FIFTY CENTS

MISSISSIPPI EYEWITNESS

the three civil rights workers—how they were murdered

Louis E. Lomax
John Howard Griffin
Dick Gregory

the exclusive story by Ramparts Magazine

v. 9/15/13

This is my best attempt to reproduce the special 1964 edition of Ramparts *magazine devoted to the events of Mississippi in the summer of 1964, given the 1" margin single-page single-column drop-cap-less format. This limitation made the several two-page spreads and margin-to-margin photo pages impossible, and required placement of in-text pictures as close as possible to -- as opposed to exactly -- where they occurred in the original. Otherwise, the text is the same, including several misspellings present in the original. To keep the document size within reasonable bounds, the illustrations were scanned at 300dpi and reduced to 75dpi for inclusion here, except for the double-pagers, the halves of which were reduced 50% and pasted together prior to scanning, This document and a version without illustrations, as well as each of the articles as individual documents, can be found in PDF and HTML format at:*

http://dickatlee.com/issues/mississippi/mississippi_eyewitness/

(The following contents list, formatted as close to the original as possible, was, oddly, the last page in the original. I've placed it here to make the contents easier to find. The bold page numbers are as they were in the original; I've included the page numbers in this PDF document in parentheses. Descriptions of authors are on page 72.)

---

the issue

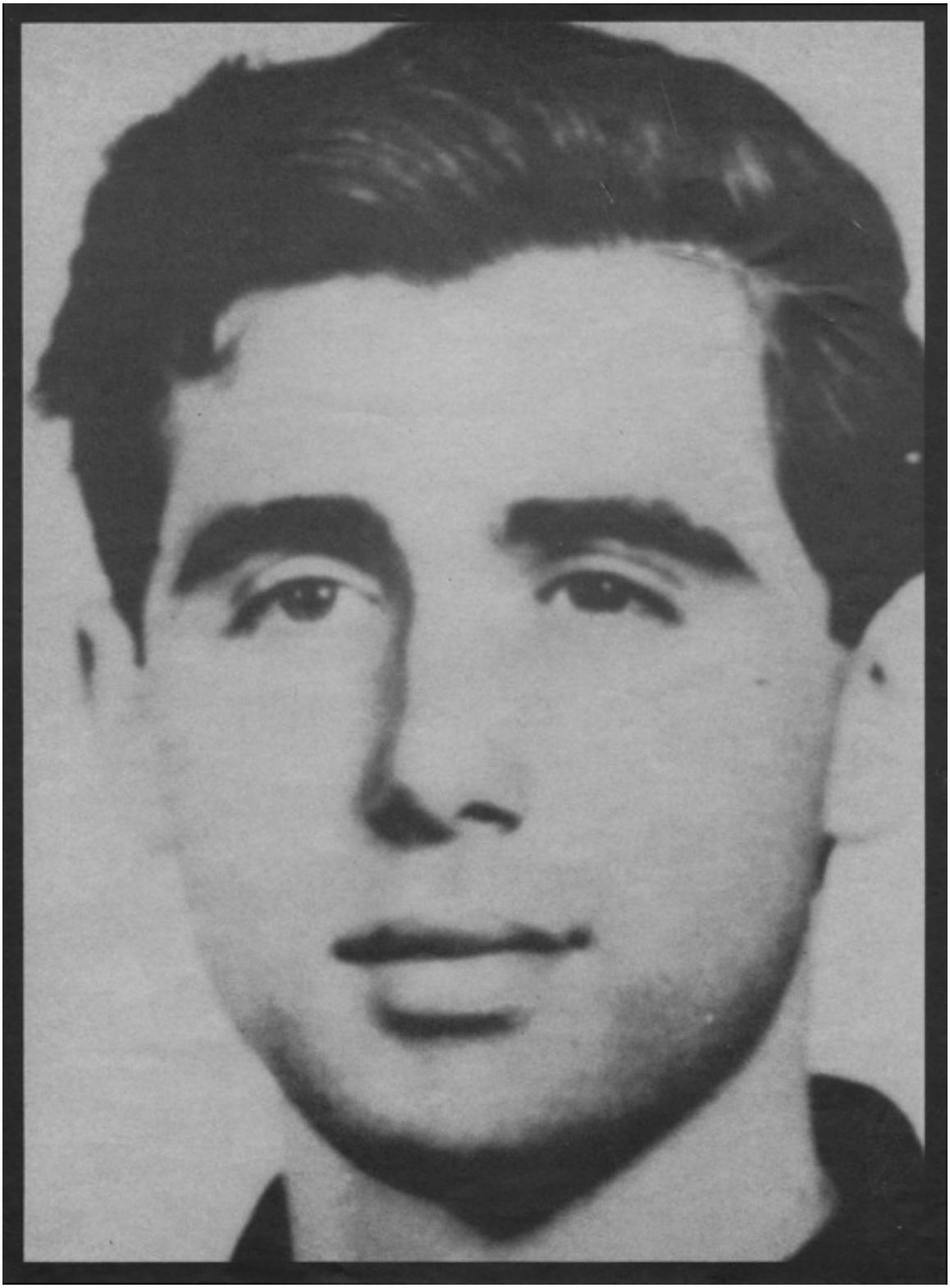
the staff

Project Director / *Edward M. Keating* **Senior Editor** / *Maxwell Geismar*
Field Director / *Warren Hinckle* **Technical Director** / *Barbara Brown*
Research Director / *David P. Welsh* **Project Photographer** / *James Marshall*
Design / *Alex Oliver* **Editorial Assistant** / *Brook Robards*

"MISSISSIPPI EYEWITNESS" IS A SPECIAL ISSUE OF RAMPARTS MAGAZINE

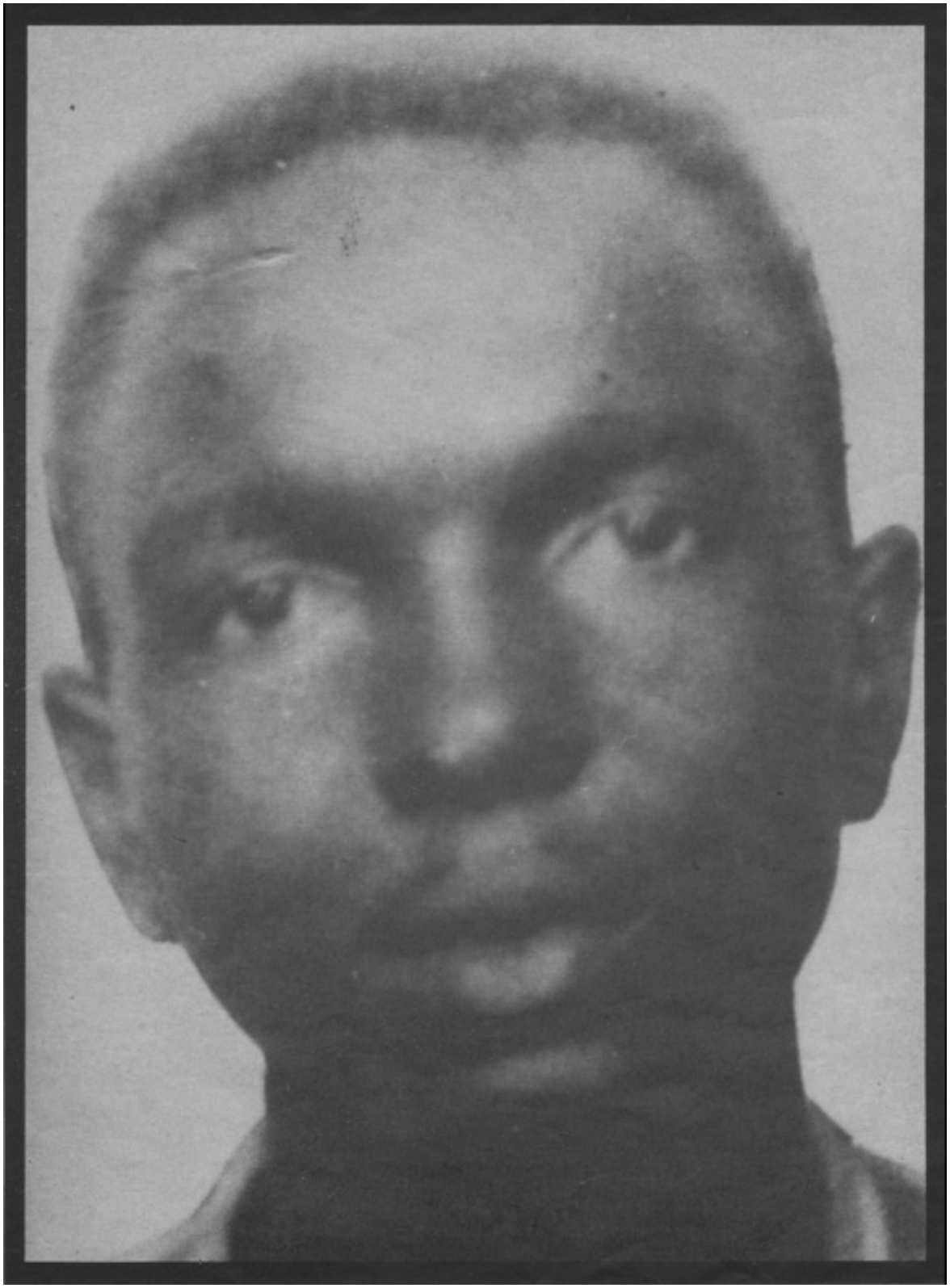
RAMPARTS MAGAZINE is published monthly, except for February and July, at 1182 Chestnut Street, Menlo Park, California. Edward M. Keating, Editor and Publisher. HEAD OFFICES: 1182 Chestnut Street, Menlo Park. NEW YORK OFFICES: 64 East 34th Street, New York, N.Y. 10016. Subscription rates, $6.50. one year; $12.00, two years in U.S.A. and possessions. Foreign rate: $7.50, one year; $14,00, two years. Single issue, 75 cents.

MANUSCRIPTS: Unsolicited manuscripts submitted to RAMPARTS should be sent with return postage and self-addressed envelope. RAMPARTS editors assume no responsibility for unsolicited manuscripts. Second copies should be retained by writer.



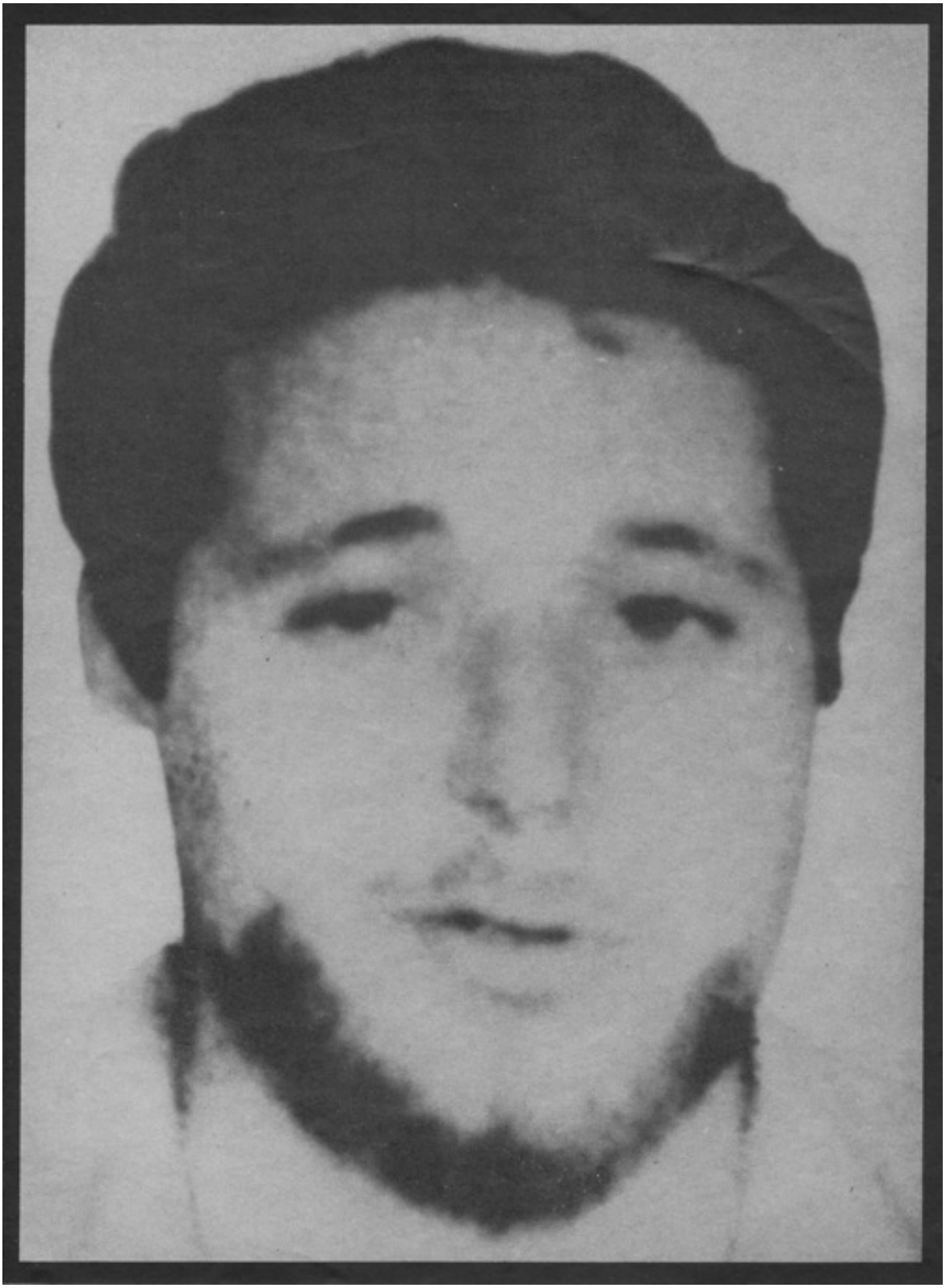
Andrew Goodman

What you do unto the least of these . . .



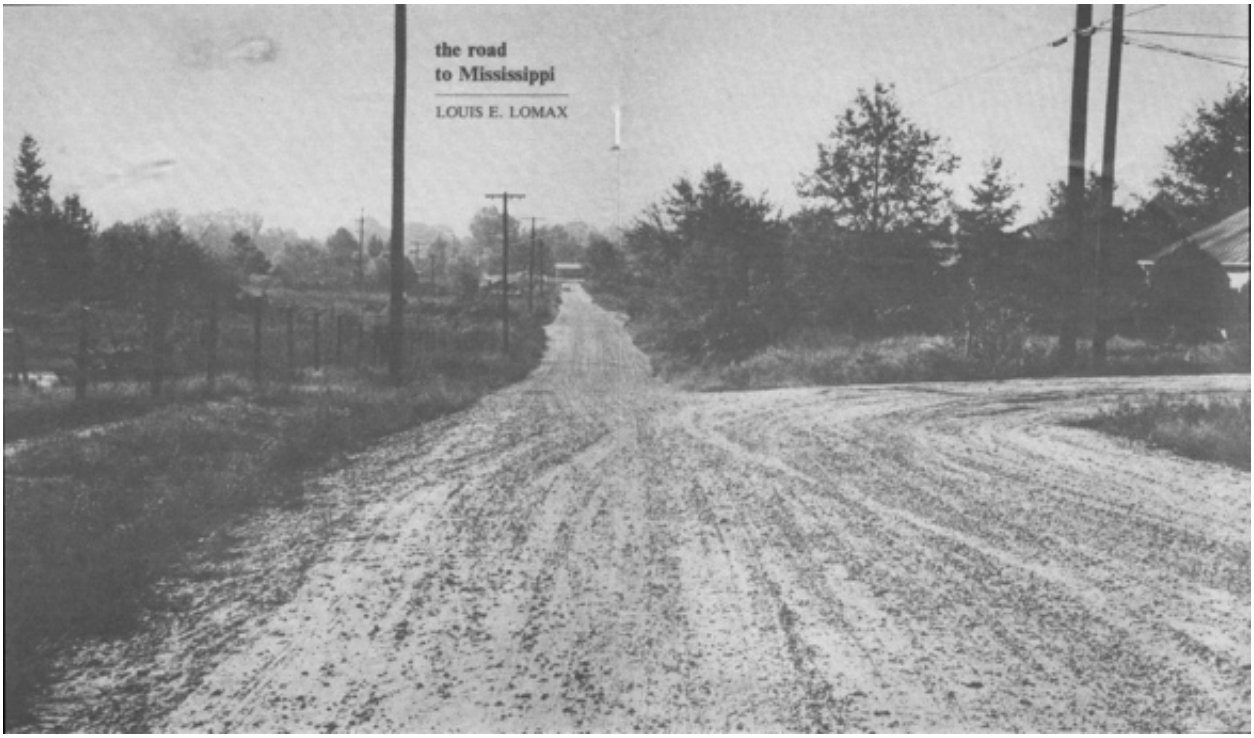
James Chaney

The last full measure of devotion



Michael Schwerner

Absolom! Absolom!



Louis E. Lomax, author of "The Negro Revolt" and other works on the Negro, wrote the following document after he and nine other researchers, Negro and white, had gone into Mississippi and learned the facts from eyewitnesses to the actual events that transpired.

The Road to Mississippi

LOUIS E. LOMAX

A DEATHLY DARK fell over the audience in Western College's Peabody Hall. The young students gathered together looked at the two Negro men on the podium, men who welcomed them to the Mississippi Summer Project and then went on to promise them that they might get killed. But Robert Moses, a serious, intent master's degree man from Harvard, and James Foreman, a college dropout who has given his all for the civil rights movement, were speaking from the depths of personal experience. And as the students talked and questioned on the rolling green Oxford, Ohio campus, Foreman and Moses never let them forget for one moment that death is always a possibility for those who venture into Mississippi as civil rights missionaries.

"Don't expect them to be concerned with your constitutional rights," Moses said. "Everything they (the white power structure) do in Mississippi is unconstitutional."

"Don't expect indoor plumbing," James Foreman added, "get ready to do your business in outhouses."

The assemblage, mostly middle class white Protestants and Jews, roared with laughter.

"Don't laugh," Moses screamed. "This is for real -- like for life and death."

"This is not funny," Foreman added, "I may be killed. You may be killed. If you recognize that you may be killed -- the question of whether you will be put in jail will become very, very minute."

Andrew Goodman's lip went dry. There was no longer a sophisticated "it can't happen to me" grin on his face. Like most of the other college students from across the land who had volunteered to go into Mississippi, Goodman had been motivated by a combination of conviction and adventure. Now veterans of the struggle were making it plain that Mississippi was no playground for a Jewish liberal from New York who wanted to create a better world. Then R. Jess Brown, a graying and aging Negro lawyer from Jackson, Mississippi, walked to the podium to add fuel to the volunteer's mounting fear.

"I am one of the three Mississippi lawyers -- all of us Negroes --" Brown said, "who will even accept a case in behalf of a civil rights worker. Now get this in your heads and remember what I am going to say. They -- the white folk, the police, the county sheriff, the state police -- they are all waiting for you. They are looking for you. They are ready; they are armed. They know some of your names and your descriptions even now, even before you get to Mississippi. They know you are coming and they are ready. All I can do is give you some pointers on how to stay alive."

"If you are riding, down the highway, say on Highway 80 near Bolton, Mississippi, and the police stop you, and arrest you, don't get out and argue with the cops and say 'I know my rights.' You may invite that club on your bead. There ain't no point in standing there trying to teach them some Constitutional Law at twelve o'clock at night. Go to jail and wait for your lawyer."

THE MEETING ADJOURNED. A few of the volunteers gathered around Foreman, Moses and Attorney Brown to ask specific questions. The civil rights zealots got nothing in private that they had not been told in public: If you are going into Mississippi you must first raise -- on your own -- five hundred dollars bail money, list your next of kin, and then sit for a photograph with your identification number laced across your chest. These are the basic identifications the civil rights movement needs if a worker was arrested or killed.

"But if you are arrested and they start beating you," Robert Moses added, "try and protect as much of your genital organs as possible." Moses knew what be was talking about. He had been arrested scores of times; he had been beaten and each time his white tormentors aimed their booted feet at the genitals.

