

The 1948 Murder of Rayfield Davis

A Legal History



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I. INTRODUCTION

Rayfield Davis was 53-years-old the night he was beaten to death.¹ His body was found in a drainage ditch just blocks from his house² in Mobile, Alabama on March 7, 1948.³ Despite the surrender and confession of the killer, a young white man enraged over Davis's support for President Truman's civil right program, his death went unpunished.⁴ In 1948, Mobile's law enforcement and criminal justice system failed Rayfield Davis's family and the black community at large. And, more than half a century later, that was still the end of the story.

II. BACKGROUND

A. PRESIDENT TRUMAN'S PROPOSED CIVIL RIGHTS LEGISLATION

*"...we must protect our civil rights so that by providing all our people with the maximum enjoyment of personal freedom and personal opportunity, we shall be a stronger nation – stronger in our leadership, stronger in our moral position, stronger in the deeper satisfaction of a united citizenry... We know the way. We need only the will."*⁵

In December 1946, President Harry S. Truman issued an executive order establishing The President's Committee on Civil Rights.⁶ Truman appointed fifteen members to the committee and tasked them with evaluating the condition of U.S. civil

¹ *Rights Dispute Ends Fatally*, The Pittsburgh Courier, Mar. 20, 1948, at 4.

² *Id.*

³ *Rights Dispute Ends Fatally*, The Pittsburgh Courier, Mar. 20, 1948, at 4.

⁴ *Id.*; *Miller Freed As Grand Jury Ends Session*, The Mobile Register, Apr. 17, 1948, at 1; *Coroner Rules Murder in 'Race Issue' Death*, The Mobile Register, Mar. 10 1948, at 6.

⁵ Harry S. Truman, *Special Message to the Congress on Civil Rights*, Feb. 2, 1948, available at <http://www.yale.edu/glc/archive/972.htm>.

⁶ Harry S. Truman Library and Museum, *Records of the President's Committee on Civil Rights*, available at <http://www.trumanlibrary.org/hstpaper/pccr.htm>.

rights.⁷ Almost one year later, on October 29, 1947, the committee issued its historical report entitled *To Secure These Rights*.⁸ In this report, the committee condemned segregation and called for legislative and administrative action prohibiting discrimination and segregation and guaranteeing equal access to places of public accommodation.⁹

On January 7, 1948, President Truman delivered his State of the Union Address to the nation.¹⁰ In this speech, he outlined five goals that would strengthen U.S. democracy and advance the welfare of all citizens.¹¹ He declared that his top priority was “secure[ing] fully the essential human rights of our citizens.”¹² Drawing on the committee’s report, Truman called on Congress to work towards the passage of federal civil rights legislation.¹³ To this end, he announced that he would be sending a special message on civil rights to Congress.¹⁴

Less than one month later, and a month before Davis’ death, Congress received President Truman’s special message on civil rights.¹⁵ The President declared that it was the Federal Government’s *duty* to “see that Constitutional guarantees of individual

⁷ *Records of the President’s Committee on Civil Rights, supra*. Members of the President’s Committee on Civil Rights included Ms. Sadie T. Alexander, Mr. James B. Carey, Mr. John S. Dickey, Mr. Morris L Ernst, Rabbi Roland B. Gittelsohn, Dr. Frank P. Graham, The Most Reverend Francis J. Haas, Mr. Charles Luckman, Mr. Francis P. Matthews, Mr. Franklin D. Roosevelt, Jr., The Right Reverend Henry Knox Sherrill, Mr. Boris Shishkin, Ms. M.E. Tilly, Mr. Channing H. Tobias, and Mr. Charles E. Wilson (Chairman)).

⁸ Harry S. Truman Library and Museum, *Desegregation of the Armed Forces, Chronology*, available at

http://www.trumanlibrary.org/whistlestop/study_collections/desegregation/large/index.php.

⁹ U.S. Department of Transportation, Federal Highway Administration, *President Harry S. Truman and Civil Rights*, available at

<http://www.fhwa.dot.gov/highwayhistory/road/s20.cfm>.

¹⁰ Harry S. Truman, *supra*; *Desegregation of the Armed Forces, supra*.

