

Chapter 25 Chaney, Goodman and Schwerner

“There’s a photograph of Bogue Chitto in *Life* Magazine from July of 1964. It’s taken from the bridge that ... I crossed over thirty years later. In the swamp and at its edges, navy reservists in boats with nets, and other wading in high boots are dredging the swamp in search of the bodies of the civil rights workers. On the bridge stands a group of clean-cut young men in button-down shirts, dark trousers, and penny loafers. They sport crew cuts, their clothing is pressed and immaculate, and they are all white. But their faces are contorted as they jeer at those who are looking for the bodies of Goodman, Schwerner, and Chaney. ‘Hey, why don’t you hold a welfare check out over the water,’ a local is reported to have shouted out to a boatful of FBI workers. ‘That’ll get that nigger to the surface.’”

– Mary Winstead, *Back to Mississippi*.

John Satterfield and the segregationists around him believed they’d “suffered another setback” when at the very start of Freedom Summer a civil rights tragedy occurred. On June 20th, 1964, the first wave of students had arrived in Mississippi, ready to begin their work.

But on June 21, two days after the Senate passage of the Civil Rights Act, seventeen Mississippi Klansmen bared their worthless souls to the world when they kidnapped and murdered civil rights workers Michael Schwerner, aged 24, Andrew Goodman, 20, both from New York and James Chaney, 22, from Meridian, Mississippi.

Forty-one years later, only one alleged Klansman, an old “Baptist preacher” stood trial for the murders that symbolize Mississippi for much of the nation and was found guilty on charges of manslaughter.

The three young men had disappeared at approximately 10:00 p.m., Sunday, June 21, 1964. Both Aaron Henry and Charles Evers were attending the national NAACP convention at the time, and upon hearing the news immediately went to work trying to learn more.

Evers phoned the FBI in Meridian and was given the brush-off. There would be no help from the agency since there was no evidence the three volunteers had been kidnapped across a state line.¹ Only after the FBI was pressured its agents went to work.

The volunteers’ burned-out 1963 Ford Fairlane station wagon was soon found in the Bogue Chitto Swamp of Neshoba County near where the three were last seen on the night of June 21st.

Forty-four days later, FBI agents uncovered the bodies buried fifteen feet in an earthen dam of red clay.... *so long ago*.

IN THE FALL of 1963, CORE set out to have a presence in Meridian, a city 93 miles east of Jackson in the Pines Region. Dave Dennis, Mississippi's CORE leader, sent Matt Suarez from the New Orleans CORE chapter into Meridian to lay the groundwork.

Suarez was no stranger to the movement; Sovereignty Commission records place him on the Canton CORE staff in Laurel, and in Jackson where he helped organize the Freedom Vote.

In later years, one agent described Suarez as a "a known Black Nationalist," "Anti-American on foreign and domestic policies," "interested in the Spartacist [sic] League," and "known to associate with Stokely Carmichael."ⁱⁱ

Meridian, considered one of Mississippi's "more liberal" cities – and from 1880 until 1920 the state's largest city – Meridian was settled in the 1830s. Named for the railroad junction around which it grew, the town was incorporated thirty years later.

Meridian had been a vital Confederate supply center during the Civil War but was totally abolished when General Sherman's troops engaged in their after-war destruction campaign.

"Ten thousand men worked hard, with a will in that work of destruction, with axes, crowbars, sledges, claw bars, and fire," Sherman wrote in his official report. "... and I have no hesitation in pronouncing the work well done. Meridian – no longer exists."ⁱⁱⁱ However, Southern historians described the aftermath in their own words: "Railroads were torn up for miles in every direction and many houses were burned. All the grist mills were destroyed, and after the Federal troops departed, women and children were without food for some days; but no direct personal injury was inflicted. The collapse of the Confederacy came in April, 1865, and Meridian became a main point for issuing paroles. Everything was done quietly, but in sadness. No complaints were made until the days of reconstruction."^{iv}

After the Civil War, as Meridian's whites became governed by "an alliance of freedmen (Republicans), carpetbaggers and scalawags" – as was happening throughout the South – some whites took refuge in the Democratic Party to regain control of their communities.

Others turned to terrorism or "Ku Kluxing," named after the Ku Klux Klan. Night riding and other Klan violence took over, with Klansmen achieving a lasting reputation among Southerners as "an organization of freedom fighters," providing an "essential check to the forces of tyranny and occupation."

In 1871, Meridian was the site of a bloody race riot after Alabama Klansmen crossed the state line – 15 miles east of Meridian – to chase blacks who allegedly left their work contract before completion. Meridian's mayor and the Lauderdale County sheriff were not strong enough to halt such forays, leaving black freedmen of Meridian both frightened and outraged at this and other Klan invasions.

Daniel Price, a "carpet bagging" schoolteacher in Meridian's black school, and two other men ambushed Adam Kennard, the Alabama sheriff who led the raid. Price was arrested and put on trial, but when several hundred Alabama Klansmen loyal to their sheriff

rode into Meridian to “witness” his trial,” Price escaped before his expected kidnapping and lynching.

Following a torchlight rally in support of Meridian’s carpetbagger mayor William Sturges, a downtown store owned by the mayor’s brother was set on fire. “Arson had long been a means by which slaves anonymously took revenge on their masters,” so when freedman William Clopton rallied blacks not to help fight the blaze, this encouraged rumors that kept growing from a long-feared black insurrection.

By morning, the recently rebuilt entire square block of the town’s business district lay in ashes. Rumors of Clopton’s words were exaggerated, to the point that some people were saying he told a group of former slaves to go home and get their guns. “Asked if they should kill white people, Clopton was said to have replied, ‘Yes, kill all of them – women and children too!’”^v

White mobs filled the streets and the Alabama Klansmen threatened to return and join in the fray. Clopton and two other black were arrested on charges of arson and disorderly conduct.

During the resulting trial, a witness was challenged by one of the defendants, Warren Tyler. Tyler fired a gun at the witness in an apparent disagreement and in the confusion the Judge was killed after he was shot in the head. Firearms came out and a general shootout took place in the courtroom. Two of the defendants quickly exited; Clopton was left behind bleeding on the courtroom floor.

The angry mob threw Clopton from a second-story window; he survived the drop so the mob cut his throat. Rioting broke out as three hundred whites took after the other two blacks. The reprisal killing continued. By the time federal troops arrived several days later, at least thirty blacks had perished.^{vi}

Congress, angered over reports of the Meridian riot, passed legislation trying to control the Klan and protect freed blacks. The Meridian riot would become a rallying point in the mid-1870s, however, as the mood of the North became more sympathetic to the Southern white and as Reconstruction was ending:

To white Southerners, Reconstruction was a calamity borne of Yankee vindictiveness, proving that Negroes were incapable of functioning as citizens, much less voting, running for office, or governing. This enduring myth, carefully nurtured, became a cornerstone of southern life, helping to justify segregation for a hundred years.

The insurrectionary spirit of men like William Clopton and Warren Tyler would not return to Meridian’s black community for many decades. By the 1950s, white supremacy had long been an established fact of life to the city, which had grown to a population of fifty-six thousand. Most of the approximately twenty thousand black residents lived in a dusty, half-rural neighborhood to the west of downtown, and apart from an occasional

NAACP function or donation drive, there was virtually no civil rights activity. The Reconstruction-era Klan had done its job so well that it had made itself obsolete.^{vii}

NINE DECADES FOLLOWING the Meridian Riot, as Mississippi was undergoing the modern Civil Rights Movement, a young caring couple, Michael and Rita Schwerner came into Mississippi to work for CORE in January 1964, following the 1963 burning of a church in Birmingham where they had been working.

