach to advocacy in your organization?

BE: Okay. Well, historically, most advocacy that's been done with a goal of reforming the criminal justice system has been based on changing laws. Well, that's basically what the goal is, is to try to establish a legal precedent. Or just to draw attention to a certain area of abuse by filing a civil rights lawsuit on behalf of a worthy plaintiff. That has borne a lot of fruit over the years, but it's becoming more and more difficult to file that kind of case. The bar has been raised consistently over the last few years and, also, there's a limit, a natural limit, to what you can do within the courtroom. There's a lot of arguments that may be valid arguments but they don't hold any water legally. So, lawyers have to restrict themselves to what works in the courtroom.

[Telephone rings]

BL: Continue.

BE: And so, although I don't see our narrative strategy as being a substitute for the legal strategy that has been used in the past, I do feel that the criminal justice reform movement has put all its eggs in the legal basket; that most reform organizations are somewhat top-heavy with lawyers, and that increasingly over the years, the effectiveness of the legal strategy has been eroded considerably. So, there needs to be a narrative or storytelling piece that is added to the

process. That goes beyond just trying to get some journalist somewhere to write about it, which is a narrative strategy. The narrative strategy that Friends of Justice has embraced evolved out of our experience in Tulia, Texas, which I believe I discussed in some detail in the first interview. But, just to touch on that briefly, we were up against a major drug sting. Forty-seven people were being prosecuted on the uncorroborated word of a single undercover agent. So, the thing that really concerned me is that all of the jury seemed perfectly willing to take this guy's testimony at face value, even when it was demonstrated that he had been arrested by . . . a neighboring county on theft charges in the middle of the undercover operation, and that he had been fired from every police job he had ever held, pretty much. The guy was a walking train wreck, with all kinds of evidence that he was not trustworthy and could not really be believed.

BL: Deborah's a great editor.

BE: Yeah, we'll just wait. So, the question is, what do you do? The news media, local and regional news media, was totally unsympathetic. They would cover the story only in adulatory terms—aren't these brave police officers doing a wonderful job of cleaning up the drug problem in this little town? Big bust, little town, congratulatory interviews with the leading actors; end of story, it's all over. Then, once that was done, that kind of coverage was done, there was nothing else to do. So, we realized that none of the lawyers under the defense attorneys—who had a reputation for being effective civil rights attorneys—were interested in taking these cases, because they considered them as losers. The reason they were losers is that the juries were going to be unsympathetic. These were

booked as African American males, in most cases, who were presumed guilty simply because of their station in life and their race and their age, no questions asked. These were experienced attorneys; they knew that they were going to lose their cases. There really wasn't, at that point, a legal strategy. You had to change the narrative. So, what we did in Tulia was, we reached out to an independent news magazine, the *Texas Observer*, which has been in existence probably since the early [19]50s. They were really the only independent voice at that time in Texas journalism. They only had a circulation of about ten thousand, but they sent a reporter up there. We sent them down some materials. We kind of tried to get ahold of the narrative and think about what a reporter might do with this. We were just flying without instruments because we had never done this before. But we got that one story, and it was a very good story. A young man who had just graduated from Southwestern University in Georgetown, Texas, just north of Austin, and he was a very gifted young man, but he was untried. So he had sort of signed on with the *Texas Observer* but hadn't done any investigative reporting, had signaled interest in doing that, and they sent him up there to see what he could do. He wrote this sixteen-page story. That got picked up by the *Austin Chronicle*, which was an independent sort of publication that had a bigger circulation. That came to the attention of Will Harrel, who had just taken over as the head of the ACLU, the director of the Texas ACLU. Then he got interested, and we had been trying to bring the NAACP of Amarillo onboard, but they had very mixed feelings about it. Some of their senior leadership was wanting to get involved and others were not, but once the ACLU got involved, then they got a