¹¹ Harry S. Truman, *supra*.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*; *Desegregation of the Armed Forces, supra*.

liberties and of equal protection under the laws are not denied or abridged anywhere in our Union.”¹⁶ And this duty could only be fulfilled if “Congress enact[s] modern, comprehensive civil rights law, adequate to the needs of the day, and demonstrating our continuing faith in the free way of life.”¹⁷ As such, Truman called on Congress to work immediately towards the enactment of legislation that addressed ten specific objectives:

1. Establishing a permanent Commission on Civil Rights, a Joint Congressional Committee on Civil Rights, and a Civil Rights Division in the Department of Justice;
2. Strengthening existing civil rights statutes;
3. Providing Federal protection against lynching;
4. Protecting more adequately the right to vote;
5. Establishing a Fair Employment Practice Commission to prevent unfair discrimination in employment;
6. Prohibiting discrimination in interstate transportation facilities;
7. Providing home-rule and suffrage in Presidential elections for the residents of the District of Columbia;
8. Providing statehood for Hawaii and Alaska and a greater measure of self-government for our island possessions;
9. Equalizing the opportunities for residents of the United States to become naturalized citizens;
10. Settling the evacuation claims of Japanese Americans.¹⁸

President Truman followed up by informing Congress that he had already “instructed the Secretary of Defense to take steps to have the remaining instances of discrimination in the armed services eliminated as rapidly as possible.”¹⁹ Truman concluded his message to Congress by affirming that

[i]f we wish to inspire the peoples of the world whose freedom is in jeopardy [and] if we wish to restore hope to those who have already lost

¹⁶ Harry S. Truman, *supra*.

¹⁷ *Id.*

¹⁸ *Id.* President Truman stated that these recommendations were the “*minimum*” steps necessary for the Federal Government to “fulfill its obligation of insuring the Constitutional guarantees of individual liberties and of equal protection under the law.”

¹⁹ *Id.*; *Desegregation of the Armed Forces, supra*.

their civil liberties...we must correct the remaining imperfections in our practice of democracy. We know the way. We need only the will.²⁰

B. THE SOUTH RESPONDS TO THE PROPOSED CIVIL RIGHTS LEGISLATION

“Some 300 hooded and robed [Georgia] Klansmen paraded...Tuesday night and heard their leader declare ‘blood will flow in the streets of the South’ if the colored man takes a place at the side of white men [through]...President Truman’s civil rights program...”²¹

President Truman’s highly publicized civil rights proposals resulted in heightened racial tensions, particularly in the South. Six days before Davis was killed, the city paper in Mobile, Alabama ran an article on a rally held by more than 350 hooded members of Georgia’s Ku Klux Klan.²² The demonstration was held the night before the county’s Democratic primary and was intended to generate fear among black citizens who intended to vote.²³ Crowds of Klansmen were described sweeping through the streets of Wrightsville, Georgia, generating fear and hatred.²⁴ When the mob of men arrived at the town courthouse, a 15-foot cross was set on fire, where it burned ablaze on the court lawn.²⁵ Standing before the giant burning cross, Grand Dragon, Samuel Green, stood unmasked among a sea of white-hooded men and declared that “‘blood will flow’ in the South’s streets if the colored man takes a place at the white man’s side.”²⁶ Green assured his audience that Klan members would fight to protect against the creation of “a mongrel

²⁰ *Id.*

²¹ *Klansmen Parade In Georgia Town, Grand Dragon Says Blood May Flow In Streets*, The Mobile Register, Mar. 3 1948, at 4.

²² *Id.*; *Colored Persons Heed Klan Words, Stay Away from Polls in Georgia Primary*, The Mobile Register, Mar. 4 1948, at 14.

²³ *Id.*

²⁴ *Klansmen Parade In Georgia Town, Grand Dragon Says Blood May Flow In Streets*, *supra* at 4.

²⁵ *Id.*

²⁶ *Id.*; *Colored Persons Heed Klan Words*, *supra* at 14.

race” at the hands of President Truman’s proposed civil rights program.²⁷ Black residents in the area heeded the Klan’s warnings.²⁸ Of the 400 black citizens registered to vote in the county, not one was reported to have shown up to vote.²⁹

Three days before Davis was murdered, white rage over President Truman’s proposed anti-lynching legislation was illustrated by several articles in *The Mobile Register*. One called Truman’s proposal “so-called but misbranded ‘civil rights’ legislation” that impinged upon state’s rights.³⁰ Another claimed President Truman was “whopping it up for federal anti-lynching legislation as though a great and momentous problem existed [when it did not].”³¹ This same article stated the Republican Party was “dangling anti-Southern legislation in the faces of Northern Negroes and varicolored radicals as bait for votes.”³² The writer called these actions an “unworthy tactic in bidding for votes,” claiming that “the crime of lynching has become a tiny molehill [of a problem] in the United States.”³³ Yet another article cited Alabama’s State Attorney General Albert A. Carmichael, who shared a similar sentiment.³⁴ According to Carmichael, an anti-lynch law was “wholly unnecessary” and would “increase rather than