The Schwerners were named to head CORE activities in one of Mississippi's five Congressional districts where they would initiate a voting rights drive and set up a freedom school, as well. From the start, they were a high visibility couple, perhaps operating on "a false sense of security in their first weeks in Meridian. Before they were widely known, they received few threats."^{viii}

It did not take long for the Sovereignty Commission to hone in on the couple; their license plate number, precise physical descriptions and their Volkswagen had already been provided to law enforcement and Klan members around the state – months before Schwerner and two other civil rights workers were killed.^{ix}

One of the first white civil rights workers based outside of the capitol of Jackson, Michael Schwerner drew the Klan's hostility when he helped organize a black boycott of a white-owned business and aggressively tried to register blacks in and around Meridian to vote.^x

Known by friends as Mickey, Schwerner and his wife Rita understood their work was dangerous, said his brother Steve, noting that CORE staff members told all new volunteers they couldn't rely on local law enforcement personnel to protect them.^{xi}

"The volunteers were told that 'you middle-class kids are used to having the law on your side, but forget it, there's no law here,'" the retired business dean of Antioch College told reporter Diane Chiddister of the Yellow Springs News.

Steve Schwerner was only two and a half years older than his brother, Michael. Both were the children of parents who worked as union organizers in New York City. The Schwerners "taught their children to value all people and to respect all races," Steve Schwerner said. Their father made sure that, in addition to taking his sons to see Yankee games, he took them to watch the Negro Baseball Leagues as well.

When the Movement emerged in the late 1950s and early 1960s, both Schwerner brothers participated, although "Mickey always went one step further," he said. Once, when demonstrators sought to stop construction at a Lower East Side housing project, "Mickey lay down in front of bulldozers to stop them.... He was much more courageous than I was," Steve Schwerner said.^{xii}

James Chaney was born in Meridian on May 30, 1943 and had lived there nearly all of his life. His family lived in Meridian's modest black community west of downtown. His

father, Ben, worked at an ice cream factory at the time while his mother, Fannie Lee, worked as a domestic servant in white homes, taking in laundry and sewing at home:

Growing up black, the Chaney children couldn't help being made aware of their social status. They understood – when Mama returned bone-weary from a day's work in a white home across town ... their daily walk to and from St. Joseph's took them through a white neighborhood where they often heard whites remark as they approached, "Here come the niggers." A few times white residents set their dogs after them.^{xiii}

After completing high school in 1960, Chaney tried to join the U. S. Army, hoping to train in electronics and then attend college. He passed the written test, but his asthma made this plan impossible. So Chaney and a friend hitchhiked out of Meridian and for a short time worked at hauling hay in Wichita Falls, Texas. By December of 1960, he was back home – with a groin injury. "Already his dreams of college, the Army, even escape had come to nothing."

Chaney's father taught him the trade of plastering and so the young man joined the local Negro plasterers' union in the spring of 1961 – a job working alongside his father that gave him some chance to travel outside of Meridian and even Mississippi.

In the fall of 1963, after quitting that job, Chaney met CORE organizer Matt Suarez through a young woman already involved in civil rights activities. Suarez thought Chaney was hanging around because he was interested in the girl – and he was. But the next day, Suarez found Chaney standing at his front door, ready to go to work.

Andrew Goodman traveled several thousand miles to come to Meridian. The twenty-year-old Queens College student, a musician and sometimes off-Broadway actor, was recruited by Aaron Henry at Queens College in New York to participate in Freedom Summer. Goodman had already marched in demonstrations, protesting unequal rights for blacks at one of New York's Woolworth stores and at the 1964 New York World's Fair.

"Andy didn't come out of nowhere," wrote Jonathan Mark, a columnist for the *New York Jewish Week*. "His two parents were activists, involved with everything from the Spanish Civil War to organizing New York State dairy farmers to being leading supporters and directors of Pacifica Radio, the parent network of radical radio station WBAI."

Earlier, Goodman had listened to Allard Lowenstein explain the strategy for bringing hundreds of college students in America to work in a voter registration drive and teach in community Freedom Schools. Lowenstein was working to "unsettle liberal northern students and compel them to act."^{xiv}

While Lowenstein had "beat the drum" for the Freedom Summer project, the testimony of black Southerners strongly impressed the white northern students. One student in particular, Travis Britt, had been active in a difficult voter registration drive in southwestern Mississippi. Britt told the students how he was assaulted on the courthouse lawn in Liberty, along with Robert Moses.

Britt and Charles McDew and Fannie Lou Hamer and Robert Moses – people who were already making history – challenged young people like Goodman to join them. Goodman had grown up on Manhattan’s Upper West Side, “where avowed Communists lived alongside Jewish intellectuals and ghetto blacks.”

He had attended Walden School, noted for its liberal education during the time of anti-red fervor. Like many of the students who signed on for the Summer Project, he was a child of the Left, and “... the civil rights cause spoke directly to this heritage, coming as something of a gift to liberals who sought a way out of the repressive climate of the Cold War.”^{xv}

A time of questioning motives had occurred before the northern college students descended into Mississippi. COFO staff desperately needed their help, but movement leaders had to acknowledge bringing in an army of white college students to Mississippi meant some would be killed in the movement’s name several leaders, including David Dennis, CORE’s Mississippi field secretary concluded. “Americans would respond to the death of a white college student... That’s cold ... but we were trying to get a message over to the country, so we spoke their language.”^{xvi}

Others in the freedom movement had been endangered; The Freedom Rides were one example. Yet Freedom Summer would place thousands of volunteers, many from the sons and daughters of politicians and rich families – students from the nation’s most prestigious schools – into inescapable harm. “Hell! We know someone’s going to get killed!” once SNCC worker was to have observed.

By mid-orientation, the 250 men and women gathered in Oxford, Ohio, would begin more fully to understand what they had volunteered to do. Instead of the stereotyped Southern cop – white suit, fat, and Panama hat – they were shown Theron Lynd, “the powerful symbol of white repression in Forrest County who had humiliated hundreds of black men and women attempting to vote.”

“This was no abstract injustice. This was the guy who said ‘No’ after you had worked your tail off for months getting frightened people to the point of walking up his county courthouse steps.”^{xvii}

At first, it was hard for the students to understand each other and their respective cultures; white students, at first, were particularly insensitive to the black volunteers; problems during the training occurred as a gulf separated many of the summer volunteers from COFO veterans.

It was a gulf that would never be bridged “... given the fear, the life-threatening situations, and the clash of cultures,” Dittmer believed.^{xviii} But, as the students lived and sang together, they were coming to know each other as well as they could, and perhaps better than was expected.

On Saturday, June 20, the first group of volunteers boarded buses and cars for the drive to Mississippi, described by one student as ... “a strange [combination] of children headed for summer camp and soldiers going off to war.”

Andrew Goodman rode down to Meridian with CORE organizers James Chaney and Michael Schwerner “bound for the relatively safe COFO project in Meridian” where Chaney and the Schwerners had already been working on community organization.