"Now," James Foreman asked, "do you still want to go?"

The silence shouted "Yes". But behind the silent "amen" there were all the gnawing doubts and apprehensions that plague any man, or woman, who knowingly marches into the jaws of danger.

"All I can offer is an intellectual justification for going into Mississippi," one Harvard student said.

"I only want to do what I think is right to help others," a Columbia University student added.

But it was Glenn Edwards, a twenty-one year old law student from the University of Chicago, who articulated what most of those involved really felt.

"I'm scared," Edwards said, "a lot more scared than I was when I got here at Oxford for training. I am not afraid about a bomb going off in the house down there (in Mississippi) at night. But you can think about being kicked and kicked and kicked again. I know that I might be disfigured."

Then, as the private give and take continued, the civil rights volunteers raised questions that gave the Mississippi veterans fits.

"Some of us have talked about interracial dating, once we get to Mississippi," one girl told Robert Moses. "Is there any specific pattern you would have us follow?"

Moses eased by the question by saying there was simply nowhere in Mississippi for an interracial couple to go. John M. Pratt, a lawyer for the National Council of Churches, one of the sponsors of the project, bluntly warned the volunteers that Mississippi was waiting for just such a thing as interracial dating.

"Mississippi is looking for morals charges," Pratt warned. "What might seem a perfectly innocent thing up North might seem a lewd and obscene act in Mississippi. I mean just putting your arm around someone's shoulder in a friendly manner."

But it was a tall, jet black veteran of the Mississippi struggle who rose and put the matter in precise perspective:

"Let's get to the point," he said (and his name must be withheld because he is one of the vital cogs in the Mississippi freedom movement). "This mixed couple stuff just doesn't go in Mississippi. In two or three months you kids will be going, back home. I must live in Mississippi. You will be safe and sound, I've got to live there. Let's register people to vote NOW; as for interracial necking, that will come *later* . . . if indeed it comes at all."

Those who knew him say that Andrew Goodman was among the students who gathered for the private interviews. There is no record that he asked any questions or made any comments. Some of the volunteers were frightened by what they heard and they turned back, went home or took jobs as counsellors in safe summer camps in the non-south. Andrew Goodman was not among those who turned back.

A FEW DAYS LATER the civil rights volunteers, Goodman among them, left Oxford, Ohio, for specific assignments in Mississippi. Some came into Mississippi in their own Volkswagens, some came by bus, others arrived in second hand Fords, still others stunned old line Mississippi whites and Negroes by arriving on motorcycles. All of the "invaders", as Mississippi whites called them, paid their own way. They -- the "invaders", Negro and white, but mostly white --

wore dirty white sneakers, sport shirts, bright shift print dresses, chinos, jeans and shorts. The natives, Negro and white, looked on in amazement. Following orders from Robert Moses and James Foreman, the civil rights volunteers fanned out over the state and began to set up shop in some twenty Mississippi cities. Andrew Goodman was assigned to Meridian, a relatively liberal Mississippi town of some fifty thousand souls located on the edge of the "black belt", some fifty miles from the Mississippi-Alabama state line. But there was nothing to distinguish Andrew Goodman from the other white, non-south liberals, who had come to Mississippi to labor in the civil rights vineyard, to work out their own sense of guilt and responsibility for what had happened in this Republic for the past four hundred years.

They -- the civil rights "invaders " -- were a diverse and unusual crew. Some were neat, others were beat; some were religious -- deeply so -- others were revolutionary -- even more deeply so. Many of them were first rate scholars, others were pampered football heroes on their campuses. Most of them were bright students; all of them were argumentative; most of them were unable to contain themselves until they met some backwoods Mississippi segregationist to whom they were certain they could explain the gospel on equality and constitutionalism. In all fairness to them, it must be said that their naivete was exceeded only by their energy and their courage. They really believed that white Mississippians would listen to reason if someone were willing to expend the energy necessary to spell out the ABC's of Americanism, letter by letter, syllable by syllable, word by word, sentence by sentence. Long on energy and patience, then the civil rights missionaries set out for their assignments, the God of freedom thundering in their ears, their faith in the basic goodness of all men -- including white Mississippians -- gleaming in their eyes.

Like Negroes, they believed in the American Dream. It did not disturb them that once they entered the state of Mississippi, they were surrounded and followed by white policemen riding shotgun. Even as their bus curved through bayous and then raced deep into the Mississippi Delta, the civil rights volunteers amused themselves by reading dispatches from the North -- particularly a column by Joseph Alsop -- that warned of the "Coming Terrorism."

Said Alsop: "A great storm is gathering -- and may break very soon indeed -- in the State of Mississippi and some other regions of the South. The southern half of Mississippi, to be specific, has been powerfully reinvaded by the Ku Klux Klan which was banished from the state many years ago. And the Klan groups have in turn merged with, or adhered to, a new and ugly organization known as the Americans for the Preservation of the White Race."

Then Alsop loosed a blockbuster which should have made even the most committed civil rights zealot rise in his bus seat and take notice:

"Senator James O. Eastland has managed to prevent infiltration of the northern part of the state where his influence predominates. But Southern Mississippi is now known to contain no fewer than sixty thousand armed men organized to what amounts to terrorism. Acts of terrorism against the local Negro populace are already an everyday occurrence."

Then Alsop's warning became chillingly precise:

"In Jackson, Mississippi, windows in the office of COFO (Council of Federated Organizations,

under whose auspices the civil rights workers were coming, to Mississippi) [are] broken almost nightly. Armed Negroes are now posted at the office each night. The same is true in other Mississippi cities."

The civil rights workers hit Mississippi. Two hundred and fifty graduates of the Oxford, Ohio, center alone cascaded upon Mississippi late in June. Hundreds came from other similar training schools. They went to "receiving centers" and then were assigned housing by some one hundred civil rights veterans of the Mississippi campaign, eighty of whom were from the battle-ridden Student Non-Violent Coordinating Committee (SNCC) and twenty of whom were from the Congress of Racial Equality, the most militant of the civil rights organizations. Also on hand to quiet the students were one hundred and seventy-five of their peers who had preceded them into the state and knew the ropes as well as the trees from which they could dangle. The entire Mississippi task force soon reached nine hundred -- one hundred professional civil rights workers, five hundred and fifty volunteers, all to be augmented by one hundred and fifty law students and lawyers, plus a hundred clergymen of all faiths and colors.

Andrew Goodman was one of the lucky ones. Not only was be assigned to Meridian, one of the better Mississippi towns, but Michael Schwerner and James Chaney, the two Mississippi veterans who were to direct Goodman's activities, were on hand in Oxford, Ohio, to drive him back to Mississippi. By all the rules of the book, Goodman had it made. He should have served out his time in Mississippi and then returned home to New York to share with others his tale of Delta woe.

But once Andrew Goodman, James Chaney and Michael Schwerner met and joined forces, the paths of their lives crossed, became entangled, then merged into a single road to tragedy.

TWENTY YEAR OLD ANDREW GOODMAN was the son of a New York City building contractor and a student at Queens college. He was a tense and troubled young man. Like thousands of other white college students across the nation, Goodman sat and listened as civil rights spokesmen -- including me -- berated white liberals for their superficial involvement, for their cavalier commitment to the Negro cause. I remember Andrew Goodman well. I spoke at Queens College last year as part of a general series of lectures on contemporary social problems. The big issue then, on that campus, was a program to send students to Prince Edward County, Virginia, to tutor Negro children who had been deprived of an education because the local white fathers chose to close down the public schools rather than obey a Supreme Court decision that the schools of that county must integrate. I remember it well; I bore down hard on the need for white youths to make commitments, to fill the spiritual vacuum in their lives by dedicating themselves to something other than -- and this is precisely how I put it -- "moving to suburbia where you will live in split-level homes and develop tri-level morality."

And when the lecture was over fifty or so Queens College students gathered in a knot around me; Andrew Goodman was in the forefront.

"O.K.," the students challenged me, "you have bawled us out. Now, dammit, *tell us what to do? What can we do? What if we want to be committed and our parents will not let us become*

involved!"

I don't know what I told them; I have faced the same question so often, on so many campuses across the nation, yet every time I hear it my throat goes dry. After all, how do you advise college teenagers to defy their parents and join the army of those marching into the jaws of death?

My general reply is: "I have outlined the problem. Now you make up your minds where and how you can best serve in the light of your talents and gifts and temperament." Chances are that is what I said to Andrew Goodman and the other Queens College students who gathered around me.

Late in the spring of 1964, Andrew Goodman made his commitment. He decided to go to Mississippi and work on the summer voter registration project. His parents wondered if he could not find involvement closer home, in a project whose moral rewards were high but whose endemic dangers were less than those of Mississippi. But Andrew Goodman was experiencing a new and deeply spiritual bar mitzvah. Andrew had entered puberty seven years earlier but now, at twenty, he had really become a man. He had decided what he wanted to live for. And since death is forever remote until it is upon us, it never occurred to Andrew Goodman that he had also decided what he was willing to die for.

Those who remember Andrew Goodman during the training period at Western College in Oxford, Ohio, describe him as just another among the hundreds of civil rights volunteers. He was not "pushy"; he didn't stumble all over himself to prove how much he loved Negroes; he did not have the need to make a point of dating Negro girls. Nor was there anything dramatic about Andrew Goodman's arrival in Meridian on Saturday, June 20. Like the others, he was assigned living quarters in the Negro community and reported to the voter education center to receive work assignments from veterans Michael Schwerner and James Chaney.

MICHAEL SCHWERNER, in a very real sense, was everything Andrew Goodman was not. They were both Jews; but the similarity stopped there.

Twenty-four year old Michael Schwerner was a Colgate man. Moreover, he had gone on to take graduate work at Columbia University. Then he became a full time teacher and social worker at a settlement house along New York's ethnically troubled lower East Side. Twenty-two year old Mrs. Michael Schwerner also teaches school; New York Negroes remember her because of her way with Negro youngsters. "It was something to see," a New York social worker told me, "those little black, Negro children climbing into Rita Schwerner's lap for her to read them stories which she especially interpolated for them, in terms of their own background and experience."

Michael and Rita Schwerner were staunch CORE people. They had a passion to change things; to change them now. Thus it was that the Schwerners gave up their work in New York and went to Meridian, Mississippi, last January, some five months before the summer project was to begin. They immediately set up a voter education center for Negroes and flooded the town with leaflets announcing that the center would be open each evening. Little Negro children were the first to

come to the center where they and the Schwerners talked, and Michael Schwerner, aquiline nose and dark goatee, began to affect a Mississippi Negro accent. And the little children went home and told their parents of the white man with the big nose and black goatee who talked like a southern Negro.

The Meridian voter education program flourished under the Schwerners. As Mississippi towns go, Meridian was a liberal community. They even had (and still have, for that matter) an unofficial bi-racial committee to keep the ethnic peace. But in the towns of Hattiesburg, Greenwood, Canton, and Ruleville, civil rights workers were facing daily beatings from white bigots and harassment from the police.

"We are actually pretty lucky here" Schwerner told writer Richard Woodley early in April. "I think they (the police and the White Citizens Council) are going to let us alone. "

With incredible confidence, Schwerner and his wife set up shop at 2505 1/2 Fifth Street in the blighted Negro end of town. Their five dingy rooms were the former quarters of a Negro doctor, directly over the only Negro drug store in Meridian. The Schwerners built book cases along the walls and made long blue curtains to shield the windows.

The Schwerners' first effort was to infiltrate the Negro community. They found Negro boys who loved to play ping-pong and induced the Negro boys to build a ping-pong table. Then they collected typewriters, sewing machines, phonographs, office supplies, books -- such as Dollard's "Caste and Class in a Southern Town" -- which are never available to Negroes in Mississippi. The civil rights groups sponsoring the project paid the forty dollar-a-month rent on the offices and gave the Schwerners ten dollars a week for spending money. How the Schwerners lived and ate is not a matter of record. What is known is that an average of twenty people a day came to the center. Some two hundred Negroes visited the center during the first fifteen days of its operation.

It took the Schwerners two months to get their telephone installed. Not only were the phones tapped, but as Michael Schwerner himself said, "If you are lucky, when you talk over our phone you can hear the police calls going back and forth."

Even so, Schwerner and his wife were convinced that they were doing well.

"Just look at the Mississippi Negroes we are reaching!" Schwerner exclaimed. But his wife, like all women and wives, had a deeper concern. "I must leave," she said. "If I ever got pregnant here . . . I just would never have children here. I would never go through a pregnancy or have children here."

Then Michael Schwerner and his wife took writer Woodley to dinner at a Negro restaurant.

"There is a job to be done here in Mississippi," Schwerner said as he fondled the crude menu in the Negro restaurant. "My wife and I think it is very important. But we want to have a normal life, and children. So eventually we will go back to New York, maybe in a year or two."

They were in the Negro restaurant because there was not enough food in the Schwerner home to

feed them, as writer Richard Woodley knew very well.

"Darn it, Mickey," Mrs. Schwerner said, "I'm going to have a steak." Then she flailed her arms and finally pounded the table. "We need that."

Michael Schwerner sat silent for a moment. Then he spoke up to Woodley.

"We understand why the Negroes don't leave this state. The really poor ones wouldn't have any great life in the North even if they left. But mainly it's their home life here; they have families here and their lives are here. It is their home, and there is a little pride here that makes them not want to run."

"There is no question about it," Michael Schwerner said in the middle of the meal, "The federal government will have to come into Mississippi sooner or later."

The record does not show who paid for Mrs. Schwerner's steak. Chances are that writer Richard Woodley picked up the tab. Two days later Michael Schwerner welcomed Andrew Goodman to Mississippi. Schwerner told Goodman that Mississippi was no place for children. Goodman smiled and said, "I'm no child. I want to get into the thick of the fight."

TWENTY-ONE YEAR OLD JAMES CHANEY was a drop out. A Catholic drop out at that. "I'm a Baptist," Mrs. Fannie Lee Chaney said, "I don't quite know how my boy wound up joining the Catholic Church, but we all worship the same God and that was his choice." By the time James Chaney met Michael Schwerner in Meridian last January he had all but drifted away from both the Church and the local parochial school.

"Mickey (Schwerner) and my boy were like brothers," Mrs. Chaney said. "Yes. They were like brothers. My boy a Negro and a Catholic. Michael a Jew. Yes, they were like brothers."

Shortly after the Schwerners set up shop in Meridian, Chaney, who was already a member of CORE, became a full time drop out. He left school and devoted all of his time to the civil rights struggle.

"Chaney was one of our best men," CORE's James Farmer said. "He was a native of Mississippi. He was a child of the soil. He knew his way around. He was invaluable."

Together, then, Michael Schwerner, James Chaney and Andrew Goodman made their way back from Oxford, Ohio, to Meridian. They arrived on Saturday and were immediately hit with tragic news:

On the night of June 16th, while Chaney and the Schwerners were attending the training session in Ohio, the stewards of Mount Zion Methodist Church held their monthly meeting to transact church business. It was the same church in which the Schwerners had held a civil rights meeting on May 31 to rally support for a Freedom School COFO planned to open in the area. Ten persons -- officers of the church and some of their children -- attended the stewards meeting on June 16.

When the church officials emerged from the church, they were confronted with a phalanx of armed white men and police officers. They started to drive away, only to be stopped at a roadblock formed by police cars and unmarked cars with the license plates removed. The police forced the Negroes to get out of their cars and submit to search.

"Were there any white people at your meeting tonight?" one of the police asked.

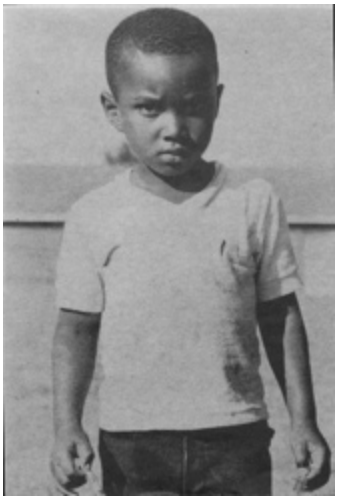
"No sir," one of the Negroes replied.

"Were you niggers planning civil rights agitation?"

"No sir. We were there on the Lord's business."

Then the white men forced the Negroes to turn off their car lights, and under the cover of darkness they pistol whipped and kicked the Stewards of the Mount Zion Methodist Church. Set free to go home, the Negroes uttered a prayer of thanks to God that they had not been killed.

Several hours later Mount Zion Methodist Church belched flames. The fire was over in a matter of minutes because, as later investigation showed, the arsonists had doused the house of God with naphtha before setting it afire. There was a fire tower less than a mile from the church, but it is manned only until five o'clock in the afternoon.



That was the report that hit Schwerner and Chaney as they returned to Meridian with their new recruit Andrew Goodman. They decided to get a good night's sleep and then drive down to Longdale on Sunday morning in order to look at the ruins of the Mount Zion Methodist Church and then see what information they could get about the incident.

MISSISSIPPI IS A QUIET and reverent place on Sunday morning. The gin mills are silent, the field hands, dressed in their Sunday finery, can be seen packed into pick-up trucks on their way to church. The white power structure, the bankers, the lawyers, the judges, the people who really run the towns and counties, move along the sweltering streets, some like the Snopses out of Faulkner and some like crinolined characters out of a Frank Yerby novel. Only on Sunday, but *never* on Monday or the rest of the week, are the traces of the old South really visible. The white ladies of relative quality don their frilly frocks, spread open their accordion-like fans and nod to the rabble, Negro and white, as they make their way to church. They come in from their large plantations and make their way to the First Baptist or First Methodist Church. The white rabble, of course, do not attend these churches. They are to be found in the lesser Baptist and Methodist Churches and along "holiness row" where the sanctified and Pentecostal preachers hold forth. These genteel white people pride themselves on their love and understanding of their Negroes. They have never lynched or beaten a Negro and lapse into a fantasy in order to swear that they

don't know any white people who would do such things.

Most of all, it is the air of Mississippi that crackles with the word of God on Sunday morning. From sunrise to sunset and then to midnight, the airwaves of the Mississippi Delta are cluttered with preachers, white and Negro, the respectable and the fly-by-night, reminding the audience that Jesus will, *indeed*, wash them whiter than snow. And the genteel plantation owners and their families who made their way to church on Sunday morning June 21, paid no attention to the 1963, blue, Ford station wagon that eased out of Meridian shortly after 10 A.M. and headed along Route 19 toward the Route 491 cutoff. The Negro field hands, also on their way to church, paid no attention to the station wagon, either.

But the police *did* take notice of the station wagon and they knew that two of the three occupants were Michael Schwerner and James Chaney. The police, in unmarked cars, followed closely. Switching to the "Citizens Short Wave Band" that is used to keep the Ku Klux Klan and the White Citizens' Council informed as to the movements of civil rights workers, the police broadcast the alarm.

"They are headed north along 19. That nigger, Chaney, is driving. Over and out."

Chaney and Schwerner were not afraid. They had been through it all before; Chaney had been jailed for civil rights demonstrations in Mississippi, while Schwerner had played hide-and-seek with Sheriff Rainey of Neshoba County on at least three previous occasions. In each instance Schwerner had won. This was Andrew Goodman's trial by fire; it was his first time out on a civil rights assignment. The chances are that whatever fright he felt was overshadowed by the excitement and intrigue of it all.

The Ford station wagon -- -- a gift to CORE from white liberals in Hastings-on-the-Hudson, New York -- made its way along Route 19, across Lauderdale County, across the northeastern tip of Newton County to the Route 491 cutoff just on the border between Newton and Neshoba counties. With policemen following, the civil rights workers turned north onto 491 and headed toward Philadelphia. When they came to Route 16, some miles east of Philadelphia, the ill-fated civil rights workers turned left onto Route 16, just east of the hamlet of Ocobla and headed for the scorched earth site of the Mount Zion Methodist Church in the Longdale area.