little more courage. So, you realize that these cases become credible one person at a time. You add another layer of credibility every time you get an organization involved. Then, at one point, we reached out to the Center for Constitutional Rights in New York City. There was a woman who had grown up in Tulia—a lot of this is just serendipity, you know. You kind of have to follow your nose. Her name was Marilyn Clement. She had worked for Dr. King during the civil rights movement and then had eventually ended up being the executive director of the Center for Constitutional Rights, which was—Bill Chancellor, the famous civil rights attorney who argued the case of the Chicago Seven in Chicago at the 1968 Democratic Convention, was sort of one of their leading lights. He had worked a lot with Dr. King back in the day, as well. So, she had eventually retired and gone to do other kinds of other advocacy work, but we met—we met her at a picnic in Tulia. She said, oh, you need to write them. Well, they couldn't do anything with it, because they were lawyers and they didn't see. They couldn't file a civil rights lawsuit because nobody had been exonerated. You have to have a worthy plaintiff; you have to have somebody who's been wronged, and can prove they've been wronged because they have a judgement, you know, in their favor. They've been wrongfully prosecuted; wrongfully incarcerated, abused, beaten up by the cop, whatever the grievance is, that they can prove that they have grounds for making the complaint. When people have simply been accused like the Tulia sting victims have been, nobody had grounds for filing a civil rights lawsuit. As the case got bigger, there were a lot of lawyers who were kind of interested in that angle, but we weren't ready for that. Until we got to that point, it

was clear to me that nobody had a strategy. The letter we sent to the Center for Constitutional Rights happened to fall into the hands of a kind of off-the-wall organizer who used to work for Bill Kuntsler in Kuntsler's later years, and sort of followed him around until Kuntsler died. He created this organization called the William Moses Fund for Racial Justice, and a couple of Kuntsler's daughters—who had been very young when he was an old man—were just graduating from college. One of them had studied documentary filmmaking, and they were wanting to do a documentary. So, they came out and did this little twenty-minute documentary, and they interviewed us and they interviewed a lot of the defendants, and we sort of helped them put the story together. We kind of worked out how to present the story to get control of the narrative. It was that little documentary that really had an impact, because they took that to—they showed it to the Legal Defense Fund, and they just had a young woman who had joined the Legal Defense Fund, which was Thurgood Marshall's old organization. She had just graduated from law school and she had a justice fellowship, so she was paying her own way, so they didn't have anything to lose. She was on her own nickel. So, she said she wanted to go out, she had seen this video and she wanted to go investigate. They said, go ahead. So, she went out and investigated. Then she came back and she used that video to bring a lot of corporate law firms—I mean big, international corporate law firms—into the fight on a pro-bono basis. A lot of these lawyers, they went to law school, one, to make the world a better place, but then they graduated and realized they had all these loans to repay and they couldn't make any money doing public interest law,

that they had to work in the private sector and they had to work for people who had money. That meant major corporations, generally speaking. So, they were all in the corporate law world, but they still had these longings to use their skills and their training in a redemptive way. So, they were just lining up, and it wasn't just the people at the lower echelon. Some of the folks who had some clout and decision-making ability in these organizations also felt that way. They lined up, they got onboard, and so eventually, there were so many layers of credibility that Bob Herbert, whom I had written—he was a columnist, op-ed columnist with the *New York Times*—he got a hold of this video. He knew that the Legal Defense Fund—which was a very credible organization, a long history, they had done *Brown v. Board of Education*, that was sort of their most celebrated case—they were involved, and he knew that all these major law firms were involved, so that added credibility. So, he gets involved, and he starts writing the story, but he didn't just make it up from scratch. He took the narrative arc that had been established by that video and he broke it down into about ten different segments, and he wrote ten different columns of the Tulia story. That got the attention of Hillary Clinton, Charles Schumer, the senators from New York, and they got all—they started pushing pressure on Charles Ashcroft, the attorney general, and he didn't know what to do. Then eventually, Bill O'Reilly, the conservative guy, decided to take up the story to prove that he wasn't a racist, I think. He was a good friend of Rick Perry, the new Texas governor. So, Perry was under tremendous pressure, and he ended up pardoning these people; the Court of Criminal Appeals issued an evidentiary hearing before the people. So, then the

legal strategy started kicking in. But, if you had asked the Texas Court of Criminal Appeals to grant relief in an evidentiary hearing on the basis of, say, writs of habeas corpus that the defendants had written for themselves, or that we had written for them—and we did write writs of habeas corpus—but, when the real lawyers got involved, we just handed off the stuff to them. You know?