²⁷ *Klansmen Parade In Georgia Town, Grand Dragon Says Blood May Flow In Streets*, *supra* at 4. (Note that the Green Dragon said, “if [President Truman] wants to take the negro as his equal, that’s his business.”)

²⁸ *Colored Persons Heed Klan Words*, *supra* at 14.

²⁹ *Id.*

³⁰ *What Mr. Truman Proposes is Anti-State’s Rights, Lynching Legislation*, *The Mobile Register*, Mar. 4, 1948, at 4.

³¹ *Anti-Lynching Legislation will Magnify a Molehill Into A Mountain*, *The Mobile Register*, Mar. 4, 1948, at 8. (Note the Tuskegee Institute recorded one lynching in the past year and stating, “the average [number of lynchings] since 1935 ha[d] been four a year.”)

³² *Id.*

³³ *Id.*

³⁴ *Leader of NAACP Backs Lynch Law, Colored Official Disputes State Attorney General*, *The Mobile Register*, Mar. 12, 1948, at 5.

decrease lynchings” which would “greatly disturb the peaceful racial relations now existing in the South.”³⁵

The paper also ran statements from political authorities in support of the legislation, although the proponents’ statements were far fewer than those in opposition to Truman’s plan. Speaking out in favor of President Truman’s proposals, E.D. Nixon, the Alabama President of the National Association for the Advancement of Colored People (NAACP), offered a rebuttal to the arguments of Alabama’s State Attorney. Nixon stated that “[t]he peaceful racial relations mentioned by Atty. Gen. Carmichael are non-existent.”³⁶ He went on to add that “[t]he threat of lynching bears down upon every Negro in the South and the nation as a leaden weight.”³⁷

Two days before Rayfield Davis was killed, the Alabama State Docks Director, Henry W. Sweet, declared that the people advocating for racial equality were either “misguided, ignorant or crossbreeds.”³⁸ Sweet went on to state “I do not believe the founders of this great nation intended it to be a melting pot with a crossing of all bloods.”³⁹ Sweet added that “our women are fair, sweet and pure [and] [t]hose advocating the tearing down of the blood of the country, advocate tearing down the country.” Sweet urged Mobilians to “arise and say ‘we have been insulted for the last time.’”⁴⁰

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Advocates of Equality are Assailed by Sweet*, The Mobile Register, Mar. 5 1948, at 8-

D.

³⁹ *Id.*

⁴⁰ *Id.*

On the day of Davis' murder, an editorial by Reverend J.S. Brookens was published in *The Mobile Register*.⁴¹ Perhaps in an effort to protect members of his community from threatened violence, Reverend Brookens claimed black community leaders did not cite civil rights as a top priority.⁴² His editorial stated that the "sordid doctrine of racial equality has no interest for American Negro leadership; our heads are level, [and] our feet are on the solid ground of hard common sense."⁴³ But his words were not enough to quell racial tensions in Mobile, which would come to a head that night.

III. THE INCIDENT

*"Following the usual line of fantastic tales concocted as a defense against justice in the wanton taking of Negroes' lives by sentiment of mob law, a white said his anger over President Truman's Civil Rights program led him to murder a Negro last week..."*⁴⁴

Around 10:15 p.m. on the evening of Sunday March 7, 1948, Rayfield Davis was headed home on a Mobile city bus.⁴⁵ Horace M. Miller, a 20-year-old white man working as an airplane mechanic at the Brookley Air Force Field, was on the same bus.⁴⁶ Benny Ford, a watchman at the Oakdale Ice and Fuel Company, saw Davis and Miller exit the

⁴¹ Reverend J.S. Brookens, *The American Negroes*, *The Mobile Register*, Mar. 7, 1948, at 8A, 12A.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Beats Man to Death, Blames Civil Rights*, *supra* at 1.

⁴⁵ *Coroner Rules Murder in 'Race Issue' Death*, *supra* at 6.