No one moves unnoticed in Mississippi and the arrival of strangers causes a general alarm in the community. This is particularly true when the police have been broadcasting the strangers' every move over a short wave band used by members of the Klan and the White Citizens' Council. But the local Negroes were also watching. Some of them were hiding in the bushes, others were pretending to be idly driving by. A few sympathetic white people were also watching. And from their sworn statements the following time-table can be constructed:

JAMES CHANEY'S MOTHER

12:00 -- Schwerner, Goodman, and Chaney arrive at the site of the burned-out church shortly before noon. They spend about an hour examining the ruins and talking with people who have gathered.

1:30 -- Schwerner, Goodman, and Chaney turn up at church services at a nearby Negro church. There they pass out leaflets urging the people to attend voter registration schools. [The name of the church and the persons who allowed the three civil rights workers to speak are known but cannot be released because of concern for the safety of the persons involved, as well as for the church building.]

2:30 -- Schwerner, Goodman and Chaney are given dinner in a friendly home and then leave for Meridian.

3:00 -- A person who knows all three civil rights workers sees them as they come along Route 16 from the Longdale area and make a right turn onto Route 491 which will take them back to Route 19 and Meridian.

As soon as they swing onto Route 49 1, the three civil rights workers are intercepted by Deputy Sheriff Cecil Price, Schwerner's ancient and implacable foe. Schwerner is at the wheel and, as he

had done on both May 19 and May 31 when he was in the area for civil rights meetings, he elects to out-run the deputy sheriff . But this time Price can act with total license. His boss, Sheriff L. A. Rainey, is at the bedside of Mrs. Rainey who is hospitalized. Four Negroes witness the chase and have later sworn that Price shot the right rear tire of the speeding station wagon.

3:45 -- The disabled station wagon is parked in front of the Veterans of Foreign Wars building on Route 16, about a mile cast of Philadelphia. Witnesses see two of the civil rights workers, now known to be Schwerner and Chaney, standing at the front of the station wagon, with the hood raised. The third civil rights worker, Goodman, is in the process of jacking 'up the right rear tire to change it.

Deputy Sheriff Cecil Price (he has by now radioed the alarm) is standing nearby with his gun drawn. Informed of the incident, one Snow, a minor Deputy Sheriff, comes running out of the VFW club where he works as a bouncer. Price and Snow are then joined by State Patrolman E. R. Poe and Harry Wiggs, both of Philadelphia [The entire episode was broadcast over the shortwave citizens' band which is relayed all over the state. There is evidence that police in Meridian, Jackson, and Philadelphia, as well as Colonel T. B. Birdsong, head of the State Highway Patrol, were in constant contact about the incident. It is also clear that white racists who had purchased short-wave sets in order to receive the citizens' band broadcasts were also informed and began converging on the scene.]

Deputy Sheriff Cecil Price (by his own admission) makes the arrest. (But there is confusion as to precisely where the arrest took place. Three landmarks, all within a square mile radius, are involved. Some witnesses say they saw the civil rights workers drive away from the VFW club to a Gulf station about a mile away. Others say they saw the arrest take place diagonally across the street from a Methodist Church in Philadelphia. At first blush these accounts seem contradictory. But to one who has tramped the roads and swamps of Mississippi in search of evidence -- and I have done this more times than I care to recall -- the accounts make sense.) What happened was approximately this:

Price, Snow and the State Police decide that too much attention has been drawn to the incident in front of the VFW hall. They allow the civil rights workers to drive into the Gulf station location. The station wagon pulls into the gas station while the police cars park across the street. The Methodist Church in question is a hundred yards farther down the road on the other side of the street and an illiterate observer would identify the church as the landmark and say the arrest occurred across the street from the church.

4:30 -- Price arrests the civil rights workers. One of the State patrolmen drives the station wagon into Philadelphia. [This means that the tire had been changed and it accounts for the report that the wagon was at the Gulf station.] The three workers are herded into Price's car and the second State patrolman follows the Price car into town in case the workers attempt a break.

They arrive at the Philadelphia jail. Chaney is charged with speeding, and Schwerner and Goodman are held on suspicion of arson. Price tells them he wants to question them about the burning of the Mount Zion Methodist Church, an incident that occurred while they -- all three of the civil rights workers -- were on the campus of Western College in Oxford, Ohio.

The three civil rights workers are to report back to Meridian by four o'clock. When they do not appear their fellow workers begin phoning jails, including the one in Philadelphia, and are told that the men are not there. Meanwhile the rights workers -- charged with nothing more than a traffic violation -- are held incommunicado. What happens while these men are sweating it out in jail for some five hours can now be told. And it is in this ghostly atmosphere of empty shacks, abandoned mansions and a way of life hinged up on fond remembrances of things that never were, that the poor white trash gets likkered up on bad whiskey and become total victims of the southern mystique.

The facts have been pieced together by investigators and from the boasts of the killers themselves. After all, part of the fun of killing Negroes and white civil rights people in Mississippi is to be able to gather with your friends and tell how it all happened in the full knowledge that even if you are arrested your neighbors, as jurymen, will find you "not guilty."

The death site and the burial ground for Andrew Goodman, Michael Schwerner, and James Chaney have been chosen long before they die, months before in fact. Mississippi authorities and the white bigots have known for months that the invasion is coming. Mississippi officials have made a show of going on TV to let the nation know that they are ready and waiting with armored tanks, vicious dogs, tear gas and deputies at the ready. But there is another aspect of Mississippi's preparation for the civil rights "invaders" that they elect not to discuss:

Mississippi, as Professor James W. Silver has written, is a closed society. Neshoba County is one of the more tightly closed and gagged regions of the state. Some ten thousand people have fled the county since World War II. The five thousand or so who remain are close kin, cousins, uncles, aunts, distant relatives all. For example, it is reported that Deputy Sheriff Price alone has some two hundred kin in the county. This is a land of open -- though illegal -- gambling. Indeed, the entire nation watches as a CBS reporter on TV walks into a motel and buys a fifth of whiskey, all of which, of course, is illegal. This is a land of empty houses, deserted barns, of troubled minds encased in troubled bodies.

Once they receive word that the civil rights workers are coming, members of certain local racist groups begin holding sessions with doctors and undertakers. The topic of the evening: How to Kill Men Without Leaving Evidence, and: How To Dispose of Bodies So That They Will Never Be Found.

Negro civil rights workers who can easily pass for white have long since moved into Mississippi and infiltrated both the Klan and the White Citizens' Council.

Their reports show that doctors and undertakers use the killings of Emmett Till and Mack Parker as exhibits A and B on how not to carry out a lynching. Not only did the killers of Parker and Till leave bits of rope, and other items that could be identified, lying around, they threw the bodies in the Pearl (Parker) and Tallahatchie (Till) rivers. After a few days both bodies surfaced, much to everyone's chagrin.

The two big points made at the meetings are (1) kill them (the civil rights workers) with

weapons, preferably chains, that cannot be identified: (2) bury them somewhere and in such a way that their bodies will never float to the surface or be unearthed.

Somewhere between ten and eleven o'clock on the night of Sunday, June 21, (if one is to believe Deputy Sheriff Price and the jailers) James Chaney is allowed to post bond and then all three civil rights workers are released from jail. According to Price the three men are last seen heading down Route 19, toward Meridian.

Why was Chaney alone forced to post bail? What about Schwerner and Goodman? If they were under arrest, why were they not required also to post bail? If there were no charges against them, why were they arrested in the first place? More, if Chaney was guilty of nothing more than speeding, why had his two companions also been placed under arrest? But these are stupid questions, inquiries that only civilized men make. They conform neither to the legal nor to the moral jargon of Mississippi -- of Neshoba County particularly.

[The report that Chaney was allowed to make bail and that then all three civil rights workers were released is open to serious question.

They left the jail in the evening. That is clear, *but*, and here is the basis for questioning the story: It is one of the cardinal rules of civil rights workers in Mississippi *never to venture out at night*. The most dangerous thing you can do, a saying among civil rights workers goes, is to get yourself released from jail *at night*. These three were trained civil rights workers and it is difficult, if not impossible, to imagine that they walked out into the night of their own volition.

Nevertheless, we have the fact that they left the jail and just about three miles from Philadelphia they fell into the hands of a mob.

It is not known precisely how many men were in the mob. Six, at least, have been identified by eye witnesses. But because they have not been charged with the crime, their names cannot now be revealed.]

The frogs and the varmints are moaning in the bayous. By now the moon is midnight high. Chaney, the Negro of the three, is tied to a tree and beaten with chains. His bones snap and his screams pierce the still midnight air. But the screams are soon ended. There is no noise now except for the thud of chains crushing flesh -- and the crack of ribs and bones.

Andrew Goodman and Michael Schwerner look on in horror. Then they break into tears over their black brother.

"You goddam nigger lovers!" shouts one of the mob. "What do you think now?"

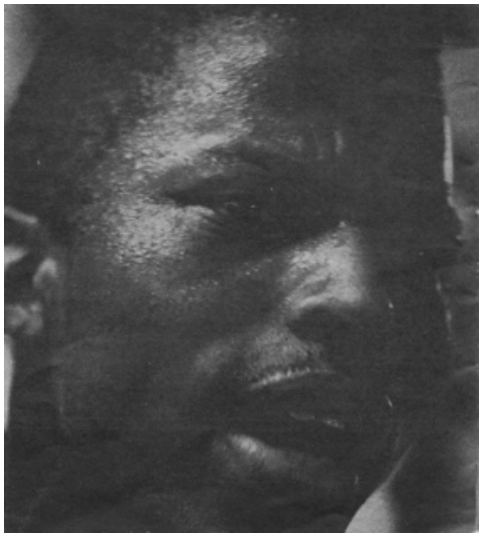
Only God knows what Andrew Goodman and Michael Schwerner think. Martin Luther King and James Farmer and nonviolence are integral parts of their being. But all of the things they have been taught suddenly became foreign, of no effect.

Schwerner cracks; he breaks from the men who are holding them and rushes toward the tree to

aid Chaney. Michael Schwerner takes no more than 10 steps before he is subdued and falls to the ground.

Then Goodman breaks and lunges toward the fallen Schwerner. He too is wrestled into submission.

The three civil rights workers are loaded into a car and the five-car caravan makes its way toward the predetermined burial ground. Even the men who committed the crimes are not certain whether Chaney is dead when they take him down from the tree. But to make sure they stop about a mile from the burial place and fire three shots into him, and one shot each into the chests of Goodman and Schwerner.



THE NATION WAITED AND WATCHED. If the pattern of the years held true, the civil rights workers were most certainly dead. But -- and none but the killers, and those to whom they boasted, knew the facts that have already been set forth here -- there was always the outside chance that something strange and unusual had transpired, that the rights workers were alive. For the white racists this meant that the three men were tricksters, that they had intentionally pulled a hoax not only to blacken the name of Mississippi, but also to bring federal troops into Mississippi. For Negroes and civil rights advocates, the possibility that the three men were alive meant quite a different thing.

Working for civil rights in Mississippi often requires underground operations. Could it be, Negroes asked, that Schwerner, Goodman and Chaney were onto something really hot, that they had arranged to vanish in order to get a major job done. Nobody, neither foe nor friend, knew the truth.

In the Neshoba County area, however, strange things were beginning to occur.

A Negro cook was serving dinner and heard the white head of the household say, "Not only did they arrest those white nigger-lovers, they killed them and the nigger that was with them." Then the man looked up and realized that the cook had heard him. She was fired on the spot and was rushed to her home by her white mistress who feared for the cook's life. The cook fled Mississippi that night for, as the cook well knew, her white employer was (and still is) an official in the Citizens' Council.

The area is thinly populated by Choctaw Indians. There was a big Indian funeral on June 21st and they passed along both Routes 16 and 19. They saw something: the word spread that they had seen the three civil rights workers and the mob. Suddenly the Indians took to the swamps and would not talk -- even to FBI investigators.

But most of all that silent meanness that only a Negro can know and feel -- the hate stare that

John Howard Griffin found when he himself became black and got on a bus in the deep South -- settled over Neshoba County like a deadly dew.

"Lord, child," a Negro woman told a CORE investigator, "I have never seen the white folks act so mean for no reason at all. They just don't smile at me no more. It's like they done did something mean and think I know all about it!"

The white people were not too far from wrong.

Somebody had *did* something mean and -- the whole country knew about it. They knew about it because, once murder was done, the whites involved went to a bootlegger, got themselves several gallons of moonshine and proceeded to get drunk and brag about the two white nigger-lovers and the nigger they had just finished killing. Despite what Sheriff Rainey, Governor Johnson and the two Mississippi Senators said, within twenty-four hours after the triple lynching, everybody in the county, Negro and white, knew that the civil rights workers were dead.' *They also knew who committed the crimes.*

THE ENTIRE MATTER burst upon the national and world scene at a time when it was fairly clear that the Republicans would nominate Arizona's Barry Goldwater. President Lyndon Johnson used every device to placate the deep South. He held numerous conversations with Mississippi's Governor Paul Johnson, and the Governor assured the President that everything was being done to locate the civil rights workers. Even so, the President ordered U. S. sailors into the area to aid in the search for the missing men.

Ignoring the claims that the civil rights workers were still alive, the sailors moved into Mississippi and proceeded under the assumption that the three were dead, as, of course, everybody knowledgeable about the matter knew they were.

Once they had arrived in Mississippi, the sailors donned hip boots and began to comb the swamps and the bayous, hardly places one would look for men who are hiding out.

Then two days later the first break came. The blue Ford station wagon in which the civil rights workers had been traveling was found charred and burned along a road some ten miles northeast of Philadelphia. The charred station wagon was discovered late in the afternoon and natives, Negro and white, who had used the road that morning, came forth to say that the wagon had not been there earlier in the day when they had passed the spot on their way to work,

The truth is that the station wagon was not there on the morning of the 22nd. Rather, the killers had doused the station wagon with the same kind of naphtha that had been used to burn down the Mount Zion Methodist Church. In addition, they set it on fire several miles from the area where the station wagon was finally discovered. This fact is borne out when it is recalled that most of the foliage around the area where the charred station wagon was found was unscarred. Had the station wagon been put to the torch where it was found the foliage would have been scarred and the blaze would have attracted people from miles around. Clearly, and without a doubt, the station wagon had been burned elsewhere and had been towed to the site where it was

discovered. Not only did the traces of naphtha show up, but investigators were struck by the fact that only the metal parts of the station wagon remained undestroyed.

This grim discovery served to intensify the search. Only the noisy psychopathic Mississippians could continue to insist that the disappearance was a hoax, that the three civil rights workers had intentionally vanished and were hiding somewhere behind the Communist Iron Curtain, preferably in China.

GRIPPING HEAVY WOODEN clubs to fight off water moccasins and rattlesnakes, several hundred sailors sloshed through the Mississippi swampland, searching for the bodies of the missing men. Paddling about in fourteen foot aluminum skiffs and talking with their commander over walkie-talkies, the sailors dragged the Pearl river, to no avail. The President of the United States ordered even more sailors and FBI men into Mississippi. All to no avail.

Other FBI agents were conducting an investigation on land. They zeroed in on Neshoba County Sheriff Lawrence Rainey who, by his own admission, had killed two Negroes in recent years.

"Yep, by God," Rainey told the investigators, "I killed them two niggers. The first had me down on the ground choking me. The other nigger I killed was shooting at me."

But Sheriff Rainey did not join in the hunt for the missing civil rights workers. That same day there was a flurry of excitement when the body of an unidentified white man was found in a swamp near Oakland, Mississippi, some one hundred miles from the search area. The first reports indicated that the body was that of Michael Schwerner. Instead it turned out to be that of a carnival worker who had been run over and mutilated in a highway accident. Just how that body wound up in a Mississippi swamp has yet to be explained.

While the world wondered and pondered, white Mississippi sensed the truth. As osmosis is the mysterious passing of a liquid through a membrane, so is spasmodic reality the mystic, lucid, moment when white Mississippi admits the truth about itself. The moment is brief, the lucidity is blurred, but the memory remains and as white Mississippi awakes to the smell of magnolia blossoms it cannot deny that part of last night's nightmare was real. Then white Mississippians grow real mean and protective.

As the search for the missing civil rights workers continued Mississippi born Frank Trippett, now an associate editor of Newsweek magazine, drove throughout his homeland to talk to the men and women, the boys and girls he played marbles with when he was a child.

"John F. Kennedy should have been killed," one of Trippett's childhood chums told him. "He had no business going down to Dallas just to stir up them people and get votes."

Then Trippett's one time playmate went on to wish for the future: "They proved it out in Dallas. They's always one that can get through. I tell you, little Bobby [Attorney General Robert F. Kennedy] better not come down around here."

But Trippett didn't want to hear about the Kennedys. He wanted to know what his childhood friends in and around Neshoba County felt and knew about the disappearance of Michael Schwerner, James Chaney and Andrew Goodman. Nobody would talk about that. The cotton curtain had long since descended and any white man who talked about what happened to the three civil rights workers was not only a traitor to the south but an ethnic bastard to boot. Asked about the three civil rights workers, Trippett's childhood playmates lapsed into the oblique morality that earned William Faulkner a Nobel prize for literature.

"There's going to be some killings if these niggers start trying to get into cafes and things," an old friend told Trippett. "Every store in Starkville has sold out every bullet they can lay their hands on."

Reporter Trippett did his best but none of his childhood friends would talk about what they all knew had happened over on Route 16, near the Longdale area and just outside of Philadelphia. One of Trippett's friends, however, got dangerously close to the truth. This friend, a well educated man now in his early middle years, took Trippett home to dinner. Midway through the meal the man turned to his wife and said *"would you kill one?"* They and Trippett knew the man was asking his wife if she had the courage to kill a Negro, or to put it another way, would she have done what they all knew several men had done a few nights previously along Route 16?

The wife blushed, then turned to reporter Trippett.

"Do they give you any trouble in New York? Do you let them know you are from Mississippi?"

Trippett kept his silence.

"I guess you will go back and write a whole lot of lies about us," his host said.

"No," Trippett replied. "I am going to do worse than that. I am going back and write the truth."

Once out of Mississippi, Trippett added a footnote to the conversation. "I will not write the truth about Mississippi," he said, "only because the truth about my home state is so incredible that nobody will believe me."

But, as we Negroes in Georgia used to say, the truth *did out. It outed* in a way no civilized person could believe or deny.

THE GOVERNOR OF Mississippi and other state officials were flooding the nation's press with statistics showing that Mississippi has one of the lowest crime rates in the nation. The facts showed that during 1963 Mississippi had only 393.2 major crimes per one hundred thousand people which is far below the 472.9 major crime rate for each one hundred thousand people in North Dakota, the second best state, and far, far, below the 2,990.1 major crime rate per one hundred thousand which was registered in Nevada, the most crime ridden state in the Republic.

Missing in this statistical braggadocio, of course, is the fact that Mississippi simply does not list

the crimes of whites against Negroes. Alas, Mississippi statistics also fail to list crimes of Negroes against Negroes, who comprise forty-five per cent of the state's population. The raw facts are these: Mississippi authorities know of at least nineteen church burnings, fifty floggings of Negroes by whites, another one hundred incidents of violence to Negroes by whites, and at least eleven Negro deaths which are almost certainly lynchings. There have been no arrests for any of these crimes and they are not among those reported as Mississippi presents its clean bill of health to the nation.

Meanwhile the search for the missing rights workers continued. Negro comedian Dick Gregory flew into Mississippi and obtained an interview with a white man and said he had final evidence of what had happened on the night of June 21st. Gregory then went on to offer a twenty-five thousand dollar reward for information that would lead to the arrest and conviction of the killers. But the FBI, under the whiplash from President Johnson who was being inundated with demands that the government do something about the killings, quietly spread the word that they would pay twenty-five thousand dollars for information leading to the location of the bodies and the arrest and conviction of the lynchers.

There was a brief flurry of excitement when the dismembered bodies of two Negro men were found floating in the river along the border between Mississippi and Louisiana. It turned out, however, that these were not the bodies of the missing civil rights workers and the grim search continued.

The killers had learned their lessons well. There was no longer doubt that the three civil rights workers were dead and buried. Rather, the Bayou bingo game turned on whether the FBI could find bodies that had been buried in such a fashion that they would never float to the surf ace, and on whether, like the Jesus the killers professed to serve, they would ever rise again.