BL: Right.

BE: Because we didn't have the clout, but they did. But even though law firms, by themselves, wouldn't have been enough. They needed the added credibility. So, you sort of see how these things work, and you realize that the criminal justice system does not respond to legal argument and the weight of logic and evidence. I mean, that's not irrelevant to the process, but to really get somebody out of the system who's gotten entangled into it on a post-conviction basis, is really hard. The system is designed to get people in. It's not designed to get people out. So, that was sort of our first learning experience with the strategy. We realized that getting into the story was not something that you could expect journalists to do. Not just any journalist; only a good, investigative journalist. To do that, you had to frame the story. You had to take control of the narrative and to feed it to people. That was something that lawyers not only weren't very good at; they didn't see it as being part of a strategy. They did what they knew, and we needed them to do what they knew. We had a role that nobody but a good lawyer—and not just any lawyer, but lawyers with prestige and a very high degree of skill—were necessary. But, it's like everybody had a role to play, and they couldn't do their thing until we had done ours.

BL: Right. Would it be accurate to say that this narrative strategy is the missing link between someone who's been trapped in the system and the means to legally defend them?

BE: In many cases, yes. I mean, what has happened in the past is that a lot of the advocacy groups have sort of been waiting around until they see a case where somebody has been exonerated, where something surfaces. Sometimes, it's a lawyer that has been able to, say, to exonerate somebody on the basis of DNA evidence or there is a significant witness recantation. You know, a key witness flips back and says, I lied at court. Or, sometimes, they are able to—an attorney is able to find a narrative where, say, a corporate has done something discriminatory in the workplace or has been guilty of violating ecological laws or environmental laws, or something like that. But, in the criminal justice system, say, for instance, if you want to expose the injustices related to the War on Drugs, for instance, then you've got to get wrapped up in the details of a specific case. I think one of the things that really distinguishes Friends of Justice from other organizations that employ some variety of narrative strategy, is that we don't just say what happened in this case and sort of walk people through it, we go back the way a good storyteller would and we won't just go back to the childhood of the defendant; we'll go back before that. A lot of the cases that we work with are in the Deep South. So, we look at the racial history, the history of racial justice in a specific community. What happened in this community that kind of exemplifies how things used to be? Then the question is, well, how much have things changed? It's not—sometimes, you're just looking for stories. For instance,

there was a case of Ann Colon. Three of her sons in Church Point, Louisiana, had been accused of running a crack conspiracy out of their little FHA bungalow. It was completely bogus. But they had been able to tap into the federal prison system and had lined up thirty-one guys who said they had bought or sold drugs to this family, and they were all trying to get their five-year time cuts, because there's no parole in the federal system. I could pretty much prove that they were all lying. I did much more research in that case than the lawyers had, because they were just trying to poke holes in the government's case, and argue that these guys had credibility issues, and therefore that the government had not proven guilt beyond a reasonable doubt. But I knew that wouldn't work with a jury. I just—it never occurred to me that the federal government would take a case built only on that kind of testimony to trial. So, I got involved, and what we realized after a while was that only by telling the story and going back into the history of Church Point and talking about when David Duke, the Grand Wizard of the Ku Klux Klan, was named as their Grand Marshall for the Mardi Gras—there isn't just a Mardi Gras in New Orleans, every little town in Cajun land has a Mardi Gras—and they have a black Mardi Gras and a white Mardi Gras. There's a black Catholic church and there's a white Catholic church. Every denomination is split along those lines. There's a black part of town and there's a white part of town. I was able to point out that Ann Cologne's sons transgressed because they were excellent athletes and they attracted the attention of young women who wanted to date them, largely because they weren't supposed to. [Laughter] That this created all kinds of tension. And that, say, in 1995, a black student who was