⁴⁶ *Id.*; *Rights Dispute Ends Fatally*, *supra* at 4; *Dead Man Found in Mobile Canal*, *Mobile Register*, Mar. 8 1948, at 4; *Miller Freed As Grand Jury Ends Session*, *supra* at 1.

bus at the intersection of Tennessee and Broad Streets.⁴⁷ He observed the two walking along the side of the canal next to the railroad tracks, and described the white man as “following [the] colored man.”⁴⁸

An hour later, G.P. Acrement, who was hunting for frogs along the ditch beside the railroad tracks, heard “a bubbling sound” coming from a dark area along the canal.⁴⁹ He inched closer to the strange sound and found Davis’ badly beaten body, still warm, lying in 6 inches of water.⁵⁰ Shocked, Acrement realized that Davis was still breathing and went to fetch the police.⁵¹ However, before the police arrived, Rayfield Davis died.⁵² Left with few clues at the scene of the crime, the police called the county coroner, Dr. H.S.J. Walker, to investigate.⁵³

At 1:00 am on Tuesday March 9, two nights after Rayfield Davis’s death, Horace Miller surrendered himself to Mobile city police.⁵⁴ Accompanied by his attorney J. Terry Reynolds, Miller provided Detective Captain Tally Rollings, Detective John Brunson and

⁴⁷ *Dead Man Found in Mobile Canal, supra* at 4; *Rights Dispute Ends Fatally, supra* at 4.

⁴⁸ *Beats Man to Death, Blames Civil Rights*, The Chicago Defender, Mar. 20, 1948, at 1; *Dead Man Found in Mobile Canal, supra* at 4; *Coroner Rules Murder in ‘Race Issue’ Death, supra* at 6.

⁴⁹ *Miller Released Under \$2500 Bail, supra* at 5; *Dead Man Found in Mobile Canal, supra* at 4.

⁵⁰ *Dead Man Found in Mobile Canal*, Mobile Register, Mar. 8 1948, at 4; *Coroner Rules Murder in ‘Race Issue’ Death, supra* at 6; *Miller’s Hearing Reset*, The Mobile Register, Mar. 16, 1948, at 1-B; *Beats Man to Death, Blames Civil Rights, supra* at 1; *Rights Dispute Ends Fatally, supra* at 4; *Miller Released Under \$2500 Bail, supra* at 5.

⁵¹ *Miller Released Under \$2500 Bail, supra* at 5.

⁵² *Miller Released Under \$2500 Bail, supra* at 5.

⁵³ *Dead Man Found in Mobile Canal, supra* at 4.

⁵⁴ *Id*; *Rights Dispute Ends Fatally, supra* at 4; *Admits Brutal Crime; Freed Without Trial, Mobile’s Grand Jury Disgraces Law and Order Holds Negro’s Life Cheaply In Refusal to Indict Killer*, The Chicago Defender, Apr. 24, 1948, at 1; *Rights Dispute Ends Fatally, supra* at 4.

Detective Hugh Prine with an oral and written statement confessing to the assault on Davis that caused his death.⁵⁵

In his statement, Miller told police that he got off the same bus stop as Davis on Sunday night.⁵⁶ According to Miller, Davis seemed to have been drinking.⁵⁷ Although the two did not know one another, Miller described how Davis approached him and greeted him with “hey buddy” as he shook Miller’s hand and invited him to “come over to his house and have a drink.”⁵⁸ Although Miller admitted to consuming “a few beers” earlier that night, he declined the offer after he “looked closer and saw that it was a colored man.”⁵⁹ After his refusal, Miller claimed he shook hands with Davis “in an effort to avoid trouble.”⁶⁰ Davis then “insisted that they go to Davis’ house [for] a drink together.”⁶¹ Miller again refused. He claimed that Davis responded by “taunt[ing]” him with President Truman’s Civil Rights program, which Davis explained would soon create greater racial equality.⁶² As related by Miller, Davis said that “President Truman is our

⁵⁵ *Rights Dispute Ends Fatally, supra* at 4; *Beats Man to Death, Blames Civil Rights, supra* at 1; *Civil Rights Plan Causes Ala. Murder, Beats Man to Death, Blames Civil Rights*, The Indianapolis Recorder, Mar. 20, 1948, at 1; *Miller’s Hearing Reset Wednesday, supra* at 1-B; *Coroner Rules Murder in ‘Race Issue’ Death, supra* at 6.

⁵⁶ *Civil Rights Plan Causes Ala. Murder, supra* at 7.