The bodies did not float. They did not rise again. Had they remained where the killers buried them the bodies would have been unearthed, perhaps, by twenty-fifth century man as he attempted to decipher the hieroglyphics of our age, the nonsay language of a civilization whose founding documents, roughly translated, said all men are created equal: that all men, regardless of race, creed or color were free to pursue happiness, catch as catch can.

Blood, in the deep south of all places, is thicker than water. But greed, particularly among poor Mississippi white trash, is thicker than blood. The Government's twenty-five thousand dollar reward was more than a knowledgeable poor white Mississippi man could bear. He cracked and told it all. The white informant knew it all and he spilled his guts all night long.

THE NEXT MORNING the FBI moved into action. As one Negro man put it, "this was the first time I got the feeling these white investigators knew what they was doing and where they had to go to do it.

One morning FBI agents came calling on trucker Olen Burrage at his office some three miles southwest of Philadelphia.

"What you'all want?" Burrage demanded.

"We have a search warrant."

"For this office?"

"Nope" the Federal men snapped. "We have a warrant to search your farm."

"Well, by God, go ahead and search it," Burrage snapped. "Look all you'all want to."

The FBI agents were all set to do just that. They moved on to Burrage's farm, some two miles down the road, along Highway twenty-one. They used bulldozers to cut their way through the tangle of scrub pine, kudzu vine, and undergrowth to a dam site under construction several hundred yards from the roadway. Then they moved in the lumbering excavator cranes. The cranes began chewing away the clay earth and the recently laid concrete. While the natives, Negro and white, looked on in disbelief, the cranes gnawed out a V-shaped hole in the twenty foot high wall that shielded the dam. There, under a few feet of concrete, in the drizzly Mississippi dusk, they found the bodies of Michael Schwerner, Andrew Goodman and James Chaney.

The fantasy was over.

No. I apologize, it was not over. It had just entered another chapter. Deputy Sheriff Price was on hand and he helped lift the three bodies from the dam site and wrap them in cellophane for shipment to Jackson for further study. The remains were slithered into separate cellophane bags and tagged "X1", "X2" and "X3". In Jackson the bodies of Schwerner and Goodman were identified by fingerprints and dental records. There was no way to be certain, but the third body was black and there was little doubt that it was James Chaney.

The macabre discovery told the nation what a few of us had already known, what the rest of us had feared. The three civil rights workers were quite dead: Chaney, the Negro in the trio had been brutally chain-beaten. and then shot. His white brothers in the faith had then been shot to death. The only questions that remained were: who were the killers and what would happen to them. But, and this is the irony of the matter, by then everybody -- from Moscow, Mississippi to Moscow, Russia -- knew how, where, when, and by whom the rights workers were slain.

MOST RESPECTABLE WHITE Mississippians were shocked by the disclosure.

"I just didn't think we had people like that around," said the coach of the all white Jackson, Mississippi, football team. But other white Mississippians took a different view. They were appalled that a white Mississippi stool pigeon would tell on other white Mississippians.

"Somebody broke our code" one white Mississippian told the FBI. "No honorable white man would have told you what happened."

But in the hearts in black Mississippians there was great rejoicing.

"I am sorry the three fellows is dead," a Mississippi Negro told me. "But five of us that we know about have been killed this year and nobody raised any hell about it. This time they killed two ofays. Now two white boys is dead and all the world comes running to look and see. They never would have done this had just us been dead."

Rita Schwerner, dressed in widow's weeds, was much more precise about it.

"My husband did not die in vain," she told a New York audience. "If he and Andrew Goodman had been Negro the world would have taken little note of their death. After all the slaying of a Negro in Mississippi is not news. It is only because my husband and Andrew Goodman were white that the national alarm has been sounded."

Michael Schwerner, Andrew Goodman, and James Chaney are all now buried, asleep with their forefathers. Goodman and Schwerner lie in six feet of rest and peace, beneath the clay that covers all Jews in New York County. James Chaney rests alone, beneath the soggy clay on the colored side of the cemetery fence that separates the white who are dead and buried from the colored who are dead and buried in Mississippi.

The paths of their lives tangled, became all mixed up, and then merged into a single' country road that led to tragedy and death that transcends race, religion and creed.

One was Catholic and Negro. The other two were Jews. But in their hearts they were one.

The American Negro has survived on a prayer and a dream. The prayer was that one day they could take their place in the American mainstream as just other humans in pursuit of happiness.

Michael, Andrew, and James, then, are three coins we Negroes -- No! We believers in justice, black and white, Protestant and Catholic, Jew and Gentile -- tossed into the fountain.

The only question now remaining is: which one will the fountain bless.

Mississippi Violence and Federal Power

WILLIAM M. KUNSTLER

ON FRIDAY EVENING, June 19, 1964, Mickey Schwerner walked me to where I had parked my rented car on the spacious campus of Western College for Women in Oxford, Ohio. The college was the site of a two-week orientation period for some five hundred volunteers who had agreed to spend their summer in Mississippi in connection with the voter registration, freedom school and community center programs of the Council of Federated Organizations (COFO). Since Mickey and his wife, Rita, had run a community center in Meridian for many months, he was a key figure at many of the orientation sessions.

I had come to Oxford to announce the filing for COFO of a federal lawsuit challenging the method of selecting Mississippi's delegates to the forthcoming Democratic National Convention. When some of the reporters who were assigned to the summer project heard of the suit they were interested in learning more about it. I agreed to meet them in the lounge of the administration building and I asked Mickey, who knew a great deal about the intricacies of Mississippi politics, to join me. As usual, he was knowledgeable and articulate.

Later, as we walked to the car, I told him that I hoped that I would get a chance to visit him and Rita in Meridian. He replied that I would always be welcome and he was sure that with all the volunteers flocking to Mississippi for the summer his community center would be a regular port of call. A little more than forty-eight hours later, he was lying dead on a dark road in Neshoba County with a .38-caliber bullet through his body.

It is true that Mickey was shot to death by a southern index finger curled around the trigger of a police special. It is equally true that almost everyone in Neshoba County knows who murdered him and his ill-fated companions. But what is not clear at all is that the ultimate responsibility for the lives of these three blameless young men -- and of so many others -- must rest squarely and directly with the federal government.
In January of 1963, the Mississippi Advisory Committee of the United States Commission on

Civil Rights suddenly woke up to the sobering fact that, as far as Negroes' rights were concerned, Washington had been dragging its feet for generations. "The Federal Government, although acting in good faith," it reported, "has not done enough to protect the American citizenship rights of Mississippi Negroes." In the same breath, the Committee stated that widespread police brutality was the most urgent civil rights problem in the state.

When confronted with the unmistakable evidence of both official and unofficial violence, Attorney General Robert F. Kennedy consistently maintained that the Justice Department did not have the power to do any more in Mississippi than it was doing which was very little. During my trip to Oxford I heard John Doar, the second-in-command of the Department's Civil Rights Division, reiterate this refrain at one of the orientation sessions in Peabody Hall. "We simply do not have the necessary tools," he explained to his frankly incredulous audience, "to cope with the problem."

Yet, as he and his chief well knew, there is an imposing body of existing law which gives the President ample authority to do what is necessary to make the Magnolia Jungle, as writer P. D. East calls it, safe for non-racist human habitation. If the Reconstruction Congress, which was acutely aware of the need for federal supervision in this area, was willing to supply the "necessary tools," then there can be no excuse for those who are required to use them to fail to do so.

IN 1866 A SIGNIFICANT BILL was reported out of the Senate Judiciary Committee. It provided that United States attorneys and other specified federal officers "are authorized and required . . . to institute prosecutions against all persons violating any of the provisions" of certain specified civil rights criminal statutes. Senator Lyman Trumbull, the committee's chairman, informed his colleagues that "we have the right to enact such legislation as will make them [the ex-slaves] free . . . and that can only be done by punishing those who undertake to deny them their freedom."

In the debate in Congress, Trumbull steadfastly maintained that the new statute was designed to make it mandatory for federal officers to act. "The various provisions of this bill," he explained on the floor of the Senate, "make it the duty of the marshals and deputy marshals, the commissioners of the United States Courts, the officers and agents of the Freedman's Bureau, the district attorneys, and others, to be vigilant in the enforcement of the act. "

In the House, Iowa's James Wilson, in opposing an amendment which would have stripped the statute of its penal provisions, reminded his fellow representatives that "the highest obligation which the Government owes to the citizen in return for the allegiance exacted of him is to secure him in the protection of his rights."

On January 4, 1866, one day before Senator Trumbull introduced his bill, an Associated Press dispatch noted that "it makes it the duty of the judicial authorities of the United States . . . to execute the law and provide all the machinery for making the bill effective." There is not the slightest shadow of a doubt that the Thirty-Ninth Congress expected the most vigorous action by the national government to protect imperiled Negroes in the southern states, and that the words

"authorized and required" in the bill were intended to mean exactly what they said.

Congress underscored its intent in 1875 when it reenacted the statute in virtually identical language. In addition, it provided that "any district attorney who shall wilfully fail to so institute and prosecute the proceedings herein required, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby . . . and shall, on conviction thereof, be deemed guilty of a misdemeanor. . . ."

Even if there could still be any lingering doubt as to what Congress had in mind, it was dispelled in the House debates. "We make it the duty . . . of the district attorneys," stated Congressman Benjamin Butler who reported the bill out of the Judiciary Committee, "to see that the penalties provided for in this statute are enforced." Today, the act, which is known as Sec. 1987 of Title 42, is part and parcel of our federal law.

BUT SEC. 1987 IS NOT THE ONLY statute giving the United States the power to intervene in Mississippi. On June 24, 1964, Robert Kennedy told an outraged NAACP delegation that the situation in Mississippi was "a local matter for law enforcement" and that federal authority in that state was "very limited." He was immediately contradicted by twenty-nine of the country's foremost law professors who, in a public statement, referred him to Sec. 332 of Title 10.

That statute, they pointed out, gave the President the power to use the state militia and the armed forces of the nation "whenever [he] considers that unlawful obstructions, combinations of assemblages, or rebellion against the authority of the United States make it impracticable to enforce the laws of the United States . . . by the ordinary course of judicial proceedings." Presidents Kennedy and Eisenhower had already used this section in enforcing court orders in cases involving the desegregation of the Little Rock School District (1957), the University of Mississippi (1962) and the University of Alabama (1963).

Both Chief Executives had also called into play the provisions of Sec. 333 which authorized them to use troops to suppress "in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it --

> *"(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or*
>
> *"(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws."*

Although there are few recent court decisions interpreting either section, no one would seriously contend that they are unconstitutional. In 1879, an attempt was made to convince the Supreme Court that the conduct of federal marshals who were seeking to enforce the electoral laws of the United States in South Carolina violated the Constitution. "It is argued," the court said, "that the

preservation of peace and good order in society is not within the powers confided to the Government of the United States, but belongs exclusively to the States. Here again we are met with the theory that the Government of the United States does not rest upon the soil and territory of the country. We think that this theory is founded upon an entire misconception of the nature and powers of that Government. We hold it to be an incontrovertible principle, that the Government of the United States may, by means of physical force, exercised through its official agents, execute on every foot of American soil the powers and functions that belong to it. . . ."

The Attorney General, for reasons which he has not disclosed, chose to disregard both statutes and the clear judicial invitation to use them. "It is at once disappointing and ironic," the professors conclude, "that the Department of Justice, which has been bold beyond precedent in successfully urging the Supreme Court that the judiciary possesses the broadest powers to enforce the constitutional assurances of equality, should now discover nonexistent barriers to executive action."

But there was even a more dramatic rebuttal to Mr. Kennedy's untenable view of the law. Two days after his statement to the NAACP delegation, FBI agents arrested three white Mississippians for threatening to injure COFO personnel who were distributing voter registration literature in Itta Bena. The defendants were charged with violating Sec. 241 of Title 18 which prohibits conspiracies "to injure, oppress, threaten or intimidate any citizen in the free exercise of any right or privilege secured to him by the Constitution or laws of the United States. . . ."

Sec. 241 is one of the very civil rights criminal statutes which the federal government was "authorized and required" by the Reconstruction Congress to enforce. It is a consummate tragedy that the first recent use of this appropriate law in Mississippi had to be generated by three highly publicized murders. As one writer has just put it, "implementation of this Federal law at an earlier stage might well have averted tragedies and saved lives now bitterly mourned."

THERE ARE, OF COURSE, a number of other statutes which require marshals, FBI agents and other federal officials to enforce the various civil rights acts. The Reconstruction Congress, however, was careful not to put all of its eggs into one basket. It also provided that the Judicial Branch should share in the responsibility for protecting the lives and property of southern Negroes.

In 1866, it enacted a statute which is now known as Sec. 1989 of Title 42. This law provided for the appointment by federal judges of as many special United States Commissioners as were necessary "for the arrest and examinations of persons charged with [civil rights] crimes." The commissioners were given extremely broad powers. "The persons so appointed shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged . . ."

Senator Trumbull, who was the bill's floor manager, explained its purpose in unequivocal language. "With a view to affording reasonable protection to all persons in their constitutional rights of equality before the law," he said on January 12, 1866, "it is to be the duty of the . . .

courts, from time to time, to increase the number of commissioners so as to afford a speedy and convenient means for the arrest and examination of persons charged with violation of the act." Although President Andrew Johnson condemned the bill as being beyond the authority of Congress to enact, it was passed over his veto. The statute remains in the code.

Indiana's Senator Lane clearly saw why such a statute was absolutely necessary. "Here is a justice of the peace in South Carolina or Georgia," he said. "They appoint their own marshal, their deputy marshal, or their constable, and he calls upon the posse comitatus. Neither the judge, nor the jury, nor the officer as we believe is willing to execute the law. We should not legislate at all if we believed the State courts could or would honestly carry out [the law], but because we believe they will not do that, or give the federal officers jurisdiction."

Sec. 1989, which has never been repealed, was originally part of a legislative package entitled "An act to protect all persons in the United States in their civil rights, and furnish means for their vindication." In addition to providing for the appointment of special commissioners, it can also furnish the supportive basis for an anti-violence injunction. Since the Justice Department often takes the position, untenable as it may be, that it cannot act in Mississippi unless it is seeking to enforce a court order, the latter can be obtained in a suit brought under this statute.

IT IS ABUNDANTLY CLEAR that there are a great many federal statutes and procedures available to cope with the situation in Mississippi. The Justice Department is just as aware of this fact of life as are the twenty-nine professors who took such sharp issue with Robert Kennedy's demurrer of federal authority. As they put it, "The Attorney General's position would be less misleading and therefore less perilous if he would acknowledge that the President today has power to act but believes that 'the police action' under Section 333 of Title 10 is inadvisable."

On June 25, 1964, one Justice Department spokesman told the *New York Herald Tribune* that his office could do nothing to protect the members of the Mississippi Summer Project. "This may sound cold-blooded," he admitted, "but it is not meant to be. But I don't see how they can make a case for us to provide bodyguards in Mississippi any more than we should protect people on the subways in New York City."

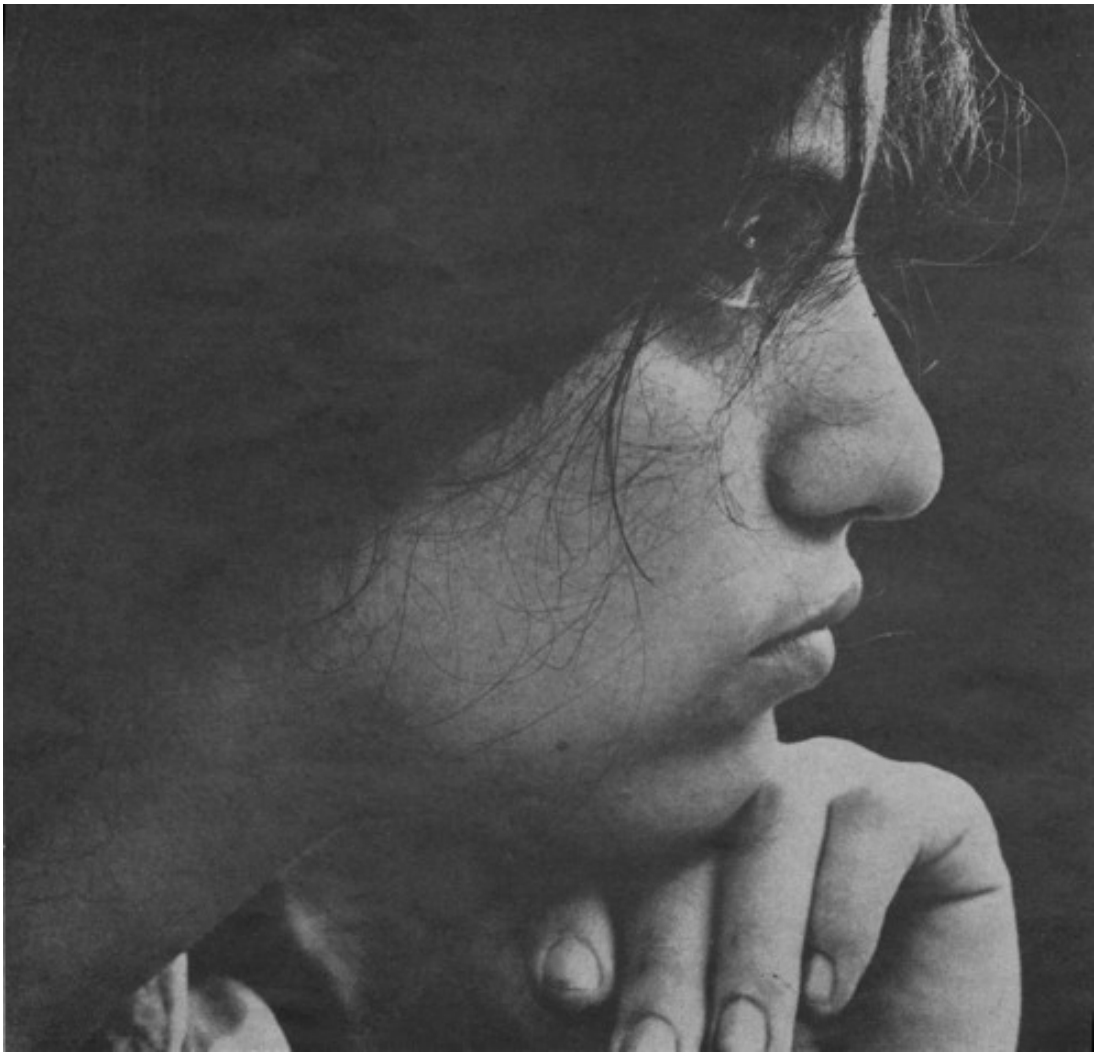
Despite such pious disclaimers of available power, it is beyond cavil that, where conspiracies to violate civil rights exist, or where violence has occurred or can be reasonably anticipated, there is ample authority for federal intervention. Ranging from the dispatch of state and federal troops to suits for protective injunctions, there is a whole range of legal remedies which belie every Washington claim of "nonexistent barriers." The power is there, it has only to be effectuated.