head of the debating society and the best academic student, the best woman athlete in the high school, probably the best-looking student they had had in decades, I mean, she just had movie star good looks and she's now working as a doctor in Baton Rouge—so she was smart and capable—there was, I mean, no matter what criteria you use, she was going to be homecoming queen. Since the football players were making the selection, and a sort of—there were more African American football players every year, and it started to reach critical mass where you had a lot of black football players and an overwhelmingly qualified black homecoming queen candidate, they selected her. When that was announced, there was a riot in the stands. Fistfights between blacks and whites—the whole town went nuts. The next year, another African American student was selected homecoming queen, so, ever since then, they haven't selected a homecoming queen. I mean, when you realize that this is the kind of town you're dealing with, then you start—you tell the story and it starts to make sense that the local police would try to use the War on Drugs to bring these guys down, and that's exactly what they did. Over and over again, they would file false charges, and they'd want the kids to plead out. You know, take a plea, no time, but you're in the system. You plead guilty to a felony, so you have a record. Then, if you do anything, you'd be on probation, we'd revoke that and you'd be dead, and you have no recourse. So, you have to spell all of this out for people. You go to the media and you tell them these stories, and they start to get interested, little bit by little bit. Then, the narrative gets established. Then, when blogging came along, then you start to blog on it. This is before you get any

media attention whatsoever. So, what happened in that case was it went to trial, and it caught me flat-footed, because I never thought it would. I just had to shop my narrative around to all of these local newspapers, all the way from New Orleans to Houston. Then I'd set up my blog post every night for the trial. I'd even go and hand hard copies of these things to journalists in Lafayette, which was the town was taking place in—it was a federal case. Eventually, a reporter showed up in the courtroom, and then they started publishing my blog posts in the paper. That created a lot of conversation; most of it, to be honest, people disagreed with me. They thought it was, well, we need to go after the drug dealers, a lot of your rational arguments. But I was obviously getting under their skin, and so that's the way it worked. So, we sort of provide a thick description of the case, going back as far as we have to go. Eventually, I wrote a book about Tulia, where I went right back to the days when the Comanche Indians controlled the land and just told the story of how the town evolved. So, that has never been part of the strategy, but we're trying to—Michelle Alexander, in an excellent book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, uses the terminology old Jim Crow and new Jim Crow. Well, we had been using that terminology for a decade by the time she wrote the book, so I was really glad to see that. I think people's understandings are starting to change, and they're starting to realize that the kinds of oppressive strategies that were used by the state during the Jim Crow period in the South have been augmented, supplemented, reworked and reapplied to a new set of circumstances and a new kind of social control. So, we've got a new reality, but it's second version is same as the first version, a

different way of applying the old strategy. So, you have to find a way of telling that story. You can't tell that story in the courtroom. It's just doesn't—there's no way to get it in, there's no hooks to hang it on. You can tell it outside of the courtroom, so that's one of the reasons we do that.

BL: So, while you're letting this story out to the lawyers in the hopes that they can adequately defend whatever case you're involved with, what is the importance of also sharing that story with the masses, with the people reading these newspapers, and what can they do?

BE: Right. Well, I think the case of Gina is probably the best example there. We employ the same strategy at Gina that we employed at Tulia, only we knew what we were doing. I plotted it all out, you know, right beforehand. I knew what the narrative would be. I tried to get control of the narrative as much as possible, and ultimately, we brought in people like Al Sharpton, Jessie Jackson, Michael Bayston. We did not invite them in. They came in with the story, got enough credibility that they thought they could further their ends by getting involved. The same thing has happened recently with the Troy Davis case. Al Sharpton's all over it now, whereas really, it was Amnesty International and other organizations that have been doing the hard, sledding on that. But they don't have as much cache with the media as Al does. So we knew that there were those dynamics that were going to play out, but the fact of the matter is, we brought thirty thousand people to Gina. I mean, Friends of Justice didn't, but we established the narrative foundation. We did the initial organizing. We got the ACLU involved, we got Color of Change involved, we got the Southern Poverty Law Center