“I told them goodbye,” Margaret Block said. “I’d attended the training conference where I’d met Andrew for the first time. He was so wound up and ready to get started.

“But most of all, I remember telling Mickey to remember “the rule.” He would be safe, I told him, if he was somewhere safe when it got dark. We all knew – those of us from Mississippi – never to break that rule. Later, I learned they had done this but were arrested before nightfall. Even following this rule had not saved their lives.”^{xix}

Before working civil rights in Meridian, Chaney helped in organizing the first Freedom Day in Canton and then worked briefly in Greenwood and Carthage before returning to his hometown. Together, Chaney and the Schwerners established a community center in Meridian that provided help with reading, classes in government and clerical skills. The center boasted a Saturday reading hour for children and a library.

Rita Schwerner organized a sewing program with equipment and materials coming from northern supporters – apparently of some interest to the Sovereignty Commission whose agent judiciously reported, “Rita Schwerner bought a Singer sewing machine from a business in Meridian.”^{xx}

Schwerner and Chaney worked together “like brothers,” said Mrs. Chaney, as the two young men began preparing for their district’s summer project in Lauderdale, Clarke, and Neshoba counties. Both were invited to speak on Memorial Day about their summer plans at the Mount Zion Methodist church in the Longdale community outside of Philadelphia.

The church members liked what they heard and agreed to allow the use Mount Zion as a freedom school. The night of June 16 as Chaney and the Schwerners were in Ohio to meet the volunteers, White Knights of the Ku Klux Klan appeared at the church, threatening and assaulting church members over use of the church by CORE.

Michael Schwerner had already set up the relationship with the church as part of a wider civil rights campaign in Mississippi teaching black children, among other things, black history, and the philosophy of the civil rights movement.

Later that night, Klansmen returned and burned the Mount Zion Church to the ground^{xxi} while searching for Schwerner who they wanted to kill, and they would not be stopped until the job was done.^{xxii}

Chief Klansman Sam Bowers had sent word in May to Klan members of Lauderdale and Neshoba counties: it was time to "activate Plan 4" providing for "the elimination" of the despised civil rights activist Michael Schwerner, who the Klan called "Goatee" or "Jew-Boy."

The day after returning from Ohio, the three young men immediately set out for Philadelphia to investigate the destruction of the Mount Zion Church and “try to keep the fragile project there alive.”^{xxiii} As they drove away in a Ford station wagon on June 21, 1964, Schwerner reportedly called out, “If we’re not back by four-thirty, start phoning. But we’ll be back by four.”^{xxiv}

When the three did not return to COFO headquarters, the staff began calling police stations and news reporters. Stan Dearman, a reporter for the *Meridian Star*, also heard about the disappearance and drove to Philadelphia to see if he could find out what was going on.^{xxv}

From the Deputy Sheriff, Dearman learned that Sheriff Cecil Price had held the three men in jail for six hours “until they could post bond and that it took him that long to find the justice of the peace.”^{xxvi} Dearman was told by Price himself, that he had “released them and followed their blue Ford station wagon along Main Street to Highway 19 and down to Hospital Road – the city limit – where he turned and drove back to the courthouse.”^{xxvii}

Nearly forty years later, Dearman told Mary Winstead that he’d believed Price’s answers were “too pat, too rehearsed.” ... “The Sheriff had all the details just right. I remember wondering that if nothing had happened, if this had been a routine arrest and detention, why would he have bothered to note all the particulars?”^{xxviii}

Winstead also learned that FBI agent John Proctor received a phone call on Tuesday morning from the superintendent of the Indian Agency on the Choctaw reservation. Reluctant to give any information on the phone, [Lonnie] Hardin asked Proctor to meet him on the reservation. When Proctor arrived, he was told that several Choctaw had found a car the evening before, smoldering off Highway 21 in the Bogue Chitto swamp:

That afternoon, Proctor and two other field agents found the car about eighty feet off the highway on an old logging road that was overgrown with kudzu and blackberry brambles. The car was burned down to its skeleton. It had been a blue 1963 Ford Fairlane station wagon, and its Hinds County license plates, still intact, read H25503. It was the car that the three civil rights workers had driven from Meridian the Sunday before.... A man’s watch was found in the car, charred and stopped at 12.45. It was later identified as Mickey Schwerner’s.^{xxix}

FBI agent Proctor suspected the sheriff was not telling the truth, and after learning from a highway patrol officer that the sheriff and his deputy had “probably been involved,” chose not to use his car radio to report the news that the car was found. “He also knew that the first order of business was to contact Washington immediately. J. Edgar Hoover insisted on being first to inform the president of breaking news in a major case, and then making the press announcement personally.”^{xxx}

TAPED CONVERSATIONS RELEASED in 1997 show that on June 23 President Johnson, dealing with the disappearance of the young civil rights workers, was angry over receiving conflicting information on the telephone from Attorney General Robert Kennedy and Senator James Eastland.

Robert Kennedy had advised Johnson to meet with the student workers' parents. He also suggested Johnson make a statement expressing his "personal concern for them and for their families."

Johnson asked Eastland whether the senator thought he should expand on an earlier statement on the investigation, as advised by Kennedy, and Eastland answered "no."^{xxxii}

Less than an hour later, Eastland told Johnson he believed the whole incident was a hoax. "I believe it's a publicity stunt," Eastland said. "I don't think there's a damn thing to it. There's not a Ku Klux Klan in that area.... There's no organized white men in that area," Eastland said. "Who could possibly harm them?"

After the three young men were confirmed as missing, President Johnson told Eastland it might be best for him to have an aide meet with the workers' parents instead of doing so personally. Eastland agreed, "I think it's going to turn out that there's nothing to it, anyway."

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Once the story about Mississippi's missing civil rights volunteers got out, the media descended on Neshoba County. An editorial in the *Meridian Star* described how citizens reacted to this invasion in a June 26 edition of the newspaper:

They have never seen as many newsmen and photographers before and never expected to be focused in the spotlight of the world's news.... They resent the 'invasion' of newsmen because they fear they will portray them falsely to a critical world.... Curious and stern Philadelphians were on the streets and sidewalks here, yesterday. They stared coldly at newsmen, seldom speaking. Obviously they do not know who to blame for the 'invasion' so they blame the newsmen and virtually show their resentment in cold stares.

Florence Mars, in her memoir, *Witness at Philadelphia*, described her neighbors' reactions once the burned car was found: "[T]he mood of the town was jovial; everybody thought it was a hoax. Although the rest of the country might fall for it, Neshoba County knew better: COFO arranged the disappearance to make us look bad so they can raise money in other parts of the country." When the car was finally found, the mood of confidence quickly changed. "Many Neshobans started to rationalize that the victims had brought any mishap upon themselves because they had no business being in the county in the first place," Mars wrote.^{xxxiii}

In Washington, D. C., President Johnson conveyed the news to Michael Schwerner's mother and Andrew Goodman's father that the car was found. He also told the Schwerners that Mississippi Gov. Paul Johnson was working with the FBI but maintained he did not

believe the three young men would be anywhere, except "perhaps in another part of this country."