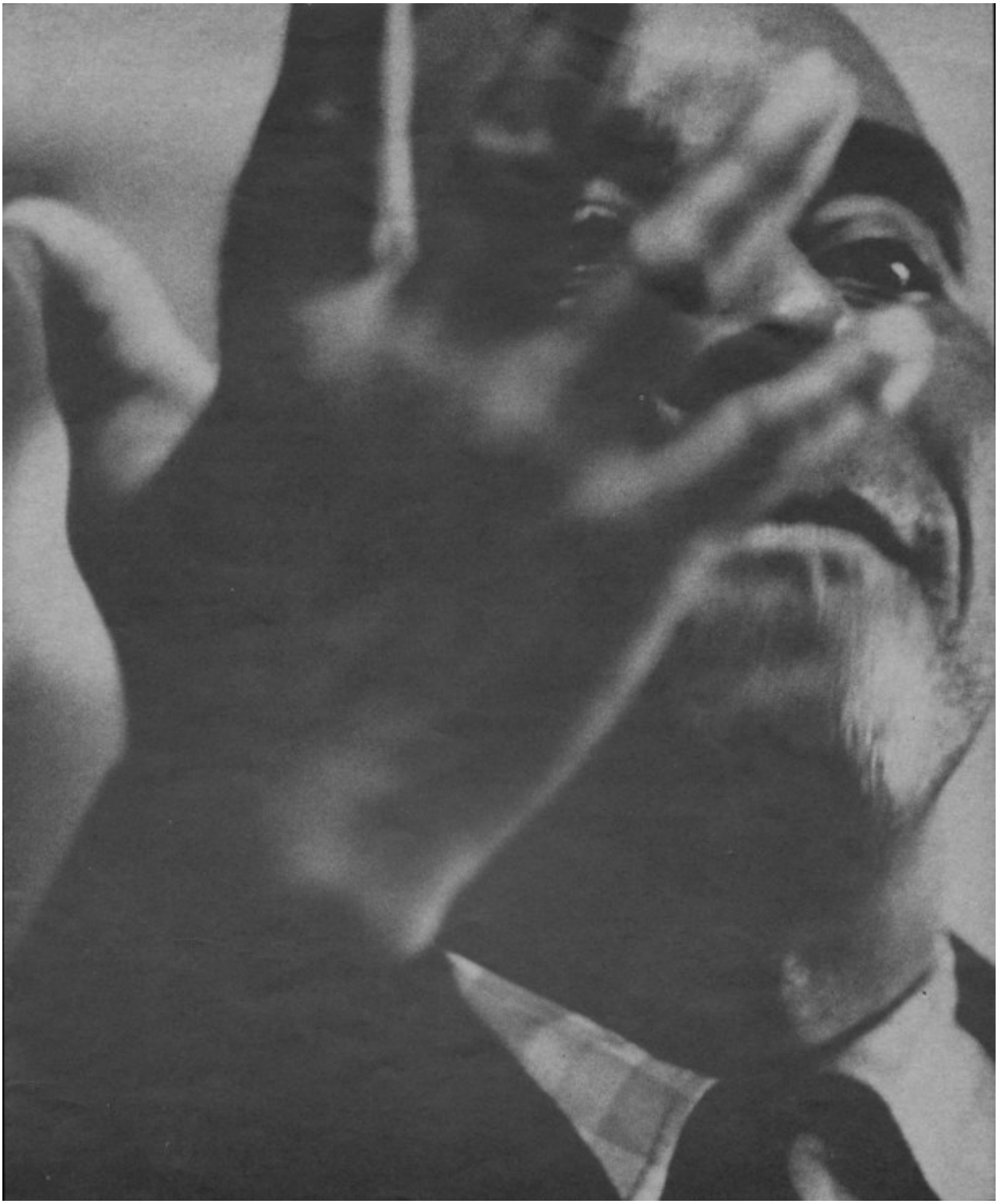
"It seems inescapable," Professor James W. Silver writes in *Mississippi: The Closed Society*, "that Mississippians will one day shed their fantasy of past and present, and will resume their obligations as Americans. In the year 1964, there is small reason to believe that they will somehow develop the capacity to do it themselves. . . . It cannot be long before the country, seeing that persuasion alone must fail, and perhaps acting through the power and authority of the Federal Government, will, with whatever reluctance and sadness, put an end to the closed society in Mississippi."

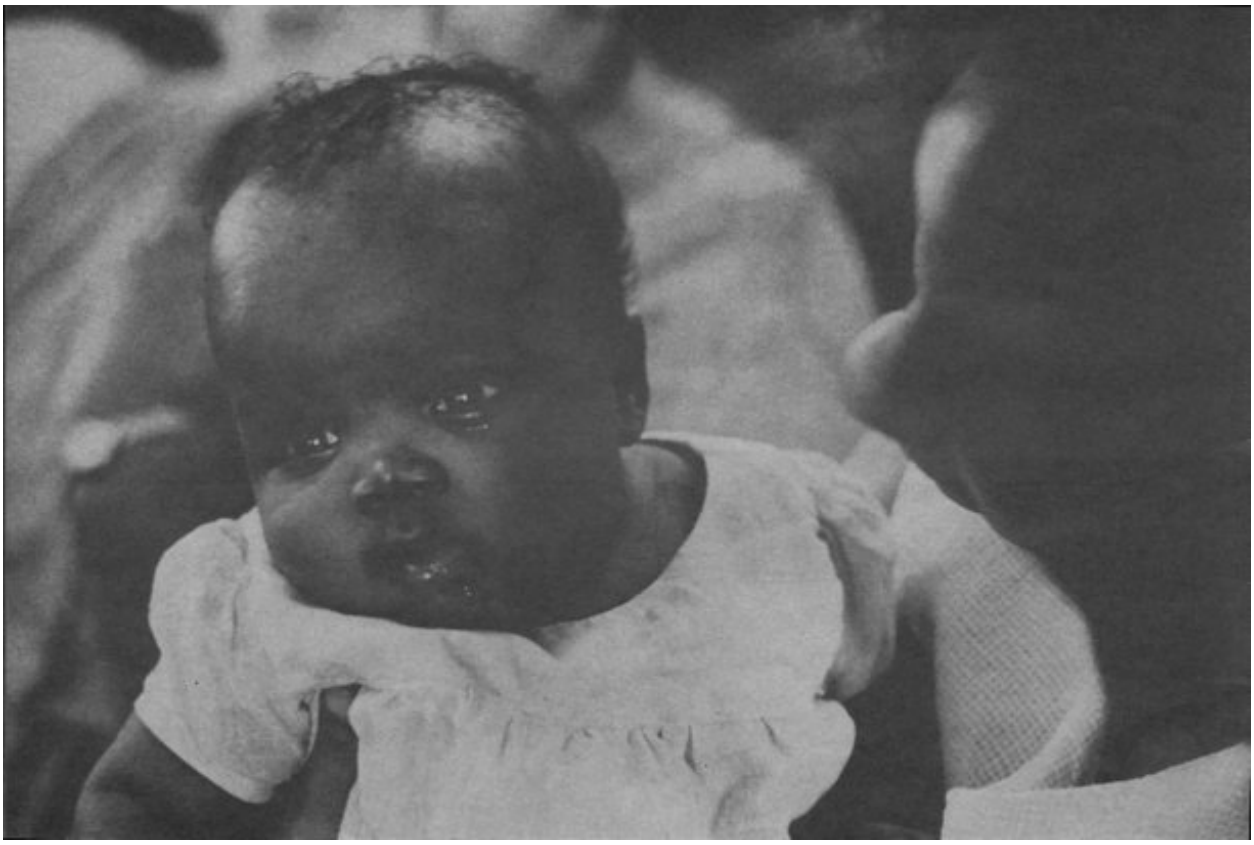
the faces of Philadelphia

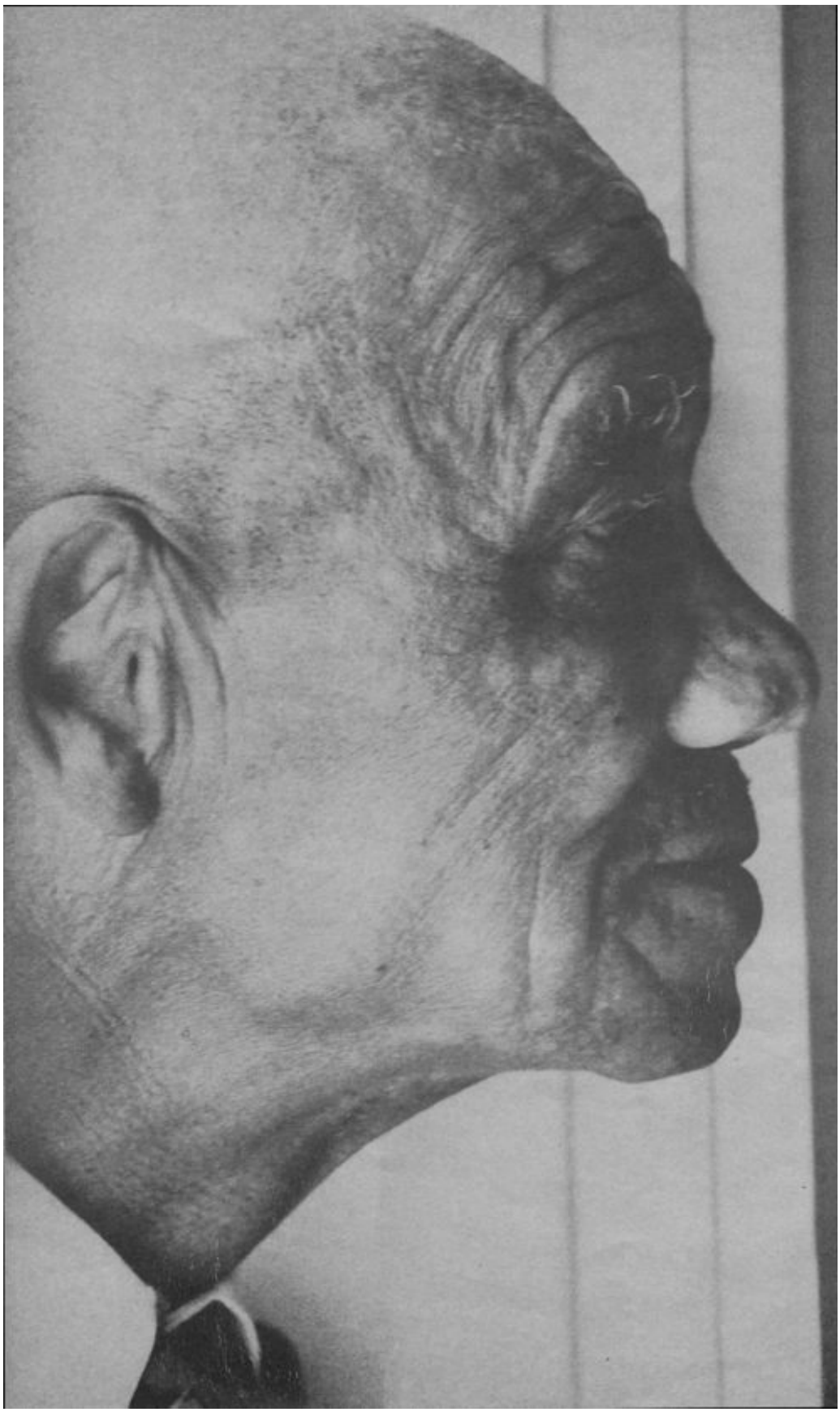
A PORTFOLIO

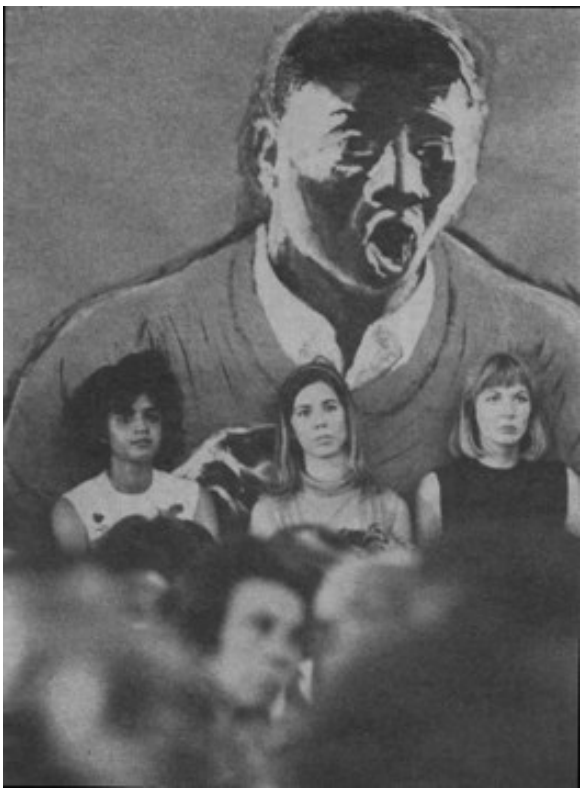
BY JIM MARSHALL

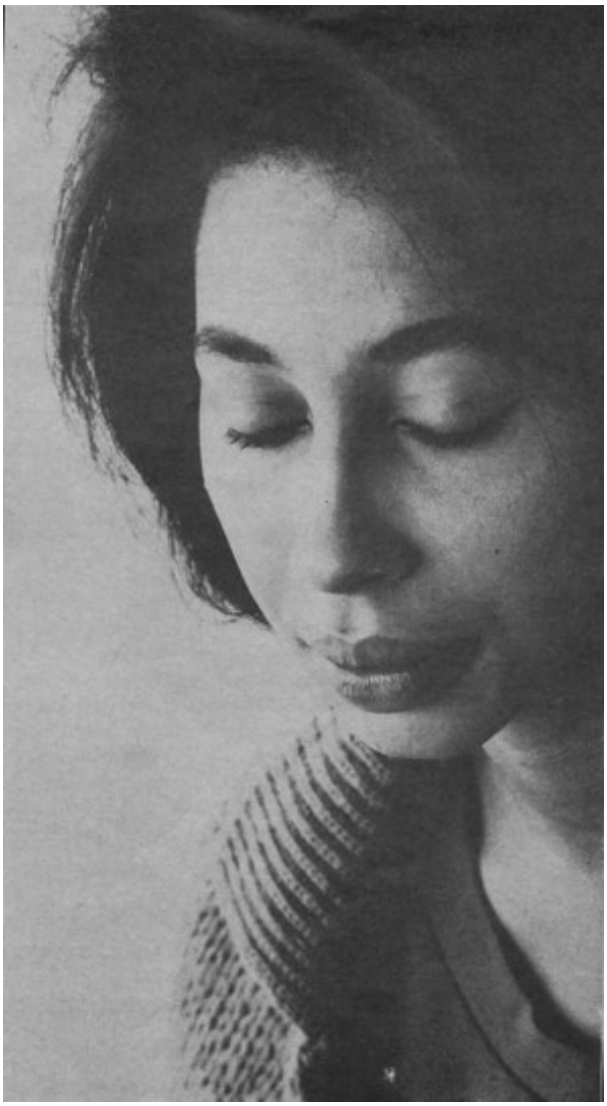












INTERVIEW WITH

DICK GREGORY

Q. *Mr. Gregory, where were you when you first received news of the disappearance of the three civil rights workers?*
A. I was in Moscow, Russia.

Q. *What were you doing in Moscow?*
A. I had been traveling through Europe with forty Japanese on a Ban-the-Bomb Mission and I had been in Russia for two days. We were setting up conference with the Russian Peace Mission there and when I heard the news.

Q. *How did you hear the news?*
A. Through a UPI reporter in Moscow.

Q. *And what did you do after you heard the report?*
A. I rushed to the airport and got on a jet, flew to London; I left Moscow at 8:30 a.m. and got to London at 10:30, got to New York at 1:00 o'clock, and Chicago at 3:00 o'clock and was in Jackson, Mississippi, that night.

Q. *Who was your prime contact once you hit Mississippi?*
A. I went to the COFO office in Jackson. From there we drove to Meridian where Jim Farmer, the head of CORE, had already arrived.

Q. *What day did you arrive in Jackson, Mississippi?*
A. Tuesday, the 23rd of June, two days after the disappearance.

Q. *When you were traveling in that immediate area, what was the emotional climate?*
A. I got to Mississippi at night. I didn't talk to anyone but the kids from COFO and they just knew that the three were dead. I didn't really see anyone until I got into Meridian and since Chaney was from Meridian, the climate was very high among the Negroes.

Q. *Were the Negroes at that time just about unanimous in their opinion that the three civil rights workers had been killed?*
A. Oh, yes. They knew without a shadow of a doubt that they had been killed.

Q. *What did you do in Meridian?*
A. I met with Jim Farmer and we tried to figure out an angle

Q. An angle for what?
A. To get to talk to Sheriff Rainey. A search party had gone out the night before and we realized that this was our angle. We got enough cars together and we went out on the highway from Meridian to Philadelphia. We were followed by the cops of Meridian. We were followed on the highway by the local police of the various counties we were going through until at one point we were met by about 150 state police. They stopped our caravan.

Q. *How big was the caravan?*
A. About 16 cars.

Q. *What happened when those 150 police stopped you?*
A. I went up front of the caravan where they were telling us that they were having an investigation and that we could not search -- which was good because now we had a stick to make a deal with. They agreed to let some of us talk to the sheriff and the deputy sheriff if we agreed to keep the kids out in the cars until we got back. We agreed to that. So they picked a few -- there were about four of us who went in -- and they set the meeting up. We went to the sheriff's office in Philadelphia. We walked into the sheriff's office and they explained to us that they were very busy, that they were in the middle of an investigation and that all they could give us was thirty minutes. Well, I thought it was kind of strange that they would even see us.

Q. *Why did you think it was strange that they would see you?*
A. Because no Mississippi law enforcement agency -- no law enforcement agency in the world -- would see anyone not connected with the case when they are in the middle of an investigation. So the fact that they would see us meant that they were afraid of something. So we went in and sat down and --

Q. *Excuse me, who from the sheriff's office was in this meeting?*
A. That's what I'm coming to now. After about 20 minutes, they brought us into the room. I figured they were getting everything together. It was very strange; there was Rainey, Price, and Chief Investigator of the State Highway Police, another fellow I don't remember now and the City Attorney. It was very interesting. The City Attorney did all the talking. He said he didn't have anything to do with it and that he wasn't mediating anything.

Q. *This was still in the period when the three kids had only disappeared?*
A. Yes. The sheriff was asked what had happened and he said that he had arrested them because they were doing 75 miles an hour. I brought it to his attention that if you were doing 75 miles an hour, by the time you got caught, the town being so small, you'd be in another county. So then Deputy Sheriff Price said that he was the one who had arrested them.

Q. *First Rainey said he arrested them, then Price said he arrested them?*
A. Yes. They said, "You're right, they weren't going that fast. They were doing 65 miles an hour and it wasn't in town. It was outside of town.

Q. *It was Rainey who said it was outside of town?*
A. Yes. They looked at one another, and they looked at the City Attorney. Then I noticed that for every question we asked them the City Attorney would butt in and almost explain to them how they had to answer. This was when I was aware that these men knew far more than was being said. And I smiled and I told Jim Farmer, "Let's go, we've got all we need." They got kinda shook up at the thought that we didn't use up our thirty minutes time. On the way out, I told Farmer, "Jim I've got the wildest idea." He said, "What?" I said, "You know, the only way we're gonna get it out is with large sums of money. If you'll put up $ 100,000, we'll break this case in one week." It was then I found out that CORE was broke. That's when I decided to do a 30-day tour.

Q. *This was a 30-day tour to raise money for CORE?*
A. Yes. I decided it was too good an idea to let go. I honestly believe that if there had been $100,000 up, there would have been a lot of changes in the case by now. I had to borrow some money so I borrowed $25,000 from Hugh Heffner as a reward. I announced it that night before I left Meridian and things started happening the next day.

Q. *After you left the meeting, you went back to your car and then drove back to Meridian?*
A. Yes. We told the sheriff we were going back to see the church that had been burned. He said he would take us by. When we said we wanted to take the whole caravan, he said that wouldn't be possible. So we decided we would just go back to Meridian. We turned all the cars around and went back to Meridian.

Q. *It was at Meridian that you made your public statement offering the reward?*
A. Yes. I had discussed it with Farmer after we left the sheriff's office. I had to make various calls. I called Joe Glaser first and I couldn't get in touch with him. (Joe is the president of Associated Booking and also is my agent in New York.) Then I called Hugh Heffner and he gave me the money just like that over the phone. I told him I would iron out the details when I got back into Chicago. I made the announcement that night that $25,000 was up. I knew that there were some big people involved in this and I sincerely believe that $100,000 would have made a whole lot more people talk. $25,000 made a lot of people talk, but $100,000 would make them double-cross one another.

Q. *So, after making your announcement in Meridian, you went back to Chicago?*
A. Right.

Q. *Have you been down there since?*
A. No, we have had researchers down there. They have never left. They have stayed down there the whole time just to get information.

Q. *As of this date the murderers have not been arrested nor have they been tried for the murder of the three civil rights workers. Has the FBI received all the known information about this case?*
A. Oh, yes. They have all the information that's known.