involved. Then we were able to get a legal strategy involved. We were able to organize the legal fight to bring people in, to take that over, because that wasn't really our strong suit, to organize a legal fight. We just wanted there to be one. So we had the same caliber of legal talent in Gina that we had in Tulia. Once that happens, and thirty thousand people have shown up, that puts tremendous pressure on the criminal justice system. So, after everybody had sort of forgotten about all of this and Barack Obama had been elected, then, very quietly and surreptitiously, all the charges against the Gina defendants were brokered down to—you know, you plead guilty, and we'll give you a week of probation. Now, some of them had already served half a year of prison. One guy served eight months, Deosha. We were just visiting with him a couple days ago. But, so, they had suffered. Even those who were actually in the beat down had suffered enough to, I think, atone and learn their lesson. They had all had their chains yanked really hard, but their lives were not destroyed. They had been able to have all of the charges, or the conviction, dropped. I think, most importantly, this was kind of an opportunity to show what can happen in the criminal justice system when young lives are destroyed. We kind of lost control of the narrative, though, in Gina. A lot of the people who had been much more high profile and had access to the media were saying things like, well, you know, they didn't charge the kids who hung the nooses from the tree at the high school with a hate crime, so they shouldn't be—why are they so gung-ho in trying to prosecute our boys? It was almost the unspoken message sounded like, nobody came right out and said this, well, if you lock our kids up, you better lock up theirs, too. That was

not a reform message. That was a tit for tat, quid pro quo message, whereas what I was trying to say is, look, if the situation in Tulia had been handled appropriately, if the local authorities had faced up to the implications of the noose hanging, and the fact that it was definitely used as a terror tactic, as an intimidation tactic, by young men who knew exactly what they were doing and knew the implications of the noose and how that related to the racial history of the region, and had said, we can't have this and here's why, that isn't the way Louisiana is anymore. Now, we're a state that gives equal justice to all, equal opportunity to all, and you're harkening back to a time when that wasn't true, and we are not going back there, let me tell you. They needed to really be adamant, but nobody could do that, because you couldn't say that. Louisiana had not evolved to the point where white officials could say, we are an egalitarian state; what we did back then was wrong, we've changed. They weren't there. They hadn't changed. They had and they hadn't, and so the Gina Six got caught up in the consequences. So, there were bad actions taken by the white students, bad actions taken by the black students, but all of this happened in a context in which adults could not talk about race. So, that was the deeper narrative, and I think one of the things that Friends of Justice learned from that is that you can't just have a single organization with very small capacity, like Friends of Justice, setting all of the foundation. You've got to go around—and this is what we're trying to do more and more now—to all of the advocacy groups in Texas, Louisiana, and Mississippi, who are dealing with three discreet areas, which are juvenile justice, indigent defense, and immigrant rights, and talk to every single

group that's dealing with those issues. And talk to them and say, what do you do? How long have you been doing it? What's your strategy? Do you cooperate with other people? What works for you, what are you struggling with? Do you think it would be helpful to use narrative? And if you do, this is what we've done in the past, do you know of any stories that would be really compelling that we could build a coalition around? Would you be interested in building a coalition? Well, a lot of them won't be ready for this, because a lot of these groups, frankly, don't do a lot of coalition-building. Or, if they do, they're very careful. But, I think if you did that and you were able to get clear communication with three or four different stakeholders who came at the issue from different perspectives, and you could use a single case to demonstrate issues, for instance, that had to do with indigent defense and, say, juvenile justice, and you bring groups who have both of those concerns, and then you relate all of that to mass incarceration as a mechanism, as a social reality, as a systemic engine with many parts, part of the problem is that each little advocacy group has focused on one aspect of a single problem. Nobody is looking at the big picture and saying, oh, why are we locking up so many people in the first place? So, that's what we're trying to do. We're trying to get this conversation started, so that we don't have to wait and see, serendipitously, who's going to get on board. We can build the foundation from the get-go. We can get the message straight, get a hold of the narrative, and have the capacity we need to build a really solid narrative campaign from the ground up, where everything is thought through at the beginning and things don't evolve, like they did in Tulia and like they did in Gina.