⁵⁷ *Id.*

⁵⁸ *Beats Man to Death, Blames Civil Rights, supra* at 1; *Civil Rights Plan Causes Ala. Murder, supra* at 7; *Miller Released Under \$2500 Bail, Mechanic Will Face Grand Jury on Murder Count*, The Mobile Register, Mar. 18, 1948, at 5; *Coroner Rules Murder in ‘Race Issue’ Death, supra* at 6.

⁵⁹ *Beats Man to Death, Blames Civil Rights, supra* at 1-2; *Dixie ‘Civil Rights’ Killer is Out on Bail, But Ingram Family Still in the Clink*, N.Y. Amsterdam News, Mar. 27, 1948, at 1.

⁶⁰ *Miller Released Under \$2500 Bail, supra* at 5.

⁶¹ *Beats Man to Death, Blames Civil Rights, supra* at 2.

⁶² *Id.* at 1-2; *Miller’s Hearing Reset, supra* at 1-B; *Civil Rights Plan Causes Ala. Murder, supra* at 7; *Rights Dispute Ends Fatally, supra* at 4; *Coroner Rules Murder in ‘Race Issue’ Death, supra* at 6.

good friend and he will give us our equal rights.”⁶³ Miller said “[t]hat sort of talk kept making me madder.”⁶⁴ In fact, Miller confessed to becoming so angry that he knocked Davis to the ground with his bare left hand before continuing to beat him with his fists.⁶⁵ Miller described Davis “crawl[ing] around on the pavement [before] get[ting] up and started the same talk over again.”⁶⁶ Miller admitted to striking him again with his “bare right fist” where Davis again dropped to the pavement.⁶⁷ Miller kicked Davis in the face and head each time he attempted to get up.⁶⁸ After “four or five” kicks, Rayfield Davis lay on the ground, unable to move.⁶⁹ Although Davis, who was 53 years old, was later described as “frail,” Miller, who was only 20 years old, claimed his actions were a reaction to his fear that Davis, “would shoot or cut me.”⁷⁰ Miller left Davis lying in the ditch and walked toward his house -- “fast, not because of what had happened, but because I thought he might get up and start after me with a pistol or knife.”⁷¹ Reports later revealed that Miller was staying in a rooming house located in the opposite direction, suggesting that he normally would have exited the bus at a different stop.⁷²

⁶³ *Rights Dispute Ends Fatally*, *supra* at 4; *Coroner Rules Murder in ‘Race Issue’ Death*, *supra* at 6. (Note that Miller claimed Davis stated that Truman’s plan would allow the “colored race” to “soon rule.”)

⁶⁴ *Id.*; *Beats Man to Death, Blames Civil Rights*, *supra* at 2.

⁶⁵ *Rights Dispute Ends Fatally*, *supra* at 4; *Beats Man to Death, Blames Civil Rights*, *supra* at 1; *Civil Rights Plan Causes Ala. Murder*, *supra* at 7; *Rights Dispute Ends Fatally*, *supra* at 4.

⁶⁶ *Rights Dispute Ends Fatally*, *supra* at 4.

⁶⁷ *Id.*

⁶⁸ *Id.*; *Miller Released Under \$2500 Bail*, *supra* at 5; *Beats Man to Death, Blames Civil Rights*, *supra* at 1-2.

⁶⁹ *Id.*

⁷⁰ *Miller Released Under \$2500 Bail, Mechanic Will Face Grand Jury on Murder Count*, *The Mobile Register*, Mar. 18, 1948, at 5; *Admits Brutal Crime*, *supra* at 1.

⁷¹ *Civil Rights Plan Causes Ala. Murder*, *supra* at 7; *Beats Man to Death, Blames Civil Rights*, *supra* at 2; *Coroner Rules Murder in ‘Race Issue’ Death*, *supra* at 6.