Q. *They knew that the boys had been murdered. Did any of them have any idea at that time where the bodies were?*
A. No.

Q. *How did they find the bodies?*
A. I don't really know how they found them. I received a letter quite some time ago that practically pinpointed the spot where the bodies were found. I gave this letter to the FBI and the FBI denied that the letter was any good. But they never denied the location stated in the letter. I question, with the location stated in the letter being so close to the location where they found the bodies, why it took three weeks to find the bodies and dig them up. Incidentally, they never brought the sailors back into that area to search so I would say that they know a hell of a lot down there. It sort of looks like the FBI has been going out of its way to gather information to clear the FBI rather than to solve the crime.

Q. *What more could the FBI do than aid in the discovery of the bodies?*
A. It's not so much what *more* the FBI could do. It's what they have not and are not doing. You know, this whole business is crazy. If these Mississippi white Klansmen, who do not know how to plan crimes, who are ignorant, illiterate bastards, can completely baffle our FBI, what are all those brilliant Communist spies doing to us? A plane crashes and two weeks later the FBI patches up that plane so good that United can damn near use it again. *And* know exactly how it happened, *and* who did it. Do you mean to tell me that the FBI ,can't go into the South and make arrests for racial killings that were not planned, which were not done by clever people? Frankly, I think the FBI is lying and hiding.

Q. *Why would the FBI be lying and hiding?*
A. I think the reason is political. I don't think Hoover has much love for the Negro. When the Negro can have an uprising in New York, and without being asked, Hoover can send his FBI agents into New York, while be isn't too stuck on sending them into the South, then I have to blame Hoover, the head of the organization. I think many crimes could be solved if Hoover handled them differently. I think Hoover handles these things the way be wants to handle them. Hoover, and a lot of others, could be worried about public reaction since a law enforcement agency is involved. Americans might demand that federal troops go in, and no politician is about to send troops into any state this close to an election. A statesman would, but not a politician.

Q. *Then you think the decision not to take strong FBI and other federal action in the Philadelphia case can be attributable somewhat to the President?*
A. Yes. I think the proof is clear. About two and a half months ago the President said that some arrests would be made soon, but there have been no arrests made yet. I don't know what LBJ calls soon but I just figure that someone has advised him against allowing arrests to be made.'

Q. *Do you anticipate that after the election, assuming Johnson is elected, there will be some action in Philadelphia?*
A. I think there will be.

Q. *In the case of the three civil rights workers was there at least one witness other than the killers?*
A. Yes, there is one witness. One fellow who actually hid in the bushes and saw everything

Q. *And he was able to identify the people involved?*
A. Oh, yes. He knew exactly who was doing what.

Q. *Does the FBI have this information?*
A. They have it, but I don't know if they're going to use it or not.

Q. *Is this witness still alive?*
A. Yes.

Q. *Would you like to make a. statement of your own regarding the murders of the three civil rights workers?*

A. Yes. I feel that the President of the United States and the FBI are making a big mistake in playing politics with this case. They have embittered Negroes and I would say that if mass rioting breaks out in America you could attribute a lot of it to President Johnson's handling of this case. If the murderers had been arrested the Negro would still have faith in the government. However, nowadays when the FBI is mentioned it is a joke to us. This is an organization that not too many months ago was held in high esteem by most Negroes. I think the President has caused a great injustice to fall on America because the world has watched, and the world knows that this sort of thing would not be tolerated anywhere else in the world. We go all over the world trying to free people; we tell the South Vietnamese how to act; we tell East Germany to drop the Wall. Dr. Martin Luther King went to East Germany and told them to drop the Wall, but we can't even get a Wall dropped over here. No one else on the face of the earth today is blowing up churches and getting away with it. We all know that if a Negro would blow up one church any place, the FBI would not sleep until they brought him in. So, this proves to me that the FBI is not only a very vicious group, but also shows that the FBI, as far as the Negro is concerned, is a second Ku Klux Klan.

Q. *What do you think would happen to the case of the three civil rights workers who were murdered and the entire civil rights movement if Senator Goldwater were elected President?*
A. I don't know what would happen to the case in Mississippi if Goldwater were elected, but the handling of it couldn't be any worse, that's for sure. As far as the civil rights movement is concerned, that's another story. You see, there comes a point in life whenever you have a thing like this revolution here -- it isn't a revolution of black against white, but a revolution of right against wrong -- where nothing more can happen to hurt you. Nothing can hurt us because we have a pat hand. If Goldwater got in, Goldwater would help us, because for the first time in this country he would bring 22 million black people together. And, man, to anybody who can do that I tip my hat. Goldwater would plug the loophole door in the White House where Negroes have been slipping in and out of, making deals. Once he closes that door, and no Negro can make a deal for another Negro, it's almost like plugging up a rat's hole. And any man who's had his rat's hole plugged up turns into a monster. America would have 22 million monsters here, plus all the good-doing white folks who would come out and commit themselves for the first time. If Martin Luther King were killed tomorrow, Negroes would come into the movement who hadn't been in the movement before. If Roy Wilkins were killed in the morning, if I were killed in the morning, Negroes would come into the movement who aren't in the movement now. So I say, why do we need Negroes killed? And good white folks killed in order to bring Negroes into the movement when Barry Goldwater's getting into the White House would get us all in the movement? Barry Goldwater could not hurt us at all. In no shape, form or fashion.

the tip–off

JOHN HOWARD GRIFFIN

THE MURDER OF the three young men in Mississippi follows the same pattern of racist dehumanization we have seen before and since. A group of men, some of them in responsible positions, deliberately planned and coldly executed these murders. They even added the usual sadistic fillip of beating the Negro member of the trio.

Not all of it can be told yet. Much cannot be told, because other men, equally dehumanized by racism would kill again in reprisal, blindly, senselessly. We are counting human lives now.

Last year in Mississippi alone we had sixty-nine atrocities that we know about. Fifty-five bombings have occurred in Alabama. Now an average of two churches a month are destroyed in Mississippi, and there have been only occasional token arrests.

These killings and burnings are not isolated accidents. They are the products of generations of racism. They flourish in the climate of permissive violence.

In Negroes' homes one hears the talk. Men are shot and coroners call it death by heart failure. Men are found dead beside roads and police call them victims of hit-and-run drivers. Always Negroes are the victims of these gunpowder heart failures and hit-and-run drivers. But just telling it isn't enough. You have to be in these homes, see the faces ravaged with grief, hear the peculiar deadness of voices as when a young lady said, "We couldn't even count the bullet holes in my brother's head -- but they called it heart failure."

How many of these killings can be checked out? Who checks them out? Negroes will not talk to strangers. Reprisals come too easily. It has to be someone Negroes know and trust: a James Farmer, Dick Gregory. You have to run in and work fast because these are police states. The police soon get on your tail and then harass anyone you visit. The police are part of the racist Establishment. It is difficult to present evidence, because someone with a name gave you the evidence. He will be killed if you leave any trace that can lead back to him. Perhaps others bearing his name will be killed. A young doctor in an Alabama hospital warned a new hospital patient: "Gibbs? Are you related to the Gibbs? In this town we kill any nigger that's got that name."

But some of us try to check them out and document them. One or another of us runs into the "bad areas" whenever an atrocity occurs. At best though, we do not cover more than ten percent. We do this because local authorities and newspapers either ignore the events or distort facts beyond recognition

* * *

WE SAT AT A side table in a San Francisco night club, "The Hungry i" when Dick Gregory was fulfilling an engagement. I had just seen him perform, sitting on a stool under the spotlight. Now he leaned across the table in another room, a different man, his eyes softened by the anguish of our subject. I was going into Mississippi to see about the three missing students. Dick Gregory had just come from there. He knew already that the three young men were dead, that they had been killed within 24 hours after the police picked them up in Philadelphia, Mississippi. He whispered rapidly. "Take these phone numbers. If you make it to Meridian go to a pay phone and call. When they answer, tell them you want to thank them for sending the camera. That way they'll know you've been with me."

The cave-like odor of the underground room surrounded us as we discussed ways of getting in to Meridian without the usual police harassment. The message needed to be taken. There was at least one witness in hiding. We could not telephone long distance because operators simply listen in and then tell anything of importance. Mr. Gregory told me of the disguises he used to go in. I think few people in this land realize how difficult it is to circulate in a police state.

"At least try to get them the name of the tip-off man," he urged. "He's trusted. He mustn't find out anything more. He's the one who telephoned to Philadelphia and told the police the three were on their way and to pick them up."

The picture came clearer as I listened. This killing had been carefully planned. Men in America had met together and decided to take lives -- two whites and one Negro this time.

A waiter approached. Mr. Gregory waved him away.

"But how're you going to get in, baby?"

"God knows," I sighed. "The last few times I went in, the police were following me after only a few hours."

"They're checking everybody now. Why don't you go to Memphis -- get a car. Wear that black suit you got on. They might figure you for a Justice Department man."

"Yes, but if they should start quizzing me, I'd let the cat out of the bag. I never can think up plausible answers. I've got friends in New Orleans. I think I'll go there. Maybe I can get Jack S. to go in. He's got a valid reason for traveling in Mississippi. We'll figure something."

"Well, if you go from New Orleans, be sure you've got enough gas to get to Meridian. If you stop for gas on the way, the filling-station people are likely to start quizzing you. If you can't give good answers, they'll telephone your license to the Highway Patrol. If the police start following you, might as well give up and get out."

"You're sure they're dead?" I asked, hoping he might have some doubt.

"They were dead by two that first morning," he said.

"Bastards," I groaned.

"Chaney got it worse. They tore him up."

MR. GREGORY'S eyes were red-rimmed as though he had not slept. I sensed in him the same burden of disbelief and despair that I have felt so often these last years. I wondered bow he could control himself sufficiently to make any attempt at humorous performances so long as he possessed his tragic knowledge.

* * *

Every trip into Mississippi is filled with tension and fear. But this one approached terror for me. I was certain I would not succeed, filled with the premonition that I would never reach my goal. And yet human lives depended on it. The word had got out that if the police picked up Dick Gregory, he was not to live. The same probably held for anyone else in those days of explosive tension. I was known and loathed in the area, and I have recently on national television called for a federal take-over of police departments in Mississippi, so my face had been seen and I risked being recognized. As I moved through the darkness I felt the same sickness of terror that I had felt in Nazi Germany in 1939 when I worked to smuggle Jewish refugees out. The surrounding evil then and now was too great. It had corrupted too many men's hearts.

* * *

On Wednesday, I was able to telephone that the word had been carried. The endangered lives of some were temporarily safe-guarded. The tip-off man would never again be trusted.

Mississippi Autopsy

DAVID SPAIN, M.D.

THE PHONE RANG about 1: 30 a.m. I had just gone to sleep, after a restless hour in bed conjugating four days of utter failure to get my outboard motor running, and I walked half-asleep down the dark hallway to the telephone, certain that it was a wrong number. The phone doesn't ring too often at our summer home on Martha's Vineyard Island, and I was as surprised by the post-midnight call as I would have been if I looked out the window and saw my ailing outboard motor running around by itself in the bay.

The operator said Jackson, Mississippi, was calling.

The man on the wire was Dr. Charles Goodrich, a New York physician who was spending his vacation in Mississippi giving medical aid to civil rights workers as a volunteer for the Medical Committee for Human Rights.
"Dave, can you get down here, right away?"

"To *Mississippi?*"

"Immediately. The autopsy for those three kids is scheduled for tomorrow, and the attorneys for Mrs. Chaney and Mickey Schwerner's family want an expert pathologist at the examination as an independent observer."

I had been horrified by the newspaper accounts of the discovery of the bodies of the three young civil rights workers. I would do anything I could to help. Goodrich said he had verbal permission for me to observe the autopsy. People in New York were working on a way to get me from the little island off the coast of Massachusetts to Mississippi by lunchtime. "You find a way to get me there, and I'll go," I said.

Then I went back to bed and waited.

AT 3 A.M., THE PHONE RANG again. There is a small airport on Martha's Vineyard Island. I was to be there at 7 a.m. A special plane would take me to Kennedy International where I could catch a 9:15 a.m. right to Mississippi that would get me into Jackson fifteen minutes before the autopsy was scheduled to begin.

When I went back to sleep this time, I had forgotten about my outboard motor.

It was still dark when we got up and my wife drove me to the airstrip. But there was no small plane. Instead, we got a phone call from the pilot. He couldn't get *his* motor started. I told him I knew just how he felt, and put in a call to Jackson to tell Goodrich that things looked pretty hopeless. The only scheduled flight from the island into Kennedy was at 10 a.m., too late to

make the morning plane to Mississippi, and the next flight for Jackson left at 4 in the afternoon from Newark Airport.

As I waited in the telephone booth for the operator to get through, my feelings were mixed. I was relieved at not having to interrupt my vacation, and I hadn't particularly looked forward to the reception an alien white man can get in Mississippi. But I was disappointed, too, because I wouldn't have a chance now to do something that might help find the murderers of those kids. Goodrich, when he came on the phone, resolved my ambivalent feelings for me.

"Get down here anyway. Take the late plane. There's something funny going on about this business. I think we may be able to arrange for you to examine the bodies later. It may all be a wild goose chase, but let's try."

I said goodby, and then told my wife that I was going to Mississippi, after all.

I HAD EIGHT MINUTES to spare at Kennedy airport before catching a helicopter to Newark, so I talked a barber into giving me perhaps what is the fastest haircut on the books. I saw myself in the barber shop mirror, and cried a little. My vacation wardrobe at Martha's Vineyard Island consisted of an eclectic assortment of well-broken-in loafing clothes, and I had dressed for my mission to Mississippi in battered sun tans, a sport shirt, and a faded blue denim sailing jacket. In a burst of insecurity, I had the bootblack shine my shoes. On the way out I bought a white shirt and tie and put them on, which provided a dapper foil to my dirty tans and denim jacket. I could guess what proper Mississipians would think of the 'Medical Examiner from the East.'

The Newark plane left on time, and I had just unfastened my seatbelt when I heard a man across the aisle tell the stewardess to let him know if "she ran across anybody named Spain." I answered up, and he introduced himself as Dr. Aron Wells, who is the chairman of the Medical Committee on Human Rights. He was traveling, by coincidence, on the same plane and had heard from Dr. Goodrich that I might be aboard. I moved across the aisle so we could chat and we soon became good friends. Dr. Wells, an assistant professor of medicine at Cornell, was one of the organizers of the medical committee, which was set up on an emergency basis when physical violence became standard operating procedure against civil rights workers in Mississippi. The committee sent over 100 doctors and nurses to work in the South this summer, and is now a permanent volunteer organization. The committee, Wells said, is now expanding its operations beyond medical care to areas including a study of the effect of discrimination on the health of Southern Negroes, investigation of cases where federal funds might be used in segregated medical facilities, and surveying the public health problems of Negroes -- something largely neglected in the South.

The plane made a scheduled stop at Birmingham, and the stewardess soon came down the aisle and told us that one of the engines wouldn't turn over for the takeoff and there would be an indefinite delay. I told her to tell the pilot that I knew just how he felt, and Dr. Wells and I went out for dinner.

The restaurant in the Birmingham airport is modern and attractive in an eleemosynary fashion

and I suggested we try it. Dr. Wells hesitated. "Do you think it's wise?" he said. "Do you think it will be ok?"

Dr. Wells is a Negro.

I found myself embarrassed at his embarrassment, and I said that airports were now legally desegregated so I didn't think there'd be any trouble. Our uneasiness ebbed away after a couple of drinks and a good dinner. The waitress, who spoke in a syrupy Southern drawl, was extremely gracious and attentive and as we got back onto the plane I began to wonder if my preconceptions about the South might be a lot worse than the reality. It didn't take long in Jackson to find out that they weren't.

IT WAS DARK when we landed at the Jackson airport. I suggested that we take a cab to the hotel, but Dr. Wells said, very quietly, "No, I don't think we'd better." I looked at him and I saw in the pain and fear and dignity in his eyes what he meant without him saying anything further: After dark in Mississippi, it is poison for a Negro and a white to be seen on the streets together. It is doubtful that there was a cab driver in the city who would have dared to pick us up. Dr. Wells called the medical committee headquarters, and a car was sent out for us.

We were driven to the Sun and Sands, a modern, glass front hotel with a central patio and pool; it is desegregated and a frequent stopping place for representatives of civil rights organizations.

I got my first hate stare in the lobby. The stare is an almost instinctive reaction of Mississippians who see a white man, especially a "foreign" white man, with a Negro. My felony was compounded because I asked for a room with one. Dr. Wells had planned to spend that night with a local Negro minister, but when we got into town after dark I suggested that he stay with me. When I told the girl behind the desk I wanted a room for two her head snapped back as if I had jabbed the ball point registration pen into her stomach.

"You two?" she asked. Her voice was a tempered mixture of incredulity and disgust.

I finished filling out the registration card. Her hand hit the page for the bellboy as if the metal bell were a slug she was trying to brush away.

The first thing Dr. Wells said after the bellboy left the room was "What do you think is the best thing to do if somebody throws a bomb in the room." He said it very seriously, and it took me a few seconds to realize that he wasn't kidding. "Do you think we should run, or try to throw the thing out before it goes off? I've been thinking about this for some time," he said. I said that I had no experience with something like that, but that I imagined it would be best to run into the next room. As I answered him, I found myself wondering at the sound of my own words -- wondering what kind of a never-world we were in that we were seriously discussing bombs.

Dr. Goodrich called, and asked us to come down to the room of John Pratt, and upstate New York attorney who was representing the Lawyer's Constitutional Defense Committee in Jackson. Pratt was handling the arrangements for the autopsy. I wasn't prepared for the scene in Pratt's

room.

WHEN THE DOOR SHUT, I thought I was inside the headquarters of a battle battalion. Pratt's small room seemed filled with people -- I counted at least ten -- all moving and talking at the same frantic pace. One young man was in a serious phone conversation, another was pacing the floor, several others were studying documents that looked like legal briefs and some others picked in lacklusture fashion at food that had apparently just been brought in. Three men suddenly rushed out the front door, and it had barely closed when two other men and a girl came in. Pratt was in the middle of all this consternation, a tall, wirey man in his early 30's, talking, laughing occasionaly, issuing instructions and occasionally taking a bite out of a cold baked potato sitting solitare in a plate on top of the bureau.

The girl walked up to me. She was pretty, barely into her 20's, and looked like she might have been out cheering, the Beatles the night before. There was no smile on her face, and her voice was even and emotionless.

"Here is your orientation packet, Dr. Spain."

She handed me a large manila envelope. That is given to all volunteers who come into Mississippi. I read the papers inside with a growing sense of uneasiness. An "orientation sheet" listed typical problems civil rights volunteers encountered in Mississippi and suggestions to avoid them. One page was a memorandum of various psychological problems that some civil rights workers faced -- like the need of some white to mentally "become a Negro" before they could adjust to working there, or the tensions and misunderstandings that at times developed between white men and Negro women, and vice versa, who worked together.

There was also a list titled "Security Regulations." I was to always let committee people know where I was going, was not to be out on the streets alone at night, and should report my whereabouts to headquarters every three hours when I was away from the hotel.

The girl gave me a list of phone numbers to call if I was arrested ("You might be arrested at any time that you're on the streets") and asked me for a friend they could call if I had to make bail.

Then, for the first time, I felt the full shock of the monstrous implications of what was happening in Mississippi. Up until this time, I was thinking of the trip, though made under extraordinary circumstances, as just another assignment. Suddenly, I had an entirely different perspective. It was hard to rationalize the possibility that I could be arrested, that I might be in physical danger -- just because I was in Mississippi. It was like being in the middle of a war game -- only the other side was shooting real bullets.

PRATT BRIEFED ME ON THE SITUATION. He had been trying frantically to get permission for me to examine the bodies, but had met one legal roadblock after another. The official post-mortem examination had been made that afternoon, but the authorities decided not to allow any independent observers as witnesses. Pratt's staff spent the day gathering all the affidavits and

notarized documents that the authorities required for permission to examine the bodies -- but each time they filled one request, another took its place.

Pratt was forced to take a heart-burdening step. He asked Mrs. Chaney, the mother of one of the slain boys, for permission to have her son's body examined by me as soon as the body was released to her by the authorities. She agreed without any hesitation. The Neshoba County District Attorney then promised Pratt that when all papers were in order he would sanction the release of the body to Mrs. Chaney and we could get on with our grim task.