BL: Have you been involved in a case yet where, perhaps, an expert witness is called to testify on the history of a certain place and how it's relevant to the case and, if not, is that something you hope to see?

BE: No, we have not. That kind of thing is considered irrelevant in the courtroom, for the reason that, in the eyes of the law, jurors who represent the town—you know, they're there representing the community—are considered to be individuals who can think independently and are people of goodwill. That's the assumption of the jury system. So, you cannot bring to bear theories about the fact that this town is biased against a certain group and that, therefore, the jury may be—you can make claims about the jury selection process. You can say, this was an all-white jury in a town that's thirty-five percent African American. The defendant was African American, the alleged victim was white. Therefore, this isn't fair. If you can sustain those objections, you sometimes can get a case overturned. But, as far as bringing somebody—and the closest we've come is the case of Curtis Flowers in Winona, Mississippi. In Winona, Curtis has faced all-white juries or almost all-white juries. He's faced juries that were five blacks, seven whites that split right down the middle with all five African American jurors voting to acquit, and all seven Caucasian jurors voting to the convict. It's been overturned by the Mississippi Supreme Court, usually on race-related reasons, terms, three different times. He was convicted last summer and the case is currently back before the Mississippi Supreme Court. And I think there, the last trial the lawyer tried to bring in an expert on investigations. Now, he was not talking about the racial history of the town. He was asked to evaluate—and he was not able to do

this in front of the jury, they had a qualifying thing, and the jury was removed from the courtroom—there was a hearing that lasted about three or four hours, where he was asked to evaluate the investigation that had been done in this case back in 1996. He basically provided a scathing indictment. He had been a police chief in three different jurisdictions, including Jackson, Mississippi. He knew his stuff, he knew what an investigation was supposed to look like. So, he talked about how it was done, but he did not say why those shortcomings were there. That was up to us, and so we went back to 1963 when Fannie Lou Hamer was beaten up in the jailhouse. We talked about what life was like for African Americans, and for white people, during the civil rights period. We talked about the Mississippi Sovereignty Commission. We talked about the Greenwood Movement, what happened in Grenada, all of these different issues. Eventually, we kind of put together a portrait that was quite compelling. So, when they trial actually came last summer, we had CNN there—and I was able to talk about these things, a little bit, in the media. Yeah, when you can tell that historical story, it can be very powerful. But, like I say, it's not a tactic that can be used in the courtroom very effectively. So, it has to be sort of an extra-judicial kind of strategy to work effectively.

BL: Can you update us more on the status of the Curtis Flowers case?

BE: Okay. Like I say, he was convicted last summer. I wasn't surprised by that. Once that jury selection process had spun itself out—and the last time I talked was just in the wake of that conviction, last September—since then, an appeal has been put together, which has been sent to the Mississippi Supreme Court. I haven't

seen—and probably wouldn't even have access to—the appeals. I don't know what kind of claims were made, so we're just sort of waiting. Then, in the meantime, thinking about ways that we can address the investigation that was originally done. But one of the things that is very interesting was the key witness in this case, the woman whose testimony established to the timeline—and that they established to posit Curtis Flower's movements that morning—was convicted on tax evasion. She was working as a tax preparer and she had, at least, a dozen different clients. She had made completely extravagant and ungrounded claims. But I think she was probably splitting the proceeds with her clients, but she was convicted in federal court. So, this demonstration of this woman is quite capable, not just at lying, but at running a scam on public officials, and it's quite clear for a variety of reasons, that's what she did in the Curtis Flowers case. Now, whether that would figure into appeal, I don't know, because one of the arguments that was made during the sentencing hearing that case, was that one of her defense attorneys had worked as a prosecutor in the Curtis Flowers case. He said, you know, this woman really helped us out in Winona, so you gotta go easy on her, because she did the right thing and she stepped up. I'm thinking, wait a minute. If she just lied to the federal government, why do you think she was telling you the truth? So, you know, that issue. Of course, the media did nothing with that until I called them up. The *Clarion Ledger* in Jackson and said, do you realize this and that and the other? Then, the next time they wrote a story about it, they did make the connection, but not in very compelling terms. You kind of have to gradually work with people. So, that's where that case is now. I think the next thing we