After a 44-day massive, national search, the bodies of all three civil rights activists were found. "THE NIGGER WAS FOUND ON TOP" read the August 5, 1964 headlines of the *Meridian Star*. "The injuries, besides the bullet holes," the reporter concluded, "could only occur in a high speed airplane crash!"^{xxxiv}

All three young men had been beaten, shot to death execution style, and buried under an earthen dam of Mississippi red clay. With the Till case in 1955 and the 1959 abduction-murder of Mack Parker, "lynchings were increasingly regarded as distasteful, a blot on the reputation of a modern community," according to authors Seth Cagin and Philip Gray. It would turn out that a paid Klan informant, his anonymity strictly protected, had provided the FBI with the location of their unmarked grave.

More bodies found

During the search for the missing civil rights workers, a fisherman found the bodies of Charles Eddie Moore and Henry Hezekiah Dee, two Meadville residents who Klansmen believed were part of a plot to arm blacks. They were not. Their bodies had been missing since May 2, 1964.

Upon investigation, the FBI arrested James Ford Searle and Charles Marcus Edwards, two Klansmen who worked for the International Paper Company. Edwards signed a confession. The FBI passed the confession and other evidence to prosecutors, but the State chose not to seek an indictment and prosecute.

The first conviction for a racially motivated murder in a Southern state came from Alabama, instead, in December 1965. The first federal civil rights conviction also came in Alabama, on the next day.

Thirty-five shootings, thirty bombings, thirty-five church burnings, eighty beatings, and at least six racially motivated murders of individuals took place in Mississippi during the first eight months of 1964. Altogether, fourteen died in civil rights-related killings. This violence constituted a "deliberate pattern of Klan terror," according to the FBI.^{xxxv}

Aftermath

There was little support for bringing murder charges against those suspected of the killings. On December 4, twenty men were arrested including the Neshoba County sheriff and deputy sheriff, as were Imperial Wizard Sam Bowers and Preacher Edgar Ray Killen. One week later at the preliminary hearing, the U. S. Commissioner for the Southern District of Mississippi Esther Carter dismissed the charges. Then, in a move that the Justice Department called totally without precedent, Judge Carter ruled that the FBI's sworn readings of a confession by one of the conspirators was inadmissible evidence. A photographer from *Life* magazine snapped the defendants' picture as they laughed and

congratulated one another in the courtroom. A few moments later, Preacher Killen and his friends left the courthouse, free.^{xxxvi}

Judge Harold Cox reconvened the federal grand jury on January 11, 1965 and after four days the jury returned two indictments against eighteen defendants charging the group with a felony – conspiring to deprive Goodman, Schwerner, and Chaney of their federally secured rights. The second indictment charged the group with a misdemeanor: conspiring with law officers to inflict “summary punishment” on the young men “without due process of law.”^{xxxvii}

Seventeen of the eighteen men were arrested on January 16 and released the same day on bond of \$5,750 each. On February 1, the grand jury met again and returned indictments having nothing to do with the murders and the federal judge dismissed the FBI’s case; Judge O. H. Barnett (a cousin of former Governor Ross Barnett) called Sheriff Lawrence Rainey “the most courageous man in all of America.” By February, the FBI was holding on to evidence they wanted to protect and refused to testify before the grand jury. Judge Cox dismissed the felony counts, leaving the group facing only misdemeanors. The case was appealed to the U.S. Supreme Court by the federal government.

NINETY MILES AWAY from Neshoba County in Jackson, Sovereignty Commission director Johnston was looking at a possible direct link between Andrew Goodman and "communists." The name "Goodman" had attracted Senator Eastland’s interest, since Goodman had family ties to Pacifica Broadcasting, a progressive, alternative-broadcasting network founded in 1949 by pacifists.

Goodman’s father, Robert, was President of the Pacifica Foundation.^{xxxviii} One year prior to Andrew Goodman’s death, The House Un-American Activities Committee (HUAC) and the Senate Internal Security Subcommittee (SISS), headed by Senator Eastland, completed a three-year investigation of Pacifica’s programming, looking for "subversion."

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In 1962, Pacifica station WBAI was the first station to publicly broadcast former FBI agent Jack Levine's exposé of J. Edgar Hoover and the FBI. The program was followed by threats of arrests and bombings, as well as pressure from the FBI, the Justice Department, and the FCC. Also that year, Pacifica trained volunteers to travel into the South for coverage of the awakening Civil Rights Movement. The station also took a strong anti-Vietnam war stance, helping to prompt the investigations.^{xl}

Eastland knew the names and backgrounds of all volunteer workers including Goodman. On February 26, 1965, Director Johnston wrote a letter to newly elected Congressman Prentiss Walker, requesting that he "ask the HUAC for any information about the Pacifica Foundation of New York. . . . We have reason to believe this foundation also is subversive." ^{xli}

Walker, whose district included Philadelphia, Mississippi, wrote back to Johnston that he had been in contact with Congressman John Ashbrook, HUAC chair, who offered a "thorough search ... to obtain any information on the people and organizations mentioned."

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Included on Walker's list he sent to the Sovereignty Commission was the name of Robert Goodman (Andrew's father) but the HUAC committee's director reported he could find no records of any testimony by Goodman.

Johnston also mailed to Eastland a list of COFO workers "in the Mississippi Summer Project as of August 1964," explaining he had obtained this list through "one of our pipelines" and that it was possible "some of these names are in the files of the Senate Internal Security Committee or the House Un-American Activities Committee," referring, perhaps, to Goodman.

Chaney's younger brother, Ben Chaney, would ultimately document a direct relationship between the Klan, the Sovereignty Commission, and the Citizens Councils that led to the murder of the three volunteers. In 1999, he presented his findings to the New York Bar Association: "After careful review of the available evidence, including the 2,900 pages of the transcript from the 1967 federal trial, a list of exhibits found in the appendix to the decision of the Court of Appeals for the Fifth Circuit, and two signed confessions, it is evident that an organization known as the Mississippi State Sovereignty Commission was complicit in the murders of the three civil rights workers."^{xliii} Using the Commission's own files as documentation, Ben Chaney asserted to the ABA that the Commission provided legitimacy to the white Citizens' Council and the Klan:

The Commission was a source of information for the Citizens' Council and the Klan; the Commission worked to impede the federal investigation of the murders; it thwarted a state prosecution; then-Governor (and Commission member) Paul Johnson withheld information from the FBI; and by gathering and distributing information about Michael Schwerner and his travel plans to Klansmen in Meridian and Philadelphia, Mississippi, the Commission participated in the murders of Schwerner, Chaney, and Goodman.

It was in the atmosphere of Freedom Summer that the White Knights, a more violent offshoot of the Original Knights of the Ku Klux Klan, was born with its mission "to serve as an auxiliary to local law enforcement agencies, the Commission, and the Citizens' Council, and to promote terror through violence."^{xliv}

From April 1964 until December 1964 alone, the White Knights had been responsible for more than fourteen murders before voting to eliminate Michael Schwerner, according to Ben Chaney. After Schwerner and his wife, Rita, had arrived in Mississippi in January and began working in a community center in Meridian, three investigators from the Sovereignty Commission "made a personal visit to each sheriff in the 82 [Mississippi] counties.... During

these trips to each county, the investigators updated [their] files on [the] activities of subversives and agitators.^{xlv}

Ben Chaney had also discovered Sovereignty Commission records indicating, "that in February 1964, a member of the Citizens' Council obtained the license plate number of Schwerner's car and circulated a description of the car throughout the state."