Finally, at 1 a.m., the last of the legal papers were stacked neatly on Pratt's desk. All that was left to do was call the District Attorney and have him authorize the Director of the University of Mississippi Hospital where the autopsy had been performed to release the body of James Chaney to Mrs. Chaney and to us for examination. The District Attorney, Raiford Jones, had given Pratt his home telephone number. Pratt put in a call to the D.A. When he put down the receiver a few minutes later, his thin face was hot with the fever of frustration.

"The operator says the D.A.'s phone is out of order and will be out of order for 24 hours."

Pratt asked the police in Philadelphia, where Jones lives, to go out to his house and deliver the message. He made the request half-heartedly. The police didn't call back.

Before I went to bed I read carefully the accounts in the late newspapers of the post-mortem examination that had been made on the boys that afternoon. The examination was conducted, the story said, by a private pathologist ostensibly appointed by the coroner, the University of Mississippi Pathology Department, and the FBI. The report said that the bodies were badly decomposed, that all three boys had been shot, Schwerner and Goodman once and Chaney three times, and that there was no other evidence of mutilation or bodily injury. It also said that Chaney's wrist had been fractured by a bullet.

This report was quickly dispatched by the wire service. The impression given nationally was that a meticulous examination had been made of the deceased under the supervision of university pathologists and the FBI.

But the report just didn't make good medical sense to me. The statements that the bodies were badly decomposed and that there was no evidence of mutilation or other injury were contradictory -- if the bodies were badly decomposed, it would be extremely unlikely that an official determination could be made as to the extent of bodily injuries. The maddening technicalities that kept me from examining the bodies left me angry. I began, in a solemn mood, to look forward to my sad task the next day.

DR. WELLS AND I WENT down to the hotel dining room for breakfast the next morning. The hostess sat us at a table directly in front of the door, and after some discussion she reluctantly moved us further inside the dining room. That, I guess, was a mistake. The table next to us sagged under a giant weighing somewhere between 300 and 350 pounds with a bright red sunburnt neck the breadth of a miniature saddle. He was hunched over the table, which was

heaped with a fantastic assortment of food which I believe represented every entree on the breakfast menu: stacked pancakes, ham, several fried eggs, sausages, hominy grits, hash brown potatoes -- and a medium-sized breakfast steak.

Both his hands were moving at the same time towards his mouth in a remarkable exhibition of physical coordination. Between shovels, he happened to glance over at our table. He was thunderstruck. His hands hung, motionless, in mid-air. He stopped chewing. He stared at us in complete disbelief. He seemed unable to comprehend that a white man and a Negro were actually sitting together at a table across from him.

He jerked his thick neck down toward the plate and tried to go back to his food, but he couldn't stop staring at us. He would concentrate on eating, and almost immediately his head would snap back in our direction. This went on for at least ten minutes, with his head snapping up and down as if he were watching an indoor tennis match.

His hate stares were directed at me -- his eyes were sign-posts saying Hate -- I was a white man betraying his race because I was having breakfast with a black man. The "redneck" (this is, curiously, a slang term in the South for White Citizens Council types; in this case, it was also a physical description) finally gave up the uneven match with his attention and pushed back his chair like the Queen Mary leaving berth. He sidled out of the dining room.

I realize this man sounds like a caricature. But he was real. This is one of the incredible things about the unbelievable world of Mississippi: what most people regard as a caricature is real there.

But then, Mississippi is a mass of caricatures: Dr. Wells, a Negro, once beneath contempt from a Southerner's point of view, shares a room with a white man, despite the trauma experienced by hotel employees. Yet the same man can't share the hotel's swimming pool.

Whites in Mississippi sing the praises of America and its glorious traditions, then they go out and lynch their fellow Americans.

Dr. Wells left for the medical committee headquarters, and I walked out into the center patio and found John Pratt sitting in a deck chair beside the pool.

"Sit down," he said. "There's nothing to do now but wait."

The funeral director hired by Mrs. Chaney was on his way to Philadelphia, Pratt said, with all the papers necessary to effect the release of young Chaney's body. After presenting the papers to the Philadelphia authorities, he would drive back to Jackson, stop at the hotel for us, and then proceed to the University of Mississippi Medical Center where I could examine Chaney. The round-trip took about five hours, so we had nothing to do but wait until he showed up.

In the meantime, two COFO (Council of Federated Organizations, a broad front of civil rights groups) workers had taken up positions at the morgue entrance to make sure the bodies would not be removed without our knowledge.

IN RETROSPECT, IT SEEMS AMAZING how you can proceed with the ordinary pleasures of life in the midst of such a situation, but this is what we did. We went swimming, sunned ourselves at poolside, and chatted. The conversation was almost light-hearted -- a reaction, I think, against contemplating the grim job before us.

I told Pratt that I had brought a book with me. I was reading "Mississippi: The Closed Society." Pratt frowned. "If you plan to read that in the open, out here at the pool, I suggest you take off the dust jacket. These people around here are pretty touchy -- they don't like outsiders reading about them." I must admit that I felt rather silly, removing the jacket of my book. But I did it. I had decided to take the advice of Mississippi veterans on the best way to survive in that strange country.

I became aware that there were no Negroes in the pool. I asked Pratt what would happen if a Negro guest of this desegregated hotel went swimming.

"Oh, it's been tried," Pratt said. "But something always happens -- like the hotel management suddenly announcing that the filter system was 'not functioning properly' and it would be necessary to clear the pool for an indefinite period of time. The word gets around quick enough to the Negroes, and as far as I know no Negro has ever succeeded in swimming one lap in that pool."

"How did Mrs. Chaney take it -- when you talked to her about examining her son's body?"

I asked a question that had been in my mind since I heard about the bereaved mother's brave decision consenting to a second autopsy on her son.

"She was beautiful," Pratt said. "When I asked her, she said, very quietly, "I want everyone to know everything possible about what has happened." Then she added: "I know he could die only once, but if they did these awful things to him, this ought to be no secret. It is even more important now that the guilty ones be brought to trial and justice and be punished. God must forgive them; it is very difficult for me to do so."

The pressure on Mrs. Chaney to refuse permission was tremendous: Philadelphia was against it. Without her, we would never see the body -- the authorities in Philadelphia seemed decidedly unfavorable to a second medical examination. "Philadelphia is like an armed camp," Pratt said. "When I went there to see the District Attorney, he had to arrange for me to arrive in the city incognito. Unemployed white men -- they're called "Deputy Sheriffs" in Philadelphia -- strut around the center of town all day, displaying their gun holsters, on the watch for any "intruders." The atmosphere is murderous. Mrs. Chaney's a widow with young children. It took a lot of guts for her to sign those papers. Retaliation is easy in Philadelphia." *(Editor's note: Three weeks after she signed the consent for the examination, Mrs. Chaney's home was bombed and shot into.)*

PRATT WAS PAGED on the hotel public address system. When he went inside to answer the phone I browsed through a file of reports from field teams of the Medical Committee for Human Rights. I only had the stomach to read two of them.

The first report described extended treatment given a young Negro civil rights worker for fifteen or twenty burns scattered all over his body. He had been stopped by police in a small Mississippi town for questioning, and while they questioned him they jabbed lighted cigarettes into his flesh. The burns weren't treated, and were ulcerous and infected when the medical volunteers found the boy.

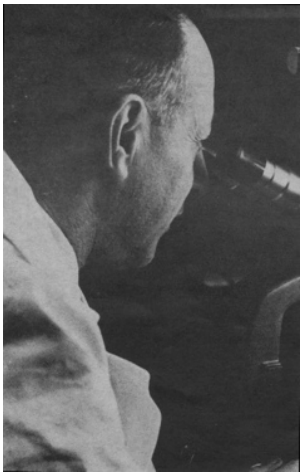
Another Mississippi town, a medical report said, had activated a local statute requiring any "stranger" entering the town to register at police headquarters -- as if he were entering a foreign country. The youth in the report had registered, but a policeman insisted that the boy come to the station to "check" his compliance with the statute. The boy's name was found on the books. The officer then told him to "run along," and in the same breath swung his billy club into the boy's groin with such force that the youth passed out. Surgery was later necessary to evacuate a blood clot (larger than an orange) created by the blow.

I was too depressed to read further. I have no reason to doubt the authenticity of these reports. After conversations with physicians who have been in Mississippi, I believe that incidents of this nature -- with varying degrees of brutality -- go on regularly and relentlessly every day of the week. They are too frequent to be considered "newsworthy."

In the Alice-in-Wonderland environment of Mississippi, the grotesque becomes matter of fact and the simplest idea can meet the strangest and most insurmountable obstacles. One pitifully sad case in point: Mickey Schwerner's parents and James Chaney's mother decided that they would like both their sons buried together in the Chaney family plot in Mississippi.

This just couldn't be done. The Negro funeral director for Mrs. Chaney did not dare to pick up the white boy's body at the University hospital. If he did, he feared some technical reason would be found for revoking his license. And the bereaved Schwerners were unable to find a white undertaker in Mississippi who would transport the body of their son to a Negro cemetery. They were forced to abandon the idea.

DR. DAVID M. SPAIN,
a nationally known pathologist,
is clinical professor of pathology at
New York Downstate Medical Center
and director of pathology
at Brookdale Hospital. Center.
He is past
medical examiner of
Westchester County



PRATT CAME IN AND SAID THAT our wait was over. The undertaker had arrived with the necessary papers. Dr. Wells, Dr. Goodrich, Pratt and I drove together to the morgue. As we passed through the quiet and clean streets of Jackson, I was hit by the horrible realization that this pleasant town -- the opposite of the stereotype of the 'typical' Southern town, with nary a Faulknerian degenerate ghosting the streets -- was actually a façade. The scary thing was that Jackson looked so pleasant and sleepy -- and if this rotten core of hate could be underneath, it could be anywhere.

Our official reception at the morgue was cool, but courteous. The University of Mississippi Medical Center is a large and striking building in downtown Jackson, built, incidentally, with federal funds. We met the director of the hospital and several members of the pathology department in the well-lit basement hallway that leads to the autopsy room. We exchanged professional courtesies, and one of the doctors pointed towards the double stainless steel doors ahead of us. "It's inside," he said.

Only two of the bodies were still there. Goodman's corpse had been sent out the night before, and he was buried before there was a chance for a second autopsy. The Mississippi authorities refused to allow Schwerner's parents to give telephone permission for me to examine the body -- so it was young Chaney who lay on the gurney wheeled to the center of the room.

One of the University pathologists stepped forward, silently, and helped me slide Chaney's corpse from the gurney to the stainless steel examining table in the middle of the room. He stepped backward, and lined up with his three comrades on one side of the table, facing me. I stood alone on the opposite side. The only sound in the green-tiled room was the rough noise of the zipper on the protective plastic bag as I pulled it away from Chaney's body.

I was immediately struck by how slight and frail this young man was -- a thin boy with tender skin. I looked at his wrist, the one that was reported broken in the unofficial examination, and I couldn't find the bullet hole that the newspapers mentioned. The wrist was broken, alright. Bones were smashed, so badly that his wrist must have been literally flapping when he was carried.

But there was no indication of any bullet hole.

I looked up at the three doctors opposite me. Their faces were stone. I motioned to the wrist -- I asked where the bullet hole was.

One of the stone figures facing me offered a mumbled explanation, something about how Chaney's hand had been across his chest when the first examination was made and the examiner must have mistaken the bullet holes in his chest for one in the hand.

I looked at him in amazement, but our eyes never met. During the remainder of the examination, not another word was spoken.

Then I noticed Chaney's jaw. It was broken -- the lower jaw was completely shattered, split vertically, from some tremendous force. I moved the shattered pieces of his jaw in vertical directions for the three doctors to see. They remained silent. I couldn't catch their eyes.

I carefully examined the body, and found that the bones in the right shoulder were crushed -- again, from some strong and direct blow.

His internal organs had been removed in the first autopsy, so it was impossible to ascertain if Chaney had suffered internal injuries also.

But one thing was certain: this frail boy had been beaten in an inhuman fashion. The blows that had so terribly shattered his bones -- I surmised he must have been beaten with chains, or a pipe -- were in themselves sufficient to cause death. It was again impossible to say if he had died before he was shot -- the bullets had been removed in the first autopsy, and the bullet tracts had been carefully excised so I could not trace the path of the bullets.

I examined his skull and it was crushed, too. The fracture was circular and depressed, from another direct blow.

I could barely believe the destruction to these frail young bones. In my twenty-five years as a pathologist and medical examiner, I have never seen bones so severely shattered, except in tremendously high speed accidents or airplane crashes.

It was obvious to any first-year medical student that this boy had been beaten to a pulp.

I have been conducting examinations of this type for a quarter century, but for the first time I found myself so emotionally charged that it was difficult to retain my professional composure. I felt every fiber in my own body shaking, as I involuntarily imagined the scene at the time this youngster received such a vicious beating to shatter his bones in this incredible manner.

I felt like screaming at these impassive observers still silently standing across the table.

But I knew that no rage of mine would tear their curtain of silence. I took off the green surgical smock they had given me, thanked them for their cooperation and left the room as fast as I could. I went straight to the hotel, dictated a report of my gruesome findings, and left immediately for the airport.

I felt an irrational, immediate urge to get out of Mississippi the fastest way possible. The first plane out went the wrong way from New York -- to New Orleans -- but I felt an indescribable relief when I boarded it and flew -- I guess you could say I almost fled -- from Jackson.

EPILOGUE

The "unofficial" autopsy report made shortly after the discovery of the bodies remains the only public document on the deaths. The Coroner's Jury of Neshoba County ruled several months after the murders that the cause or causes of death of the three boys could not be officially determined. Therefore the Coroner's Jury had no reason to ask the District Attorney to seek an indictment from the Grand Jury. An official autopsy report has never been made.

"make them live
in a valley of fear . . .
a valley guarded by our men
who will both be
their only hope
and the source of their
fear"

ADOLPH HITLER, 1939

DAVID WELSH

GOODMAN, SCHWERNER AND CHANEY were the 9th, 10th and 11th civil rights murders of 1964 in Mississippi. While search parties were dragging the swamps and rivers for the missing trio, fishermen turned up bodies No. 12 and No. 13, floating in the Mississippi River.

Since then, at least three more Negroes have been found murdered in Mississippi, apparently with racial motive. All these killings are unsolved.

Violence and intimidation of Negroes continues to be an integral part of the social fabric of Mississippi, as surely a relic of slavery as segregation or discrimination.

Violence and intimidation are openly practiced by secret societies, and encouraged in varying degrees by agencies of the state government. To treat them as a criminal aberration, or as the work of a few fanatics, is to ignore a fact of Mississippi life today.

The body of a 14-year-old Negro boy who liked to wear a CORE-lettered tee shirt was fished from the Big Black River near Canton, Miss., on Sept. 10. Authorities called it accidental drowning, but a number of circumstances cast doubt on the official version. Five days earlier -- the same day Herbert Oarsby disappeared -- a Negro youth had been observed being forced at gunpoint into a pickup truck driven by a white man. That same day, dynamite charges were set at two grocery stores patronized by Negroes in Canton, where a boycott of white, merchants in the predominantly Negro town has had a crippling effect. One of the stores was wrecked.

That evening eight Canton Negroes active in civil rights were picked up by police in a downtown cafe. During the week, the mother of a Negro student who had sought to attend the white high school in Canton was threatened with eviction by the owner of the house where the family lives.

WHO IS TO SAY whether Herbert Oarsby's death was murder or accident? Police investigation, if any took place at all, was so cursory as to have escaped notice. White townspeople joke about his death: "That's what happens to CORE niggers." For Canton Negroes, the question is irrelevant. No sheriff, they reason, would arrest a white man for the murder of a Negro unless it was unavoidable, and in that unlikely event, no Mississippi jury would convict.

Charles Fuschens, of Monticello, Miss., had never worn a CORE tee shirt. But one Saturday night last August, as be was walking home between two companions, a carload of whites drove up and stopped. Someone poked a firearm out the car window and shot Fuschens dead. Fuschens had no apparent connection with the civil rights movement. There is no civil rights movement in Monticello, a tiny courthouse town in southwestern Mississippi. Recently, however, he bought a new house and a new car, and soon afterward lost his job. He found another job, but was quickly fired from that one as well. Friends said he had acquired a reputation as an "uppity nigger" and with it, the resentment of local whites.

While 200 sailors called out by President Johnson searched the Philadelphia area for a trace of the three civil rights workers, fishermen found parts of two decomposed bodies floating in the Mississippi River some 150 miles to the southwest. They were identified as Charles Moore, 19, a Negro student at Alcorn A & M College, and his friend, Henry Dee. They had left their hometown of Meadville, Miss., together on May 25 to look for work in Louisiana. Moore had taken part in a demonstration last May to protest alleged denial of academic freedom on the all-Negro campus. Some 800 Alcorn students were expelled from school after the demonstration and were held for a while in Highway Patrol custody. Two professors who had defended the students' right to demonstrate and chastised the college president for expelling them were subsequently fired.

Moore, like Fuschens, was not a movement activist. But each was fighting his own private civil rights battle -- in one case for the right to protest against second-class education in a Negro state college; in the other, for the right of a Negro to be the proud owner of a new house and a new car -- just like any white man.

Moore's body was found severed at the waist, the legs bound at the ankles. Dee's was a headless torso. Only after medical examination was it possible to determine their sex or race.

Initially, when their remains were pulled from the river, there was strong speculation that these were the Philadelphia lynch victims. The intense interest of the national press in these bodies was swiftly dissipated, however, when it developed that they were just Mississippi Negroes with no link to the current news fad.

Mississippians of both races express doubt that these murders, or any of the others, will ever be solved. Their opinion has solid historical substance. Race murder with impunity is no recent phenomenon in the South. According to the Tuskegee Institute, approximately 5,000 Negroes have been lynched in the United States. Of these lynchings, 1,797 have been documented since 1900.

Best known in recent years were the Mississippi lynchings of 15-year-old Emmett Till and 19-year-old Mack Parker, whose bodies surfaced after having been thrown in the Tallahatchie and Pearl rivers, respectively. The men tried for the killing of Till, J. W. ("Big") Milam and his brother-in-law, were acquitted in a state court. The Parker case remains unsolved, although reliable sources report that authorities know the identity of Parker's killers and have evidence against them.

WHERE ELSE IN THE UNITED STATES, one might ask, does one small town murder after another go unsolved; how else, but with the connivance of law enforcement authorities?

June Johnson, who comes from Greenwood, Miss., knows well what happens to a Negro in Mississippi who holds his head too proudly, or who tries to exercise his responsibilities as a citizen. June was only 15 when she and five other Negro bus passengers were jailed and beaten in Winona, Miss., for sitting in the "white" side of the bus terminal.

Here is her account: "The state trooper took us inside the jail," she relates. "He opened the door to the cell block and when I started to go in with the rest of them, he said, 'Not you, you black-assed nigger.' "He asked me if I was a member of the NAACP. I said yes. Then he hit me on the cheek and chin. I raised my arm to protect my face and he hit me in the stomach.

"He asked, 'Who runs that thing?' I said, 'The people.' He asked, 'Who pays you?' I said, 'Nobody.' He said, 'Nigger, you're lying. You done enough already to get your neck broken.'

"Then the four of them -- the sheriff, the chief of police, the state trooper and another white man threw me on the floor and stomped on me with their feet. They said, 'Get up, nigger.' I raised my head and the white man hit me on the back of the head with a club wrapped in black leather. My dress was torn off and my slip was coming off. Blood was streaming down the back of my head and my dress was all bloody. Then they threw me in the cell." June and her companions stayed in jail three days, without medical treatment, before being informed of the charges -- disorderly conduct and resisting arrest.

When Lawrence Guyot, a Negro field secretary for the Student Nonviolent Coordinating Committee (SNCC), inquired about them at the Winona jail, he too was put in a cell and beaten. Law officers turned him over to a band of citizens, who abducted him and beat him again.

Later a Federal jury found that Winona police had violated no Federal law. The Federal judge admonished the jury, as it was retiring to deliberate, not to forget that the accused were local men whose duty it was to keep the peace in Winona, while the civil rights workers were outsiders with a reputation for sowing discord and creating racial incidents.