⁷² *Id.*

According to Miller, he was unaware that Rayfield Davis had died until he read about it in a newspaper while at work on Monday afternoon.⁷³

Following his confession, Miller was held without bond in the city jail on an open general holding charge pending his preliminary hearing.⁷⁴ Meanwhile, his family and friends in Durant, Mississippi worked on raising a defense fund.⁷⁵

IV. THE LEGAL RESPONSE

Horace Miller's preliminary hearing was attended by "white and colored spectators seated on opposite sides of a center aisle, crowd[ing] the small courtroom."⁷⁶ The crowd listened in anticipation as evidence was presented against Miller.⁷⁷ Among the white crowd were Miller's mother and brother, in town from Meridian, Mississippi.⁷⁸

City Recorder William M. Bekurs presided over the preliminary hearing, which began when State Solicitor Carol Booth read Miller's written signed confession.⁷⁹ Beyond this very damning statement, numerous other pieces of evidence were presented against Miller.⁸⁰

Benny Ford, the black watchman who was working near the site where Davis was killed, testified to observing a white male following a black male along the railroad tracks. He said that the white man made wild hand gestures at the black man (indicating a

⁷³ *Id.*

⁷⁴ *Id.*; *Admits Brutal Crime, supra* at 1; *Miller's Hearing Reset, supra* at 1-B.

⁷⁵ *Beats Man to Death, Blames Civil Rights, supra* at 2.

⁷⁶ *Miller's Hearing Reset, supra* at 1-B. (Note that Miller's mother and brother were in town from Meridian, Mississippi for the pre-trial hearing).

⁷⁷ *Id.*

⁷⁸ *Id.*; *Miller Released Under \$2500 Bail, supra* at 5.

⁷⁹ *Id.*

⁸⁰ *Miller's Hearing Reset, supra* at 1-B.

conflict between the two men).⁸¹ Responding police officers said that it appeared Davis had “been struck on the head with a heavy instrument.”⁸² The Mobile city medical examiner, after performing an autopsy on Davis’ body, said, “It is murder.”⁸³ The death certificate, signed by the coroner, also stated that “if the death was due to external causes, [it was] homicide...due to beating and immersion in water.”⁸⁴ In fact, according to coroner Dr. H.S.J. Walker’s testimony, given how badly Davis’ face and head were beaten, “something like a blackjack, heavy club or brass knuckles” was likely used in the attack.⁸⁵ Assistant State Toxicologist, Nelson Grubbs, testified that Davis died of shock due to a beating and two previous head wounds.⁸⁶ He also stated that a chemical analysis of Davis’ blood indicated that he was intoxicated at the time of his death.⁸⁷ He, too, considered the man to have been murdered.⁸⁸

Following the preliminary hearing, which lasted for one hour, Miller was officially charged with murder.⁸⁹ City Recorder William M. Lekurs ordered Miller bound

⁸¹ *Id.*; *Miller Released Under \$2500 Bail*, *supra* at 5.

⁸² *Dead Man Found in Mobile Canal*, *supra* at 4.

⁸³ *Beats Man to Death, Blames Civil Rights*, *The Chicago Defender*, Mar. 20, 1948, at 2; *Rights Dispute Ends Fatally*, *supra* at 4 (Note that “Dr. H.S.J. Walker, county coroner, returned the murder verdict”); *Admits Brutal Crime*, *supra* at 1 (Note that “an examination of the body indicated a bludgeon had been used in the killing.”)

⁸⁴ *Standard Certificate of Death, Rayfield D. Davis*, signed Mar. 11, 1948.

⁸⁵ *Rights Dispute Ends Fatally*, *supra* at 4 (Note that “Dr. H.S.J. Walker, county coroner, returned the murder verdict”); *Beats Man to Death, Blames Civil Rights*, at 1; *Coroner Rules Murder in ‘Race Issue’ Death*, *supra* at 6.

⁸⁶ *Miller Released Under \$2500 Bail*, *supra* at 5; *Dixie ‘Civil Rights’ Killer is Out on Bail*, *supra* at 1.

⁸⁷ *Miller Released Under \$2500 Bail*, *supra* at 5; *Dixie ‘Civil Rights’ Killer is Out on Bail, But Ingram Family Still In the Clink*, *supra* at 1.

⁸⁸ *Civil Rights Plan Causes Ala. Murder*, *supra* at 1.