In March, the Commission began an intensive surveillance of the Schwerners, reporting that Michael and Rita Schwerner were in Meridian working for CORE (Congress of Racial Equality). "Their purpose there is evidently to contact local Negroes for the purpose of encouraging them to register to vote and also to teach them how to pass the voter registration examination."

So in other words, it was less than three months after the Schwerners' arrival in Mississippi, that the Commission knew where they lived, where they worked, whom they saw, and their mode of transportation," Ben Chaney told Bar members.^{xlvi}

A massive FBI investigation into the murders of the three civil rights workers was finally launched culminating in a trial in October of 1967. Of those charged with violating the civil rights of the slain trio (by men linked to the White Knights of the Ku Klux Klan), jurors convicted seven, acquitted three and deadlocked on three, including being deadlocked 11-1 in favor of the guilt of Edgar Ray Killen. Seven Klansmen went to prison; none served more than six years.

In 2004 the state of Mississippi re-opened the Killen case for investigation under the direction of Attorney General Jim Hood. Preacher Killen, 79, was set to go on trial as early as March 28, 2005 on the first-ever murder charges in the 1964 slayings of the three civil rights workers. Why only Killen? Nine people who faced federal conspiracy to deny civil rights or other charges in the 1960s related to the murders were still alive in 2005.

Learning about the re-opened case, Ben Chaney told reporters that he was pleased that Killen was finally arrested.

"If it was up to me, he would sit in a jail cell and watch life pass him by. For the rest of his life -- just watch it go by," Chaney told a CNN reporter from New York, where he was residing.

But Chaney, who was ten years old when his brother was killed, also termed the new investigation a charade, saying the Mississippi attorney general went after the weakest person in the investigation, bypassing the "prominent whites" who he claimed were involved in the killings, and focusing on only a few "unapologetic" Klansmen: "I remember my mother and the agony she went through. The pain that was on her face She used to walk around the house, day and night. She used to clean up the house top to bottom, over and over again, just to keep busy during the disappearance. Then, finally, once the bodies were found and the burial took place, she just broke down."^{xlvii}

Over the years, the Mississippi gravestone of James Earl Chaney had been desecrated for about 25 years, Ben Chaney said. A sheriff once told him this was because the gravesite "represented a symbol for young people in the area to stand up."

The alleged Klan leader, Edgar Ray Killen, who insisted innocence, was released from the Neshoba County Jail on \$250,000 bond January 12, 2005. Under Mississippi law, bond in cases that don't involve the death penalty can be denied only if there is a risk of flight or community danger.

But two months later, Preacher Killen – a sawmill owner – claimed he was badly injured in a lumber accident when a tree he was felling on his land landed on his legs; both legs were broken and there were other injuries, leading some to question via a popular Jackson internet civil rights news group "who might want to kill Killen the same way 'they' killed Cecil Price right before he (Price) was supposed to go to court?"

Earlier in January during arraignment there had been a bomb threat at the Neshoba County Courthouse and the courthouse was evacuated for 30 minutes. One News group responder suggested "Among other things, Killen brags of his close relationship with Senator Eastland. I am sure there are plenty of people who would rather Killen not be questioned under oath."^{xlvi}

Killen had always denied being in the Klan, stating he had no motive to kill the trio because "he didn't learn until later that Schwerner and Goodman were both communists."^{xlix} Killen once told Clarion-Ledger reporter Jerry Mitchell that he'd learned about the communist allegations because he had access to U. S. intelligence information. Killen "talked repeatedly of his close relationship with U. S. Sen. Jim Eastland, D-Miss., who headed the Senate Internal Security subcommittee."

Because of the timber accident, Killen's trial did not take place until mid June. During the short event, the defense called four witnesses including Killen's younger brother, Oscar, and a sister, Dorothy Dearing, who both testified Killen attended a family Father's Day meal until late in the afternoon of June 21, 1964, the day the three civil rights workers were killed. Oscar Kenneth Killen, 72, told jurors that he saw his brother at a funeral home that night. Killen, himself, did not testify.

Prosecutors wrapped up their case with testimony from Chaney's mother, Fannie Lee Chaney who testified that her son went to join the other two in delivering books. "He never came back," she said. Fannie Lee Chaney moved to New Jersey in 1965 after receiving telephone threats that her house would be dynamited. One caller warned she would not be living in her Mississippi home much longer before she would be "put in a hole like James was."

Once the jury announced the verdict, guilty of manslaughter – not murder – Circuit Court Judge Marcus Gordon quickly sentenced Edgar Ray Killen, ordering the 80-year-old Baptist preacher to serve consecutive 20-year sentences for each victim slain by a Klan mob

organized by Killen. "There were three lives involved in this case, and the three lives should be recognized and treated equally," Gordon said.

As so often in rural communities, Gordon had known Killen for some time on a personal basis: The 72-year-old judge was raised near Killen and his seven siblings in the hamlet of Union, and the preacher presided over the funeral of the judge's parents when they died only days apart.

At first, the jury of nine whites and three blacks appeared deadlocked after the first day of deliberations, indicating there was not enough evidence that Killen intended his posse to kill the trio to convict him of first-degree murder. One Killen juror later stated the jury found Killen guilty of manslaughter because "that's what the evidence supported. . . . We focused on what was presented in the courtroom, not what we'd heard over the last 41 years, and not what we either assumed or wished to be true."

Then on June 23, Killen, dressed in a yellow jail uniform and resting on a pink pillow in his wheelchair, was wheeled directly in front of the judge's bench for sentencing, showing no reaction as Gordon read the sentence. Under Mississippi law, Killen was required to serve at least 20 years of that sentence. He was sentenced under the 1964 manslaughter statute, which gave the judge wide discretion. Gordon could have sentenced him to as little as one year in prison.

Before sentencing Killen, Gordon told a crowded courtroom that he had struggled with the proper punishment for Killen. "I have to pass a sentence on a person who is 80 years old and who has suffered a serious injury. . . . There are those in this courtroom who would say a sentence of 10 years is a life sentence, but the law does not recognize the distinction of age."

As Killen was removed from the courtroom his wife, Betty Killen, under treatment for cancer, accompanied sheriff's deputies as they wheeled her husband toward an exit. She wrapped her arms around him and kissed him twice on the head before she returned to her seat. Some news observers reported she had to be torn away. To be with her husband, she was forced to miss a critical chemotherapy treatment, it was reported.

Immediately after the sentencing, it looked as if everything was okay. Carolyn Goodman told a Court TV reporter in a telephone interview that she was thinking of her son, "an idealistic Queens College student who was killed a day and a half after he arrived in the most segregated state in the union to register black voters. . . . We waited 40 years for this case to be resolved and we were hoping that justice would be done and I think this exactly what is happened."¹

Chaney's brother Ben expressed thanks "that today Preacher Killen is in a prison uniform, taken from the courthouse to the jailhouse." And Rita Schwerner Bender, the widow of Schwerner, stated that she was pleased with the judge's words about the worth of

each of the victims." I think he got it right. Every human life has value and every human life has equal value.”