The Winona beatings took place in 1963, a year before the Council of Federated Organizations (COFO) launched its well-publicized "Freedom Summer" in Mississippi. Since then, COFO has compiled thousands of affidavits documenting similar atrocities.

THE USE OF TERROR to keep Negroes "in their place" did not begin with the coming of the civil rights movement to Mississippi. Violence was basic to the system of slavery, and it was never abandoned as a means of controlling the Negro population. Only the forms have changed.

Most of it, now as before Emancipation, is anonymous terror. Who got beaten and who did the beating are facts generally not known outside the county. Only the occasional glaring atrocity receives wider attention.

Since 1961, when SNCC began voter registration work in Mississippi, civil rights workers have had to share with local Negroes the fear and the reprisals. Their working unit has been the interracial team, symbolic of their determination not to succumb to their fears or be intimidated, as Negroes and whites in Mississippi have traditionally been.

Peter Stoner, 25, a mild-mannered white SNCC worker, was arrested in Hattiesburg last February on charges of disturbing the peace, using profanity and resisting arrest. His sentence was a $391 fine and four months in the Forrest County Work Camp. This is his story:

"The Work Camp superintendent, Les Morgan, was about to put me in a separate cell when a prisoner, Bob Moss, jumped on me and knocked me down. Morgan was standing in the door watching. I got up and Moss hit me a number of times in the face, giving me a black eye and bruises. He grabbed me around the neck and attempted to gouge at my eyes with his thumbs. After a while, Morgan stopped the assault.

"On Saturdays we are allowed to make phone calls, so I called the SNCC office and told them what had happened. In the middle of the conversation, Morgan, who was listening, grabbed the phone and started hitting me. He knocked me against the door and kicked me, then locked me back up.

"On April 21, Constable Kitching came to the camp to take me to Jackson, where my case had been transferred to Federal court. On the way, he attempted to get me into an argument by speaking derogatorily about the movement and Negroes in general. During the discussion, I said that I didn't think much of a person who would arrest others just to make money and that he was 'lower than many people he arrested.' Kitching became quite angry and hit me across the face with the back of his hand.

"While I was in the Hinds County Jail," Stoner continued, "a number of prisoners gathered outside the door. I heard one prisoner tell others that the jailer had offered cigarettes to have me beaten up. Soon they came into the cell. A heavy, obese man named 'Tiny,' a large muscular, grey-haired man who had been in Parchman Penitentiary and another man pulled me from the bunk.

"They kicked me many times in the side and kidneys, hit me with their fists all over my body, except my face as they didn't want the beating to show. The grey-haired man beat me with a wide leather strap.

"After lights-out, a young prisoner attempted to have homosexual relations with me. When I

resisted, he tried to beat me into submission with a belt, his feet and his fists. I fought him, although I was sick, to keep him from beating me unconscious. He finally gave up and left me alone."

Last year an independent cotton farmer in the Delta led a group of Negroes to the courthouse to register to vote. A few nights later, he and his wife awoke to find their house afire. As the farmer emerged from the house with his rifle, a shot whistled overhead and thudded against the house. He spotted one white face in the bushes, then another, and fired. The arsonists, astounded that a Negro would retaliate, turned heel and ran.

The man is today a leader of the movement in his county, and a hero to Negroes who have been cowed and brutalized for so long. Everyone, however, cannot be as brave as that farmer, who owns his own farm in an all-Negro area. Those who live on plantations or in rented property, or next door to a white man, those who owe the white man money or depend on him for a job, find that the risks of bravery are far too great.

WITH THE ANNOUNCEMENT of the coming summer project, white Mississippi took frantic steps to stave off what must have seemed the imminent destruction of their way of life. The mayor of Jackson bought an armored car and stocked it with shotguns and tear gas; the Legislature passed a flurry of bills openly designed to stymie the civil rights forces; and, around the first of this year, the dormant Ku Klux Klan suddenly took life in the southwest.

Klaverns (chapters) sprang up where none had existed before, or where they had disbanded or degenerated into social clubs. A militant new leadership emerged in the klaverns, pledging allegiance to one of several rival Klan organizations, often paying little heed to the nonviolent official policy of the United Klans of America.

There followed a rash of killings, beatings and threats to longtime residents of the southwestern counties during the early months of 1964. An arms depot for terrorists was reported at Natchez, with sub-bases at McComb and Liberty. Bombings of homes and stores and the burning of churches became common occurrences.

A fledgling organization, the Americans for the Preservation of the White Race, came into its own, again with its main source of strength in the unreconstructed southwest, also proclaiming nonviolence in its battle to maintain segregation.

Kenneth Tolliver writes about the APWR in the Greenville (Miss.) Delta Democrat-Times:

"A short, fat man with graying, crewcut hair thrust a wrinkled and grimy piece of paper in front of a businessman. 'These people must be fired from your firm,' he says. 'The organization does not approve of them.'

"The businessman looks at the list and notes that two of the names represent employes he has known for 20 years, but he nods sad agreement to the demands just the same.

"Germany, 1939? Russia today?

"No, Amite County, Mississippi, 1964.

"In the early days of 1963, when the APWR was coming into its own across southern Mississippi, a few men did resist.

"A Liberty merchant who could trace his family back to the earliest settlers of the community, an ardent church worker and a man known for his integrity, refused a demand that he fire a longtime Negro employe. Within 24 hours a strangling boycott had been set up against his business.

"The APWR stationed workers near his door who copied the names of anyone who went in. Customers, many of whom had the highest respect for the besieged businessman, turned away rather than face the intimidation which shopping in the store meant.

"As the weeks went by and the merchant found himself not only on the brink of economic disaster but also effectively locked out of the town's social life, he gave in and fired the Negro."

The article in the Democrat-Times, one of Mississippi's few non-racist newspapers, told of an APWR meeting at which a leading churchman was to speak.

"A Liberty minister wrote to the speaker and begged him as a fellow man of God to preach love and understanding," the newspaper reported. "The speaker, with a smirk, read selections from a letter written to him by the pastor.

"Needless to say, the local minister has been looking for a new church, in another city.

"PHONE CALLS THREATENING in the night are far more effective than most people believe. When a voice mentions the ease with which a child could be hurt on the way to school, the father finds it easy to knuckle down.

"'The problem,' an APWR speaker told a gathering recently, 'is that we have Negroes living in this county. If they can be made to move away, we will have no further problems. Most Negro families rent their homes from white people,' he pointed out. 'All we have to do is to make white people raise rents until the Negro is forced to move away. Of course we will do it gradually, so that their loss will not affect our economy. We can start with the progressive Negroes, since they give us the most trouble,' the speaker said.

"It is no nightmare that the Ku Klux Klan could burn more than 300 crosses in one night in several towns and escape without one citizen who could testify that he saw even a hooded person. The old standby, intimidation, has lowered a veil over citizens' eyes."

Mississippi today is not quite Germany of 1939. It is still part of a Federal union which is pledged to enforce the Constitution everywhere within its borders. The Federal government forgot its pledge to protect the rights of newly-freed slaves in 1876, when the Hayes-Tilden

compromise effectively returned control of the South to the white supremacists. Our government has difficulty remembering.

The authors of Reconstruction legislation recognized that they faced two related forms of resistance in the South. The first was the use of brute and indiscriminate force by private white citizens and clandestine groups to ensure that Negroes were permanently intimidated from asserting their rights.

The second challenge came from the leading officials of the white community -- government officials, law enforcement officers and members of the judiciary. By their refusal to indict and prosecute those who committed acts of violence and by their failure to enforce the Reconstruction civil rights codes, these officials became accomplices in a conspiracy to "keep the Negro in his place." Both private and highly organized forms of violence were among the tools of this conspiracy.

The two forms of resistance to Negro rights operate in substantially the same way today as they did in 1866.

The Klan, prime mover in the violent suppression of Negro rights after the Civil War, is back in business. It continues to draw its main support from people in the lower middle stratum of white society who seek to maintain their precarious position "above the Negro." Its leaders are small shopkeepers, used car or parts dealers, bootleggers, fundamentalist preachers.

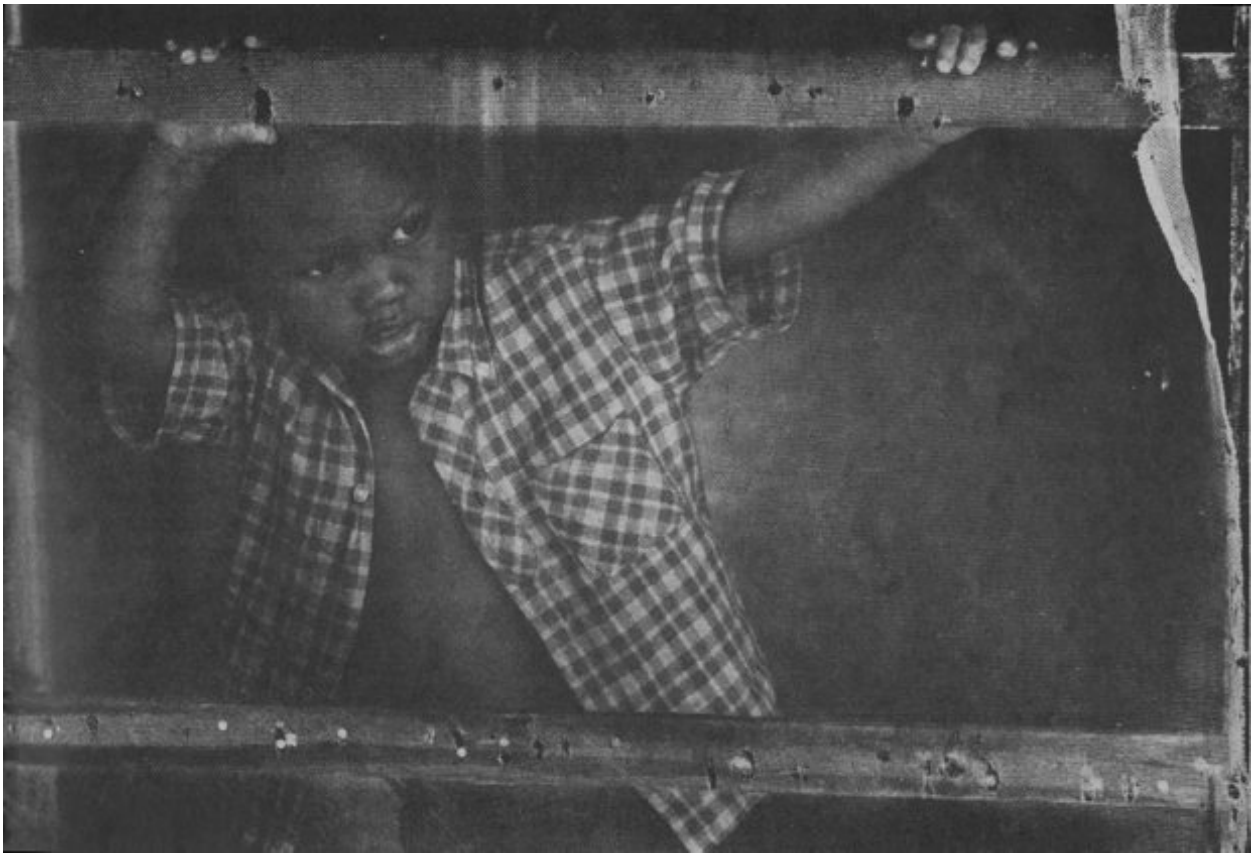
The Americans for the Preservation of the White Race displays itself as a poor man's Citizens' Council, and seeks to combine a veneer of "respectability" with the activist esprit of a mass movement. Its techniques and membership, however, more closely resemble those of the Klan.

In contrast to the clandestine groups, the Citizens' Councils fall into the second type of white resistance. Their membership is solid middle class, so solid that in a typical Mississippi town, Citizens' Council members hold the balance of economic and political power in the community.

Without their complicity, acts of violence could not continue unpunished.

The councils work as locally autonomous units and as a state association to penetrate and control business, finance and industry, political office and the judiciary. Once in controlling positions, their members can thwart the assertion of Negro rights and are in a position to offer protection to those whites who commit violence against Negroes. Thus in Mississippi it is no contradiction for former Gov. Ross Barnett, a council member, to make a courtroom display of friendship with fellow council member Byron de la Beckwith, during Beckwith's trial for the murder of NAACP leader Medgar Evers.

WHEN "BIG" MILAM, a country storekeeper, went to trial for the lynching of Emmett Till, it was quite correct for the top Citizens' Council lawyers in Tallahatchie County to defend him, and for almost every pillar of the community to proclaim Milam's innocence. After his acquittal, Milam admitted his guilt to a reporter, and the full story of the murder was published in a national magazine.



When Sheriff Rainey and Deputy Price, of Neshoba County, were named as defendants in a civil rights suit filed by COFO, a Citizens' Council lawyer stood beside the assistant state attorney general in their defense.

The Citizens' Councils were formed in the Delta after the Supreme Court's "Black Monday" decision in 1954, and have since spread throughout the state and nation. They are still strongest in the Delta, where Negroes form the vast majority of the population. Rarely has the economic basis of white supremacy been so clearly delineated. Negroes in the Delta chop cotton for $2.50 or $3 a day, and their children spend school vacations working beside them in the fields.

The banker, lawyer, plantation owner, power company official -- who sees his interests threatened if Negroes are allowed to vote, who sees wages going up and profits going down if Negroes are allowed to organize -- recognizes his stake in breaking the Negroes' stride toward freedom. Accordingly, he may join the Citizens' Council and, with the help of his fellow members, see to it that "progressive" Negroes are fired from their jobs, deprived of welfare benefits, evicted, charged with crimes and convicted. Other Negroes are kept poor, as little educated as possible, dependent on the white employer, and sometimes in a state of virtual peonage.

IF SOME REDNECK gets a few drinks under his belt and wants to go on a "nigger shoot," as terror raids are called in the local idiom, well that's all right too. Sheriffs, of course, have full powers to enforce "the law," and, by virtue of the piecework system -- payment of wages in the form of a fixed sum for each arrest -- they are encouraged to make the most of it.

The public statements of Citizens' Councils renouncing violence as a tactic, and their attempt to dissociate themselves from the indiscriminate terror of Klan-like groups, have a false ring about them. The councils have circulated lists of automobiles operated by civil rights groups -- an open invitation to terror. The license number and description of the station wagon James Chaney drove on his fateful trip to Neshoba County were on such a list.

It is rumored that the tactic of selective political assassination in hopes of stopping the civil rights movement has been used by racists. Whether racist leadership formally ordered the sniper killing of Medgar Evers, and the apparent attempt on the life of COFO program director Robert Moses in which SNCC worker James Travis was seriously wounded, is open to question. That key members of this council were involved, however, is an open secret in the Delta.

Unlike the Delta, dominated by an entrenched cotton aristocracy, the rural areas to the east and south are composed primarily of small farming units, and here the Citizens' Councils wield considerably less influence. "The law" in these areas is often the private preserve of the Klan-like groups.

COUNTIES LIKE NESHOBA, where a car with Jackson tags draws immediate suspicion, are closed societies within a closed society. Two days after the disappearance of the three civil rights

workers, 10 reporters and photographers were approached by a group of citizens outside the sheriff's office. One citizen fingered his sidearm.

"You live in this county?" was the rhetorical question. "Well, we live here and we don't want you in here. You better leave, and quick." It sounded like something out of a bad western, and the newsmen were incredulous and amused.

Two hours earlier, an interracial group of lawyers who had come to Neshoba to investigate the burning of the Mt. Zion Church the previous week, were shoved, threatened, insulted by a crowd of whites on the courthouse steps, and again inside the sheriff's office. They were not amused.

This reporter, investigating the disappearance of the three workers, was beaten within a block of the Neshoba County courthouse by four citizens of Philadelphia. At the same time, a beefy man jumped from a doorway and planted a link chain on the head of Daniel Pearlman, a law student from Connecticut. It was 2 o'clock that hot July afternoon, and people stood in the shade across the street and watched. Several months later, photographer Clifford Vaughs tried to take a snapshot of Sheriff Rainey and got two cameras smashed for his trouble.

Hamid Kiselbasch, visiting professor from Pakistan at Tougaloo College, near Jackson, was returning to the campus with some academic friends last May when his car was forced off the road near Canton and surrounded by several carloads of whites. Kiselbasch was thrice clubbed on the head with a baseball bat, while one of the assailants drawled, "Let's have a party. Why don't we take them out and make an example of these nigger-lovers." The Tougaloo party had just come from a meeting in a Negro church at Canton and seen a group of club-carrying whites chatting amiably with police officers.

"When these things happen," Kiselbasch said later, "and law authorities take no action, it leaves the individual practically helpless. Last night I came to realize at first-hand what I had often heard before -- that there are individuals here who are capable of carrying out their threats, and that their intentions are dangerous, and somehow subhuman.

"But the most dangerous thing," be added, "is that there appears to be no recourse to law."

There are hopeful signs of change in Mississippi, signs that the Citizens' Councils are losing influence, that the Highway Patrol is beginning to purge its ranks of Klan members, that state law enforcement agencies are starting to move against the house-bombers and the church-burners. A Committee of Concern was formed recently to restore churches burned by terrorists, an indication that white moderates are beginning to break through the walls of their own fear and take a stand against the race criminals.

Mrs. Hazel Brannon Smith, the courageous Lexington, Miss., newspaper editor who has taken strong, editorial exception to Mississippi's organized violence, says: "I know personally that the good people in Mississippi do prevail, in the great majority. If I had not had that feeling, I just could not have gone on in the face of physical danger, economic boycott and social ostracism."

Undoubtedly Mrs. Smith is right. But the terror continues, unpunished with but few exceptions,

and the good white Mississippians continue silent. "Hopeful signs," eagerly sought out and played up by the newspapers, must not become wishful thinking.

The lynchings of Philadelphia have been widely deplored -- by the press, by the politicians, by good folks in living rooms all over America. These murders, we are told, have "aroused the conscience of a nation"; no longer will the nation sit idly by and allow innocents to be terrorized by the virulent know-nothingism of white Mississippi. They tell us how "deeply committed" is the Federal government to enforcing civil rights in Mississippi, how effective a deterrent is the FBI presence, or how moderates are at last getting a hearing in the councils of government. It was a bad situation, we are assured, but now everything is under control.

They still lynch with impunity in Mississippi. They still beat and bomb and burn, with roughly the same frequency as before the deaths of Chaney, Goodman and Schwerner.

What does it take to get America to care?

"make them live
in a valley of fear . . .
a valley guarded by our men
who will both be
their only hope
and the source of their
fear"

(This is a full-double-page spread in the magazine)

the people

Lomax *Kunstler* *Spain* *Griffin* *Keating* *Geismar*

LOUIS E. LOMAX, who wrote "The Road to Mississippi," is a noted Negro author and lecturer. His books include "The Negro Revolt," and "The Reluctant African." He is an Associate Editor of Ramparts magazine.

WILLIAM M. KUNSTLER, the author of "Mississippi Violence and Federal Power," is a New York attorney specializing in civil rights. He is a frequent magazine contributor and a detective story writer.

DAVID M. SPAIN, the author of "Mississippi Autopsy," is a widely respected pathologist who is clinical professor of pathology at New York Downstate Medical Center.

JOHN HOWARD GRIFFIN, who wrote "The Tip-off," is the author of the best-selling, "Black Like Me." A novelist and musicologist, Mr. Griffin is also an Associate Editor of Ramparts magazine.

EDWARD M. KEATING is editor-in-chief and publisher of Ramparts magazine and the author of the forthcoming book, "Scandal of Silence," to be published in February by Random House.

MAXWELL GEISMAR, the distinguished American critic, is an Associate Editor of Ramparts. Mr. Geismar's most recent book is "Henry James and the Jacobites."

DICK GREGORY, who is interviewed on the Mississippi situation, is a comedian, author and civil rights leader. His autobiography, "Nigger!," has recently been published.

DAVID WELSH, the author of "Valley of Fear," is. a reporter for the Detroit News. He spent many months in Mississippi this summer researching his report on Mississippi violence and terror.

(back cover, just for the record)