⁸⁹ *Miller Released Under \$2500 Bail*, *supra* at 5; *Miller Freed As Grand Jury Ends Session*, *supra* at 1.

over to the Mobile county Grand Jury on one count of murder.⁹⁰ Miller was then released on a bail of \$2500.⁹¹

A grand jury considered the matter in early April, 1948.⁹² Although Grand Jury proceedings are closed to the public, the jurors likely heard much of the previously mentioned evidence against Miller at the preliminary hearing. Despite the significant amount of evidence against him, the all-white grand jury declined to indict Miller for Rayfield Davis' murder.⁹³

Horace Miller was freed following the grand jury's lack of action and soon after attended a banquet held by family and friends in order to "relieve him of the 'terrible ordeal'" he went through after "crushing[ing] Davis' skull with a bludgeon."⁹⁴

V. THE COMMUNITY RESPONSE TO A CONFESSED MURDER

*"Mobile's Grand Jury Disgraces Law and Order [and] Holds Negro's Life Cheaply In Refusal to Indict Killer..."*⁹⁵

According to an archived newspaper account, "white [Mobile] citizens...who believe[d] in fairness and justice were shocked, along with the Negro population when it was disclosed that a true bill against Miller had not been returned."⁹⁶ The local branch of the NAACP sought to secure a new warrant for Miller in the hopes of bringing his case

⁹⁰ *Id.*

⁹¹ *Id.*; *Admits Brutal Crime, supra* at 1.

⁹² *Admits Brutal Crime, supra* at 1; *Miller Freed As Grand Jury Ends Session, supra* at 1.

⁹³ *Id.* (Note that "State Solicitor, Carl M. Booth, made his disclosure...shortly after the jury made its April report to Circuit Court Judge Claude A. Grayson.")

⁹⁴ *Id.*

⁹⁵ *Admits Brutal Crime, supra* at 1.

⁹⁶ *Id.*

back to court “but the killer’s friends were hiding him.”⁹⁷ The NAACP effort to hold Miller accountable for Rayfield Davis’ death was not successful.

Local news articles noted the stark difference between the outcome in Rayfield Davis’s case and other killings, and concluded that the differences were based almost entirely on race. In one article, the author noted Miller’s freedom in the face of a detailed confession, contrasting this with a recent case in Americus, Ga.⁹⁸ As described by the article, “Mrs. Russ Lee Ingram and her two teenage sons [were] still in jail.”⁹⁹ They were sentenced to die for the alleged killing of a white farmer.¹⁰⁰ According to the Ingram defendants, they were merely protecting themselves from the drunk farmer.¹⁰¹

At the same time, opponents of President Truman’s civil rights proposals were determined to stand firm. Despite the timing and community sensitivity surrounding the freeing of a confessed killer, the *Mobile Register* did not hesitate to run an anti-civil rights editorial less than a week after the Grand Jury’s decision. According to the editors, President Truman’s civil rights program was “a scheme” meant to “make the people of the South the laughing stock of the nation.”¹⁰² As such, the civil rights program was “a bald insult...to the people of the South,” mostly because it “presume[d] that the southern people would desert their conscience and principles to support” a political “scheme” meant to secure another presidential nomination for Truman.¹⁰³

⁹⁷ *Id.*

⁹⁸ *Dixie ‘Civil Rights’ Killer is Out on Bail, supra* at 1.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *President Truman Schemes to Make People of the South the Laughing Stock of Nation*, *The Mobile Register*, Apr. 26 1948, at 6.

¹⁰³ *Id.*

Rayfield Davis's case also drew attention from some national black newspapers. A headline in *The Chicago Defender* read, "Mobile's Grand Jury Disgraces Law and Order [and] Holds Negro's Life Cheaply In Refusal to Indict Killer."¹⁰⁴ The article declared that "[a]n open season on the lives of Negroes was feared here this week" when the grand jury "refused to indict a white killer of a Negro in this city's much publicized civil rights murder case."¹⁰⁵

V. CONCLUSION

There was more than sufficient evidence to indict Rayfield Davis's confessed killer. However, the prevailing prejudices of the 1948 Mobile criminal justice system resulted in failed justice. But it is not too late to redress the harms of the past. The City of Mobile need not allow this history to serve as the final chapter in the story of Rayfield Davis. The time for justice and accountability is now. Rayfield Davis' death left behind his wife, mother, aunts and several nieces and nephews)¹⁰⁶ Thus, the Civil Rights and Restorative Justice Project is currently working with the Davis family and Mobile public officials to bring about restorative justice measures that memorialize the injustices of the past and honor the memory of Rayfield Davis.

¹⁰⁴ *Admits Brutal Crime, supra* at 1.

¹⁰⁵ *Id.*

¹⁰⁶ *Colored Mortuary, Raphiel Dorn Davis*, *The Mobile Register*, Mar. 9, 1948, at 6-B; Alabama Center for Health Statistics, *Standard Certificate of Death, Rayfield D. Davis*, signed Mar. 11, 1948.