But three weeks later, this curious attempt at southern gentility began to unravel: Bender, an attorney, got back home to Seattle where she wrote a lengthy (over 1000 words) open letter to Governor Haley Barbour, challenging him to acknowledge the state’s violent past and to change its future.^{li}

Further, Jackson reporter Jerry Mitchell stated that prosecutors told reporters “less than an hour after Killen’s conviction” the only two triggermen in the case, Wayne Roberts and James Jordan, were dead. This assertion would be challenged by reporters, bloggers and others who recalled the work of world-renowned forensic pathologist Dr. Michael Baden and Mississippi state forensic pathologist Dr. Steven Hayne that had revealed the possibility of additional gunmen.^{lii} Mitchell’s reporting raised further questions about the prosecution’s overall conduct, for instance that Killen’s lead counsel, Mitche Moran of Carthage, said he wanted to let the jury know the whole story, and that's why he tried to introduce the 1964 confession of Horace Doyle Barnette, who took part in the trio's killings:

In the 1967 federal conspiracy trial, an FBI agent read Barnette's statement into the record when Barnette refused to testify. But jurors only heard the names of Barnette and James Jordan, who pleaded guilty, in the statement. For the names of the others Barnette identified as being involved, a "blank" was substituted. The trial ended with the convictions of seven, the acquittals of eight and the mistrials of three, including Killen. Moran explained: "I just felt like the jury had a right to know it all." Although Killen could have been implicated by Barnette's statement, Moran said the statement shows Billy Wayne Posey, convicted in the 1967 federal trial, played a major role, but wasn't indicted by the state, while Killen played a minor role and was indicted by the state. When Moran sought to introduce the confession in Killen's trial through the FBI agent's 1967 testimony, prosecutors objected. When Moran said he'd be happy to fill in all the blanks so jurors could hear the names of all involved, prosecutors still objected.^{liii}

While the jousting continued, Killen was being held in protective custody at the Central Mississippi Correctional facility in Pearl, Mississippi, [known as “Rankin?”] outside of Jackson where he was processed into the system. Within his first month of incarceration, there was at least one attempt for communication to take place between Killen and Klan Imperial Wizard Sam Bowers, according to a prison guard who asked to remain anonymous. “We figured he would stay at Ranking. They’d never take him to Parchman because the guards are looser and the black inmates would kill him pretty quick,” the guard said.

Business in Philadelphia, Mississippi had not been very good since news of Preacher Killen's trial was getting out. A Philadelphia Coalition was formed in 2004 with help from a "negotiator" from Ole Miss, to augment explanations of what really happened in Philadelphia. The coalition, however, was "careful not to take a stand" regarding the trial of Schwerner, Chaney and Goodman's alleged killer.

The new coalition even offered to sponsor the annual memorial in the town's civil center. But when the day came, some old civil rights activists, friends of the three young men, took offense when they were not allowed to speak and the grandson of a Citizen's Council member was given the floor, instead.

Old friends of the three young men were instead led into a separate room where they could talk about the murders with other people like them. Offered social psychologist Fred Klopfer, "Apparently truth and reconciliation cannot occur in Mississippi with everyone in the same room."

This new style memorial was not met with enthusiasm by the old guard (civil rights movement veterans) and so for the first time, in 2005, two Memorials took place at the same hour but in different Philadelphia locations.

"... a palpable sense of the killings"

Mississippi journalist and self-described "good ole boy," the late Willie Morris, known for speaking out on civil rights matters with passion and some candor, once wrote there was some feeling in Mississippi after the murders of Chaney, Goodman and Schwerner "that we hit the bottom of the barrel ... and that the better people of the South and of Mississippi must, as Abraham Lincoln said in his second inaugural address, "Try to respond to the better angels of our nature."

Morris, a Yazoo City native, in a 1983 interview by author Studs Terkel spoke of Florence Mars, a liberal white woman who served as his informant while covering the Philadelphia, Mississippi story:

Her courage comes in strange packages. She was forty years old during The Troubles (they always called that period "The Troubles") and here she was one of the handful of human beings in the town who stood up to the Ku Klux Klan.

The Klan controlled the police and a lot of the city government. In fact, it interested me that almost the only people in the town who stood up to the Klan were women. A few of them were the wives of Catholics who knew their husbands were not secretly members of the Klan because of the Klan's traditional stance against the Pope.^{liv}

Once visiting the spot where the three murders took place at sunset on Rock Cut Road, Morris wrote of experiencing a "palpable sense of these killings taking place in those red gullies.... The South and Mississippi could not stoop any lower." ^{lv}

ⁱ Ibid.

ⁱⁱ Mississippi State Sovereignty Commission, p. 2, SCR ID # 99-48-0-467-3-1-1.

ⁱⁱⁱ Cagin & Dray, 237-238.

^{iv} Dunbar Rowland, LL.D., "Mississippi; Comprising Sketches Of Counties, Towns, Events, Institutions, And Persons, Arranged In Cyclopedic Form," V. 2. (Atlanta: Southern Historical Publishing Association, c1907).

^v Cagin & Dray, 241.

^{vi} Ibid., 240-242.

^{vii} Ibid., 242-243.

^{viii} Ibid., 316.

^{ix} Sovereignty Commission file SCR ID # 2-46-71.

^x Linder.

^{xi} Diane Chaddister, "Interview with Steven Schwerner," *Yellow Springs News*, January 13, 2005. Steven Schwerner is the retired Dean of Students at Antioch College, located in Yellow Springs.

^{xii} Ibid.

^{xiii} Cagin and Dray, 197

^{xiv} Ibid., 57.

^{xv} Ibid., 59.

^{xvi} Dittmer, 210. Quoted in Howell Raines, *My Soul Is Rested* (New York: Penguin, 1983), 274; Forman, *Black Revolutionaries*, 373.

^{xvii} Dittmer, 243.

^{xviii} Ibid., 244.

^{xix} May 16, 2005 interview with Margaret Block by Susan Klopfer.

^{xx} Mississippi State Sovereignty Commission file(s) SCR ID # 2-46-0-77-2-1-1.

^{xxi} Ibid., 247. Cites Cagin & Dray, *We are Not Afraid*, 2-3; *Clarion-Ledger*, 1985, undated clipping from the James Brown Collection at Tougaloo College.

^{xxii} Schwerner and his wife, Rita, were the first white civil rights workers in the state to be stationed permanently outside Jackson. Since they arrived in January 1964, the couple successfully introduced many programs and goals of the movement to the town's black community, "... earning Schwerner the enmity of many Meridian whites, particularly the members of the Lauderdale County Klavern of the White Knights of the Ku Klux Klan. The Klansmen hated Schwerner ... because Schwerner was a traitorous white, and a Jew and a Yankee from New York.... Schwerner's death would send a message to all the Northern civil rights workers who had no business meddling in the South's affairs." (Cagin & Dray, 14-15.)

^{xxiii} Ibid., p. 247. Cites Cagin and Dray, 34-35; Andrew Goodman, Mississippi Summer Project application, original in Hillegas Collection.

^{xxiv} Jonathan Mark, "Summer as a Season of Loss: Vigil for slain civil-rights workers recalled 35 years later," *Jewish News of Greater Phoenix*, 1 Elul 5759, Vol. 51, No.45, August 13, 1999.