need to do is really just go back and show why the investigation was bad. There also was a very similar crime in the Flowers murder, the murder that Curtis Flowers was accused of committing, was in 1996. Four people shot to death, execution style, in a furniture store in Winona, bullet to the back of the head in each case. One of the problems with the prosecution's case is, how can one individual control a room, especially when two of the victims were males and one of them was a young athlete and another was a man of forty-two, in the prime of his health? How could one person control a room so they could shoot each person, in turn, in the back of the head? Certainly, how could Curtis Flowers do that? It sounded like you'd need at least two gunmen to pull something like that off. There were a string of holdups in the Birmingham, Alabama region that happened at exactly the same time period, before and after the Winona thing; mostly before. The last two of these ended up shootings, fatal shootings, that were caught on surveillance cameras, so we know exactly how it was done. It was precisely the scenario that I had posited in the Curtis Flowers case, and so the question isn't, were these the guys that did it? The question is, why did the authorities investigating the Flowers case not take an interest that? What we're talking about is prosecutorial tunnel vision, where you just narrow your search down to the one person. We were able to demonstrate, during the course of the trial last year, that they had latched on to Curtis Flowers as their only real suspect. Within two hours of the discovery of the body, when all they had to go on was the fact that a check in his name was resting on the desk of the woman who owned the furniture store. Her daughter came in and found that check and

immediately knew that Curtis was the killer. Well, you can forgive her. She's in a state of shock. Her mother's just been killed. You can forgive her for jumping to totally unwarranted conclusions, but why were the authorities so inclined to agree with her, to embrace that theory? Because they knew that if they couldn't put it on Curtis, they couldn't put it on anybody. The crime was just too heinous to let go. So, a lot of the cases where there are very ambiguous facts and yet you get a conviction, in cases like that where you've got a relatively high profile off a white victim and you have a low profile off a black defendant, and in those cases, you're going to get a conviction. If you got a victim who's low-profile, then nobody really cares, and often, they'll just let the case drop for lack of evidence. But not in this case. No way it was going to happen. So you have to understand the psychology of the prosecutor and not look at prosecutors like animals or vicious brutes or authoritarian Nazis; they're human beings working very difficult jobs. They don't have enough time to investigate anything properly. They're under tremendous pressure. And they grow up, like us, in a certain culture. So, you ask the question—Doug Evans, the prosecutor in this case, grew up in Grenada. What was happening in Grenada when he was a boy? Well, they were trying to integrate the schools, and black people were being beaten to a pulp in the city square virtually every single night. The March Against Fear came through the town during that year, and you can demonstrate that, when he was a boy when he was in his formative years, right up until when he graduated from high school, he grew up in a segregated community where black people were considered to be less than human and second-class citizens. Can this man be objective? Well,

maybe he can, maybe he can't. Let's look at the evidence. The evidence suggests he can't, but that's not an argument you can make in court. But we can make it in a very compelling way. That's why I'm interested in the kinds of things that your project is looking at here in the Mississippi Delta.

BL: I don't want to cut this short, but it does sound like they're getting started. Do you want to go in? Okay. Right, well, perhaps we'll have a part three. [Laughter]

Thank you.

BE: Okay.

[End of interview]

Transcribed by: Diana Dombrowski, September 2013

Audit-edited by: Sarah Blanc, January 15, 2014

Final edited by: Diana Dombrowski, February 6, 2014