^{xxv} Ron Carver, writing for the Washington Post, June 23, 2005, recalled his own experiences with the FBI as a civil rights activist. Filmmakers who produced in 1988 "Mississippi Burning," he asserts, got the story "half right." "I know, because I dealt with the FBI during the hours leading up to the murders, when a simple intervention might have saved three lives." As an 18-year-old SNCC volunteer in Atlanta, Carver was assigned to staff the telephone lines from Mississippi during the evening shift on June 21, 1964. The movie's portrayal of an FBI agent as a hero distorts the truth of this story, Carver asserts. When the three activists failed to return to their Meridian, Miss., headquarters on schedule, "we launched a well-established procedure. We had enough experience with both vigilante and police repression to know that their missed deadline was not a simple oversight and that the young men were probably in

grave danger.” Carver began calling area jails, hospitals and the Mississippi State Highway Patrol. “When I spoke to the wife of the jailer in Philadelphia, she told me -- falsely, we later learned -- that Goodman, Chaney and Schwerner were not there.” Carver’s calls to FBI agents in their Meridian and Jackson offices “brought a practiced mantra from that era: ‘The Bureau is not a law enforcement agency.’” Carver would have to supply proof that a federal law had been broken, he was told, before they would investigate. Twice that night he spoke with John Doar, head of the Justice Department’s civil Rights Division, who assured him that he would instruct the FBI to intervene. “But J. Edgar Hoover’s agents dashed those assurances and continued to stonewall as precious hours passed.” The FBI refused to participate until the following afternoon, when the station wagon of the three missing young men was found burned to a shell along a country road. “The fears we had felt for their safety during the previous 24 frantic hours were all but confirmed Had the FBI stopped by the jail on the afternoon of their arrest, the three civil rights workers would have been found alive. There was no place in that small lockup to hide the prisoners.” *Carver is assistant director of the Teamsters union’s port division in Washington.*

^{xxvi} Winstead, 216-217.

^{xxvii} *Ibid.*, 217. From an interview with Winstead and Stan Dearman.

^{xxviii} *Ibid.* Winstead, a Minnesota English teacher and professional writer, has Southern roots on her father’s side of the family.

Investigating her kin, Winstead learned that her father’s cousin was the “alleged master-mind” behind the murder of the three COFO workers.

^{xxix} *Ibid.*, 221.

^{xxx} *Ibid.*, 218.

^{xxxi} Taped telephone conversations released in 1997 by Johnson’s presidential library.

^{xxxii} “LBJ got conflicting input on civil rights workers’ disappearance,” *The Lubbock Avalanche-Journal* and the *Associated Press*, 1997.

^{xxxiii} Cagin & Dray, 416.

^{xxxiv} The James Earl Chaney Foundation, (online), “James Earl Chaney (1943 - 1964).”

^{xxxv} Dreble, “The FBI, COINTELPRO-WHITE HATE and the Decline of Ku Klux Klan Organizations in Mississippi, 1964-1971,” (online).

^{xxxvi} Winstead, 232.

^{xxxvii} *Ibid.*, 235.

^{xxxviii} This relationship is listed in the Pacifica Radio Archives online (<http://www.pacificaradioarchives.org/pacifica/lifestory.html>).

The date is incorrect, however. It is listed as 1962 instead of 1964. “1962: Pacifica trains volunteers to travel to the South for coverage of the awakening civil rights movement. Andrew Goodman, son of the Pacifica president, is murdered in Mississippi with Michael Schwerner and James Cheney.”

^{xxxix} Pacifica History, “About Us,” corporate website. In 1963, Pacifica’s three stations, in three major population centers (the San Francisco Bay area, Los Angeles, and New York City), had a base of thirty thousand subscribers and an income of close to three-quarters of a million dollars, with a prime-time audience of one to two million people, according to Christopher Koch, in “PACIFICA.” In 1968, Koch, without naming Robert Goodman, suggested, however the Pacific Foundation shocked staff and listeners “when the Foundation announced that despite its doubts about the legitimacy of the hearings and its belief that they might constitute a threat to freedom of speech, it would co-operate with SISS.” Koch writes the Foundation’s decision was based on groundless fear. “Its broadcasting policies themselves insisted on absolutely unequivocal freedom of speech: Pacifica’s airwaves had always been available for every political opinion from the American Nazi Party to the remnants of the IWW.”

^{xl} *Ibid.* In March of 1965, U. S. Rep. Prentiss L. Walker of Mize (the first Republican elected to Congress or any other major Mississippi political office since Reconstruction) requested information (records) of 22 men from HUAC, including Goodman. HUAC’s director, Frances J. McNamara wrote to Walker, telling him HUAC had no information on Goodman. The letter was found in the Sovereignty Commission documents (SCR ID # 13-37-0-10-1-1-1). Walker, a white supremacist who was supported by Knights of the Ku Klux Klan (Roland Evans, Robert Novak, 11/18/66, “Inside Report”) later ran against Eastland and lost.

^{xli} Sovereignty Commission document, February 26, 1965, SCR ID # 99-114-0-11-1-1-1. Later, Walker introduced a resolution to provide funds to HUAC for investigating “communist involvement in the Civil Rights Movement.” SCR ID # 13-37-0-10-1-1-1.

^{xlii} *Ibid.*, March 1, 1965, SCR ID # 99-114-0-11-1-1-1.

^{xliii} From a speech (“Schwerner, Chaney, and Goodman: The Struggle for Justice”) presented by Ben Chaney before the New York Bar Association in 1999, ABA website, <http://www.abanet.org>.

^{xliv} Chaney speech. Cites Federal Trial Transcripts, 765-66 (1967) and Erle Johnston, “Report on Mississippi State Sovereignty Commission: 1964-1967.”

^{xlv} *Ibid.*, Cites Johnston.

^{xlvi} Chaney speech. Cites Sovereignty Commission report by A.L. Hopkins, “Investigation of Unknown White Male CORE Worker in Meridian, Mississippi, Mar. 19, 1964.

^{xlvii} CNN.com Law Center and the Associated Press, “Brother recalls horrible summer of '64: Family waited 44 days for news of James Chaney's fate,” (online) January 7, 2005 Posted: 10:29 PM EST (0329 GMT).

^{xlviii} Killen’s accident happened on the same day that FBI director Robert Mueller was visiting the Mississippi field office in for the first time since he started the job in 2001. The reasons for his visit were not disclosed, except that he had made a commitment to visit all FBI field offices during his appointment.

^{xlix} Jerry Mitchell, “Killen Avoided Conviction in '67 Case,” *The Clarion-Ledger*, January 12, 2005. Mitchell joined the *Clarion-Ledger* in 1989 and has been honored for his dedicated and professional investigative reporting. In 2005 his work was featured in the April/May issues of the *American Journalism Review*: “Over the years, [Mitchell’s] work has drawn high praise. Journalist and author David Halberstam labels Mitchell, 46, ‘an American hero’ for tackling an important story and staying with it. When Mitchell was nominated for a Pulitzer Prize this year, Halberstam, who covered the civil rights movement for Nashville’s *Tennessean*, wrote a letter on his behalf. ‘It’s great journalism and great personal witness,’ Halberstam told me. ‘There’s something extraordinary about him.’” “The reporter has uncovered long-forgotten FBI records, yellowed court documents and flawed investigations by inept local authorities, often with Klan ties. He has smoked out witnesses on the back roads of Mississippi and pieced together crime scenes through detailed interviewing and tedious research. He even gets suspected murderers to join him for dinner.” Sherry Ricchiardi, “Out of the Past,” *American Journalism Review*, April-May, 2005.

¹ Harriet Ryan, “Ex-Klansman Receives Sixty Years,” Court TV Online, updated June 23, 2005.

² Bender’s letter noted the governor’s “recent and past actions . . . which are impediments to racial justice in Mississippi and our nation,” citing Gov. Haley Barbour’s statement that the Neshoba trial had “closed the books on the crimes of the civil rights years, and that we all should now have ‘closure.’” Bender chided Barbour for actively resisting effort in Mississippi to remove that Confederate symbol from the state flag. “The Confederate battle flag has long been the banner of segregation and racism, not to mention that it has been widely embraced by the Ku Klux Klan throughout the Klan’s hateful history.” Bender took note with the governor for attending functions of the Council of Conservative Citizens, known as the successor to the White Citizens’ Councils in the state of Mississippi while chairman of the National Republican Party. “When called on your participation with the CCC, you publicly refused to apologize or disassociate yourself.” In the same week that the Neshoba jury returned its guilty verdicts, Mississippi’s two Republican colleagues, U.S. Sens. Trent Lott and Thad Cochran, refused to join 92 other senators in a resolution of apology for the Senate’s repeated failures to pass anti-lynching legislation. “Had such federal legislation been passed, it is possible that many lives would have been saved,” Bender wrote. She also addressed Mississippi’s highest number lynchings of any state in the country; “The *Clarion-Ledger* counted 581, and presumably there were others never included in the count. The message to those who would continue to do harm is loud and clear: Murder of African Americans deserves no apology. So long as such symbols and coded messages are conveyed by high public officials, your state continues to encourage racism, and the potential for violence which it spawns. The venom is spread, and hatred continues to flourish.” Bender asserted that restorative justice “can only come with recognition of the past, acknowledgement of wrongdoing, and acceptance of responsibility in the present by government and individuals to ameliorate the harm done.” She advised the governor that “People in positions of public trust, such as you, must take the lead in opening the window upon the many years of criminal conduct in which the state, and its officials, engaged. Only with such acknowledgement will the present generation understand how these many terrible crimes occurred, and the responsibility which present officials, voters and, indeed, all citizens, have to each other to move forward.” Bender further wrote it is unfortunate that most still do not recognize that Mississippi funded the state Sovereignty Commission from 1957 through 1973. “The funding came

from taxes paid by the citizenry — which means that the African-American population of the state, some 40 percent of Mississippi's population, was forced to pay for the governmental entity which spied upon them; caused them to lose jobs and to be forced off the land they farmed; and participated in crimes of beatings, church burnings and murder.” The Sovereignty Commission funded the White Citizens Councils, which used this money to launch a campaign of disinformation both within the state and in the Northern states. The councils spread racist ideology which served to encourage violence, she noted. “The Sovereignty Commission used its funds to hire staff investigators and private detectives. It employed informants. Information gathered included license numbers and vehicle descriptions for persons identified as civil rights activists, as well as physical descriptions of these persons and their day-to-day activities. Medgar Evers was spied upon in this manner for years before his death. So were Mickey Schwerner and I.” Bender stated that information gathered was passed on to law enforcement officers around the state, many of whom were themselves members of the Ku Klux Klan. “There was no secret that the Klan and the police, sheriffs' departments and state highway patrol officers were often one and the same.” Bankers, she continued, were notified of the identity of African Americans who attempted to register to vote, and bankers then called in loans. “The commission contacted employers and land owners about persons attempting to register, or who were otherwise engaged in civil rights activities, resulting in people losing jobs or being forced off land which they had sharecropped for generations.” Bender commented on the Sovereignty Commission’s jury tampering role in the trial of Byron de la Beckwith for the murder of Medgar Evers, calling it a “grotesque perversion of the criminal justice system.” The commission “provided its investigative reports to *The Clarion-Ledger* and other newspapers in the state until 1967, and those reports were then used by the newspapers to distort and defame the civil rights movement.” (*The Clarion-Ledger* later apologized for these activities.) Bender stated The commission “requested newspapers to suppress the reporting of violence against black persons. For example, the commission succeeded in preventing the reporting of the beatings and church burning in Philadelphia on June 16, 1964. This coverage was omitted from news reports to accommodate the request of a Philadelphia banker, who was seeking to convince an out-of-state investor to bring his business to Mississippi.” Each successive governor served as the Sovereignty Commission chairman, Bender wrote. “He was sent the investigative reports of the commission. Each governor had knowledge of the full range of shameful, illegal, and often violent activities encouraged or directly engaged in by the commission staff.” Bender continued, giving more reasons why it is too early for “closure.” “There were many acts of brutality, and far too many murders, which were never acknowledged. There are many violent criminals, living their lives among their neighbors in communities throughout the state, who have never been charged or punished for their crimes. After 41 years, the state brought murder charges against one man, Edgar Ray Killen, for the Neshoba murders. However, some seven other men known to be involved in those murders are still alive but have never been charged. The bodies of at least four other young men were found during the search for Chaney, Goodman, and Schwerner. Their killers have never been brought to justice. The men who burned the Mt. Zion Church in Philadelphia and the scores of other black churches throughout the state were never charged with those crimes. Certainly, as the present governor, you must be aware of this history. This history must be known and understood by everyone.” Bender said that she spoke with many people in Neshoba County who were striving to understand the truth, “and who are burdened by the responsibility they carry with them for the actions of their community and their state.” But there are “still too many people who see only what they are comfortable recognizing. Just as some members of the jury in Philadelphia could refuse to acknowledge the premeditation in Edgar Ray Killen's acts, some of the people I met are unable to acknowledge any responsibility for the many horrors which occurred.” It would take individuals and their government understanding why they do have responsibility before they can ensure racial justice and equality, Bender wrote. “So, please do not assume that the book is closed. There is yet much work to be done. As the governor of Mississippi, you have a unique opportunity to acknowledge the past and to participate in ensuring a meaningful future for your state. Please don't squander this moment by proclaiming that the past does not inform the present and the future. Respectfully, Rita L. Bender (formerly Rita L. Schwerner), Attorney, Seattle, Wash.”

ⁱⁱⁱ Ben Greenberg, HungryBlues blog, July 25, 2005, citing Jerry Mitchell, “Kentucky man says 60s suspect sold him guns,” *The Clarion-Ledger*, July 23, 2005.

ⁱⁱⁱⁱ Ben Greenberg, HungryBlues blog, July 25, 2005, citing Jerry Mitchell, “64 confession kept frm Killen jury,” *The Clarion Ledger*, July 17, 2005.

^{liv} Jack Bales, editor, "Conversations with Willie Morris," (Jackson: University Press of Mississippi, 2000), 98. Quotes Studs Terkel, "An Interview with Willie Morris," 1983. Willie Morris, once the student editor of the *Daily Texan* at the University of Texas in Austin, became editor of the *Texas Observer* and then *Harper's* magazine in New York. He wrote at length on how the forced integration of the public schools had affected his hometown in an article for *Harper's* and then in a book, "Yazoo: Integration in a Deep-Southern Town." After leaving *Harper's* he wrote "Good Ole Boy," a celebration of his youth that became a staple for white Mississippi teens. Later he became a writer in residence at the University of Mississippi. Morris is deceased.

^{lv} *Ibid.*, 110.